

# 2004

# ILLINOIS

# REGISTER

RULES  
OF GOVERNMENTAL  
AGENCIES



Volume 28 Issue 2  
January 9, 2004  
Pages 470-1044

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

Printed on recycled paper

PUBLISHED BY JESSE WHITE • SECRETARY OF STATE

## TABLE OF CONTENTS

January 09, 2004 Volume 28, Issue 2

### PROPOSED RULES

AGING, DEPARTMENT ON	
Community Care Program	
89 Ill. Adm. Code 240 .....	470
ATTORNEY GENERAL, OFFICE OF THE	
Tobacco Products Manufacturers' Escrow Act	
14 Ill. Adm. Code 250 .....	472
COMMERCE AND ECONOMIC OPPORTUNITY, DEPARTMENT OF	
Illinois Film Production Services Tax Credit Program	
14 Ill. Adm. Code 528 .....	474
HUMAN SERVICES, DEPARTMENT OF	
Individuals Access to Services	
59 Ill. Adm. Code 109 .....	476
LABOR, DEPARTMENT OF	
Victims' Economic Security and Safety Act	
56 Ill. Adm. Code 280 .....	478
POLLUTION CONTROL BOARD	
Primary Drinking Water Standards	
35 Ill. Adm. Code 611 .....	481

### ADOPTED RULES

BANKS AND REAL ESTATE, OFFICE OF	
Calculation, Assessment and Collection of Periodic Fees	
38 Ill. Adm. Code 375 .....	774
Pledging Requirements for Illinois Trust Companies	
38 Ill. Adm. Code 398 .....	779
Illinois Savings and Loan Act of 1985	
38 Ill. Adm. Code 1000 .....	784
Residential Mortgage License Act of 1987	
38 Ill. Adm. Code 1050 .....	798
Savings Bank Act	
38 Ill. Adm. Code 1075 .....	808
Real Estate Appraiser Licensing	
68 Ill. Adm. Code 1455 .....	825
COMMERCE COMMISSION, ILLINOIS	
Certification of Alternative Gas Suppliers	
83 Ill. Adm. Code 551 .....	834
Telecommunications Access for Persons With Disabilities	
83 Ill. Adm. Code 755 .....	860
INSURANCE, ILLINOIS DEPARTMENT OF	
Universal Life Insurance	
50 Ill. Adm. Code 1411 .....	906

### EMERGENCY RULES

AGING, DEPARTMENT ON	
Community Care Program	
89 Ill. Adm. Code 240 .....	924
ATTORNEY GENERAL, OFFICE OF THE	
Tobacco Products Manufacturers' Escrow Enforcement Act of 2003	
14 Ill. Adm. Code 250 .....	940
COMMERCE AND ECONOMIC OPPORTUNITY, DEPARTMENT OF	
Illinois Film Production Services Tax Credit Program	
14 Ill. Adm. Code 528 .....	958
EDUCATIONAL LABOR RELATIONS BOARD, ILLINOIS	
General Procedures	
80 Ill. Adm. Code 1100 .....	972
Representation Procedures	
80 Ill. Adm. Code 1110 .....	976
HUMAN SERVICES, DEPARTMENT OF	
Individual's Access to Services	
59 Ill. Adm. Code 109 .....	1007
LABOR, DEPARTMENT OF	
Victims' Economic Security and Safety Act	
56 Ill. Adm. Code 280 .....	1018
NATURAL RESOURCES, DEPARTMENT OF	
White-Tailed Deer Hunting by Use of Handguns	
17 Ill. Adm. Code 680 .....	1033
<b>JOINT COMMITTEE ON ADMINISTRATIVE RULES AGENDA</b>	
JOINT COMMITTEE ON ADMINISTRATIVE RULES	
Meeting Agenda for January 14, 2004.....	1037
<b>SECOND NOTICES RECEIVED</b>	
JOINT COMMITTEE ON ADMINISTRATIVE RULES	
Second Notices Received.....	1044

## DEPARTMENT OF AGING

## NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Community Care Program
- 2) Code Citation: 89 Ill. Adm. Code 240
- 3) 

<u>Section Numbers:</u>	<u>Proposed Action:</u>
240.810	Amendment
240.920	Amendment
240.950	Amendment
- 3) Statutory Authority: 20 ILCS 105/4.01(11) and 5.02
- 4) A Complete Description of the Subjects and Issues Involved: The maximum allowable asset level of \$10,000 has not been adjusted since the inception of the Community Care Program. The adjustment to \$12,500 will allow more individuals who are not able to afford private care to be eligible for in-home services.
- 5) Will this proposed amendment replace an emergency rulemaking currently in effect? Yes
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this proposed amendment contain incorporations by reference? Yes
- 8) Are there any other proposed amendments pending on this Part? No
- 9) Statement of Statewide Policy Objectives: This rulemaking does not create a State mandate.
- 10) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their written comments concerning this rulemaking within 45 days after the date of this issue of the *Illinois Register*, to:

Heidi Dodd  
Assistant General Counsel  
Illinois Department on Aging  
421 E. Capitol Avenue, #100  
Springfield IL 62701  
(217) 785-3346

- 11) Initial Regulatory Flexibility Analysis:

## DEPARTMENT OF AGING

## NOTICE OF PROPOSED AMENDMENTS

- A) Types of small businesses, small municipalities and not for profit corporations affected: Case Coordination Units.
  - B) Reporting, bookkeeping or other procedures required for compliance: Reporting, bookkeeping and other procedures commensurate with those established under the Community Care Program.
  - C) Types of Professional skills necessary for compliance: Professional skills commensurate with the Community Care Program.
- 12) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent regulatory agendas because: It was unanticipated at the time.

The full text of the proposed amendments is identical to the text of the emergency amendments published in this issue of the *Illinois Register* on page 923:

## ATTORNEY GENERAL

## NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Tobacco Products Manufacturers' Escrow Enforcement Act of 2003
- 2) Code Citation: 14 Ill. Admin. Code 250
- 3) 

<u>Section Numbers:</u>	<u>Emergency Action:</u>
250.10	Amendment
250.20	Amendment
250.30	Amendment
250.40	Amendment
250.50	Amendment
250.60	New
250.70	New
250.80	New
250.90	New
250.100	New
250.110	New
- 4) Statutory Authority: Tobacco Products Manufacturers' Escrow Enforcement Act of 2003 [30 ILCS 167], enacted by P.A. 93-0446, effective January 1, 2004.
- 5) A Complete Description of the Subjects and Issues Involved: These amendments further explain and define the obligations of those manufacturers of tobacco products that are not participating in the Master Settlement Agreement and must, therefore, establish escrow accounts in Illinois pursuant to the Agreement and State law, which accounts are to be funded in amounts based upon the quantity of product sold in Illinois. They also further detail the reporting obligations of distributors of the tobacco products manufactured by those non-participating manufacturers in this State. The reporting requirements are essential to the State's ability to enforce the Agreement and State law and to assure continued receipt of payments under the Settlement Agreement.
- 6) Will this rulemaking replace any 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 rulemakings pending on this Part? No
- 10) Statement of Statewide Policy Objectives: Neither creates nor modifies a State mandate within the meaning of 30 ILCS 805/3(b) of the State Mandates Act.

## ATTORNEY GENERAL

## NOTICE OF PROPOSED AMENDMENTS

- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: During the first notice period by writing:
- Phillip J. Robertson  
Public Interest Division  
Office of the Attorney General  
100 W. Randolph Street  
Chicago IL 60601  
(312) 814-3000
- 12) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: Small businesses that will be affected are those that are licensed cigarette distributors, licensed distributors of roll-your-own tobacco, and tobacco product manufacturers.
- B) Reporting, bookkeeping or other procedures required for compliance: The new provisions added by this rulemaking establish circumstances in which tobacco product manufacturers will be required to file quarterly reports rather than just annual reports. The reporting requirements are also amended to require distributors and manufacturers to report additional information.
- 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 legislation necessitating these amendments had not yet been enacted.

The full text of the proposed amendments is identical to the text of the emergency amendments that appears on page 939 of this issue of the *Illinois Register*.

## DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

## NOTICE OF PROPOSED RULES

- 1) Heading of the Part: Illinois Film Production Services Tax Credit Program
- 2) Code Citation: 14 Ill. Adm. Code 528
- 3) 

<u>Section Numbers:</u>	<u>Proposed Action:</u>
528.10	New
528.20	New
528.30	New
528.40	New
528.50	New
528.60	New
528.70	New
528.80	New
528.90	New
528.100	New
- 4) Statutory Authority: Implementing and authorized by the Film Production Services Tax Credit Act (P.A. 93-543, effective January 1, 2004) [35 ILCS 15].
- 5) A Complete Description of the Subjects and Issues Involved: Illinois is offering an incentive program to encourage the training and hiring of Illinois residents in the motion picture industry and to encourage the motion picture industry to produce films within the boundaries of Illinois.
- 6) Will this proposed amendment replace an emergency rule currently in effect? Yes
- 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 proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: This rule will neither create nor expand a State mandate under the State Mandates Act.
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:

Erin Davis

Department of Commerce and Economic Opportunity

## DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

## NOTICE OF PROPOSED RULES

620 E. Adams Street  
Springfield, Illinois 62701  
(217) 782-6074

- 12) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: Film production entities
  - B) Reporting, bookkeeping or other procedures required for compliance:  
Bookkeeping, financial management
  - C) Types of Professional skills necessary for compliance: Bookkeeping, financial management, tax compliance
- 13) Regulatory Agenda on which this rulemaking was summarized: This proposed rulemaking was not included on either of the two most recent regulatory agendas because: the Department did not anticipate the new legislation.
- 14) Does this amendment require the review of the Procurement Policy Board as specified in Section 5-25 of the Illinois Procurement Code? [30 ILCS 500/5-25]. No

The full text of the proposed rule is identical to the emergency rule that begins on page 957 of this issue of the *Illinois Register*.

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF PROPOSED RULES

- 1) Heading of the Part: Individuals Access to Services
- 2) Code Citation: 59 Ill. Adm. Code 109
- 3) 

<u>Section Numbers:</u>	<u>Proposed Action:</u>
109.10	Added
109.20	Added
109.30	Added
109.40	Added
- 4) Statutory Authority: Implementing Section 2-104 of the Mental Health and Developmental Disabilities Code [405 ILCS 5/2-104] and authorized by Section 5-104 of the Mental Health and Developmental Disabilities Code [405 ILCS 5/5-104] and by Section 5 of the Mental Health and Developmental Disabilities Administrative Act [20 ILCS 1705/5].
- 5) A Complete Description of the Subjects and Issues involved: This rulemaking implements guidelines and parameters involving the use of the internet, e-mail and computers by recipients in certain State-operated facilities.
- 6) Will this proposed rule replace an emergency rule currently in effect? Yes
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed rulemaking contain incorporations by reference? Yes
- 9) Are there any other amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives (if applicable): This rulemaking does not create or expand a State mandate.
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning these rules within 45 days of the date of this issue of the *Illinois Register*. All requests and comments should be submitted in writing to:

Tracie Drew, Bureau Chief  
Bureau of Administrative Rules and Procedures  
Department of Human Services  
100 South Grand Avenue East

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF PROPOSED RULES

Springfield, Illinois 62762  
(217) 785-9772

- 12) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: Not applicable
  - B) Reporting, bookkeeping or other procedures required for compliance: Not applicable
  - C) Types of professional skills necessary for compliance: Not applicable
- 13) Regulatory agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent regulatory agendas because: it was not anticipated at that time.

The full text of the proposed rules is identical to the emergency rules published in this issue of the *Illinois Register* on page 1006.

## DEPARTMENT OF LABOR

## NOTICE OF PROPOSED RULES

- 1) Heading of the Part: Victims' Economic Security and Safety Act
- 2) Code Citation: 56 Ill. Adm. Code 280
- 3) 

<u>Section Numbers:</u>	<u>Proposed Action:</u>
280.100	New Section
280.110	New Section
280.120	New Section
280.130	New Section
280.140	New Section
280.200	New Section
280.210	New Section
280.220	New Section
280.230	New Section
280.240	New Section
280.300	New Section
280.310	New Section
280.320	New Section
280.400	New Section
280.410	New Section
280.420	New Section
280.500	New Section
- 4) Statutory Authority: Public Act 93-0591
- 5) A complete description of the Subjects and Issues Involved: The Victims' Economic Security and Safety Act (Public Act 93-0591, commonly known as "VESSA") provides up to twelve (12) weeks of unpaid leave in any 12-month period to a qualified employee (of a defined employer) who is a victim of domestic or sexual violence, or who has a family or household member who is a victim of such violence to address issues arising from such violence. Employers, including persons with more than 50 employees, the State of Illinois and any unit of local government and school district, are prohibited from discharging, harassing, or otherwise discriminating against any qualified employee. VESSA requires the adoption of rules necessary for the Department's administration and enforcement, including investigating alleged violations of VESSA. The proposed rules (filed concurrently with the emergency rules) prescribe the Department's complaint process, subpoena (and other discovery) and investigative powers and the Department's ability to issue protective and other orders where necessary. The proposed rules also provide for maintaining records by defined employers to ensure compliance with

## DEPARTMENT OF LABOR

## NOTICE OF PROPOSED RULES

VESSA. Further, the rules provide for the adoption by reference of formal hearing rules subject to the Administrative Review Law and the Administrative Procedure Act.

- 6) Will these proposed rules replace any emergency rules currently in effect? Yes
- 7) Do these rules contain an automatic repeal date? No.
- 8) Do these proposed rules contain incorporation by reference? Yes
- 9) Are there any other proposed rule(s) pending on this Part? No
- 10) Statement of Statewide Policy Objectives: See paragraph 5.
- 11) Time, Place, and Manner in which interested persons may comment on these proposed rules: Written comments should be submitted, within 45 days of this notice, to  

Illinois Department of Labor  
Attn: Raymond C. Cyrus, Attorney  
160 N. La Salle St. Suite C-1300  
Chicago IL 60601
- 12) Initial Regulatory Flexibility Analysis:
  - A) Types of small businesses, small municipalities and not for profit corporations affected: VESSA applies to employers including, persons with more than 50 employees, the State of Illinois and any unit of local government and school district.
  - B) Reporting, bookkeeping or other procedures required for compliance: Defined employers are required to maintain records in connection with time off (paid and unpaid) and requests for leave under the Act. The requests may involve confidential information and employers are to maintain such records in accordance with any federal or state confidentiality laws. Employers are to maintain other records which are to be made in the regular course of business.
  - C) Types of professional skills necessary for compliance: None
- 13) Regulatory agenda on which this rulemaking was summarized: These rules were not included on either of the 2 most recent agendas because: Public Act 93-0591 [VESSA] was effective immediately upon signature by the Governor on August 25, 2003.

DEPARTMENT OF LABOR

NOTICE OF PROPOSED RULES

The full text of the Proposed Rules is identical to the text that appears in the Emergency Rules published in this issue of the *Illinois Register* on page 1017:

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

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

<u>Section Numbers:</u>	<u>Proposed Action:</u>
611.101	Amend
611.102	Amend
611.110	Amend
611.125	Amend
611.126	Amend
611.130	Amend
611.211	Amend
611.230	Amend
611.232	Amend
611.240	Amend
611.241	Amend
611.242	Amend
611.250	Amend
611.276	Amend
611.290	Amend
611.301	Amend
611.310	Amend
611.311	Amend
611.330	Amend
611.331	Repeal
611.351	Amend
611.354	Amend
611.356	Amend
611.358	Amend
611.360	Amend
611.600	Amend
611.601	Amend
611.609	Amend
611.611	Amend
611.631	Repeal
611.640	Amend
611.645	Amend
611.646	Amend
611.648	Amend
611.658	Repeal

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

611.680	Repeal
611.683	Repeal
611.684	Repeal
611.685	Repeal
611.686	Repeal
611.687	Repeal
611.688	Repeal
611.731	Amend
611.732	Amend
611.733	Amend
611.742	Amend
611.882	Amend
611.883	Amend
611.884	Amend
611.954	Amend
611.957	Amend
Appendix A	Amend
Appendix G	Amend
Appendix H	Amend
Table Z	Amend

4) Statutory authority: 415 ILCS 5/7.2, 17, 17.5, and 27.

5) A complete description of the subjects and issues involved: The following briefly describes the subjects and issues involved in this rulemaking. A comprehensive description is contained in the Board's opinion and order of December 18, 2003, proposing amendments in docket R04-3 for public comment, which opinion and order is available from the address below. As is explained in that opinion, the Board will receive public comment on the proposed amendments for 45 days from the date they appear in the Illinois Register before proceeding to adopt amendments based on this proposal.

This proceeding would update the Illinois drinking water regulations based on the federal Safe Drinking Water Act (SDWA), 42 U.S.C. §§ 300f *et seq.* (1994), rules to correspond with amendments adopted by the United States Environmental Protection Agency (USEPA) that appeared in the Federal Register during a single update period. The docket and time period that is involved in this proceeding is the following:

R04-3	Federal SDWA amendments that occurred during the period January 1, 2003 through June 30, 2003.
-------	--

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

The R04-3 docket amends rules in Part 611. The following table briefly summarizes the federal actions in the update period:

March 25, 2003 (68 Fed. Reg. 14502)	USEPA made minor clarifying amendments to the January 22, 2001 (66 Fed. Reg. 6976) arsenic rule. It changed the significant digits of the MCL from 0.01 to 0.010 to clarify the standard.
--	---

In addition to the federal amendments relating to the arsenic standard, the Board is making a limited number of corrective and corrective amendments to the rules. The Board is making a number of corrections to the text of the rules at the request of the Joint Committee on Administrative Rules (JCAR). The current amendments also include the deletion of past effective dates and obsolete provisions from the text of the rules.

Tables appear in the Board's opinion and order of December 18, 2003 in docket R04-3 that list numerous corrections and amendments that are not based on current federal amendments. The tables contain deviations from the literal text of the federal amendments underlying these amendments, as well as corrections and clarifications that the Board made in the base text involved. Persons interested in the details of those corrections and amendments should refer to the December 18, 2003 opinion and order in docket R04-3.

Section 17.5 of the Environmental Protection Act [415 ILCS 5/17.5] provides that Section 5-35 of the Administrative Procedure Act [5 ILCS 100/5-35] does not apply to this rulemaking. Because this rulemaking is not subject to Section 5-35 of the APA, it is not subject to First Notice or to Second Notice review by JCAR.

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

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

- 8) Do these proposed amendments contain incorporations by reference? No. The text of Part 611 includes a number of incorporations by reference. Section 611.102 is the centralized listing of documents incorporated by reference. The present amendments make minor corrections to a small number of the incorporations that have no substantive effect. Some changes are corrections made at the suggestion of JCAR. Other changes update *Code of Federal Regulations* citations to the latest edition available various citations to the federal regulations. One update to the C.F.R. citation does involve an incorporation by reference, but that update has no substantive effect because USEPA did not update the regulations between the 2002 and 2003 versions of the incorporated reference.
- 9) Are there any other amendments pending on this Part? No
- 10) Statement of statewide policy objectives: These proposed amendments do not create or enlarge a state mandate as defined in Section 3(b) of the State Mandates Act. [30 ILCS 805/3 (1992)].
- 11) Time, place and manner in which interested persons may comment on this proposed rulemaking:

The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference Docket R04-3 and be addressed to:

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

Please direct inquiries to the following person and reference Docket R04-3:

Michael J. McCambridge  
Staff Attorney  
Illinois Pollution Control Board  
100 W. Randolph 11-500  
Chicago IL 60601  
Phone: 312-814-6924  
E-mail: [mccambm@ipcb.state.il.us](mailto:mccambm@ipcb.state.il.us)

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

Request copies of the Board's opinion and order at 312-814-3620, or download a copy from the Board's Website at <http://www.ipcb.state.il.us>.

- 12) Initial regulatory flexibility analysis:
- A) Types of small businesses, small municipalities, and not-for-profit corporations affected: This rulemaking may affect those small businesses, small municipalities, and not-for-profit corporations that own or operate a public water supply.
  - B) Reporting, bookkeeping or other procedures required for compliance: The existing rules and proposed amendments require extensive reporting, bookkeeping and other procedures, including the preparation of reports, water analyses, and maintenance of operating records.
  - 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: July 2003

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

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION  
SUBTITLE F: PUBLIC WATER SUPPLIES  
CHAPTER I: POLLUTION CONTROL BOARDPART 611  
PRIMARY DRINKING WATER STANDARDS

## SUBPART A: GENERAL

Section	
611.100	Purpose, Scope, and Applicability
611.101	Definitions
611.102	Incorporations by Reference
611.103	Severability
611.107	Agency Inspection of PWS Facilities
611.108	Delegation to Local Government
611.109	Enforcement
611.110	Special Exception Permits
611.111	Relief Equivalent to SDWA Section 1415(a) Variances
611.112	Relief Equivalent to SDWA Section 1416 Exemptions
611.113	Alternative Treatment Techniques
611.114	Siting Requirements
611.115	Source Water Quantity
611.120	Effective Dates
611.121	Maximum Contaminant Levels and Finished Water Quality
611.125	Fluoridation Requirement
611.126	Prohibition on Use of Lead
611.130	Special Requirements for Certain Variances and Adjusted Standards
611.131	Relief Equivalent to SDWA Section 1415(e) Small System Variance
611.160	Composite Correction Program

## SUBPART B: FILTRATION AND DISINFECTION

Section	
611.201	Requiring a Demonstration
611.202	Procedures for Agency Determinations
611.211	Filtration Required
611.212	Groundwater under Direct Influence of Surface Water
611.213	No Method of HPC Analysis
611.220	General Requirements

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

611.230	Filtration Effective Dates
611.231	Source Water Quality Conditions
611.232	Site-Specific Conditions
611.233	Treatment Technique Violations
611.240	Disinfection
611.241	Unfiltered PWSs
611.242	Filtered PWSs
611.250	Filtration
611.261	Unfiltered PWSs: Reporting and Recordkeeping
611.262	Filtered PWSs: Reporting and Recordkeeping
611.271	Protection during Repair Work
611.272	Disinfection Following Repair
611.276	Recycle Provisions

## SUBPART C: USE OF NON-CENTRALIZED TREATMENT DEVICES

## Section

611.280	Point-of-Entry Devices
611.290	Use of Point-of-Use Devices or Bottled Water

## SUBPART D: TREATMENT TECHNIQUES

## Section

611.295	General Requirements
611.296	Acrylamide and Epichlorohydrin
611.297	Corrosion Control

SUBPART F: MAXIMUM CONTAMINANT LEVELS (MCLs) AND  
MAXIMUM RESIDUAL DISINFECTANT LEVELS (MRDLs)

## Section

611.300	Old MCLs for Inorganic Chemical Contaminants
611.301	Revised MCLs for Inorganic Chemical Contaminants
611.310	Old Maximum Contaminant Levels (MCLs) for Organic Chemical Contaminants
611.311	Revised MCLs for Organic Chemical Contaminants
611.312	Maximum Contaminant Levels (MCLs) for Disinfection Byproducts (DBPs)
611.313	Maximum Residual Disinfectant Levels (MRDLs)
611.320	Turbidity (Repealed)
611.325	Microbiological Contaminants
611.330	Maximum Contaminant Levels for Radionuclides

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

611.331 Beta Particle and Photon Radioactivity (Repealed)

## SUBPART G: LEAD AND COPPER

## Section

611.350 General Requirements  
611.351 Applicability of Corrosion Control  
611.352 Corrosion Control Treatment  
611.353 Source Water Treatment  
611.354 Lead Service Line Replacement  
611.355 Public Education and Supplemental Monitoring  
611.356 Tap Water Monitoring for Lead and Copper  
611.357 Monitoring for Water Quality Parameters  
611.358 Monitoring for Lead and Copper in Source Water  
611.359 Analytical Methods  
611.360 Reporting  
611.361 Recordkeeping

SUBPART I: DISINFECTANT RESIDUALS, DISINFECTION BYPRODUCTS, AND  
DISINFECTION BYPRODUCT PRECURSORS

## Section

611.380 General Requirements  
611.381 Analytical Requirements  
611.382 Monitoring Requirements  
611.383 Compliance Requirements  
611.384 Reporting and Recordkeeping Requirements  
611.385 Treatment Technique for Control of Disinfection Byproduct (DBP) Precursors

## SUBPART K: GENERAL MONITORING AND ANALYTICAL REQUIREMENTS

## Section

611.480 Alternative Analytical Techniques  
611.490 Certified Laboratories  
611.491 Laboratory Testing Equipment  
611.500 Consecutive PWSs  
611.510 Special Monitoring for Unregulated Contaminants (Repealed)

SUBPART L: MICROBIOLOGICAL MONITORING  
AND ANALYTICAL REQUIREMENTS

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

## Section

611.521	Routine Coliform Monitoring
611.522	Repeat Coliform Monitoring
611.523	Invalidation of Total Coliform Samples
611.524	Sanitary Surveys
611.525	Fecal Coliform and E. Coli Testing
611.526	Analytical Methodology
611.527	Response to Violation
611.531	Analytical Requirements
611.532	Unfiltered PWSs
611.533	Filtered PWSs

## SUBPART M: TURBIDITY MONITORING AND ANALYTICAL REQUIREMENTS

## Section

611.560	Turbidity
---------	-----------

## SUBPART N: INORGANIC MONITORING AND ANALYTICAL REQUIREMENTS

## Section

611.591	Violation of a State MCL
611.592	Frequency of State Monitoring
611.600	Applicability
611.601	Monitoring Frequency
611.602	Asbestos Monitoring Frequency
611.603	Inorganic Monitoring Frequency
611.604	Nitrate Monitoring
611.605	Nitrite Monitoring
611.606	Confirmation Samples
611.607	More Frequent Monitoring and Confirmation Sampling
611.608	Additional Optional Monitoring
611.609	Determining Compliance
611.610	Inorganic Monitoring Times
611.611	Inorganic Analysis
611.612	Monitoring Requirements for Old Inorganic MCLs
611.630	Special Monitoring for Sodium
611.631	Special Monitoring for Inorganic Chemicals <u>(Repealed)</u>

## SUBPART O: ORGANIC MONITORING AND ANALYTICAL REQUIREMENTS

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

## Section

611.640	Definitions
611.641	Old MCLs
611.645	Analytical Methods for Organic Chemical Contaminants
611.646	Phase I, Phase II, and Phase V Volatile Organic Contaminants
611.647	Sampling for Phase I Volatile Organic Contaminants (Repealed)
611.648	Phase II, Phase IIB, and Phase V Synthetic Organic Contaminants
611.650	Monitoring for 36 Contaminants (Repealed)
611.657	Analytical Methods for 36 Contaminants (Repealed)
611.658	Special Monitoring for Organic Chemicals ( <a href="#">Repealed</a> )

## SUBPART P: THM MONITORING AND ANALYTICAL REQUIREMENTS

## Section

611.680	Sampling, Analytical, and other Requirements ( <a href="#">Repealed</a> )
611.683	Reduced Monitoring Frequency ( <a href="#">Repealed</a> )
611.684	Averaging ( <a href="#">Repealed</a> )
611.685	Analytical Methods ( <a href="#">Repealed</a> )
611.686	Modification to System ( <a href="#">Repealed</a> )
611.687	Sampling for THM Potential ( <a href="#">Repealed</a> )
611.688	Applicability Dates ( <a href="#">Repealed</a> )

## SUBPART Q: RADIOLOGICAL MONITORING AND ANALYTICAL REQUIREMENTS

## Section

611.720	Analytical Methods
611.731	Gross Alpha
611.732	Beta Particle and Photon Radioactivity
611.733	General Monitoring and Compliance Requirements

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

## Section

611.740	General Requirements
611.741	Standards for Avoiding Filtration
611.742	Disinfection Profiling and Benchmarking
611.743	Filtration
611.744	Filtration Sampling Requirements

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

611.745 Reporting and Recordkeeping Requirements

## SUBPART T: REPORTING AND RECORDKEEPING

## Section

611.830 Applicability  
611.831 Monthly Operating Report  
611.832 Notice by Agency (Repealed)  
611.833 Cross Connection Reporting  
611.840 Reporting  
611.851 Reporting MCL, MRDL, and other Violations (Repealed)  
611.852 Reporting other Violations (Repealed)  
611.853 Notice to New Billing Units (Repealed)  
611.854 General Content of Public Notice (Repealed)  
611.855 Mandatory Health Effects Language (Repealed)  
611.856 Fluoride Notice (Repealed)  
611.858 Fluoride Secondary Standard (Repealed)  
611.860 Record Maintenance  
611.870 List of 36 Contaminants (Repealed)

## SUBPART U: CONSUMER CONFIDENCE REPORTS

## Section

611.881 Purpose and Applicability  
611.882 Compliance Dates  
611.883 Content of the Reports  
611.884 Required Additional Health Information  
611.885 Report Delivery and Recordkeeping

## SUBPART V: PUBLIC NOTIFICATION OF DRINKING WATER VIOLATIONS

## Section

611.901 General Public Notification Requirements  
611.902 Tier 1 Public Notice: Form, Manner, and Frequency of Notice  
611.903 Tier 2 Public Notice: Form, Manner, and Frequency of Notice  
611.904 Tier 3 Public Notice: Form, Manner, and Frequency of Notice  
611.905 Content of the Public Notice  
611.906 Notice to New Billing Units or New Customers  
611.907 Special Notice of the Availability of Unregulated Contaminant Monitoring Results

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

- 611.908 Special Notice for Exceedence of the Fluoride Secondary Standard  
611.909 Special Notice for Nitrate Exceedences above the MCL by a Non-Community Water System  
611.910 Notice by the Agency on Behalf of a PWS

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

## Section

- 611.950 General Requirements  
611.951 Finished Water Reservoirs  
611.952 Additional Watershed Control Requirements for Unfiltered Systems  
611.953 Disinfection Profile  
611.954 Disinfection Benchmark  
611.955 Combined Filter Effluent Turbidity Limits  
611.956 Individual Filter Turbidity Requirements  
611.957 Reporting and Recordkeeping Requirements
- 611.APPENDIX A Regulated Contaminants  
611.APPENDIX B Percent Inactivation of G. Lamblia Cysts  
611.APPENDIX C Common Names of Organic Chemicals  
611.APPENDIX D Defined Substrate Method for the Simultaneous Detection of Total Coliforms and Eschericia Coli from Drinking Water  
611.APPENDIX E Mandatory Lead Public Education Information for Community Water Systems  
611.APPENDIX F Mandatory Lead Public Education Information for Non-Transient Non-Community Water Systems  
611.APPENDIX G NPDWR Violations and Situations Requiring Public Notice  
611.APPENDIX H Standard Health Effects Language for Public Notification  
611.APPENDIX I Acronyms Used in Public Notification Regulation  
611.TABLE A Total Coliform Monitoring Frequency  
611.TABLE B Fecal or Total Coliform Density Measurements  
611.TABLE C Frequency of RDC Measurement  
611.TABLE D Number of Lead and Copper Monitoring Sites  
611.TABLE E Lead and Copper Monitoring Start Dates  
611.TABLE F Number of Water Quality Parameter Sampling Sites  
611.TABLE G Summary of Section 611.357 Monitoring Requirements for Water Quality Parameters  
611.TABLE Z Federal Effective Dates

AUTHORITY: Implementing Sections 7.2, 17, and 17.5 and authorized by Section 27 of the

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

Environmental Protection Act [415 ILCS 5/7.2, 17, 17.5, and 27].

SOURCE: Adopted in R88-26 at 14 Ill. Reg. 16517, effective September 20, 1990; amended in R90-21 at 14 Ill. Reg. 20448, effective December 11, 1990; amended in R90-13 at 15 Ill. Reg. 1562, effective January 22, 1991; amended in R91-3 at 16 Ill. Reg. 19010, effective December 1, 1992; amended in R92-3 at 17 Ill. Reg. 7796, effective May 18, 1993; amended in R93-1 at 17 Ill. Reg. 12650, effective July 23, 1993; amended in R94-4 at 18 Ill. Reg. 12291, effective July 28, 1994; amended in R94-23 at 19 Ill. Reg. 8613, effective June 20, 1995; amended in R95-17 at 20 Ill. Reg. 14493, effective October 22, 1996; amended in R98-2 at 22 Ill. Reg. 5020, effective March 5, 1998; amended in R99-6 at 23 Ill. Reg. 2756, effective February 17, 1999; amended in R99-12 at 23 Ill. Reg. 10348, effective August 11, 1999; amended in R00-8 at 23 Ill. Reg. 14715, effective December 8, 1999; amended in R00-10 at 24 Ill. Reg. 14226, effective September 11, 2000; amended in R01-7 at 25 Ill. Reg. 1329, effective January 11, 2001; amended in R01-20 at 25 Ill. Reg. 13611, effective October 9, 2001; amended in R02-5 at 26 Ill. Reg. 3522, effective February 22, 2002; amended in R03-4 at 27 Ill. Reg. 1183, effective January 10, 2003; amended in R03-15 at 27 Ill. Reg. 16447, effective October 10, 2003; amended at 28 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART A: GENERAL

**Section 611.101 Definitions**

As used in this Part, the following terms have the given meanings:

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

"Agency" means the Illinois Environmental Protection Agency.

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

"Ai" means "inactivation ratio."

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

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

sanitary quality according to applicable laws and regulations of State and local government agencies having jurisdiction, as evidenced by the presence in the plant of current certificates or notations of approval from each government agency or agencies having jurisdiction over the source, the water it bottles, and the distribution of the water in commerce.

BOARD NOTE: Derived from 40 CFR 142.62(g)(2) and 21 CFR 129.3(a) ~~(2003)~~(2002). The Board cannot compile an exhaustive listing of all federal, State, and local laws to which bottled water and bottling water may be subjected. However, the statutes and regulations of which the Board is aware are the following: the Illinois Food, Drug and Cosmetic Act [410 ILCS 620], the Bottled Water Act [815 ILCS 310], the DPH Water Well Construction Code (77 Ill. Adm. Code 920), the DPH Water Well Pump Installation Code (77 Ill. Adm. Code 925), the federal bottled water quality standards (21 CFR 103.35), the federal drinking water processing and bottling standards (21 CFR 129), the federal Current Good Manufacturing Practice in Manufacturing, Packing, or Holding Human Food (21 CFR 110), the federal Fair Packaging and Labeling Act (15 USC 1451 et seq.), and the federal Fair Packaging and Labeling regulations (21 CFR 201).

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

"Board" means the Illinois Pollution Control Board.

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

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

"CT<sub>99.9</sub>" is the CT value required for 99.9 percent (3-log) inactivation of *Giardia lamblia* cysts. CT<sub>99.9</sub> for a variety of disinfectants and conditions appear in Tables 1.1-1.6, 2.1 and 3.1 of Appendix B of this Part. (See "Inactivation Ratio.")

BOARD NOTE: Derived from the definition of "CT" in 40 CFR 141.2

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

~~(2003)(2002)~~.

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

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

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

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

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

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

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

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

"Contaminant" means any physical, chemical, biological, or radiological

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

substance or matter in water.

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

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

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

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

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

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

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

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

Where more than one RDC is measured, T is as follows:

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

For subsequent measurements of RDC, the time in minutes that it

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

takes for water to move from the previous RDC measurement point to the RDC measurement point for which the particular T is being calculated.

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

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

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

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

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

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

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

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

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

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

"Enhanced softening" means the improved removal of disinfection byproduct (DBP) precursors by precipitative softening.

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

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

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

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

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

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

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

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

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

"Groundwater under the direct influence of surface water" means any water beneath the surface of the ground with significant occurrence of insects or other macroorganisms, algae, or large-diameter pathogens, such as *Giardia lamblia* or

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

Cryptosporidium, or significant and relatively rapid shifts in water characteristics, such as turbidity, temperature, conductivity, or pH, that closely correlate to climatological or surface water conditions. "Groundwater under the direct influence of surface water" is as determined in Section 611.212.

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

BOARD NOTE: Drawn from 40 CFR 141.23(b)(2) & 141.24(f)(2) note ~~(2003)(2002)~~.

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

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

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

"Inactivation ratio" ( $A_i$ ) means as follows:

$$A_i = CT_{\text{cal}}/CT_{99.9}$$

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

$$B = \Sigma(A_i)$$

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

BOARD NOTE: Derived from the definition of "CT" in 40 CFR 141.2 ~~(2003)(2002)~~.

"Initial compliance period" means the three-year compliance period that begins January 1, 1993, except for the MCLs for dichloromethane, 1,2,4-trichlorobenzene, 1,1,2-trichloroethane, benzo(a)pyrene, dalapon, di(2-ethylhexyl)adipate, di(2-ethylhexyl)phthalate, dinoseb, diquat, endothall, endrin,

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

glyphosate, hexachlorobenzene, hexachlorocyclopentadiene, oxamyl, picloram, simazine, 2,3,7,8-TCDD, antimony, beryllium, cyanide, nickel, and thallium, as they apply to a supplier whose system has fewer than 150 service connections, for which it means the three-year compliance period that began on January 1, 1996.

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

BOARD NOTE: The IOCs are derived from 40 CFR 141.23(a)(4) (2003)~~(2002)~~.

"ℓ" means "liter."

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

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

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

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

BOARD NOTE: The Board has not routinely adopted the regulations relating to the federal MCLGs because they are outside the scope of the Board's identical-in-substance mandate under Section 17.5 of the Act [415 ILCS 5/17.5].

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

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

Section 611.313 and Section 611.383.)

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

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

"MFL" means millions of fibers per liter larger than 10 micrometers.  
BOARD NOTE: Derived from 40 CFR 141.23(a)(4)(i) ~~(2003)(2002)~~.

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

"mg/l " means milligrams per liter.

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

BOARD NOTE: Drawn from 40 CFR 141.23(b)(2) and 141.24(f)(2) note ~~(2003)(2002)~~.

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

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

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

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

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

"Non-transient non-community water system" or "NTNCWS" means a public water system (PWS) that is not a community water system (CWS) and that regularly serves at least 25 of the same persons over six months per year.

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

"NTU" means "nephelometric turbidity units."

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

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

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

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

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

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

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

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

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

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

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

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

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

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

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

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

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

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

Any collection or pretreatment storage facilities not under such control

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

that are used primarily in connection with such system.

BOARD NOTE: Where used in Subpart F of this Part, "public water supply" means the same as "public water system."

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

BOARD NOTE: Derived from 40 CFR 141.25(c) Table B ~~(2003)(2002)~~. These radioactive contaminants must be reported in Consumer Confidence Reports under Subpart U of this Part when they are detected above the levels indicated in Section 611.720(c)(3).

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

BOARD NOTE: Derived from 40 CFR 141.23(b)(9), 141.24(f)(11)(ii), and 141.24(f)(11)(iii) ~~(2003)(2002)~~.

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

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

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

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

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

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

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

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

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

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

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

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

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

BOARD NOTE: See sections 1401(4)(B)(i)(II) and (4)(B)(i)(III) of SDWA (42 USC 300f(4)(B)(i)(II) and (4)(B)(i)(III) (2000)).

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

"SOC" or "Synthetic organic chemical contaminant" refers to that group of

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

contaminants designated as "SOCs," or "synthetic organic chemicals" or "synthetic organic contaminants," in USEPA regulatory discussions and guidance documents. "SOCs" include alachlor, aldicarb, aldicarb sulfone, aldicarb sulfoxide, atrazine, benzo(a)pyrene, carbofuran, chlordane, dalapon, dibromoethylene (ethylene dibromide or EDB), dibromochloropropane (DBCP), di(2-ethylhexyl)adipate, di(2-ethylhexyl)phthalate, dinoseb, diquat, endothall, endrin, glyphosate, heptachlor, heptachlor epoxide, hexachlorobenzene, hexachlorocyclopentadiene, lindane, methoxychlor, oxamyl, pentachlorophenol, picloram, simazine, toxaphene, polychlorinated biphenyls (PCBs), 2,4-D, 2,3,7,8-TCDD, and 2,4,5-TP.

BOARD NOTE: See the Board note appended to Section 611.311 for information relating to implementation of requirements relating to aldicarb, aldicarb sulfone, and aldicarb sulfoxide.

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

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

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

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

BOARD NOTE: Derived from 40 CFR 141.2 ~~(2003)~~(2002) and sections 1401(4)(B)(i)(II) and (4)(B)(i)(III) of SDWA (42 USC 300f(4)(B)(i)(II) and (4)(B)(i)(III) (2000)).

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

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

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

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

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

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

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

BOARD NOTE: Derived from 40 CFR 141.23(b)(2) and 141.24(f)(2) note ~~(2003)~~(2002).

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

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

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

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

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

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

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

BOARD NOTE: The federal regulations apply to all "public water systems," which are defined as all systems having at least 15 service connections or regularly serving water to at least 25 persons. (See 42 USC 300f(4).) The Act mandates that the Board and the Agency regulate "public water supplies," which it defines as having at least 15 service connections or regularly serving 25 persons daily at least 60 days per year. (See Section 3.28 of the Act [415 ILCS 5/3.28].) The Department of Public Health regulates transient, non-community water systems.

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

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

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

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

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

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

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

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

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

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

"Wellhead protection program" means the wellhead protection program for the State of Illinois, approved by USEPA under Section 1428 of the SDWA, 42 USC 300h-7.

BOARD NOTE: Derived from 40 CFR 141.71(b) ~~(2003)(2002)~~. The wellhead protection program includes the "groundwater protection needs assessment" under Section 17.1 of the Act [415 ILCS 5/17.1] and 35 Ill. Adm. Code 615-617.

BOARD NOTE: Derived from 40 CFR 141.2 ~~(2003)(2002)~~.

(Source: Amended at 28 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 611.102 Incorporations by Reference**

- a) Abbreviations and short-name listing of references. The following names and abbreviated names, presented in alphabetical order, are used in this Part to refer to materials incorporated by reference:

"Amco-AEPA-1 Polymer" is available from Advanced Polymer Systems.

"ASTM Method" means a method published by and available from the American Society for Testing and Materials (ASTM).

"Colisure Test" means "Colisure Presence/Absence Test for Detection and Identification of Coliform Bacteria and Escherichia Coli in Drinking Water," available from Millipore Corporation, Technical Services

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

Department.

"Dioxin and Furan Method 1613" means "Tetra- through Octa-Chlorinated Dioxins and Furans by Isotope-Dilution HRGC/HRMS," available from NTIS.

"GLI Method 2" means GLI Method 2, "Turbidity," Nov. 2, 1992, available from Great Lakes Instruments, Inc.

"Hach FilterTrak Method 10133" means "Determination of Turbidity by Laser Nephelometry," available from Hach Co.

"HASL Procedure Manual" means HASL Procedure Manual, HASL 300, available from ERDA Health and Safety Laboratory.

"Kelada 01" means "Kelada Automated Test Methods for Total Cyanide, Acid Dissociable Cyanide, And Thiocyanate," Revision 1.2, August 2001, EPA #821-B-01-009, available from the National Technical Information Service (NTIS).

"Membrane Filter Technique using Chromocult Doliform Agar" means "Chromocult Coliform Agar Presence/Absence Membrane Filter Test Method for Detection and Identification of Coliform Bacteria and Escherichia coli~~Escherichia coli~~ in Finished Waters," available from EM Science.

"NCRP" means "National Council on Radiation Protection."

"NTIS" means "National Technical Information Service."

"New Jersey Radium Method" means "Determination of Radium 228 in Drinking Water," available from the New Jersey Department of Environmental Protection.

"New York Radium Method" means "Determination of Ra-226 and Ra-228 (Ra-02)," available from the New York Department of Public Health.

"ONGP-MUG Test" (meaning "minimal medium ortho-nitrophenyl-beta-d-galactopyranoside-4-methyl-umbelliferyl -beta-d-glucuronide test"), also called the "Autoanalysis Colilert System," is Method 9223, available

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

in "Standard Methods for the Examination of Water and Wastewater," 18<sup>th</sup> ed., from American Public Health Association.

"Palintest Method 1001" means "Method Number 1001," available from Palintest, Ltd. or the Hach Company.

"QuikChem Method 10-204-00-1-X" means "Digestion and distillation of total cyanide in drinking and wastewaters using MICRO DIST and determination of cyanide by flow injection analysis," available from Lachat Instruments.

"Readycult Coliforms 100 Presence/Absence Test" means "Readycult Coliforms 100 Presence/Absence Test for Detection and Identification of Coliform Bacteria and *Escherichia coli* ~~*Escherichia coli*~~ in Finished Waters," available from EM Science.

"SimPlate Method" means "IDEXX SimPlate TM HPC Test Method for Heterotrophs in Water," available from IDEXX Laboratories, Inc.

"Radiochemical Methods" means "Interim Radiochemical Methodology for Drinking Water," available from NTIS.

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

"Syngenta AG-625" means "Atrazine in Drinking Water by Immunoassay," February 2001 is available from Syngenta Crop Protection, Inc.

"Technical Bulletin 601" means "Technical Bulletin 601, Standard Method of Testing for Nitrate in Drinking Water," July 1994, available from Analytical Technology, Inc.

"Technicon Methods" means "Fluoride in Water and Wastewater," available from Bran & Luebbe.

"USDOE Manual" means "EML Procedures Manual," available from the United State Department of Energy.

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

"USEPA Asbestos Methods-100.1" means Method 100.1, "Analytical Method for Determination of Asbestos Fibers in Water," September 1983, available from NTIS.

"USEPA Asbestos Methods-100.2" means Method 100.2, "Determination of Asbestos Structures over 10-mm in Length in Drinking Water," June 1994, available from NTIS.

"USEPA Environmental Inorganics Methods" means "Methods for the Determination of Inorganic Substances in Environmental Samples," August 1993, available from NTIS.

"USEPA Environmental Metals Methods" means "Methods for the Determination of Metals in Environmental Samples," available from NTIS.

"USEPA Inorganic Methods" means "Methods for Chemical Analysis of Water and Wastes," March 1983, available from NTIS.

"USEPA Interim Radiochemical Methods" means "Interim Radiochemical Methodology for Drinking Water," EPA 600/4-75-008 (revised), March 1976. Available from NTIS.

"USEPA Organic Methods" means "Methods for the Determination of Organic Compounds in Drinking Water," July 1991, for Methods 502.2, 505, 507, 508, 508A, 515.1, and 531.1; "Methods for the Determination of Organic Compounds in Drinking Water – Supplement I," July 1990, for Methods 506, 547, 550, 550.1, and 551; and "Methods for the Determination of Organic Compounds in Drinking Water – Supplement II," August 1992, for Methods 515.2, 524.2, 548.1, 549.1, 552.1, and 555, available from NTIS. Methods 504.1, 508.1, and 525.2 are available from EPA EMSL; "Methods for the Determination of Organic Compounds" in Drinking Water – Supplement II, August 1992, for Method 552.1; "Methods for the Determination of Organic Compounds in Drinking Water – Supplement III," August 1995, for Methods 502.2, 524.2, 551.1, and 552.2. Method 515.4, "Determination of Chlorinated Acids in Drinking Water by Liquid-Liquid Microextraction, Derivatization and Fast Gas Chromatography with Electron Capture Detection," Revision 1.0, April 2000, EPA 815-B-00/001, and Method 531.2, "Measurement of N-methylcarbamoyloximes and N-methylcarbamates in Water by Direct

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

Aqueous Injection HPLC with Postcolumn Derivatization," Revision 1.0, September 2001, EPA 815/B/01/002, are both available on-line from USEPA, Office of Ground Water and Drinking Water.

"USEPA Radioactivity Methods" means "Prescribed Procedures for Measurement of Radioactivity in Drinking Water," EPA 600/4-80-032, August 1980. Available from NTIS.

"USEPA Radiochemical Analyses" means "Radiochemical Analytical Procedures for Analysis of Environmental Samples," March 1979. Available from NTIS.

"USEPA Radiochemistry Methods" means "Radiochemistry Procedures Manual," EPA 520/5-84-006, December 1987. Available from NTIS.

"USEPA Technical Notes" means "Technical Notes on Drinking Water Methods," available from NTIS.

"USGS Methods" means "Methods of Analysis by the U.S. Geological Survey National Water Quality Laboratory – Determination of Inorganic and Organic Constituents in Water and Fluvial Sediments," available from NTIS and USGS.

"Waters Method B-1011" means "Waters Test Method for the Determination of Nitrite/Nitrate in Water Using Single Column Ion Chromatography," available from Waters Corporation, Technical Services Division.

- b) The Board incorporates the following publications by reference:

Advanced Polymer Systems, 3696 Haven Avenue, Redwood City, CA 94063 415-366-2626.

Amco-AEPA-1 Polymer. See 40 CFR 141.22(a) [\(2003\)](#) (2002). Also, as referenced in ASTM D1889.

American Public Health Association, 1015 Fifteenth Street NW, Washington, DC 20005 800-645-5476.

"Standard Methods for the Examination of Water and

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

Wastewater," 17<sup>th</sup> Edition, 1989 (referred to as "Standard Methods, 17<sup>th</sup> ed.").

"Standard Methods for the Examination of Water and Wastewater," 18<sup>th</sup> Edition, 1992, including "Supplement to the 18<sup>th</sup> Edition of Standard Methods for the Examination of Water and Wastewater," 1994 (collectively referred to as "Standard Methods, 18<sup>th</sup> ed."). See the methods listed separately for the same references under American Waterworks Association.

"Standard Methods for the Examination of Water and Wastewater," 19<sup>th</sup> Edition, 1995 (referred to as "Standard Methods, 19<sup>th</sup> ed.").

"Standard Methods for the Examination of Water and Wastewater," 20<sup>th</sup> Edition, 1998 (referred to as "Standard Methods, 20<sup>th</sup> ed.").

American Waterworks Association et al., 6666 West Quincy Ave., Denver, CO 80235 303-794-7711.

“National Field Evaluation of a Defined Substrate Method for the Simultaneous Enumeration of Total Coliforms and Escherichia coli for Drinking Water: Comparison with the Standard Multiple Tube Fermentation Method,” S.C. Edberg, M.J. Allen & D.B. Smith, Applied Environmental Microbiology, vol. 54, iss. 6, pp 1595-1601 (1988).

"Standard Methods for the Examination of Water and Wastewater," 13<sup>th</sup> Edition, 1971 (referred to as "Standard Methods, 13<sup>th</sup> ed.").

Method 302, Gross Alpha and Gross Beta Radioactivity in Water (Total, Suspended, and Dissolved).

Method 303, Total Radioactive Strontium and Strontium 90 in Water.

Method 304, Radium in Water by Precipitation.

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

Method 305, Radium 226 by Radon in Water (Soluble, Suspended, and Total).

Method 306, Tritium in Water.

"Standard Methods for the Examination of Water and Wastewater," 17<sup>th</sup> Edition, 1989 (referred to as "Standard Methods, 17<sup>th</sup> ed.").

Method 7110 B, Gross Alpha and Gross Beta Radioactivity in Water (Total, Suspended, and Dissolved).

Method 7500-Cs B, Radioactive Cesium, Precipitation Method.

Method 7500-<sup>3</sup>H B, Tritium in Water.

Method 7500-I B, Radioactive Iodine, Precipitation Method.

Method 7500-I C, Radioactive Iodine, Ion-Exchange Method.

Method 7500-I D, Radioactive Iodine, Distillation Method.

Method 7500-Ra B, Radium in Water by Precipitation.

Method 7500-Ra C, Radium 226 by Radon in Water (Soluble, Suspended, and Total).

Method 7500-Ra D, Radium, Sequential Precipitation Method (Proposed).

Method 7500-Sr B, Total Radioactive Strontium and Strontium 90 in Water.

Method 7500-U B, Uranium, Radiochemical Method (Proposed).

Method 7500-U C, Uranium, Isotopic Method (Proposed).

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

"Standard Methods for the Examination of Water and Wastewater," 18<sup>th</sup> Edition, 1992 (referred to as "Standard Methods, 18<sup>th</sup> ed.").

Method 2130 B, Turbidity, Nephelometric Method.

Method 2320 B, Alkalinity, Titration Method.

Method 2510 B, Conductivity, Laboratory Method.

Method 2550, Temperature, Laboratory and Field Methods.

Method 3111 B, Metals by Flame Atomic Absorption Spectrometry, Direct Air-Acetylene Flame Method.

Method 3111 D, Metals by Flame Atomic Absorption Spectrometry, Direct Nitrous Oxide-Acetylene Flame Method.

Method 3112 B, Metals by Cold-Vapor Atomic Absorption Spectrometry, Cold-Vapor Atomic Absorption Spectrometric Method.

Method 3113 B, Metals by Electrothermal Atomic Absorption Spectrometry, Electrothermal Atomic Absorption Spectrometric Method.

Method 3114 B, Metals by Hydride Generation/Atomic Absorption Spectrometry, Manual Hydride Generation/Atomic Absorption Spectrometric Method.

Method 3120 B, Metals by Plasma Emission Spectroscopy, Inductively Coupled Plasma (ICP) Method.

Method 3500-Ca D, Calcium, EDTA Titrimetric Method.

Method 3500-Mg E, Magnesium, Calculation Method.

Method 4110 B, Determination of Anions by Ion

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

Chromatography, Ion Chromatography with Chemical Suppression of Eluent Conductivity.

Method 4500-CN<sup>-</sup> C, Cyanide, Total Cyanide after Distillation.

Method 4500-CN<sup>-</sup> E, Cyanide, Colorimetric Method.

Method 4500-CN<sup>-</sup> F, Cyanide, Cyanide-Selective Electrode Method.

Method 4500-CN<sup>-</sup> G, Cyanide, Cyanides Amenable to Chlorination after Distillation.

Method 4500-Cl D, Chlorine, Amperometric Titration Method.

Method 4500-Cl E, Chlorine, Low-Level Amperometric Titration Method.

Method 4500-Cl F, Chlorine, DPD Ferrous Titrimetric Method.

Method 4500-Cl G, Chlorine, DPD Colorimetric Method.

Method 4500-Cl H, Chlorine, Syringaldazine (FACTS) Method.

Method 4500-Cl I, Chlorine, Iodometric Electrode Method.

Method 4500-ClO<sub>2</sub> C, Chlorine Dioxide, Amperometric Method I.

Method 4500-ClO<sub>2</sub> D, Chlorine Dioxide, DPD Method.

Method 4500-ClO<sub>2</sub> E, Chlorine Dioxide, Amperometric Method II (Proposed).

Method 4500-F<sup>-</sup> B, Fluoride, Preliminary Distillation Step.

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

Method 4500-F<sup>-</sup> C, Fluoride, Ion-Selective Electrode Method.

Method 4500-F<sup>-</sup> D, Fluoride, SPADNS Method.

Method 4500-F<sup>-</sup> E, Fluoride, Complexone Method.

Method 4500-H<sup>+</sup> B, pH Value, Electrometric Method.

Method 4500-NO<sub>2</sub><sup>-</sup> B, Nitrogen (Nitrite), Colorimetric Method.

Method 4500-NO<sub>3</sub><sup>-</sup> D, Nitrogen (Nitrate), Nitrate Electrode Method.

Method 4500-NO<sub>3</sub><sup>-</sup> E, Nitrogen (Nitrate), Cadmium Reduction Method.

Method 4500-NO<sub>3</sub><sup>-</sup> F, Nitrogen (Nitrate), Automated Cadmium Reduction Method.

Method 4500-O<sub>3</sub> B, Ozone (Residual) (Proposed), Indigo Colorimetric Method.

Method 4500-P E, Phosphorus, Ascorbic Acid Method.

Method 4500-P F, Phosphorus, Automated Ascorbic Acid Reduction Method.

Method 4500-Si D, Silica, Molybdosilicate Method.

Method 4500-Si E, Silica, Heteropoly Blue Method.

Method 4500-Si F, Silica, Automated Method for Molybdate-Reactive Silica.

Method 6651, Glyphosate Herbicide (Proposed).

Method 7110 B, Gross Alpha and Beta Radioactivity (Total, Suspended, and Dissolved), Evaporation Method for

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

Gross Alpha-Beta.

Method 7110 C, Gross Alpha and Beta Radioactivity (Total, Suspended, and Dissolved), Coprecipitation Method for Gross Alpha Radioactivity in Drinking Water (Proposed).

Method 7500-Cs B, Radioactive Cesium, Precipitation Method.

Method 7500-3 H B, Tritium, Liquid Scintillation Spectrometric Method.

Method 7500-I B, Radioactive Iodine, Precipitation Method.

Method 7500-I C, Radioactive Iodine, Ion-Exchange Method.

Method 7500-I D, Radioactive Iodine, Distillation Method.

Method 7500-Ra B, Radium, Precipitation Method.

Method 7500-Ra C, Radium, Emanation Method.

Method 7500-Ra D, Radium, Sequential Precipitation Method (Proposed).

Method 7500-Sr B, Total Radiactive Strontium and Strontium 90, Precipitation Method.

Method 7500-U B, Uranium, Radiochemical Method (Proposed).

Method 7500-U C, Uranium, Isotopic Method (Proposed).

Method 9215 B, Heterotrophic Plate Count, Pour Plate Method.

Method 9221 A, Multiple-Tube Fermentation Technique

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

for Members of the Coliform Group, Introduction.

Method 9221 B, Multiple-Tube Fermentation Technique for Members of the Coliform Group, Standard Total Coliform Fermentation Technique.

Method 9221 C, Multiple-Tube Fermentation Technique for Members of the Coliform Group, Estimation of Bacterial Density.

Method 9221 D, Multiple-Tube Fermentation Technique for Members of the Coliform Group, Presence-Absence (P-A) Coliform Test.

Method 9221 E, Multiple-Tube Fermentation Technique for Members of the Coliform Group, Fecal Coliform Procedure.

Method 9222 A, Membrane Filter Technique for Members of the Coliform Group, Introduction.

Method 9222 B, Membrane Filter Technique for Members of the Coliform Group, Standard Total Coliform Membrane Filter Procedure.

Method 9222 C, Membrane Filter Technique for Members of the Coliform Group, Delayed-Incubation Total Coliform Procedure.

Method 9222 D, Membrane Filter Technique for Members of the Coliform Group, Fecal Coliform Membrane Filter Procedure.

Method 9223, Chromogenic Substrate Coliform Test (Proposed).

"Supplement to the 18<sup>th</sup> Edition of Standard Methods for the Examination of Water and Wastewater," American Public Health Association, 1994.

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

Method 6610, Carbamate Pesticide Method.

"Standard Methods for the Examination of Water and Wastewater," 19<sup>th</sup> Edition, 1995 (referred to as "Standard Methods, 19<sup>th</sup> ed.").

Method 2130 B, Turbidity, Nephelometric Method.

Method 2320 B, Alkalinity, Titration Method.

Method 2510 B, Conductivity, Laboratory Method.

Method 2550, Temperature, Laboratory, and Field Methods.

Method 3111 B, Metals by Flame Atomic Absorption Spectrometry, Direct Air-Acetylene Flame Method.

Method 3111 D, Metals by Flame Atomic Absorption Spectrometry, Direct Nitrous Oxide-Acetylene Flame Method.

Method 3112 B, Metals by Cold-Vapor Atomic Absorption Spectrometry, Cold-Vapor Atomic Absorption Spectrometric Method.

Method 3113 B, Metals by Electrothermal Atomic Absorption Spectrometry, Electrothermal Atomic Absorption Spectrometric Method.

Method 3114 B, Metals by Hydride Generation/Atomic Absorption Spectrometry, Manual Hydride Generation/Atomic Absorption Spectrometric Method.

Method 3120 B, Metals by Plasma Emission Spectroscopy, Inductively Coupled Plasma (ICP) Method.

Method 3500-Ca D, Calcium, EDTA Titrimetric Method.

Method 3500-Mg E, Magnesium, Calculation Method.

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

Method 4110 B, Determination of Anions by Ion Chromatography, Ion Chromatography with Chemical Suppression of Eluent Conductivity.

Method 4500-Cl D, Chlorine, Amperometric Titration Method.

Method 4500-Cl E, Chlorine, Low-Level Amperometric Titration Method.

Method 4500-Cl F, Chlorine, DPD Ferrous Titrimetric Method.

Method 4500-Cl G, Chlorine, DPD Colorimetric Method.

Method 4500-Cl H, Chlorine, Syringaldazine (FACTS) Method.

Method 4500-Cl I, Chlorine, Iodometric Electrode Method.

Method 4500-ClO<sub>2</sub> C, Chlorine Dioxide, Amperometric Method I.

Method 4500-ClO<sub>2</sub> D, Chlorine Dioxide, DPD Method.

Method 4500-ClO<sub>2</sub> E, Chlorine Dioxide, Amperometric Method II (Proposed).

Method 4500-CN<sup>-</sup> C, Cyanide, Total Cyanide after Distillation.

Method 4500-CN<sup>-</sup> E, Cyanide, Colorimetric Method.

Method 4500-CN<sup>-</sup> F, Cyanide, Cyanide-Selective Electrode Method.

Method 4500-CN<sup>-</sup> G, Cyanide, Cyanides Amenable to Chlorination after Distillation.

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

Method 4500-F<sup>-</sup> B, Fluoride, Preliminary Distillation Step.

Method 4500-F<sup>-</sup> C, Fluoride, Ion-Selective Electrode Method.

Method 4500-F<sup>-</sup> D, Fluoride, SPADNS Method.

Method 4500-F<sup>-</sup> E, Fluoride, Complexone Method.

Method 4500-H<sup>+</sup> B, pH Value, Electrometric Method.

Method 4500-NO<sub>2</sub><sup>-</sup> B, Nitrogen (Nitrite), Colorimetric Method.

Method 4500-NO<sub>3</sub><sup>-</sup> D, Nitrogen (Nitrate), Nitrate Electrode Method.

Method 4500-NO<sub>3</sub><sup>-</sup> E, Nitrogen (Nitrate), Cadmium Reduction Method.

Method 4500-NO<sub>3</sub><sup>-</sup> F, Nitrogen (Nitrate), Automated Cadmium Reduction Method.

Method 4500-O<sub>3</sub> B, Ozone (Residual) (Proposed), Indigo Colorimetric Method.

Method 4500-P E, Phosphorus, Ascorbic Acid Method.

Method 4500-P F, Phosphorus, Automated Ascorbic Acid Reduction Method.

Method 4500-Si D, Silica, Molybdosilicate Method.

Method 4500-Si E, Silica, Heteropoly Blue Method.

Method 4500-Si F, Silica, Automated Method for Molybdate-Reactive Silica.

Method 5910 B, UV Absorbing Organic Constituents, Ultraviolet Absorption Method.

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

Method 6251 B, Disinfection Byproducts: Haloacetic Acids and Trichlorophenol, Micro Liquid-Liquid Extraction Gas Chromatographic Method.

Method 6651, Glyphosate Herbicide (Proposed).

Method 7110 B, Gross Alpha and Gross Beta Radioactivity, Evaporation Method for Gross Alpha-Beta.

Method 7110 C, Gross Alpha and Beta Radioactivity (Total, Suspended, and Dissolved), Coprecipitation Method for Gross Alpha Radioactivity in Drinking Water (Proposed).

Method 7120 B, Gamma-Emitting Radionuclides, Gamma Spectrometric Method.

Method 7500-Cs B, Radioactive Cesium, Precipitation Method.

Method 7500-3H B, Tritium, Liquid Scintillation Spectrometric Method.

Method 7500-I B, Radioactive Iodine, Precipitation Method.

Method 7500-I C, Radioactive Iodine, Ion-Exchange Method.

Method 7500-I D, Radioactive Iodine, Distillation Method.

Method 7500-Ra B, Radium, Precipitation Method.

Method 7500-Ra C, Radium, Emanation Method.

Method 7500-Ra D, Radium, Sequential Precipitation Method.

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

Method 7500-Sr B, Total Radiactive Strontium and Strontium 90, Precipitation Method.

Method 7500-U B, Uranium, Radiochemical Method.

Method 7500-U C, Uranium, Isotopic Method.

Method 9215 B, Heterotrophic Plate Count, Pour Plate Method.

Method 9221 A, Multiple-Tube Fermentation Technique for Members of the Coliform Group, Introduction.

Method 9221 B, Multiple-Tube Fermentation Technique for Members of the Coliform Group, Standard Total Coliform Fermentation Technique.

Method 9221 C, Multiple-Tube Fermentation Technique for Members of the Coliform Group, Estimation of Bacterial Density.

Method 9221 D, Multiple-Tube Fermentation Technique for Members of the Coliform Group, Presence-Absence (P-A) Coliform Test.

Method 9221 E, Multiple-Tube Fermentation Technique for Members of the Coliform Group, Fecal Coliform Procedure.

Method 9222 A, Membrane Filter Technique for Members of the Coliform Group, Introduction.

Method 9222 B, Membrane Filter Technique for Members of the Coliform Group, Standard Total Coliform Membrane Filter Procedure.

Method 9222 C, Membrane Filter Technique for Members of the Coliform Group, Delayed-Incubation Total Coliform Procedure.

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

Method 9222 D, Membrane Filter Technique for Members of the Coliform Group, Fecal Coliform Membrane Filter Procedure.

Method 9223, Chromogenic Substrate Coliform Test (Proposed).

"Supplement to the 19<sup>th</sup> Edition of Standard Methods for the Examination of Water and Wastewater," American Public Health Association, 1996.

Method 5310 B, TOC, Combustion-Infrared Method.

Method 5310 C, TOC, Persulfate-Ultraviolet Oxidation Method.

Method 5310 D, TOC, Wet-Oxidation Method.

"Standard Methods for the Examination of Water and Wastewater," 20<sup>th</sup> Edition, 1998 (referred to as "Standard Methods, 20<sup>th</sup> ed.").

Method 2130 B, Turbidity, Nephelometric Method.

Method 2320 B, Alkalinity, Titration Method.

Method 2510 B, Conductivity, Laboratory Method.

Method 2550, Temperature, Laboratory, and Field Methods.

Method 3120 B, Metals by Plasma Emission Spectroscopy, Inductively Coupled Plasma (ICP) Method.

Method 3500-Ca B, Calcium, EDTA Titrimetric Method.

Method 3500-Mg B, Magnesium, EDTA Titrimetric Method.

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

Method 4110 B, Determination of Anions by Ion Chromatography, Ion Chromatography with Chemical Suppression of Eluent Conductivity.

Method 4500-CN<sup>-</sup> C, Cyanide, Total Cyanide after Distillation.

Method 4500-CN<sup>-</sup> E, Cyanide, Colorimetric Method.

Method 4500-CN<sup>-</sup> F, Cyanide, Cyanide-Selective Electrode Method.

Method 4500-CN<sup>-</sup> G, Cyanide, Cyanides Amenable to Chlorination after Distillation.

Method 4500-Cl D, Chlorine, Amperometric Titration Method.

Method 4500-Cl E, Chlorine, Low-Level Amperometric Titration Method.

Method 4500-Cl F, Chlorine, DPD Ferrous Titrimetric Method.

Method 4500-Cl G, Chlorine, DPD Colorimetric Method.

Method 4500-Cl H, Chlorine, Syringaldazine (FACTS) Method.

Method 4500-Cl I, Chlorine, Iodometric Electrode Method.

Method 4500-ClO<sub>2</sub> C, Chlorine Dioxide, Amperometric Method I.

Method 4500-ClO<sub>2</sub> D, Chlorine Dioxide, DPD Method.

Method 4500-ClO<sub>2</sub> E, Chlorine Dioxide, Amperometric Method II (Proposed).

Method 4500-F<sup>-</sup> B, Fluoride, Preliminary Distillation Step.

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

Method 4500-F<sup>-</sup> C, Fluoride, Ion-Selective Electrode Method.

Method 4500-F<sup>-</sup> D, Fluoride, SPADNS Method.

Method 4500-F<sup>-</sup> E, Fluoride, Complexone Method.

Method 4500-H<sup>+</sup> B, pH Value, Electrometric Method.

Method 4500-NO<sub>2</sub><sup>-</sup> B, Nitrogen (Nitrite), Colorimetric Method.

Method 4500-NO<sub>3</sub><sup>-</sup> D, Nitrogen (Nitrate), Nitrate Electrode Method.

Method 4500-NO<sub>3</sub><sup>-</sup> E, Nitrogen (Nitrate), Cadmium Reduction Method.

Method 4500-NO<sub>3</sub><sup>-</sup> F, Nitrogen (Nitrate), Automated Cadmium Reduction Method.

Method 4500-O<sub>3</sub> B, Ozone (Residual) (Proposed), Indigo Colorimetric Method.

Method 4500-P E, Phosphorus, Ascorbic Acid Method.

Method 4500-P F, Phosphorus, Automated Ascorbic Acid Reduction Method.

Method 4500-Si C, Silica, Molybdosilicate Method.

Method 4500-Si D, Silica, Heteropoly Blue Method.

Method 4500-Si E, Silica, Automated Method for Molybdate-Reactive Silica.

Method 4500-Cl E, Chlorine (Residual), Low-Level Amperometric Titration Method.

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

Method 4500-Cl F, Chlorine (Residual), DPD Ferrous Titrimetric Method.

Method 4500-Cl G, Chlorine (Residual), DPD Colorimetric Method.

Method 4500-Cl H, Chlorine (Residual), Syringaldazine (FACTS) Method.

Method 4500-Cl I, Chlorine (Residual), Iodometric Electrode Technique.

Method 4500-ClO<sub>2</sub> D, Chlorine Dioxide, DPD Method.

Method 4500-ClO<sub>2</sub> E, Chlorine Dioxide, Amperometric Method II.

Method 6651, Glyphosate Herbicide (Proposed).

Method 7110-B, Gross Alpha and Gross Beta Radioactivity, Evaporation Method for Gross Alpha-Beta.

Method 7110 C, Gross Alpha and Beta Radioactivity (Total, Suspended, and Dissolved), Coprecipitation Method for Gross Alpha Radioactivity in Drinking Water (Proposed).

Method 7120-B, Gamma-Emitting Radionuclides, Gamma Spectrometric Method.

Method 7500-Cs B, Radioactive Cesium, Precipitation Method.

Method 7500-3H B, Tritium, Liquid Scintillation Spectrometric Method.

Method 7500-I B, Radioactive Iodine, Precipitation Method.

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

Method 7500-I C, Radioactive Iodine, Ion-Exchange Method.

Method 7500-I D, Radioactive Iodine, Distillation Method.

Method 7500-Ra B, Radium, Precipitation Method.

Method 7500-Ra C, Radium, Emanation Method.

Method 7500-Sr B, Total Radiactive Strontium and Strontium 90, Precipitation Method.

Method 7500-U B, Uranium, Radiochemical Method.

Method 7500-U C, Uranium, Isotopic Method.

Method 9215 B, Heterotrophic Plate Count, Pour Plate Method.

Method 9221 A, Multiple-Tube Fermentation Technique for Members of the Coliform Group, Introduction.

Method 9221 B, Multiple-Tube Fermentation Technique for Members of the Coliform Group, Standard Total Coliform Fermentation Technique.

Method 9221 C, Multiple-Tube Fermentation Technique for Members of the Coliform Group, Estimation of Bacterial Density.

Method 9221 D, Multiple-Tube Fermentation Technique for Members of the Coliform Group, Presence-Absence (P-A) Coliform Test.

Method 9221 E, Multiple-Tube Fermentation Technique for Members of the Coliform Group, Fecal Coliform Procedure.

Method 9222 A, Membrane Filter Technique for Members of the Coliform Group, Introduction.

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

Method 9222 B, Membrane Filter Technique for Members of the Coliform Group, Standard Total Coliform Membrane Filter Procedure.

Method 9222 C, Membrane Filter Technique for Members of the Coliform Group, Delayed-Incubation Total Coliform Procedure.

Method 9222 D, Membrane Filter Technique for Members of the Coliform Group, Fecal Coliform Membrane Filter Procedure.

Method 9223, Chromogenic Substrate Coliform Test (Proposed).

Analytical Technology, Inc. ATI Orion, 529 Main Street, Boston, MA 02129.

Technical Bulletin 601, "Standard Method of Testing for Nitrate in Drinking Water," July, 1994, PN 221890-001 (referred to as "Technical Bulletin 601").

ASTM. American Society for Testing and Materials, 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959 610-832-9585.

ASTM Method D511-93 A and B, "Standard Test Methods for Calcium and Magnesium in Water," "Test Method A – Complexometric Titration" & "Test Method B – Atomic Absorption Spectrophotometric," approved 1993.

ASTM Method D515-88 A, "Standard Test Methods for Phosphorus in Water," "Test Method A – Colorimetric Ascorbic Acid Reduction," approved August 19, 1988.

ASTM Method D859-88, "Standard Test Method for Silica in Water," approved August 19, 1988.

ASTM Method D1067-92 B, "Standard Test Methods for Acidity or Alkalinity in Water," "Test Method B – Electrometric or Color-

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

Change Titration," approved May 15, 1992.

ASTM Method D1125-91 A, "Standard Test Methods for Electrical Conductivity and Resistivity of Water," "Test Method A – Field and Routine Laboratory Measurement of Static (Non-Flowing) Samples," approved June 15, 1991.

ASTM Method D1179-93 B, "Standard Test Methods for Fluoride in Water," "Test Method B – Ion Selective Electrode," approved 1993.

ASTM Method D1293-84, "Standard Test Methods for pH of Water," "Test Method A – Precise Laboratory Measurement" & "Test Method B – Routine or Continuous Measurement," approved October 26, 1984.

ASTM Method D1688-90 A or C, "Standard Test Methods for Copper in Water," "Test Method A – Atomic Absorption, Direct" & "Test Method C – Atomic Absorption, Graphite Furnace," approved March 15, 1990.

ASTM Method D2036-91 A or B, "Standard Test Methods for Cyanide in Water," "Test Method A – Total Cyanides after Distillation" & "Test Method B – Cyanides Amenable to Chlorination by Difference," approved September 15, 1991.

ASTM Method D2459-72, "Standard Test Method for Gamma Spectrometry in Water," approved July 28, 1972, discontinued 1988.

ASTM Method D2460-90, "Standard Test Method for Radionuclides of Radium in Water," approved 1990.

ASTM Method D2907-91, "Standard Test Methods for Microquantities of Uranium in Water by Fluorometry," "Test Method A – Direct Fluorometric" & "Test Method B – Extraction," approved June 15, 1991.

ASTM Method D2972-93 B or C, "Standard Test Methods for Arsenic in Water," "Test Method B – Atomic Absorption, Hydride

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

Generation" & "Test Method C – Atomic Absorption, Graphite Furnace," approved 1993.

ASTM Method D3223-91, "Standard Test Method for Total Mercury in Water," approved September 23, 1991.

ASTM Method D3454-91, "Standard Test Method for Radium-226 in Water," approved 1991.

ASTM Method D3559-90 D, "Standard Test Methods for Lead in Water," "Test Method D – Atomic Absorption, Graphite Furnace," approved August 6, 1990.

ASTM Method D3645-93 B, "Standard Test Methods for Beryllium in Water," "Method B – Atomic Absorption, Graphite Furnace," approved 1993.

ASTM Method D3649-91, "Standard Test Method for High-Resolution Gamma-Ray Spectrometry of Water," approved 1991.

ASTM Method D3697-92, "Standard Test Method for Antimony in Water," approved June 15, 1992.

ASTM Method D3859-93 A, "Standard Test Methods for Selenium in Water," "Method A – Atomic Absorption, Hydride Method," approved 1993.

ASTM Method D3867-90 A and B, "Standard Test Methods for Nitrite-Nitrate in Water," "Test Method A – Automated Cadmium Reduction" & "Test Method B – Manual Cadmium Reduction," approved January 10, 1990.

ASTM Method D3972-90, "Standard Test Method for Isotopic Uranium in Water by Radiochemistry," approved 1990.

ASTM Method D4107-91, "Standard Test Method for Tritium in Drinking Water," approved 1991.

ASTM Method D4327-91, "Standard Test Method for Anions in Water by Ion Chromatography," approved October 15, 1991.

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

ASTM Method D4785-88, "Standard Test Method for Low-Level Iodine-131 in Water," approved 1988.

ASTM Method D5174-91, "Standard Test Method for Trace Uranium in Water by Pulsed-Laser Phosphorimetry," approved 1991.

ASTM Method D1253-86, "Standard Test Method for Residual Chlorine in Water," reapproved 1992.

Bran & Luebbe, 1025 Busch Parkway, Buffalo Grove, IL 60089.

"Fluoride in Water and Wastewater," Industrial Method #129-71W, December 1972 (referred to as "Technicon Methods: Method #129-71W"). See 40 CFR 141.23(k)(1), footnote 11 ~~(2003)~~(2002).

"Fluoride in Water and Wastewater," #380-75WE, February 1976 (referred to as "Technicon Methods: Method #380-75WE"). See 40 CFR 141.23(k)(1), footnote 11 ~~(2003)~~(2002).

EM Science (an affiliate of Merck KGaA, Darmstadt, Germany), 480 S. Democrat Road, Gibbstown, NJ 08027-1297. Telephone: 800-222-0342. E-mail: adellenbusch@emscience.com.

"Chromocult Coliform Agar Presence/Absence Membrane Filter Test Method for Detection and Identification of Coliform Bacteria and Escherichia coli~~Escherichia coli~~ in Finished Waters," November 2000, Version 1.0.

"ReadyCult Coliforms 100 Presence/Absence Test for Detection and Identification of Coliform Bacteria and Escherichia coli~~Escherichia coli~~ in Finished Waters," November 2000, Version 1.0.

ERDA Health and Safety Laboratory, New York, NY.

HASL Procedure Manual, HASL 300, 1973. See 40 CFR 141.25(b)(2) ~~(2003)~~(2002).

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

Great Lakes Instruments, Inc., 8855 North 55<sup>th</sup> Street, Milwaukee, WI 53223.

GLI Method 2, "Turbidity," Nov. 2, 1992.

The Hach Company, P.O. Box 389, Loveland, CO 80539-0389. Phone: 800-227-4224.

"Lead in Drinking Water by Differential Pulse Anodic Stripping Voltammetry," Method 1001, August 1999.

"Determination of Turbidity by Laser Nephelometry," January 2000, Revision 2.0 (referred to as "Hach FilterTrak Method 10133").

IDEXX Laboratories, Inc., One IDEXX Drive, Westbrook, Maine 04092. Telephone: 800-321-0207.

"IDEXX SimPlate TM HPC Test Method for Heterotrophs in Water," November 2000.

Lachat Instruments, 6645 W. Mill Rd., Milwaukee, WI 53218. Phone: 414-358-4200.

"Digestion and distillation of total cyanide in drinking and wastewaters using MICRO DIST and determination of cyanide by flow injection analysis," Revision 2.1, November 30, 2000 (referred to as "QuikChem Method 10-204-00-1-X").

Millipore Corporation, Technical Services Department, 80 Ashby Road, Milford, MA 01730 800-654-5476.

Colisure Presence/Absence Test for Detection and Identification of Coliform Bacteria and Escherichia Coli in Drinking Water, February 28, 1994 (referred to as "Colisure Test").

NCRP. National Council on Radiation Protection, 7910 Woodmont Ave., Bethesda, MD 301-657-2652.

"Maximum Permissible Body Burdens and Maximum Permissible

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

Concentrations of Radionuclides in Air and in Water for Occupational Exposure," NCRP Report Number 22, June 5, 1959.

NSF. National Sanitation Foundation International, 3475 Plymouth Road, PO Box 130140, Ann Arbor, Michigan 48113-0140, 734-769-8010.

NSF Standard 61, section 9, November 1998.

NTIS. National Technical Information Service, U.S. Department of Commerce, 5285 Port Royal Road, Springfield, VA 22161, 703-487-4600 or 800-553-6847.

"Interim Radiochemical Methodology for Drinking Water," EPA 600/4-75-008 (revised), March 1976 (referred to as "USEPA Interim Radiochemical Methods"). (Pages 1, 4, 6, 9, 13, 16, 24, 29, 34)

"Kelada Automated Test Methods for Total Cyanide, Acid Dissociable Cyanide, And Thiocyanate," Revision 1.2, August 2001, EPA # 821-B-01-009 (referred to as "~~Kelada~~~~Kaleda~~ 01").

"Maximum Permissible Body Burdens and Maximum Permissible Concentrations of Radionuclides in Air and in Water for Occupational Exposure," NBS (National Bureau of Standards) Handbook 69, as amended August 1963, U.S. Department of Commerce.

Method 100.1, "Analytical Method for Determination of Asbestos Fibers in Water," EPA-600/4-83-043, September 1983, Doc. No. PB83-260471 (referred to as "USEPA Asbestos Methods-100.1").

Method 100.2, "Determination of Asbestos Structures over 10-mm in Length in Drinking Water," EPA-600/4-83-043, June 1994, Doc. No. PB94-201902 (referred to as "USEPA Asbestos Methods-100.2").

"Methods for Chemical Analysis of Water and Wastes," March 1983, Doc. No. PB84-128677 (referred to as "USEPA Inorganic Methods"). (Methods 150.1, 150.2, and 245.2, which formerly appeared in this reference, are available from USEPA EMSL.)

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

"Methods for the Determination of Inorganic Substances in Environmental Samples," August 1993, PB94-120821 (referred to as "USEPA Environmental Inorganic Methods").

"Methods for the Determination of Metals in Environmental Samples," June 1991, Doc. No. PB91-231498 and "Methods for the Determination of Metals in Environmental Samples – Supplement I," May 1994, PB95-125472 (referred to as "USEPA Environmental Metals Methods").

"Methods for the Determination of Organic Compounds in Drinking Water," December 1988, revised July 1991, EPA-600/4-88/039 (referred to as "USEPA Organic Methods"). (For methods 502.2, 505, 507, 508, 508A, 515.1, and 531.1.)

"Methods for the Determination of Organic Compounds in Drinking Water – Supplement I," July 1990, EPA/600-4-90-020 (referred to as "USEPA Organic Methods"). (For methods 506, 547, 550, 550.1, and 551.)

"Methods for the Determination of Organic Compounds in Drinking Water – Supplement II," August 1992, EPA-600/R-92-129 (referred to as "USEPA Organic Methods"). (For methods 515.2, 524.2, 548.1, 549.1, 552.1, and 555.)

"Prescribed Procedures for Measurement of Radioactivity in Drinking Water," EPA 600/4-80-032, August 1980 (referred to as "USEPA Radioactivity Methods"). (Methods 900, 901, 901.1, 902, 903, 903.1, 904, 905, 906, 908, 908.1)

"Procedures for Radiochemical Analysis of Nuclear Reactor Aqueous Solutions," H.L. Krieger and S. Gold, EPA-R4-73-014, May 1973, Doc. No. PB222-154/7BA.

"Radiochemical Analytical Procedures for Analysis of Environmental Samples," March 1979, Doc. No. EMSL LV 053917 (referred to as "USEPA Radiochemical Analyses"). (Pages 1, 19, 33, 65, 87, 92)

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

"Radiochemistry Procedures Manual," EPA-520/5-84-006, December 1987, Doc. No. PB-84-215581 (referred to as "USEPA Radiochemistry Methods"). (Methods 00-01, 00-02, 00-07, H-02, Ra-03, Ra-04, Ra-05, Sr-04)

"Technical Notes on Drinking Water Methods," EPA-600/R-94-173, October 1994, Doc. No. PB-104766 (referred to as "USEPA Technical Notes").

BOARD NOTE: USEPA made the following assertion with regard to this reference at 40 CFR 141.23(k)(1) and 141.24(e) and (n)(11) ~~(2003)~~(2002): "This document contains other analytical test procedures and approved analytical methods that remain available for compliance monitoring until July 1, 1996."

"Tetra- through Octa-Chlorinated Dioxins and Furans by Isotope Dilution HRGC/HRMS," October 1994, EPA-821-B-94-005 (referred to as "Dioxin and Furan Method 1613").

New Jersey Department of Environment, Division of Environmental Quality, Bureau of Radiation and Inorganic Analytical Services, 9 Ewing Street, Trenton, NJ 08625.

"Determination of Radium 228 in Drinking Water," August 1990.

New York Department of Health, Radiological Sciences Institute, Center for Laboratories and Research, Empire State Plaza, Albany, NY 12201.

"Determination of Ra-226 and Ra-228 (Ra-02)," January 1980, Revised June 1982.

Palintest, Ltd., 21 Kenton Lands Road, P.O. Box 18395, Erlanger, KY 800-835-9629.

"Lead in Drinking Water by Differential Pulse Anodic Stripping Voltammetry," Method 1001, August 1999.

Syngenta Crop Protection, Inc., 410 Swing Road, Post Office Box 18300, Greensboro, NC 27419. Telephone: 336-632-6000.

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

“Atrazine in Drinking Water by Immunoassay,” February 2001 (referred to as “Syngenta AG-625”).

United States Department of Energy, available at the Environmental Measurements Laboratory, U.S. Department of Energy, 376 Hudson Street, New York, NY 10014-3621.

"EML Procedures Manual," 27<sup>th</sup> Edition, Volume 1, 1990.

United States Environmental Protection Agency, Office of Ground Water and Drinking Water, accessible on-line and available by download from <http://www.epa.gov/safewater/methods/>.

Method 515.4, “Determination of Chlorinated Acids in Drinking Water by Liquid-Liquid Microextraction, Derivatization and Fast Gas Chromatography with Electron Capture Detection,” Revision 1.0, April 2000, EPA 815/B-00/001 (document file name “met515\_4.pdf”).

Method 531.2, “Measurement of N-methylcarbamoyloximes and N-methylcarbamates in Water by Direct Aqueous Injection HPLC with Postcolumn Derivatization,” Revision 1.0, September 2001, EPA 815/B/01/002 (document file name “met531\_2.pdf”).

United States Environmental Protection Agency, EMSL, Cincinnati, OH 45268 513-569-7586.

"Interim Radiochemical Methodology for Drinking Water," EPA-600/4-75-008 (referred to as "Radiochemical Methods"). (Revised) March 1976.

"Methods for the Determination of Organic Compounds in Finished Drinking Water and Raw Source Water" (referred to as "USEPA Organic Methods"). (For methods 504.1, 508.1, and 525.2 only.) See NTIS.

"Procedures for Radiochemical Analysis of Nuclear Reactor Aqueous Solutions." See NTIS.

USEPA, Science and Technology Branch, Criteria and Standards

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

Division, Office of Drinking Water, Washington, D.C. 20460.

"Guidance Manual for Compliance with the Filtration and Disinfection Requirements for Public Water Systems using Surface Water Sources," October 1989.

USGS. Books and Open-File Reports Section, United States Geological Survey, Federal Center, Box 25286, Denver, CO 80225-0425.

Methods available upon request by method number from "Methods for Analysis by the U.S. Geological Survey National Water Quality Laboratory – Determination of Inorganic and Organic Constituents in Water and Fluvial Sediments," Open File Report 93-125, 1993, or Book 5, Chapter A-1, "Methods for Determination of Inorganic Substances in Water and Fluvial Sediments," 3rd ed., Open-File Report 85-495, 1989, as appropriate (referred to as "USGS Methods").

I-1030-85

I-1062-85

I-1601-85

I-1700-85

I-2598-85

I-2601-90

I-2700-85

I-3300-85

Methods available upon request by method number from "Methods for Determination of Radioactive Substances in Water and Fluvial Sediments," Chapter A5 in Book 5 of "Techniques of Water-Resources Investigations of the United States Geological Survey," 1997.

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

R-1110-76

R-1111-76

R-1120-76

R-1140-76

R-1141-76

R-1142-76

R-1160-76

R-1171-76

R-1180-76

R-1181-76

R-1182-76

Waters Corporation, Technical Services Division, 34 Maple St., Milford,  
MA 01757 800-252-4752.

"Waters Test Method for Determination of Nitrite/Nitrate in Water  
Using Single Column Ion Chromatography," Method B-1011,  
August 1987 (referred to as "Waters Method B-1011").

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

40 CFR 136, Appendices B and C ~~(2003)~~(2002).

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

(Source: Amended at 28 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 611.110 Special Exception Permits**

- a) Unless otherwise specified, each Agency determination in this Part is to be made

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

by way of a written permit pursuant to Section 39(a) of the Act [415 ILCS 5/39(a)]. Such permit is titled a "special exception" permit ("SEP").

- b) No person may cause or allow the violation of any condition of a SEP.
- c) The supplier may appeal the denial of or the conditions of a SEP to the Board pursuant to Section 40 of the Act [415 ILCS 5/40].
- d) A SEP may be initiated in either of the following ways:
  - 1) By an application filed by the supplier; or
  - 2) By the Agency, when authorized by Board regulations.

BOARD NOTE: The Board does not intend to mandate by any provision of this Part that the Agency exercise its discretion and initiate a SEP pursuant to this subsection (d)(2). Rather, the Board intends to clarify by this subsection (d)(2) that the Agency may opt to initiate a SEP without receiving a request from the supplier.

- e) The Agency must evaluate a request for a SEP from the monitoring requirements of Section 611.601, 611.602, or 611.603 (IOCs, excluding the Section 611.603 monitoring frequency requirements for cyanide); Section 611.646(e) and (f) (Phase I, Phase II, and Phase V VOCs); Section 611.646(d), only as to initial monitoring for 1,2,4-trichlorobenzene; Section 611.648(d) (for Phase II, Phase IIB, and Phase V SOCs); or Section 611.510 (for unregulated organic contaminants) on the basis of knowledge of previous use (including transport, storage, or disposal) of the contaminant in the watershed or zone of influence of the system, as determined pursuant to 35 Ill. Adm. Code 671.

BOARD NOTE: The Agency must grant a SEP from the Section 611.603 monitoring frequency requirements for cyanide only on the basis of subsection (g) of this Section, not on the basis of this subsection (e).

- 1) If the Agency determines that there was no prior use of the contaminant, it must grant the SEP; or
- 2) If the contaminant was previously used or the previous use was unknown, the Agency must consider the following factors:

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

- A) Previous analytical results;
  - B) The proximity of the system to any possible point source of contamination (including spills or leaks at or near a water treatment facility; at manufacturing, distribution, or storage facilities; from hazardous and municipal waste land fills; or from waste handling or treatment facilities) or non-point source of contamination (including the use of pesticides and other land application uses of the contaminant);
  - C) The environmental persistence and transport of the contaminant;
  - D) How well the water source is protected against contamination, including whether it is a SWS or a GWS.
    - i) A GWS must consider well depth, soil type, well casing integrity, and wellhead protection; and
    - ii) A SWS must consider watershed protection;
  - E) For Phase II, Phase IIB, and Phase V SOCs ~~and unregulated organic contaminants (pursuant to Section 611.631 or 611.648)~~, as follows:
    - i) Elevated nitrate levels at the water source; and
    - ii) The use of PCBs in equipment used in the production, storage, or distribution of water (including pumps, transformers, etc.); and
  - F) For Phase I, Phase II, and Phase V VOCs (pursuant to Section 611.646): the number of persons served by the PWS and the proximity of a smaller system to a larger one.
- f) If a supplier refuses to provide any necessary additional information requested by the Agency, or if a supplier delivers any necessary information late in the Agency's deliberations on a request, the Agency may deny the requested SEP or grant the SEP with conditions within the time allowed by law.
- g) The Agency must grant a supplier a SEP that allows it to discontinue monitoring

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

for cyanide if it determines that the supplier's water is not vulnerable due to a lack of any industrial source of cyanide.

BOARD NOTE: Subsection (e) of this Section is derived from 40 CFR 141.24(f)(8) and (h)(6) ~~(2003)(2002)~~. Subsection (f) of this Section is derived from 40 CFR 141.82(d)(2), and 141.83(b)(2) ~~(2003)(2002)~~. Subsection (g) is derived from 40 CFR 141.23(c)(2) ~~(2003)(2002)~~. USEPA has reserved the discretion, at 40 CFR 142.18 ~~(2003)(2002)~~, to review and nullify Agency determinations of the types made pursuant to Sections 611.510, 611.602, 611.603, 611.646, and 611.648 and the discretion, at 40 CFR 141.82(i), 141.83(b)(7), and 142.19 ~~(2003)(2002)~~, to establish federal standards for any supplier, superseding any Agency determination made pursuant to Sections 611.352(d), 611.352(f), 611.353(b)(2), and 611.353(b)(4).

(Source: Amended at 28 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 611.125 Fluoridation Requirement**

All CWSs that are required to add fluoride to the water must maintain a fluoride ion concentration, reported as  $F_2$ , of 0.9 to 1.2 ~~mg/l~~ ~~mg/l~~ in its distribution system, as required by Section 7a of the Public Water Supply Regulation Act [415 ILCS 40/7a].

BOARD NOTE: This is an additional State requirement.

(Source: Amended at 28 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 611.126 Prohibition on Use of Lead**

- a) In general. Prohibition. Any pipe, any pipe or plumbing fitting or fixture, any solder or any flux must be lead free, as defined by subsection (b) of this Section, if it is used ~~after June 19, 1986~~ in the installation or repair of either of the following:
  - 1) Any PWS; or
  - 2) Any plumbing in a residential or nonresidential facility providing water for human consumption that is connected to a PWS. This subsection (a) does not apply to leaded joints necessary for the repair of cast iron pipes.
- b) Definition of lead free. For purposes of this Section, the term "lead free" means

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

as follows:

- 1) When used with respect to solders and flux, refers to solders and flux containing not more than 0.2 percent lead;
- 2) When used with respect to pipes and pipe fittings, refers to pipes and pipe fittings containing not more than 8.0 percent lead; and
- 3) When used with respect to plumbing fittings and fixtures that are intended by the manufacturer to dispense water for human ingestion, refers to plumbing fittings and fixtures in compliance with NSF Standard 61, section 9, incorporated by reference in Section 611.102.

BOARD NOTE: Derived from 40 CFR 141.43(a) and (d) ~~(2003)~~(2002), and section 1417 of SDWA, 42 USC 300g-6(a)(1) (2000). USEPA has stated that NSF Standard 61 is the standard for plumbing fittings and fixtures developed pursuant to 42 USC 300g-6(e). See 62 Fed. Reg. 44684 (Aug. 22, 1997).

(Source: Amended at 28 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 611.130 Special Requirements for Certain Variances and Adjusted Standards**

- a) ~~Relief from the TTHM MCL: 1) In granting any variance or adjusted standard to a supplier that is a CWS that adds a disinfectant at any part of treatment and which provides water to 10,000 or more persons on a regular basis from the maximum contaminant level for TTHM listed in Section 611.310(c), the Board will require application of the best available technology (BAT) identified at subsection (a)(4) of this Section for that constituent as a condition to the relief, unless the supplier has demonstrated through comprehensive engineering assessments that application of BAT is not technically appropriate and technically feasible for that system or that the application would only result in a marginal reduction in TTHM for that supplier. 2) The Board will require the following as a condition for relief from the TTHM MCL where it does not require the application of BAT: A) That the supplier continue to investigate the following methods as an alternative means of significantly reducing the level of TTHM, according to a definite schedule: i) The introduction of off-line water storage for TTHM precursor reduction; ii) Aeration for TTHM reduction, where geography and climate allow; iii) The introduction of clarification, where not presently practiced; iv) The use of alternative sources of raw water; and v) The use of ozone as an alternative or supplemental disinfectant or oxidant; and B) That the~~

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

~~supplier report results of that investigation to the Agency. 3) The Agency must petition the Board to reconsider or modify a variance or adjusted standard, pursuant to Subpart I of 35 Ill. Adm. Code 101, if it determines that an alternative method identified by the supplier pursuant to subsection (a)(2) of this Section is technically feasible and would result in a significant reduction in TTHM. 4) Best available technology for TTHM reduction is as follows: A) The use of chloramines as an alternative or supplemental disinfectant; B) The use of chlorine dioxide as an alternative or supplemental disinfectant; or C) Improved existing clarification for THM precursor reduction. BOARD NOTE: Subsection (a) derived from 40 CFR 142.60 (2002).~~

~~a~~b) Relief from the fluoride MCL.

- 1) In granting any variance or adjusted standard to a supplier that is a CWS from the maximum contaminant level for fluoride listed in Section 611.301(b), the Board will require application of the best available technology (BAT) identified at subsection ~~(a)(b)~~(4) of this Section for that constituent as a condition to the relief, unless the supplier has demonstrated through comprehensive engineering assessments that application of BAT is not technically appropriate and technically feasible for that supplier.
- 2) The Board will require the following as a condition for relief from the fluoride MCL where it does not require the application of BAT:
  - A) That the supplier continue to investigate the following methods as an alternative means of significantly reducing the level of fluoride, according to a definite schedule:
    - i) A modification of lime softening;
    - ii) Alum coagulation;
    - iii) Electrodialysis;
    - iv) Anion exchange resins;
    - v) Well field management;
    - vi) The use of alternative sources of raw water; and

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

- vii) Regionalization; and
- B) That the supplier report results of that investigation to the Agency.
- 3) The Agency must petition the Board to reconsider or modify a variance or adjusted standard, pursuant to Subpart I of 35 Ill. Adm. Code 101, if it determines that an alternative method identified by the supplier pursuant to subsection ~~(ab)~~(2) of this Section is technically feasible and would result in a significant reduction in fluoride.
- 4) Best available technology for fluoride reduction is as follows:
  - A) Activated alumina absorption centrally applied; and
  - B) Reverse osmosis centrally applied.

BOARD NOTE: Subsection ~~(ab)~~ derived from 40 CFR 142.61 ~~(2003)(2002)~~.

~~be~~) Relief from an IOC, VOC, or SOC MCL.

- 1) In granting to a supplier that is a CWS or NTNCWS any variance or adjusted standard from the maximum contaminant levels for any VOC or SOC, listed in Section 611.311(a) or (c), or for any IOC-, listed in Section 611.301, the supplier must have first applied the best available technology (BAT) identified at Section 611.311(b) (VOCs and SOCs) or Section 611.301(c) (IOCs) for that constituent, unless the supplier has demonstrated through comprehensive engineering assessments that application of BAT would achieve only a minimal and insignificant reduction in the level of contaminant.

BOARD NOTE: USEPA lists BAT for each SOC and VOC at 40 CFR 142.62(a), for the purposes of variances and exemptions (adjusted standards). That list is identical to the list at 40 CFR 141.61(b).

- 2) The Board may require any of the following as a condition for relief from an MCL listed in Section 611.301 or 611.311:
  - A) That the supplier continue to investigate alternative means of compliance according to a definite schedule; and

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

- B) That the supplier report results of that investigation to the Agency.
- 3) The Agency must petition the Board to reconsider or modify a variance or adjusted standard, pursuant to Subpart I of 35 Ill. Adm. Code 101, if it determines that an alternative method identified by the supplier pursuant to subsection ~~(be)~~(2) of this Section is technically feasible.

BOARD NOTE: Subsection ~~(be)~~ derived from 40 CFR 142.62(a) through (e) ~~(2003)(2002)~~.

- ~~(cd)~~ Conditions requiring use of bottled water, a point-of-use treatment device, or a point-of-entry treatment device. In granting any variance or adjusted standard from the maximum contaminant levels for organic and inorganic chemicals or an adjusted standard from the treatment technique for lead and copper, the Board may impose certain conditions requiring the use of bottled water, a point-of-entry treatment device, or a point-of-use treatment device to avoid an unreasonable risk to health, limited as provided in subsections ~~(de)~~ and ~~(ef)~~ of this Section.
- 1) Relief from an MCL. The Board may, when granting any variance or adjusted standard from the MCL requirements of Sections 611.301 and 611.311, impose a condition that requires a supplier to use bottled water, a point-of-entry treatment device, a point-of-use treatment device, or other means to avoid an unreasonable risk to health.
- 2) Relief from corrosion control treatment. The Board may, when granting an adjusted standard from the corrosion control treatment requirements for lead and copper of Sections 611.351 and 611.352, impose a condition that requires a supplier to use bottled water, a point-of-use treatment device, or other means, but not a point-of-entry treatment device, to avoid an unreasonable risk to health.
- 3) Relief from source water treatment or service line replacement. The Board may, when granting an exemption from the source water treatment and lead service line replacement requirements for lead and copper under Sections 611.353 or 611.354, impose a condition that requires a supplier to use a point-of-entry treatment device to avoid an unreasonable risk to health.

BOARD NOTE: Subsection ~~(cd)~~ derived from 40 CFR 142.62(f) ~~(2003)(2002)~~.

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

- de) Use of bottled water. Suppliers that propose to use or use bottled water as a condition for receiving a variance or an adjusted standard from the requirements of Section 611.301 or Section 611.311 or an adjusted standard from the requirements of Sections 611.351 through 611.354 must meet the requirements of either subsections de(1), de(2), de(3), and de(6) or de(4), de(5), and de(6) of this Section.
- 1) The supplier must develop a monitoring program for Board approval that provides reasonable assurances that the bottled water meets all MCLs of Sections 611.301 and 611.311 and submit a description of this program as part of its petition. The proposed program must describe how the supplier will comply with each requirement of this subsection de.
  - 2) The supplier must monitor representative samples of the bottled water for all contaminants regulated under Sections 611.301 and 611.311 during the first three-month period that it supplies the bottled water to the public, and annually thereafter.
  - 3) The supplier must annually provide the results of the monitoring program to the Agency.
  - 4) The supplier must receive a certification from the bottled water company as to each of the following:
    - A) that the bottled water supplied has been taken from an approved source of bottled water, as such is defined in Section 611.101;
    - B) that the approved source of bottled water has conducted monitoring in accordance with 21 CFR 129.80(g)(1) through (g)(3);
    - C) and that the bottled water does not exceed any MCLs or quality limits as set out in 21 CFR 103.35, 110, and 129.
  - 5) The supplier must provide the certification required by subsection de(4) of this Section to the Agency during the first quarter after it begins supplying bottled water and annually thereafter.
  - 6) The supplier must assure the provision of sufficient quantities of bottled

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

water to every affected person supplied by the supplier via door-to-door bottled water delivery.

BOARD NOTE: Subsection (~~de~~) derived from 40 CFR 142.62(g) ~~(2003)(2002)~~.

- ~~ef~~) Use of a point-of-entry treatment device. Before the Board grants any PWS a variance or adjusted standard from any NPDWR that includes a condition requiring the use of a point-of-entry treatment device, the supplier must demonstrate to the Board each of the following:
- 1) That the supplier will operate and maintain the device;
  - 2) That the device provides health protection equivalent to that provided by central treatment;
  - 3) That the supplier will maintain the microbiological safety of the water at all times;
  - 4) That the supplier has established standards for performance, conducted a rigorous engineering design review, and field tested the device;
  - 5) That the operation and maintenance of the device will account for any potential for increased concentrations of heterotrophic bacteria resulting through the use of activated carbon, by backwashing, post-contactor disinfection, and heterotrophic plate count monitoring;
  - 6) That buildings connected to the supplier's distribution system have sufficient devices properly installed, maintained, and monitored to assure that all consumers are protected; and
  - 7) That the use of the device will not cause increased corrosion of lead and copper bearing materials located between the device and the tap that could increase contaminant levels at the tap.

BOARD NOTE: Subsection (~~ef~~) derived from 40 CFR 142.62(h) ~~(2003)(2002)~~.

- ~~fg~~) Relief from the maximum contaminant levels for radionuclides ~~(effective December 8, 2003)~~.
- 1) Relief from the maximum contaminant levels for combined radium-226

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

and radium-228, uranium, gross alpha particle activity (excluding radon and uranium), and beta particle and photon radioactivity.

- A) Section 611.330(g) sets forth what USEPA has identified as the best available technology (BAT), treatment techniques, or other means available for achieving compliance with the maximum contaminant levels for the radionuclides listed in Section 611.330(b), (c), (d), and (e), for the purposes of issuing relief equivalent to a federal section 1415 variance or a section 1416 exemption.
  - B) In addition to the technologies listed in Section 611.330(g), Section 611.330(h) sets forth what USEPA has identified as the BAT, treatment techniques, or other means available for achieving compliance with the maximum contaminant levels for the radionuclides listed in Section 611.330(b), (c), (d), and (e), for the purposes of issuing relief equivalent to a federal section 1415 variance or a section 1416 exemption to small drinking water systems, defined here as those serving 10,000 persons or fewer, as shown in the second table set forth at Section 611.330(h).
- 2) The Board will require a CWS supplier to install and use any treatment technology identified in Section 611.330(g), or in the case of small water systems (those serving 10,000 persons or fewer), listed in Section 611.330(h), as a condition for granting relief equivalent to a federal section 1415 variance or a section 1416 exemption, except as provided in subsection (a)(3) of this Section. If, after the system's installation of the treatment technology, the system cannot meet the MCL, that system will be eligible for relief.
  - 3) If a CWS supplier can demonstrate through comprehensive engineering assessments, which may include pilot plant studies, that the treatment technologies identified in this Section would only achieve a de minimus reduction in the contaminant level, the Board may issue a schedule of compliance that requires the system being granted relief equivalent to a federal section 1415 variance or a section 1416 exemption to examine other treatment technologies as a condition of obtaining the relief.
  - 4) If the Agency determines that a treatment technology identified under subsection (a)(3) of this Section is technically feasible, it may request that

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

the Board require the supplier to install and use that treatment technology in connection with a compliance schedule issued pursuant to Section 36 of the Act [415 ILCS 5/36]. The Agency's determination must be based upon studies by the system and other relevant information.

- 5) The Board may require a CWS to use bottled water, point-of-use devices, point-of-entry devices, or other means as a condition of granting relief equivalent to a federal section 1415 variance or a section 1416 exemption from the requirements of Section 611.330, to avoid an unreasonable risk to health.
- 6) A CWS supplier that uses bottled water as a condition for receiving relief equivalent to a federal section 1415 variance or a section 1416 exemption from the requirements of Section 611.330 must meet the requirements specified in either subsections ~~(de)~~(1) through ~~(de)~~(3) or ~~(de)~~(4) through ~~(de)~~(6) of this Section.
- 7) A CWS supplier that uses point-of-use or point-of-entry devices as a condition for obtaining relief equivalent to a federal section 1415 variance or a section 1416 exemption from the radionuclides NPDWRs must meet the conditions in subsections ~~(fg)~~(1) through ~~(fg)~~(6) of this Section.

BOARD NOTE: Subsection ~~(fg)~~ derived from 40 CFR 142.65 ~~(2003)(2002)~~.

(Source: Amended at 28 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART B: FILTRATION AND DISINFECTION

**Section 611.211 Filtration Required**

The Agency must determine that filtration is required unless the PWS meets the following criteria:

- a) Source water quality criteria:
  - 1) Coliforms, see Section 611.231(a)
  - 2) Turbidity, see Section 611.231(b)
- b) ~~Site-specific~~Site-specific criteria:

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

- 1) Disinfection, see Section 611.241(b)
- 2) Watershed control, see Section 611.232(b)
- 3) On-site inspection, see Section 611.232(c)
- 4) Absence of waterborne disease outbreaks, see Section 611.232(d)
- 5) Total coliform MCL, see Sections 611.232(e) and 611.325 ~~6)TTHMs MCL, see Section 611.310~~

BOARD NOTE: Derived from 40 CFR 141.71 ~~(2003)(2002)~~ and from the preamble discussion at 54 Fed. Reg. 27505 (June 29, 1989).

(Source: Amended at 28 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 611.230 Filtration Effective Dates**

- a) A supplier that uses a surface water source must meet all of the conditions of Section 611.231 and 611.232, ~~and is subject to Section 611.233, beginning December 30, 1991,~~ unless the Agency has determined that filtration is required.
- b) A supplier that uses a groundwater source under the direct influence of surface water must meet all of the conditions of Section 611.231 and 611.232, and is subject to Section 611.233, beginning 18 months after the Agency determines that it is under the direct influence of surface water, ~~or December 30, 1991, whichever is later,~~ unless the Agency has determined that filtration is required.
- c) If the Agency ~~determined~~determines, before December 30, 1991, that filtration is required, the system must have installed filtration and must ~~have met~~meet the criteria for filtered systems specified in Section 611.242 and Section 611.250 by June 29, 1993.
- d) Within 18 months of the failure of a system using surface water or a groundwater source under the direct influence of surface water to meet any one of the requirements of Sections 611.231 and 611.232, ~~or after June 29, 1993, whichever is later,~~ the system must have installed filtration and meet the criteria for filtered systems specified in Sections 611.242 and 611.250.

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

BOARD NOTE: Derived from 40 CFR 141.71 preamble ~~(2003)~~(2002).

(Source: Amended at 28 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 611.232 Site-Specific Conditions**

The Agency must consider the following site specific criteria in determining whether to require filtration pursuant to Section 611.211:

- a) Disinfection.
  - 1) The supplier must meet the requirements of Section 611.241(a) at least 11 of the 12 previous months that the system served water to the public, on an ongoing basis, unless the system fails to meet the requirements during 2 of the 12 previous months that the system served water to the public, and the Agency determines that at least one of these failures was caused by circumstances that were unusual and unpredictable.
  - 2) The supplier must meet the following requirements at the times specified for each:
    - A) The requirements of Section 611.241(b)(1) at all times the system serves water to the public; and
    - B) The requirements of Section 611.241(b)(2) at all times the system serves water to the public, unless the Agency determines that any such failure was caused by circumstances that were unusual and unpredictable.
  - 3) The supplier must meet the requirements of Section 611.241(c) at all times the system serves water to the public, unless the Agency determines that any such failure was caused by circumstances that were unusual and unpredictable.
  - 4) The supplier must meet the requirements of Section 611.241(d) on an ongoing basis, unless the Agency determines that failure to meet these requirements was not caused by a deficiency in treatment of the source water.
- b) Watershed control program. The supplier must maintain a watershed control

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

program that minimizes the potential for contamination by *Giardia lamblia* cysts and viruses in the source water.

- 1) The Agency must determine whether the watershed control program is adequate to meet this goal. The Agency must determine the adequacy of a watershed control program based on the following:
  - A) The comprehensiveness of the watershed review;
  - B) The effectiveness of the supplier's program to monitor and control detrimental activities occurring in the watershed; and
  - C) The extent to which the water supplier has maximized land ownership or controlled the land use within the watershed. At a minimum, the watershed control program must do the following:
    - i) Characterize the watershed hydrology and land ownership;
    - ii) Identify watershed characteristics and activities that may have an adverse effect on source water quality; and
    - iii) Monitor the occurrence of activities that may have an adverse effect on source water quality.
- 2) The supplier must demonstrate through ownership or written agreements with landowners within the watershed that it can control all human activities that may have an adverse impact on the microbiological quality of the source water. The supplier must submit an annual report to the Agency that identifies any special concerns about the watershed and how they are being handled; describes activities in the watershed that affect water quality; and projects what adverse activities are expected to occur in the future and describes how the supplier expects to address them. For systems using a groundwater source under the direct influence of surface water, an approved wellhead protection program may be used, if appropriate, to meet these requirements.
- c) On-site inspection. The supplier must be subject to an annual on-site inspection to assess the watershed control program and disinfection treatment process. The Agency must conduct the inspection. A report of the on-site inspection summarizing all findings must be prepared every year. The on-site inspection

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

must demonstrate that the watershed control program and disinfection treatment process are adequately designed and maintained. The on-site inspection must include the following:

- 1) A review of the effectiveness of the watershed control program;
  - 2) A review of the physical condition of the source intake and how well it is protected;
  - 3) A review of the supplier's equipment maintenance program to ensure there is low probability for failure of the disinfection process;
  - 4) An inspection of the disinfection equipment for physical deterioration;
  - 5) A review of operating procedures;
  - 6) A review of data records to ensure that all required tests are being conducted and recorded and disinfection is effectively practiced; and
  - 7) Identification of any improvements that are needed in the equipment, system maintenance, and operation or data collection.
- d) Absence of waterborne disease outbreaks. The PWS must not have been identified as a source of a waterborne disease outbreak, or if it has been so identified, the system must have been modified sufficiently to prevent another such occurrence.
- e) Total coliform MCL. The supplier must comply with the MCL for total coliforms in Section 611.325 at least 11 months of the 12 previous months that the system served water to the public, on an ongoing basis, unless the Agency determines that failure to meet this requirement was not caused by a deficiency in treatment of the source water.
- f) TTHM ~~MCL~~. The supplier ~~must comply with the MCL for TTHM in Section 611.310. The PWS must comply with the requirements for trihalomethanes until December 31, 2001. After December 31, 2001, the supplier~~ must comply with the requirements for total trihalomethanes, haloacetic acids (five), bromate, chlorite, chlorine, chloramines, and chlorine dioxide in Subpart I of this Part.

BOARD NOTE: Derived from 40 CFR 141.71(b) ~~(2003)~~(2002).

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

(Source: Amended at 28 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 611.240 Disinfection**

- a) A supplier that uses a surface water source and does not provide filtration treatment must provide the disinfection treatment specified in Section 611.241 beginning December 30, 1991.
- b) A supplier that uses a groundwater source under the influence of surface water and does not provide filtration treatment must provide disinfection treatment specified in Section 611.241 beginning December 30, 1991, or 18 months after the Agency determines that the groundwater source is under the influence of surface water, whichever is later, unless the Agency has determined that filtration is required.
- c) If the Agency determines that filtration is required, the Agency may, by a SEP issued pursuant to Section 611.110, require the supplier to comply with interim disinfection requirements before filtration is installed.
- d) A system that uses a surface water source that provides filtration treatment must provide the disinfection treatment specified in Section 611.242 beginning June 29, 1993, or beginning when filtration is installed, whichever is later.
- e) A system that uses a groundwater source under the direct influence of surface water and provides filtration treatment must ~~provide~~ have provided disinfection treatment as specified in Section 611.242 by June 29, 1993 or beginning when filtration is installed, whichever is later.
- f) Failure to meet any requirement of the following Sections after the applicable date specified in this Section is a treatment technique violation.  
BOARD NOTE: Derived from 40 CFR 141.72 preamble ~~(2002)~~ (2003).
- g) CWS suppliers using groundwater that is not under the direct influence of surface water must chlorinate the water before it enters the distribution system, unless the Agency has granted the supplier an exemption pursuant to Section 17(b) of the Act [415 ILCS 5/17(b)].
  - 1) All GWS supplies that are required to chlorinate pursuant to this Section must maintain residuals of free or combined chlorine at levels sufficient to

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

provide adequate protection of human health and the ability of the distribution system to continue to deliver potable water that complies with the requirements of this Part.

- 2) The Agency may establish procedures and levels for chlorination applicable to a GWS using groundwater that is not under the direct influence of surface water by a SEP pursuant to Section 610.110.
- 3) Those supplies having hand-pumped wells and no distribution system are exempted from the requirements of this Section.

BOARD NOTE: This is an additional State requirement originally codified at 35 Ill. Adm. Code 604.401.

(Source: Amended at 28 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 611.241 Unfiltered PWSs**

Each supplier that does not provide filtration treatment must provide disinfection treatment as follows:

- a) The disinfection treatment must be sufficient to ensure at least 99.9 percent (3-log) inactivation of *Giardia lamblia* cysts and 99.99 percent (4-log) inactivation of viruses, every day the system serves water to the public, except any one day each month. Each day a system serves water to the public, the supplier must calculate the  $CT_{99.9}$  **valuevalues** from the system's treatment parameters using the procedure specified in Section 611.532(c) and determine whether this **valuevalues** is sufficient to achieve the specified inactivation rates for *Giardia lamblia* cysts and viruses.
  - 1) If a system uses a disinfectant other than chlorine, the system may demonstrate to the Agency, through the use of an Agency-approved protocol for on-site disinfection challenge studies or other information, that  $CT_{99.9}$  values other than those specified in Appendix B of this Part, Tables 2.1 and 3.1 or other operational parameters are adequate to demonstrate that the system is achieving minimum inactivation rates required by this subsection.
  - 2) The demonstration must be made by way of a SEP application pursuant to Section 611.110.

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

- b) The disinfection system must have either of the following:
- 1) Redundant components, including an auxiliary power supply with automatic start-up and alarm to ensure that disinfectant application is maintained continuously while water is being delivered to the distribution system; or
  - 2) Automatic shut-off of delivery of water to the distribution system whenever there is less than 0.2 mg/ℓ of RDC in the water. If the Agency determines, by a SEP issued pursuant to Section 611.110, that automatic shut-off would cause unreasonable risk to health or interfere with fire protection, the system must comply with subsection (b)(1).
- c) The RDC in the water entering the distribution system, measured as specified in Sections 611.531(e) and 611.532(e), cannot be less than 0.2 mg/ℓ for more than 4 hours.
- d) RDC in the distribution system.
- 1) The RDC in the distribution system, measured as total chlorine, combined chlorine or chlorine dioxide, as specified in Sections 611.531(e) and 611.532(f), cannot be undetectable in more than 5 percent of the samples each month for any two consecutive months that the system serves water to the public. Water in the distribution system with HPC less than or equal to 500/ml, measured as specified in Section 611.531(c), is deemed to have a detectable RDC for purposes of determining compliance with this requirement. Thus, the value "V" in the following formula cannot exceed 5 percent in one month, for any two consecutive months.

$$V = \frac{100(c + d + e)}{(a + b)}$$

where the terms mean the following:

a = Number of instances where the RDC is measured;

b = Number of instances where the RDC is not measured, but HPC is measured;

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

- c = Number of instances where the RDC is measured but not detected and no HPC is measured;
- d = Number of instances where the RDC is measured but not detected, and where the HPC is greater than 500/ml; and
- e = Number of instances where the RDC is not measured and HPC is greater than 500/ml.

- 2) Subsection (d)(1) does not apply if the Agency determines, pursuant to Section 611.213, that a supplier has no means for having a sample analyzed for HPC.

BOARD NOTE: Derived from 40 CFR 141.72(a) ~~(2003)~~(2002).

(Source: Amended at 28 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 611.242 Filtered PWSs**

Each supplier that provides filtration treatment must provide disinfection treatment as follows:

- a) The disinfection treatment must be sufficient to ensure that the total treatment processes of that system achieve at least 99.9 percent (3-log) inactivation and removal of *Giardia lamblia* cysts and at least 99.99 percent (4-log) inactivation or removal of viruses.
- b) The RDC in the water entering the distribution system, measured as specified in Section 611.531(e) and 611.533(b), cannot be less than 0.2 mg/l for more than 4 hours.
- c) RDC in the distribution system.
- 1) The RDC in the distribution system, measured as total chlorine, combined chlorine, or chlorine dioxide, as specified in Section 611.531(e) and 611.533(c), cannot be undetectable in more than 5 percent of the samples each month, for any two consecutive months that the system serves water to the public. Water in the distribution system with HPC less than or equal to 500/ml, measured as specified in Section 611.531(c), is deemed to have a detectable RDC for purposes of determining compliance with this requirement. Thus, the value "V" in the following formula cannot exceed

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

5 percent in one month, for any two consecutive months.

$$V = 100(c + d + e) / (a + b)$$

where the terms mean the following:

- a = Number of instances where the RDC is measured~~;~~
- b = Number of instances where the RDC is not measured, but HPC is measured~~;~~
- c = Number of instances where the RDC is measured but not detected and no HPC is measured~~;~~
- d = Number of instances where the RDC is measured but not detected, and where HPC is greater than 500/ml; and
- e = Number of instances where the RDC is not measured and HPC is greater than 500/ml.

- 2) Subsection (c)(1) does not apply if the Agency determines, pursuant to Section 611.213, that a supplier has no means for having a sample analyzed for HPC.

BOARD NOTE: Derived from 40 CFR 141.72(b) ~~(2003)(2002)~~.

(Source: Amended at 28 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### Section 611.250 Filtration

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

- a) Conventional filtration treatment or direct filtration.

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

- 1) For a system using conventional filtration or direct filtration, the turbidity level of representative samples of the system's filtered water must be less than or equal to 0.5 NTU in at least 95 percent of the measurements taken each month, except that if the Agency determines, by a SEP issued pursuant to Section 611.110, that the system is capable of achieving at least 99.9 percent removal or inactivation of *Giardia lamblia* cysts at some turbidity level higher than 0.5 NTU in at least 95 percent of the measurements taken each month, the Agency must substitute this higher turbidity limit for that system. However, in no case may the Agency approve a turbidity limit that allows more than 1 NTU in more than five percent of the samples taken each month.
  - 2) The turbidity level of representative samples of a system's filtered water must at no time exceed 5 NTU.
  - 3) Beginning January 1, 2001, a supplier serving at least 10,000 or more persons must meet the turbidity requirements of Section 611.743(a).
  - 4) Beginning January 1, 2005, a supplier that serves fewer than 10,000 people must meet the turbidity requirements in Section 611.955.
- b) Slow sand filtration.
- 1) For a system using slow sand filtration, the turbidity level of representative samples of the system's filtered water must be less than or equal to 1 NTU in at least 95 percent of the measurements taken each month, except that if the Agency determines, by a SEP issued pursuant to Section 611.110, that there is no significant interference with disinfection at a higher level, the Agency must substitute the higher turbidity limit for that system.
  - 2) The turbidity level of representative samples of a system's filtered water must at no time exceed 5 NTU.
- c) Diatomaceous earth filtration.
- 1) For a system using diatomaceous earth filtration, the turbidity level of representative samples of the system's filtered water must be less than or equal to 1 NTU in at least 95 percent of the measurements taken each

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

month.

- 2) The turbidity level of representative samples of a system's filtered water must at no time exceed 5 NTU.
- d) Other filtration technologies. A supplier may use a filtration technology not listed in subsections (a) through (c) if it demonstrates, by a SEP application pursuant to Section 611.110, to the Agency, using pilot plant studies or other means, that the alternative filtration technology, in combination with disinfection treatment that meets the requirements of Section 611.242, consistently achieves 99.9 percent removal or inactivation of *Giardia lamblia* cysts and 99.99 percent removal or inactivation of viruses. For a supplier that makes this demonstration, the requirements of subsection (b) apply. Beginning January 1, 2002, a supplier serving 10,000 or more persons must meet the requirements for other filtration technologies in Section 611.743(b). Beginning January 1, 2005, a supplier that serves fewer than 10,000 people must meet the requirements for other filtration technologies in Section 611.955.

BOARD NOTE: Derived from 40 CFR 141.73 ~~(2003)~~(2002).

(Source: Amended at 28 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 611.276 Recycle Provisions**

- a) Applicability. A Subpart B system supplier that employs conventional filtration or direct filtration treatment and which recycles spent filter backwash water, thickener supernatant, or liquids from dewatering processes must meet the requirements in subsections (b) through (d) of this Section.
- b) Reporting. A supplier must ~~have notified~~~~notify~~ the Agency in writing by December 8, 2003, if the supplier recycles spent filter backwash water, thickener supernatant, or liquids from dewatering processes. This notification must include, at a minimum, the information specified in subsections (b)(1) and (b)(2) of this Section, as follows:
  - 1) A plant schematic showing the origin of all flows that are recycled (including, but not limited to, spent filter backwash water, thickener supernatant, and liquids from dewatering processes), the hydraulic conveyance used to transport them, and the location where they are re-introduced back into the treatment plant.

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

- 2) Typical recycle flow in gallons per minute (gpm), the highest observed plant flow experienced in the previous year (gpm), design flow for the treatment plant (gpm), and Agency-approved operating capacity for the plant where the Agency has made such a determination.
- c) Treatment technique requirement. Any supplier that recycles spent filter backwash water, thickener supernatant, or liquids from dewatering processes must return these flows through the processes of the supplier's existing conventional or direct filtration system, as defined in Section 611.101, or at an alternative location approved by a permit issued by the Agency by June 8, 2004. If capital improvements are required to modify the recycle location to meet this requirement, all capital improvements must be completed no later than June 8, 2006.
- d) Recordkeeping. The supplier must collect and retain on file recycle flow information specified in subsections (d)(1) through (d)(6) of this Section for review and evaluation by the Agency beginning June 8, 2004, as follows:
  - 1) A copy of the recycle notification and information submitted to the State under subsection (b) of this Section.
  - 2) A list of all recycle flows and the frequency with which they are returned.
  - 3) The average and maximum backwash flow rate through the filters and the average and maximum duration of the filter backwash process in minutes.
  - 4) The typical filter run length and a written summary of how filter run length is determined.
  - 5) The type of treatment provided for the recycle flow.
  - 6) Data on the physical dimensions of the equalization or treatment units, typical and maximum hydraulic loading rates, type of treatment chemicals used and average dose and frequency of use, and frequency at which solids are removed, if applicable.

BOARD NOTE: Derived from 40 CFR 141.76 ~~(2003)(2002)~~.

(Source: Amended at 28 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

## SUBPART C: USE OF NON-CENTRALIZED TREATMENT DEVICES

**Section 611.290 Use of Point-of-Use Devices or Bottled Water**

- a) Suppliers must not use bottled water to achieve compliance with an MCL.
- b) Bottled water or point-of-use devices may be used on a temporary basis to avoid an unreasonable risk to health pursuant to a SEP granted by the Agency under Section 611.110.
- c) Any use of bottled water must comply with the substantive requirements of Section 611.130(~~de~~), except that the supplier must submit its quality control plan for Agency review as part of its SEP request, rather than for Board review.

BOARD NOTE: Derived from 40 CFR 141.101 ~~(2003)(2002)~~.

(Source: Amended at 28 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART F: MAXIMUM CONTAMINANT LEVELS (MCLs) AND MAXIMUM RESIDUAL DISINFECTANT LEVELS (MRDLs)

**Section 611.301 Revised MCLs for Inorganic Chemical Contaminants**

- a) This subsection corresponds with 40 CFR 141.62(a), reserved by USEPA. This statement maintains structural consistency with USEPA rules.
- b) The MCLs in the following table apply to CWSs. Except for fluoride, the MCLs also apply to NTNCWSs. The MCLs for nitrate, nitrite, and total nitrate and nitrite also apply to transient non-CWSs.

Contaminant	MCL	Units
Antimony	0.006	mg/l
Arsenic (effective January 23, 2006)	<del>0.01</del> 0.010	mg/l
Asbestos	7	MFL
Barium	2	mg/l
Beryllium	0.004	mg/l
Cadmium	0.005	mg/l

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

Chromium	0.1	mg/l
Cyanide (as free CN <sup>-</sup> )	0.2	mg/l
Fluoride	4.0	mg/l
Mercury	0.002	mg/l
Nitrate (as N)	10	mg/l
Nitrite (as N)	1	mg/l
Total Nitrate and Nitrite (as N)	10	mg/l
Selenium	0.05	mg/l
Thallium	0.002	mg/l

BOARD NOTE: See Section 611.300(d) for an elevated nitrate level for non-CWSs. USEPA removed and reserved the MCL for nickel on June 29, 1995, at 60 Fed. Reg. 33932, as a result of a judicial order in *Nickel Development Institute v. EPA*, No. 92-1407, and *Specialty Steel Industry of the U.S. v. Browner*, No. 92-1410 (D.C. Cir. Feb. 23 & Mar. 6, 1995), while retaining the contaminant, analytical methodology, and detection limit listings for this contaminant.

- c) USEPA has identified the following as BAT for achieving compliance with the MCL for the IOCs identified in subsection (b) of this Section, except for fluoride:

Contaminant	BATs
Antimony	C/F RO
Arsenic (BATs for As <sup>V</sup> . Pre-oxidation may be required to convert As <sup>III</sup> to As <sup>V</sup> .)	AAL C/F IX LIME RO ED O/F (To obtain high removals, the iron to arsenic ratio must be at least 20:1)
Asbestos	C/F DDF CC
Barium	IX

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

	LIME RO ED
Beryllium	AA C/F IX LIME RO
Cadmium	C/F IX LIME RO
Chromium	C/F IX LIME, BAT for Cr <sup>III</sup> only RO
Cyanide	IX RO Cl <sub>2</sub>
Mercury	C/F, BAT only if influent Hg concentrations less than or equal to $\leq$ 10 $\mu\text{g}/\ell$   GAC LIME, BAT only if influent Hg concentrations $\leq$ <u>less than or equal to</u> 10 $\mu\text{g}/\ell$   RO, BAT only if influent Hg concentrations $\leq$ <u>less than or equal to</u> 10 $\mu\text{g}/\ell$
Nickel	IX LIME RO
Nitrate	IX

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

	RO
	ED
Nitrite	IX RO
Selenium	AAL C/F, BAT for Se <sup>IV</sup> only LIME RO ED
Thallium	AAL IX

## Abbreviations

AAL	Activated alumina
C/F	Coagulation/filtration (not BAT for a system that has fewer than 500 service connections)
DDF	Direct and diatomite filtration
GAC	Granular activated carbon
IX	Ion exchange
LIME	Lime softening
RO	Reverse osmosis
CC	Corrosion control
ED	Electrodialysis
Cl <sub>2</sub>	Oxidation (chlorine)
UV	Ultraviolet irradiation
O/F	Oxidation/filtration

- d) At 40 CFR 141.62(d) ~~(2003)~~(2002), USEPA identified the following as the affordable technology, treatment technique, or other means available to systems serving 10,000 persons or fewer for achieving compliance with the maximum contaminant level for arsenic:

Small System Compliance Technologies (SSCTs)<sup>1</sup> for Arsenic<sup>2</sup>

Small system compliance technology	Affordable for listed small system categories <sup>3</sup>
Activated alumina (centralized)	All size categories
Activated alumina (point-of-use) <sup>4</sup>	All size categories

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

Coagulation/filtration <sup>5</sup>	501-3,300 persons, 3,301-10,000 persons
Coagulation-assisted microfiltration	501-3,300 persons, 3,301-10,000 persons
Electrodialysis reversal <sup>6</sup>	501-3,300 persons, 3,301-10,000 persons
Enhanced coagulation/filtration	All size categories
Enhanced lime softening (pH >10.5)	All size categories
Ion exchange	All size categories
Lime softening <sup>5</sup>	501-3,300 persons, 3,301-10,000 persons
Oxidation/filtration <sup>7</sup>	All size categories
Reverse osmosis (centralized) <sup>6</sup>	501-3,300 persons, 3,301-10,000 persons
Reverse osmosis (point-of-use) <sup>4</sup>	All size categories

<sup>1</sup> Section 1412(b)(4)(E)(ii) of the federal SDWA (42 USC 300g-1(b)(4)(E)(ii)) specifies that SSCTs must be affordable and technically feasible for a small system supplier.

<sup>2</sup> SSCTs for As<sup>V</sup>. Pre-oxidation may be required to convert As<sup>III</sup> to As<sup>V</sup>.

<sup>3</sup> The federal SDWA specifies three categories of small system suppliers: (1) those serving 25 or more, but fewer than 501 persons, (2) those serving more than 500 but fewer than 3,301 persons, and (3) those serving more than 3,300 but fewer than 10,001 persons. ~~<sup>3</sup>The federal SDWA specifies three categories of small system suppliers: (1) those serving 25 or more, but fewer than 501, (2) those serving more than 500, but fewer than 3,301, and (3) those serving more than 3,300, but fewer than 10,001.~~

<sup>4</sup> When POU or POE devices are used for compliance, programs to ensure proper long-term operation, maintenance, and monitoring must be provided by the water supplier to ensure adequate performance.

<sup>5</sup> Unlikely to be installed solely for arsenic removal. May require pH adjustment to optimal range if high removals are needed.

<sup>6</sup> Technologies reject a large volume of water – may not be appropriate for areas where water quantity may be an issue.

<sup>7</sup> To obtain high removals, iron to arsenic ratio must be at least 20:1.

BOARD NOTE: Derived from 40 CFR 141.62 ~~(2003)(2002)~~.

(Source: Amended at 28 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

**Section 611.310 Old Maximum Contaminant Levels (MCLs) for Organic Chemical Contaminants**

The following are ~~the~~ MCLs for organic chemical contaminants. The MCLs for organic chemical contaminants in this Section apply to all CWSs. They are additional State requirements. Compliance with the MCLs in subsections (a) and (b) is calculated pursuant to Subpart O of this Part. ~~Compliance with the MCL in subsection (c) is calculated pursuant to Subpart P of this Part.~~

<u>Contaminant</u>	<u>MCL (mg/l)</u>
<u>Aldrin</u>	<u>0.001</u>
<u>DDT</u>	<u>0.05</u>
<u>Dieldrin</u>	<u>0.001</u>
<u>Heptachlor</u>	<u>0.0001</u>
<u>Heptachlor epoxide</u>	<u>0.0001</u>
<u>2,4-D</u>	<u>0.01</u>

BOARD NOTE: Originally derived from 40 CFR 141.12 (1994), USEPA removed the last entry in subsections (a) and (b) and marked them reserved at 57 Fed. Reg. 31838 (July 17, 1992). USEPA added another listing of organic MCLs at 40 CFR 141.61 (2002). Heptachlor, heptachlor epoxide, and 2,4-D appear in both this Section and in Section 611.311, with a different MCL in each Section. The heptachlor, heptachlor epoxide, and 2,4-D MCLs in this Section are Illinois limitations that are more stringent than the federal requirements. However, detection of these contaminants or violation of their federally-derived revised Section 611.311 MCLs imposes more stringent monitoring, reporting, and notice requirements.

<u>Contaminant</u>	<u>Level mg/l</u>	<u>Additional State Requirement (*)</u>
a) <u>Chlorinated hydrocarbons</u>		
<u>Aldrin</u>	<u>0.001</u>	<u>*</u>
<u>DDT</u>	<u>0.05</u>	<u>*</u>
<u>Dieldrin</u>	<u>0.001</u>	<u>*</u>
<u>Heptachlor</u>	<u>0.0001</u>	<u>*</u>
<u>Heptachlor epoxide</u>	<u>0.0001</u>	<u>*</u>

BOARD NOTE: Originally derived from 40 CFR 141.12(a) (1994), USEPA removed the last entry in this subsection and marked it reserved at 57 Fed. Reg. 31838 (July 17, 1992). USEPA added another listing of organic MCLs at 40 CFR

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

~~141.61 (2002). Heptachlor, heptachlor epoxide, and 2,4-D appear in both this Section and in Section 611.311, with a different MCL in each Section. The heptachlor, heptachlor epoxide, and 2,4-D MCLs in this Section are Illinois limitations that are more stringent than the federal requirements. However, detection of these contaminants or violation of their federally derived revised Section 611.311 MCLs imposes more stringent monitoring, reporting, and notice requirements.~~

b) Chlorophenoxy

~~2,4-D 0.01 \*~~

~~BOARD NOTE: Originally derived from 40 CFR 141.12(b) (2002), USEPA removed the last entry in this subsection and marked it reserved at 56 Fed. Reg. 3578 (Jan. 30, 1991). See the preceding Board Note regarding the dual listing of MCLs for 2,4-D.~~

e) TTHM

~~0.10 \*~~

~~1) The MCL of 0.10 mg/l for TTHM applies to a Subpart B CWS supplier that serves 10,000 or more persons, until December 31, 2001.~~

~~2) The MCL of 0.10 mg/l for TTHM applies to a CWS supplier that uses only groundwater not under the direct influence of surface water and serves 10,000 or more persons, until December 31, 2003.~~

~~3) After December 31, 2003, the MCL for TTHM in this Section is no longer applicable.~~

~~BOARD NOTE: Derived from 40 CFR 141.12 (2002). This is an additional State requirement to the extent that it applies to a supplier other than a CWS supplier that adds a disinfectant at any part of treatment and which provides water to 10,000 or more persons. The new MCL for TTHM is listed in Section 611.312.~~

(Source: Amended at 28 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 611.311 Revised MCLs for Organic Chemical Contaminants**

a) Volatile organic chemical contaminants. The following MCLs for volatile organic chemical contaminants (VOCs) apply to CWS suppliers and NTNCWS suppliers.

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

~~The MCLs for dichloromethane, 1,2,4 trichlorobenzene, and 1,1,2 trichloroethane were effective January 17, 1994.~~

CAS No.	Contaminant	MCL (mg/ℓ)
71-43-2	Benzene	0.005
56-23-5	Carbon tetrachloride	0.005
95-50-1	o-Dichlorobenzene	0.6
106-46-7	p-Dichlorobenzene	0.075
107-06-2	1,2-Dichloroethane	0.005
75-35-4	1,1-Dichloroethylene	0.007
156-59-2	cis-1,2-Dichloroethylene	0.07
156-60-5	trans-1,2-Dichloroethylene	0.1
75-09-2	Dichloromethane (methylene chloride)	0.005
78-87-5	1,2-Dichloropropane	0.005
100-41-4	Ethylbenzene	0.7
108-90-7	Monochlorobenzene	0.1
100-42-5	Styrene	0.1
127-18-4	Tetrachloroethylene	0.005
108-88-3	Toluene	1
120-82-1	1,2,4-Trichlorobenzene	0.07
71-55-6	1,1,1-Trichloroethane	0.2
79-00-5	1,1,2-Trichloroethane	0.005
79-01-6	Trichloroethylene	0.005
75-01-4	Vinyl chloride	0.002
1330-20-7	Xylenes (total)	10

BOARD NOTE: See the definition of "initial compliance period" at Section 611.101.

- b) USEPA has identified, as indicated below, granular activated carbon (GAC), packed tower aeration (PTA), or oxidation (OX) as BAT for achieving compliance with the MCLs for volatile organic chemical contaminants (VOCs) and synthetic organic chemical contaminants (SOCs) in subsections (a) and (c) of this Section.

15972-60-8	Alachlor	GAC
116-06-3	Aldicarb*	GAC
1646-87-4	Aldicarb sulfone*	GAC
1646-87-3	Aldicarb sulfoxide*	GAC

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

1912-24-9	Atrazine	GAC
71-43-2	Benzene	GAC, PTA
50-32-8	Benzo(a)pyrene	GAC
1563-66-2	Carbofuran	GAC
56-23-5	Carbon tetrachloride	GAC, PTA
57-74-9	Chlordane	GAC
94-75-7	2,4-D	GAC
75-99-0	Dalapon	GAC
96-12-8	Dibromochloropropane	GAC, PTA
95-50-1	o-Dichlorobenzene	GAC, PTA
106-46-7	p-Dichlorobenzene	GAC, PTA
107-06-2	1,2-Dichloroethane	GAC, PTA
156-59-2	cis-1,2-Dichloroethylene	GAC, PTA
156-60-5	trans-1,2-Dichloroethylene	GAC, PTA
75-35-4	1,1-Dichloroethylene	GAC, PTA
75-09-2	Dichloromethane	PTA
78-87-5	1,2-Dichloropropane	GAC, PTA
103-23-1	Di(2-ethylhexyl)adipate	GAC, PTA
117-81-7	Di(2-ethylhexyl)phthalate	GAC
88-85-7	Dinoseb	GAC
85-00-7	Diquat	GAC
145-73-3	Endothall	GAC
72-20-8	Endrin	GAC
106-93-4	Ethylene dibromide (EDB)	GAC, PTA
100-41-4	Ethylbenzene	GAC, PTA
1071-53-6	Glyphosate	OX
76-44-8	Heptachlor	GAC
1024-57-3	Heptachlor epoxide	GAC
118-74-1	Hexachlorobenzene	GAC
77-47-3	Hexachlorocyclopentadiene	GAC, PTA
58-89-9	Lindane	GAC
72-43-5	Methoxychlor	GAC
108-90-7	Monochlorobenzene	GAC, PTA
23135-22-0	Oxamyl	GAC
87-86-5	Pentachlorophenol	GAC
1918-02-1	Picloram	GAC
1336-36-3	Polychlorinated biphenyls (PCB)	GAC
122-34-9	Simazine	GAC
100-42-5	Styrene	GAC, PTA
1746-01-6	2,3,7,8-TCDD	GAC

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

127-18-4	Tetrachloroethylene	GAC, PTA
108-88-3	Toluene	GAC
8001-35-2	Toxaphene	GAC
120-82-1	1,2,4-trichlorobenzene	GAC, PTA
71-55-6	1,1,1-Trichloroethane	GAC, PTA
79-00-5	1,1,2-trichloroethane	GAC, PTA
79-01-6	Trichloroethylene	GAC, PTA
93-72-1	2,4,5-TP	GAC
75-01-4	Vinyl chloride	PTA
1330-20-7	Xylene	GAC, PTA

\*See the Board note appended to the end of this Section.

- c) Synthetic organic chemical contaminants. The following MCLs for SOCs apply to CWS and NTNCWS suppliers. ~~The MCLs for benzo(a)pyrene, dalapon, di(2-ethylhexyl)adipate, di(2-ethylhexyl)phthalate, dinoseb, diquat, endothall, endrin, glyphosate, hexachlorobenzene, hexachlorocyclopentadiene, oxamyl (vydate), picloram, simazine, and 2,3,7,8-TCDD (dioxin) were effective January 17, 1994.~~

CAS Number	Contaminant	MCL (mg/l)
15972-60-8	Alachlor	0.002
116-06-3	Aldicarb*	0.002
1646-87-4	Aldicarb sulfone*	0.002
1646-87-3	Aldicarb sulfoxide*	0.004
1912-24-9	Atrazine	0.003
50-32-8	Benzo(a)pyrene	0.0002
1563-66-2	Carbofuran	0.04
57-74-9	Chlordane	0.002
94-75-7	2,4-D	0.07
75-99-0	Dalapon	0.2
96-12-8	Dibromochloropropane	0.0002
103-23-1	Di(2-ethylhexyl)adipate	0.4
117-81-7	Di(2-ethylhexyl)phthalate	0.006
88-85-7	Dinoseb	0.007
85-00-7	Diquat	0.02
145-73-3	Endothall	0.1
72-20-8	Endrin	0.002
106-93-4	Ethylene dibromide	0.00005
1071-53-6	Glyphosate	0.7
76-44-8	Heptachlor	0.0004

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

1024-57-3	Heptachlor epoxide	0.0002
118-74-1	Hexachlorobenzene	0.001
77-47-4	Hexachlorocyclopentadiene	0.05
58-89-9	Lindane	0.0002
72-43-5	Methoxychlor	0.04
23135-22-0	Oxamyl (Vydate)	0.2
87-86-5	Pentachlorophenol	0.001
1918-02-1	Picloram	0.5
1336-36-3	Polychlorinated biphenyls (PCBs)	0.0005
122-34-9	Simazine	0.004
1746-01-6	2,3,7,8-TCDD (Dioxin)	0.00000003
8001-35-2	Toxaphene	0.003
93-72-1	2,4,5-TP	0.05

\* See the Board note appended to the end of this Section.

BOARD NOTE: Derived from 40 CFR 141.61 ~~(2003)(2002)~~. See the definition of "initial compliance period" at Section 611.101. More stringent state MCLs for 2,4-D, heptachlor, and heptachlor epoxide appear at Section 611.310. See the Board Note at that provision. In 40 ~~CFR~~ 141.6(g), USEPA postponed the effectiveness of the MCLs for aldicarb, aldicarb sulfone, and aldicarb sulfoxide until it took further action on those MCLs. However, suppliers must monitor for these three SOCs pursuant to Section 611.648. See 40 CFR 141.6(g) and 57 Fed. Reg. 22178 (May 27, 1992). USEPA has stated that it anticipates taking no action until 2005 on a federal national primary drinking water regulation (NPDWR) applicable to the aldicarbs. 68 Fed. Reg. 31108 (May 27, 2003). No aldicarb requirements apply in Illinois until after USEPA adopts such requirements, and the Board removes this statement.

(Source: Amended at 28 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### Section 611.330 Maximum Contaminant Levels for Radionuclides

- a) This subsection corresponds with 40 CFR 141.66(a), marked reserved by USEPA. This statement maintains structural consistency with USEPA rules.
- b) MCL for combined radium-226 and -228. The maximum contaminant level for combined radium-226 and radium-228 is 5 pCi/l. The combined radium-226 and radium-228 value is determined by the addition of the results of the analysis for radium-226 and the analysis for radium-228.

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

- c) MCL for gross alpha particle activity (excluding radon and uranium). The maximum contaminant level for gross alpha particle activity (including radium-226 but excluding radon and uranium) is 15 pCi/ℓ.
- d) ~~Effective December 8, 2003,~~ MCL for beta particle and photon radioactivity.
- 1) The average annual concentration of beta particle and photon radioactivity from man-made radionuclides in drinking water must not produce an annual dose equivalent to the total body or any internal organ greater than 4 millirem/year (mrem/year).
  - 2) Except for the radionuclides listed in the following table, the concentration of man-made radionuclides causing 4 mrem total body or organ dose equivalents must be calculated on the basis of two liters per day drinking water intake, using the 168-hour data list set forth in "Maximum Permissible Body Burdens and Maximum Permissible Concentrations of Radionuclides in Air and in Water for Occupational Exposure," incorporated by reference in Section 611.102, available from the NTIS. If two or more radionuclides are present, the sum of their annual dose equivalent to the total body or to any organ must not exceed 4 mrem/year.

Average Annual Concentrations Assumed to Produce  
a Total Body or Organ Dose of 4 mrem/yr

Radionuclide	Critical organ	pCi per liter
1. Tritium	Total body	20,000
2. Strontium-90	Bone Marrow	8

- e) MCL for uranium. ~~Effective December 8, 2003, the~~The maximum contaminant level for uranium is 30 µg/ℓ.
- f) Compliance dates for combined radium-226 and -228, gross alpha particle activity, gross beta particle and photon radioactivity, and uranium: ~~Effective December 8, 2003, a~~ A CWS supplier must comply with the MCLs listed in subsections (b) through (e) of this Section ~~beginning December 8, 2003,~~ and compliance must be determined in accordance with the requirements of Subpart Q of this Part. ~~Compliance with reporting requirements for the radionuclides under Appendices A, G, and H of this Part is required before December 8, 2003.~~
- g) Best available technologies (BATs) for radionuclides. USEPA has identified the technologies indicated in the following table as the BAT for achieving

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

compliance with the MCLs for combined radium-226 and -228, uranium, gross alpha particle activity, and beta particle and photon radioactivity.

BAT for Combined Radium-226 and Radium-228, Uranium, Gross Alpha Particle Activity, and Beta Particle and Photon Radioactivity

Contaminant	BAT
1. Combined radium-226 and radium-228	Ion exchange, reverse osmosis, lime softening.
2. Uranium	Ion exchange, reverse osmosis, lime softening, coagulation/ filtration.
3. Gross alpha particle activity (excluding Radon and Uranium)	Reverse osmosis.
4. Beta particle and photon radioactivity	Ion exchange, reverse osmosis.

- h) Small systems compliance technologies list for radionuclides.

List of Small Systems Compliance Technologies for Radionuclides and Limitations to Use

Unit technologies	Limitations (see footnotes)	Operator skill level required <sup>1</sup>	Raw water quality range and considerations <sup>1</sup>
1. Ion exchange (IE)	(a)	Intermediate	All ground waters.
2. Point of use (POU <sup>2</sup> ) IE	(b)	Basic	All ground waters.
3. Reverse osmosis (RO)	(c)	Advanced	Surface waters usually require pre-filtration.
4. POU <sup>2</sup> RO	(b)	Basic	Surface waters usually require pre-filtration.
5. Lime softening	(d)	Advanced	All waters.
6. Green sand filtration	(e)	Basic	
7. Co-precipitation with Barium	(f)	Intermediate to Advanced	Ground waters with suitable water

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

sulfate			quality.
8. Electrodialysis/ electrodialysis reversal		Basic to Intermediate	All ground waters.
9. Pre-formed hydrous Manganese oxide filtration	(g)	Intermediate	All ground waters.
10. Activated alumina	(a), (h)	Advanced	All ground waters; competing anion concentrations may affect regeneration frequency.
11. Enhanced coagulation/ filtration	(i)	Advanced	Can treat a wide range of water qualities.

<sup>1</sup> National Research Council (NRC). "Safe Water from Every Tap: Improving Water Service to Small Communities," National Academy Press, Washington, D.C. 1997.

<sup>2</sup> A POU, or "point-of-use" technology is a treatment device installed at a single tap used for the purpose of reducing contaminants in drinking water at that one tap. POU devices are typically installed at the kitchen tap.  
BOARD NOTE: USEPA refers the reader to the notice of data availability (NODA) at 66 Fed. Reg. 21576 (April 21, 2000) for more details.

## Limitations Footnotes: Technologies for Radionuclides:

- (a) The regeneration solution contains high concentrations of the contaminant ions. Disposal options should be carefully considered before choosing this technology.
- (b) When POU devices are used for compliance, programs for long-term operation, maintenance, and monitoring must be provided by water utility to ensure proper performance.
- (c) Reject water disposal options should be carefully considered before choosing this technology.

BOARD NOTE: In corresponding 40 CFR 141.66, Table C, footnote c

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

states in part as follows: "See other RO limitations described in the SWTR Compliance Technologies Table." Table C was based in significant part on "Table 13. – Technologies for Radionuclides" that appears at 63 Fed. Reg. 42032 at 42043 (August 6, 1998), which refers to "Table 2. – SWTR Compliance Technology Table: Filtration." That Table 2 lists the limitations on RO as follows:

- <sup>d</sup> Blending (combining treated water with untreated raw water) cannot be practiced at risk of increasing microbial concentrations in finished water.
- <sup>e</sup> Post-disinfection recommended as a safety measure and for residual maintenance.
- <sup>f</sup> Post-treatment corrosion control will be needed prior to distribution.

63 Fed. Reg. at 42036.

- (d) The combination of variable source water quality and the complexity of the water chemistry involved may make this technology too complex for small surface water systems.
- (e) Removal efficiencies can vary depending on water quality.
- (f) This technology may be very limited in application to small systems. Since the process requires static mixing, detention basins, and filtration, it is most applicable to systems with sufficiently high sulfate levels that already have a suitable filtration treatment train in place.
- (g) This technology is most applicable to small systems that already have filtration in place.
- (h) Handling of chemicals required during regeneration and pH adjustment may be too difficult for small systems without an adequately trained operator.
- (i) Assumes modification to a coagulation/filtration process already in place.

Compliance Technologies by System Size Category  
for Radionuclide NPDWRs

---

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

Contaminant	Compliance technologies <sup>1</sup> for system size categories (population served)		
	25-500	501-3,300	3,300-10,000
1. Combined radium-226 and radium-228	1, 2, 3, 4, 5, 6, 7, 8, 9	1, 2, 3, 4, 5, 6, 7, 8, 9	1, 2, 3, 4, 5, 6, 7, 8, 9
2. Gross alpha particle activity	3, 4	3, 4	3, 4
3. Beta particle activity and photon activity	1, 2, 3, 4	1, 2, 3, 4	1, 2, 3, 4
4. Uranium	1, 2, 4, 10, 11	1, 2, 3, 4, 5, 10, 11	1, 2, 3, 4, 5, 10, 11

Note: <sup>1</sup> Numbers correspond to those technologies found listed in the table, "List of Small Systems Compliance Technologies for Radionuclides and Limitations to Use," set forth above.

BOARD NOTE: Derived from 40 CFR 141.66 ~~(2003)~~(2002).

(Source: Amended at 28 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### Section 611.331 Beta Particle and Photon Radioactivity ~~(Repealed)~~

~~The following provisions apply until December 8, 2003:~~

- ~~a) The average annual concentration of beta particle and photon radioactivity from man-made radionuclides in drinking water must not produce an annual dose equivalent to the total body or any internal organ greater than 4 mrem/year.~~
- ~~b) Except for the radionuclides listed below, the concentration of man-made radionuclides causing 4 mrem total body or organ dose equivalents must be calculated on the basis of a 2 liter per day drinking water intake using the 168 hour data listed in "Maximum Permissible Body Burdens and Maximum Permissible Concentrations of Radionuclides in Air and in Water for Occupational Exposure," NCRP Report Number 22, incorporated by reference in Section 611.102. If two or more radionuclides are present, the sum of their annual dose equivalent to the total body or to any organ must not exceed 4 mrem/year.~~

~~AVERAGE ANNUAL CONCENTRATIONS ASSUMED TO PRODUCE A TOTAL BODY OR ORGAN DOSE OF 4 mrem/year~~

<del>Radionuclide</del>	<del>Critical Organ</del>	<del>pCi/ℓ</del>
<del>Tritium</del>	<del>Total body</del>	<del>20,000</del>

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

~~Strontium-90~~                      ~~Bone marrow~~                      8

~~BOARD NOTE: Derived from 40 CFR 141.16 (2002).~~

(Source: Repealed at 28 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART G: LEAD AND COPPER

**Section 611.351 Applicability of Corrosion Control**

- a) Corrosion control required. Suppliers must complete the applicable corrosion control treatment requirements described in Section 611.352 on or before the deadlines set forth in this Section.
- 1) Large systems. Each large system supplier (one regularly serving more than 50,000 persons) must complete the corrosion control treatment steps specified in subsection (d) of this Section, unless it is deemed to have optimized corrosion control under subsection (b)(2) or (b)(3) of this Section.
  - 2) Medium-sized and small systems. Each small system supplier (one regularly serving 3,300 or fewer persons) and each medium-sized system (one regularly serving more than 3,300 up to 50,000 persons) must complete the corrosion control treatment steps specified in subsection (e) of this Section, unless it is deemed to have optimized corrosion control under one of subsections (b)(1), (b)(2), or (b)(3) of this Section.
- b) Suppliers deemed to have optimized corrosion control. A supplier is deemed to have optimized corrosion control, and is not required to complete the applicable corrosion control treatment steps identified in this Section, if the supplier satisfies one of the criteria specified in subsections (b)(1) through (b)(3) of this Section. Any such system deemed to have optimized corrosion control under this subsection, and which has treatment in place, must continue to operate and maintain optimal corrosion control treatment and meet any requirements that the Agency determines are appropriate to ensure optimal corrosion control treatment is maintained.
- 1) Small- or medium-sized system meeting action levels. A small system or medium-sized system supplier is deemed to have optimized corrosion control if the system meets the lead and copper action levels during each

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

of two consecutive six-month monitoring periods with monitoring conducted in accordance with Section 611.356.

- 2) SEP for equivalent activities to corrosion control. The Agency must, by a SEP granted pursuant to Section 611.110, deem any supplier to have optimized corrosion control treatment if it determines that the supplier has conducted activities equivalent to the corrosion control steps applicable under this Section. In making this determination, the Agency must specify the water quality control parameters representing optimal corrosion control in accordance with Section 611.352(f). A water supplier that is deemed to have optimized corrosion control under this subsection (b)(2) must operate in compliance with the Agency-designated optimal water quality control parameters in accordance with Section 611.352(g) and must continue to conduct lead and copper tap and water quality parameter sampling in accordance with Sections 611.356(d)(3) and 611.357(d), respectively. A supplier must provide the Agency with the following information in order to support an Agency SEP determination under this subsection (b)(2):
  - A) The results of all test samples collected for each of the water quality parameters in Section 611.352(c)(3);
  - B) A report explaining the test methods the supplier used to evaluate the corrosion control treatments listed in Section 611.352(c)(1), the results of all tests conducted, and the basis for the supplier's selection of optimal corrosion control treatment;
  - C) A report explaining how the supplier has installed corrosion control and how the supplier maintains it to insure minimal lead and copper concentrations at consumer's taps; and
  - D) The results of tap water samples collected in accordance with Section 611.356 at least once every six months for one year after corrosion control has been installed.
- 3) Results less than practical quantitation level (PQL) for lead. Any supplier is deemed to have optimized corrosion control if it submits results of tap water monitoring conducted in accordance with Section 611.356 and source water monitoring conducted in accordance with Section 611.358 that demonstrate that for two consecutive six-month monitoring periods

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

the difference between the 90th percentile tap water lead level, computed pursuant to Section 611.350(c)(3), and the highest source water lead concentration is less than the practical quantitation level for lead specified in Section 611.359(a)(1)(B)(i).

- A) Those systems whose highest source water lead level is below the method detection limit (MDL) may also be deemed to have optimized corrosion control under this subsection (b) if the 90th percentile tap water lead level is less than or equal to the PQL for lead for two consecutive six-month monitoring periods.
- B) Any water system deemed to have optimized corrosion control in accordance with this subsection (b) must continue monitoring for lead and copper at the tap no less frequently than once every three calendar years using the reduced number of sites specified in Section 611.356(c) and collecting the samples at times and locations specified in Section 611.356(d)(4)(D). Any such system that has not conducted a round of monitoring pursuant to Section 611.356(d) since September 30, 1997, must have completed~~complete~~ a round of monitoring pursuant to this subsection (b) no later than September 30, 2000.
- C) Any water system deemed to have optimized corrosion control pursuant to this subsection (b) must notify the Agency in writing pursuant to Section 611.360(a)(3) of any change in treatment or the addition of a new source. The Agency must require any such system to conduct additional monitoring or to take other action if the Agency determines that the additional monitoring is necessary and appropriate to ensure that the supplier maintains minimal levels of corrosion in its distribution system.
- D) As of July 12, 2001, a supplier is not deemed to have optimized corrosion control under this subsection (b), and must implement corrosion control treatment pursuant to subsection (b)(3)(E) of this Section, unless it meets the copper action level.
- E) Any supplier triggered into corrosion control because it is no longer deemed to have optimized corrosion control under this subsection must implement corrosion control treatment in accordance with the deadlines in subsection (e) of this Section.

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

Any such large system supplier must adhere to the schedule specified in that subsection (e) for a medium-sized system supplier, with the time periods for completing each step being triggered by the date the supplier is no longer deemed to have optimized corrosion control under this subsection (b).

- c) Suppliers not required to complete corrosion control steps for having met both action levels.
- 1) Any small system or medium-sized system supplier, otherwise required to complete the corrosion control steps due to its exceedence of the lead or copper action level, may cease completing the treatment steps after the supplier has fulfilled both of the following conditions:
    - A) It has met both the copper action level and the lead action level during each of two consecutive six-month monitoring periods conducted pursuant to Section 611.356; and
    - B) The supplier has submitted the results for those two consecutive six-month monitoring periods to the Agency.
  - 2) A supplier that has ceased completing the corrosion control steps pursuant to subsection (c)(1) of this Section (or the Agency, if appropriate) must resume completion of the applicable treatment steps, beginning with the first treatment step that the supplier previously did not complete in its entirety, if the supplier thereafter exceeds the lead or copper action level during any monitoring period.
  - 3) The Agency may, by SEP, require a supplier to repeat treatment steps previously completed by the supplier where it determines that this is necessary to properly implement the treatment requirements of this Section. Any such SEP must explain the basis for this decision.
  - 4) The requirement for any small- or medium-sized system supplier to implement corrosion control treatment steps in accordance with subsection (e) of this Section (including systems deemed to have optimized corrosion control under subsection (b)(1) of this Section) is triggered whenever any small- or medium-sized system supplier exceeds the lead or copper action level.

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

- d) Treatment steps and deadlines for large systems. Except as provided in subsections (b)(2) and (b)(3) of this Section, large system suppliers must complete the following corrosion control treatment steps (described in the referenced portions of Sections 611.352, 611.356, and 611.357) on or before the indicated dates.
- 1) Step 1: The supplier must have conducted ~~conduct~~ initial monitoring (Sections 611.356(d)(1) and 611.357(b)) during two consecutive six-month monitoring periods on or before January 1, 1993.
  - 2) Step 2: The supplier must have completed ~~complete~~ corrosion control studies (Section 611.352(c)) on or before July 1, 1994.
  - 3) Step 3: The Agency must have approved ~~approve~~ optimal corrosion control treatment (Section 611.352(d)) by a SEP issued pursuant to Section 611.110 on or before January 1, 1995.
  - 4) Step 4: The supplier must have installed ~~install~~ optimal corrosion control treatment (Section 611.352(e)) by January 1, 1997.
  - 5) Step 5: The supplier must have completed ~~complete~~ follow-up sampling (Sections 611.356(d)(2) and 611.357(c)) by January 1, 1998.
  - 6) Step 6: The Agency must have reviewed ~~review~~ installation of treatment and approve optimal water quality control parameters (Section 611.352(f)) by July 1, 1998.
  - 7) Step 7: The supplier must operate in compliance with the Agency-specified optimal water quality control parameters (Section 611.352(g)) and continue to conduct tap sampling (Sections 611.356(d)(3) and 611.357(d)).
- e) Treatment steps and deadlines for small- and medium-sized system suppliers. Except as provided in subsection (b) of this Section, small- and medium-sized system suppliers must complete the following corrosion control treatment steps (described in the referenced portions of Sections 611.352, 611.356, and 611.357) by the indicated time periods.
- 1) Step 1: The supplier must conduct initial tap sampling (Sections 611.356(d)(1) and 611.357(b)) until the supplier either exceeds the lead

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

action level or the copper action level or it becomes eligible for reduced monitoring under Section 611.356(d)(4). A supplier exceeding the lead action level or the copper action level must recommend optimal corrosion control treatment (Section 611.352(a)) within six months after it exceeds one of the action levels.

- 2) Step 2: Within 12 months after a supplier exceeds the lead action level or the copper action level, the Agency may require the supplier to perform corrosion control studies (Section 611.352(b)). If the Agency does not require the supplier to perform such studies, the Agency must, by a SEP issued pursuant to Section 611.110, specify optimal corrosion control treatment (Section 611.352(d)) within the following timeframes:
  - A) for medium-sized systems, within 18 months after such supplier exceeds the lead action level or the copper action level,
  - B) for small systems, within 24 months after such supplier exceeds the lead action level or the copper action level.
- 3) Step 3: If the Agency requires a supplier to perform corrosion control studies under step 2 (subsection (e)(2) of this Section), the supplier must complete the studies (Section 611.352(c)) within 18 months after the Agency requires that such studies be conducted.
- 4) Step 4: If the supplier has performed corrosion control studies under step 2 (subsection (e)(2) of this Section), the Agency must, by a SEP issued pursuant to Section 611.110, approve optimal corrosion control treatment (Section 611.352(d)) within six months after completion of step 3 (subsection (e)(3) of this Section).
- 5) Step 5: The supplier must install optimal corrosion control treatment (Section 611.352(e)) within 24 months after the Agency approves such treatment.
- 6) Step 6: The supplier must complete follow-up sampling (Sections 611.356(d)(2) and 611.357(c)) within 36 months after the Agency approves optimal corrosion control treatment.
- 7) Step 7: The Agency must review the supplier's installation of treatment and, by a SEP issued pursuant to Section 611.110, approve optimal water

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

quality control parameters (Section 611.352(f)) within six months after completion of step 6 (subsection (e)(6) of this Section).

- 8) Step 8: The supplier must operate in compliance with the Agency-approved optimal water quality control parameters (Section 611.352(g)) and continue to conduct tap sampling (Sections 611.356(d)(3) and 611.357(d)).

BOARD NOTE: Derived from 40 CFR 141.81 ~~(2003)~~(2002).

(Source: Amended at 28 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 611.354 Lead Service Line Replacement**

- a) Suppliers required to replace lead service lines.
  - 1) If the results from tap samples taken pursuant to Section 611.356(d)(2) exceed the lead action level after the supplier has installed corrosion control or source water treatment (whichever sampling occurs later), the supplier must recommence replacing lead service lines in accordance with the requirements of subsection (b) of this Section.
  - 2) If a supplier is in violation of Section 611.351 or Section 611.353 for failure to install source water or corrosion control treatment, the Agency may, by a SEP issued pursuant to Section 611.110, require the supplier to commence lead service line replacement under this Section after the date by which the supplier was required to conduct monitoring under Section 611.356(d)(2) has passed.
- b) Annual replacement of lead service lines.
  - 1) A supplier required to commence lead service line replacement pursuant to subsection (a) of this Section must annually replace at least seven percent of the initial number of lead service lines in its distribution system.
  - 2) The initial number of lead service lines is the number of lead lines in place at the time the replacement program begins.
  - 3) The supplier must identify the initial number of lead service lines in its distribution system, including an identification of the portions of the

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

system owned by the supplier, based on a materials evaluation, including the evaluation required under Section 611.356(a) and relevant legal authorities (e.g., contracts, local ordinances) regarding the portion owned by the system.

- 4) The first year of lead service line replacement must begin on the date the supplier exceeded the action level in tap sampling referenced in subsection (a) of this Section.
- c) Service lines not needing replacement. A supplier is not required to replace any individual lead service line for which the lead concentrations in all service line samples taken from that line pursuant to Section 611.356(b)(3) are less than or equal to 0.015 mg/ℓ.
  - d) A water supplier must replace that portion of the lead service line that it owns. In cases where the supplier does not own the entire lead service line, the supplier must notify the owner of the line, or the owner's authorized agent, that the supplier will replace the portion of the service line that it owns and must offer to replace the owner's portion of the line. A supplier is not required to bear the cost of replacing the privately-owned portion of the line, nor is it required to replace the privately-owned portion where the owner chooses not to pay the cost of replacing the privately-owned portion of the line, or where replacing the privately-owned portion would be precluded by State, local, or common law. A water supplier that does not replace the entire length of the service line also must complete the following tasks:
    - 1) Notice Prior to Commencement of Work.
      - A) At least 45 days prior to commencing the partial replacement of a lead service line, the water supplier must provide notice to the residents of all buildings served by the line explaining that they may experience a temporary increase of lead levels in their drinking water, along with guidance on measures consumers can take to minimize their exposure to lead.
      - B) The Agency, by issuing an appropriate SEP, may allow the water supplier to provide notice under the previous sentence less than 45 days prior to commencing partial lead service line replacement where it determines that such replacement is in conjunction with emergency repairs.

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

- C) In addition, the water supplier must inform the residents served by the line that the supplier will, at the supplier's expense, collect a sample from each partially-replaced lead service line that is representative of the water in the service line for analysis of lead content, as prescribed by Section 611.356(b)(3), within 72 hours after the completion of the partial replacement of the service line. The supplier must collect the sample and report the results of the analysis to the owner and the residents served by the line within three business days of receiving the results.
- D) Mailed notices post-marked within three business days of receiving the results must be considered "on time." |
- 2) The water supplier must provide the information required by subsection (d)(1) of this Section to the residents of individual dwellings by mail or by other methods approved by the Agency by a SEP issued pursuant to Section 611.110. In instances where multi-family dwellings are served by the service line, the water supplier must have the option to post the information at a conspicuous location.
- e) Agency determination of shorter replacement schedule.
- 1) The Agency must, by a SEP issued pursuant to Section 611.110, require a supplier to replace lead service lines on a shorter schedule than that otherwise required by this Section if it determines, taking into account the number of lead service lines in the system, that such a shorter replacement schedule is feasible.
- 2) The Agency must notify the supplier of its finding pursuant to subsection (e)(1) of this Section within six months after the supplier is triggered into lead service line replacement based on monitoring, as referenced in subsection (a) of this Section.
- f) Cessation of service line replacement.
- 1) Any supplier may cease replacing lead service lines whenever it fulfills both of the following conditions:
- A) First draw tap samples collected pursuant to Section 611.356(b)(2)

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

meet the lead action level during each of two consecutive six-month monitoring periods; and

- B) The supplier has submitted those results to the Agency.
- 2) If any of the supplier's first draw tap samples thereafter exceed the lead action level, the supplier must recommence replacing lead service lines pursuant to subsection (b) of this Section.
- g) To demonstrate compliance with subsections (a) through (d) of this Section, a supplier must report to the Agency the information specified in Section 611.360(e).

BOARD NOTE: Derived from 40 CFR 141.84 ~~(2003)~~(2002).

(Source: Amended at 28 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 611.356 Tap Water Monitoring for Lead and Copper**

- a) Sample site location.
  - 1) Selecting a pool of targeted sampling sites.
    - A) By the applicable date for commencement of monitoring under subsection (d)(1) of this Section, each supplier must complete a materials evaluation of its distribution system in order to identify a pool of targeted sampling sites that meets the requirements of this Section.
    - B) The pool of targeted sampling sites must be sufficiently large to ensure that the supplier can collect the number of lead and copper tap samples required by subsection (c) of this Section.
    - C) The supplier must select the sites for collection of first draw samples from this pool of targeted sampling sites.
    - D) The supplier must not select as sampling sites any faucets that have point-of-use or point-of-entry treatment devices designed to remove or capable of removing inorganic contaminants.

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

- 2) Materials evaluation.
  - A) A supplier must use the information on lead, copper, and galvanized steel collected pursuant to 40 CFR 141.42(d) (special monitoring for corrosivity characteristics) when conducting a materials evaluation.
  - B) When an evaluation of the information collected pursuant to 40 CFR 141.42(d) is insufficient to locate the requisite number of lead and copper sampling sites that meet the targeting criteria in subsection (a) of this Section, the supplier must review the following sources of information in order to identify a sufficient number of sampling sites:
    - i) All plumbing codes, permits, and records in the files of the building departments that indicate the plumbing materials that are installed within publicly- and privately-owned structures connected to the distribution system;
    - ii) All inspections and records of the distribution system that indicate the material composition of the service connections which connect a structure to the distribution system;
    - iii) All existing water quality information, which includes the results of all prior analyses of the system or individual structures connected to the system, indicating locations that may be particularly susceptible to high lead or copper concentrations; and
    - iv) The supplier must seek to collect such information where possible in the course of its normal operations (e.g., checking service line materials when reading water meters or performing maintenance activities).
- 3) Tiers of sampling sites. Suppliers must categorize the sampling sites within their pool according to the following tiers:
  - A) CWS Tier 1 sampling sites. "CWS Tier 1 sampling sites" must include the following single-family structures:

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

- i) Those that contain copper pipes with lead solder installed after 1982 or which contain lead pipes; or
- ii) Those that are served by a lead service line.

BOARD NOTE: Subsection (a)(3)(A) was derived from segments of 40 CFR 141.86(a)(3) ~~(2003)(2002)~~. This allows the pool of CWS tier 1 sampling sites to consist exclusively of structures served by lead service lines.

- B) CWS Tier 2 sampling sites. "CWS Tier 2 sampling sites" must include the following buildings, including multiple-family structures:

- i) Those that contain copper pipes with lead solder installed after 1982 or contain lead pipes; or
- ii) Those that are served by a lead service line.

BOARD NOTE: Subsection (a)(3)(B) was derived from segments of 40 CFR 141.86(a)(4) ~~(2003)(2002)~~. This allows the pool of CWS tier 2 sampling sites to consist exclusively of structures served by lead service lines.

- C) CWS Tier 3 sampling sites. "CWS Tier 3 sampling sites" must include the following single-family structures: those that contain copper pipes with lead solder installed before 1983.

BOARD NOTE: Subsection (a)(3)(C) was derived from segments of 40 CFR 141.86(a)(5) ~~(2003)(2002)~~.

- D) NTNCWS Tier 1 sampling sites. "NTNCWS Tier 1 sampling sites" must include the following buildings:

- i) Those that contain copper pipes with lead solder installed after 1982 or which contain lead pipes; or
- ii) Those that are served by a lead service line.

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

BOARD NOTE: Subsection (a)(3)(D) was derived from segments of 40 CFR 141.86(a)(6) ~~(2003)~~(2002). This allows the pool of NTNCWS tier 1 sampling sites to consist exclusively of buildings served by lead service lines.

- E) Alternative NTNCWS sampling sites. "Alternative NTNCWS sampling sites" must include the following buildings: those that contain copper pipes with lead solder installed before 1983.

BOARD NOTE: Subsection (a)(3)(E) was derived from segments of 40 CFR 141.86(a)(7) ~~(2003)~~(2002).

- 4) Selection of sampling sites. Suppliers must select sampling sites for their sampling pool as follows:

- A) CWS Suppliers. CWS suppliers must use CWS tier 1 sampling sites, except that the supplier may include CWS tier 2 or CWS tier 3 sampling sites in its sampling pool as follows:

- i) If multiple-family residences comprise at least 20 percent of the structures served by a supplier, the supplier may use CWS tier 2 sampling sites in its sampling pool; or

BOARD NOTE: Subsection (a)(4)(A)(i) was derived from a segment of 40 CFR 141.86(a)(3)(ii) ~~(2003)~~(2002).

- ii) If the CWS supplier has an insufficient number of CWS tier 1 sampling sites on its distribution system, the supplier may use CWS tier 2 sampling sites in its sampling pool; or

BOARD NOTE: Subsection (a)(4)(A)(ii) was derived from a segment of 40 CFR 141.86(a)(4) ~~(2003)~~(2002).

- iii) If the CWS supplier has an insufficient number of CWS tier 1 and CWS tier 2 sampling sites on its distribution system, the supplier may complete its sampling pool with CWS tier 3 sampling sites.

BOARD NOTE: Subsection (a)(4)(A)(iii) was derived from a segment of 40 CFR 141.86(a)(5) ~~(2003)~~(2002).

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

- iv) If the CWS supplier has an insufficient number of CWS tier 1 sampling sites, CWS tier 2 sampling sites, and CWS tier 3 sampling sites, the supplier must use those CWS tier 1 sampling sites, CWS tier 2 sampling sites, and CWS tier 3 sampling sites that it has and complete its sampling pool with representative sites throughout its distribution system for the balance of its sampling sites. For the purpose of this subsection (a)(4)(A)(iv), a representative site is a site in which the plumbing materials used at that site would be commonly found at other sites served by the water system.

BOARD NOTE: Subsection (a)(4)(A)(iv) was derived from segments of 40 CFR 141.86(a)(5) ~~(2003)(2002)~~.

B) NTNCWS suppliers.

- i) An NTNCWS supplier must select NTNCWS tier 1 sampling sites for its sampling pool.

BOARD NOTE: Subsection (a)(4)(B)(i) was derived from segments of 40 CFR 141.86(a)(6) ~~(2003)(2002)~~.

- ii) If the NTNCWS supplier has an insufficient number of NTNCWS tier 1 sampling sites, the supplier may complete its sampling pool with alternative NTNCWS sampling sites.

BOARD NOTE: Subsection (a)(4)(B)(ii) was derived from segments of 40 CFR 141.86(a)(7) ~~(2003)(2002)~~.

- iii) If the NTNCWS supplier has an insufficient number of NTNCWS tier 1 sampling sites and NTNCWS alternative sampling sites, the supplier must use representative sites throughout its distribution system. For the purpose of this subsection (a)(4)(B)(iii), a representative site is a site in which the plumbing materials used at that site would be commonly found at other sites served by the water system.

BOARD NOTE: Subsection (a)(4)(B)(iii) was derived

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

from segments of 40 CFR 141.86(a)(7) ~~(2003)(2002)~~.

- C) Suppliers with lead service lines. Any supplier whose distribution system contains lead service lines must draw samples during each six-month monitoring period from sampling sites as follows:
- i) 50 percent of the samples from sampling sites that contain lead pipes or from sampling sites that have copper pipes with lead solder; and
  - ii) 50 percent of those samples from sites served by a lead service line.
  - iii) A supplier that cannot identify a sufficient number of sampling sites served by a lead service line must collect first-draw samples from all of the sites identified as being served by such lines.

BOARD NOTE: Subsection (a)(4)(C) was derived from segments of 40 CFR 141.86(a)(8) ~~(2003)(2002)~~. This allows the pool of sampling sites to consist exclusively of structures or buildings served by lead service lines.

- b) Sample collection methods.
- 1) All tap samples for lead and copper collected in accordance with this Subpart G, with the exception of lead service line samples collected under Section 611.354(c) and samples collected under subsection (b)(5) of this Section, must be first-draw samples.
  - 2) First-draw tap samples.
    - A) Each first-draw tap sample for lead and copper must be one liter in volume and have stood motionless in the plumbing system of each sampling site for at least six hours.
    - B) First-draw samples from residential housing must be collected from the cold water kitchen tap or bathroom sink tap.
    - C) First-draw samples from a non-residential building must be one

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

liter in volume and must be collected at an interior tap from which water is typically drawn for consumption.

- D) Non-first-draw samples collected in lieu of first-draw samples pursuant to subsection (b)(5) of this Section must be one liter in volume and must be collected at an interior tap from which water is typically drawn for consumption.
  - E) First-draw samples may be collected by the supplier or the supplier may allow residents to collect first-draw samples after instructing the residents of the sampling procedures specified in this subsection (b).
    - i) To avoid problems of residents handling nitric acid, acidification of first-draw samples may be done up to 14 days after the sample is collected.
    - ii) After acidification to resolubilize the metals, the sample must stand in the original container for the time specified in the approved USEPA method before the sample can be analyzed.
  - F) If a supplier allows residents to perform sampling under subsection (b)(2)(D) of this Section, the supplier may not challenge the accuracy of sampling results based on alleged errors in sample collection.
- 3) Service line samples.
- A) Each service line sample must be one liter in volume and have stood motionless in the lead service line for at least six hours.
  - B) Lead service line samples must be collected in one of the following three ways:
    - i) At the tap after flushing that volume of water calculated as being between the tap and the lead service line based on the interior diameter and length of the pipe between the tap and the lead service line;

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

- ii) Tapping directly into the lead service line; or
  - iii) If the sampling site is a single-family structure, allowing the water to run until there is a significant change in temperature that would be indicative of water that has been standing in the lead service line.
- 4) Follow-up first-draw tap samples.
- A) A supplier must collect each follow-up first-draw tap sample from the same sampling site from which it collected the previous samples.
  - B) If, for any reason, the supplier cannot gain entry to a sampling site in order to collect a follow-up tap sample, the supplier may collect the follow-up tap sample from another sampling site in its sampling pool, as long as the new site meets the same targeting criteria and is within reasonable proximity of the original site.
- 5) Substitute non-first-draw samples.
- A) A NTNCWS supplier or a CWS supplier that meets the criteria of Sections 611.355(c)(7)(A) and (c)(7)(B), that does not have enough taps that can supply first-draw samples, as defined in Section 611.102, may apply to the Agency in writing to substitute non-first-draw samples by a SEP granted under Section 611.110.
  - B) A supplier approved to substitute non-first-draw samples must collect as many first-draw samples from appropriate taps as possible and identify sampling times and locations that would likely result in the longest standing time for the remaining sites.
  - C) The Agency may grant a SEP that waives the requirement for prior Agency approval of non-first-draw sample sites selected by the system.
- c) Number of samples.
- 1) Suppliers must collect at least one sample from the number of sites listed in the first column of Table D of this Part (labelled "standard monitoring")

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

during each six-month monitoring period specified in subsection (d) of this Section.

- 2) A supplier conducting reduced monitoring pursuant to subsection (d)(4) of this Section must collect one sample from the number of sites specified in the second column of Table D of this Part (labelled "reduced monitoring") during each reduced monitoring period specified in subsection (d)(4) of this Section. Such reduced monitoring sites must be representative of the sites required for standard monitoring. The Agency may, by a SEP issued pursuant to Section 611.110, specify sampling locations when a system is conducting reduced monitoring.

d) Timing of monitoring.

1) Initial tap sampling.

The first six-month monitoring period for small, medium-sized and large system suppliers must begin on the dates specified in Table E of this Part.

- A) All large system suppliers must monitor during each of two consecutive six-month periods.
- B) All small- and medium-sized system suppliers must monitor during each consecutive six-month monitoring period until the following is true:
  - i) The supplier exceeds the lead action level or the copper action level and is therefore required to implement the corrosion control treatment requirements under Section 611.351, in which case the supplier must continue monitoring in accordance with subsection (d)(2) of this Section; or
  - ii) The supplier meets the lead action level and the copper action level during each of two consecutive six-month monitoring periods, in which case the supplier may reduce monitoring in accordance with subsection (d)(4) of this Section.

2) Monitoring after installation of corrosion control and source water

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

treatment.

- A) Any large system supplier that installs optimal corrosion control treatment pursuant to Section 611.351(d)(4) must ~~have monitored~~ monitor during each of two consecutive six-month monitoring periods before January 1, 1998 ~~the date specified in Section 611.351(d)(5)~~.
  - B) Any small- or medium-sized system supplier that installs optimal corrosion control treatment pursuant to Section 611.351(e)(5) must monitor during each of two consecutive six-month monitoring periods before 36 months after the Agency approves optimal corrosion control treatment, as ~~the date~~ specified in Section 611.351(e)(6).
  - C) Any supplier that installs source water treatment pursuant to Section 611.353(a)(3) must monitor during each of two consecutive six-month monitoring periods before 36 months after completion of step 2, as ~~the date~~ specified in Section 611.353(a)(4).
- 3) Monitoring after the Agency specification of water quality parameter values for optimal corrosion control.

After the Agency specifies the values for water quality control parameters pursuant to Section 611.352(f), the supplier must monitor during each subsequent six-month monitoring period, with the first six-month monitoring period to begin on the date the Agency specifies the optimal values.

- 4) Reduced monitoring.
- A) Reduction to annual for small- and medium-sized system suppliers meeting the lead and copper action levels. A small- or medium-sized system supplier that meets the lead and copper action levels during each of two consecutive six-month monitoring periods may reduce the number of samples in accordance with subsection (c) of this Section, and reduce the frequency of sampling to once per year.
  - B) SEP allowing reduction to annual for suppliers maintaining water

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

quality control parameters.

- i) Any supplier that maintains the range of values for the water quality control parameters reflecting optimal corrosion control treatment specified by the Agency under Section 611.352(f) during each of two consecutive six-month monitoring periods may reduce the frequency of monitoring to once per year and the number of lead and copper samples to that specified by subsection (c) of this Section if it receives written approval from the Agency in the form of a SEP granted pursuant to Section 611.110.
  - ii) The Agency must review monitoring, treatment, and other relevant information submitted by the water system in accordance with Section 611.360, and must notify the system in writing by a SEP granted pursuant to Sections 611.110 when it determines the system is eligible to reduce its monitoring frequency to once every three years pursuant to this subsection (d)(4).
  - iii) The Agency must review, and where appropriate, revise its determination under subsection (d)(4)(B)(i) of this Section when the supplier submits new monitoring or treatment data, or when other data relevant to the number and frequency of tap sampling becomes available to the Agency.
- C) Reduction to triennial for small- and medium-sized system suppliers.
- i) Small- and medium-sized system suppliers meeting lead and copper action levels. A small- or medium-sized system supplier that meets the lead and copper action levels during three consecutive years of monitoring may reduce the frequency of monitoring for lead and copper from annually to once every three years.
  - ii) SEP for suppliers meeting optimal corrosion control treatment. Any supplier that maintains the range of values for the water quality control parameters reflecting optimal

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

corrosion control treatment specified by the Agency under Section 611.352(f) during three consecutive years of monitoring may reduce its monitoring frequency from annual to once every three years if it receives written approval from the Agency in the form of a SEP granted pursuant to Section 611.110.

- iii) The Agency must review, and where appropriate, revise its determination under subsection (d)(4)(C)(ii) of this Section when the supplier submits new monitoring or treatment data, or when other data relevant to the number and frequency of tap sampling becomes available to the Agency.

D) Sampling at a reduced frequency. A supplier that reduces the number and frequency of sampling must collect these samples from representative sites included in the pool of targeted sampling sites identified in subsection (a) of this Section, preferentially selecting those sampling sites from the highest tier first. Suppliers sampling annually or less frequently must conduct the lead and copper tap sampling during the months of June, July, August, or September, unless the Agency has approved a different sampling period in accordance with subsection (d)(4)(D)(i) of this Section.

- i) The Agency may grant a SEP pursuant to Section 611.110 that approves a different period for conducting the lead and copper tap sampling for systems collecting a reduced number of samples. Such a period must be no longer than four consecutive months and must represent a time of normal operation where the highest levels of lead are most likely to occur. For a NTNCWS supplier that does not operate during the months of June through September and for which the period of normal operation where the highest levels of lead are most likely to occur is not known, the Agency must designate a period that represents a time of normal operation for the system.
- ii) A supplier monitoring annually that has been collecting samples during the months of June through September and which receives Agency approval to alter its sample

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

collection period under subsection (d)(4)(D)(i) of this Section must collect its next round of samples during a time period that ends no later than 21 months after the previous round of sampling. A supplier monitoring once every three years that has been collecting samples during the months of June through September and which receives Agency approval to alter the sampling collection period as provided in subsection (d)(4)(D)(i) of this Section must collect its next round of samples during a time period that ends no later than 45 months after the previous round of sampling. Subsequent rounds of sampling must be collected annually or once every three years, as required by this Section. A small system supplier with a waiver granted pursuant to subsection (g) of this Section that has been collecting samples during the months of June through September and which receives Agency approval to alter its sample collection period under subsection (d)(4)(D)(i) of this Section must collect its next round of samples before the end of the nine-year compliance cycle (as that term is defined in Section 611.101).

- E) Any water system that demonstrates for two consecutive six-month monitoring periods that the tap water lead level computed under Section 611.350(c)(3) is less than or equal to 0.005 mg/ℓ and that the tap water copper level computed under Section 611.350(c)(3) is less than or equal to 0.65 mg/ℓ may reduce the number of samples in accordance with subsection (c) of this Section and reduce the frequency of sampling to once every three calendar years.
- F) Resumption of standard monitoring.
  - i) Small- or medium-sized suppliers exceeding lead or copper action level. A small- or medium-sized system supplier subject to reduced monitoring that exceeds the lead action level or the copper action level must resume sampling in accordance subsection (d)(3) of this Section and collect the number of samples specified for standard monitoring under subsection (c) of this Section. Such a supplier must also conduct water quality parameter monitoring in accordance with Section 611.357(b), (c), or (d) (as appropriate) during

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

the six-month monitoring period in which it exceeded the action level. Any such supplier may resume annual monitoring for lead and copper at the tap at the reduced number of sites specified in subsection (c) of this Section after it has completed two subsequent consecutive six-month rounds of monitoring that meet the criteria of subsection (d)(4)(A) of this Section. Any such supplier may resume monitoring once every three years for lead and copper at the reduced number of sites after it demonstrates through subsequent rounds of monitoring that it meets the criteria of either subsection (d)(4)(C) or (d)(4)(E) of this Section.

- ii) Suppliers failing to operate within water quality control parameters. Any supplier subject to reduced monitoring frequency that fails to operate within the range of values for the water quality control parameters specified pursuant to Section 611.352(f) for more than nine days in any six-month period specified in Section 611.357(d) must conduct tap water sampling for lead and copper at the frequency specified in subsection (d)(3) of this Section, must collect the number of samples specified for standard monitoring under subsection (c) of this Section, and must resume monitoring for water quality parameters within the distribution system in accordance with Section 611.357(d).
- G) Any water supplier subject to a reduced monitoring frequency under subsection (d)(4) of this Section that either adds a new source of water or changes any water treatment must inform the Agency in writing in accordance with Section 611.360(a)(3). The Agency may, by a SEP granted pursuant to Section 611.110, require the system to resume sampling in accordance with subsection (d)(3) of this Section and collect the number of samples specified for standard monitoring under subsection (c) of this Section or take other appropriate steps such as increased water quality parameter monitoring or re-evaluation of its corrosion control treatment given the potentially different water quality considerations.
- H) A supplier required under subsection (d)(4)(F) of this Section to

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

resume monitoring in accordance with Section 611.357(d) may resume reduced monitoring for lead and copper at the tap and for water quality parameters within the distribution system under the following conditions:

- i) The supplier may resume annual monitoring for lead and copper at the tap at the reduced number of sites specified in subsection (c) of this Section after it has completed two subsequent six-month rounds of monitoring that meet the criteria of subsection (d)(4)(B) of this Section and the supplier has received written approval from the Agency by a SEP pursuant to Section 611.110 that it is appropriate to resume reduced monitoring on an annual frequency.
- ii) The supplier may resume monitoring for lead and copper once every three years at the tap at the reduced number of sites after it demonstrates through subsequent rounds of monitoring that it meets the criteria of either subsection (d)(4)(C) or (d)(4)(E) of this Section and the system has received a SEP under Section 611.110 from the Agency that it is appropriate to resume monitoring once every three years.
- iii) The supplier may reduce the number of water quality parameter tap water samples required in accordance with Section 611.357(e)(1) and the frequency with which it collects such samples in accordance with Section 611.357(e)(2). Such a system may not resume monitoring once every three years for water quality parameters at the tap until it demonstrates, in accordance with the requirements of Section 611.357(e)(2), that it has re-qualified for monitoring once every three years.

BOARD NOTE: Subsections (d)(4)(H)(i) through (d)(4)(H)(iii) are derived from 40 CFR 141.86 (d)(4)(vi)(B)(1) through (d)(4)(vi)(B)(3) ~~(2003)(2002)~~, since Illinois Administrative Code codification requirements allow only four indent levels of subsections.

- e) Additional monitoring. The results of any monitoring conducted in addition to

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

the minimum requirements of this Section must be considered by the supplier and the Agency in making any determinations (i.e., calculating the 90<sup>th</sup> percentile lead action level or the copper level) under this Subpart G.

- f) Invalidation of lead or copper tap water samples. A sample invalidated under this subsection does not count toward determining lead or copper 90<sup>th</sup> percentile levels under Section 611.350(c)(3) or toward meeting the minimum monitoring requirements of subsection (c) of this Section.
- 1) The Agency must invalidate a lead or copper tap water sample if it determines that one of the following conditions exists:
    - A) The laboratory establishes that improper sample analysis caused erroneous results;
    - B) The sample was taken from a site that did not meet the site selection criteria of this Section;
    - C) The sample container was damaged in transit; or
    - D) There is substantial reason to believe that the sample was subject to tampering.
  - 2) The supplier must report the results of all samples to the Agency and all supporting documentation for samples the supplier believes should be invalidated.
  - 3) To invalidate a sample under subsection (f)(1) of this Section, the decision and the rationale for the decision must be documented in writing. The Agency may not invalidate a sample solely on the grounds that a follow-up sample result is higher or lower than that of the original sample.
  - 4) The water supplier must collect replacement samples for any samples invalidated under this Section if, after the invalidation of one or more samples, the supplier has too few samples to meet the minimum requirements of subsection (c) of this Section. Any such replacement samples must be taken as soon as possible, but no later than 20 days after the date the Agency invalidates the sample or by the end of the applicable monitoring period, whichever occurs later. Replacement samples taken after the end of the applicable monitoring period must not also be used to

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

meet the monitoring requirements of a subsequent monitoring period. The replacement samples must be taken at the same locations as the invalidated samples or, if that is not possible, at locations other than those already used for sampling during the monitoring period.

- g) Monitoring waivers for small system suppliers. Any small system supplier that meets the criteria of this subsection (g) may apply to the Agency to reduce the frequency of monitoring for lead and copper under this Section to once every nine years (i.e., a "full waiver") if it meets all of the materials criteria specified in subsection (g)(1) of this Section and all of the monitoring criteria specified in subsection (g)(2) of this Section. Any small system supplier that meets the criteria in subsections (g)(1) and (g)(2) of this Section only for lead, or only for copper, may apply to the State for a waiver to reduce the frequency of tap water monitoring to once every nine years for that contaminant only (i.e., a "partial waiver").
- 1) Materials criteria. The supplier must demonstrate that its distribution system and service lines and all drinking water supply plumbing, including plumbing conveying drinking water within all residences and buildings connected to the system, are free of lead-containing materials or copper-containing materials, as those terms are defined in this subsection (g)(1), as follows:
- A) Lead. To qualify for a full waiver, or a waiver of the tap water monitoring requirements for lead (i.e., a "lead waiver"), the water supplier must provide certification and supporting documentation to the Agency that the system is free of all lead-containing materials, as follows:
- i) It contains no plastic pipes that contain lead plasticizers, or plastic service lines that contain lead plasticizers; and
- ii) It is free of lead service lines, lead pipes, lead soldered pipe joints, and leaded brass or bronze alloy fittings and fixtures, unless such fittings and fixtures meet the specifications of NSF Standard 61, section 9, incorporated by reference in Section 611.102.

BOARD NOTE: Corresponding 40 CFR  
141.86(g)(1)(i)(B) specifies "any standard established

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

pursuant to 42 USC 300g-6(e) (SDWA section 1417(e))." USEPA has stated that the NSF standard is that standard. See 62 Fed. Reg. 44684 (Aug. 22, 1997).

- B) Copper. To qualify for a full waiver, or a waiver of the tap water monitoring requirements for copper (i.e., a "copper waiver"), the water supplier must provide certification and supporting documentation to the Agency that the system contains no copper pipes or copper service lines.
- 2) Monitoring criteria for waiver issuance. The supplier must have completed at least one six-month round of standard tap water monitoring for lead and copper at sites approved by the Agency and from the number of sites required by subsection (c) of this Section and demonstrate that the 90<sup>th</sup> percentile levels for any and all rounds of monitoring conducted since the system became free of all lead-containing or copper-containing materials, as appropriate, meet the following criteria:
- A) Lead levels. To qualify for a full waiver, or a lead waiver, the supplier must demonstrate that the 90<sup>th</sup> percentile lead level does not exceed 0.005 mg/ℓ.
  - B) Copper levels. To qualify for a full waiver, or a copper waiver, the supplier must demonstrate that the 90<sup>th</sup> percentile copper level does not exceed 0.65 mg/ℓ.
- 3) State approval of waiver application. The Agency must notify the supplier of its waiver determination by a SEP issued pursuant to Section 611.110, in writing, setting forth the basis of its decision and any condition of the waiver. As a condition of the waiver, the Agency may require the supplier to perform specific activities (e.g., limited monitoring, periodic outreach to customers to remind them to avoid installation of materials that might void the waiver) to avoid the risk of lead or copper concentration of concern in tap water. The small system supplier must continue monitoring for lead and copper at the tap as required by subsections (d)(1) through (d)(4) of this Section, as appropriate, until it receives written notification from the Agency that the waiver has been approved.
- 4) Monitoring frequency for suppliers with waivers.

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

- A) A supplier with a full waiver must conduct tap water monitoring for lead and copper in accordance with subsection (d)(4)(D) of this Section at the reduced number of sampling sites identified in subsection (c) of this Section at least once every nine years and provide the materials certification specified in subsection (g)(1) of this Section for both lead and copper to the Agency along with the monitoring results.
- B) A supplier with a partial waiver must conduct tap water monitoring for the waived contaminant in accordance with subsection (d)(4)(D) of this Section at the reduced number of sampling sites specified in subsection (c) of this Section at least once every nine years and provide the materials certification specified in subsection (g)(1) of this Section pertaining to the waived contaminant along with the monitoring results. Such a supplier also must continue to monitor for the non-waived contaminant in accordance with requirements of subsections (d)(1) through (d)(4) of this Section, as appropriate.
- C) If a supplier with a full or partial waiver adds a new source of water or changes any water treatment, the supplier must notify the Agency in writing in accordance with Section 611.360(a)(3). The Agency has the authority to require the supplier to add or modify waiver conditions (e.g., require recertification that the supplier's system is free of lead-containing or copper-containing materials, require additional rounds of monitoring), if it deems such modifications are necessary to address treatment or source water changes at the system.
- D) If a supplier with a full or partial waiver becomes aware that it is no longer free of lead-containing or copper-containing materials, as appropriate (e.g., as a result of new construction or repairs), the supplier must notify the Agency in writing no later than 60 days after becoming aware of such a change.
- 5) Continued eligibility. If the supplier continues to satisfy the requirements of subsection (g)(4) of this Section, the waiver will be renewed automatically, unless any of the conditions listed in subsection (g)(5)(A) through (g)(5)(C) of this Section occur. A supplier whose waiver has been revoked may re-apply for a waiver at such time as it again meets the

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

appropriate materials and monitoring criteria of subsections (g)(1) and (g)(2) of this Section.

- A) A supplier with a full waiver or a lead waiver no longer satisfies the materials criteria of subsection (g)(1)(A) of this Section or has a 90<sup>th</sup> percentile lead level greater than 0.005 mg/l.
  - B) A supplier with a full waiver or a copper waiver no longer satisfies the materials criteria of subsection (g)(1)(B) of this Section or has a 90<sup>th</sup> percentile copper level greater than 0.65 mg/l.
  - C) The State notifies the supplier, in writing, that the waiver has been revoked, setting forth the basis of its decision.
- 6) Requirements following waiver revocation. A supplier whose full or partial waiver has been revoked by the Agency is subject to the corrosion control treatment and lead and copper tap water monitoring requirements, as follows:
- A) If the supplier exceeds the lead or copper action level, the supplier must implement corrosion control treatment in accordance with the deadlines specified in Section 611.351(e), and any other applicable requirements of this Subpart G.
  - B) If the supplier meets both the lead and the copper action level, the supplier must monitor for lead and copper at the tap no less frequently than once every three years using the reduced number of sample sites specified in subsection (c) of this Section.
- 7) Pre-existing waivers. Small system supplier waivers approved by the Agency in writing prior to April 11, 2000 must remain in effect under the following conditions:
- A) If the supplier has demonstrated that it is both free of lead-containing and copper-containing materials, as required by subsection (g)(1) of this Section and that its 90<sup>th</sup> percentile lead levels and 90<sup>th</sup> percentile copper levels meet the criteria of subsection (g)(2) of this Section, the waiver remains in effect so long as the supplier continues to meet the waiver eligibility criteria

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

of subsection (g)(5) of this Section. The first round of tap water monitoring conducted pursuant to subsection (g)(4) of this Section must be completed no later than nine years after the last time the supplier monitored for lead and copper at the tap.

- B) If the supplier has met the materials criteria of subsection (g)(1) of this Section but has not met the monitoring criteria of subsection (g)(2) of this Section, the supplier must conduct a round of monitoring for lead and copper at the tap demonstrating that it met the criteria of subsection (g)(2) of this Section no later than September 30, 2000. Thereafter, the waiver must remain in effect as long as the supplier meets the continued eligibility criteria of subsection (g)(5) of this Section. The first round of tap water monitoring conducted pursuant to subsection (g)(4) of this Section must be completed no later than nine years after the round of monitoring conducted pursuant to subsection (g)(2) of this Section.

BOARD NOTE: Derived from 40 CFR 141.86 ~~(2003)~~(2002).

(Source: Amended at 28 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 611.358 Monitoring for Lead and Copper in Source Water**

- a) Sample location, collection methods, and number of samples.
- 1) A supplier that fails to meet the lead action level or the copper action level on the basis of tap samples collected in accordance with Section 611.356 must collect lead and copper source water samples in accordance with the following requirements regarding sample location, number of samples, and collection methods:
- A) A groundwater supplier must take a minimum of one sample at every entry point to the distribution system that is representative of each well after treatment (hereafter called a sampling point). The supplier must take one sample at the same sampling point unless conditions make another sampling point more representative of each source or treatment plant.
- B) A surface water supplier must take a minimum of one sample at every entry point to the distribution system after any application of

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

treatment or in the distribution system at a point that is representative of each source after treatment (hereafter called a sampling point). The system must take each sample at the same sampling point unless conditions make another sampling point more representative of each source or treatment plant.

BOARD NOTE: For the purposes of this subsection (a)(1)(B), surface water systems include systems with a combination of surface and ground sources.

- C) If a supplier draws water from more than one source and the sources are combined before distribution, the supplier must sample at an entry point to the distribution system during periods of normal operating conditions (i.e., when water is representative of all sources being used).
  - D) The Agency may, by a SEP issued pursuant to Section 611.110, reduce the total number of samples that must be analyzed by allowing the use of compositing. Compositing of samples must be done by certified laboratory personnel. Composite samples from a maximum of five samples are allowed, provided that if the lead concentration in the composite sample is greater than or equal to 0.001 mg/ℓ or the copper concentration is greater than or equal to 0.160 mg/ℓ, then the supplier must do either of the following:
    - i) The supplier must take and analyze a follow-up sample within 14 days at each sampling point included in the composite; or
    - ii) If duplicates of or sufficient quantities from the original samples from each sampling point used in the composite are available, the supplier may use these instead of resampling.
- 2) SEP requiring an additional sample.
- A) When the Agency determines that the results of sampling indicate an exceedence of the lead or copper MPC established under Section 611.353(b)(4), it must, by a SEP issued pursuant to Section 611.110, require the supplier to collect one additional sample as

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

soon as possible after the initial sample at the same sampling point, but no later than two weeks after the supplier took the initial sample.

- B) If a supplier takes an Agency-required confirmation sample for lead or copper, the supplier must average the results obtained from the initial sample with the results obtained from the confirmation sample in determining compliance with the Agency-specified lead and copper MPCs.
  - i) Any analytical result below the MDL must be considered as zero for the purposes of averaging.
  - ii) Any value above the MDL but below the PQL must either be considered as the measured value or be considered one-half the PQL.
- b) Monitoring frequency after system exceeds tap water action level. A supplier that exceeds the lead action level or the copper action level in tap sampling must collect one source water sample from each entry point to the distribution system within six months after the exceedence.
- c) Monitoring frequency after installation of source water treatment. A supplier that installs source water treatment pursuant to Section 611.353(a)(3) must collect an additional source water sample from each entry point to the distribution system during each of two consecutive six-month monitoring periods on or before 36 months after completion of step 2, as the deadline specified in Section 611.353(a)(4).
- d) Monitoring frequency after the Agency has specified the lead and copper MPCs or has determined that source water treatment is not needed.
  - 1) A supplier must monitor at the frequency specified by subsection (d)(1)(A) or (d)(1)(B) of this Section where the Agency has specified the MPCs pursuant to Section 611.353(b)(4) or has determined that the supplier is not required to install source water treatment pursuant to Section 611.353(b)(2).
    - A) GWS suppliers.

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

- i) A GWS supplier required to sample by subsection (d)(1) of this Section must collect samples once during the three-year compliance period (as that term is defined in Section 611.101) during which the Agency makes its determination pursuant to Section 611.353(b)(4) or 611.353(b)(2).
    - ii) A GWS supplier required to sample by subsection (d)(1) of this Section must collect samples once during each subsequent compliance period.
  - B) A SWS or mixed system supplier must collect samples annually, the first annual monitoring period to begin on the date on which the Agency makes its determination pursuant to Section 611.353(b)(4) or 611.353(b)(2).
- 2) A supplier is not required to conduct source water sampling for lead or copper if the supplier meets the action level for the specific contaminant in all tap water samples collected during the entire source water sampling period applicable under subsection (d)(1)(A) or (d)(1)(B) of this Section.
- e) Reduced monitoring frequency.
  - 1) A GWS supplier may reduce the monitoring frequency for lead and copper in source water to once during each nine-year compliance cycle (as that term is defined in Section 611.101) if the supplier meets one of the following criteria:
    - A) The supplier demonstrates that finished drinking water entering the distribution system has been maintained below the maximum permissible lead and copper concentrations specified by the State in Section 611.353(b)(4) during at least three consecutive compliance periods under subsection (d)(1) of this Section; or
    - B) The Agency has determined, by a SEP issued pursuant to Section 611.110, that source water treatment is not needed and the system demonstrates that, during at least three consecutive compliance periods in which sampling was conducted under subsection (d)(1) of this Section, the concentration of lead in source water was less than or equal to 0.005 mg/ℓ and the concentration of copper in source water was less than or equal to 0.65 mg/ℓ.

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

- 2) A SWS or mixed system supplier may reduce the monitoring frequency in subsection (d)(1) of this Section to once during each nine-year compliance cycle (as that term is defined in Section 611.101) if the supplier meets one of the following criteria:
  - A) The supplier demonstrates that finished drinking water entering the distribution system has been maintained below the maximum permissible lead and copper concentrations specified by the Agency under Section 611.353(b)(4) for at least three consecutive years; or
  - B) The Agency has determined, by a SEP issued pursuant to Section 611.110, that source water treatment is not needed and the supplier demonstrates that, during at least three consecutive years, the concentration of lead in source water was less than or equal to 0.005 mg/l and the concentration of copper in source water was less than or equal to 0.65 mg/l.
- 3) A supplier that uses a new source of water is not eligible for reduced monitoring for lead or copper until it demonstrates by samples collected from the new source during three consecutive monitoring periods, of the appropriate duration provided by subsection (d)(1) of this Section, that lead or copper concentrations are below the MPC as specified by the Agency pursuant to Section 611.353(a)(4).

BOARD NOTE: Derived from 40 CFR 141.88 ~~(2003)~~(2002).

(Source: Amended at 28 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 611.360 Reporting**

A supplier must report all of the following information to the Agency in accordance with this Section.

- a) Reporting for tap, lead, and copper, and water quality parameter monitoring.
  - 1) Except as provided in subsection (a)(1)(viii) of this Section, a supplier must report the following information for all samples specified in Section 611.356 and for all water quality parameter samples specified in Section

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

611.357 within ten days of the end of each applicable sampling period specified in Sections 611.356 and 611.357 (i.e., every six months, annually, every three years, or every nine years).

- A) The results of all tap samples for lead and copper, including the location of each site and the criteria under Section 611.356(a)(3) through (a)(7) under which the site was selected for the supplier's sampling pool;
- B) Documentation for each tap water lead or copper sample for which the water supplier requests invalidation pursuant to Section 611.356(f)(2);
- C) This subsection (a)(1)(C) corresponds with 40 CFR 141.90(a)(1)(iii), a provision that USEPA removed and marked "reserved." This statement preserves structural parity with the federal rules;
- D) The 90<sup>th</sup> percentile lead and copper concentrations measured from among all lead and copper tap samples collected during each sampling period (calculated in accordance with Section 611.350(c)(3)), unless the Agency calculates the system's 90<sup>th</sup> percentile lead and copper levels under subsection (h) of this Section;
- E) With the exception of initial tap sampling conducted pursuant to Section 611.356(d)(1), the supplier must designate any site that was not sampled during previous sampling periods, and include an explanation of why sampling sites have changed;
- F) The results of all tap samples for pH, and where applicable, alkalinity, calcium, conductivity, temperature, and orthophosphate or silica collected pursuant to Section 611.357(b) through (e);
- G) The results of all samples collected at entry points for applicable water quality parameters pursuant to Section 611.357(b) through (e).
- H) A water supplier must report the results of all water quality parameter samples collected under Section 611.357(c) through (f)

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

during each six-month monitoring period specified in Section 611.357(d) within the first 10 days following the end of the monitoring period, unless the Agency has specified, by a SEP granted pursuant to Section 611.110, a more frequent reporting requirement.

- 2) For a NTNCWS supplier, or a CWS supplier meeting the criteria of Sections 611.355(c)(7)(A) and (c)(7)(B), that does not have enough taps which can provide first-draw samples, the supplier must do either of the following:
  - A) Provide written documentation to the Agency that identifies standing times and locations for enough non-first-draw samples to make up its sampling pool under Section 611.356(b)(5) by the start of the first applicable monitoring period under Section 611.356(d) that ~~commenced~~~~commences~~ after April 11, 2000, unless the Agency has waived prior Agency approval of non-first-draw sample sites selected by the supplier pursuant to Section 611.356(b)(5); or
  - B) If the Agency has waived prior approval of non-first-draw sample sites selected by the supplier, identify, in writing, each site that did not meet the six-hour minimum standing time and the length of standing time for that particular substitute sample collected pursuant to Section 611.356(b)(5) and include this information with the lead and copper tap sample results required to be submitted pursuant to subsection (a)(1)(A) of this Section.
- 3) No later than 60 days after the addition of a new source or any change in water treatment, unless the Agency requires earlier notification, a water supplier deemed to have optimized corrosion control under Section 611.351(b)(3), a water supplier subject to reduced monitoring pursuant to Section 611.356(d)(4), or a water supplier subject to a monitoring waiver pursuant to Section 611.356(g), must send written documentation to the Agency describing the change. In those instances where prior Agency approval of the treatment change or new source is not required, USEPA has stated that it encourages water systems to provide the notification to the Agency beforehand to minimize the risk the treatment change or new source will adversely affect optimal corrosion control.

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

- 4) Any small system supplier applying for a monitoring waiver under Section 611.356(g), or subject to a waiver granted pursuant to Section 611.356(g)(3), must provide the following information to the Agency in writing by the specified deadline:
  - A) By the start of the first applicable monitoring period in Section 611.356(d), any small water system supplier applying for a monitoring waiver must provide the documentation required to demonstrate that it meets the waiver criteria of Sections 611.356(g)(1) and (g)(2).
  - B) No later than nine years after the monitoring previously conducted pursuant to Section 611.356(g)(2) or Section 611.356(g)(4)(A), each small system supplier desiring to maintain its monitoring waiver must provide the information required by Sections 611.356(g)(4)(A) and (g)(4)(B).
  - C) No later than 60 days after it becomes aware that it is no longer free of lead-containing or copper-containing material, as appropriate, each small system supplier with a monitoring waiver must provide written notification to the Agency, setting forth the circumstances resulting in the lead-containing or copper-containing materials being introduced into the system and what corrective action, if any, the supplier plans to remove these materials.
  - D) By October 10, 2000, any small system supplier with a waiver granted prior to April 11, 2000 and that had not previously met the requirements of Section 611.356(g)(2) must have provided the information required by that subsection.
- 5) Each GWS supplier that limits water quality parameter monitoring to a subset of entry points under Section 611.357(c)(3) must provide, by the commencement of such monitoring, written correspondence to the Agency that identifies the selected entry points and includes information sufficient to demonstrate that the sites are representative of water quality and treatment conditions throughout the system.
  - b) Reporting for source water monitoring.
    - 1) A supplier must report the sampling results for all source water samples

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

collected in accordance with Section 611.358 within ten days of the end of each source water sampling period (i.e., annually, per compliance period, per compliance cycle) specified in Section 611.358.

- 2) With the exception of the first round of source water sampling conducted pursuant to Section 611.358(b), a supplier must specify any site that was not sampled during previous sampling periods, and include an explanation of why the sampling point has changed.
- c) Reporting for corrosion control treatment.

By the applicable dates under Section 611.351, a supplier must report the following information:

- 1) For a supplier demonstrating that it has already optimized corrosion control, the information required by Section 611.352(b)(2) or (b)(3).
  - 2) For a supplier required to optimize corrosion control, its recommendation regarding optimal corrosion control treatment pursuant to Section 611.352(a).
  - 3) For a supplier required to evaluate the effectiveness of corrosion control treatments pursuant to Section 611.352(c), the information required by Section 611.352(c).
  - 4) For a supplier required to install optimal corrosion control approved by the Agency pursuant to Section 611.352(d), a copy of the Agency permit letter, which acts as certification that the supplier has completed installing the permitted treatment.
- d) Reporting for source water treatment. On or before the applicable dates in Section 611.353, a supplier must provide the following information to the Agency:
- 1) If required by Section 611.353(b)(1), its recommendation regarding source water treatment; or
  - 2) For suppliers required to install source water treatment pursuant to Section 611.353(b)(2), a copy of the Agency permit letter, which acts as certification that the supplier has completed installing the treatment

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

approved by the Agency within 24 months after the Agency approved the treatment.

- e) Reporting for lead service line replacement. A supplier must report the following information to the Agency to demonstrate compliance with the requirements of Section 611.354:
- 1) Within 12 months after a supplier exceeds the lead action level in sampling referred to in Section 611.354(a), the supplier must report each of the following to the Agency in writing:
    - A) A demonstration that it has conducted a materials evaluation, including the evaluation required by Section 611.356(a);
    - B) Identify the initial number of lead service lines in its distribution system; and
    - C) Provide the Agency with the supplier's schedule for annually replacing at least seven percent of the initial number of lead service lines in its distribution system.
  - 2) Within 12 months after a supplier exceeds the lead action level in sampling referred to in Section 611.354(a), and every 12 months thereafter, the supplier must demonstrate to the Agency in writing that the supplier has done either of the following:
    - A) Replaced in the previous 12 months at least seven percent of the initial number of lead service lines in its distribution system (or any greater number of lines specified by the Agency pursuant to Section 611.354(e)); or
    - B) Conducted sampling that demonstrates that the lead concentration in all service line samples from individual lines, taken pursuant to Section 611.356(b)(3), is less than or equal to 0.015 mg/l.
    - C) Where the supplier makes a demonstration under subsection (e)(2)(B) of this Section, the total number of lines that the supplier has replaced, combined with the total number that meet the criteria of Section 611.354(b), must equal at least seven percent of the initial number of lead lines identified pursuant to subsection (a) of

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

this Section (or the percentage specified by the Agency pursuant to Section 611.354(e)).

- 3) The annual letter submitted to the Agency pursuant to subsection (e)(2) of this Section must contain the following information:
    - A) The number of lead service lines originally scheduled to be replaced during the previous year of the supplier's replacement schedule;
    - B) The number and location of each lead service line actually replaced during the previous year of the supplier's replacement schedule; and
    - C) If measured, the water lead concentration from each lead service line sampled pursuant to Section 611.356(b)(3) and the location of each lead service line sampled, the sampling method used, and the date of sampling.
  - 4) Any supplier that collects lead service line samples following partial lead service line replacement required by Section 611.354 must report the results to the Agency within the first ten days of the month following the month in which the supplier receives the laboratory results, or as specified by the Agency. The Agency may, by a SEP granted pursuant to Section 611.110, eliminate this requirement to report these monitoring results. A supplier must also report any additional information as specified by the Agency, and in a time and manner prescribed by the Agency, to verify that all partial lead service line replacement activities have taken place.
- f) Reporting for public education program.
- 1) Any water supplier that is subject to the public education requirements in Section 611.355 must, within ten days after the end of each period in which the supplier is required to perform public education tasks in accordance with Section 611.355(c), send written documentation to the Agency that contains the following:
    - A) A demonstration that the supplier has delivered the public education materials that meet the content requirements in Sections 611.355(a) and (b) and the delivery requirements in Section

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

611.355(c); and

- B) A list of all the newspapers, radio stations, television stations, and facilities and organizations to which the supplier delivered public education materials during the period in which the supplier was required to perform public education tasks.
- 2) Unless required by the Agency, by a SEP issued pursuant to Section 611.110, a supplier that previously has submitted the information required by subsection (f)(1)(B) of this Section need not resubmit the information required by subsection (f)(1)(B) of this Section, as long as there have been no changes in the distribution list and the supplier certifies that the public education materials were distributed to the same list submitted previously.
- g) Reporting of additional monitoring data. Any supplier that collects sampling data in addition to that required by this Subpart G must report the results of that sampling to the Agency within the first ten days following the end of the applicable sampling periods specified by Sections 611.356 through 611.358 during which the samples are collected.
  - h) Reporting of 90th percentile lead and copper concentrations where the Agency calculates a system's 90th percentile concentrations. A water supplier is not required to report the 90th percentile lead and copper concentrations measured from among all lead and copper tap water samples collected during each monitoring period, as required by subsection (a)(1)(D) of this Section if the following is true:
    - 1) The Agency has previously notified the water supplier that it will calculate the water system's 90<sup>th</sup> percentile lead and copper concentrations, based on the lead and copper tap results submitted pursuant to subsection (h)(2)(A) of this Section, and has specified a date before the end of the applicable monitoring period by which the supplier must provide the results of lead and copper tap water samples;
    - 2) The supplier has provided the following information to the Agency by the date specified in subsection (h)(1) of this Section:
      - A) The results of all tap samples for lead and copper including the location of each site and the criteria under Section 611.356(a)(3), (a)(4), (a)(5), (a)(6), or (a)(7) under which the site was selected for

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

the system's sampling pool, pursuant to subsection (a)(1)(A) of this Section; and

- B) An identification of sampling sites utilized during the current monitoring period that were not sampled during previous monitoring periods, and an explanation why sampling sites have changed; and
- 3) The Agency has provided the results of the 90<sup>th</sup> percentile lead and copper calculations, in writing, to the water supplier before the end of the monitoring period.

BOARD NOTE: Derived from 40 CFR 141.90 ~~(2003)~~(2002).

(Source: Amended at 28 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART N: INORGANIC MONITORING AND ANALYTICAL REQUIREMENTS

**Section 611.600 Applicability**

The following types of suppliers must conduct monitoring to determine compliance with the old MCLs in Section 611.300 and the revised MCLs in 611.301, as appropriate, in accordance with this Subpart N:

- a) CWS suppliers.
- b) NTNCWS suppliers.
- c) Transient non-CWS suppliers to determine compliance with the nitrate and nitrite MCLs.
- d) Detection limits. The following are detection limits for purposes of this Subpart N (MCLs from Section 611.301 are set forth for information purposes only):

Contaminant	MCL (mg/ℓ, except asbestos)	Method	Detection Limit (mg/ℓ)
Antimony	0.006	Atomic absorption-furnace technique	0.003

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

		Atomic absorption-furnace technique (stabilized temperature)	0.0008 <sup>5</sup>	
		Inductively-coupled plasma-mass spectrometry	0.0004	
		Atomic absorption-gaseous hydride technique	0.001	
Arsenic	<del>0.0100</del> 0.01 <sup>6</sup>	Atomic absorption-furnace technique	0.001	
		Atomic absorption-furnace technique (stabilized temperature)	0.00005 <sup>7</sup>	
		Atomic absorption-gaseous hydride technique	0.001	
		Inductively-coupled plasma-mass spectrometry	0.0014 <sup>8</sup>	
Asbestos	7 MFL <sup>1</sup>	Transmission electron microscopy	0.01 MFL	
Barium	2	Atomic absorption-furnace technique	0.002	
		Atomic absorption-direct aspiration technique	0.1	
		Inductively-coupled plasma arc furnace	0.002	
		Inductively-coupled plasma	0.001	
Beryllium	0.004	Atomic absorption-furnace technique	0.0002	
		Atomic absorption-furnace technique (stabilized temperature)	0.00002 <sup>5</sup>	

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

		Inductively-coupled plasma <sup>2</sup>	0.0003
		Inductively-coupled plasma-mass spectrometry	0.0003
Cadmium	0.005	Atomic absorption-furnace technique	0.0001
		Inductively-coupled plasma	0.001
Chromium	0.1	Atomic absorption-furnace technique	0.001
		Inductively-coupled plasma	0.007
		Inductively-coupled plasma	0.001
Cyanide	0.2	Distillation, spectrophotometric <sup>3</sup>	0.02
		Automated distillation, spectrophotometric <sup>3</sup>	0.005
		Distillation, selective electrode <sup>3</sup>	0.05
		UV, distillation, spectrophotometric	0.0005
		Distillation, spectrophotometric	0.0006
Mercury	0.002	Manual cold vapor technique	0.0002
		Automated cold vapor technique	0.0002
Nickel	No MCL	Atomic absorption-furnace technique	0.001

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

		Atomic absorption-furnace technique (stabilized temperature)	0.0006 <sup>5</sup>
		Inductively-coupled plasma <sup>2</sup>	0.005
		Inductively-coupled plasma-mass spectrometry	0.0005
Nitrate (as N)	10	Manual cadmium reduction	0.01
		Automated hydrazine reduction	0.01
		Automated cadmium reduction	0.05
		Ion-selective electrode	1
		Ion chromatography	0.01
Nitrite (as N)	1	Spectrophotometric	0.01
		Automated cadmium reduction	0.05
		Manual cadmium reduction	0.01
		Ion chromatography	0.004
Selenium	0.05	Atomic absorption-furnace technique	0.002
		Atomic absorption-gaseous hydride technique	0.002
Thallium	0.002	Atomic absorption-furnace technique	0.001
		Atomic absorption-furnace technique (stabilized temperature)	0.0007 <sup>5</sup>

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

Inductively-coupled  
plasma-mass spectrometry 0.0003

## Footnotes.

- <sup>1</sup> "MFL" means millions of fibers per liter less than 10 µm.
- <sup>2</sup> Using a 2x preconcentration step as noted in Method 200.7. Lower MDLs may be achieved when using a 4x preconcentration.
- <sup>3</sup> Screening method for total cyanides.
- <sup>4</sup> Measures "free" cyanides.
- <sup>5</sup> Lower MDLs are reported using stabilized temperature graphite furnace atomic absorption.
- <sup>6</sup> The value for arsenic is effective January 23, 2006. Until then, the MCL is 0.05 mg/ℓ.
- <sup>7</sup> The MDL reported for USEPA Method 200.9 (atomic absorption-platform furnace (stabilized temperature)) was determined using a 2x concentration step during sample digestion. The MDL determined for samples analyzed using direct analyses (i.e., no sample digestion) will be higher. Using multiple depositions, USEPA Method 200.9 is capable of obtaining an MDL of 0.0001 mg/ℓ.
- <sup>8</sup> Using selective ion monitoring, USEPA Method 200.8 (ICP-MS) is capable of obtaining an MDL of 0.0001 mg/ℓ.

BOARD NOTE: Subsections (a) through (c) of this Section are derived from 40 CFR 141.23 preamble ~~(2003)(2002)~~ and subsection (d) of this Section is derived from 40 CFR 141.23 (a)(4)(i) ~~(2003)(2002)~~. See the Board Note at Section 611.301(b) relating to the MCL for nickel.

(Source: Amended at 28 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 611.601 Monitoring Frequency**

Monitoring must be conducted as follows:

- a) Required sampling.
- 1) Each supplier must take a minimum of one sample at each sampling point at the times required by Section 611.610 beginning in the initial compliance period.
  - 2) Each sampling point must produce samples that are representative of the water from each source after treatment or from each treatment plant, as

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

required by subsection (b) of this Section. The total number of sampling points must be representative of the water delivered to users throughout the PWS.

- 3) The supplier must take each sample at the same sampling point unless conditions make another sampling point more representative of each source or treatment plant and the Agency has granted a SEP pursuant to subsection (b)(5) of this Section.
- b) Sampling points.
- 1) Sampling points for GWSs. Unless otherwise provided by SEP, a GWS supplier must take at least one sample from each of the following points: each entry point that is representative of each well after treatment.
  - 2) Sampling points for an SWS or a mixed system supplier. Unless otherwise provided by SEP, an SWS or mixed system supplier must take at least one sample from each of the following points:
    - A) Each entry point after the application of treatment; or
    - B) A point in the distribution system that is representative of each source after treatment.
  - 3) If a supplier draws water from more than one source, and the sources are combined before distribution, the supplier must sample at an entry point during periods of normal operating conditions when water is representative of all sources being used.
  - 4) Additional sampling points. The Agency must, by SEP, designate additional sampling points in the distribution system or at the consumer's tap if it determines that such samples are necessary to more accurately determine consumer exposure.
  - 5) Alternative sampling points. The Agency must, by SEP, approve alternate sampling points if the supplier demonstrates that the points are more representative than the generally required point.
- c) This subsection corresponds with 40 CFR 141.23(a)(4), an optional provision relating to compositing of samples that USEPA does not require for state

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

programs. This statement maintains structural consistency with USEPA rules.

- d) The frequency of monitoring for the following contaminants must be in accordance with the following Sections:
- 1) Asbestos: Section 611.602;
  - 2) Antimony, arsenic ~~(effective February 22, 2002)~~, barium, beryllium, cadmium, chromium, cyanide, fluoride, mercury, nickel, selenium, and thallium: Section 611.603;
  - 3) Nitrate: Section 611.604; and
  - 4) Nitrite: Section 611.605.

BOARD NOTE: Derived from 40 CFR 141.23(a) and (c) ~~(2003)(2002)~~.

(Source: Amended at 28 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 611.609 Determining Compliance**

Compliance with the MCLs of Section 611.300 or 611.301 (as appropriate) must be determined based on the analytical results obtained at each sampling point.

- a) For suppliers that monitor at a frequency greater than annual, compliance with the MCLs for antimony, arsenic ~~(effective January 22, 2004)~~, asbestos, barium, beryllium, cadmium, chromium, cyanide, fluoride, mercury, nickel, selenium, or thallium is determined by a running annual average at each sampling point. ~~If Effective January 22, 2004, if~~ a system fails to collect the required number of samples, compliance (average concentration) will be based on the total number of samples collected.
- 1) If the average at any sampling point is greater than the MCL, then the supplier is out of compliance.
  - 2) If any one sample would cause the annual average to be exceeded, then the supplier is out of compliance immediately.
  - 3) Any sample below the method detection limit must be calculated at zero for the purpose of determining the annual average.

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

BOARD NOTE: The "method detection limit" is different from the "detection limit," as set forth in Section 611.600. The "method detection limit" is the level of contaminant that can be determined by a particular method with a 95 percent degree of confidence, as determined by the method outlined in 40 CFR 136, Appendix B, incorporated by reference at Section 611.102.

- b) For suppliers that monitor annually or less frequently, compliance with the MCLs for antimony, arsenic (~~effective January 22, 2004~~), asbestos, barium, beryllium, cadmium, chromium, cyanide, fluoride, mercury, nickel, selenium, or thallium is determined by the level of the contaminant at any sampling point. If confirmation samples are required by the Agency, the determination of compliance will be based on the average of the annual average of the initial MCL exceedence and any Agency-required confirmation samples. ~~If Effective January 22, 2004, if~~ a supplier fails to collect the required number of samples, compliance (average concentration) will be based on the total number of samples collected.
- c) Compliance with the MCLs for nitrate and nitrite is determined based on one sample if the levels of these contaminants are below the MCLs. If the levels of nitrate or nitrite in the initial sample exceed the MCLs, Section 611.606 requires confirmation sampling, and compliance is determined based on the average of the initial and confirmation samples.
- d) Arsenic sampling results must be reported to the nearest 0.001 mg/ℓ.

BOARD NOTE: Derived from 40 CFR 141.23(i) ~~(2003)~~(2002).

(Source: Amended at 28 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### Section 611.611 Inorganic Analysis

Analytical methods are from documents incorporated by reference in Section 611.102. These are mostly referenced by a short name defined by Section 611.102(a). Other abbreviations are defined in Section 611.101.

- a) Analysis for the following contaminants must be conducted using the following methods or an alternative approved pursuant to Section 611.480. Criteria for analyzing arsenic, chromium, copper, lead, nickel, selenium, sodium, and thallium with digestion or directly without digestion, and other analytical procedures, are

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

contained in USEPA Technical Notes, incorporated by reference in Section 611.102. (This document also contains approved analytical test methods that remained available for compliance monitoring until July 1, 1996. These methods are not available for use after July 1, 1996.)

BOARD NOTE: Because MDLs reported in USEPA Environmental Metals Methods 200.7 and 200.9 were determined using a 2x preconcentration step during sample digestion, MDLs determined when samples are analyzed by direct analysis (i.e., no sample digestion) will be higher. For direct analysis of cadmium and arsenic by USEPA Environmental Metals Method 200.7, and arsenic by Standard Method 3120 B sample preconcentration using pneumatic nebulization may be required to achieve lower detection limits. Preconcentration may also be required for direct analysis of antimony, lead, and thallium by USEPA Environmental Metals Method 200.9; antimony and lead by Standard Method 3113 B; and lead by ASTM Method D3559-90D unless multiple in-furnace depositions are made.

- 1) Alkalinity.
  - A) Titrimetric.
    - i) ASTM Method D1067-92 B; or
    - ii) Standard Methods, 18<sup>th</sup>, 19<sup>th</sup>, or 20<sup>th</sup> ed.: Method 2320 B.
  - B) Electrometric titration: USGS Methods: Method I-1030-85.
- 2) Antimony.
  - A) Inductively-coupled plasma-mass spectrometry: USEPA Environmental Metals Methods: Method 200.8.
  - B) Atomic absorption, hydride technique: ASTM Method D3697-92.
  - C) Atomic absorption, platform furnace technique: USEPA Environmental Metals Methods: Method 200.9.
  - D) Atomic absorption, furnace technique: Standard Methods, 18<sup>th</sup> or 19<sup>th</sup> ed.: Method 3113 B.

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

## 3) Arsenic.

BOARD NOTE: If ultrasonic nebulization is used in the determination of arsenic by Methods 200.7, 200.8, or SM 3120 B, the arsenic must be in the pentavalent state to provide uniform signal response. For methods 200.7 and 3120 B, both samples and standards must be diluted in the same mixed acid matrix concentration of nitric and hydrochloric acid with the addition of 100 mL of 30% hydrogen peroxide per 100 mL of solution. For direct analysis of arsenic with method 200.8 using ultrasonic nebulization, samples and standards must contain one mg/L of sodium hypochlorite.

## A) Inductively-coupled plasma.

BOARD NOTE: Effective January 23, 2006, a supplier may no longer employ analytical methods using the ICP-AES technology may not be used because the detection limits for these methods are 0.008 mg/L or higher. This restriction means that the two ICP-AES methods (USEPA Environmental Metals Method 200.7 and Standard Methods, Method 3120 B) approved for use for the MCL of 0.05 mg/L may not be used for compliance determinations for the revised MCL of 0.0100-01 mg/L. However, prior to the 2005 through 2007 compliance period, a supplier may have compliance samples analyzed with these less sensitive methods.

- i) USEPA Environmental Metals Methods: Method 200.7; or
- ii) Standard Methods, 18<sup>th</sup>, 19<sup>th</sup>, or 20<sup>th</sup> ed.: Method 3120 B.

## B) Inductively-coupled plasma-mass spectrometry: USEPA Environmental Metals Methods: Method 200.8.

## C) Atomic absorption, platform furnace technique: USEPA Environmental Metals Methods: Method 200.9.

## D) Atomic absorption, furnace technique.

- i) ASTM Method D2972-97C; or
- ii) Standard Methods, 18<sup>th</sup> or 19<sup>th</sup> ed.: Method 3113 B.

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

- E) Atomic absorption, hydride technique.
  - i) ASTM Method D2972-97B; or
  - ii) Standard Methods, 18<sup>th</sup> or 19<sup>th</sup> ed.: Method 3114 B.
- 4) Asbestos: Transmission electron microscopy: USEPA Asbestos Methods-100.1 and USEPA Asbestos Methods-100.2.
- 5) Barium.
  - A) Inductively-coupled plasma.
    - i) USEPA Environmental Metals Methods: Method 200.7; or
    - ii) Standard Methods, 18<sup>th</sup>, 19<sup>th</sup>, or 20<sup>th</sup> ed.: Method 3120 B.
  - B) Inductively-coupled plasma-mass spectrometry: USEPA Environmental Metals Methods: Method 200.8.
  - C) Atomic absorption, direct aspiration technique: Standard Methods, 18<sup>th</sup> or 19<sup>th</sup> ed.: Method 3111 D.
  - D) Atomic absorption, furnace technique: Standard Methods, 18<sup>th</sup>, 19<sup>th</sup> ed.: Method 3113 B.
- 6) Beryllium.
  - A) Inductively-coupled plasma.
    - i) USEPA Environmental Metals Methods: Method 200.7; or
    - ii) Standard Methods, 18<sup>th</sup>, 19<sup>th</sup>, or 20<sup>th</sup> ed.: Method 3120 B.
  - B) Inductively-coupled plasma-mass spectrometry: USEPA Environmental Metals Methods: Method 200.8.
  - C) Atomic absorption, platform furnace technique: USEPA Environmental Metals Methods: Method 200.9.

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

- D) Atomic absorption, furnace technique.
  - i) ASTM Method D3645-97B; or
  - ii) Standard Methods, 18<sup>th</sup> or 19<sup>th</sup> ed.: Method 3113 B.
- 7) Cadmium.
  - A) Inductively-coupled plasma arc furnace: USEPA Environmental Metals Methods: Method 200.7.
  - B) Inductively-coupled plasma-mass spectrometry: USEPA Environmental Metals Methods: Method 200.8.
  - C) Atomic absorption, platform furnace technique: USEPA Environmental Metals Methods: Method 200.9.
  - D) Atomic absorption, furnace technique: Standard Methods, 18<sup>th</sup> or 19<sup>th</sup> ed.: Method 3113 B.
- 8) Calcium.
  - A) EDTA titrimetric.
    - i) ASTM Method D511-93 A; or
    - ii) Standard Methods, 18<sup>th</sup>, 19<sup>th</sup>, or 20<sup>th</sup> ed.: Method 3500-Ca D.
  - B) Atomic absorption, direct aspiration.
    - i) ASTM Method D511-93 B; or
    - ii) Standard Methods, 18<sup>th</sup> or 19<sup>th</sup> ed.: Method 3111 B.
  - C) Inductively-coupled plasma.
    - i) USEPA Environmental Metals Methods: Method 200.7; or
    - ii) Standard Methods, 18<sup>th</sup>, 19<sup>th</sup>, or 20<sup>th</sup> ed.: Method 3120 B.

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

- 9) Chromium.
  - A) Inductively-coupled plasma.
    - i) USEPA Environmental Metals Methods: Method 200.7; or
    - ii) Standard Methods, 18<sup>th</sup>, 19<sup>th</sup>, or 20<sup>th</sup> ed.: Method 3120 B.
  - B) Inductively-coupled plasma-mass spectrometry: USEPA Environmental Metals Methods: Method 200.8.
  - C) Atomic absorption, platform furnace technique: USEPA Environmental Metals Methods: Method 200.9.
  - D) Atomic absorption, furnace technique: Standard Methods, 18<sup>th</sup> or 19<sup>th</sup> ed.: Method 3113 B.
- 10) Copper.
  - A) Atomic absorption, furnace technique.
    - i) ASTM Method D1688-95 C; or
    - ii) Standard Methods, 18<sup>th</sup> or 19<sup>th</sup> ed.: Method 3113 B.
  - B) Atomic absorption, direct aspiration.
    - i) ASTM Method D1688-95 A; or
    - ii) Standard Methods, 18<sup>th</sup> or 19<sup>th</sup> ed.: Method 3111 B.
  - C) Inductively-coupled plasma.
    - i) USEPA Environmental Metals Methods: Method 200.7; or
    - ii) Standard Methods, 18<sup>th</sup>, 19<sup>th</sup>, or 20<sup>th</sup> ed.: Method 3120 B.
  - D) Inductively-coupled plasma-mass spectrometry: USEPA Environmental Metals Methods: Method 200.8.

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

- E) Atomic absorption, platform furnace technique: USEPA Environmental Metals Methods: Method 200.9.
- 11) Conductivity; Conductance.
- A) ASTM Method D1125-95 A; or
- B) Standard Methods, 18<sup>th</sup>, 19<sup>th</sup>, or 20<sup>th</sup> ed.: Method 2510 B.
- 12) Cyanide.
- A) Manual distillation (ASTM Method D2036-98 A or Standard Methods, 18<sup>th</sup>, 19<sup>th</sup>, or 20<sup>th</sup> ed.: Method 4500-CN<sup>-</sup> C), followed by spectrophotometric, amenable.
- i) ASTM Method D2036-98 B; or
- ii) Standard Methods, 18<sup>th</sup>, 19<sup>th</sup>, or 20<sup>th</sup> ed.: Method 4500-CN<sup>-</sup> G.
- B) Manual distillation (ASTM Method D2036-98 A or Standard Methods, 18<sup>th</sup>, 19<sup>th</sup>, or 20<sup>th</sup> ed.: Method 4500-CN<sup>-</sup> C), followed by spectrophotometric, manual.
- i) ASTM Method D2036-98 A;
- ii) Standard Methods, 18<sup>th</sup>, 19<sup>th</sup>, or 20<sup>th</sup> ed.: Method 4500-CN<sup>-</sup> E; or
- iii) USGS Methods: Method I-3300-85.
- C) Manual distillation (ASTM Method D2036-98 A or Standard Methods, 18<sup>th</sup>, 19<sup>th</sup>, or 20<sup>th</sup> ed.: Method 4500-CN<sup>-</sup> C), followed by semiautomated spectrophotometric: USEPA Environmental Inorganic Methods: Method 335.4.
- D) Selective electrode: Standard Methods, 18<sup>th</sup>, 19<sup>th</sup>, or 20<sup>th</sup> ed.: Method 4500-CN<sup>-</sup> F.
- E) UV/Distillation/Spectrophotometric: ~~Kelada~~~~Kaleda~~ 01.

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

- F) Distillation/Spectrophotometric: QuickChem 10-204-00-1-X.
- 13) Fluoride.
- A) Ion Chromatography.
- i) USEPA Environmental Inorganic Methods: Method 300.0,
- ii) ASTM Method D4327-97; or
- iii) Standard Methods, 18<sup>th</sup>, 19<sup>th</sup>, or 20<sup>th</sup> ed.: Method 4110 B.
- B) Manual distillation, colorimetric SPADNS: Standard Methods, 18<sup>th</sup>, 19<sup>th</sup>, or 20<sup>th</sup> ed.: Method 4500-F<sup>-</sup> B and D.
- C) Manual electrode.
- i) ASTM Method D1179-93 B; or
- ii) Standard Methods, 18<sup>th</sup>, 19<sup>th</sup>, or 20<sup>th</sup> ed.: Method 4500-F<sup>-</sup> C.
- D) Automated electrode: Technicon Methods: Method 380-75WE.
- E) Automated alizarin.
- i) Standard Methods, 18<sup>th</sup>, 19<sup>th</sup>, or 20<sup>th</sup> ed.: Method 4500-F<sup>-</sup> E; or
- ii) Technicon Methods: Method 129-71W.
- 14) Lead.
- A) Atomic absorption, furnace technique.
- i) ASTM Method D3559-96 D; or
- ii) Standard Methods, 18<sup>th</sup> or 19<sup>th</sup> ed.: Method 3113 B.

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

- B) Inductively-coupled plasma-mass spectrometry: USEPA Environmental Metals Methods: Method 200.8.
  - C) Atomic absorption, platform furnace technique: USEPA Environmental Metals Methods: Method 200.9.
  - D) Differential Pulse Anodic Stripping Voltammetry: Palintest Method 1001.
- 15) Magnesium.
- A) Atomic absorption.
    - i) ASTM Method D511-93 B; or
    - ii) Standard Methods, 18<sup>th</sup> or 19<sup>th</sup> ed.: Method 3111 B.
  - B) Inductively-coupled plasma.
    - i) USEPA Environmental Metals Methods: Method 200.7; or
    - ii) Standard Methods, 18<sup>th</sup>, 19<sup>th</sup>, or 20<sup>th</sup> ed.: Method 3120 B.
  - C) Complexation titrimetric.
    - i) ASTM Method D511-93 A; or
    - ii) Standard Methods, 18<sup>th</sup> or 19<sup>th</sup> ed.: Method 3500-Mg E.
    - iii) Standard Methods, 20<sup>th</sup> ed.: Method 3500-Mg B.
- 16) Mercury.
- A) Manual cold vapor technique.
    - i) USEPA Environmental Metals Methods: Method 245.1;
    - ii) ASTM Method D3223-97; or
    - iii) Standard Methods, 18<sup>th</sup> or 19<sup>th</sup> ed.: Method 3112 B.

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

- B) Automated cold vapor technique: USEPA Inorganic Methods: Method 245.2.
  - C) Inductively-coupled plasma-mass spectrometry: USEPA Environmental Metals Methods: Method 200.8.
- 17) Nickel.
- A) Inductively-coupled plasma.
    - i) USEPA Environmental Metals Methods: Method 200.7; or
    - ii) Standard Methods, 18<sup>th</sup>, 19<sup>th</sup>, or 20<sup>th</sup> ed.: Method 3120 B.
  - B) Inductively-coupled plasma-mass spectrometry: USEPA Environmental Metals Methods: Method 200.8.
  - C) Atomic absorption, platform furnace technique: USEPA Environmental Metals Methods: Method 200.9.
  - D) Atomic absorption, direct aspiration technique: Standard Methods, 18<sup>th</sup> or 19<sup>th</sup> ed.: Method 3111 B.
  - E) Atomic absorption, furnace technique: Standard Methods, 18<sup>th</sup> or 19<sup>th</sup> ed.: Method 3113 B.
- 18) Nitrate.
- A) Ion chromatography.
    - i) USEPA Environmental Inorganic Methods: Method 300.0;
    - ii) ASTM Method D4327-97;
    - iii) Standard Methods, 18<sup>th</sup>, 19<sup>th</sup>, or 20<sup>th</sup> ed.: Method 4110 B; or
    - iv) Waters Test Method B-1011, available from Millipore Corporation.

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

- B) Automated cadmium reduction.
    - i) USEPA Environmental Inorganic Methods: Method 353.2;
    - ii) ASTM Method D3867-90 A; or
    - iii) Standard Methods, 18<sup>th</sup>, 19<sup>th</sup>, or 20<sup>th</sup> ed.: Method 4500-NO<sub>3</sub><sup>-</sup> F.
  - C) Ion selective electrode.
    - i) Standard Methods, 18<sup>th</sup>, 19<sup>th</sup>, or 20<sup>th</sup> ed.: Method 4500-NO<sub>3</sub><sup>-</sup> D; or
    - ii) Technical Bulletin 601.
  - D) Manual cadmium reduction.
    - i) ASTM Method D3867-90 B; or
    - ii) Standard Methods, 18<sup>th</sup>, 19<sup>th</sup>, or 20<sup>th</sup> ed.: Method 4500-NO<sub>3</sub><sup>-</sup> E.
- 19) Nitrite.
- A) Ion chromatography.
    - i) USEPA Environmental Inorganic Methods: Method 300.0;
    - ii) ASTM Method D4327-97;
    - iii) Standard Methods, 18<sup>th</sup>, 19<sup>th</sup>, or 20<sup>th</sup> ed.: Method 4110 B;  
or
    - iv) Waters Test Method B-1011, available from Millipore Corporation.
  - B) Automated cadmium reduction.

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

- i) USEPA Environmental Inorganic Methods: Method 353.2;
  - ii) ASTM Method D3867-90 A; or
  - iii) Standard Methods, 18<sup>th</sup>, 19<sup>th</sup>, or 20<sup>th</sup> ed.: Method 4500-NO<sub>3</sub><sup>-</sup> F.
- C) Manual cadmium reduction.
- i) ASTM Method D3867-90 B; or
  - ii) Standard Methods, 18<sup>th</sup>, 19<sup>th</sup>, or 20<sup>th</sup> ed.: Method 4500-NO<sub>3</sub><sup>-</sup> E.
- D) Spectrophotometric: Standard Methods, 18<sup>th</sup>, 19<sup>th</sup>, or 20<sup>th</sup> ed.: Method 4500-NO<sub>2</sub><sup>-</sup> B.
- 20) Orthophosphate (unfiltered, without digestion or hydrolysis).
- A) Automated colorimetric, ascorbic acid.
- i) USEPA Environmental Inorganic Methods: Method 365.1; or
  - ii) Standard Methods, 18<sup>th</sup>, 19<sup>th</sup>, or 20<sup>th</sup> ed.: Method 4500-P F.
- B) Single reagent colorimetric, ascorbic acid.
- i) ASTM Method D515-88 A; or
  - ii) Standard Methods, 18<sup>th</sup>, 19<sup>th</sup>, or 20<sup>th</sup> ed.: Method 4500-P E.
- C) Colorimetric, phosphomolybdate: USGS Methods: Method I-1601-85.
- D) Colorimetric, phosphomolybdate, automated-segmented flow: USGS Methods: Method I-2601-90.

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

- E) Colorimetric, phosphomolybdate, automated discrete: USGS Methods: Method I-2598-85.
  - F) Ion Chromatography.
    - i) USEPA Environmental Inorganic Methods: Method 300.0;
    - ii) ASTM Method D4327-97; or
    - iii) Standard Methods, 18<sup>th</sup>, 19<sup>th</sup>, or 20<sup>th</sup> ed.: Method 4110 B.
- 21) pH.
- A) Electrometric.
    - i) USEPA Inorganic Methods: Method 150.1;
    - ii) ASTM Method D1293-95; or
    - iii) Standard Methods, 18<sup>th</sup>, 19<sup>th</sup>, or 20<sup>th</sup> ed.: Method 4500-H+ B.
  - B) USEPA Inorganic Methods: Method 150.2.
- 22) Selenium.
- A) Atomic absorption, hydride.
    - i) ASTM Method D3859-98 A; or
    - ii) Standard Methods, 18<sup>th</sup> or 19<sup>th</sup> ed.: Method 3114 B.
  - B) Inductively-coupled plasma-mass spectrometry: USEPA Environmental Metals Methods: Method 200.8.
  - C) Atomic absorption, platform furnace technique: USEPA Environmental Metals Methods: Method 200.9.
  - D) Atomic absorption, furnace technique.

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

- i) ASTM Method D3859-98 B; or
  - ii) Standard Methods, 18<sup>th</sup> or 19<sup>th</sup> ed.: Method 3113 B.
- 23) Silica.
- A) Colorimetric, molybdate blue: USGS Methods: Method I-1700-85.
  - B) Colorimetric, molybdate blue, automated-segmented flow: USGS Methods: Method I-2700-85.
  - C) Colorimetric: ASTM Method D859-95.
  - D) Molybdosilicate: Standard Methods, 18<sup>th</sup> or 19<sup>th</sup> ed.: Method 4500-Si D or Standard Methods, 20<sup>th</sup> ed.: Method 4500-Si C.
  - E) Heteropoly blue: Standard Methods, 18<sup>th</sup> or 19<sup>th</sup> ed.: Method 4500-Si E or Standard Methods, 20<sup>th</sup> ed.: Method 4500-Si D.
  - F) Automated method for molybdate-reactive silica: Standard Methods, 18<sup>th</sup> or 19<sup>th</sup> ed.: Method 4500-Si F or Standard Methods, 20<sup>th</sup> ed.: Method 4500-Si E.
  - G) Inductively-coupled plasma.
    - i) USEPA Environmental Metals Methods: Method 200.7; or
    - ii) Standard Methods, 18<sup>th</sup>, 19<sup>th</sup>, or 20<sup>th</sup> ed.: Method 3120 B.
- 24) Sodium.
- A) Inductively-coupled plasma: USEPA Environmental Metals Methods: Method 200.7.
  - B) Atomic absorption, direct aspiration: Standard Methods, 18<sup>th</sup> or 19<sup>th</sup> ed.: Method 3111 B.
- 25) Temperature; thermometric: Standard Methods, 18<sup>th</sup>, 19<sup>th</sup>, or 20<sup>th</sup> ed.: Method 2550.

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

- 26) Thallium.
- A) Inductively-coupled plasma-mass spectrometry: USEPA Environmental Metals Methods: Method 200.8.
  - B) Atomic absorption, platform furnace technique: USEPA Environmental Metals Methods: Method 200.9.
- b) Sample collection for antimony, arsenic (~~effective January 22, 2004~~), asbestos, barium, beryllium, cadmium, chromium, cyanide, fluoride, mercury, nickel, nitrate, nitrite, selenium, and thallium pursuant to Sections 611.600 through 611.604 must be conducted using the following sample preservation, container, and maximum holding time procedures:

BOARD NOTE: For cyanide determinations samples must be adjusted with sodium hydroxide to pH 12 at the time of collection. When chilling is indicated the sample must be shipped and stored at 4° C or less. Acidification of nitrate or metals samples may be with a concentrated acid or a dilute (50% by volume) solution of the applicable concentrated acid. Acidification of samples for metals analysis is encouraged and allowed at the laboratory rather than at the time of sampling provided the shipping time and other instructions in Section 8.3 of USEPA Environmental Metals Method 200.7, 200.8, or 200.9 ~~are is~~ followed.

- 1) Antimony.
  - A) Preservative: Concentrated nitric acid to pH less than 2.
  - B) Plastic or glass (hard or soft).
  - C) Holding time: Samples must be analyzed as soon after collection as possible, but in any event within ~~six~~6 months.
- 2) Arsenic.
  - A) Preservative: Concentrated nitric acid to pH less than 2.
  - B) Plastic or glass (hard or soft).
  - C) Holding time: Samples must be analyzed as soon after collection as

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

possible, but in any event within six6 months.

- 3) Asbestos.
  - A) Preservative: Cool to 4° C.
  - B) Plastic or glass (hard or soft).
  - C) Holding time: Samples must be analyzed as soon after collection as possible, but in any event within 48 hours.
- 4) Barium.
  - A) Preservative: Concentrated nitric acid to pH less than 2.
  - B) Plastic or glass (hard or soft).
  - C) Holding time: Samples must be analyzed as soon after collection as possible, but in any event within six6 months.
- 5) Beryllium.
  - A) Preservative: Concentrated nitric acid to pH less than 2.
  - B) Plastic or glass (hard or soft).
  - C) Holding time: Samples must be analyzed as soon after collection as possible, but in any event within six months.
- 6) Cadmium.
  - A) Preservative: Concentrated nitric acid to pH less than 2.
  - B) Plastic or glass (hard or soft).
  - C) Holding time: Samples must be analyzed as soon after collection as possible, but in any event within six months.
- 7) Chromium.

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

- A) Preservative: Concentrated nitric acid to pH less than 2.
  - B) Plastic or glass (hard or soft).
  - C) Holding time: Samples must be analyzed as soon after collection as possible, but in any event within six months.
- 8) Cyanide.
- A) Preservative: Cool to 4° C. Add sodium hydroxide to pH greater than 12. See the analytical methods for information on sample preservation.
  - B) Plastic or glass (hard or soft).
  - C) Holding time: Samples must be analyzed as soon after collection as possible, but in any event within 14 days.
- 9) Fluoride.
- A) Preservative: None.
  - B) Plastic or glass (hard or soft).
  - C) Holding time: Samples must be analyzed as soon after collection as possible, but in any event within one month.
- 10) Mercury.
- A) Preservative: Concentrated nitric acid to pH less than 2.
  - B) Plastic or glass (hard or soft).
  - C) Holding time: Samples must be analyzed as soon after collection as possible, but in any event within 28 days.
- 11) Nickel.
- A) Preservative: Concentrated nitric acid to pH less than 2.

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

- B) Plastic or glass (hard or soft).
  - C) Holding time: Samples must be analyzed as soon after collection as possible, but in any event within six months.
- 12) Nitrate, chlorinated.
- A) Preservative: Cool to 4° C.
  - B) Plastic or glass (hard or soft).
  - C) Holding time: Samples must be analyzed as soon after collection as possible, but in any event within 14 days.
- 13) Nitrate, non-chlorinated.
- A) Preservative: Concentrated sulfuric acid to pH less than 2.
  - B) Plastic or glass (hard or soft).
  - C) Holding time: Samples must be analyzed as soon after collection as possible, but in any event within 14 days.
- 14) Nitrite.
- A) Preservative: Cool to 4° C.
  - B) Plastic or glass (hard or soft).
  - C) Holding time: Samples must be analyzed as soon after collection as possible, but in any event within 48 hours.
- 15) Selenium.
- A) Preservative: Concentrated nitric acid to pH less than 2.
  - B) Plastic or glass (hard or soft).
  - C) Holding time: Samples must be analyzed as soon after collection as possible, but in any event within six months.

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

- 16) Thallium.
  - A) Preservative: Concentrated nitric acid to pH less than 2.
  - B) Plastic or glass (hard or soft).
  - C) Holding time: Samples must be analyzed as soon after collection as possible, but in any event within six months.
- c) Analyses under this Subpart N must be conducted by laboratories that received approval from USEPA or the Agency. The Agency must certify laboratories to conduct analyses for antimony, arsenic (effective January 23, 2006), asbestos, barium, beryllium, cadmium, chromium, cyanide, fluoride, mercury, nickel, nitrate, nitrite, selenium, and thallium if the laboratory does as follows:
  - 1) It analyzes performance evaluation (PE) samples, provided by the Agency pursuant to 35 Ill. Adm. Code 186, that include those substances at levels not in excess of levels expected in drinking water; and
  - 2) It achieves quantitative results on the analyses within the following acceptance limits:
    - A) Antimony:  $\pm 30\%$  at greater than or equal to 0.006 mg/l.
    - B) Arsenic:  $\pm 30\%$  at greater than or equal to 0.003 mg/l.
    - C) Asbestos: 2 standard deviations based on study statistics.
    - D) Barium:  $\pm 15\%$  at greater than or equal to 0.15 mg/l.
    - E) Beryllium:  $\pm 15\%$  at greater than or equal to 0.001 mg/l.
    - F) Cadmium:  $\pm 20\%$  at greater than or equal to 0.002 mg/l.
    - G) Chromium:  $\pm 15\%$  at greater than or equal to 0.01 mg/l.
    - H) Cyanide:  $\pm 25\%$  at greater than or equal to 0.1 mg/l.
    - I) Fluoride:  $\pm 10\%$  at 1 to 10 mg/l.

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

- J) Mercury:  $\pm 30\%$  at greater than or equal to 0.0005 mg/l.
- K) Nickel:  $\pm 15\%$  at greater than or equal to 0.01 mg/l.
- L) Nitrate:  $\pm 10\%$  at greater than or equal to 0.4 mg/l.
- M) Nitrite:  $\pm 15\%$  at greater than or equal to 0.4 mg/l.
- N) Selenium:  $\pm 20\%$  at greater than or equal to 0.01 mg/l.
- O) Thallium:  $\pm 30\%$  at greater than or equal to 0.002 mg/l.

BOARD NOTE: Derived from 40 CFR 141.23(k) ~~(2003)~~(2002).

(Source: Amended at 28 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 611.631 Special Monitoring for Inorganic Chemicals ~~(Repealed)~~**

~~Section 611.510 sets forth requirements for the special monitoring of unregulated inorganic contaminants.~~

(Source: Repealed at 28 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**SUBPART O: ORGANIC MONITORING AND ANALYTICAL REQUIREMENTS**

**Section 611.640 Definitions**

The following terms are defined for use in this Subpart O only. Additional definitions are located in Section 611.102.

"Old MCL" means an MCL in Section 611.310. These include the MCLs identified as "additional state requirements," ~~and those derived from 40 CFR 141.12, but excluding TTHM.~~ "Old MCLs" include the Section 611.310 MCLs for the following contaminants:

Aldrin

2,4-D

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

DDT

Dieldrin

Heptachlor

Heptachlor epoxide

BOARD NOTE: 2,4-D, heptachlor, and heptachlor epoxide are also "Phase II SOCs." The additional state requirements of Section 611.310 impose a more stringent "old MCL" for each of these compounds than that imposed on them as Phase II SOCs by Section 611.311. However, the requirements for sampling and monitoring for these compounds as Phase II SOCs and the consequences of their detection and violation of their revised MCLs is more stringent as Phase II SOCs.

"Phase II SOCs" means the following:

Alachlor

Atrazine

Carbofuran

Chlordane

Dibromochloropropane

Ethylene dibromide

Heptachlor

Heptachlor epoxide

Lindane

Methoxychlor

Polychlorinated biphenyls

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

Toxaphene

2,4-D

2,4,5-TP

BOARD NOTE: These are organic contaminants regulated at 40 CFR 141.61(c)(1) through (c)(18) ~~(2003)(2002)~~. The MCLs for these contaminants are located at Section 611.311. More stringent MCLs for heptachlor, heptachlor epoxide, and 2,4-D are found as "additional state requirements" in Section 611.310.

"Phase IIB SOCs" means the following:

Aldicarb

Aldicarb Sulfone

Aldicarb Sulfoxide

Pentachlorophenol

BOARD NOTE: These are organic contaminants regulated at 40 CFR 141.61(c)(1) through (c)(18) ~~(2003)(2002)~~. The MCLs for these contaminants are located at Section 611.311. See the Board note appended to Section 611.311(c) for information relating to implementation of requirements relating to aldicarb, aldicarb sulfone, and aldicarb sulfoxide.

"Phase V SOCs" means the following:

Benzo(a) pyrene

Dalapon

Di(2-ethylhexyl)adipate

Di(2-ethylhexyl)phthalate

Dinoseb

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

Diquat

Endothall

Endrin

Glyphosate

Hexachlorobenzene

Hexachlorocyclopentadiene

Oxamyl

Picloram

Simazine

2,3,7,8-TCDD

BOARD NOTE: These are organic contaminants regulated at 40 CFR 141.61(c)(19) through (c)(33) ~~(2003)(2002)~~. The MCLs for these contaminants are located at Section 611.311.

"Phase I VOCs" means the following:

Benzene

Carbon tetrachloride

p-Dichlorobenzene:

1,2-Dichloroethane

1,1-Dichloroethylene

1,1,1-Trichloroethane

Trichloroethylene

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

Vinyl chloride

BOARD NOTE: These are the organic contaminants regulated at 40 CFR 141.61(a)(1) through (a)(8) ~~(2003)~~(2002). The MCLs for these contaminants are located at Section 611.311(a).

"Phase II VOCs" means the following:

o-Dichlorobenzene

cis-1,2-Dichloroethylene

trans-1,2-Dichloroethylene

1,2-Dichloropropane

Ethylbenzene

Monochlorobenzene

Styrene

Tetrachloroethylene

Toluene

Xylenes (total)

BOARD NOTE: These are organic contaminants regulated at 40 CFR 141.61(a)(9) through (a)(18) ~~(2003)~~(2002). The MCLs for these contaminants are in Section 611.311(a).

"Phase V VOCs" means the following:

Dichloromethane

1,2,4-Trichlorobenzene

1,1,2-Trichloroethane

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

BOARD NOTE: These are the organic contaminants regulated at 40 CFR 141.61(a)(19) through (a)(21) ~~(2003)(2002)~~. The MCLs for these contaminants are located at Section 611.311(a).

"Revised MCL" means an MCL in Section 611.311. This term includes MCLs for Phase I VOCs, Phase II VOCs, Phase V VOCs, Phase II SOCs, Phase IIB SOCs, and Phase V SOCs.

(Source: Amended at 28 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### Section 611.645 Analytical Methods for Organic Chemical Contaminants

Analysis for the Section 611.311(a) VOCs under Section 611.646; the Section 611.311(c) SOCs under Section 611.648; the Section 611.310 old ~~organic~~-MCLs under Section 611.641; and for THMs, TTHMs, and TTHM potential must be conducted using the methods listed in this Section or by equivalent methods as approved by the Agency pursuant to Section 611.480. All methods are from USEPA Organic Methods, unless otherwise indicated. All methods are incorporated by reference in Section 611.102.

#### Volatile Organic Chemical Contaminants (VOCs).

Contaminant	Analytical Methods
Benzene	502.2, 524.2
Carbon tetrachloride	502.2, 524.2, 551.1
Chlorobenzene	502.2, 524.2
1,2-Dichlorobenzene	502.2, 524.2
1,4-Dichlorobenzene	502.2, 524.2
1,2-Dichloroethane	502.2, 524.2
cis-Dichloroethylene	502.2, 524.2
trans-Dichloroethylene	502.2, 524.2
Dichloromethane	502.2, 524.2
1,2-Dichloropropane	502.2, 524.2
Ethylbenzene	502.2, 524.2
Styrene	502.2, 524.2
Tetrachloroethylene	502.2, 524.2, 551.1
1,1,1-Trichloroethane	502.2, 524.2, 551.1
Trichloroethylene	502.2, 524.2, 551.1
Toluene	502.2, 524.2

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

1,2,4-Trichlorobenzene	502.2, 524.2
1,1-Dichloroethylene	502.2, 524.2
1,1,2-Trichloroethane	502.2, 524.2
Vinyl chloride	502.2, 524.2
Xylenes (total)	502.2, 524.2

## Synthetic Organic Chemical Contaminants (SOCs).

Contaminant	Analytical Methods
2,3,7,8-Tetrachlorodibenzodioxin (2,3,7,8-TCDD or dioxin)	Dioxin and Furan Method 1613
2,4-D	515.2, 555, 515.1, 515.3, 515.4, ASTM Method D5317-93
2,4,5,-TP (Silvex)	515.2, 555, 515.1, 515.3, 515.4, ASTM Method D5317-93
Alachlor	505*, 507, 508.1, 525.2, 551.1

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

Atrazine	505*, 507, 508.1, 525.2, 551.1
Benzo(a)pyrene	525.2, 550, 550.1
Carbofuran	531.1, 531.2, Standard Methods, 18 <sup>th</sup> ed. Supplement, 19 <sup>th</sup> ed., or 20 <sup>th</sup> ed.: Method 6610
Chlordane	505, 508, 508.1, 525.2
Dalapon	515.1, 552.1, 552.2, 515.3, 515.4
Di(2-ethylhexyl)adipate	506, 525.2
Di(2-ethylhexyl)phthalate	506, 525.2
Dibromochloropropane (DBCP)	504.1, 551.1
Dinoseb	515.1, 515.2, 515.3, 515.4, 555
Diquat	549.1
Endothall	548.1
Endrin	505, 508, 508.1, 525.2, 551.1
Ethylene Dibromide (EDB)	504.1, 551.1
Glyphosate	547, Standard Methods, 18 <sup>th</sup> ed., 19 <sup>th</sup> ed., or 20 <sup>th</sup> ed.: Method 6651
Heptachlor	505, 508, 508.1, 525.2, 551.1
Heptachlor Epoxide	505, 508, 508.1, 525.2, 551.1
Hexachlorobenzene	505, 508, 508.1, 525.2, 551.1
Hexachlorocyclopentadiene	505, 508, 508.1, 525.2, 551.1
Lindane	505, 508, 508.1, 525.2, 551.1
Methoxychlor	505, 508, 508.1, 525.2, 551.1
Oxamyl	531.1, 531.2, Standard Methods, 18 <sup>th</sup> ed. Supplement, 19 <sup>th</sup> ed., or 20 <sup>th</sup> ed.: Method 6610
PCBs (measured for compliance purposes as decchlorobiphenyl)	508A
PCBs (qualitatively identified as Aroclors)	505, 508, 508.1, 525.2
Pentachlorophenol	515.1, 515.2, 525.2, 555, 515.3, 515.4, ASTM Method D5317-93
Picloram	515.1, 515.2, 555, 515.3, 515.4, ASTM Method D5317-93
Simazine	505*, 507, 508.1, 525.2, 551.2
Toxaphene	505, 508, 525.2, 508.1

Total Trihalomethanes (TTHMs).

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

Contaminant	Analytical Methods
Total Trihalomethanes (TTHMs), Trihalomethanes (THMs), and Maximum Total Trihalomethane Potential	502.2, 524.2, 551.1

State-Only MCLs (for which a method is not listed above).

Contaminant	Analytical Methods
Aldrin	505, 508, 508.1, 525.2
DDT	505, 508
Dieldrin	505, 508, 508.1, 525.2

\* denotes that, for the particular contaminant, a nitrogen-phosphorus detector should be substituted for the electron capture detector in method 505 (or another approved method should be used) to determine alachlor, atrazine, and simazine if lower detection limits are required.

BOARD NOTE: Derived from 40 CFR 141.24(e) ~~(2003)(2002)~~.

(Source: Amended at 28 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### Section 611.646 Phase I, Phase II, and Phase V Volatile Organic Contaminants

Monitoring of the Phase I, Phase II, and Phase V VOCs for the purpose of determining compliance with the MCL must be conducted as follows:

a) Definitions. As used in this Section the following have the given meanings:

"Detect" and "detection" mean that the contaminant of interest is present at a level greater than or equal to the "detection limit."

"Detection limit" means 0.0005 mg/ℓ.

BOARD NOTE: Derived from 40 CFR 141.24(f)(7), (f)(11), (f)(14)(i), and (f)(20) ~~(2003)(2002)~~. This is a "trigger level" for Phase I, Phase II, and Phase V VOCs inasmuch as it prompts further action. The use of the term "detect" in this Section is not intended to include any analytical capability of quantifying lower levels of any contaminant, or the "method

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

detection limit." Note, however, that certain language at the end of federal paragraph (f)(20) is capable of meaning that the "method detection limit" is used to derive the "detection limit." The Board has chosen to disregard that language at the end of paragraph (f)(20) in favor of the more direct language of paragraphs (f)(7) and (f)(11).

"Method detection limit," as used in subsections (q) and (t) of this Section means the minimum concentration of a substance that can be measured and reported with 99 percent confidence that the analyte concentration is greater than zero and is determined from analysis of a sample in a given matrix containing the analyte.

BOARD NOTE: Derived from 40 CFR 136, Appendix B ~~(2003)~~(2002). The method detection limit is determined by the procedure set forth in 40 CFR 136, Appendix B. See subsection (t) of this Section.

- b) Required sampling. Each supplier must take a minimum of one sample at each sampling point at the times required in subsection (u) of this Section.
- c) Sampling points.
  - 1) Sampling points for a GWS. Unless otherwise provided by a SEP granted by the Agency pursuant to Section 611.110, a GWS supplier must take at least one sample from each of the following points: each entry point that is representative of each well after treatment.
  - 2) Sampling points for an SWS or mixed system supplier. Unless otherwise provided by a SEP granted by the Agency pursuant to Section 611.110, an SWS or mixed system supplier must sample from each of the following points:
    - A) Each entry point after treatment; or
    - B) Points in the distribution system that are representative of each source.
  - 3) The supplier must take each sample at the same sampling point unless the Agency has granted a SEP pursuant to Section 611.110 that designates another location as more representative of each source, treatment plant, or within the distribution system.

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

- 4) If a system draws water from more than one source, and the sources are combined before distribution, the supplier must sample at an entry point during periods of normal operating conditions when water is representative of all sources being used.

BOARD NOTE: Subsections (b) and (c) of this Section derived from 40 CFR 141.24(f)(1) through (f)(3) ~~(2003)(2002)~~.

- d) Each CWS and NTNCWS supplier must take four consecutive quarterly samples for each of the Phase I VOCs, excluding vinyl chloride, and Phase II VOCs during each compliance period, beginning in the compliance period starting in the initial compliance period.
- e) Reduction to annual monitoring frequency. If the initial monitoring for the Phase I, Phase II, and Phase V VOCs, as allowed in subsection (r)(1) of this Section, was completed by December 31, 1992, and the supplier did not detect any of the Phase I VOCs, including vinyl chloride; Phase II VOCs; or Phase V VOCs, then the supplier must take one sample annually beginning in the initial compliance period.
- f) GWS reduction to triennial monitoring frequency. After a minimum of three years of annual sampling, GWS suppliers that have not previously detected any of the Phase I VOCs, including vinyl chloride; Phase II VOCs; or Phase V VOCs must take one sample during each three-year compliance period.
- g) A CWS or NTNCWS supplier that has completed the initial round of monitoring required by subsection (d) of this Section and which did not detect any of the Phase I VOCs, including vinyl chloride; Phase II VOCs; and Phase V VOCs may apply to the Agency for a SEP pursuant to Section 611.110 that releases it from the requirements of subsection (e) or (f) of this Section. A supplier that serves fewer than 3300 service connections may apply to the Agency for a SEP that releases it from the requirements of subsection (d) of this Section as to 1,2,4-trichlorobenzene.

BOARD NOTE: Derived from 40 CFR 141.24(f)(7) and (f)(10) ~~(2003)(2002)~~, and the discussion at 57 Fed. Reg. 31825 (July 17, 1992). Provisions concerning the term of the waiver appear in subsections (i) and (j) of this Section. The definition of "detect," parenthetically added to the federal counterpart paragraph, is in subsection (a) of this Section.

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

- h) Vulnerability assessment. The Agency must consider the factors of Section 611.110(e) in granting a SEP from the requirements of subsection (d), (e), or (f) of this Section sought pursuant to subsection (g) of this Section.
- i) A SEP issued to a GWS pursuant to subsection (g) of this Section is for a maximum of six years, except that a SEP as to the subsection (d) of this Section monitoring for 1,2,4-trichlorobenzene must apply only to the initial round of monitoring. As a condition of a SEP, except as to a SEP from the initial round of subsection (d) of this Section monitoring for 1,2,4-trichlorobenzene, the supplier shall, within 30 months after the beginning of the period for which the waiver was issued, reconfirm its vulnerability assessment required by subsection (h) of this Section and submitted pursuant to subsection (g) of this Section, by taking one sample at each sampling point and reapplying for a SEP pursuant to subsection (g) of this Section. Based on this application, the Agency must do either of the following:
- 1) If it determines that the PWS meets the standard of Section 611.610(e), issue a SEP that reconfirms the prior SEP for the remaining three-year compliance period of the six-year maximum term; or
  - 2) Issue a new SEP requiring the supplier to sample annually.

BOARD NOTE: Subsection (i) of this Section does not apply to an SWS or mixed system supplier.

- j) Special considerations for a SEP for an SWS or ~~mixed-system~~ ~~mixed-system~~ supplier. |
- 1) The Agency must determine that an SWS is not vulnerable before issuing a SEP pursuant to Section 611.110 to an SWS supplier. A SEP issued to an SWS or mixed system supplier pursuant to subsection (g) of this Section is for a maximum of one compliance period; and
  - 2) The Agency may require, as a condition to a SEP issued to an SWS or mixed supplier, that the supplier take such samples for Phase I, Phase II, and Phase V VOCs at such a frequency as the Agency determines are necessary, based on the vulnerability assessment.

BOARD NOTE: There is a great degree of similarity between 40 CFR

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

141.24(f)(7) ~~(2003)(2002)~~, the provision applicable to GWSs, and 40 CFR 141.24(f)(10) ~~(2003)(2002)~~, the provision for SWSs. The Board has consolidated the common requirements of both paragraphs into subsection (g) of this Section. Subsection (j) of this Section represents the elements unique to an SWSs or mixed system, and subsection (i) of this Section relates to a GWS supplier. Although 40 CFR 141.24(f)(7) and (f)(10) are silent as to a mixed system supplier, the Board has included a mixed system supplier with an SWS supplier because this best follows the federal scheme for all other contaminants.

- k) If one of the Phase I VOCs, excluding vinyl chloride; a Phase II VOC; or a Phase V VOC is detected in any sample, then the following must occur:
- 1) The supplier must monitor quarterly for that contaminant at each sampling point that resulted in a detection.
  - 2) Annual monitoring.
    - A) The Agency must grant a SEP pursuant to Section 611.110 that allows a supplier to reduce the monitoring frequency to annual at a sampling point if it determines that the sampling point is reliably and consistently below the MCL.
    - B) A request for a SEP must include the following minimal information:
      - i) For a GWS, two quarterly samples.
      - ii) For an SWS or mixed system supplier, four quarterly samples.
    - C) In issuing a SEP, the Agency must specify the level of the contaminant upon which the "reliably and consistently" determination was based. Any SEP that allows less frequent monitoring based on an Agency "reliably and consistently" determination must include a condition requiring the supplier to resume quarterly monitoring pursuant to subsection (k)(1) of this Section if it violates the MCL specified by Section 611.311.
  - 3) Suppliers that monitor annually must monitor during the quarters that previously yielded the highest analytical result.

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

- 4) Suppliers that do not detect a contaminant at a sampling point in three consecutive annual samples may apply to the Agency for a SEP pursuant to Section 611.110 that allows it to discontinue monitoring for that contaminant at that point, as specified in subsection (g) of this Section.
- 5) A GWS supplier that has detected one or more of the two-carbon contaminants listed in subsection (k)(5)(A) of this Section must monitor quarterly for vinyl chloride as described in subsection (k)(5)(B) of this Section, subject to the limitation of subsection (k)(5)(C) of this Section.
  - A) "Two-carbon contaminants" (Phase I or II VOC) are the following:
    - 1,2-Dichloroethane (Phase I)
    - 1,1-Dichloroethylene (Phase I)
    - cis-1,2-Dichloroethylene (Phase II)
    - trans-1,2-Dichloroethylene (Phase II)
    - Tetrachloroethylene (Phase II)
    - 1,1,1-Trichloroethylene (Phase I)
    - Trichloroethylene (Phase I)
  - B) The supplier must sample quarterly for vinyl chloride at each sampling point at which it detected one or more of the two-carbon contaminants listed in subsection (k)(5)(A) of this Section.
  - C) The Agency must grant a SEP pursuant to Section 611.110 that allows the supplier to reduce the monitoring frequency for vinyl chloride at any sampling point to once in each three-year compliance period if it determines that the supplier has not detected vinyl chloride in the first sample required by subsection (k)(5)(B) of this Section.
- 1) Quarterly monitoring following MCL violations.

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

- 1) Suppliers that violate an MCL for one of the Phase I VOCs, including vinyl chloride; Phase II VOCs; or Phase V VOCs, as determined by subsection (o) of this Section, must monitor quarterly for that contaminant, at the sampling point where the violation occurred, beginning the next quarter after the violation.
- 2) Annual monitoring.
  - A) The Agency must grant a SEP pursuant to Section 611.110 that allows a supplier to reduce the monitoring frequency to annually if it determines that the sampling point is reliably and consistently below the MCL.
  - B) A request for a SEP must include the following minimal information: four quarterly samples.
  - C) In issuing a SEP, the Agency must specify the level of the contaminant upon which the "reliably and consistently" determination was based. Any SEP that allows less frequent monitoring based on an Agency "reliably and consistently" determination must include a condition requiring the supplier to resume quarterly monitoring pursuant to subsection (l)(1) of this Section if it violates the MCL specified by Section 611.311.
  - D) The supplier must monitor during the quarters that previously yielded the highest analytical result.
- m) Confirmation samples. The Agency may issue a SEP pursuant to Section 610.110 to require a supplier to use a confirmation sample for results that it finds dubious for whatever reason. The Agency must state its reasons for issuing the SEP if the SEP is Agency-initiated.
  - 1) If a supplier detects any of the Phase I, Phase II, or Phase V VOCs in a sample, the supplier must take a confirmation sample as soon as possible, but no later than 14 days after the supplier receives notice of the detection.
  - 2) Averaging is as specified in subsection (o) of this Section.
  - 3) The Agency must delete the original or confirmation sample if it determines that a sampling error occurred, in which case the confirmation

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

sample will replace the original or confirmation sample.

- n) This subsection (n) corresponds with 40 CFR 141.24(f)(14), an optional USEPA provision relating to compositing of samples that USEPA does not require for state programs. This statement maintains structural consistency with USEPA rules.
- o) Compliance with the MCLs for the Phase I, Phase II, and Phase V VOCs must be determined based on the analytical results obtained at each sampling point. ~~If Effective January 22, 2004, if~~ one sampling point is in violation of an MCL, the system is in violation of the MCL.
- 1) ~~For Effective January 22, 2004, for~~ a supplier that monitors more than once per year, compliance with the MCL is determined by a running annual average at each sampling point.
  - 2) ~~A Effective January 22, 2004, a~~ supplier that monitors annually or less frequently whose sample result exceeds the MCL must begin quarterly sampling. The system will not be considered in violation of the MCL until it has completed one year of quarterly sampling.
  - 3) ~~If Effective January 22, 2004, if~~ any sample result will cause the running annual average to exceed the MCL at any sampling point, the supplier is out of compliance with the MCL immediately.
  - 4) ~~If Effective January 22, 2004, if~~ a supplier fails to collect the required number of samples, compliance will be based on the total number of samples collected.
  - 5) ~~If Effective January 22, 2004, if~~ a sample result is less than the detection limit, zero will be used to calculate the annual average. ~~6) Until January 22, 2004, for a supplier that conducts monitoring at a frequency greater than annual, compliance is determined by a running annual average of all samples taken at each sampling point. A) If the annual average of any sampling point is greater than the MCL, then the supplier is out of compliance. B) If the initial sample or a subsequent sample would cause the annual average to exceed the MCL, then the supplier is out of compliance immediately. C) Any samples below the detection limit must be deemed as zero for purposes of determining the annual average. 7) Until January 22, 2004, if monitoring is conducted annually, or less frequently,~~

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

~~the supplier is out of compliance if the level of a contaminant at any sampling point is greater than the MCL. Until January 22, 2004, if a confirmation sample is taken, the determination of compliance is based on the average of two samples.~~

- p) This subsection (p) corresponds with 40 CFR 141.24(f)(16), which USEPA removed and reserved. This statement maintains structural consistency with the federal regulations.
- q) Analysis under this Section must only be conducted by laboratories that have received certification by USEPA or the Agency according to the following conditions:
- 1) To receive certification to conduct analyses for the Phase I VOCs, excluding vinyl chloride; Phase II VOCs; and Phase V VOCs, the laboratory must do the following:
    - A) It must analyze performance evaluation (PE) samples that include these substances provided by the Agency pursuant to 35 Ill. Adm. Code 186.170;
    - B) It must achieve the quantitative acceptance limits under subsections (q)(1)(C) and (q)(1)(D) of this Section for at least 80 percent of the regulated organic contaminants in the PE sample;
    - C) It must achieve quantitative results on the analyses performed under subsection (q)(1)(A) of this Section that are within  $\pm 20$  percent of the actual amount of the substances in the PE sample when the actual amount is greater than or equal to 0.010 mg/l;
    - D) It must achieve quantitative results on the analyses performed under subsection (q)(1)(A) of this Section that are within  $\pm 40$  percent of the actual amount of the substances in the PE sample when the actual amount is less than 0.010 mg/l; and
    - E) It must achieve a method detection limit of 0.0005 mg/l, according to the procedures in 40 CFR 136, appendix B, incorporated by reference in Section 611.102.
  - 2) To receive certification to conduct analyses for vinyl chloride the

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

laboratory must do the following:

- A) It must analyze PE samples provided by the Agency pursuant to 35 Ill. Adm. Code 186.170;
  - B) It must achieve quantitative results on the analyses performed under subsection (q)(2)(A) of this Section that are within  $\pm 40$  percent of the actual amount of vinyl chloride in the PE sample;
  - C) It must achieve a method detection limit of 0.0005 mg/l, according to the procedures in 40 CFR 136, appendix B, incorporated by reference in Section 611.102; and
  - D) It must obtain certification pursuant to subsection (q)(1) of this Section for Phase I VOCs, excluding vinyl chloride; Phase II VOCs; and Phase V VOCs.
- r) ~~This subsection (r) corresponds with 40 CFR 141.24(f)(18), an obsolete provision that relates to the initial compliance period from 1993 through 1995. This statement maintains consistency with the federal regulations. Use of existing data. 1)The Agency must allow the use of data collected after January 1, 1988 but prior to December 1, 1992, pursuant to Agency sample request letters, if it determines that the data are generally consistent with the requirements of this Section. 2)The Agency must grant a SEP pursuant to Section 611.110 that allows a supplier to monitor annually beginning in the initial compliance period if it determines that the supplier did not detect any Phase I, Phase II, or Phase V VOC using existing data allowed pursuant to subsection (r)(1) of this Section.~~
- s) The Agency shall, by a SEP issued pursuant to Section 611.110, increase the number of sampling points or the frequency of monitoring if it determines that it is necessary to detect variations within the PWS.
- t) Each laboratory certified for the analysis of Phase I, Phase II, or Phase V VOCs pursuant to subsection (q)(1) or (q)(2) of this Section shall do the following:
- 1) Determine the method detection limit (MDL), as defined in 40 CFR 136, Appendix B, incorporated by reference in Section 611.102, at which it is capable of detecting the Phase I, Phase II, and Phase V VOCs; and,
  - 2) Achieve an MDL for each Phase I, Phase II, and Phase V VOC that is less

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

than or equal to 0.0005 mg/ℓ.

- u) Each supplier must monitor, within each compliance period, at the time designated by the Agency by SEP pursuant to Section 611.110.
- v) A new system supplier or a supplier that uses a new source of water that begins operation after January 22, 2004 must demonstrate compliance with the MCL within a period of time specified by a permit issued by the Agency. The supplier must also comply with the initial sampling frequencies specified by the Agency to ensure the supplier can demonstrate compliance with the MCL. Routine and increased monitoring frequencies must be conducted in accordance with the requirements in this Section.

BOARD NOTE: Derived from 40 CFR 141.24(f) ~~(2003)~~(2002).

(Source: Amended at 28 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 611.648 Phase II, Phase IIB, and Phase V Synthetic Organic Contaminants**

Analysis of the Phase II, Phase IIB, and Phase V SOC's for the purposes of determining compliance with the MCL must be conducted as follows:

- a) Definitions. As used in this Section, the following terms will have the following meanings:

"Detect" or "detection" means that the contaminant of interest is present at a level greater than or equal to the "detection limit."

"Detection limit" means the level of the contaminant of interest that is specified in subsection (r) of this Section.

BOARD NOTE: This is a "trigger level" for Phase II, Phase IIB, and Phase V SOC's inasmuch as it prompts further action. The use of the term "detect" or "detection" in this Section is not intended to include any analytical capability of quantifying lower levels of any contaminant, or the "method detection limit."

- b) Required sampling. Each supplier must take a minimum of one sample at each sampling point at the times required in subsection (q) of this Section.

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

BOARD NOTE: See the Board note appended to Section 611.311(c) for information relating to implementation of requirements relating to aldicarb, aldicarb sulfone, and aldicarb sulfoxide.

- c) Sampling points.
- 1) Sampling points for GWSs. Unless otherwise provided by SEP, a GWS supplier must take at least one sample from each of the following points: each entry point that is representative of each well after treatment.
  - 2) Sampling points for an SWS or mixed system supplier. Unless otherwise provided by SEP, an SWS or mixed system supplier must sample from each of the following points:
    - A) Each entry point after treatment; or
    - B) Points in the distribution system that are representative of each source.
  - 3) The supplier must take each sample at the same sampling point unless the Agency has granted a SEP that designates another location as more representative of each source, treatment plant, or within the distribution system.
  - 4) If a system draws water from more than one source, and the sources are combined before distribution, the supplier must sample at an entry point during periods of normal operating conditions when water is representative of all sources being used.

BOARD NOTE: Subsections (b) and (c) of this Section derived from 40 CFR 141.24(h)(1) through (h)(3) ~~(2003)(2002)~~.

- d) Monitoring frequency.
- 1) Each CWS and NTNCWS supplier must take four consecutive quarterly samples for each of the Phase II, Phase IIB, and Phase V SOCs during each compliance period, beginning in the three-year compliance period starting in the initial compliance period.
  - 2) Suppliers serving more than 3,300 persons that do not detect a

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

contaminant in the initial compliance period must take a minimum of two quarterly samples in one year of each subsequent three-year compliance period.

- 3) Suppliers serving fewer than or equal to 3,300 persons that do not detect a contaminant in the initial compliance period must take a minimum of one sample during each subsequent three-year compliance period.
- e) Reduction to annual monitoring frequency. A CWS or NTNCWS supplier may apply to the Agency for a SEP that releases it from the requirements of subsection (d) of this Section. A SEP from the requirement of subsection (d) of this Section must last for only a single three-year compliance period.
- f) Vulnerability assessment. The Agency must grant a SEP from the requirements of subsection (d) of this Section based on consideration of the factors set forth at Section 611.110(e).
- g) If one of the Phase II, Phase IIB, or Phase V SOCs is detected in any sample, then the following must occur:
  - 1) The supplier must monitor quarterly for the contaminant at each sampling point that resulted in a detection.
  - 2) Annual monitoring.
    - A) A supplier may request that the Agency grant a SEP pursuant to Section 610.110 that reduces the monitoring frequency to annual.
    - B) A request for an SEP must include the following minimal information:
      - i) For a GWS, two quarterly samples.
      - ii) For an SWS or mixed system supplier, four quarterly samples.
    - C) The Agency must grant a SEP that allows annual monitoring at a sampling point if it determines that the sampling point is reliably and consistently below the MCL.

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

- D) In issuing the SEP, the Agency must specify the level of the contaminant upon which the "reliably and consistently" determination was based. Any SEP that allows less frequent monitoring based on an Agency "reliably and consistently" determination must include a condition requiring the supplier to resume quarterly monitoring pursuant to subsection (g)(1) of this Section if it detects any Phase II SOC.
- 3) Suppliers that monitor annually must monitor during the quarters that previously yielded the highest analytical result.
- 4) Suppliers that have three consecutive annual samples with no detection of a contaminant at a sampling point may apply to the Agency for a SEP with respect to that point, as specified in subsections (e) and (f) of this Section.
- 5) Monitoring for related contaminants.
- A) If monitoring results in detection of one or more of the related contaminants listed in subsection (g)(5)(B) of this Section, subsequent monitoring must analyze for all the related compounds in the respective group.
- B) Related contaminants.
- i) First group.
- aldicarb
- aldicarb sulfone
- aldicarb sulfoxide
- BOARD NOTE: See the Board note appended to Section 611.311(c) for information relating to implementation of requirements relating to aldicarb, aldicarb sulfone, and aldicarb sulfoxide.
- ii) Second group.
- heptachlor

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

heptachlor epoxide.

- h) Quarterly monitoring following MCL violations.
  - 1) Suppliers that violate an MCL for one of the Phase II, Phase IIB, or Phase V SOCs, as determined by subsection (k) of this Section, must monitor quarterly for that contaminant at the sampling point where the violation occurred, beginning the next quarter after the violation.
  - 2) Annual monitoring.
    - A) A supplier may request that the Agency grant a SEP pursuant to Section 611.110 that reduces the monitoring frequency to annual.
    - B) A request for a SEP must include, at a minimum, the results from four quarterly samples.
    - C) The Agency must grant a SEP that allows annual monitoring at a sampling point if it determines that the sampling point is reliably and consistently below the MCL.
    - D) In issuing the SEP, the Agency must specify the level of the contaminant upon which the "reliably and consistently" determination was based. Any SEP that allows less frequent monitoring based on an Agency "reliably and consistently" determination must include a condition requiring the supplier to resume quarterly monitoring pursuant to subsection (h)(1) of this Section if it detects any Phase II SOC.
    - E) The supplier must monitor during the quarters that previously yielded the highest analytical result.
- i) Confirmation samples.
  - 1) If any of the Phase II, Phase IIB, or Phase V SOCs are detected in a sample, the supplier must take a confirmation sample as soon as possible, but no later than 14 days after the supplier receives notice of the detection.
  - 2) Averaging is as specified in subsection (k) of this Section.

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

- 3) The Agency must delete the original or confirmation sample if it determines that a sampling error occurred, in which case the confirmation sample will replace the original or confirmation sample.
- j) This subsection (j) corresponds with 40 CFR 141.24(h)(10), an optional USEPA provision relating to compositing of samples that USEPA does not require for state programs. This statement maintains structural consistency with USEPA rules.
- k) Compliance with the MCLs for the Phase II, Phase IIB, and Phase V SOCs shall be determined based on the analytical results obtained at each sampling point. ~~If Effective January 22, 2004, if~~ one sampling point is in violation of an MCL, the supplier is in violation of the MCL.
- 1) ~~For Effective January 22, 2004, for~~ a supplier that monitors more than once per year, compliance with the MCL is determined by a running annual average at each sampling point.
- 2) ~~A Effective January 22, 2004, a~~ supplier that monitors annually or less frequently whose sample result exceeds the regulatory detection level as defined by subsection (r) of this Section must begin quarterly sampling. The system will not be considered in violation of the MCL until it has completed one year of quarterly sampling.
- 3) ~~If Effective January 22, 2004, if~~ any sample result will cause the running annual average to exceed the MCL at any sampling point, the supplier is out of compliance with the MCL immediately.
- 4) ~~If Effective January 22, 2004, if~~ a supplier fails to collect the required number of samples, compliance will be based on the total number of samples collected.
- 5) ~~If Effective January 22, 2004, if~~ a sample result is less than the detection limit, zero will be used to calculate the annual average. ~~6) Until January 22, 2004, for a supplier that conducts monitoring at a frequency greater than annual, compliance is determined by a running annual average of all samples taken at each sampling point. A) If the annual average of any sampling point is greater than the MCL, then the supplier is out of compliance. B) If the initial sample or a subsequent sample would cause the~~

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

~~annual average to exceed the MCL, then the supplier is out of compliance immediately. C) Any samples below the detection limit must be deemed as zero for purposes of determining the annual average. 7) Until January 22, 2004, if the supplier conducts monitoring annually, or less frequently, the supplier is out of compliance if the level of a contaminant at any sampling point is greater than the MCL. Until January 22, 2004, if a confirmation sample is taken, the determination of compliance is based on the average of two samples.~~

- l) This subsection (1) corresponds with 40 CFR 141.24(h)(12), which USEPA removed and reserved. This statement maintains structural consistency with the federal regulations.
- m) Analysis for PCBs must be conducted as follows using the methods in Section 611.645:
  - 1) Each supplier that monitors for PCBs must analyze each sample using either USEPA Organic Methods, Method 505 or Method 508.
  - 2) If PCBs are detected in any sample analyzed using USEPA Organic Methods, Method 505 or 508, the supplier must reanalyze the sample using Method 508A to quantitate the individual Aroclors (as decachlorobiphenyl).
  - 3) Compliance with the PCB MCL must be determined based upon the quantitative results of analyses using USEPA Organic Methods, Method 508A.
- n) ~~This subsection (n) corresponds with 40 CFR 141.24(h)(14), an obsolete provision that relates to the initial compliance period from 1993 through 1995. This statement maintains consistency with the federal regulations. Use of existing data. 1) The Agency must allow the use of data collected after January 1, 1990 but prior to the effective date of this Section, pursuant to Agency sample request letters, if it determines that the data are generally consistent with the requirements of this Section. 2) The Agency must grant a SEP pursuant to Section 611.110 that allows a supplier to monitor annually beginning in the initial compliance period if it determines that the supplier did not detect any Phase I VOC or Phase II VOC using existing data allowed pursuant to subsection (n)(1) of this Section.~~
- o) The Agency must issue a SEP that increases the number of sampling points or the

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

frequency of monitoring if it determines that this is necessary to detect variations within the PWS due to such factors as fluctuations in contaminant concentration due to seasonal use or changes in the water source.

BOARD NOTE: At 40 CFR 141.24(h)(15), USEPA uses the stated factors as non-limiting examples of circumstances that make additional monitoring necessary.

- p) This subsection (p) corresponds with 40 CFR 141.24(h)(16), a USEPA provision relating to reserving enforcement authority to the State that would serve no useful function as part of the State's rules. This statement maintains structural consistency with USEPA rules.
- q) Each supplier must monitor, within each compliance period, at the time designated by the Agency by SEP pursuant to Section 611.110.
- r) "Detection" means greater than or equal to the following concentrations for each contaminant:

- 1) for PCBs (Aroclors), the following:

Aroclor	Detection Limit (mg/ℓ)
1016	0.00008
1221	0.02
1232	0.0005
1242	0.0003
1248	0.0001
1254	0.0001
1260	0.0002

- 2) for other Phase II, Phase IIB, and Phase V SOCs, the following:

Contaminant	Detection Limit (mg/ℓ)
Alachlor	0.0002
Aldicarb	0.0005
Aldicarb sulfoxide	0.0005
Aldicarb sulfone	0.0008

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

Atrazine	0.0001
Benzo(a)pyrene	0.00002
Carbofuran	0.0009
Chlordane	0.0002
2,4-D	0.0001
Dalapon	0.001
1,2-Dibromo-3-chloropropane (DBCP)	0.00002
Di(2-ethylhexyl)adipate	0.0006
Di(2-ethylhexyl)phthalate	0.0006
Dinoseb	0.0002
Diquat	0.0004
Endothall	0.009
Endrin	0.00001
Ethylene dibromide (EDB)	0.00001
Glyphosate	0.006
Heptachlor	0.00004
Heptachlor epoxide	0.00002
Hexachlorobenzene	0.0001
Hexachlorocyclopentadiene	0.0001
Lindane	0.00002
Methoxychlor	0.0001
Oxamyl	0.002
Picloram	0.0001
Polychlorinated biphenyls (PCBs) (as decachlorobiphenyl)	0.0001
Pentachlorophenol	0.00004
Simazine	0.00007
Toxaphene	0.001
2,3,7,8-TCDD (dioxin)	0.000000005
2,4,5-TP (silvex)	0.0002

BOARD NOTE: See the Board note appended to Section 611.311(c) for information relating to implementation of requirements relating to aldicarb, aldicarb sulfone, and aldicarb sulfoxide.

- s) Laboratory certification.
  - 1) Analyses under this Section must only be conducted by laboratories that have received approval by USEPA or the Agency according to the conditions of subsection (s)(2) of this Section.

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

2) To receive certification to conduct analyses for the Phase II, Phase IIB, and Phase V SOCs, the laboratory must do the following:

- A) Analyze PE samples provided by the Agency pursuant to 35 Ill. Adm. Code 183.125(c) that include these substances; and
- B) Achieve quantitative results on the analyses performed under subsection (s)(2)(A) of this Section that are within the following acceptance limits:

SOC	Acceptance Limits
Alachlor	± 45%
Aldicarb	2 standard deviations
Aldicarb sulfone	2 standard deviations
Aldicarb sulfoxide	2 standard deviations
Atrazine	± 45%
Benzo(a)pyrene	2 standard deviations
Carbofuran	± 45%
Chlordane	± 45%
Dalapon	2 standard deviations
Di(2-ethylhexyl)adipate	2 standard deviations
Di(2-ethylhexyl)phthalate	2 standard deviations
Dinoseb	2 standard deviations
Diquat	2 standard deviations
Endothall	2 standard deviations
Endrin	± 30%
Glyphosate	2 standard deviations
Dibromochloropropane (DBCP)	± 40%
Ethylene dibromide (EDB)	± 40%
Heptachlor	± 45%
Heptachlor epoxide	± 45%
Hexachlorobenzene	2 standard deviations
Hexachlorocyclopentadiene	2 standard deviations
Lindane	± 45%
Methoxychlor	± 45%
Oxamyl	2 standard deviations
PCBs (as decachlorobiphenyl)	0-200%
Pentachlorophenol	± 50%

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

Picloram	2 standard deviations
Simazine	2 standard deviations
Toxaphene	± 45%
2,4-D	± 50%
2,3,7,8-TCDD (dioxin)	2 standard deviations
2,4,5-TP (silvex)	± 50%

BOARD NOTE: See the Board note appended to Section 611.311(c) for information relating to implementation of requirements relating to aldicarb, aldicarb sulfone, and aldicarb sulfoxide.

- t) A new system supplier or a supplier that uses a new source of water that begins operation after January 22, 2004 must demonstrate compliance with the MCL within a period of time specified by a permit issued by the Agency. The supplier must also comply with the initial sampling frequencies specified by the Agency to ensure the supplier can demonstrate compliance with the MCL. Routine and increased monitoring frequencies must be conducted in accordance with the requirements in this Section.

BOARD NOTE: Derived from 40 CFR 141.24(h) ~~(2003)(2002)~~.

(Source: Amended at 28 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 611.658 Special Monitoring for Organic Chemicals ~~(Repealed)~~**

~~Section 611.510 sets forth requirements for the special monitoring for unregulated organic contaminants.~~

(Source: Repealed at 28 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**SUBPART P: THM MONITORING AND ANALYTICAL REQUIREMENTS**

**Section 611.680 Sampling, Analytical, and other Requirements ~~(Repealed)~~**

- a) ~~Required monitoring:~~
- 1) ~~— A CWS supplier that serves a population of 10,000 or more individuals and which adds a disinfectant (oxidant) to the water in any part of the drinking water treatment process must analyze for THMs in accordance with this Subpart P.~~

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

- ~~2) — For the purpose of this Subpart P, the minimum number of samples required to be taken by the supplier must be based on the number of treatment plants used by the supplier. However, the Agency shall, by a SEP issued pursuant to Section 611.110, provide that multiple wells drawing raw water from a single aquifer be considered one treatment plant for determining the minimum number of samples.~~
- ~~3) — All samples taken within an established frequency must be collected within a 24-hour period.~~
- ~~b) — A CWS supplier serving 10,000 or more individuals:~~
- ~~1) — For a CWS supplier utilizing surface a water source in whole or in part, and for a CWS supplier utilizing only a groundwater source, except as provided in Section 611.683, analyses for TTHMs must be performed at quarterly intervals on at least four water samples for each treatment plant used by the system. At least 25 percent of the samples must be taken at locations within the distribution system reflecting the maximum residence time (MRT) of the water in the system. The remaining 75 percent must be taken at representative locations in the distribution system, taking into account the number of persons served, different sources of water and different treatment methods employed. The results of all analyses per quarter must be arithmetically averaged and reported to the Agency within 30 days after the supplier's receipt of such results. All samples collected must be used in the computation of the average, unless the analytical results are invalidated for technical reasons. Sampling and analyses must be conducted in accordance with the methods listed in Section 611.685.~~
- ~~2) — Upon application by a CWS supplier, the Agency must, by a SEP issued pursuant to Section 611.110, reduce the monitoring frequency required by subsection (b)(1) to a minimum of one sample analyzed for TTHMs per quarter taken at a point in the distribution system reflecting the MRT of the water in the system, if the Agency determines that the data from at least one year of monitoring in accordance with subsection (b)(1) and local conditions demonstrate that TTHM concentrations will be consistently below the MCL.~~
- ~~3) — If at any time during which the reduced monitoring frequency prescribed under this subsection (b) applies, the results from any analysis exceed 0.10 mg/ℓ TTHMs and such results are confirmed by at least one check sample taken promptly after such results are received, or if the CWS supplier makes any significant change to its source of water or treatment program, the supplier must immediately begin monitoring in accordance with the requirements of subsection (b)(1), which monitoring must continue for at least 1 year before the frequency may be reduced again. The Agency must, by a SEP issued pursuant to Section 611.110, require monitoring in excess of the minimum frequency where it is necessary to detect variations of TTHM levels within the distribution system.~~

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

~~BOARD NOTE: Subsections (a) and (b) of this Section are derived from 40 CFR 141.30(a) and (b) (2002), modified to remove the limitation regarding addition of disinfectant.~~

- e) ~~Surface water sources for a CWS supplier serving fewer than 10,000 individuals. Suppliers must have submitted at least one initial sample per treatment plant for analysis or analytical results from a certified laboratory for MRT concentration taken between May 1, 1990, and October 31, 1990. After written request by the supplier and the determination by the Agency that the results of the sample indicate that the CWS supplier is not likely to exceed the MCL, the CWS must continue to submit one annual sample per treatment plant for analysis or analytical results from a certified laboratory to the Agency taken between May 1 and October 31 of succeeding years. If the sample exceeds the MCL, the CWS must submit to the Agency samples in accordance with the sampling frequency specified in subsection (b) of this Section.~~

~~BOARD NOTE: This is an additional State requirement.d) Groundwater sources for a CWS supplier serving fewer than 10,000 individuals. Suppliers are not required to submit samples for THM analysis under this Subpart P. BOARD NOTE: This is an additional State requirement.~~

(Source: Repealed at 28 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 611.683 Reduced Monitoring Frequency (Repealed)**

- a) ~~A CWS supplier utilizing only groundwater sources may, by a SEP application pursuant to Section 611.110, seek to have the monitoring frequency required by Section 611.680(b)(1) reduced to a minimum of one sample for maximum TTHM potential per year for each treatment plant used by the supplier, taken at a point in the distribution system reflecting maximum residence time of the water in the system.~~
- ~~1) The CWS supplier must submit to the Agency at least one sample for maximum TTHM potential using the procedure specified in Section 611.687. A sample must be analyzed from each treatment plant used by the supplier, taken at a point in the distribution system reflecting the maximum residence time of the water in the system.~~
  - ~~2) The Agency must reduce the supplier monitoring frequency if it determines that, based upon the data submitted by the supplier, the supplier has a maximum TTHM potential of less than 0.10 mg/l and that, based upon an assessment of the local conditions of the CWS, the CWS is not likely to approach or exceed the MCL for TTHMs.~~
  - ~~3) The results of all analyses must be reported to the Agency within 30 days~~

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

- ~~of the supplier's receipt of such results.~~
- 4) ~~All samples collected must be used for determining whether the supplier complies with the monitoring requirements of Section 611.680(b), unless the analytical results are invalidated for technical reasons.~~
- 5) ~~Sampling and analyses must be conducted in accordance with the methods listed in Section 611.685.~~
- b) ~~Loss or modification of reduced monitoring frequency.~~
- 1) ~~If the results from any analysis taken by the supplier for maximum TTHM potential are equal to or greater than 0.10 mg/l, and such results are confirmed by at least one check sample taken promptly after such results are received, the CWS supplier must immediately begin monitoring in accordance with the requirements of Section 611.680(b), and such monitoring must continue for at least one year before the frequency may be reduced again.~~
- 2) ~~In the event of any significant change to the CWS's raw water or treatment program, the supplier must immediately analyze an additional sample for maximum TTHM potential taken at a point in the distribution system reflecting maximum residence time of the water in the system.~~
- 3) ~~The Agency must require increased monitoring frequencies above the minimum where necessary to detect variation of TTHM levels within the distribution system.~~
- ~~BOARD NOTE: Derived from 40 CFR 141.30(e) (2002).~~

(Source: Repealed at 28 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 611.684 Averaging (Repealed)**

~~Compliance with Section 611.310(e) or 611.312(a) is determined based on a running annual average of quarterly samples collected by the PWS, as prescribed in Section 611.680(b)(1) or (b)(2). If the average of samples covering any 12-month period exceeds the MCL, the PWS must report to the Agency and notify the public pursuant to Subpart V of this Part. Monitoring after public notification must be at a frequency designated by the Agency and must continue until a monitoring schedule as a condition to a variance, adjusted standard, or enforcement action becomes effective.~~

~~BOARD NOTE: Derived from 40 CFR 141.30(d) (2002).~~

(Source: Repealed at 28 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 611.685 Analytical Methods (Repealed)**

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

~~Sampling and analyses made pursuant to this Subpart V must be conducted by one of the total trihalomethanes (TTHM) methods, as directed in Section 611.645; in USEPA Technical Notes, incorporated by reference in Section 611.102; or in Section 611.381(b). Samples for TTHM must be dechlorinated upon collection to prevent further production of trihalomethanes according to the procedures described in the methods, except acidification is not required if only THMs or TTHMs are to be determined. Samples for maximum TTHM potential must not be dechlorinated or acidified, and should be held for seven days at 25° C (or above) prior to analysis.~~  
~~BOARD NOTE: Derived from 40 CFR 141.30(e) (2002).~~

(Source: Repealed at 28 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 611.686 Modification to System (Repealed)**

~~Before a CWS supplier makes any significant modifications to its existing treatment process for the purposes of achieving compliance with Section 611.310(c), the supplier must submit, by way of a SEP application pursuant to Section 611.110, a detailed plan setting forth its proposed modification and those safeguards that it will implement to ensure that the bacteriological quality of the drinking water served by the CWS will not be adversely affected by such modification. Upon approval, the plan will become a SEP. At a minimum, the plan must require the supplier modifying its disinfection practice to the following:~~

- ~~a) Evaluate the water system for sanitary defects and evaluate the source water for biological quality;~~
- ~~b) Evaluate its existing treatment practices and consider improvements that will minimize disinfectant demand and optimize finished water quality throughout the distribution system;~~
- ~~c) Provide baseline water quality survey data of the distribution system. Such data should include the results from monitoring for coliform and fecal coliform bacteria, fecal streptococci, standard plate counts at 35 degrees C and 20 degrees C, phosphate, ammonia nitrogen, and total organic carbon. Virus studies are required where source waters are heavily contaminated with sewage effluent;~~
- ~~d) Conduct additional monitoring to assure continued maintenance of optimal biological quality in finished water, for example, when chloramines are introduced as disinfectants or when pre-chlorination is being discontinued. The Agency must also require additional monitoring for chlorate, chlorite and chlorine dioxide when chlorine dioxide is used. The Agency must also require HPC analysis (Section 611.531), as appropriate, before and after any modifications;~~
- ~~e) Consider inclusion in the plan of provisions to maintain an active RDC throughout the distribution system at all times during and after the modification.~~  
~~BOARD NOTE: Derived from 40 CFR 141.30(f) (2002).~~

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

(Source: Repealed at 28 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 611.687 Sampling for Maximum THM Potential (Repealed)**

- ~~a) — The water sample for determination of maximum total trihalomethane potential must be taken from a point in the distribution system that reflects maximum residence time. Procedures for sample collection and handling are given in the methods.~~
- ~~b) — The supplier taking samples must not add reducing agent to "quench" the chemical reaction producing THMs at the time of sample collection. The intent is to permit the level of THM precursors to be depleted and the concentration of THMs to be maximized for the supply being tested.~~
- ~~c) — Four experimental parameters affecting maximum THM production are pH, temperature, reaction time, and the presence of a disinfectant residual. The supplier taking the sample must deal with these parameters as follows:~~
- ~~1) — Measure the disinfectant residual at the selected sampling point. Proceed only if a measurable disinfectant residual is present.~~
  - ~~2) — Collect triplicate 40 ml water samples at the pH prevailing at the time of sampling, and prepare a method blank according to the methods.~~
  - ~~3) — Seal and store these samples together for seven days at 25° C or above.~~
  - ~~4) — After this time period, open one of the sample containers and check for disinfectant residual. Absence of a disinfectant residual invalidates the sample for further analysis.~~
  - ~~5) — Once a disinfectant residual has been demonstrated, open another of the sealed samples and determine total THM concentration using an approved analytical method. BOARD NOTE: Derived from 40 CFR 141.30(g) (2002).~~

(Source: Repealed at 28 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 611.688 Applicability Dates (Repealed)**

~~The requirements in Sections 611.680 through 611.686 applied to a Subpart B community water system that serves 10,000 or more persons until December 31, 2001. The requirements in Sections 611.680 through 611.686 apply to a community water system that uses only groundwater not under the direct influence of surface water which adds a disinfectant (oxidant) in any part of the treatment process and serves 10,000 or more persons until December 31, 2003. After December 31, 2003, Sections 611.680 through 611.688 are no longer applicable.~~

(Source: Repealed at 28 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

## SUBPART Q: RADIOLOGICAL MONITORING AND ANALYTICAL REQUIREMENTS

**Section 611.731 Gross Alpha**

Monitoring requirements for gross alpha particle activity, radium-226, radium-228, and uranium are as follows:

- a) ~~Effective December 8, 2003, a~~ community water system (CWS) supplier must conduct initial monitoring to determine compliance with Section 611.330(b), (c), and (e) by December 31, 2007. For the purposes of monitoring for gross alpha particle activity, radium-226, radium-228, uranium, and beta particle and photon radioactivity in drinking water, "detection limit" is defined as in Section 611.720(c).
  - 1) Applicability and sampling location for an existing CWS supplier. An existing CWS supplier using groundwater, surface water, or both groundwater and surface water (for the purpose of this Section hereafter referred to as a supplier) must sample at every entry point to the distribution system that is representative of all sources being used (hereafter called a sampling point) under normal operating conditions. The supplier must take each sample at the same sampling point, unless conditions make another sampling point more representative of each source or the Agency has designated a distribution system location, in accordance with subsection (b)(2)(C) of this Section.
  - 2) Applicability and sampling location for a new CWS supplier. A new CWS supplier or a CWS supplier that uses a new source of water must begin to conduct initial monitoring for the new source within the first quarter after initiating use of the source. A CWS supplier must conduct more frequent monitoring when ordered by the Agency in the event of possible contamination or when changes in the distribution system or treatment processes occur that may increase the concentration of radioactivity in finished water.
- b) Initial monitoring: ~~Effective December 8, 2003, a~~ CWS supplier must conduct initial monitoring for gross alpha particle activity, radium-226, radium-228, and uranium as follows:
  - 1) A CWS supplier without acceptable historical data, as defined in subsection (b)(2) of this Section, must collect four consecutive quarterly

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

samples at all sampling points before December 31, 2007.

- 2) Grandfathering of data: A CWS supplier may use historical monitoring data collected at a sampling point to satisfy the initial monitoring requirements for that sampling point, under the following situations.
  - A) To satisfy initial monitoring requirements, a CWS supplier having only one entry point to the distribution system may use the monitoring data from the last compliance monitoring period that began between June 2000 and December 8, 2003.
  - B) To satisfy initial monitoring requirements, a CWS supplier with multiple entry points and having appropriate historical monitoring data for each entry point to the distribution system may use the monitoring data from the last compliance monitoring period that began between June 2000 and December 8, 2003.
  - C) To satisfy initial monitoring requirements, a CWS supplier with appropriate historical data for a representative point in the distribution system may use the monitoring data from the last compliance monitoring period that began between June 2000 and December 8, 2003, provided that the Agency finds that the historical data satisfactorily demonstrate that each entry point to the distribution system is expected to be in compliance based upon the historical data and reasonable assumptions about the variability of contaminant levels between entry points. The Agency must make its finding in writing, by a SEP issued pursuant to Section 611.110, indicating how the data conforms to the requirements of this subsection (b)(2).
- 3) For gross alpha particle activity, uranium, radium-226, and radium-228 monitoring, the Agency may, by a SEP issued pursuant to Section 611.110, waive the final two quarters of initial monitoring for a sampling point if the results of the samples from the previous two quarters are below the detection limit.
- 4) If the average of the initial monitoring results for a sampling point is above the MCL, the supplier must collect and analyze quarterly samples at that sampling point until the system has results from four consecutive quarters that are at or below the MCL, unless the supplier enters into

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

another schedule as part of a formal compliance agreement with the Agency.

- c) Reduced monitoring: ~~The Effective December 8, 2003, the~~ Agency may allow a CWS supplier to reduce the future frequency of monitoring from once every three years to once every six or nine years at each sampling point, based on the following criteria:
- 1) If the average of the initial monitoring results for each contaminant (i.e., gross alpha particle activity, uranium, radium-226, or radium-228) is below the detection limit specified in the table at Section 611.720(c)(1), the supplier must collect and analyze for that contaminant using at least one sample at that sampling point every nine years.
  - 2) For gross alpha particle activity and uranium, if the average of the initial monitoring results for each contaminant is at or above the detection limit but at or below one-half the MCL, the supplier must collect and analyze for that contaminant using at least one sample at that sampling point every six years. For combined radium-226 and radium-228, the analytical results must be combined. If the average of the combined initial monitoring results for radium-226 and radium-228 is at or above the detection limit but at or below one-half the MCL, the supplier must collect and analyze for that contaminant using at least one sample at that sampling point every six years.
  - 3) For gross alpha particle activity and uranium, if the average of the initial monitoring results for each contaminant is above one-half the MCL but at or below the MCL, the supplier must collect and analyze at least one sample at that sampling point every three years. For combined radium-226 and radium-228, the analytical results must be combined. If the average of the combined initial monitoring results for radium-226 and radium-228 is above one-half the MCL but at or below the MCL, the supplier must collect and analyze at least one sample at that sampling point every three years.
  - 4) A supplier must use the samples collected during the reduced monitoring period to determine the monitoring frequency for subsequent monitoring periods (e.g., if a supplier's sampling point is on a nine year monitoring period, and the sample result is above one-half the MCL, then the next monitoring period for that sampling point is three years).

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

- 5) If a supplier has a monitoring result that exceeds the MCL while on reduced monitoring, the supplier must collect and analyze quarterly samples at that sampling point until the supplier has results from four consecutive quarters that are below the MCL, unless the supplier enters into another schedule as part of a formal compliance agreement with the Agency.
- d) Compositing: ~~To Effective December 8, 2003, to~~ fulfill quarterly monitoring requirements for gross alpha particle activity, radium-226, radium-228, or uranium, a supplier may composite up to four consecutive quarterly samples from a single entry point if analysis is done within a year after the first sample. The analytical results from the composited sample must be treated as the average analytical result to determine compliance with the MCLs and the future monitoring frequency. If the analytical result from the composited sample is greater than one-half the MCL, the Agency may, by a SEP issued pursuant to Section 611.110, direct the supplier to take additional quarterly samples before allowing the supplier to sample under a reduced monitoring schedule.
- e) ~~A Effective December 8, 2003, a~~ gross alpha particle activity measurement may be substituted for the required radium-226 measurement, provided that the measured gross alpha particle activity does not exceed 5 pCi/l. A gross alpha particle activity measurement may be substituted for the required uranium measurement provided that the measured gross alpha particle activity does not exceed 15 pCi/l.
- 1) The gross alpha measurement must have a confidence interval of 95% ( $1.65\sigma$ , where  $\sigma$  is the standard deviation of the net counting rate of the sample) for radium-226 and uranium.
  - 2) When a supplier uses a gross alpha particle activity measurement in lieu of a radium-226 or uranium measurement, the gross alpha particle activity analytical result will be used to determine the future monitoring frequency for radium-226 or uranium.
  - 3) If the gross alpha particle activity result is less than detection, one-half the detection limit will be used to determine compliance and the future monitoring frequency. ~~f) ——— Until December 8, 2003, compliance must be based on the analysis of an annual composite of four consecutive quarterly samples or the average of the analyses of four samples obtained at quarterly intervals. l) ——— A gross alpha particle activity measurement~~

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

~~may be substituted for the required radium-226 and radium-228 analysis, provided that the measured gross alpha particle activity does not exceed 5 pCi/l at a confidence level of 95 percent ( $1.65\sigma$  where  $\sigma$  is the standard deviation of the net counting rate of the sample). In localities where radium-228 may be present in drinking water, the Agency may, by a SEP issued pursuant to Section 611.110, require radium-226 or radium-228 analyses if it determines that the gross alpha particle activity exceeds 2 pCi/l.2) When the gross alpha particle activity exceeds 5 pCi/l, the same or an equivalent sample must be analyzed for radium-226. If the concentration of radium-226 exceeds 3 pCi/l the same or an equivalent sample must be analyzed for radium-228.g) See Section 611.100(e).h) Until December 8, 2003, CWS suppliers must monitor at least once every four years following the procedure required by subsection (f) of this Section. When an annual record taken in conformance with subsection (f) of this Section has established that the average annual concentration is less than half the MCLs established by Section 611.330, the Agency shall, by a SEP issued pursuant to Section 611.110, substitute analysis of a single sample for the quarterly sampling procedure required by subsection (f) of this Section. 1)The Agency shall, by a SEP issued pursuant to Section 611.110, require more frequent monitoring in the vicinity of mining or other operations that may contribute alpha particle radioactivity to either surface or groundwater sources of drinking water.2) A CWS supplier must monitor in conformance with subsection (f) of this Section for one year after the introduction of a new water source. The Agency shall, by a SEP issued pursuant to Section 611.110, require more frequent monitoring in the event of possible contamination or when changes in the distribution system or treatment process occur that may increase the concentration of radioactivity in finished water.3) The Agency shall, by a SEP issued pursuant to Section 611.110, require a CWS supplier using two or more sources having different concentrations of radioactivity to monitor source water, in addition to water from a free flowing tap.4) The Agency must not require monitoring for radium-228 to determine compliance with Section 611.330 after the initial period, provided that the average annual concentration of radium-228 has been assayed at least once using the quarterly sampling procedure required by subsection (f) of this Section.5)The Agency must require the CWS supplier to conduct annual monitoring if the radium-226 concentration exceeds 3 pCi/l.i) Until December 8, 2003, if the average annual MCL for gross alpha particle activity or total radium as set forth in Section 611.330 is exceeded, the CWS supplier must give notice to the Agency and notify the public as~~

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

~~required by Subpart V. Monitoring at quarterly intervals must be continued until the annual average concentration no longer exceeds the MCL or until a monitoring schedule as a condition to a variance, adjusted standard or enforcement action becomes effective.~~

BOARD NOTE: Subsections (a) through (e) derive from 40 CFR 141.26(a) ~~(2003)(2002)~~. Subsections (f) through (i) derive from 40 CFR 141.26(a), as effective until December 8, 2003.

(Source: Amended at 28 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 611.732 Beta Particle and Photon Radioactivity**

Monitoring and compliance requirements for manmade radioactivity. To determine compliance with the maximum contaminant levels in Section 611.330(d) for beta particle and photon radioactivity, a supplier must monitor at a frequency as follows:

- a) ~~Effective December 8, 2003,~~ a CWS supplier (either a surface water or groundwater supplier) designated by the Agency, by a SEP issued pursuant to Section 611.110, as vulnerable must sample for beta particle and photon radioactivity. A supplier must collect quarterly samples for beta emitters and annual samples for tritium and strontium-90 at each entry point to the distribution system (hereafter called a sampling point), beginning within one quarter after being notified by the Agency. A supplier already designated by the Agency must continue to sample until the Agency reviews and either reaffirms or removes the designation, by a SEP issued pursuant to Section 611.110.
- 1) If the gross beta particle activity minus the naturally occurring potassium-40 beta particle activity at a sampling point has a running annual average (computed quarterly) less than or equal to 50 pCi/l (screening level), the Agency may reduce the frequency of monitoring at that sampling point to once every three years. A supplier must collect all samples required in subsection (a) of this Section during the reduced monitoring period.
  - 2) For a supplier in the vicinity of a nuclear facility, the Agency may allow the CWS supplier to utilize environmental surveillance data collected by the nuclear facility in lieu of monitoring at the supplier's entry points, where the Agency determines if such data is applicable to a particular water system, by a SEP issued pursuant to Section 611.110. In the event that there is a release from a nuclear facility, a supplier that is using surveillance data must begin monitoring at the community water supplier's

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

entry points in accordance with subsection (b)(1) of this Section.

- b) ~~Effective December 8, 2003, a~~ CWS supplier (either a surface water or groundwater supplier) designated by the Agency, by a SEP issued pursuant to Section 611.110, as utilizing waters contaminated by effluents from nuclear facilities must sample for beta particle and photon radioactivity. A supplier must collect quarterly samples for beta emitters and iodine-131 and annual samples for tritium and strontium-90 at each entry point to the distribution system (hereafter called a sampling point), beginning within one quarter after being notified by the Agency. A supplier already designated by the Agency as a supplier using waters contaminated by effluents from nuclear facilities must continue to sample until the Agency reviews and either reaffirms or removes the designation, by a SEP issued pursuant to Section 611.110.

- 1) Quarterly monitoring for gross beta particle activity must be based on the analysis of monthly samples or the analysis of a composite of three monthly samples.

BOARD NOTE: In corresponding 40 CFR 141.26(b)(2)(i), USEPA recommends the use of a composite of three monthly samples.

- 2) For iodine-131, a composite of five consecutive daily samples must be analyzed once each quarter. The Agency may, by a SEP issued pursuant to Section 611.110, order more frequent monitoring for iodine-131 where it is identified in the finished water.
- 3) Annual monitoring for strontium-90 and tritium must be conducted by means of the analysis of a composite of four consecutive quarterly samples or analysis of four quarterly samples.

BOARD NOTE: In corresponding 40 CFR 141.26(b)(2)(iii), USEPA recommends the analysis of four consecutive quarterly samples.

- 4) If the gross beta particle activity minus the naturally occurring potassium-40 beta particle activity at a sampling point has a running annual average (computed quarterly) less than or equal to 15 pCi/l, the Agency may, by a SEP issued pursuant to Section 611.110, reduce the frequency of monitoring at that sampling point to once every three years. The supplier must collect all samples required in subsection (b) of this Section during the reduced monitoring period.

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

- 5) For a supplier in the vicinity of a nuclear facility, the Agency may allow the CWS to utilize environmental surveillance data collected by the nuclear facility in lieu of monitoring at the system's entry points, where the Agency determines, by a SEP issued pursuant to Section 611.110, that such data is applicable to the particular water system. In the event that there is a release from a nuclear facility, a supplier that uses such surveillance data must begin monitoring at the CWS's entry points in accordance with subsection (b) of this Section.
- c) ~~Effective December 8, 2003, a~~ CWS supplier designated by the Agency to monitor for beta particle and photon radioactivity can not apply to the Agency for a waiver from the monitoring frequencies specified in subsection (a) or (b) of this Section.
- d) ~~Effective December 8, 2003, a~~ CWS supplier may analyze for naturally occurring potassium-40 beta particle activity from the same or equivalent sample used for the gross beta particle activity analysis. A supplier is allowed to subtract the potassium-40 beta particle activity value from the total gross beta particle activity value to determine if the screening level is exceeded. The potassium-40 beta particle activity must be calculated by multiplying elemental potassium concentrations (in mg/l) by a factor of 0.82.
- e) ~~If Effective December 8, 2003, if~~ the gross beta particle activity minus the naturally occurring potassium-40 beta particle activity exceeds the screening level, an analysis of the sample must be performed to identify the major radioactive constituents present in the sample and the appropriate doses must be calculated and summed to determine compliance with Section 611.330(d)(1), using the formula in Section 611.330(d)(2). Doses must also be calculated and combined for measured levels of tritium and strontium to determine compliance.
- f) ~~Effective December 8, 2003, a~~ supplier must monitor monthly at the sampling points that exceeds the maximum contaminant level in Section 611.330(d) beginning the month after the exceedence occurs. A supplier must continue monthly monitoring until the supplier has established, by a rolling average of three monthly samples, that the MCL is being met. A supplier that establishes that the MCL is being met must return to quarterly monitoring until it meets the requirements set forth in subsection (a)(2) or (b)(1) of this Section. ~~g) — Until December 8, 2003, CWSs using surface water sources and serving more than 100,000 persons and such other CWSs as the Agency, by a SEP issued pursuant to~~

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

~~Section 611.110, requires must monitor for compliance with Section 611.331 by analysis of a composite of four consecutive quarterly samples or analysis of four quarterly samples. Compliance with Section 611.331 is assumed without further analysis if the average annual concentration of gross beta particle activity is less than 50 pCi/l and if the average annual concentrations of tritium and strontium-90 are less than those listed in Section 611.331, provided that if both radionuclides are present the sum of their annual dose equivalents to bone marrow must not exceed 4 millirem/year.1) — If the gross beta particle activity exceeds 50 pCi/l, an analysis of the sample must be performed to identify the major radioactive constituents present and the appropriate organ and total body doses must be calculated to determine compliance with Section 611.331.2) — If the MCLs are exceeded, the Agency shall, by a SEP issued pursuant to Section 611.110, require the supplier to conduct additional monitoring to determine the concentration of man-made radioactivity in principal watersheds.3) The Agency shall, pursuant to subsection (j) of this Section, by a SEP issued pursuant to Section 611.110, require suppliers of water utilizing only groundwater to monitor for man-made radioactivity.h) — See Section 611.100(e).i) — Until December 8, 2003, CWS suppliers must monitor at least every four years following the procedure in subsection (g) of this Section.j) — Until December 8, 2003, the Agency must, by a SEP issued pursuant to Section 611.110, require any CWS supplier utilizing waters contaminated by effluents from nuclear facilities to initiate quarterly monitoring for gross beta particle and iodine-131 radioactivity and annual monitoring for strontium-90 and tritium.1) — Quarterly monitoring for gross beta particle activity must be based on the analysis of monthly samples or the analysis of a composite of three monthly samples. If the gross beta particle activity in a sample exceeds 15 pCi/l, the same or an equivalent sample must be analyzed for strontium-89 and cesium-134. If the gross beta particle activity exceeds 50 pCi/l, an analysis of the sample must be performed to identify the major radioactive constituents present and the appropriate organ and total body doses must be calculated to determine compliance with Section 611.331.2) For iodine-131, a composite of five consecutive daily samples must be analyzed once each quarter. The Agency shall, by a SEP issued pursuant to Section 611.110, require more frequent monitoring when iodine-131 is identified in the finished water.3) — The Agency shall, by a SEP issued pursuant to Section 611.110, require annual monitoring for strontium-90 and tritium by means of the analysis of a composite of four consecutive quarterly samples or analysis of four quarterly samples.4) — The Agency shall, by a SEP issued pursuant to Section 611.110, allow the substitution of environmental surveillance data taken in conjunction with a nuclear facility for direct monitoring of manmade radioactivity by the supplier where the Agency determines such data is applicable to the CWS.k) Until~~

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

~~December 8, 2003, if the average annual MCL for man-made radioactivity set forth in Section 611.331 is exceeded, the CWS supplier must give notice to the Agency and to the public as required by Subpart T. Monitoring at monthly intervals must be continued until the concentration no longer exceeds the MCL or until a monitoring schedule as a condition to a variance, adjusted standard, or enforcement action becomes effective.~~

BOARD NOTE: Subsections (a) through (f) derive from 40 CFR 141.26(b) ~~(2003)(2002). Subsections (g) through (k) derive from 40 CFR 141.26(b), as effective until December 8, 2003.~~

(Source: Amended at 28 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 611.733 General Monitoring and Compliance Requirements**

~~The following requirements apply effective December 8, 2003:~~

- a) The Agency may, by a SEP issued pursuant to Section 611.110, require more frequent monitoring than specified in Sections 611.731 and 611.732 or may require confirmation samples. The results of the initial and confirmation samples will be averaged for use in a compliance determination.
- b) Each PWS supplier must monitor at the time designated by the Agency during each compliance period.
- c) Compliance: compliance with Section 611.330(b) through (e) must be determined based on the analytical results obtained at each sampling point. If one sampling point is in violation of an MCL, the supplier is in violation of the MCL.
  - 1) For a supplier monitoring more than once per year, compliance with the MCL is determined by a running annual average at each sampling point. If the average of any sampling point is greater than the MCL, then the supplier is out of compliance with the MCL.
  - 2) For a supplier monitoring more than once per year, if any sample result would cause the running average to exceed the MCL at any single sampling point, the supplier is immediately out of compliance with the MCL.
  - 3) a supplier must include all samples taken and analyzed under the provisions of this Section and Sections 611.731 and 611.732 in

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

determining compliance, even if that number is greater than the minimum required.

- 4) If a supplier does not collect all required samples when compliance is based on a running annual average of quarterly samples, compliance will be based on the running average of the samples collected.
  - 5) If a sample result is less than the detection limit, zero will be used to calculate the annual average, unless a gross alpha particle activity is being used in lieu of radium-226 or uranium. If the gross alpha particle activity result is less than detection, one-half the detection limit will be used to calculate the annual average.
- d) The Agency may, by a SEP issued pursuant to Section 611.110, allow the supplier to delete results of obvious sampling or analytic errors.
  - e) If the MCL for radioactivity set forth in Section 611.330(b) through (e) is exceeded, the operator of a CWS must give notice to the Agency pursuant to Section 611.840 and to the public, as required by Subpart V of this Part.

BOARD NOTE: Derived from 40 CFR 141.26(c) ~~(2003)(2002)~~.

(Source: Amended at 28 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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

**Section 611.742 Disinfection Profiling and Benchmarking**

- a) Determination of a supplier required to profile. A PWS supplier subject to the requirements of this Subpart R must determine its TTHM annual average using the procedure in subsection (a)(1) of this Section and its HAA5 annual average using the procedure in subsection (a)(2) of this Section. The annual average is the arithmetic average of the quarterly averages of four consecutive quarters of monitoring.
  - 1) The TTHM annual average that is used must be the annual average during the same period as the HAA5 annual average.
    - A) A supplier that collected data under the provisions of 40 CFR 141

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

Subpart M (Information Collection Rule) must use the results of the samples collected during the last four quarters of required monitoring under former 40 CFR 141.42 (1995).

- B) A supplier that uses "grandfathered" HAA5 occurrence data that meet the provisions of subsection (a)(2)(B) of this Section must use TTHM data collected at the same time under the provisions of Former Section 611.680.
  - C) A supplier that uses HAA5 occurrence data that meet the provisions of subsection (a)(2)(C)(i) of this Section must use TTHM data collected at the same time under the provisions of Sections 611.310 and Former 611.680.
- 2) The HAA5 annual average that is used must be the annual average during the same period as the TTHM annual average.
- A) A supplier that collected data under the provisions of 40 CFR 141 Subpart M (Information Collection Rule) must use the results of the samples collected during the last four quarters of required monitoring under former 40 CFR 141.42 (1995).
  - B) A supplier that has collected four quarters of HAA5 occurrence data that meets the routine monitoring sample number and location requirements for TTHM in Former Section 611.680 and handling and analytical method requirements of Former Section 611.685 may use that data to determine whether the requirements of this Section apply.
  - C) A supplier that ~~had~~ not collected four quarters of HAA5 occurrence data that meets the provisions of either subsection (a)(2)(A) or (a)(2)(B) of this Section by March 31, 1999 must do either of the following:
    - i) Conduct monitoring for HAA5 that meets the routine monitoring sample number and location requirements for TTHM in Former Section 611.680 and handling and analytical method requirements of Former Section 611.685 to determine the HAA5 annual average and whether the requirements of subsection (b) of this Section apply; or

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

- ii) Comply with all other provisions of this Section as if the HAA5 monitoring had been conducted and the results required compliance with subsection (b) of this Section.
- 3) The supplier may request that the Agency approve a more representative annual data set than the data set determined under subsection (a)(1) or (a)(2) of this Section for the purpose of determining applicability of the requirements of this Section.
- 4) The Agency may require that a supplier use a more representative annual data set than the data set determined under subsection (a)(1) or (a)(2) of this Section for the purpose of determining the applicability of the requirements of this Section.
- 5) The supplier must submit data to the Agency on the schedule in subsections (a)(5)(A) through (a)(5)(E) of this Section.
  - A) A supplier that collected TTHM and HAA5 data under the provisions of 40 CFR Subpart M (Information Collection Rule), as required by subsections (a)(1)(A) and (a)(2)(A) of this Section, must have submitted the results of the samples collected during the last 12 months of required monitoring under Former Section 611.685 not later than December 31, 1999.
  - B) A supplier that had collected four consecutive quarters of HAA5 occurrence data that meets the routine monitoring sample number and location for TTHM in former 40 CFR 141.42 (1994), and handling and analytical method requirements of Former Section 611.685, as allowed by subsections (a)(1)(B) and (a)(2)(B) of this Section, must have submitted that data to the Agency not later than April 30, 1999. Until the Agency has approved the data, the supplier must conduct monitoring for HAA5 using the monitoring requirements specified under subsection (a)(2)(C) of this Section.
  - C) A supplier that conducted monitoring for HAA5 using the monitoring requirements specified by subsections (a)(1)(C) and (a)(2)(C)(i) of this Section must have submitted TTHM and HAA5 data not later than March 31, 2000.

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

- D) A supplier that elected to comply with all other provisions of this Section as if the HAA5 monitoring had been conducted and the results required compliance with this Section, as allowed under subsection (a)(2)(C)(ii) of this Section, must have notified the Agency in writing of its election not later than December 31, 1999.
- E) If the supplier elected to request that the Agency approve a more representative data set than the data set determined under subsection (a)(2)(A) of this Section, the supplier must have submitted this request in writing not later than December 31, 1999.
- 6) Any supplier having either a TTHM annual average greater than or equal to 0.064 mg/l or an HAA5 annual average  $\geq$  0.048 mg/l during the period identified in subsections (a)(1) and (a)(2) of this Section must comply with subsection (b) of this Section.
- b) Disinfection profiling.
- 1) Any supplier that meets the standards in subsection (a)(6) of this Section must develop a disinfection profile of its disinfection practice for a period of up to three years. The Agency must determine the period of the disinfection profile, with a minimum period of one year.
- 2) The supplier must monitor daily for a period of 12 consecutive calendar months to determine the total logs of inactivation for each day of operation, based on the CT<sub>99.9</sub> values in Appendix B of this Part, as appropriate, through the entire treatment plant. The supplier must have begun this monitoring not later than April 1, 2000. As a minimum, the supplier with a single point of disinfectant application prior to entrance to the distribution system must conduct the monitoring in subsections (b)(2)(A) through (b)(2)(D) of this Section. A supplier with more than one point of disinfectant application must conduct the monitoring in subsections (b)(2)(A) through (b)(2)(D) of this Section for each disinfection segment. The supplier must monitor the parameters necessary to determine the total inactivation ratio, using analytical methods in Section 611.531, as follows:
- A) The temperature of the disinfected water must be measured once per day at each residual disinfectant concentration sampling point during peak hourly flow.

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

- B) If the supplier uses chlorine, the pH of the disinfected water must be measured once per day at each chlorine residual disinfectant concentration sampling point during peak hourly flow.
  - C) The disinfectant contact times ("T") must be determined for each day during peak hourly flow.
  - D) The residual disinfectant concentrations ("C") of the water before or at the first customer and prior to each additional point of disinfection must be measured each day during peak hourly flow.
- 3) In lieu of the monitoring conducted under the provisions of subsection (b)(2) of this Section to develop the disinfection profile, the supplier may elect to meet the requirements of subsection (b)(3)(A) of this Section. In addition to the monitoring conducted under the provisions of subsection (b)(2) of this Section to develop the disinfection profile, the supplier may elect to meet the requirements of subsection (b)(3)(B) of this Section.
- A) A PWS supplier that had three years of existing operational data may have submitted that data, a profile generated using that data, and a request that the Agency approve use of that data in lieu of monitoring under the provisions of subsection (b)(2) of this Section not later than March 31, 2000. The Agency must determine whether the operational data is substantially equivalent to data collected under the provisions of subsection (b)(2) of this Section. The data must also be representative of *Giardia lamblia* inactivation through the entire treatment plant and not just of certain treatment segments. If the Agency determines that the operational data is substantially equivalent, the Agency must approve the request. Until the Agency approves this request, the system is required to conduct monitoring under the provisions of subsection (b)(2) of this Section.
  - B) In addition to the disinfection profile generated under subsection (b)(2) of this Section, a PWS supplier that has existing operational data may use that data to develop a disinfection profile for additional years. The Agency must determine whether the operational data is substantially equivalent to data collected under the provisions of subsection (b)(2) of this Section. The data must

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

also be representative of inactivation through the entire treatment plant and not just of certain treatment segments. If the Agency determines that the operational data is substantially equivalent, such systems may use these additional yearly disinfection profiles to develop a benchmark under the provisions of subsection (c) of this Section.

- 4) The supplier must calculate the total inactivation ratio as follows:
  - A) If the supplier uses only one point of disinfectant application, the system may determine the total inactivation ratio for the disinfection segment based on either of the methods in subsection (b)(4)(A)(i) or (b)(4)(A)(ii) of this Section.
    - i) Determine one inactivation ratio ( $CT_{\text{calc}}/CT_{99.9}$ ) before or at the first customer during peak hourly flow.
    - ii) Determine successive  $CT_{\text{calc}}/CT_{99.9}$  values, representing sequential inactivation ratios, between the point of disinfectant application and a point before or at the first customer during peak hourly flow. Under this alternative, the supplier must calculate the total inactivation ratio ( $\sum (CT_{\text{calc}}/CT_{99.9})$ ) by determining  $CT_{\text{calc}}/CT_{99.9}$  for each sequence and then adding the  $CT_{\text{calc}}/CT_{99.9}$  values together to determine  $\sum (CT_{\text{calc}}/CT_{99.9})$ .
  - B) If the supplier uses more than one point of disinfectant application before the first customer, the system must determine the CT value of each disinfection segment immediately prior to the next point of disinfectant application, or for the final segment, before or at the first customer, during peak hourly flow. The ( $CT_{\text{calc}}/CT_{99.9}$ ) value of each segment and ( $\sum (CT_{\text{calc}}/CT_{99.9})$ ) must be calculated using the method in subsection (b)(4)(A) of this Section.
  - C) The supplier must determine the total logs of inactivation by multiplying the value calculated in subsection (b)(4)(A) or (b)(4)(B) of this Section by 3.0.
- 5) A supplier that uses either chloramines or ozone for primary disinfection must also calculate the logs of inactivation for viruses using a method

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

approved by the Agency.

- 6) The supplier must retain disinfection profile data in graphic form, as a spreadsheet, or in some other format acceptable to the Agency for review as part of sanitary surveys conducted by the Agency.
- c) Disinfection benchmarking.
- 1) Any supplier required to develop a disinfection profile under the provisions of subsections (a) and (b) of this Section and that decides to make a significant change to its disinfection practice must consult with the Agency prior to making such change. Significant changes to disinfection practice are the following:
    - A) Changes to the point of disinfection;
    - B) Changes to the disinfectants used in the treatment plant;
    - C) Changes to the disinfection process; and
    - D) Any other modification identified by the Agency.
  - 2) Any supplier that is modifying its disinfection practice must calculate its disinfection benchmark using the procedure specified in subsections (c)(2)(A) and (c)(2)(B) of this Section.
    - A) For each year of profiling data collected and calculated under subsection (b) of this Section, the supplier must determine the lowest average monthly Giardia lamblia inactivation in each year of profiling data. The supplier must determine the average Giardia lamblia inactivation for each calendar month for each year of profiling data by dividing the sum of daily Giardia lamblia of inactivation by the number of values calculated for that month.
    - B) The disinfection benchmark is the lowest monthly average value (for systems with one year of profiling data) or average of lowest monthly average values (for systems with more than one year of profiling data) of the monthly logs of Giardia lamblia inactivation in each year of profiling data.

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

- 3) A supplier that uses either chloramines or ozone for primary disinfection must also calculate the disinfection benchmark for viruses using a method approved by the Agency.
- 4) The supplier must submit information in subsections (c)(4)(A) through (c)(4)(C) of this Section to the Agency as part of its consultation process.
  - A) A description of the proposed change;
  - B) The disinfection profile for *Giardia lamblia* (and, if necessary, viruses) under subsection (b) of this Section and benchmark as required by subsection (c)(2) of this Section; and
  - C) An analysis of how the proposed change will affect the current levels of disinfection.

BOARD NOTE: Derived from 40 CFR 141.172 ~~(2003)~~(2002).

(Source: Amended at 28 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART U: CONSUMER CONFIDENCE REPORTS

**Section 611.882 Compliance Dates**

- a) Each existing CWS must have delivered its first report by October 19, 1999, its second report by July 1, 2000, and it must deliver subsequent reports by July 1 annually thereafter. The first report must have contained data collected during or prior to calendar year 1998, as prescribed in Section 611.883(d)(3). Each report thereafter must contain data collected during, or prior to, the previous calendar year.
- b) A new CWS must deliver its first report by July 1 of the year after its first full calendar year in operation and annually thereafter.
- c) A community water system that sells water to another community water system must deliver the applicable information required in Section 611.883 to the buyer system as follows:
  - 1) ~~By No later than April 1, 2000, and by~~ April 1 annually thereafter; or

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

- 2) On a date mutually agreed upon by the seller and the purchaser, and specifically included in a contract between the parties.

BOARD NOTE: Derived from 40 CFR 141.152 ~~(2003)~~(2002).

(Source: Amended at 28 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 611.883 Content of the Reports**

- a) Each CWS must provide to its customers an annual report that contains the information specified in this Section and Section 611.884.
- b) Information on the source of the water delivered.
  - 1) Each report must identify the sources of the water delivered by the CWS by providing information on the following:
    - A) The type of the water (e.g., surface water, groundwater); and
    - B) The commonly used name (if any) and location of the body (or bodies) of water.
  - 2) If a source water assessment has been completed, the report must notify consumers of the availability of this information and the means to obtain it. In addition, systems are encouraged to highlight in the report significant sources of contamination in the source water area if they have readily available information. Where a system has received a source water assessment from the Agency, the report must include a brief summary of the system's susceptibility to potential sources of contamination, using language provided by the Agency or written by the supplier .
- c) Definitions.
  - 1) Each report must include the following definitions:
    - A) Maximum Contaminant Level Goal or MCLG: The level of a contaminant in drinking water below which there is no known or expected risk to health. MCLGs allow for a margin of safety.

BOARD NOTE: Although an MCLG is not an NPDWR that the

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

Board must include in the Illinois SDWA regulations, the use of this definition is mandatory where the term "MCLG" is defined.

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

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

(except *Cryptosporidium*). It applies to the following:

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

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

- B) The federal Maximum Contaminant Level Goal (MCLG) for that contaminant expressed in the same units as the MCL;
- C) If there is no MCL for a detected contaminant, the table must indicate that there is a treatment technique, or specify the action level, applicable to that contaminant, and the report must include the definitions for treatment technique or action level, as appropriate, specified in subsection (c)(3) of this Section;
- D) For contaminants subject to an MCL, except turbidity and total coliforms, the highest contaminant level used to determine compliance with an NPDWR, and the range of detected levels, as follows:
- i) When compliance with the MCL is determined annually or less frequently: the highest detected level at any sampling point and the range of detected levels expressed in the same units as the MCL.
  - ii) When compliance with the MCL is determined by calculating a running annual average of all samples taken at a sampling point: the highest average of any of the sampling points and the range of all sampling points expressed in the same units as the MCL.
  - iii) When compliance with the MCL is determined on a system-wide basis by calculating a running annual average of all samples at all sampling points: the average and range of detection expressed in the same units as the MCL;

BOARD NOTE to subsection (d)(4)(D): When rounding of results to determine compliance with the MCL is allowed by the regulations, rounding should be done prior to multiplying the results by the factor listed in Appendix A of this Part; derived from 40 CFR 153 ~~(2003)~~(2002).

- E) For turbidity the following:
- i) When it is reported pursuant to Section 611.560: the

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

highest average monthly value.

- ii) When it is reported pursuant to the requirements of Section 611.211(b): the highest monthly value. The report must include an explanation of the reasons for measuring turbidity.
  - iii) When it is reported pursuant to Section 611.250, 611.743, or 611.955(b): the highest single measurement and the lowest monthly percentage of samples meeting the turbidity limits specified in Section 611.250, 611.743, or 611.955(b) for the filtration technology being used. The report must include an explanation of the reasons for measuring turbidity;
- F) For lead and copper the following: the 90<sup>th</sup> percentile value of the most recent round of sampling and the number of sampling sites exceeding the action level;
- G) For total coliform the following:
- i) The highest monthly number of positive samples for systems collecting fewer than 40 samples per month; or
  - ii) The highest monthly percentage of positive samples for systems collecting at least 40 samples per month;
- H) For fecal coliform the following: the total number of positive samples; and
- I) The likely sources of detected contaminants to the best of the supplier's knowledge. Specific information regarding contaminants may be available in sanitary surveys and source water assessments, and must be used when available to the supplier. If the supplier lacks specific information on the likely source, the report must include one or more of the typical sources for that contaminant listed in Appendix G of this Part that are most applicable to the CWS.
- 5) If a CWS distributes water to its customers from multiple hydraulically

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

independent distribution systems that are fed by different raw water sources, the table must contain a separate column for each service area and the report must identify each separate distribution system. Alternatively, a CWS may produce separate reports tailored to include data for each service area.

- 6) The tables must clearly identify any data indicating violations of MCLs, MRDLs, or treatment techniques, and the report must contain a clear and readily understandable explanation of the violation including the following: the length of the violation, the potential adverse health effects, and actions taken by the CWS to address the violation. To describe the potential health effects, the CWS must use the relevant language of Appendix A of this Part.
  - 7) For detected unregulated contaminants for which monitoring is required (except *Cryptosporidium*), the tables must contain the average and range at which the contaminant was detected. The report may include a brief explanation of the reasons for monitoring for unregulated contaminants.
- e) Information on *Cryptosporidium*, radon, and other contaminants as follows:
- 1) If the CWS has performed any monitoring for *Cryptosporidium*, including monitoring performed to satisfy the requirements of Subpart L of this Part, that indicates that *Cryptosporidium* may be present in the source water or the finished water, the report must include the following:
    - A) A summary of the results of the monitoring; and
    - B) An explanation of the significance of the results.
  - 2) If the CWS has performed any monitoring for radon that indicates that radon may be present in the finished water, the report must include the following:
    - A) The results of the monitoring; and
    - B) An explanation of the significance of the results.
  - 3) If the CWS has performed additional monitoring that indicates the presence of other contaminants in the finished water, the report must

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

include the following:

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

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

- 7) Violation of the terms of a variance, adjusted standard, site-specific rule, or administrative or judicial order.
- g) Variances, adjusted standards, and site-specific rules. If a system is operating under the terms of a variance, adjusted standard, or site-specific rule issued under Section 611.111, 611.112, or 611.131, the report must contain the following:
- 1) An explanation of the reasons for the variance, adjusted standard, or site-specific rule;
  - 2) The date on which the variance, adjusted standard, or site-specific rule was issued;
  - 3) A brief status report on the steps the CWS is taking to install treatment, find alternative sources of water, or otherwise comply with the terms and schedules of the variance, adjusted standard, or site-specific rule; and
  - 4) A notice of any opportunity for public input in the review, or renewal, of the variance, adjusted standard, or site-specific rule.
- h) Additional information.
- 1) The report must contain a brief explanation regarding contaminants that may reasonably be expected to be found in drinking water, including bottled water. This explanation may include the language of subsections (h)(1)(A) through (h)(1)(C) of this Section or CWSs may use their own comparable language. The report also must include the language of subsection (h)(1)(D) of this Section.
    - A) The sources of drinking water (both tap water and bottled water) include rivers, lakes, streams, ponds, reservoirs, springs, and wells. As water travels over the surface of the land or through the ground, it dissolves naturally-occurring minerals and, in some cases, radioactive material, and can pick up substances resulting from the presence of animals or from human activity.
    - B) Contaminants that may be present in source water include the following:
      - i) Microbial contaminants, such as viruses and bacteria,

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

- which may come from sewage treatment plants, septic systems, agricultural livestock operations, and wildlife;
- ii) Inorganic contaminants, such as salts and metals, which can be naturally-occurring or result from urban stormwater runoff, industrial or domestic wastewater discharges, oil and gas production, mining, or farming;
  - iii) Pesticides and herbicides, which may come from a variety of sources such as agriculture, urban stormwater runoff, and residential uses;
  - iv) Organic chemical contaminants, including synthetic and volatile organic chemicals, which are byproducts of industrial processes and petroleum production, and can also come from gas stations, urban stormwater runoff, and septic systems; and
  - v) Radioactive contaminants, which can be naturally-occurring or be the result of oil and gas production and mining activities.
- C) In order to ensure that tap water is safe to drink, USEPA prescribes regulations that limit the amount of certain contaminants in water provided by public water systems. United States Food and Drug Administration (USFDA) regulations establish limits for contaminants in bottled water that must provide the same protection for public health.
- D) Drinking water, including bottled water, may reasonably be expected to contain at least small amounts of some contaminants. The presence of contaminants does not necessarily indicate that water poses a health risk. More information about contaminants and potential health effects can be obtained by calling the USEPA Safe Drinking Water Hotline (800-426-4791).
- 2) The report must include the telephone number of the owner, operator, or designee of the CWS as a source of additional information concerning the report.

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

- 3) In communities with a large proportion of non-English speaking residents, as determined by the Agency, the report must contain information in the appropriate languages regarding the importance of the report or contain a telephone number or address where such residents may contact the system to obtain a translated copy of the report or assistance in the appropriate language.
- 4) The report must include information about opportunities for public participation in decisions that may affect the quality of the water.
- 5) The CWS may include such additional information as it deems necessary for public education consistent with, and not detracting from, the purpose of the report.

BOARD NOTE: Derived from 40 CFR 141.153 ~~(2003)~~(2002).

(Source: Amended at 28 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 611.884 Required Additional Health Information**

- a) All reports must prominently display the following language: "Some people may be more vulnerable to contaminants in drinking water than the general population. Immuno-compromised persons such as persons with cancer undergoing chemotherapy, persons who have undergone organ transplants, people with HIV/AIDS or other immune system disorders, some elderly, and infants can be particularly at risk from infections. These people should seek advice about drinking water from their health care providers. USEPA or Centers for Disease Control and Prevention guidelines on appropriate means to lessen the risk of infection by Cryptosporidium and other microbial contaminants are available from the USEPA Safe Drinking Water Hotline (800-426-4791)."
- b) A supplier that detects arsenic above 0.005 mg/ℓ and up to and including ~~0.0100-01~~ mg/ℓ must do the following:
  - 1) The supplier must include in its report a short informational statement about arsenic, using the following language: "While your drinking water meets USEPA's standard for arsenic, it does contain low levels of arsenic. USEPA's standard balances the current understanding of arsenic's possible health effects against the costs of removing arsenic from drinking water. USEPA continues to research the health effects of low levels of arsenic,

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

which is a naturally-occurring mineral known to cause cancer in humans at high concentrations and is linked to other health effects such as skin damage and circulatory problems."; or

- 2) The supplier may write its own educational statement, but only in consultation with the Agency.
- c) A supplier that detects nitrate at levels above 5 mg/ℓ, but below the MCL, must do the following:
- 1) The supplier must include a short informational statement about the impacts of nitrate on children, using the following language: "Nitrate in drinking water at levels above 10 ppm is a health risk for infants of less than six months of age. High nitrate levels in drinking water can cause blue baby syndrome. Nitrate levels may rise quickly for short periods of time because of rainfall or agricultural activity. If you are caring for an infant you should ask advice from your health care provider"; or
  - 2) The CWS supplier may write its own educational statement, but only in consultation with the Agency.
- d) A CWS supplier that detects lead above the action level in more than five percent, and up to and including ten percent, of homes sampled must do the following:
- 1) The CWS supplier must include a short informational statement about the special impact of lead on children, using the following language: "Infants and young children are typically more vulnerable to lead in drinking water than the general population. It is possible that lead levels at your home may be higher than at other homes in the community as a result of materials used in your home's plumbing. If you are concerned about elevated lead levels in your home's water, you may wish to have your water tested and flush your tap for 30 seconds to two minutes before using tap water. Additional information is available from the USEPA Safe Drinking Water Hotline (800-426-4791)"; or
  - 2) The CWS supplier may write its own educational statement, but only in consultation with the Agency.
- e) A CWS supplier that detects TTHM above 0.080 mg/ℓ, but below the MCL in Section 611.312, as an annual average, monitored and calculated under the

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

provisions of ~~Former~~ Section 611.680, must include the health effects language prescribed by Appendix A of this Part.

- f) Until January 22, 2006, a CWS supplier that detects arsenic above ~~0.0100-01~~ mg/ℓ and up to and including 0.05 mg/ℓ must include the arsenic health effects language prescribed by Appendix A to this Part.

BOARD NOTE: Derived from 40 CFR 141.154 ~~(2003)(2002)~~.

(Source: Amended at 28 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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

**Section 611.954 Disinfection Benchmark**

- a) **Applicability.** A Subpart B system supplier that is required to develop a disinfection profile under Section 611.953 must develop a disinfection benchmark if it decides to make a significant change to its disinfection practice. The supplier must consult with the Agency for approval before it can implement a significant disinfection practice change.
- b) **Significant changes to disinfection practice.** Significant changes to disinfection practice include the following:
- 1) Changes to the point of disinfection;
  - 2) Changes to the disinfectants used in the treatment plant;
  - 3) Changes to the disinfection process; or
  - 4) Any other modification identified by the Agency.
- c) **Considering a significant change.** A supplier that is considering a significant change to its disinfection practice must calculate disinfection benchmark, as described in subsections (d) and (e) of this Section, and provide the benchmarks to the Agency. A supplier may only make a significant disinfection practice change after consulting with the Agency for approval. A supplier must submit the following information to the Agency as part of the consultation and approval process:

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

- 1) A description of the proposed change;
  - 2) The disinfection profile for Giardia lamblia (and, if necessary, viruses) and disinfection benchmark;
  - 3) An analysis of how the proposed change will affect the current levels of disinfection; and
  - 4) Any additional information requested by the Agency.
- d) Calculation of a disinfection benchmark. A supplier that is making a significant change to its disinfection practice must calculate a disinfection benchmark using the following procedure:
- 1) Step 1: Using the data that the supplier collected to develop the disinfection profile, determine the average Giardia lamblia inactivation for each calendar month by dividing the sum of all Giardia lamblia inactivations for that month by the number of values calculated for that month; and
  - 2) Step 2: Determine the lowest monthly average value out of the 12 values. This value becomes the disinfection benchmark.
- e) If a supplier uses chloramines, ozone or chlorine dioxide for primary disinfection the supplier must calculate the disinfection benchmark from the data that the supplier collected for viruses to develop the disinfection profile in subsection (d) of this Section. This viral benchmark must be calculated in the same manner used to calculate the Giardia lamblia disinfection benchmark in subsection (d) of this Section.

BOARD NOTE: Derived 40 CFR 141.540 through 141.544 ~~(2003)(2002)~~.

(Source: Amended at 28 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 611.957 Reporting and Recordkeeping Requirements**

- a) Reporting. This Subpart X requires a supplier to report several items to the Agency. Subsections (a)(1) through (a)(4) of this Section describe the items that must be reported and the frequency of reporting. (The supplier is required to

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

report the information described in subsections (a)(1) through (a)(4) of this Section, if it is subject to the specific requirement indicated.)

- 1) If a supplier is subject to the combined filter effluent requirements (Section 611.955), it must report as follows:
  - A) The total number of filtered water turbidity measurements taken during the month, by the 10<sup>th</sup> of the following month.
  - B) The number and percentage of filtered water turbidity measurements taken during the month that are less than or equal to the supplier's required 95<sup>th</sup> percentile limit, by the 10<sup>th</sup> of the following month.
  - C) The date and value of any turbidity measurements taken during the month that exceed the maximum turbidity value for the supplier's filtration system, by the 10<sup>th</sup> of the following month.
- 2) If the supplier is subject to the individual filter turbidity requirements (Section 611.956), it must report as follows:
  - A) The fact that the supplier's system conducted individual filter turbidity monitoring during the month, by the 10<sup>th</sup> of the following month.
  - B) The filter numbers, corresponding dates, and the turbidity values that exceeded 1.0 NTU during the month, by the 10<sup>th</sup> of the following month, but only if two consecutive measurements exceeded 1.0 NTU.
  - C) If a self-assessment is required, the date that it was triggered and the date that it was completed, by the 10<sup>th</sup> of the following month (or 14 days after the self-assessment was triggered only if the self-assessment was triggered during the last four days of the month).
  - D) If a CPE is required, the fact that the CPE is required and the date that it was triggered, by the 10<sup>th</sup> of the following month.
  - E) A copy of completed CPE report, within 120 days after the CPE was triggered.

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

- 3) If the supplier is subject to the disinfection profiling (Section 611.953), it must report results of optional monitoring that show TTHM levels 0.064 mg/l and HAA5 levels 0.048 mg/l (only if the supplier wishes to forgo profiling) or that the supplier has begun disinfection profiling, ~~as follows: A) For a supplier that serves 500-9,999 persons; or B) For a supplier that serves fewer than 500 persons, by January 1, 2004.~~
  - 4) If the supplier is subject to the disinfection benchmarking (Section 611.954), it must report a description of the proposed change in disinfection, its system's disinfection profile for *Giardia lamblia* (and, if necessary, viruses) and disinfection benchmark, and an analysis of how the proposed change will affect the current levels of disinfection, anytime the supplier is considering a significant change to its disinfection practice.
- b) Recordkeeping. A supplier must keep several types of records based on the requirements of this Subpart X, in addition to recordkeeping requirements under Sections 611.261 and 611.262. Subsections (b)(1) through (b)(3) describe the necessary records, the length of time these records must be kept, and for which requirement the records pertain. (The supplier is required to maintain records described in subsections (b)(1) through (b)(3) of this Section, if it is subject to the specific requirement indicated.)
- 1) If the supplier is subject to the individual filter turbidity requirements (Section 611.956), it must retain the results of individual filter monitoring as necessary records for at least three years.
  - 2) If the supplier is subject to disinfection profiling (Section 611.953), it must retain the results of its disinfection profile (including raw data and analysis) as necessary records indefinitely.
  - 3) If the supplier is subject to disinfection benchmarking (Section 611.954), it must retain its disinfection benchmark (including raw data and analysis) as necessary records indefinitely.

BOARD NOTE: Derived from 40 CFR 141.570 and 141.571 ~~(2003)(2002)~~.

(Source: Amended at 28 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

**Section 611.APPENDIX A Regulated Contaminants**

## Microbiological contaminants.

Contaminant (units): Total Coliform Bacteria

Traditional MCL in mg/l: MCL: (a supplier that collects 40 or more samples/month) five percent or fewer of monthly samples are positive; (systems that collect fewer than 40 samples/month) one or fewer positive monthly samples.

To convert for CCR, multiply by: –

MCL in CCR units: MCL: (a supplier that collects 40 or more samples/month) five percent or fewer of monthly samples are positive; (a supplier that collects fewer than 40 samples/month) one or fewer positive monthly sample.

MCLG: 0

Major sources in drinking water: Naturally present in the environment.

Health effects language: Coliforms are bacteria that are naturally present in the environment and are used as an indicator that other, potentially-harmful, bacteria may be present. Coliforms were found in more samples than allowed and this was a warning of potential problems.

Contaminant (units): Fecal coliform and E. coli

Traditional MCL in mg/l: 0

To convert for CCR, multiply by: –

MCL in CCR units: 0

MCLG: 0

Major sources in drinking water: Human and animal fecal waste.

Health effects language: Fecal coliforms and E. coli are bacteria whose presence indicates that the water may be contaminated with human or animal wastes. Microbes in these wastes can cause short-term effects, such as diarrhea, cramps, nausea, headaches, or other symptoms. They may pose a special health risk for infants, young children, some of the elderly, and people with severely-compromised immune systems.

Contaminant (units): Total organic carbon (ppm)

Traditional MCL in mg/l: TT

To convert for CCR, multiply by: –

MCL in CCR units: TT

MCLG: N/A

Major sources in drinking water: Naturally present in the environment.

Health effects language: Total organic carbon (TOC) has no health effects. However, total organic carbon provides a medium for the formation of

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

disinfection byproducts. These byproducts include trihalomethanes (THMs) and haloacetic acids (HAAs). Drinking water containing these byproducts in excess of the MCL may lead to adverse health effects, liver or kidney problems, or nervous system effects, and may lead to an increased risk of getting cancer.

Contaminant (units): Turbidity (NTU)

Traditional MCL in mg/ℓ: TT

To convert for CCR, multiply by: –

MCL in CCR units: TT

MCLG: N/A

Major sources in drinking water: Soil runoff.

Health effects language: Turbidity has no health effects. However, turbidity can interfere with disinfection and provide a medium for microbial growth. Turbidity may indicate the presence of disease-causing organisms. These organisms include bacteria, viruses, and parasites that can cause symptoms such as nausea, cramps, diarrhea, and associated headaches.

## Radioactive contaminants.

Contaminant (units): Beta/photon emitters (mrem/yr)

Traditional MCL in mg/ℓ: 4 mrem/yr

To convert for CCR, multiply by: –

MCL in CCR units: 4

MCLG: 0

Major sources in drinking water: Decay of natural and man-made deposits.

Health effects language: Certain minerals are radioactive and may emit forms of radiation known as photons and beta radiation. Some people who drink water containing beta particle and photon radioactivity in excess of the MCL over many years may have an increased risk of getting cancer.

Contaminant (units): Alpha emitters (pCi/ℓ)

Traditional MCL in mg/ℓ: 15 pCi/ℓ

To convert for CCR, multiply by: –

MCL in CCR units: 15

MCLG: 0

Major sources in drinking water: Erosion of natural deposits.

Health effects language: Certain minerals are radioactive and may emit a form of radiation known as alpha radiation. Some people who drink water containing alpha emitters in excess of the MCL over many years may have an increased risk of getting cancer.

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

Contaminant (units): Combined radium (pCi/l)

Traditional MCL in mg/l: 5 pCi/l

To convert for CCR, multiply by: –

MCL in CCR units: 5

MCLG: 0

Major sources in drinking water: Erosion of natural deposits.

Health effects language: Some people who drink water containing radium-226 or -228 in excess of the MCL over many years may have an increased risk of getting cancer.

Contaminant (units): Uranium ( $\mu\text{g}/\ell$ )

Traditional MCL in mg/l: 30  $\mu\text{g}/\ell$

To convert for CCR, multiply by: –

MCL in CCR units: 30

MCLG: 0

Major sources in drinking water: Erosion of natural deposits.

Health effects language: Some people who drink water containing uranium in excess of the MCL over many years may have an increased risk of getting cancer and kidney toxicity.

#### Inorganic contaminants.

Contaminant (units): Antimony (ppb)

Traditional MCL in mg/l: 0.006

To convert for CCR, multiply by: 1000

MCL in CCR units: 6

MCLG: 6

Major sources in drinking water: Discharge from petroleum refineries; fire retardants; ceramics; electronics; solder.

Health effects language: Some people who drink water containing antimony well in excess of the MCL over many years could experience increases in blood cholesterol and decreases in blood sugar.

Contaminant (units): Arsenic (ppb)

Traditional MCL in mg/l: 0.05 until January 23, 2006 or ~~0.0100-01~~ effective January 23, 2006

To convert for CCR, multiply by: 1000

MCL in CCR units: 50

MCLG: 0 (effective January 26, 2006)

Major sources in drinking water: Erosion of natural deposits; runoff from orchards;

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

runoff from glass and electronics production wastes.

Health effects language: Some people who drink water containing arsenic in excess of the MCL over many years could experience skin damage or problems with their circulatory system, and may have an increased risk of getting cancer.

Contaminant (units): Asbestos (MFL)

Traditional MCL in mg/ℓ: 7 MFL

To convert for CCR, multiply by: –

MCL in CCR units: 7

MCLG: 7

Major sources in drinking water: Decay of asbestos cement water mains; erosion of natural deposits.

Health effects language: Some people who drink water containing asbestos in excess of the MCL over many years may have an increased risk of developing benign intestinal polyps.

Contaminant (units): Barium (ppm)

Traditional MCL in mg/ℓ: 2

To convert for CCR, multiply by: –

MCL in CCR units: 2

MCLG: 2

Major sources in drinking water: Discharge of drilling wastes; discharge from metal refineries; erosion of natural deposits.

Health effects language: Some people who drink water containing barium in excess of the MCL over many years could experience an increase in their blood pressure.

Contaminant (units): Beryllium (ppb)

Traditional MCL in mg/ℓ: 0.004

To convert for CCR, multiply by: 1000

MCL in CCR units: 4

MCLG: 4

Major sources in drinking water: Discharge from metal refineries and coal-burning factories; discharge from electrical, aerospace, and defense industries.

Health effects language: Some people who drink water containing beryllium well in excess of the MCL over many years could develop intestinal lesions.

Contaminant (units): Bromate (ppb)

Traditional MCL in mg/ℓ: 0.010

To convert for CCR, multiply by: 1000

MCL in CCR units: 10

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

MCLG: 0

Major sources in drinking water: By-product of drinking water disinfection.

Health effects language: Some people who drink water containing bromate in excess of the MCL over many years may have an increased risk of getting cancer.

Contaminant (units): Cadmium (ppb)

Traditional MCL in mg/l: 0.005

To convert for CCR, multiply by: 1000

MCL in CCR units: 5

MCLG: 5

Major sources in drinking water: Corrosion of galvanized pipes; erosion of natural deposits; discharge from metal refineries; runoff from waste batteries and paints.

Health effects language: Some people who drink water containing cadmium in excess of the MCL over many years could experience kidney damage.

Contaminant (units): Chloramines (ppm)

Traditional MCL in mg/l: MRDL=4

To convert for CCR, multiply by: -

MCL in CCR units: MRDL=4

MCLG: MRDLG=4

Major sources in drinking water: Water additive used to control microbes.

Health effects language: Some people who drink water containing chloramines well in excess of the MRDL could experience irritating effects to their eyes and nose. Some people who drink water containing chloramines well in excess of the MRDL could experience stomach discomfort or anemia.

Contaminant (units): Chlorine (ppm)

Traditional MCL in mg/l: MRDL=4

To convert for CCR, multiply by: -

MCL in CCR units: MRDL=4

MCLG: MRDLG=4

Major sources in drinking water: Water additive used to control microbes.

Health effects language: Some people who drink water containing chlorine well in excess of the MRDL could experience irritating effects to their eyes and nose. Some people who drink water containing chlorine well in excess of the MRDL could experience stomach discomfort.

Contaminant (units): Chlorine dioxide (ppb)

Traditional MCL in mg/l: MRDL=800

To convert for CCR, multiply by: 1000

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

MCL in CCR units: MRDL=800

MCLG: MRDLG=800

Major sources in drinking water: Water additive used to control microbes.

Health effects language: Some infants and young children who drink water containing chlorine dioxide well in excess of the MRDL could experience nervous system effects. Similar effects may occur in fetuses of pregnant women who drink water containing chlorine dioxide in excess of the MRDL. Some people may experience anemia.

Contaminant (units): Chlorite (ppm)

Traditional MCL in mg/ℓ: MRDL=1

To convert for CCR, multiply by: –

MCL in CCR units: MRDL=1

MCLG: MRDLG=0.8

Major sources in drinking water: By-product of drinking water disinfection.

Health effects language: Some infants and young children who drink water containing chlorite well in excess of the MCL could experience nervous system effects. Similar effects may occur in fetuses of pregnant women who drink water containing chlorite in excess of the MCL. Some people may experience anemia.

Contaminant (units): Chromium (ppb)

Traditional MCL in mg/ℓ: 0.1

To convert for CCR, multiply by: 1000

MCL in CCR units: 100

MCLG: 100

Major sources in drinking water: Discharge from steel and pulp mills; erosion of natural deposits.

Health effects language: Some people who use water containing chromium well in excess of the MCL over many years could experience allergic dermatitis.

Contaminant (units): Copper (ppm)

Traditional MCL in mg/ℓ: AL=1.3

To convert for CCR, multiply by: –

MCL in CCR units: AL=1.3

MCLG: 1.3

Major sources in drinking water: Corrosion of household plumbing systems; erosion of natural deposits.

Health effects language: Copper is an essential nutrient, but some people who drink water containing copper in excess of the action level over a relatively short amount of

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

time could experience gastrointestinal distress. Some people who drink water containing copper in excess of the action level over many years could suffer liver or kidney damage. People with Wilson's Disease should consult their personal doctor.

Contaminant (units): Cyanide (ppb)

Traditional MCL in mg/l: 0.2

To convert for CCR, multiply by: 1000

MCL in CCR units: 200

MCLG: 200

Major sources in drinking water: Discharge from steel/metal factories; discharge from plastic and fertilizer factories.

Health effects language: Some people who drink water containing cyanide well in excess of the MCL over many years could experience nerve damage or problems with their thyroid.

Contaminant (units): Fluoride (ppm)

Traditional MCL in mg/l: 4

To convert for CCR, multiply by: –

MCL in CCR units: 4

MCLG: 4

Major sources in drinking water: Erosion of natural deposits; water additive that promotes strong teeth; discharge from fertilizer and aluminum factories.

Health effects language: Some people who drink water containing fluoride in excess of the MCL over many years could get bone disease, including pain and tenderness of the bones. Fluoride in drinking water at half the MCL or more may cause mottling of children's teeth, usually in children less than nine years old. Mottling, also known as dental fluorosis, may include brown staining or pitting of the teeth, and occurs only in developing teeth before they erupt from the gums.

Contaminant (units): Lead (ppb)

Traditional MCL in mg/l: AL=0.015

To convert for CCR, multiply by: 1000

MCL in CCR units: AL=15

MCLG: 0

Major sources in drinking water: Corrosion of household plumbing systems; erosion of natural deposits.

Health effects language: Infants and children who drink water containing lead in excess of the action level could experience delays in their physical or mental development. Children could show slight deficits in attention span and learning abilities. Adults who drink this water over many years could develop kidney problems or high blood

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

pressure.

Contaminant (units): Mercury (inorganic) (ppb)

Traditional MCL in mg/ℓ: 0.002

To convert for CCR, multiply by: 1000

MCL in CCR units: 2

MCLG: 2

Major sources in drinking water: Erosion of natural deposits; discharge from refineries and factories; runoff from landfills; runoff from cropland.

Health effects language: Some people who drink water containing inorganic mercury well in excess of the MCL over many years could experience kidney damage.

Contaminant (units): Nitrate (ppm)

Traditional MCL in mg/ℓ: 10

To convert for CCR, multiply by: –

MCL in CCR units: 10

MCLG: 10

Major sources in drinking water: Runoff from fertilizer use; leaching from septic tanks, sewage; erosion of natural deposits.

Health effects language: Infants below the age of six months who drink water containing nitrate in excess of the MCL could become seriously ill and, if untreated, may die. Symptoms include shortness of breath and blue baby syndrome.

Contaminant (units): Nitrite (ppm)

Traditional MCL in mg/ℓ: 1

To convert for CCR, multiply by: –

MCL in CCR units: 1

MCLG: 1

Major sources in drinking water: Runoff from fertilizer use; leaching from septic tanks, sewage; erosion of natural deposits.

Health effects language: Infants below the age of six months who drink water containing nitrite in excess of the MCL could become seriously ill and, if untreated, may die. Symptoms include shortness of breath and blue baby syndrome.

Contaminant (units): Selenium (ppb)

Traditional MCL in mg/ℓ: 0.05

To convert for CCR, multiply by: 1000

MCL in CCR units: 50

MCLG: 50

Major sources in drinking water: Discharge from petroleum and metal refineries; erosion

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

of natural deposits; discharge from mines.

Health effects language: Selenium is an essential nutrient. However, some people who drink water containing selenium in excess of the MCL over many years could experience hair or fingernail losses, numbness in fingers or toes, or problems with their circulation.

Contaminant (units): Thallium (ppb)

Traditional MCL in mg/ℓ: 0.002

To convert for CCR, multiply by: 1000

MCL in CCR units: 2

MCLG: 0.5

Major sources in drinking water: Leaching from ore-processing sites; discharge from electronics, glass, and drug factories.

Health effects language: Some people who drink water containing thallium in excess of the MCL over many years could experience hair loss, changes in their blood, or problems with their kidneys, intestines, or liver.

Synthetic organic contaminants including pesticides and herbicides.

Contaminant (units): 2,4-D (ppb)

Traditional MCL in mg/ℓ: 0.07

To convert for CCR, multiply by: 1000

MCL in CCR units: 70

MCLG: 70

Major sources in drinking water: Runoff from herbicide used on row crops.

Health effects language: Some people who drink water containing the weed killer 2,4-D well in excess of the MCL over many years could experience problems with their kidneys, liver, or adrenal glands.

Contaminant (units): 2,4,5-TP (silvex) (ppb)

Traditional MCL in mg/ℓ: 0.05

To convert for CCR, multiply by: 1000

MCL in CCR units: 50

MCLG: 50

Major sources in drinking water: Residue of banned herbicide.

Health effects language: Some people who drink water containing silvex in excess of the MCL over many years could experience liver problems.

Contaminant (units): Acrylamide

Traditional MCL in mg/ℓ: TT

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

To convert for CCR, multiply by: –

MCL in CCR units: TT

MCLG: 0

Major sources in drinking water: Added to water during sewage/wastewater treatment.

Health effects language: Some people who drink water containing high levels of acrylamide over a long period of time could have problems with their nervous system or blood, and may have an increased risk of getting cancer.

Contaminant (units): Alachlor (ppb)

Traditional MCL in mg/l: 0.002

To convert for CCR, multiply by: 1000

MCL in CCR units: 2

MCLG: 0

Major sources in drinking water: Runoff from herbicide used on row crops.

Health effects language: Some people who drink water containing alachlor in excess of the MCL over many years could have problems with their eyes, liver, kidneys, or spleen, or experience anemia, and may have an increased risk of getting cancer.

Contaminant (units): Atrazine (ppb)

Traditional MCL in mg/l: 0.003

To convert for CCR, multiply by: 1000

MCL in CCR units: 3

MCLG: 3

Major sources in drinking water: Runoff from herbicide used on row crops.

Health effects language: Some people who drink water containing atrazine well in excess of the MCL over many years could experience problems with their cardiovascular system or reproductive difficulties.

Contaminant (units): Benzo(a)pyrene (PAH) (nanograms/l)

Traditional MCL in mg/l: 0.0002

To convert for CCR, multiply by: 1,000,000

MCL in CCR units: 200

MCLG: 0

Major sources in drinking water: Leaching from linings of water storage tanks and distribution lines.

Health effects language: Some people who drink water containing benzo(a)pyrene in excess of the MCL over many years may experience reproductive difficulties and may have an increased risk of getting cancer.

Contaminant (units): Carbofuran (ppb)

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

Traditional MCL in mg/ℓ: 0.04

To convert for CCR, multiply by: 1000

MCL in CCR units: 40

MCLG: 40

Major sources in drinking water: Leaching of soil fumigant used on rice and alfalfa.

Health effects language: Some people who drink water containing carbofuran in excess of the MCL over many years could experience problems with their blood, or nervous or reproductive systems.

Contaminant (units): Chlordane (ppb)

Traditional MCL in mg/ℓ: 0.002

To convert for CCR, multiply by: 1000

MCL in CCR units: 2

MCLG: 0

Major sources in drinking water: Residue of banned termiticide.

Health effects language: Some people who drink water containing chlordane in excess of the MCL over many years could experience problems with their liver or nervous system, and may have an increased risk of getting cancer.

Contaminant (units): Dalapon (ppb)

Traditional MCL in mg/ℓ: 0.2

To convert for CCR, multiply by: 1000

MCL in CCR units: 200

MCLG: 200

Major sources in drinking water: Runoff from herbicide used on rights of way.

Health effects language: Some people who drink water containing dalapon well in excess of the MCL over many years could experience minor kidney changes.

Contaminant (units): Di(2-ethylhexyl)adipate (ppb)

Traditional MCL in mg/ℓ: 0.4

To convert for CCR, multiply by: 1000

MCL in CCR units: 400

MCLG: 400

Major sources in drinking water: Discharge from chemical factories.

Health effects language: Some people who drink water containing di(2-ethylhexyl)adipate well in excess of the MCL over many years could experience toxic effects, such as weight loss, liver enlargement, or possible reproductive difficulties.

Contaminant (units): Di(2-ethylhexyl)phthalate (ppb)

Traditional MCL in mg/ℓ: 0.006

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

To convert for CCR, multiply by: 1000

MCL in CCR units: 6

MCLG: 0

Major sources in drinking water: Discharge from rubber and chemical factories.

Health effects language: Some people who drink water containing di(2-ethylhexyl)phthalate well in excess of the MCL over many years may have problems with their liver or experience reproductive difficulties, and they may have an increased risk of getting cancer.

Contaminant (units): Dibromochloropropane (DBCP) (ppt)

Traditional MCL in mg/l: 0.0002

To convert for CCR, multiply by: 1,000,000

MCL in CCR units: 200

MCLG: 0

Major sources in drinking water: Runoff/leaching from soil fumigant used on soybeans, cotton, pineapples, and orchards.

Health effects language: Some people who drink water containing DBCP in excess of the MCL over many years could experience reproductive problems and may have an increased risk of getting cancer.

Contaminant (units): Dinoseb (ppb)

Traditional MCL in mg/l: 0.007

To convert for CCR, multiply by: 1000

MCL in CCR units: 7

MCLG: 7

Major sources in drinking water: Runoff from herbicide used on soybeans and vegetables.

Health effects language: Some people who drink water containing dinoseb well in excess of the MCL over many years could experience reproductive difficulties.

Contaminant (units): Diquat (ppb)

Traditional MCL in mg/l: 0.02

To convert for CCR, multiply by: 1000

MCL in CCR units: 20

MCLG: 20

Major sources in drinking water: Runoff from herbicide use.

Health effects language: Some people who drink water containing diquat in excess of the MCL over many years could get cataracts.

Contaminant (units): Dioxin (2,3,7,8-TCDD) (ppq)

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

Traditional MCL in mg/ℓ: 0.00000003

To convert for CCR, multiply by: 1,000,000,000

MCL in CCR units: 30

MCLG: 0

Major sources in drinking water: Emissions from waste incineration and other combustion; discharge from chemical factories.

Health effects language: Some people who drink water containing dioxin in excess of the MCL over many years could experience reproductive difficulties and may have an increased risk of getting cancer.

Contaminant (units): Endothall (ppb)

Traditional MCL in mg/ℓ: 0.1

To convert for CCR, multiply by: 1000

MCL in CCR units: 100

MCLG: 100

Major sources in drinking water: Runoff from herbicide use.

Health effects language: Some people who drink water containing endothall in excess of the MCL over many years could experience problems with their stomach or intestines.

Contaminant (units): Endrin (ppb)

Traditional MCL in mg/ℓ: 0.002

To convert for CCR, multiply by: 1000

MCL in CCR units: 2

MCLG: 2

Major sources in drinking water: Residue of banned insecticide.

Health effects language: Some people who drink water containing endrin in excess of the MCL over many years could experience liver problems.

Contaminant (units): Epichlorohydrin

Traditional MCL in mg/ℓ: TT

To convert for CCR, multiply by: –

MCL in CCR units: TT

MCLG: 0

Major sources in drinking water: Discharge from industrial chemical factories; an impurity of some water treatment chemicals.

Health effects language: Some people who drink water containing high levels of epichlorohydrin over a long period of time could experience stomach problems, and may have an increased risk of getting cancer.

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

Contaminant (units): Ethylene dibromide (ppt)

Traditional MCL in mg/l: 0.00005

To convert for CCR, multiply by: 1,000,000

MCL in CCR units: 50

MCLG: 0

Major sources in drinking water: Discharge from petroleum refineries.

Health effects language: Some people who drink water containing ethylene dibromide in excess of the MCL over many years could experience problems with their liver, stomach, reproductive system, or kidneys, and may have an increased risk of getting cancer.

Contaminant (units): Glyphosate (ppb)

Traditional MCL in mg/l: 0.7

To convert for CCR, multiply by: 1000

MCL in CCR units: 700

MCLG: 700

Major sources in drinking water: Runoff from herbicide use.

Health effects language: Some people who drink water containing glyphosate in excess of the MCL over many years could experience problems with their kidneys or reproductive difficulties.

Contaminant (units): Heptachlor (ppt)

Traditional MCL in mg/l: 0.0004

To convert for CCR, multiply by: 1,000,000

MCL in CCR units: 400

MCLG: 0

Major sources in drinking water: Residue of banned pesticide.

Health effects language: Some people who drink water containing heptachlor in excess of the MCL over many years could experience liver damage and may have an increased risk of getting cancer.

Contaminant (units): Heptachlor epoxide (ppt)

Traditional MCL in mg/l: 0.0002

To convert for CCR, multiply by: 1,000,000

MCL in CCR units: 200

MCLG: 0

Major sources in drinking water: Breakdown of heptachlor.

Health effects language: Some people who drink water containing heptachlor epoxide in excess of the MCL over many years could experience liver damage, and may have an increased risk of getting cancer.

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

Contaminant (units): Hexachlorobenzene (ppb)

Traditional MCL in mg/ℓ: 0.001

To convert for CCR, multiply by: 1000

MCL in CCR units: 1

MCLG: 0

Major sources in drinking water: Discharge from metal refineries and agricultural chemical factories.

Health effects language: Some people who drink water containing hexachlorobenzene in excess of the MCL over many years could experience problems with their liver or kidneys, or adverse reproductive effects, and may have an increased risk of getting cancer.

Contaminant (units): Hexachlorocyclopentadiene (ppb)

Traditional MCL in mg/ℓ: 0.05

To convert for CCR, multiply by: 1000

MCL in CCR units: 50

MCLG: 50

Major sources in drinking water: Discharge from chemical factories.

Health effects language: Some people who drink water containing hexachlorocyclopentadiene well in excess of the MCL over many years could experience problems with their kidneys or stomach.

Contaminant (units): Lindane (ppt)

Traditional MCL in mg/ℓ: 0.0002

To convert for CCR, multiply by: 1,000,000

MCL in CCR units: 200

MCLG: 200

Major sources in drinking water: Runoff/leaching from insecticide used on cattle, lumber, gardens.

Health effects language: Some people who drink water containing lindane in excess of the MCL over many years could experience problems with their kidneys or liver.

Contaminant (units): Methoxychlor (ppb)

Traditional MCL in mg/ℓ: 0.04

To convert for CCR, multiply by: 1000

MCL in CCR units: 40

MCLG: 40

Major sources in drinking water: Runoff/leaching from insecticide used on fruits, vegetables, alfalfa, livestock.

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

Health effects language: Some people who drink water containing methoxychlor in excess of the MCL over many years could experience reproductive difficulties.

Contaminant (units): Oxamyl (vydate) (ppb)

Traditional MCL in mg/ℓ: 0.2

To convert for CCR, multiply by: 1000

MCL in CCR units: 200

MCLG: 200

Major sources in drinking water: Runoff/leaching from insecticide used on apples, potatoes and tomatoes.

Health effects language: Some people who drink water containing oxamyl in excess of the MCL over many years could experience slight nervous system effects.

Contaminant (units): PCBs (polychlorinated biphenyls) (ppt)

Traditional MCL in mg/ℓ: 0.0005

To convert for CCR, multiply by: 1,000,000

MCL in CCR units: 500

MCLG: 0

Major sources in drinking water: Runoff from landfills; discharge of waste chemicals.

Health effects language: Some people who drink water containing PCBs in excess of the MCL over many years could experience changes in their skin, problems with their thymus gland, immune deficiencies, or reproductive or nervous system difficulties, and may have an increased risk of getting cancer.

Contaminant (units): Pentachlorophenol (ppb)

Traditional MCL in mg/ℓ: 0.001

To convert for CCR, multiply by: 1000

MCL in CCR units: 1

MCLG: 0

Major sources in drinking water: Discharge from wood preserving factories.

Health effects language: Some people who drink water containing pentachlorophenol in excess of the MCL over many years could experience problems with their liver or kidneys, and may have an increased risk of getting cancer.

Contaminant (units): Picloram (ppb)

Traditional MCL in mg/ℓ: 0.5

To convert for CCR, multiply by: 1000

MCL in CCR units: 500

MCLG: 500

Major sources in drinking water: Herbicide runoff.

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

Health effects language: Some people who drink water containing picloram in excess of the MCL over many years could experience problems with their liver.

Contaminant (units): Simazine (ppb)

Traditional MCL in mg/ℓ: 0.004

To convert for CCR, multiply by: 1000

MCL in CCR units: 4

MCLG: 4

Major sources in drinking water: Herbicide runoff.

Health effects language: Some people who drink water containing simazine in excess of the MCL over many years could experience problems with their blood.

Contaminant (units): Toxaphene (ppb)

Traditional MCL in mg/ℓ: 0.003

To convert for CCR, multiply by: 1000

MCL in CCR units: 3

MCLG: 0

Major sources in drinking water: Runoff/leaching from insecticide used on cotton and cattle.

Health effects language: Some people who drink water containing toxaphene in excess of the MCL over many years could have problems with their kidneys, liver, or thyroid, and may have an increased risk of getting cancer.

Volatile organic contaminants.

Contaminant (units): Benzene (ppb)

Traditional MCL in mg/ℓ: 0.005

To convert for CCR, multiply by: 1000

MCL in CCR units: 5

MCLG: 0

Major sources in drinking water: Discharge from factories; leaching from gas storage tanks and landfills.

Health effects language: Some people who drink water containing benzene in excess of the MCL over many years could experience anemia or a decrease in blood platelets, and may have an increased risk of getting cancer.

Contaminant (units): Carbon tetrachloride (ppb)

Traditional MCL in mg/L: 0.005

To convert for CCR, multiply by: 1000

MCL in CCR units: 5

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

MCLG: 0

Major sources in drinking water: Discharge from chemical plants and other industrial activities.

Health effects language: Some people who drink water containing carbon tetrachloride in excess of the MCL over many years could experience problems with their liver and may have an increased risk of getting cancer.

Contaminant (units): Chlorobenzene (ppb)

Traditional MCL in mg/l: 0.1

To convert for CCR, multiply by: 1000

MCL in CCR units: 100

MCLG: 100

Major sources in drinking water: Discharge from chemical and agricultural chemical factories.

Health effects language: Some people who drink water containing chlorobenzene in excess of the MCL over many years could experience problems with their liver or kidneys.

Contaminant (units): o-Dichlorobenzene (ppb)

Traditional MCL in mg/l: 0.6

To convert for CCR, multiply by: 1000

MCL in CCR units: 600

MCLG: 600

Major sources in drinking water: Discharge from industrial chemical factories.

Health effects language: Some people who drink water containing o-dichlorobenzene well in excess of the MCL over many years could experience problems with their liver, kidneys, or circulatory systems.

Contaminant (units): p-Dichlorobenzene (ppb)

Traditional MCL in mg/l: 0.075

To convert for CCR, multiply by: 1000

MCL in CCR units: 75

MCLG: 75

Major sources in drinking water: Discharge from industrial chemical factories.

Health effects language: Some people who drink water containing p-dichlorobenzene in excess of the MCL over many years could experience anemia; damage to their liver, kidneys, or spleen; or changes in their blood.

Contaminant (units): 1,2-Dichloroethane (ppb)

Traditional MCL in mg/l: 0.005

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

To convert for CCR, multiply by: 1000

MCL in CCR units: 5

MCLG: 0

Major sources in drinking water: Discharge from industrial chemical factories.

Health effects language: Some people who drink water containing 1,2-dichloroethane in excess of the MCL over many years may have an increased risk of getting cancer.

Contaminant (units): 1,1-Dichloroethylene (ppb)

Traditional MCL in mg/ℓ: 0.007

To convert for CCR, multiply by: 1000

MCL in CCR units: 7

MCLG: 7

Major sources in drinking water: Discharge from industrial chemical factories.

Health effects language: Some people who drink water containing 1,1-dichloroethylene in excess of the MCL over many years could experience problems with their liver.

Contaminant (units): cis-1,2-Dichloroethylene (ppb)

Traditional MCL in mg/ℓ: 0.07

To convert for CCR, multiply by: 1000

MCL in CCR units: 70

MCLG: 70

Major sources in drinking water: Discharge from industrial chemical factories.

Health effects language: Some people who drink water containing cis-1,2-dichloroethylene in excess of the MCL over many years could experience problems with their liver.

Contaminant (units): trans-1,2-Dichloroethylene (ppb)

Traditional MCL in mg/ℓ: 0.1

To convert for CCR, multiply by: 1000

MCL in CCR units: 100

MCLG: 100

Major sources in drinking water: Discharge from industrial chemical factories.

Health effects language: Some people who drink water containing trans-1,2-dichloroethylene well in excess of the MCL over many years could experience problems with their liver.

Contaminant (units): Dichloromethane (ppb)

Traditional MCL in mg/ℓ: 0.005

To convert for CCR, multiply by: 1000

MCL in CCR units: 5

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

MCLG: 0

Major sources in drinking water: Discharge from pharmaceutical and chemical factories.  
Health effects language: Some people who drink water containing dichloromethane in excess of the MCL over many years could have liver problems and may have an increased risk of getting cancer.

Contaminant (units): 1,2-Dichloropropane (ppb)

Traditional MCL in mg/ℓ: 0.005

To convert for CCR, multiply by: 1000

MCL in CCR units: 5

MCLG: 0

Major sources in drinking water: Discharge from industrial chemical factories.  
Health effects language: Some people who drink water containing 1,2-dichloropropane in excess of the MCL over many years may have an increased risk of getting cancer.

Contaminant (units): Ethylbenzene (ppb)

Traditional MCL in mg/ℓ: 0.7

To convert for CCR, multiply by: 1000

MCL in CCR units: 700

MCLG: 700

Major sources in drinking water: Discharge from petroleum refineries.  
Health effects language: Some people who drink water containing ethylbenzene well in excess of the MCL over many years could experience problems with their liver or kidneys.

Contaminant (units): Haloacetic acids (HAA5) (ppb)

Traditional MCL in mg/ℓ: 0.060

To convert for CCR, multiply by: 1000

MCL in CCR units: 60

MCLG: N/A

Major sources in drinking water: Byproduct of drinking water disinfection.  
Health effects language: Some people who drink water containing haloacetic acids in excess of the MCL over many years may have an increased risk of getting cancer.

Contaminant (units): Styrene (ppb)

Traditional MCL in mg/ℓ: 0.1

To convert for CCR, multiply by: 1000

MCL in CCR units: 100

MCLG: 100

Major sources in drinking water: Discharge from rubber and plastic factories; leaching

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

from landfills.

Health effects language: Some people who drink water containing styrene well in excess of the MCL over many years could have problems with their liver, kidneys, or circulatory system.

Contaminant (units): Tetrachloroethylene (ppb)

Traditional MCL in mg/ℓ: 0.005

To convert for CCR, multiply by: 1000

MCL in CCR units: 5

MCLG: 0

Major sources in drinking water: Discharge from factories and dry cleaners.

Health effects language: Some people who drink water containing tetrachloroethylene in excess of the MCL over many years could have problems with their liver, and may have an increased risk of getting cancer.

Contaminant (units): 1,2,4-Trichlorobenzene (ppb)

Traditional MCL in mg/ℓ: 0.07

To convert for CCR, multiply by: 1000

MCL in CCR units: 70

MCLG: 70

Major sources in drinking water: Discharge from textile-finishing factories.

Health effects language: Some people who drink water containing 1,2,4-trichlorobenzene well in excess of the MCL over many years could experience changes in their adrenal glands.

Contaminant (units): 1,1,1-Trichloroethane (ppb)

Traditional MCL in mg/ℓ: 0.2

To convert for CCR, multiply by: 1000

MCL in CCR units: 200

MCLG: 200

Major sources in drinking water: Discharge from metal degreasing sites and other factories.

Health effects language: Some people who drink water containing 1,1,1-trichloroethane in excess of the MCL over many years could experience problems with their liver, nervous system, or circulatory system.

Contaminant (units): 1,1,2-Trichloroethane (ppb)

Traditional MCL in mg/ℓ: 0.005

To convert for CCR, multiply by: 1000

MCL in CCR units: 5

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

MCLG: 3

Major sources in drinking water: Discharge from industrial chemical factories.

Health effects language: Some people who drink water containing 1,1,2-trichloroethane well in excess of the MCL over many years could have problems with their liver, kidneys, or immune systems.

Contaminant (units): Trichloroethylene (ppb)

Traditional MCL in mg/l: 0.005

To convert for CCR, multiply by: 1000

MCL in CCR units: 5

MCLG: 0

Major sources in drinking water: Discharge from metal degreasing sites and other factories.

Health effects language: Some people who drink water containing trichloroethylene in excess of the MCL over many years could experience problems with their liver and may have an increased risk of getting cancer.

Contaminant (units): TTHMs (total trihalomethanes) (ppb)

Traditional MCL in mg/l: 0.10/0.080

To convert for CCR, multiply by: 1000

MCL in CCR units: 100/80

MCLG: N/A

Major sources in drinking water: Byproduct of drinking water disinfection.

Health effects language: Some people who drink water containing trihalomethanes in excess of the MCL over many years may experience problems with their liver, kidneys, or central nervous system, and may have an increased risk of getting cancer.

Contaminant (units): Toluene (ppm)

Traditional MCL in mg/l: 1

To convert for CCR, multiply by: –

MCL in CCR units: 1

MCLG: 1

Major sources in drinking water: Discharge from petroleum factories.

Health effects language: Some people who drink water containing toluene well in excess of the MCL over many years could have problems with their nervous system, kidneys, or liver.

Contaminant (units): Vinyl Chloride (ppb)

Traditional MCL in mg/l: 0.002

To convert for CCR, multiply by: 1000

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

MCL in CCR units: 2

MCLG: 0

Major sources in drinking water: Leaching from PVC piping; discharge from plastics factories.

Health effects language: Some people who drink water containing vinyl chloride in excess of the MCL over many years may have an increased risk of getting cancer.

Contaminant (units): Xylenes (ppm)

Traditional MCL in mg/ℓ: 10

To convert for CCR, multiply by: –

MCL in CCR units: 10

MCLG: 10

Major sources in drinking water: Discharge from petroleum factories; discharge from chemical factories.

Health effects language: Some people who drink water containing xylenes in excess of the MCL over many years could experience damage to their nervous system.

## Key.

Abbreviation	Meaning
AL	action level
MCL	maximum contaminant level
MCLG	maximum contaminant level goal
MFL	million fibers per liter
MRDL	maximum residual disinfectant level
MRDLG	maximum residual disinfectant level goal
mrem/year	millirems per year (a measure of radiation absorbed by the body)
N/A	not applicable
NTU	nephelometric turbidity units (a measure of water clarity)
pCi/ℓ	picocuries per liter (a measure of radioactivity)
ppm	parts per million, or milligrams per liter (mg/ℓ)
ppb	parts per billion, or micrograms per liter (μg/ℓ)
ppt	parts per trillion, or nanograms per liter
ppq	parts per quadrillion, or picograms per liter
TT	treatment technique

BOARD NOTE: Derived from Appendix A to Subpart O to 40 CFR 141 ~~(2003)~~(2002).

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

(Source: Amended at 28 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

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

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

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

I. Violations of National Primary Drinking Water Regulations (NPDWR):<sup>3</sup>

## A. Microbiological Contaminants

1. Total coliform	2	611.325(a)	3	611.521-611.525
2. Fecal coliform/E. coli	1	611.325(b)	<sup>4</sup> 1, 3	611.525
3. Turbidity MCL	2	611.320(a)	3	611.560
4. Turbidity MCL (average of two days' samples greater than 5 NTU)	<sup>5</sup> 2, 1	611.320(b)	3	611.560
5. Turbidity (for TT violations resulting from a single exceedence of maximum allowable turbidity level)	<sup>6</sup> 2, 1	611.231(b), 611.233(b)(1), 611.250(a)(2), 611.250(b)(2), 611.250(c)(2), 611.250(d), 611.743(a)(2), 611.743(b), 611.955(b)(2)	3	611.531(a), 611.532(b), 611.533(a), 611.744, 611.956(a)(1)- (a)(3), 611.956(b)
6. Surface Water Treatment Rule violations, other than violations resulting from single exceedence of max. allowable turbidity level (TT)	2	611.211, 611.213, 611.220, 611.230- 611.233, 611.240- 611.242, 611.250	3	611.531- 611.533

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

7. Interim Enhanced Surface Water Treatment Rule violations, other than violations resulting from single exceedence of max. turbidity level (TT)	2	<sup>7</sup> 611.740-611.743, 611.950-611.955	3	611.742, 611.744, 611.953, 611.954, 611.956
8. Filter Backwash Recycling Rule violations	2	611.276	3	611.276
9. Long Term 1 Enhanced Surface Water Treatment Rule violations	2	611.950-611.955	3	611.953, 611.954, 611.956

## B. Inorganic Chemicals (IOCs)

1. Antimony	2	611.301(b)	3	611.600, 611.601, 611.603
2. Arsenic	2	<sup>10</sup> 611.301(b)	3	<sup>9</sup> 611.601, 611.612(a), 611.612(b)
3. Asbestos (fibers greater than 10 µm)	2	611.301(b)	3	611.600, 611.601, 611.602
4. Barium	2	611.301(b)	3	611.600, 611.601, 611.603
5. Beryllium	2	611.301(b)	3	611.600, 611.601, 611.603
6. Cadmium	2	611.301(b)	3	611.600, 611.601, 611.603
7. Chromium (total)	2	611.301(b)	3	611.600, 611.601, 611.603
8. Cyanide	2	611.301(b)	3	611.600, 611.601, 611.603
9. Fluoride	2	611.301(b)	3	611.600, 611.601, 611.603

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

10. Mercury (inorganic)	2	611.301(b)	3	611.600, 611.601, 611.603
11. Nitrate	1	611.301(b)	<sup>10</sup> 1, 3	611.600, 611.601, 611.604, 611.606
12. Nitrite	1	611.301(b)	<sup>10</sup> 1, 3	611.600, 611.601, 611.605, 611.606
13. Total Nitrate and Nitrite	1	611.301(b)	3	611.600, 611.601
14. Selenium	2	611.301(b)	3	611.600, 611.601, 611.603
15. Thallium	2	611.301(b)	3	611.600, 611.601, 611.603

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

1. Lead and Copper Rule (TT)	2	611.350- 611.355	3	611.356- 611.359
------------------------------	---	---------------------	---	---------------------

## D. Synthetic Organic Chemicals (SOCs)

1. 2,4-D	2	611.310(c)	3	611.648
2. 2,4,5-TP (silvex)	2	611.310(c)	3	611.648
3. Alachlor	2	611.310(c)	3	611.648
4. Atrazine	2	611.310(c)	3	611.648
5. Benzo(a)pyrene (PAHs)	2	611.310(c)	3	611.648
6. Carbofuran	2	611.310(c)	3	611.648
7. Chlordane	2	611.310(c)	3	611.648
8. Dalapon	2	611.310(c)	3	611.648
9. Di(2-ethylhexyl)adipate	2	611.310(c)	3	611.648
10. Di(2-ethylhexyl)phthalate	2	611.310(c)	3	611.648
11. Dibromochloropropane (DBCP)	2	611.310(c)	3	611.648
12. Dinoseb	2	611.310(c)	3	611.648
13. Dioxin (2,3,7,8-TCDD)	2	611.310(c)	3	611.648

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

14. Diquat	2	611.310(c)	3	611.648
15. Endothall	2	611.310(c)	3	611.648
16. Endrin	2	611.310(c)	3	611.648
17. Ethylene dibromide	2	611.310(c)	3	611.648
18. Glyphosate	2	611.310(c)	3	611.648
19. Heptachlor	2	611.310(c)	3	611.648
20. Heptachlor epoxide	2	611.310(c)	3	611.648
21. Hexachlorobenzene	2	611.310(c)	3	611.648
22. Hexachlorocyclopentadiene	2	611.310(c)	3	611.648
23. Lindane	2	611.310(c)	3	611.648
24. Methoxychlor	2	611.310(c)	3	611.648
25. Oxamyl (Vydate)	2	611.310(c)	3	611.648
26. Pentachlorophenol	2	611.310(c)	3	611.648
27. Picloram	2	611.310(c)	3	611.648
28. Polychlorinated biphenyls (PCBs)	2	611.310(c)	3	611.648
29. Simazine	2	611.310(c)	3	611.648
30. Toxaphene	2	611.310(c)	3	611.648

## E. Volatile Organic Chemicals (VOCs)

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

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

18. 1,1,2-Trichloroethane	2	611.310(a)	3	611.646
19. Trichloroethylene	2	611.310(a)	3	611.646
20. Vinyl chloride	2	611.310(a)	3	611.646
21. Xylenes (total)	2	611.310(a)	3	611.646

## F. Radioactive Contaminants

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

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

1. Total trihalomethanes (TTHMs)	2	<sup>14</sup> 611.310, 611.312(a)	3	611.680- 611.688, 611.382(a)-(b)
2. Haloacetic Acids (HAA5)	2	611.312(a)	3	611.382(a)-(b)
3. Bromate	2	611.312(a)	3	611.382(a)-(b)
4. Chlorite	2	611.312(a)	3	611.382(a)-(b)
5. Chlorine (MRDL)	2	611.313(a)	3	611.382(a), (c)
6. Chloramine (MRDL)	2	611.313(a)	3	611.382(a), (c)
7. Chlorine dioxide (MRDL), where any two consecutive daily samples at entrance to distribution system only are above MRDL	2	611.313(a), 611.383(c)(3)	2 <sup>15</sup> , 3	611.382(a), (c), 611.383(c)(2)
8. Chlorine dioxide (MRDL), where samples in distribution system the next day are also above MRDL	<sup>16</sup> 1	611.313(a), 611.383(c)(3)	1	611.382(a), (c), 611.383(c)(2)
9. Control of DBP precursors – TOC (TT)	2	611.385(a)-(b)	3	611.382(a), (d)

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

10. Benchmarking and disinfection profiling	N/A	N/A	3	611.742, 611.953, 611.954
11. Development of monitoring plan	N/A	N/A	3	611.382(f)

## H. Other Treatment Techniques

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

II. Unregulated Contaminant Monitoring:<sup>17</sup>

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

## III. Public Notification for Relief Equivalent to a SDWA section 1415 Variance or a section 1416 Exemption.

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

## IV. Other Situations Requiring Public Notification.

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

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

F. Other situations as determined by the Agency by a SEP issued pursuant to Section 611.110	1, 2, 3	N/A	N/A	N/A
---	---------	-----	-----	-----

## Appendix G – Endnotes

1. Violations and other situations not listed in this table (e.g., reporting violations and failure to prepare Consumer Confidence Reports) do not require notice, unless otherwise determined by the Agency by a SEP issued pursuant to Section 611.110. The Agency may, by an SEP issued pursuant to Section 611.110, further require a more stringent public notice tier (e.g., Tier 1 instead of Tier 2 or Tier 2 instead of Tier 3) for specific violations and situations listed in this Appendix, as authorized under Sections 611.902(a) and 611.903(a).
2. Definition of the abbreviations used: "MCL" means maximum contaminant level, "MRDL" means maximum residual disinfectant level, and "TT" means treatment technique.
3. The term "violations of National Primary Drinking Water Regulations (NPDWR)" is used here to include violations of MCL, MRDL, treatment technique, monitoring, and testing procedure requirements.
4. Failure to test for fecal coliform or E. coli is a Tier 1 violation if testing is not done after any repeat sample tests positive for coliform. All other total coliform monitoring and testing procedure violations are Tier 3 violations.
5. A supplier that violates the turbidity MCL of 5 NTU based on an average of measurements over two consecutive days must consult with the Agency within 24 hours after learning of the violation. Based on this consultation, the Agency may subsequently decide to issue a SEP pursuant to Section 611.110 that elevates the violation to a Tier 1 violation. If a supplier is unable to make contact with the Agency in the 24-hour period, the violation is automatically elevated to a Tier 1 violation.
6. A supplier with a treatment technique violation involving a single exceedence of a maximum turbidity limit under the Surface Water Treatment Rule (SWTR), the Interim Enhanced Surface Water Treatment Rule (IESWTR), or the Long Term 1 Enhanced Surface Water Treatment Rule are required to consult with the Agency within 24 hours after learning of the violation. Based on this consultation, the Agency may subsequently decide to issue a SEP pursuant to Section 611.110 that elevates the violation to a Tier 1 violation. If a supplier is unable to make contact with the Agency in the 24-hour period, the violation is automatically elevated to a Tier 1 violation.

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

7. ~~Most of the requirements of the Interim Enhanced Surface Water Treatment Rule (63 Fed. Reg. 69477 (December 16, 1998)) (Sections 611.740-611.741, 611.743-611.744) were effective January 1, 2002 for a Subpart B supplier (surface water systems and groundwater systems under the direct influence of surface water) that serves at least 10,000 persons. However, Section 611.742 is currently effective.~~ The Surface Water Treatment Rule (SWTR) remains in effect for a supplier serving at least 10,000 persons ~~even after 2002~~; the Interim Enhanced Surface Water Treatment Rule adds additional requirements and does not in many cases supercede the SWTR.

8. The arsenic MCL citations are effective January 23, 2006. Until then, the citations are Sections 611.330(b) and 611.612(c).

9. The arsenic Tier 3 violation MCL citations are effective January 23, 2006. Until then, the citations are Sections 611.100, 611.101, and 611.612.

10. Failure to take a confirmation sample within 24 hours for nitrate or nitrite after an initial sample exceeds the MCL is a Tier 1 violation. Other monitoring violations for nitrate are Tier 3.

11. ~~This endnote 11 corresponds with the endnote to the table in Appendix A to Subpart Q of 40 CFR 141 (2003), which stated a past effective date. This statement maintains structural consistency with the federal regulations. The uranium MCL Tier 2 violation citations are effective December 8, 2003 for a CWS supplier.~~

12. ~~This endnote 12 corresponds with the endnote to the table in Appendix A to Subpart Q of 40 CFR 141 (2003), which stated a past effective date. This statement maintains structural consistency with the federal regulations. The uranium Tier 3 violation citations were effective December 8, 2000 for a CWS supplier.~~

13. A Subpart B community or non-transient non-community system supplier ~~that serves 10,000 persons or more~~ must comply with new DBP MCLs, disinfectant MRDLs, and related monitoring requirements. ~~All other community and non-transient non-community systems must meet the MCLs and MRDLs beginning January 1, 2004.~~ A Subpart B transient non-community system supplier serving 10,000 or more persons that uses chlorine dioxide as a disinfectant or oxidant ~~must comply with the chlorine dioxide MRDL.~~ ~~A or a~~ Subpart B transient non-community system supplier that serves fewer than 10,000 persons, which uses only groundwater not under the direct influence of surface water, and which uses chlorine dioxide as a disinfectant or oxidant must comply with the chlorine dioxide MRDL ~~beginning January 1, 2004.~~

14. ~~This endnote 14 corresponds with the endnote to the table in Appendix A to Subpart Q of 40 CFR 141 (2003), which stated a past effective date. This statement maintains structural~~

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

consistency with the federal regulations. Section 611.310 will no longer apply after January 1, 2004.

15. Failure to monitor for chlorine dioxide at the entrance to the distribution system the day after exceeding the MRDL at the entrance to the distribution system is a Tier 2 violation.

16. If any daily sample taken at the entrance to the distribution system exceeds the MRDL for chlorine dioxide and one or more samples taken in the distribution system the next day exceed the MRDL, Tier 1 notification is required. A failure to take the required samples in the distribution system after the MRDL is exceeded at the entry point also triggers Tier 1 notification.

17. Some water suppliers must monitor for certain unregulated contaminants listed in Section 611.510.

18. This citation refers to sections 1415 and 1416 of the federal Safe Drinking Water Act. sections 1415 and 1416 require that "a schedule prescribed...for a public water system granted relief equivalent to a SDWA section 1415 variance or a section 1416 exemption must require compliance by the system...."

19. In addition to sections 1415 and 1416 of the federal Safe Drinking Water Act, 40 CFR 142.307 specifies the items and schedule milestones that must be included in relief equivalent to a SDWA section 1415 small system variance. In granting any form of relief from an NPDWR, the Board will consider all applicable federal requirements for and limitations on the State's ability to grant relief consistent with federal law.

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

BOARD NOTE: Derived from Appendix A to Subpart Q to 40 CFR 141 ~~(2003)~~(2002).

(Source: Amended at 28 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

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

Contaminant	MCLG <sup>1</sup> mg/ℓ	MCL <sup>2</sup> mg/ℓ	Standard health effects language for public notification
National Primary Drinking Water Regulations (NPDWR):			
A. Microbiological Contaminants			
1a. Total coliform	Zero	See footnote 3	Coliforms are bacteria that are naturally present in the environment and are used as an indicator that other, potentially-harmful, bacteria may be present. Coliforms were found in more samples than allowed and this was a warning of potential problems.
1b. Fecal coliform/E. coli	Zero	Zero	Fecal coliforms and E. coli are bacteria whose presence indicates that the water may be contaminated with human or animal wastes. Microbes in these wastes can cause short-term effects, such as diarrhea, cramps, nausea, headaches, or other symptoms. They may pose a special health risk for infants, young children, some of the elderly, and people with severely compromised immune systems.
2a. Turbidity (MCL) <sup>4</sup>	None	1 NTU <sup>5</sup> /5 NTU	Turbidity has no health effects. However, turbidity can interfere with disinfection and provide a medium for microbial growth. Turbidity may indicate the presence of disease-causing organisms. These organisms include bacteria, viruses, and parasites that can cause symptoms such as nausea, cramps, diarrhea, and associated headaches.

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

2b. Turbidity (SWTR TT)	None	TT <sup>7</sup>	Turbidity has no health effects. However, <sup>6</sup> turbidity can interfere with disinfection and provide a medium for microbial growth. Turbidity may indicate the presence of disease-causing organisms. These organisms include bacteria, viruses, and parasites that can cause symptoms such as nausea, cramps, diarrhea, and associated headaches.
2c. Turbidity (IESWTR TT and LT1ESWTR TT)	None	TT	Turbidity has no health effects. However, <sup>8</sup> turbidity can interfere with disinfection and provide a medium for microbial growth. Turbidity may indicate the presence of disease-causing organisms. These organisms include bacteria, viruses, and parasites that can cause symptoms such as nausea, cramps, diarrhea, and associated headaches.
B. Surface Water Treatment Rule (SWTR), Interim Enhanced Surface Water Treatment Rule (IESWTR), Long Term 1 Enhanced Surface Water Treatment Rule (LT1ESWTR), and Filter Backwash Recycling Rule (FBRR) violations:			
3. Giardia lamblia (SWTR/IESWTR/LT1ESWTR)	Zero	TT <sup>10</sup>	Inadequately treated water may contain disease-causing organisms. These organisms include bacteria, viruses, and parasites that can cause symptoms such as nausea, cramps, diarrhea, and associated headaches.
4. Viruses (SWTR/IESWTR/LT1ESWTR)			Inadequately treated water may contain disease-causing organisms. These organisms include bacteria, viruses, and parasites that can cause symptoms such as nausea, cramps, diarrhea, and associated headaches.

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

5. Heterotrophic plate count (HPC) bacteria <sup>9</sup> (SWTR/IESWTR/ LT1ESWTR)			Inadequately treated water may contain disease-causing organisms. These organisms include bacteria, viruses, and parasites that can cause symptoms such as nausea, cramps, diarrhea, and associated headaches.
6. Legionella (SWTR/IESWTR/ LT1ESWTR)			Inadequately treated water may contain disease-causing organisms. These organisms include bacteria, viruses, and parasites that can cause symptoms such as nausea, cramps, diarrhea, and associated headaches.
7. Cryptosporidium (IESWTR/FBRR/ LT1ESWTR)			Inadequately treated water may contain disease-causing organisms. These organisms include bacteria, viruses, and parasites that can cause symptoms such as nausea, cramps, diarrhea, and associated headaches.
C. Inorganic Chemicals (IOCs)			
8. Antimony	0.006	0.006	Some people who drink water containing antimony well in excess of the MCL over many years could experience increases in blood cholesterol and decreases in blood sugar.
9. Arsenic <sup>11</sup>	0	<del>0.0100-01</del>	Some people who drink water containing arsenic in excess of the MCL over many years could experience skin damage or problems with their circulatory system, and may have an increased risk of getting cancer.
10. Asbestos (10 µm)	7 MFL <sup>12</sup>	7 MFL	Some people who drink water containing asbestos in excess of the MCL over many years may have an increased risk of developing benign intestinal polyps.

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

11. Barium	2	2	Some people who drink water containing barium in excess of the MCL over many years could experience an increase in their blood pressure.
12. Beryllium	0.004	0.004	Some people who drink water containing beryllium well in excess of the MCL over many years could develop intestinal lesions.
13. Cadmium	0.005	0.005	Some people who drink water containing cadmium in excess of the MCL over many years could experience kidney damage.
14. Chromium (total)	0.1	0.1	Some people who use water containing chromium well in excess of the MCL over many years could experience allergic dermatitis.
15. Cyanide	0.2	0.2	Some people who drink water containing cyanide well in excess of the MCL over many years could experience nerve damage or problems with their thyroid.
16. Fluoride	4.0	4.0	Some people who drink water containing fluoride in excess of the MCL over many years could get bone disease, including pain and tenderness of the bones. Fluoride in drinking water at half the MCL or more may cause mottling of children's teeth, usually in children less than nine years old. Mottling, also known as dental fluorosis, may include brown staining or pitting of the teeth, and occurs only in developing teeth before they erupt from the gums.

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

17. Mercury (inorganic)	0.002	0.002	Some people who drink water containing inorganic mercury well in excess of the MCL over many years could experience kidney damage.
18. Nitrate	10	10	Infants below the age of six months who drink water containing nitrate in excess of the MCL could become seriously ill and, if untreated, may die. Symptoms include shortness of breath and blue baby syndrome.
19. Nitrite	1	1	Infants below the age of six months who drink water containing nitrite in excess of the MCL could become seriously ill and, if untreated, may die. Symptoms include shortness of breath and blue baby syndrome.
20. Total Nitrate and Nitrite	10	10	Infants below the age of six months who drink water containing nitrate and nitrite in excess of the MCL could become seriously ill and, if untreated, may die. Symptoms include shortness of breath and blue baby syndrome.
21. Selenium	0.05	0.05	Selenium is an essential nutrient. However, some people who drink water containing selenium in excess of the MCL over many years could experience hair or fingernail losses, numbness in fingers or toes, or problems with their circulation.
22. Thallium	0.0005	0.002	Some people who drink water containing thallium in excess of the MCL over many years could experience hair loss, changes in their blood, or problems with their kidneys, intestines, or liver.

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

D. Lead and Copper Rule			
23. Lead	Zero	TT <sup>13</sup>	Infants and children who drink water containing lead in excess of the action level could experience delays in their physical or mental development. Children could show slight deficits in attention span and learning abilities. Adults who drink this water over many years could develop kidney problems or high blood pressure.
24. Copper	1.3	TT <sup>14</sup>	Copper is an essential nutrient, but some people who drink water containing copper in excess of the action level over a relatively short amount of time could experience gastrointestinal distress. Some people who drink water containing copper in excess of the action level over many years could suffer liver or kidney damage. People with Wilson's Disease should consult their personal doctor.
E. Synthetic Organic Chemicals (SOCs)			
25. 2,4-D	0.07	0.07	Some people who drink water containing the weed killer 2,4-D well in excess of the MCL over many years could experience problems with their kidneys, liver, or adrenal glands.
26. 2,4,5-TP (silvex)	0.05	0.05	Some people who drink water containing silvex in excess of the MCL over many years could experience liver problems.

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

27. Alachlor	Zero	0.002	Some people who drink water containing alachlor in excess of the MCL over many years could have problems with their eyes, liver, kidneys, or spleen, or experience anemia, and may have an increased risk of getting cancer.
28. Atrazine	0.003	0.003	Some people who drink water containing atrazine well in excess of the MCL over many years could experience problems with their cardiovascular system or reproductive difficulties.
29. Benzo(a)pyrene (PAHs).	Zero	0.0002	Some people who drink water containing benzo(a)pyrene in excess of the MCL over many years may experience reproductive difficulties and may have an increased risk of getting cancer.
30. Carbofuran	0.04	0.04	Some people who drink water containing carbofuran in excess of the MCL over many years could experience problems with their blood, or nervous or reproductive systems.
31. Chlordane	Zero	0.002	Some people who drink water containing chlordane in excess of the MCL over many years could experience problems with their liver or nervous system, and may have an increased risk of getting cancer.
32. Dalapon	0.2	0.2	Some people who drink water containing dalapon well in excess of the MCL over many years could experience minor kidney changes.

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

33. Di(2-ethylhexyl)adipate	0.4	0.4	Some people who drink water containing di(2-ethylhexyl)adipate well in excess of the MCL over many years could experience toxic effects, such as weight loss, liver enlargement, or possible reproductive difficulties.
34. Di(2-ethylhexyl)-phthalate	Zero	0.006	Some people who drink water containing di(2-ethylhexyl)-phthalate well in excess of the MCL over many years may have problems with their liver or experience reproductive difficulties, and they may have an increased risk of getting cancer.
35. Dibromochloropropane (DBCP)	Zero	0.0002	Some people who drink water containing DBCP in excess of the MCL over many years could experience reproductive difficulties and may have an increased risk of getting cancer.
36. Dinoseb	0.007	0.007	Some people who drink water containing dinoseb well in excess of the MCL over many years could experience reproductive difficulties.
37. Dioxin (2,3,7,8-TCDD)	Zero	$3 \times 10^{-8}$	Some people who drink water containing dioxin in excess of the MCL over many years could experience reproductive difficulties and may have an increased risk of getting cancer.
38. Diquat	0.02	0.02	Some people who drink water containing diquat in excess of the MCL over many years could get cataracts.

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

39. Endothall	0.1	0.1	Some people who drink water containing endothall in excess of the MCL over many years could experience problems with their stomach or intestines.
40. Endrin	0.002	0.002	Some people who drink water containing endrin in excess of the MCL over many years could experience liver problems.
41. Ethylene dibromide	Zero	0.00005	Some people who drink water containing ethylene dibromide in excess of the MCL over many years could experience problems with their liver, stomach, reproductive system, or kidneys, and may have an increased risk of getting cancer.
42. Glyphosate	0.7	0.7	Some people who drink water containing glyphosate in excess of the MCL over many years could experience problems with their kidneys or reproductive difficulties.
43. Heptachlor	Zero	0.0004	Some people who drink water containing heptachlor in excess of the MCL over many years could experience liver damage and may have an increased risk of getting cancer.
44. Heptachlor epoxide	Zero	0.0002	Some people who drink water containing heptachlor epoxide in excess of the MCL over many years could experience liver damage, and may have an increased risk of getting cancer.

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

45. Hexachlorobenzene	Zero	0.001	Some people who drink water containing hexachlorobenzene in excess of the MCL over many years could experience problems with their liver or kidneys, or adverse reproductive effects, and may have an increased risk of getting cancer.
46. Hexachlorocyclopentadiene	0.05	0.05	Some people who drink water containing hexachlorocyclopentadiene well in excess of the MCL over many years could experience problems with their kidneys or stomach.
47. Lindane	0.0002	0.0002	Some people who drink water containing lindane in excess of the MCL over many years could experience problems with their kidneys or liver.
48. Methoxychlor	0.04	0.04	Some people who drink water containing methoxychlor in excess of the MCL over many years could experience reproductive difficulties.
49. Oxamyl (Vydate)	0.2	0.2	Some people who drink water containing oxamyl in excess of the MCL over many years could experience slight nervous system effects.
50. Pentachlorophenol	Zero	0.001	Some people who drink water containing pentachlorophenol in excess of the MCL over many years could experience problems with their liver or kidneys, and may have an increased risk of getting cancer.

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

51. Picloram	0.5	0.5	Some people who drink water containing picloram in excess of the MCL over many years could experience problems with their liver.
52. Polychlorinated biphenyls (PCBs)	Zero	0.0005	Some people who drink water containing PCBs in excess of the MCL over many years could experience changes in their skin, problems with their thymus gland, immune deficiencies, or reproductive or nervous system difficulties, and may have an increased risk of getting cancer.
53. Simazine	0.004	0.004	Some people who drink water containing simazine in excess of the MCL over many years could experience problems with their blood.
54. Toxaphene	Zero	0.003	Some people who drink water containing toxaphene in excess of the MCL over many years could have problems with their kidneys, liver, or thyroid, and may have an increased risk of getting cancer.
F. Volatile Organic Chemicals (VOCs)			
55. Benzene	Zero	0.005	Some people who drink water containing benzene in excess of the MCL over many years could experience anemia or a decrease in blood platelets, and may have an increased risk of getting cancer.
56. Carbon tetrachloride	Zero	0.005	Some people who drink water containing carbon tetrachloride in excess of the MCL over many years could experience problems with their liver and may have an increased risk of getting cancer.

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

57. Chlorobenzene (monochlorobenzene)	0.1	0.1	Some people who drink water containing chlorobenzene in excess of the MCL over many years could experience problems with their liver or kidneys.
58. o-Dichlorobenzene	0.6	0.6	Some people who drink water containing o-dichlorobenzene well in excess of the MCL over many years could experience problems with their liver, kidneys, or circulatory systems.
59. p-Dichlorobenzene	0.075	0.075	Some people who drink water containing p-dichlorobenzene in excess of the MCL over many years could experience anemia, damage to their liver, kidneys, or spleen, or changes in their blood.
60. 1,2-Dichloroethane	Zero	0.005	Some people who drink water containing 1,2-dichloroethane in excess of the MCL over many years may have an increased risk of getting cancer.
61. 1,1-Dichloroethylene	0.007	0.007	Some people who drink water containing 1,1-dichloroethylene in excess of the MCL over many years could experience problems with their liver.
62. cis-1,2-Dichloroethylene	0.07	0.07	Some people who drink water containing cis-1,2-dichloroethylene in excess of the MCL over many years could experience problems with their liver.
63. trans-1,2-Dichloroethylene	0.1	0.1	Some people who drink water containing trans-1,2-dichloroethylene well in excess of the MCL over many years could experience problems with their liver.

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

64. Dichloromethane	Zero	0.005	Some people who drink water containing dichloromethane in excess of the MCL over many years could have liver problems and may have an increased risk of getting cancer.
65. 1,2-Dichloropropane	Zero	0.005	Some people who drink water containing 1,2-dichloropropane in excess of the MCL over many years may have an increased risk of getting cancer.
66. Ethylbenzene	0.7	0.7	Some people who drink water containing ethylbenzene well in excess of the MCL over many years could experience problems with their liver or kidneys.
67. Styrene	0.1	0.1	Some people who drink water containing styrene well in excess of the MCL over many years could have problems with their liver, kidneys, or circulatory system.
68. Tetrachloroethylene	Zero	0.005	Some people who drink water containing tetrachloroethylene in excess of the MCL over many years could have problems with their liver, and may have an increased risk of getting cancer.
69. Toluene	1	1	Some people who drink water containing toluene well in excess of the MCL over many years could have problems with their nervous system, kidneys, or liver.
70. 1,2,4-Trichlorobenzene	0.07	0.07	Some people who drink water containing 1,2,4-trichlorobenzene well in excess of the MCL over many years could experience changes in their adrenal glands.

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

71. 1,1,1-Trichloroethane	0.2	0.2	Some people who drink water containing 1,1,1-trichloroethane in excess of the MCL over many years could experience problems with their liver, nervous system, or circulatory system.
72. 1,1,2-Trichloroethane	0.003	0.005	Some people who drink water containing 1,1,2-trichloroethane well in excess of the MCL over many years could have problems with their liver, kidneys, or immune systems.
73. Trichloroethylene	Zero	0.005	Some people who drink water containing trichloroethylene in excess of the MCL over many years could experience problems with their liver and may have an increased risk of getting cancer.
74. Vinyl chloride	Zero	0.002	Some people who drink water containing vinyl chloride in excess of the MCL over many years may have an increased risk of getting cancer.
75. Xylenes (total)	10	10	Some people who drink water containing xylenes in excess of the MCL over many years could experience damage to their nervous system.
<b>G. Radioactive Contaminants</b>			
76. Beta/photon emitters	Zero	4 mrem/yr <sup>15</sup>	Certain minerals are radioactive and may emit forms of radiation known as photons and beta radiation. Some people who drink water containing beta and photon emitters in excess of the MCL over many years may have an increased risk of getting cancer.

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

77. Alpha emitters	Zero	15 pCi/ℓ <sup>16</sup>	Certain minerals are radioactive and may emit a form of radiation known as alpha radiation. Some people who drink water containing alpha emitters in excess of the MCL over many years may have an increased risk of getting cancer.
78. Combined radium (226 & 228)	Zero	5 pCi/ℓ	Some people who drink water containing radium 226 or 228 in excess of the MCL over many years may have an increased risk of getting cancer.
79. Uranium <sup>17</sup>	Zero	30 µg/ℓ	Some people who drink water containing uranium in excess of the MCL over many years may have an increased risk of getting cancer and kidney toxicity.
H. Disinfection Byproducts (DBPs), Byproduct Precursors, and Disinfectant Residuals: Where disinfection is used in the treatment of drinking water, disinfectants combine with organic and inorganic matter present in water to form chemicals called disinfection byproducts (DBPs). USEPA sets standards for controlling the levels of disinfectants and DBPs in drinking water, including trihalomethanes (THMs) and haloacetic acids (HAA5) <sup>18</sup>			
80. Total trihalomethanes (TTHMs)	N/A	<del>0.10</del> 0.080 <sup>19</sup> <sub>20</sub>	Some people who drink water containing trihalomethanes in excess of the MCL over many years may experience problems with their liver, kidneys, or central nervous system, and may have an increased risk of getting cancer.
81. Haloacetic Acids (HAA5)	N/A	0.060 <sup>21</sup>	Some people who drink water containing haloacetic acids in excess of the MCL over many years may have an increased risk of getting cancer.
82. Bromate	Zero	0.010	Some people who drink water containing bromate in excess of the MCL over many years may have an increased risk of getting cancer.

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

83. Chlorite	0.08	1.0	Some infants and young children who drink water containing chlorite in excess of the MCL could experience nervous system effects. Similar effects may occur in fetuses of pregnant women who drink water containing chlorite in excess of the MCL. Some people may experience anemia.
84. Chlorine	4 (MRDLG) 22	4.0 (MRDL) 23	Some people who use water containing chlorine well in excess of the MRDL could experience irritating effects to their eyes and nose. Some people who drink water containing chlorine well in excess of the MRDL could experience stomach discomfort.
85. Chloramines	4 (MRDLG)	4.0 (MRDL)	Some people who use water containing chloramines well in excess of the MRDL could experience irritating effects to their eyes and nose. Some people who drink water containing chloramines well in excess of the MRDL could experience stomach discomfort or anemia.

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

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

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

86a. Chlorine dioxide, where one or more distribution system samples are above the MRDL	0.8 (MRDLG)	0.8 (MRDL)	<p>Some infants and young children who drink water containing chlorine dioxide in excess of the MRDL could experience nervous system effects. Similar effects may occur in fetuses of pregnant women who drink water containing chlorine dioxide in excess of the MRDL. Some people may experience anemia.</p> <p>Add for public notification only: The chlorine dioxide violations reported today include exceedences of the USEPA standard within the distribution system that delivers water to consumers. Violations of the chlorine dioxide standard within the distribution system may harm human health based on short-term exposures. Certain groups, including fetuses, infants, and young children, may be especially susceptible to nervous system effects from excessive chlorine dioxide exposure.</p>
87. Control of DBP precursors (TOC)	None	TT	<p>Total organic carbon (TOC) has no health effects. However, total organic carbon provides a medium for the formation of disinfection byproducts. These byproducts include trihalomethanes (THMs) and haloacetic acids (HAAs). Drinking water containing these byproducts in excess of the MCL may lead to adverse health effects, liver or kidney problems, or nervous system effects, and may lead to an increased risk of getting cancer.</p>

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

I. Other Treatment Techniques:			
88. Acrylamide	Zero	TT	Some people who drink water containing high levels of acrylamide over a long period of time could have problems with their nervous system or blood, and may have an increased risk of getting cancer.
89. Epichlorohydrin	Zero	TT	Some people who drink water containing high levels of epichlorohydrin over a long period of time could experience stomach problems, and may have an increased risk of getting cancer.

## Appendix H – Endnotes

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

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

and must not exceed 1 NTU in systems using slow sand or diatomaceous earth filtration or other filtration technologies approved by the Agency.

7. "TT" means treatment technique.

8. There are various regulations that set turbidity standards for different types of systems, including Section 611.320, the 1989 Surface Water Treatment Rule (SWTR), the 1998 Interim Enhanced Surface Water Treatment Rule (IESWTR), and the 2002 Long Term 1 Enhanced Surface Water Treatment Rule. For a supplier subject to the IESWTR (systems serving at least 10,000 people, using surface water or groundwater under the direct influence of surface water), that use conventional filtration or direct filtration, the turbidity level of a system's combined filter effluent may not exceed 0.3 NTU in at least 95 percent of monthly measurements, and the turbidity level of a system's combined filter effluent must not exceed 1 NTU at any time. A supplier subject to the IESWTR using technologies other than conventional, direct, slow sand, or diatomaceous earth filtration must meet turbidity limits set by the Agency. For a supplier subject to the LT1ESWTR (a supplier that serves fewer than 10,000 people, using surface water or groundwater under the direct influence of surface water) that uses conventional filtration or direct filtration, after January 1, 2005, the turbidity level of the supplier's combined filter effluent may not exceed 0.3 NTU in at least 95 percent of monthly measurements, and the turbidity level of the supplier's combined filter effluent must not exceed 1 NTU at any time. A supplier subject to the LT1ESWTR using technologies other than conventional, direct, slow sand, or diatomaceous earth filtration must meet turbidity limits set by the Agency.

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

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

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

12. Millions of fibers per liter.

13. Action Level = 0.015 mg/l.

14. Action Level = 1.3 mg/l.

15. Millirems per year.

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

16. Picocuries per liter.

17. ~~This endnote corresponds with the endnote to the table in Appendix B to Subpart Q of 40 CFR 141 (2003), which stated a past effective date. This statement maintains structural consistency with the federal regulations. The uranium MCL is effective December 8, 2003 for all community water systems.~~

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

19. ~~This endnote 19 corresponds with the endnote to the table in Appendix B to Subpart Q of 40 CFR 141 (2003), which expired by its own terms on January 1, 2004. This statement maintains structural consistency with the federal regulations. The MCL of 0.10 mg/l for TTHMs was in effect until January 1, 2002 for a Subpart B community water system supplier serving 10,000 or more persons. This MCL is in effect until January 1, 2004 for community water systems with a population of 10,000 or more using only groundwater not under the direct influence of surface water. After these deadlines, the MCL will be 0.080 mg/l. On January 1, 2004, a supplier serving fewer than 10,000 will have to comply with the new MCL as well.~~

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

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

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

23. "MRDL" means maximum residual disinfectant level.

BOARD NOTE: Derived from Appendix B to Subpart Q to 40 CFR 141 ~~(2003)~~(2002).

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

(Source: Amended at 28 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

**Section 611.TABLE Z Federal Effective Dates**

The following are the effective dates of the various federal NPDWRsMCLs:

Fluoride (40 CFR 141.60(b)(1)) (corresponding with Section 611.301(b))	October 2, 1987
Phase I VOCs (40 CFR 141.60(a)(1)) (corresponding with Section 611.311(a)) (benzene, carbon tetrachloride, p-dichlorobenzene, 1,2-dichloroethane, 1,1-dichloroethylene, 1,1,1-trichloroethane, trichloroethylene, and vinyl chloride)	July 9, 1989
Lead and Copper (40 CFR, Subpart I) (corresponding with Subpart G of this Part) (lead and copper monitoring, reporting, and recordkeeping requirements of 40 CFR 141.86 through 141.91)	July 7, 1991
Phase II IOCs (40 CFR 141.60(b)(2)) (corresponding with Section 611.301(b)) (asbestos, cadmium, chromium, mercury, nitrate, nitrite, and selenium)	July 30, 1992
Phase II VOCs (40 CFR 141.60(a)(2)) (corresponding with Section 611.311(a)) (o-dichlorobenzene, cis-1,2-dichloroethylene, trans-1,2-dichloroethylene, 1,2-dichloropropane, ethylbenzene, monochlorobenzene, styrene, tetrachloroethylene, toluene, and xylenes (total))	July 30, 1992
Phase II SOCs (40 CFR 141.60(a)(2)) (corresponding with Section 611.311(c)) (alachlor, atrazine, carbofuran, chlordane, dibromochloropropane, ethylene dibromide, heptachlor, heptachlor epoxide, lindane, methoxychlor, polychlorinated biphenyls, toxaphene, 2,4-D, and 2,4,5-TP (silvex))	July 30, 1992

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

- Lead and Copper (40 CFR, Subpart I) December 7, 1992  
(corresponding with Subpart G of this Part)  
(lead and copper corrosion control, water treatment, public education, and lead service line replacement requirements of 40 CFR 141.81 through 141.85)
- Phase IIB IOC (40 CFR 141.60(b)(2)) January 1, 1993  
(corresponding with Section 611.301(b))  
(barium)
- Phase IIB SOCs (40 CFR 141.60(a)(2)) January 1, 1993  
(corresponding with Section 611.311(c))  
(aldicarb, aldicarb sulfone, aldicarb sulfoxide, and pentachlorophenol. See the Board Note appended to Section 611.311(c) for information relating implementation of requirements relating to aldicarb, aldicarb sulfone, and aldicarb sulfoxide.)
- Phase V IOCs (40 CFR 141.60(b)(3)) January 17, 1994  
(corresponding with Section 611.301(b))  
(antimony, beryllium, cyanide, nickel, and thallium)
- Phase V VOCs (40 CFR 141.60(a)(3)) January 17, 1994  
(corresponding with Section 611.311(a))  
(dichloromethane, 1,2,4-trichlorobenzene, and 1,1,2-trichloroethane)
- Phase V SOCs (40 CFR 141.60(a)(3)) January 17, 1994  
(corresponding with Section 611.311(c))  
(benzo(a)pyrene, dalapon, di(2-ethylhexyl)adipate, di(2-ethylhexyl)phthalate dinoseb, diquat, endothall, endrin, glyphosate, hexachlorobenzene, hexachlorocyclopentadiene, oxamyl, picloram, simazine, and 2,3,7,8-TCDD)
- Consumer Confidence Report Rule (40 CFR 141, Subpart Q) September 18, 1998  
(corresponding with Subpart O)  
(notification to public of drinking water quality)

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

<u>Interim Enhanced Surface Water Treatment Rule (40 CFR 141, Subpart P)</u> <u>(corresponding with Subpart R)</u> <u>(applicable to suppliers providing water to fewer than 10,000 persons)</u> <u>(Giardia lamblia, viruses, heterotrophic plate count bacteria, Legionella, Cryptosporidium, and turbidity)</u>	<u>February 16, 1999</u>
<u>Public Notification Rule (40 CFR 141, Subpart Q)</u> <u>(corresponding with Subpart V)</u> <u>(notification to public of NPDWR violations, variances or exemptions, or other situations that could bear on public health)</u>	<u>June 5, 2000</u>
<u>Filter Backwash Rule (40 CFR 141.76)</u> <u>(corresponding with Section 611.276)</u> <u>(reuse of spent filter backwash water, thickener supernatant, or liquids from dewatering processes)</u>	<u>August 7, 2001</u>
<u>Disinfection/Disinfectant Byproducts Rule (40 CFR 141.64, 141.65 &amp; 141, Subpart L)</u> <del><u>Disinfection/disinfectant byproducts (40 CFR 141.64 &amp; 141.65)</u></del> Smaller Systems (serving 10,000 or fewer persons) Larger Systems (serving more than 10,000 persons) (corresponding with Section 611.312 & 611.313) (total trihalomethanes, haloacetic acids (five), bromate, chlorite, chlorine, chloramines, and chlorine dioxide)	December 16, 2001 December 16, 2003
<u>Long Term 1 Enhanced Surface Water Treatment Rule (40 CFR 141, Subpart T)</u> <u>(corresponding with Subpart X)</u> <u>(applicable to suppliers providing water to 10,000 or more persons)</u> <u>(Giardia lamblia, viruses, heterotrophic plate count bacteria, Legionella, Cryptosporidium, and turbidity)</u>	<u>February 13, 2002</u>
Radionuclides (40 CFR 141.66) (corresponding with Section 611.330) (combined radium (Ra-226 + Ra-228), gross alpha particle activity, beta particle and photon activity, and uranium)	December 8, 2003

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Arsenic (40 CFR 141.62(b)(16))  
(corresponding with Section 611.301(b))  
(arsenic)

January 23, 2006

(Source: Amended at 28 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## OFFICE OF BANKS AND REAL ESTATE

## NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Calculation, Assessment, and Collection of Periodic Fees
- 2) Code Citation: 38 Ill. Adm. Code 375
- 3) 

<u>Section Numbers</u> :	<u>Adopted Action</u> :
375.30	Amended
375.34	Amended
- 4) Statutory Authority: Implementing and authorized by Section 48(3) of the Illinois Banking Act [205 ILCS 5/48(3)], Section 17 of the Foreign Banking Office Act [205 ILCS 645/17], Sections 4 and 8 of the Foreign Bank Representative Office Act [205 ILCS 650/4 and 5], and Sections 5-1 and 5-10 of the Corporate Fiduciary Act [205 ILCS 620/5-1 and 5-10]
- 5) Effective Date of Rulemaking: December 29, 2003
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted rulemaking, including any material incorporated by reference, is on file in the Office of Banks and Real Estate's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: 27 Ill. Reg. 15662 on October 10, 2003.
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version: OBRE has incorporated JCAR's recommendations for nonsubstantive changes. Also, a Notice of Publication Error in the 10/24/03 *Illinois Register* corrected the 17.85¢ call report fee, which was incorrectly printed in the 10/10/03 *Illinois Register*.
- 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 an emergency rulemaking currently in effect? No. The companion emergency rulemaking was suspended by the Joint Committee on

## OFFICE OF BANKS AND REAL ESTATE

## NOTICE OF ADOPTED AMENDMENTS

Administrative Rules on 11/18/03 and repealed by OBRE on 12/16/03 following the withdrawal of JCAR's suspension.

- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking: The amendments increase call report fees and electronic data processing fees paid by state banks and foreign banking offices by 27.5%. In addition, the annual fixed fee for state banks will increase from \$2,400 to \$3,060. The variable exam-day fee for corporate fiduciaries will increase from \$350 for each one-half day of examiner work to \$450 for each one-half day of examiner work.
- 16) Information and questions regarding these adopted amendments shall be directed to:

Jeff Riley  
Legislative Liaison  
Office of Banks and Real Estate  
500 E. Monroe Street  
Springfield, IL 62701  
217/782-6167

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

## OFFICE OF BANKS AND REAL ESTATE

## NOTICE OF ADOPTED AMENDMENTS

TITLE 38: FINANCIAL INSTITUTIONS  
CHAPTER II: OFFICE OF BANKS AND REAL ESTATE

## PART 375

## CALCULATION, ASSESSMENT AND COLLECTION OF PERIODIC FEES

Section	
375.10	Purpose
375.20	Definitions
375.30	Call Report Fees
375.31	Electronic Data Processing Fee
375.32	Assessment of 3, 4, or 5 Rated State Banks
375.33	Foreign Banking Office Minimum Quarterly Fee
375.34	Corporate Fiduciary Regulatory Fees
<u>375.36</u>	<u>Foreign Bank Representative Office Regulatory Fees</u>
375.40	Calculation of Call Report and Electronic Data Processing Fees for Resulting State Banks
375.41	Calculation of Corporate Fiduciary Regulatory Fees for Resulting Corporate Fiduciaries
375.50	Assessment of Accrued Fees Against a Converting or Merging State Bank
375.51	Assessment of Accrued Fees Against a Corporate Fiduciary
375.60	Credits and Additional Assessments Not Applicable to Resulting National Banks
375.70	Payment by Electronic Transfer or Automatic Debit

AUTHORITY: Implementing Section 48(3) of the Illinois Banking Act [205 ILCS 5/48(3)], Section 17 of the Foreign Banking Office Act [205 ILCS 645/17], Sections 4 and 8 of the Foreign Bank Representative Office Act [205 ILCS 650/4 and 8], and Section 5-10 of the Corporate Fiduciary Act [205 ILCS 620/5-10] and authorized by Section 48(3) of the Illinois Banking Act [205 ILCS 5/48(3)], Section 17 of the Foreign Banking Office Act [205 ILCS 645/17], Sections 4 and 8 of the Foreign Bank Representative Office Act [205 ILCS 650/4 and 8], and Section 5-1 of the Corporate Fiduciary Act [205 ILCS 620/5-1].

SOURCE: Adopted at 21 Ill. Reg. 8375, effective June 29, 1997; amended at 24 Ill. Reg. 225, effective December 31, 1999; amended at 27 Ill. Reg. 487, effective December 27, 2002; emergency amendment at 27 Ill. Reg. 16024, effective September 29, 2003, for a maximum of 150 days; emergency amendments suspended at 27 Ill. Reg. 18483, effective November 18, 2003; emergency suspension withdrawn at 28 Ill. Reg. 407, effective December 16, 2003; emergency repealed at 28 Ill. Reg. 410, effective December 16, 2003, in response to the objection and suspension of the Joint Committee on Administrative Rules; amended at 28 Ill. Reg. 773, effective December 29, 2003.

## OFFICE OF BANKS AND REAL ESTATE

## NOTICE OF ADOPTED AMENDMENTS

**Section 375.30 Call Report Fees**

Each state bank shall pay to the Commissioner a Call Report Fee which shall be paid in quarterly installments equal to one-fourth of the sum of the annual fixed fee of ~~\$3,060~~\$2,400, plus a variable fee based on the assets shown on the quarterly statement of condition delivered to the Commissioner in accordance with Section 47 of the Illinois Banking Act [205 ILCS 5/47] for the preceding quarter according to the following schedule:

~~21.675¢~~17¢ per \$1,000 of the first \$5,000,000 of total assets;

~~20.4¢~~16¢ per \$1,000 of the next \$20,000,000 of total assets;

~~17.85¢~~14¢ per \$1,000 of the next \$75,000,000 of total assets;

~~12.1125¢~~9.5¢ per \$1,000 of the next \$400,000,000 of total assets;

~~9.5625¢~~7.5¢ per \$1,000 of the next \$500,000,000 of total assets;

~~7.0125¢~~5.5¢ per \$1,000 of the next \$19,000,000,000 of total assets;

~~2.55¢~~2¢ per \$1,000 of the next \$30,000,000,000 of total assets;

~~1.275¢~~1¢ per \$1,000 of the next \$50,000,000,000 of total assets; and

~~.6375¢~~.5¢ per \$1,000 of all assets in excess of \$100,000,000,000 of the state bank.

The Call Report Fee shall be calculated by the Commissioner and billed to state banks for remittance at the time of the quarterly statements of condition provided for in Section 47 of the Act.

(Source: Amended at 28 Ill. Reg. 773, effective December 29, 2003)

**Section 375.34 Corporate Fiduciary Regulatory Fees**

- a) Each corporate fiduciary shall pay to the Commissioner a Corporate Fiduciary Regulatory Fee that shall be paid in quarterly installments equal to one-fourth of the sum of an annual fixed fee plus a variable exam-day fee.
- b) The annual fixed fee shall be \$200 for a trust department and for individuals or

## OFFICE OF BANKS AND REAL ESTATE

## NOTICE OF ADOPTED AMENDMENTS

partnerships that possess a certificate of authority to accept and execute trusts. The annual fixed fee for a trust company shall be \$500. The variable exam-day fee shall be calculated at the rate of ~~\$450~~~~\$350~~ for each one-half examiner-day of work expended by the Commissioner's examination personnel in performing the most recent statutorily required examination of the corporate fiduciary, subject to a minimum one-day charge.

- c) The Corporate Fiduciary Regulatory Fee shall be calculated by the Commissioner and billed to the corporate fiduciaries on the last day of each calendar quarter, with payment due within 30 calendar days after the billing date.

(Source: Amended at 28 Ill. Reg. 773, effective December 29, 2003)



## OFFICE OF BANKS AND REAL ESTATE

## NOTICE OF ADOPTED RULE

- 15) Summary and Purpose of Rulemaking: Implements Public Act 92-845, which authorized the Commissioner to require a trust company holding a certificate of authority under the Corporate Fiduciary Act to pledge to the Commissioner securities or a surety bond that shall run to the Commissioner in an amount, not to exceed \$1,000,000, that the Commissioner deems appropriate for costs associated with the receivership of a trust company.
- 16) Information and questions regarding this adopted rulemaking shall be directed to:

Jeff Riley  
Legislative Liaison  
Office of Banks and Real Estate  
500 E. Monroe Street  
Springfield IL 62701  
217/782-6167

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

## OFFICE OF BANKS AND REAL ESTATE

## NOTICE OF ADOPTED RULE

TITLE 38: FINANCIAL INSTITUTIONS  
CHAPTER II: OFFICE OF BANKS AND REAL ESTATEPART 398  
CORPORATE FIDUCIARY RECEIVERSHIP ACCOUNT

## Section

## 398.10 Pledging Requirements for Illinois Trust Companies

AUTHORITY: Implementing and authorized by Sections 5-10 and 6-13.5 of the Corporate Fiduciary Act [205 ILCS 620/5-10 and 6-13.5].

SOURCE: Adopted at 28 Ill. Reg. 778, effective December 29, 2003.

**Section 398.10 Pledging Requirements for Illinois Trust Companies**

- a) Pursuant to Section 6-13.5 of the Corporate Fiduciary Act [205 ILCS 620/6-13.5] (the Act), each Illinois trust company holding a certificate of authority under Article II of the Act shall pledge to the Commissioner either a surety bond running to the Commissioner or securities in the amount of \$1,000,000. Such surety bond or pledged securities must be reducible to cash by the Commissioner without regard to any priorities, preferences or adverse claims in order to cover costs associated with a receivership of the Illinois trust company. The surety bond or pledged securities shall be utilized only to cover costs associated with a receivership of the pledging Illinois trust company.
- b) If the trust company chooses to pledge a surety bond, the surety bond shall be issued by a bonding company authorized to do business in the State of Illinois that has a rating in one of the top three rating categories as determined by a national rating service. The surety bond must clearly show that it runs to the benefit of the Commissioner. The surety bond must also state that if the trust company is placed in receivership and the Commissioner acts as receiver or appoints a receiver, the Commissioner may reduce the bond to cash in order to pay for any costs associated with the receivership. The trust company may not obtain a surety bond from any entity in which the trust company has a financial interest or of which the trust company is an affiliate. Any fees associated with obtaining and maintaining a surety bond shall be the responsibility of the trust company.
- c) If the trust company chooses to pledge securities, the securities shall be held at a Federal Reserve Bank or at a depository institution that is a state or national bank,

## OFFICE OF BANKS AND REAL ESTATE

## NOTICE OF ADOPTED RULE

a state or federal savings bank, or a state or federal savings and loan association approved by the Commissioner. The trust company shall not be an affiliate of, or have a financial interest in, the depository institution. The securities pledged pursuant to this subsection shall be securities that qualify as authorized investments for public agencies under Section 2 of the Public Funds Investment Act [30 ILCS 235/2]. Securities pledged pursuant to this subsection shall be in addition to any securities required as part of the trust company's capital. Any fees associated with holding securities pursuant to this subsection shall be the responsibility of the trust company. A trust company choosing to pledge securities shall enter into a single deposit agreement with the Commissioner and the Federal Reserve Bank or depository institution that is holding the securities. Such deposit agreement shall contain provisions requiring the depository institution and the trust company to meet the requirements set forth in subsections (c)(1)-(3):

- 1) The depository institution shall segregate on its books and records all accounts of the trust company as assets that the trust company pledges as a part of the assets to be kept by the trust company in Illinois pursuant to the required pledge amount. These accounts shall be held by the depository institution in trust in the name of the Commissioner;
  - 2) The depository institution shall provide the Commissioner with reports, receipts, confirmation or other documentation that the Commissioner may request of the depository institution to determine the trust company's compliance with the requirements of Section 6-13.5 of the Act and this Section; and
  - 3) The trust company shall pledge the securities required under Section 6-13.5 of the Act exclusively to the Commissioner.
- d) Each trust company shall be in compliance with the provisions of this Section by January 1, 2004, or, for new trust companies, upon being issued a certificate of authority under Article II of the Act, and continuously thereafter.
- e) For purposes of this Section, a trust company is an "affiliate of" or has a "financial interest" in:
- 1) any company that controls the trust company and any other company that is controlled by the company that controls the trust company;

## OFFICE OF BANKS AND REAL ESTATE

## NOTICE OF ADOPTED RULE

- 2) a subsidiary of the trust company; or
  - 3) any company:
    - A) controlled directly or indirectly, by a trust or otherwise, by or for the benefit of shareholders who beneficially or otherwise control, directly or indirectly, by trust or otherwise, the trust company or any company that controls the trust company; or
    - B) a majority of the directors or trustees of which constitute a majority of the persons holding any such office with the trust company or any company that controls the trust company.
- f) For purposes of this Section, a company or shareholder has control over another company if:
- 1) such company or shareholder, directly or indirectly, or acting through one or more other persons, owns, controls, or has power to vote 25% or more of any class of voting securities of the other company;
  - 2) such company or shareholder controls in any manner the election of a majority of the directors or trustees of the other company; or
  - 3) the Commissioner determines, after notice and opportunity for hearing, that such company or shareholder, directly or indirectly, exercises a controlling influence over the management or policies of the other company.

## OFFICE OF BANKS AND REAL ESTATE

## NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Illinois Savings and Loan Act of 1985
- 2) Code Citation: 38 Ill. Adm. Code 1000
- 3) 

<u>Section Numbers</u> :	<u>Adopted Action</u> :
1000.130	Amend
1000.141	Amend
1000.142	Amend
- 4) Statutory Authority: Implementing and authorized by section 7-3 of the Illinois Savings and Loan Act of 1985 [205 ILCS 105/7-3].
- 5) Effective Date of Rulemaking: December 29, 2003
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted rulemaking, including any material incorporated by reference, is on file in the Office of Banks and Real Estate's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: 27 Ill. Reg. 15664 on October 10, 2003.
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version: OBRE has incorporated JCAR's recommendations for technical changes.
- 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 an emergency rulemaking currently in effect? No. The companion emergency rulemaking was suspended by the Joint Committee on Administrative Rules on 11/18/03 and repealed by OBRE on 12/16/03 following the withdrawal of JCAR's suspension.
- 14) Are there any amendments pending on this Part? No

## OFFICE OF BANKS AND REAL ESTATE

## NOTICE OF ADOPTED AMENDMENTS

- 15) Summary and Purpose of Rulemaking: The amendment increases Savings and Loan Act examination and supervisory fees a total of 27.5%. Specifically, the hourly examiner fee increases 27.5%, from \$55.00 to \$70.00. The supervisory fees increase approximately 27.5%. The supervisory fee for each branch office increases from \$450 to \$600.
- 16) Information and questions regarding this adopted rulemaking shall be directed to:

Jeff Riley  
Legislative Liaison  
Office of Banks and Real Estate  
500 E. Monroe Street  
Springfield, IL 62701  
217/782-6167

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

## OFFICE OF BANKS AND REAL ESTATE

## NOTICE OF ADOPTED AMENDMENTS

TITLE 38: FINANCIAL INSTITUTIONS  
CHAPTER II: OFFICE OF BANKS AND REAL ESTATEPART 1000  
ILLINOIS SAVINGS AND LOAN ACT OF 1985

## SUBPART A: FEES

Section	
1000.110	Filings
1000.120	Conditions
1000.130	Examination Fees
1000.140	Annual Supervisory Fees (Repealed)
1000.141	Supervisory Fees
1000.142	Adjusted Supervisory Fees
1000.143	Special Assessment (Emergency Expired)
1000.150	Manner of Payment
1000.151	Special Credit (Repealed)
1000.160	Withdrawal of Applications or Other Filings

## SUBPART B: DEFINITIONS

Section	
1000.205	Introduction
1000.210	Association
1000.220	Commissioner
1000.230	Single Family Dwelling
1000.240	Unsafe
1000.250	Mobile Home
1000.260	Mobile Home Chattel Paper
1000.270	Person
1000.280	Proposed Borrower
1000.290	Redlining

## SUBPART C: REPORTS

Section	
1000.310	Contracts (Repealed)

## SUBPART D: OPERATIONS

## OFFICE OF BANKS AND REAL ESTATE

## NOTICE OF ADOPTED AMENDMENTS

## Section

1000.410	Permanent Reserve Shares
1000.420	Dividend Advertising
1000.430	Maintenance of Records
1000.440	Business Plan

## SUBPART E: APPRAISALS

## Section

1000.510	Appraisals
----------	------------

## SUBPART F: INVESTMENTS

## Section

1000.610	Prudent Person Rule
1000.615	Investment Underwriting Practices
1000.620	Discrimination and Redlining Prohibited
1000.630	Loans Secured by Real Estate
1000.640	Construction Loans
1000.650	College Loans (Repealed)
1000.660	Mobile Home Financing
1000.665	Other Loans
1000.670	Collateral Loans (Repealed)
1000.675	Investment Parity (Repealed)
1000.680	Unsecured Loans (Repealed)
1000.690	Sale of Loans and Participations (Repealed)
1000.700	Insider Loan Rates (Repealed)
1000.710	Reverse Mortgage Loans
1000.720	Repurchase Agreements

## SUBPART G: BONUS PLANS

## Section

1000.810	Bonus Plans
----------	-------------

## SUBPART H: NOTICE TO COMMISSIONER

## Section

1000.910	Corrective Action
----------	-------------------

## OFFICE OF BANKS AND REAL ESTATE

## NOTICE OF ADOPTED AMENDMENTS

## SUBPART I: SERVICE CORPORATIONS

## Section

1000.1010	Requirements
1000.1020	Approval by the Commissioner
1000.1030	Lending Limitations
1000.1040	Investments by Service Corporations
1000.1050	Ownership of Capital Stock of Service Corporation
1000.1060	Prohibited Transactions
1000.1070	Disclosure to Service Corporation
1000.1080	Reporting Requirements
1000.1090	Audit Requirements

## SUBPART J: RELOCATIONS AND BRANCHING

## Section

1000.1110	General
1000.1120	Application
1000.1130	Request for Preliminary Determination
1000.1140	Amendment of Application (Repealed)
1000.1150	Public Notice and Inspection
1000.1160	Protest
1000.1170	Oral Argument
1000.1180	Application for and Maintenance of Branch Office after Conversion, Consolidation, Purchase of Assets or Merger
1000.1190	Redesignation of Offices
1000.1200	Termination of Operation and/or Closing of a Branch Office
1000.1210	Agency Offices
1000.1220	Remote Drive-In and/or Remote Pedestrian Facilities

## SUBPART K: CAPITAL NOTES AND DEBENTURES

## Section

1000.1310	Approval
1000.1320	Conversion to Stock
1000.1330	Priority of Claim
1000.1340	Effect on Reserve Requirements

## SUBPART L: THIRD-PARTY PAYMENT ACCOUNTS

## OFFICE OF BANKS AND REAL ESTATE

## NOTICE OF ADOPTED AMENDMENTS

## Section

1000.1410	General
1000.1420	Depositors
1000.1430	Rate of Interest
1000.1440	Overdraft Privilege
1000.1450	Charges and Fees
1000.1460	Disclosure
1000.1470	Membership
1000.1480	Approval and Authorization

## SUBPART M: ADMINISTRATIVE HEARING PROCEDURES

## Section

1000.1510	Applicability
1000.1520	Definitions
1000.1530	Filing
1000.1540	Form of Documents
1000.1550	Computation of Time
1000.1560	Appearances
1000.1570	Notice of Hearing
1000.1580	Service of the Notice of Hearing
1000.1590	Motion and Answer
1000.1600	Consolidation and Severance of Matters – Additional Parties
1000.1610	Intervention
1000.1620	Postponement or Continuance of Hearing
1000.1630	Authority of Hearing Officer
1000.1640	Bias or Disqualification of Hearing Officer
1000.1650	Prehearing Conferences
1000.1660	Discovery
1000.1670	Subpoenas
1000.1680	Conduct of the Hearing
1000.1690	Default
1000.1700	Evidence
1000.1710	Official Notice
1000.1720	Hostile Witnesses
1000.1730	Transcription of Proceedings
1000.1740	Briefs
1000.1750	Hearing Officer's Findings, Opinions and Recommendations
1000.1760	Order of the Commissioner

## OFFICE OF BANKS AND REAL ESTATE

## NOTICE OF ADOPTED AMENDMENTS

1000.1770	Rehearings
1000.1780	Existing Statutory or Agency Procedures and Practices
1000.1790	Costs of Hearing

## SUBPART N: SAVINGS AND LOAN HOLDING COMPANIES

## Section

1000.1800	Applicability
1000.1810	Plain Meaning/Strict Interpretation
1000.1905	Affiliate
1000.1910	Assets
1000.1915	Books of Record
1000.1920	Capital Stock
1000.1925	Charter
1000.1930	Control
1000.1935	Eligible Account Holder
1000.1940	Eligibility Record Date
1000.1945	Employee
1000.1950	Equity Security
1000.1955	Insured Institution
1000.1970	Member
1000.1972	Net Worth
1000.1975	Officer
1000.1980	Person
1000.1982	Qualifying Deposit
1000.1985	Sale
1000.1990	Security
1000.1993	Source Documents
1000.1997	Subsidiary
1000.2005	Liquidation Account and Proxies
1000.2010	Mutual Holding Company Ceasing to be a Depository Institution
1000.2020	Directors of a Mutual Holding Company
1000.2030	Stock Sales
1000.2040	Stock of a Subsidiary of a Mutual Holding Company
1000.2050	Stock Subsidiary Formation
1000.2055	Net Worth Maintenance Agreement
1000.2060	Members' Rights
1000.2070	Investment
1000.2105	Notice Requirement/Corrective Action
1000.2110	Insider Abuses

## OFFICE OF BANKS AND REAL ESTATE

## NOTICE OF ADOPTED AMENDMENTS

1000.2120	Penalty (Emergency Expired)
1000.2200	Determination of the Qualification and Condition of an Out-of-State Acquisition
1000.2300	Disposal of a Subsidiary
1000.2310	Dividends
1000.2320	Officers and Directors List
1000.2330	Access to Books and Records
1000.2340	Reports (Emergency Expired)
1000.2400	Annual Audit Requirements
1000.2410	Maintenance of Records
1000.2420	Notice of Appointment of CPA
1000.2500	Savings and Loan Holding Company Filing Fees
1000.2510	Savings and Loan Holding Company Supervisory Fees
1000.2520	Examination Fees
1000.2530	Conditions
1000.2540	Manner of Payment
1000.2550	Transformation from Deposit to Non-Deposit (Emergency Expired)

## SUBPART O: SAVINGS AND LOAN ADVISORY BOARD

Section	
1000.2700	Purpose (Repealed)
1000.2710	Composition, Appointment (Repealed)

## SUBPART P: HIGH RISK HOME LOANS

Section	
1000.3000	Definitions
1000.3100	Ability to Repay
1000.3150	Verification of Ability to Pay Loan
1000.3200	Fraudulent or Deceptive Practices
1000.3225	Prepayment Penalty
1000.3250	Pre-paid Insurance Products and Warranties
1000.3300	Refinancing Prohibited in Certain Cases
1000.3325	Balloon Payments
1000.3350	Financing of Certain Points and Fees
1000.3400	Payments to Contractors
1000.3450	Negative Amortization
1000.3500	Negative Equity
1000.3550	Counseling Prior to Perfecting Foreclosure Proceedings
1000.3600	Mortgage Awareness Program

## OFFICE OF BANKS AND REAL ESTATE

## NOTICE OF ADOPTED AMENDMENTS

1000.3650 Report of Default and Foreclosure Rates on Conventional Loans  
1000.3700 Commissioner's Review and Analysis  
1000.3750 Third Party Review of High Risk Home Loans

1000.APPENDIX A Estimated Monthly Income and Expenses Worksheet  
1000.APPENDIX B Mortgage Ratio Worksheet

**AUTHORITY:** Implementing and authorized by Section 7-3(b)(2) of the Illinois Savings and Loan Act of 1985 [205 ILCS 105/7-3(b)(2)] and Section 5-35 of the Illinois Administrative Procedure Act [5 ILCS 100/5-35].

**SOURCE:** Filed and effective January 18, 1974; amended at 2 Ill. Reg. 44, p. 179, effective October 30, 1978; emergency amendment at 2 Ill. Reg. 45, p. 169, effective November 1, 1978, for a maximum of 150 days; amended at 3 Ill. Reg. 5, p. 883, effective January 29, 1979; amended at 3 Ill. Reg. 11, p. 163, effective March 12, 1979; amended at 3 Ill. Reg. 19, p. 22, effective May 12, 1979; emergency amendment at 3 Ill. Reg. 39, p. 230, effective September 17, 1979, for a maximum of 150 days; emergency amendment at 4 Ill. Reg. 8, p. 207, effective February 14, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 30, p. 1241, effective July 14, 1980; emergency amendment at 5 Ill. Reg. 2524, effective February 19, 1981, for a maximum of 150 days; amended at 5 Ill. Reg. 7124, effective June 24, 1981; amended at 5 Ill. Reg. 7125, effective June 24, 1981; amended at 5 Ill. Reg. 11377, effective October 14, 1981; amended at 6 Ill. Reg. 3175, effective March 4, 1982; amended at 6 Ill. Reg. 4218, effective April 6, 1982; amended at 6 Ill. Reg. 4219, effective April 6, 1982; amended at 6 Ill. Reg. 4227, effective April 6, 1982; amended at 6 Ill. Reg. 7141, effective June 1, 1982; amended at 7 Ill. Reg. 1993, effective January 28, 1983; codified at 7 Ill. Reg. 13669; amended at 8 Ill. Reg. 8630, effective June 1, 1984; amended at 8 Ill. Reg. 15066, effective August 7, 1984; emergency amendment at 9 Ill. Reg. 17437, effective October 24, 1985, for a maximum of 150 days; emergency amendment at 10 Ill. Reg. 4946, effective March 11, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 14290, effective August 20, 1986; amended at 10 Ill. Reg. 19781, effective November 6, 1986; amended at 11 Ill. Reg. 20648, effective December 2, 1987; emergency amended at 11 Ill. Reg. 20672, effective December 3, 1987, for a maximum of 150 days; emergency amendments at 12 Ill. Reg. 8106, effective April 20, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 15165, effective September 13, 1988; amended at 13 Ill. Reg. 8927, effective May 26, 1989; amended at 16 Ill. Reg. 4881, effective March 17, 1992; transferred from Chapter III, 38 Ill. Adm. Code 400 March 17, 1992; transferred from Chapter III, 38 Ill. Adm. Code 400 (Commissioner of Savings and Loan Associations) to Chapter VIII, 38 Ill. Adm. Code 1000 (Commissioner of Savings and Residential Finance) pursuant to Savings Bank Act [205 ILCS 1003] at 17 Ill. Reg. 4464; recodified from Chapter III, Commissioner of Savings and Residential Finance, to Chapter VIII, Office of Banks and Real Estate, pursuant to PA 89-508, at 20 Ill. Reg. 12645; amended at 22 Ill. Reg. 6707, effective March 30, 1998;

## OFFICE OF BANKS AND REAL ESTATE

## NOTICE OF ADOPTED AMENDMENTS

amended at 24 Ill. Reg. 53, effective January 1, 2000; emergency amendment at 24 Ill. Reg. 19312, effective December 15, 2000, for a maximum of 150 days; emergency repealed at 25 Ill. Reg. 3694, effective January 30, 2001, in response to an objection of the Joint Committee on Administrative Rules at 25 Ill. Reg. 1856; amended at 25 Ill. Reg. 6152, effective May 17, 2001; amended at 26 Ill. Reg. 13471, effective September 13, 2002; emergency amendment at 27 Ill. Reg. 16029, effective September 29, 2003, for a maximum of 150 days; emergency amendments suspended at 27 Ill. Reg. 18484, effective November 18, 2003; emergency suspension withdrawn at 28 Ill. Reg. 408, effective December 16, 2003; emergency repealed at 28 Ill. Reg. 414, effective December 16, 2003, in response to the objection and suspension of the Joint Committee on Administrative Rules; amended at 28 Ill. Reg. 783, effective December 29, 2003.

## SUBPART A: FEES

**Section 1000.130 Examination Fees**

- a) Time expended in the conduct of any examination of the affairs of any association or service corporation pursuant to the provisions of Section 7-5(a) of the Illinois Savings and Loan Act of 1985 [205 ILCS 105/7-5(a)] or applicable service corporation undertakings, respectively, shall be billed by the Commissioner at a rate of ~~\$70~~~~\$55~~ per examiner hour. Such fee shall be billed within 45 days following completion of the respective examination.
- b) When out-of-state travel occurs in the conduct of any examination, the association or service corporation will be billed for expenses incurred in the performance of duties. Billings for such expense shall not exceed amounts authorized pursuant to the travel regulations of the Department of Central Management Services/Governor's Travel Control Board set forth at 80 Ill. Adm. Code 2800. In the situation where examination procedures are performed at out-of-state locations, the examination fee of ~~\$70~~~~\$55~~ per hour plus travel, lodging and per diem shall be assessed. Additionally, travel time shall be billed at the examination rate of ~~\$70~~~~\$55~~ per hour.

(Source: Amended at 28 Ill. Reg. 783, effective December 29, 2003)

**Section 1000.141 Supervisory Fees**

- a) The Commissioner shall receive, and there shall be paid to the Commissioner by each association and each service corporation operating under the provisions of the Illinois Savings and Loan Act of 1985, a fixed fee of ~~\$600~~~~\$450~~, plus a variable fee based on the total assets of each association and each service

## OFFICE OF BANKS AND REAL ESTATE

## NOTICE OF ADOPTED AMENDMENTS

corporation as shown on the financial report filed with the Commissioner for the reporting period of the prior calendar year ended December 31 according to the following schedule:

~~33.01¢25¢~~ per \$1,000 of the first \$2,000,000 of total assets,

~~29.71¢22¢~~ per \$1,000 of the next \$3,000,000 of total assets,

~~26.41¢20¢~~ per \$1,000 of the next \$5,000,000 of total assets,

~~23.11¢17¢~~ per \$1,000 of the next \$15,000,000 of total assets,

~~19.81¢15¢~~ per \$1,000 of the next \$25,000,000 of total assets,

~~16.51¢12¢~~ per \$1,000 of the next \$50,000,000 of total assets,

~~14.15¢10¢~~ per \$1,000 of the next \$400,000,000 of total assets,

~~9.9¢7¢~~ per \$1,000 of the next \$500,000,000 of total assets, and

~~6.6¢5¢~~ per \$1,000 of all total assets in excess of \$1,000,000,000 of such association or service corporation.

In the situation where service corporations and/or finance subsidiaries are owned by the Association, the owned assets may be consolidated with the assets of the Association for calculation of this fee. If the finance subsidiary is not active and is in the form of a Collateralized Mortgage Obligation or a similar vehicle (Mortgage Backed Securities, Real Estate Mortgage Income Certificates, and other securitized debt instruments), the Commissioner shall waive that portion of the fee attributed to the finance subsidiary.

- b) The Commissioner shall receive and there shall be paid to the Commissioner by each association a fee of ~~\$600~~~~\$450~~ for each approved branch office or facility office established under the provisions of Subpart J of this Part. The determination of such fees shall be made annually as of the close of business of the prior calendar year ended December 31.
- c) One fourth of the sum of the supervisory fee so determined shall be remitted as billed by the Commissioner. Such fees shall be for the respective current year. Fees payable for the third and fourth calendar quarters of 2003 shall be

## OFFICE OF BANKS AND REAL ESTATE

## NOTICE OF ADOPTED AMENDMENTS

recalculated using total assets as of December 31, 2002, and the amended fees provided in subsections (a) and (b) of this Section. One fourth of the sum of the supervisory fee determined based on the amended fee schedule shall be remitted as billed for the third and fourth calendar quarters of 2003.

- d) Subject to the requirements of subsection (c) of this Section, for the third and fourth quarters of 2003, supervisorySupervisory fees shall be determined by the Commissioner following the close of the respective calendar year; however, the dates of billings shall not prejudice the validity of an invoice for any such fees billed at a later date.
- e) In the event the state charter is converted or otherwise surrendered during the course of the year, the Commissioner shall determine the supervisory fee based on the total assets of the Association as of the month-end immediately preceding the cancellation of the state charter, except that the measurement date may be another date at the discretion of the Commissioner in the event an Association elects to liquidate. In determining whether to set another measurement date, the Commissioner shall consider the following elements: whether the association is undergoing a planned liquidation (where an association elects to not continue operations), or, the association has transferred significant assets (more than 1/2 of 1% of the total assets at the previous measurement date).

(Source: Amended at 28 Ill. Reg. 783, effective December 29, 2003)

**Section 1000.142 Adjusted Supervisory Fees**

- a) The Commissioner shall receive and there shall be paid to the Commissioner an additional fee as an adjustment to the supervisory fee specified in Section 1000.141 of this Subpart, to be based upon the difference between the total assets of each association and each service corporation as shown by its financial report filed with the Commissioner for the reporting period of the calendar year ended December 31 on which the supervisory fee was based, and the total assets of each association and each service corporation as shown by its financial report filed with the Commissioner for the reporting period of the calendar year ended December 31 in which the quarterly payments referred to in Section 1000.141 of this Subpart are made according to the following schedule:

33.01¢~~25¢~~ per \$1,000 of the first \$2,000,000 of total assets,

29.71¢~~22¢~~ per \$1,000 of the next \$3,000,000 of total assets,

## OFFICE OF BANKS AND REAL ESTATE

## NOTICE OF ADOPTED AMENDMENTS

~~26.41¢~~<sup>20¢</sup> per \$1,000 of the next \$5,000,000 of total assets,

~~23.11¢~~<sup>17¢</sup> per \$1,000 of the next \$15,000,000 of total assets,

~~19.81¢~~<sup>15¢</sup> per \$1,000 of the next \$25,000,000 of total assets,

~~16.51¢~~<sup>12¢</sup> per \$1,000 of the next \$50,000,000 of total assets,

~~14.15¢~~<sup>10¢</sup> per \$1,000 of the next \$400,000,000 of total assets,

~~9.9¢~~<sup>7¢</sup> per \$1,000 of the next \$500,000,000 of total assets, and

~~6.6¢~~<sup>5¢</sup> per \$1,000 of all total assets in excess of \$1,000,000,000 of such association or service corporation.

In the situation where service corporations and/or finance subsidiaries are owned by the Association, the owned assets may be consolidated with the assets of the Association for calculation of this fee. If the finance subsidiary is not active and is in the form of a Collateralized Mortgage Obligation or a similar vehicle, the Commissioner shall waive that portion of the fee attributed to the finance subsidiary.

- b) Adjusted supervisory fees shall be remitted as billed by the Commissioner. In the event the total assets of each association and each service corporation as reported on the earlier financial report are more than the total assets as reported on the later annual report the Commissioner shall credit the next quarterly remittance of the supervisory fee in the same proportion.
- c) In the event the state charter is converted or otherwise surrendered during the course of the year, the Commissioner shall determine the supervisory fee based on the total assets of the Association as of the month-end immediately preceding the cancellation of the state charter, except that the measurement date may be another date at the discretion of the Commissioner in the event an Association elects to liquidate. In determining whether to set another measurement date, the Commissioner shall consider the following elements: whether the association is undergoing a planned liquidation (where an association elects to not continue operations), or, the association has transferred significant assets (more than ½ of 1% of the total assets at the previous measurement date).

OFFICE OF BANKS AND REAL ESTATE

NOTICE OF ADOPTED AMENDMENTS

(Source: Amended at 28 Ill. Reg. \_\_\_\_\_, effective December 29, 2003)

## OFFICE OF BANKS AND REAL ESTATE

## NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Residential Mortgage License Act of 1987
- 2) Code Citation: 38 Ill. Adm. Code 1050
- 3) 

<u>Section Numbers</u> :	<u>Adopted Action</u> :
1050.210	Amend
1050.220	Amend
- 4) Statutory Authority: Implementing and authorized by the Residential Mortgage License Act of 1987 [205 ILCS 635]
- 5) Effective Date of Rulemaking: December 29, 2003
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking 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: 27 Ill. Reg. 10626; July 18, 2003
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Difference between proposal and final version: OBRE has incorporated JCAR's recommendations for nonsubstantive changes.
- 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 an emergency rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking: Public Act 93-32, effective July 1, 2003, increases the minimum total amount for application and investigation fees from \$1,800 to \$2,700 annually under Section 2-2 of the Residential Mortgage License Act of 1987. PA 93-32 further amends Section 2-6 of the Act to provide for an annual license in all instances, rather than a biennial license upon renewal. The rulemaking amends and increases the license fee amount from \$800 to \$1,200 for the first year, which along with

## OFFICE OF BANKS AND REAL ESTATE

## NOTICE OF ADOPTED AMENDMENTS

the amended and increased investigation fee amount from \$1,000 to \$1,500 yields the new statutory minimum fee of \$2700. Thereafter, license fees are \$2,700 annually and the old biennial license and fee language is replaced.

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

Jeff Riley  
Legislative Liaison  
Office of Banks and Real Estate  
500 E. Monroe Street  
Springfield IL 62701  
217/782-6167

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

## OFFICE OF BANKS AND REAL ESTATE

## NOTICE OF ADOPTED AMENDMENTS

TITLE 38: FINANCIAL INSTITUTIONS  
CHAPTER II: OFFICE OF BANKS AND REAL ESTATEPART 1050  
RESIDENTIAL MORTGAGE LICENSE ACT OF 1987

## SUBPART A: DEFINITIONS

Section	
1050.110	Act
1050.115	Administrative Decision
1050.120	Assisting
1050.125	Commissioner
1050.130	Control
1050.135	Document
1050.140	Employee
1050.145	First Tier Subsidiary
1050.150	Hearing Officer
1050.155	High Risk Home Loan
1050.160	Material
1050.165	Other Regulatory Agencies
1050.170	Party
1050.175	Principal Place of Business
1050.180	Repurchase a Loan
1050.185	State
1050.190	Servicer
1050.195	Points and Fees
1050.197	Total Loan Amount
1050.198	Approved Credit Counselor
1050.199	Home Equity Loan

## SUBPART B: FEES

Section	
1050.210	License Investigation Fees
1050.220	License Fees
1050.230	Amended License Fees – Corporate Changes
1050.240	Duplicate Original License Fees
1050.250	Examination Fees
1050.255	Direct Expenses of Out-of-State Examinations

## OFFICE OF BANKS AND REAL ESTATE

## NOTICE OF ADOPTED AMENDMENTS

1050.260	Additional Full-Service Office Fees
1050.270	Hearing Fees
1050.280	Late Fees (Repealed)
1050.290	Manner of Payment

## SUBPART C: LICENSING

## Section

1050.310	Application for an Illinois Residential Mortgage License
1050.320	Application for Renewal of an Illinois Residential Mortgage License
1050.330	Waiver of License Fee
1050.340	Full-Service Office
1050.350	Additional Full-Service Office
1050.360	Continuing Education Requirements for Certain Employees

## SUBPART D: OPERATIONS AND SUPERVISION

## Section

1050.410	Net Worth
1050.420	Line of Credit (Repealed)
1050.425	Examination
1050.430	Late Audit Reports
1050.440	Escrow
1050.450	Audit Workpapers
1050.460	Selection of Independent Auditor
1050.470	Proceedings Affecting a License
1050.475	Change in Business Activities
1050.480	Change of Ownership, Control or Name or Address of Licensee
1050.490	Bonding Requirements

SUBPART E: ANNUAL REPORT OF MORTGAGE ACTIVITY, MORTGAGE  
BROKERAGE ACTIVITY AND MORTGAGE SERVICING ACTIVITY

## Section

1050.610	Filing Requirements
1050.620	Reporting Forms
1050.630	Annual Report of Mortgage Activity
1050.640	Annual Report of Brokerage Activity
1050.650	Annual Report of Servicing Activity
1050.660	Verification

## OFFICE OF BANKS AND REAL ESTATE

## NOTICE OF ADOPTED AMENDMENTS

## SUBPART F: FORECLOSURE RATE

Section	
1050.710	Computation of National Residential Mortgage Foreclosure Rate
1050.720	Computation of Illinois Residential Mortgage Foreclosure Rate
1050.730	Excess Foreclosure Rate
1050.740	Foreclosure Rate Hearing
1050.750	Commissioner's Authority – Unusually High Rate

## SUBPART G: SERVICING

Section	
1050.810	New Loans
1050.820	Transfer of Servicing
1050.830	Real Property Tax and Hazard Insurance Payments
1050.840	Payment Processing
1050.850	Toll-Free Telephone Arrangement
1050.860	Payoff of Outstanding Mortgage Loan

## SUBPART H: ADVERTISING

Section	
1050.910	General Prohibition
1050.920	Definition of Advertisement
1050.930	Compliance with Other Laws
1050.940	Requirements
1050.950	Misleading and Deceptive Advertising Prohibition

## SUBPART I: LOAN BROKERAGE PRACTICES

Section	
1050.1010	Loan Brokerage Agreement
1050.1020	Loan Brokerage Disclosure Statement
1050.1030	Prohibited Practice

## SUBPART J: LOAN APPLICATION PRACTICES

Section	
1050.1110	Borrower Information Document

## OFFICE OF BANKS AND REAL ESTATE

## NOTICE OF ADOPTED AMENDMENTS

1050.1120	Description of Required Documentation
1050.1130	Maintenance of Records (Repealed)
1050.1140	Loan Application Procedures
1050.1150	Copies of Signed Documents
1050.1160	Confirmation of Statements
1050.1170	Cancellation of Application
1050.1175	Maintenance of Records
1050.1180	Ability to Repay
1050.1185	Verification of Ability to Pay Loan
1050.1186	Fraudulent or Deceptive Practices
1050.1187	Prepayment Penalty

## SUBPART K: GENERAL LENDING PRACTICES

## Section

1050.1210	Notice to Joint Borrowers
1050.1220	Inaccuracy of Disclosed Information
1050.1230	Changes Affecting Loans in Process
1050.1240	Prohibition of Unauthorized Lenders
1050.1250	Good Faith Requirements
1050.1260	Pre-paid Insurance Products and Warranties
1050.1270	Refinancing Prohibited in Certain Cases
1050.1272	Balloon Payments
1050.1275	Financing of Certain Points and Fees
1050.1276	Payments to Contractors
1050.1277	Negative Amortization
1050.1278	Negative Equity
1050.1280	Counseling Prior to Perfecting Foreclosure Proceedings

## SUBPART L: COMMITMENT AND CLOSING PRACTICES

## Section

1050.1305	Approval Notice
1050.1310	Inconsistent Conditions Prohibited
1050.1315	Avoidance of Commitment
1050.1320	Charges to Seller
1050.1325	Intentional Delay
1050.1330	No Duplication to Borrower of Seller's Costs
1050.1335	Fees and Charges
1050.1340	Refunds on Failure to Close

## OFFICE OF BANKS AND REAL ESTATE

## NOTICE OF ADOPTED AMENDMENTS

1050.1345	Representative at Closing
1050.1350	Compliance with Other Laws
1050.1355	Failure to Close – Disclosure
1050.1360	Escrow Account Agreements at Closing

## SUBPART M: EXEMPTION GUIDELINES

## Section

1050.1410	General
1050.1420	Interpretative Guidelines

## SUBPART N: ADMINISTRATIVE HEARING PROCEDURES

## Section

1050.1510	Applicability
1050.1520	Definitions
1050.1530	Filing
1050.1540	Form of Documents
1050.1550	Computation of Time
1050.1560	Appearances
1050.1570	Request for Hearing
1050.1580	Notice of Hearing
1050.1590	Service of the Notice of Hearing
1050.1595	Bill of Particulars or Motion for More Definite Statement
1050.1600	Motion and Answer
1050.1610	Consolidation and Severance of Matters – Additional Parties
1050.1620	Intervention
1050.1630	Postponement or Continuance of Hearing
1050.1640	Authority of Hearing Officer
1050.1650	Bias or Disqualification of Hearing Officer
1050.1660	Prehearing Conferences
1050.1670	Discovery
1050.1680	Subpoenas
1050.1690	Conduct of Hearing
1050.1700	Default
1050.1710	Evidence
1050.1720	Hostile Witnesses
1050.1730	Record of Proceedings
1050.1740	Briefs
1050.1750	Hearing Officer's Recommendation

## OFFICE OF BANKS AND REAL ESTATE

## NOTICE OF ADOPTED AMENDMENTS

- 1050.1760 Order of the Commissioner
- 1050.1770 Rehearings and Reopening of Hearings
- 1050.1790 Costs of Hearing

## SUBPART O: MORTGAGE AWARENESS PROGRAM

## Section

- 1050.1810 General
- 1050.1820 Guidelines
- 1050.1830 Offer of Mortgage Awareness Program

## SUBPART P: DEFAULT AND FORECLOSURE RATES ON CONVENTIONAL LOANS

## Section

- 1050.1910 Report of Default and Foreclosure Rates on Conventional Loan
- 1050.1920 Commissioner's Review and Analysis

## SUBPART Q: THIRD PARTY REVIEW OF HIGH RISK HOME LOANS

## Section

- 1050.2010 Third Party Review of High Risk Home Loans
- 1050.APPENDIX A Estimated Monthly Income and Expenses Worksheet
- 1050.APPENDIX B Mortgage Ratio Worksheet

AUTHORITY: Implementing and authorized by the Residential Mortgage License Act of 1987 [205 ILCS 635].

SOURCE: Filed January 18, 1974; amended at 2 Ill. Reg. 2, p. 1, effective January 16, 1978; codified at 8 Ill. Reg. 4524; amended at 9 Ill. Reg. 17393, effective October 24, 1985; Part repealed by emergency rule at 12 Ill. Reg. 3041, and new Part adopted by emergency rule at 12 Ill. Reg. 3079, effective January 13, 1988, for a maximum of 150 days; Part repealed at 12 Ill. Reg. 8683, and new Part adopted at 12 Ill. Reg. 8685, effective May 10, 1988; emergency amendment at 12 Ill. Reg. 9721, effective May 18, 1988, for a maximum of 150 days; amended at 13 Ill. Reg. 17056, effective October 20, 1989; amended at 15 Ill. Reg. 8580, effective May 28, 1991; emergency amendment at 16 Ill. Reg. 2915, effective February 10, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 10463, effective June 23, 1992; emergency amendment at 16 Ill. Reg. 12634, effective August 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 20179, effective December 9, 1992; amended at 17 Ill. Reg. 3513, effective March 2, 1993; transferred from Chapter III, 38 Ill. Adm. Code 450 (Commissioner of

## OFFICE OF BANKS AND REAL ESTATE

## NOTICE OF ADOPTED AMENDMENTS

Savings and Loan Associations) to Chapter VIII, 38 Ill. Adm. Code 1050 (Commissioner of Savings and Residential Finance) pursuant to Savings Bank Act [205 ILCS 205] at 17 Ill. Reg. 4475; emergency amendment at 19 Ill. Reg. 11080, effective July 13, 1995, for a maximum of 150 days; emergency expired December 11, 1995; amended at 19 Ill. Reg. 15465, effective October 31, 1995; amended at 20 Ill. Reg. 388, effective January 1, 1996; recodified from Chapter VIII, Commissioner of Savings and Residential Finance, to Chapter II, Office of Banks and Real Estate, pursuant to PA 89-508, at 20 Ill. Reg. 12645; amended at 21 Ill. Reg. 10972, effective August 1, 1997; amended at 22 Ill. Reg. 230, effective December 19, 1997; amended at 24 Ill. Reg. 64, effective January 1, 2000; emergency amendment at 24 Ill. Reg. 19322, effective December 15, 2000, for a maximum of 150 days; emergency repealed at 25 Ill. Reg. 3696, effective January 30, 2001 in response to an objection of the Joint Committee on Administrative Rules at 25 Ill. Reg. 1857; amended at 25 Ill. Reg. 6174, effective May 17, 2001; emergency amendment at 27 Ill. Reg. 10783, effective July 1, 2003, for a maximum of 150 days; emergency expired December 27, 2003; amended at 28 Ill. Reg. 797, effective December 29, 2003.

## SUBPART B: FEES

**Section 1050.210 License Investigation Fees**

- a) For each application for a Residential Mortgage License, the Commissioner shall receive and there shall be paid to the Commissioner a non-refundable Investigation Fee of ~~\$1,000.~~ \$1,500.
- b) Notwithstanding any other provision of these Rules, failure to perfect an application, i.e., meet a second request for information within 10 business days of the request, shall automatically require the Commissioner to issue a denial of the application, except that the Commissioner may upon good cause shown grant an extension. An example of good cause may include, but shall not be limited to, death or incapacitating illness of the preparer, or catastrophic occurrence. Denial under such circumstances shall not affect new applications filed after the denial. Upon submission of an additional Investigation Fee, an applicant for a new license or renewal may reapply following denial.

(Source: Amended at 28 Ill. Reg. 797, effective December 29, 2003)

**Section 1050.220 License Fees**

- a) For each Application for an initial Illinois Residential Mortgage License on which the Commissioner has made the findings that a License shall be issued, the Commissioner shall receive and there shall be paid to the Commissioner, a non-

## OFFICE OF BANKS AND REAL ESTATE

## NOTICE OF ADOPTED AMENDMENTS

refundable License Fee of \$1,200, plus the Investigation Fee set forth in Section 1050.210 \$800.

- b) For each Application for an annual ~~a biennial~~ Renewal of an Illinois Residential Mortgage License on which the Commissioner has made the finding that an annual ~~a biennial~~ License shall be issued, the Commissioner shall receive and there shall be paid to the Commissioner a non-refundable License Fee of \$2,700 ~~\$2,600, of which \$800 shall be paid upon the issuance of the license, and the second installment of \$1,800 one year after the effective license date.~~

(Source: Amended at 28 Ill. Reg. 797, effective December 29, 2003)

## OFFICE OF BANKS AND REAL ESTATE

## NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Savings Bank Act
- 2) Code Citation: 38 Ill. Adm. Code 1075
- 3) 

<u>Section Numbers:</u>	<u>Adopted Action:</u>
1075.120	Amend
1075.130	Amend
1075.140	Amend
- 4) Statutory Authority: Implementing and authorized by Section 9002 of the Savings Bank Act [205 ILCS 205/9002]
- 5) Effective Date of Rulemaking: December 29, 2003
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted rulemaking, including any material incorporated by reference, is on file in the Office of Banks and Real Estate's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: 27 Ill. Reg. 15666 on October 10, 2003.
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Difference between proposal and final version: OBRE has incorporated JCAR's recommendations for nonsubstantive changes.
- 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 an emergency rulemaking currently in effect? No. The companion emergency rulemaking was suspended by the Joint Committee on Administrative Rules on 11/18/03 and repealed by OBRE on 12/16/03 following withdrawal of JCAR's suspension.
- 14) Are there any amendments pending on this Part? No

## OFFICE OF BANKS AND REAL ESTATE

## NOTICE OF ADOPTED AMENDMENTS

- 15) Summary and Purpose of Rulemaking: The amendments increase Savings Bank Act examination and supervisory fees a total of 27.5%. Specifically, the hourly examiner fee increases by 27.5%, from \$55.00 to \$70.00. The supervisory fees increase approximately 27.5%. The supervisory fee for each branch office increases from \$450 to \$600.
- 16) Information and questions regarding these adopted amendments shall be directed to:

Jeff Riley  
Legislative Liaison  
Office of Banks and Real Estate  
500 E. Monroe Street  
Springfield, IL 62701  
217/782-6167

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

## OFFICE OF BANKS AND REAL ESTATE

## NOTICE OF ADOPTED AMENDMENTS

TITLE 38: FINANCIAL INSTITUTIONS  
CHAPTER II: OFFICE OF BANKS AND REAL ESTATEPART 1075  
SAVINGS BANK ACT

## SUBPART A: FILINGS

Section	
1075.100	Filings
1075.110	Conditions
1075.120	Examination Fees
1075.130	Supervisory Fees
1075.140	Adjusted Supervisory Fees
1075.141	Special Credit (Repealed)
1075.150	Withdrawal of Application or Other Filings

## SUBPART B: DEFINITIONS

Section	
1075.200	Definitions

## SUBPART C: REPORTS

Section	
1075.300	Contracts
1075.310	Financial Reports

## SUBPART D: OPERATIONS

Section	
1075.400	Capital Stock (Repealed)
1075.410	Minimum Capital Requirement
1075.415	Conflicting Federal Powers, Law and Regulations
1075.420	Advertising
1075.430	Maintenance of Records
1075.440	Business Plan
1075.450	Excess Insurance
1075.455	Vacancies in the Board of Directors
1075.460	Bond of Officers, Directors, Employees and Agents

## OFFICE OF BANKS AND REAL ESTATE

## NOTICE OF ADOPTED AMENDMENTS

1075.465	Indemnification of Officers, Directors, Employees and Agents
1075.470	Deceptively Similar Names
1075.480	Manner of Display of Annual Meeting Notice
1075.490	Procedures for Exercise of Dissenters Rights

## SUBPART E: INVESTMENTS

## Section

1075.500	Prudent Person Rule
1075.505	Investment Underwriting Practice
1075.510	Discrimination and Redlining
1075.515	Loans Secured by Real Estate
1075.520	Construction Loans
1075.525	Mobile Home Financing (Repealed)
1075.530	Overdraft Loans
1075.535	Education Loans
1075.540	Vehicle/Automobile Loans
1075.545	Home Equity Loans
1075.550	Letter of Credit
1075.555	Other Investments
1075.560	Commercial Paper
1075.565	Financial Futures
1075.570	Financial Options
1075.575	Finance Leasing
1075.580	Suretyship
1075.585	Asset Reserves
1075.590	Assest Composition Test

## SUBPART F: SERVICE CORPORATION AND OPERATING SUBSIDIARIES

## Section

1075.600	Requirements
1075.610	Approval by the Commissioner
1075.620	Investment Limitations
1075.630	Investments by Service Corporations
1075.640	Ownership of Capital Stock of Service Corporation
1075.650	Prohibited Transactions
1075.660	Disclosure to Service Corporation
1075.670	Reporting Requirements
1075.680	Audit Requirements

## OFFICE OF BANKS AND REAL ESTATE

## NOTICE OF ADOPTED AMENDMENTS

## SUBPART G: RELOCATIONS AND BRANCHING

Section	
1075.700	General
1075.705	Application
1075.710	Request for Preliminary Determination
1075.715	Public Notice and Inspection
1075.720	Protest
1075.725	Oral Argument
1075.730	Application for the Maintenance of Branch Office after Conversion, Consolidation, Purchase of Assets or Merger
1075.735	Redesignation of Offices
1075.740	Termination of Operation and/or Closing of a Branch Office
1075.745	Agency Offices
1075.750	Remote Drive-In and/or Remote Pedestrian Facilities

## SUBPART H: CAPITAL NOTES AND DEBENTURES

Section	
1075.800	Approval
1075.810	Conversion to Stock
1075.820	Priority of Claim

## SUBPART I: ADMINISTRATIVE HEARING PROCEDURES

Section	
1075.900	Applicability
1075.905	Definitions
1075.910	Early Neutral Evaluation
1075.915	Conference Adjudicative Hearing
1075.920	Filing
1075.925	Form of Documents
1075.930	Computation of Time
1075.935	Appearances
1075.940	Notice of Hearing
1075.945	Service of the Notice of Hearing
1075.950	Motion and Answer
1075.955	Consolidation and Severance of Matters – Additional Parties
1075.960	Intervention

## OFFICE OF BANKS AND REAL ESTATE

## NOTICE OF ADOPTED AMENDMENTS

1075.965	Postponement or Continuance of Hearing
1075.970	Authority of Hearing Officer
1075.975	Bias or Disqualification of Hearing Officer
1075.980	Prehearing Conferences
1075.985	Discovery
1075.990	Subpoenas
1075.995	Conduct of the Hearing
1075.1000	Default
1075.1005	Evidence
1075.1010	Official Notice
1075.1015	Hostile Witnesses
1075.1020	Transcription of Proceedings
1075.1025	Briefs
1075.1030	Hearing Officer's Findings, Opinions and Recommendations
1075.1035	Order of the Commissioner
1075.1040	Rehearings
1075.1045	Existing Statutory or Agency Procedures and Practices
1075.1050	Costs of Hearing
1075.1055	Emergency Adjudication

## SUBPART J: SAVINGS BANK HOLDING COMPANIES

Section	
1075.1100	Applicability
1075.1105	Definitions
1075.1110	Mutual Holding Company Reorganizations
1075.1111	Subsidiary Holding Company
1075.1115	Prohibition Against Approval of Certain Applications for Reorganization
1075.1120	Contents of Reorganization Plans
1075.1125	Capital Stock (Repealed)
1075.1130	Charter (Repealed)
1075.1135	Control (Repealed)
1075.1140	Eligible Account Holder (Repealed)
1075.1145	Eligibility Record Date (Repealed)
1075.1150	Employee (Repealed)
1075.1155	Equity Security (Repealed)
1075.1160	Insured Institution (Repealed)
1075.1165	Member (Repealed)
1075.1170	Net Worth (Repealed)
1075.1175	Officer (Repealed)

## OFFICE OF BANKS AND REAL ESTATE

## NOTICE OF ADOPTED AMENDMENTS

1075.1180	Person (Repealed)
1075.1185	Qualifying Deposit (Repealed)
1075.1190	Sale (Repealed)
1075.1195	Security (Repealed)
1075.1200	Source Documents (Repealed)
1075.1205	Subsidiary (Repealed)
1075.1210	Liquidation Account and Proxies
1075.1215	Mutual Holding Company Ceasing to be a Depository Institution
1075.1220	Directors of a Mutual Holding Company
1075.1225	Stock Issuance Plan
1075.1230	Stock of a Subsidiary of a Mutual Holding Company
1075.1235	Stock Subsidiary Formation
1075.1240	Net Worth Maintenance Agreement (Repealed)
1075.1245	Members' Rights
1075.1250	Investment
1075.1255	Notice Requirement/Corrective Action
1075.1260	Insider Abuses
1075.1265	Determination of the Qualification and Condition of an Out-of-State Acquisition
1075.1270	Acquisition and Disposal of Subsidiaries
1075.1275	Dividend Limitations and Waivers
1075.1280	Officers and Directors List
1075.1285	Access to Books and Records
1075.1290	Annual Audit Requirements
1075.1295	Maintenance of Records
1075.1300	Notice of Appointment of Independent Accountants
1075.1305	Holding Company Filing Fees (Repealed)
1075.1310	Holding Company Supervisory Fees
1075.1315	Examination Fees
1075.1320	Conditions
1075.1325	Manner of Payment
1075.1330	Conversion of Mutual Holding Companies

SUBPART K: CONVERSION OF AN EXISTING DEPOSITORY INSTITUTION  
INTO AN ILLINOIS SAVINGS BANK

Section	
1075.1400	Scope of Rules
1075.1405	Definitions
1075.1410	General Rules for Conversion Plan
1075.1415	Adopting and Filing of a Conversion Plan (Repealed)

## OFFICE OF BANKS AND REAL ESTATE

## NOTICE OF ADOPTED AMENDMENTS

1075.1420	Conversion Plan Requirements (Repealed)
1075.1425	Vote by Shareholders and Members (Repealed)
1075.1430	Issuance of Certificate of Approval
1075.1435	Final Approval of the Conversion
1075.1440	Powers of Resulting Savings Bank
1075.1445	Obligations of Resulting Savings Bank
1075.1450	Directors of Resulting Savings Bank

## SUBPART L: SUPERVISION

## Section

1075.1500	Sale of Offices, Facilities and Equipment
1075.1510	Purchase of Offices (Repealed)
1075.1520	Bridge Charters
1075.1530	Unsafe and Unsound Practices
1075.1540	Failure to Comply with Report of Examination
1075.1550	Publication

## SUBPART M: REMOVALS, SUSPENSIONS AND INDUSTRYWIDE PROHIBITION

## Section

1075.1600	Scope
1075.1610	Notice of Intention and Answer
1075.1620	Removal and Prohibition by Order
1075.1630	Suspension by Notice
1075.1640	Industry wide Prohibition
1075.1650	Unauthorized Participation of Convicted Individual

## SUBPART N: ACQUISITION OF CONTROL OF A SAVINGS BANK

## Section

1075.1700	Acquisition of Control of a Savings Bank
1075.1710	Anti-Takeover Provisions

SUBPART O: CONVERSION OF MUTUAL SAVINGS BANK  
TO CAPITAL STOCK SAVINGS BANK

## Section

1075.1800	Subpart Exclusive – Prohibition on Conversion Without Approval – Waiver of Requirements
-----------	---

## OFFICE OF BANKS AND REAL ESTATE

## NOTICE OF ADOPTED AMENDMENTS

- 1075.1805 Forms
- 1075.1810 Request of Noncompliance Requirements (Repealed)
- 1075.1815 Definitions
- 1075.1820 Prohibition on Approval of Certain Applications for Conversion
- 1075.1825 Requirements of Plan of Conversion
- 1075.1830 Issuance of Capital Stock – Price
- 1075.1835 Stock Purchase Subscription Rights – Eligible Account Holders
- 1075.1840 Stock Purchase Subscription Rights Received by Officers, Directors, and their Associates – Subordination
- 1075.1845 Supplemental Share Purchase Subscription Rights – Supplemental Eligible Account Holder – Conditions
- 1075.1850 Voting Members Who Are Not Eligible Account Holders
- 1075.1855 Sale of Shares Not Sold in Subscription Offering – Methods – Conditions
- 1075.1860 Uniform Sales Price of Shares Required – Application to Specify Arrangements on Sale of Shares Not Sold in Subscription Offering
- 1075.1865 Savings Account Holder to Receive Withdrawable Savings Account(s) – Amount
- 1075.1870 Liquidation Account – Establishment and Maintenance Required
- 1075.1875 Establishment of Eligibility Record Date Required
- 1075.1880 Voting Rights
- 1075.1885 Amendment and Termination of Plan of Conversion
- 1075.1890 Restriction on Sale of Shares of Stock by Directors and Officers
- 1075.1895 Conditions on Shares of Stock Subject to Restriction on Sale
- 1075.1900 Registration of Securities – Marketing of Securities – Listing of Shares on Securities Exchange or NASDAQ Quotation System
- 1075.1905 Reasonable Expenses Required
- 1075.1910 Employee Stock Benefit Plan – Priority
- 1075.1915 Employee Stock Benefit Plan – Contributions
- 1075.1920 Plan of Conversion – Prohibited Provisions
- 1075.1925 Optional Provisions in Plan of Conversion
- 1075.1930 Approval of Other Provisions
- 1075.1935 Amount of Qualifying Deposit of Eligible Account Holder or Supplemental Eligible Account Holder
- 1075.1940 Liquidation Account – Establishment Required – Amount – Function
- 1075.1945 Liquidation Account – Maintenance Required – Subaccounts
- 1075.1950 Liquidation Account – Distribution Upon Complete Liquidation
- 1075.1955 Liquidation Account – Determination of Subaccount Balances
- 1075.1960 Reduction of Subaccount Balance
- 1075.1965 Converted Savings Bank Prohibited from Repurchasing its Stock Without Approval
- 1075.1970 Limitation on Cash Dividends

## OFFICE OF BANKS AND REAL ESTATE

## NOTICE OF ADOPTED AMENDMENTS

- 1075.1975 Dividends on Preferred Stock
- 1075.1980 Prohibitions on Offer, Sale, or Purchase of Securities
- 1075.1985 Acquisitions of Control of a Converted Savings Bank
- 1075.1990 Articles of Incorporation - Restrictions Permitted
- 1075.1995 Confidentiality of Consideration to Convert – Remedial Measures for Breach
- 1075.2000 Public Statement Authorized
- 1075.2005 Adoption of Plan of Conversion – Notice to and Inspection by Account Holders – Statement and Letter – Press Release Authorized
- 1075.2010 Statement, Letter and Press Release – Content Permitted
- 1075.2015 Statement, Letter and Press Release – Contents Prohibited – Inquiries
- 1075.2020 Notices of Filing of Application – Requests for Subscription Offering Circular
- 1075.2025 Filing of Notice and Affidavit of Publication Required
- 1075.2030 Application Available for Public Inspection – Confidential Information
- 1075.2035 Solicitation of Proxies; Proxy Statements
- 1075.2040 Vote by Members
- 1075.2045 Offers and Sales of Securities – Prohibitions
- 1075.2050 Distribution of Offering Circulars Authorized
- 1075.2055 Preliminary Offering Circular for Subscription Offering – Estimated Subscription Price Range Required
- 1075.2060 Review of Price Information by Commissioner
- 1075.2065 Underwriting Commission
- 1075.2070 Consideration of Pricing Information by Commissioner – Guidelines
- 1075.2075 Submission of Information by Applicant
- 1075.2080 Subscription Offering – Distribution of Order Forms for the Purchase of Shares
- 1075.2085 Order Forms – Final Offering Circular and Detailed Instructions
- 1075.2090 Subscription Price
- 1075.2095 Order Form – Contents
- 1075.2100 Order Form – Additional Provision Authorized – Payment by Withdrawal
- 1075.2105 Time Period for Completion of Sale of all Shares of Capital Stock
- 1075.2110 Continuity of Corporate Existence
- 1075.2115 Application to Furnish Information
- 1075.2120 Additional Filing Requirements
- 1075.2125 Availability for Conferences in Advance of Filing of Application – Refusal of Prefiling Review
- 1075.2130 Appeal from Refusal to Approve Application
- 1075.2135 Postconversion Reports
- 1075.2140 Certain Agreement to Transfer and Transfers of Ownership in Rights or Securities Prohibited
- 1075.2145 Certain Offers and Announcements on Securities Prohibited
- 1075.2150 Certain Offers and Acquisitions Prohibited

## OFFICE OF BANKS AND REAL ESTATE

## NOTICE OF ADOPTED AMENDMENTS

- 1075.2155 Definitions – Certain Transfers, Offers and Acquisitions Prohibited
- 1075.2160 Amendments to Charter Required in Application – Articles of Incorporation – Filing of Certificate Required – Contents – Issuance and Filing of Authorization Certificate
- 1075.2165 Conversion Incident to Acquisition by Savings Bank Holding Company or Merger or Consolidation with Savings Bank Holding Company Subsidiary – Restriction on Sale of Shares of Stock by Directors and Officers
- 1075.2170 Sale of Control in Connection with the Conversion of a Mutual Savings Bank to Capital Stock Savings Bank – Undercapitalized Mutual Savings Bank
- 1075.2175 Conversion of a Savings Bank in Connection with the Formation of a Holding Company
- 1075.2200 Application – Application Requirements
- 1075.2210 Application – Filing the Application and Fees
- 1075.2220 Application – Preparing the Application
- 1075.2230 Application – Application Contents
- 1075.2240 Application – Application Exhibits
- 1075.2300 Proxy Statement – Information Required in Conversion Proxy Statement
- 1075.2310 Proxy Statement – Notice of Meeting
- 1075.2320 Proxy Statement – Revocability of Proxy
- 1075.2330 Proxy Statement – Persons Making the Solicitations
- 1075.2340 Proxy Statement – Voting Rights and Vote Required for Approval
- 1075.2350 Proxy Statement – Directors and Executive Officers
- 1075.2360 Proxy Statement – Management Remuneration
- 1075.2370 Proxy Statement – Business of the Applicant
- 1075.2380 Proxy Statement – Description of the Plan of Conversion
- 1075.2390 Proxy Statement – Description of Capital Stock
- 1075.2400 Proxy Statement – Capitalization
- 1075.2410 Proxy Statement – Use of New Capital
- 1075.2420 Proxy Statement – New Charter, Bylaws, or Other Documents
- 1075.2430 Proxy Statement – Other Matters
- 1075.2440 Proxy Statement – Financial Statements
- 1075.2450 Proxy Statement – Consents of Experts and Reports
- 1075.2460 Proxy Statement – Attachments
- 1075.2500 Offering Circular
- 1075.2510 Offering Circular – Certain Manner of Presentation of Required Information Prohibited
- 1075.2520 Offering Circular – Certain Named Persons – Filing of Written Consent Required
- 1075.2530 Offering Circular – Information Required
- 1075.2540 Offering Circular – Additional Current Information Required
- 1075.2550 Offering Circular – Statement Required in Offering Circulars

## OFFICE OF BANKS AND REAL ESTATE

## NOTICE OF ADOPTED AMENDMENTS

- 1075.2560 Offering Circular – Preliminary Offering Circular
- 1075.2570 Offering Circular – Information with Respect to Exercise of Subscription Rights
- 1075.2580 Offering Circular – Information with Respect to Public Offering or Direct Community Offering

## SUBPART P: HIGH RISK HOME LOANS

## Section

- 1075.3000 Definitions
  - 1075.3100 Ability to Repay
  - 1075.3150 Verification of Ability to Pay Loan
  - 1075.3200 Fraudulent or Deceptive Practices
  - 1075.3225 Prepayment Penalty
  - 1075.3250 Pre-paid Insurance Products and Warranties
  - 1075.3300 Refinancing Prohibited in Certain Cases
  - 1075.3325 Balloon Payments
  - 1075.3350 Financing of Certain Points and Fees
  - 1075.3400 Payments to Contractors
  - 1075.3450 Negative Amortization
  - 1075.3500 Negative Equity
  - 1075.3550 Counseling Prior to Perfecting Foreclosure Proceedings
  - 1075.3600 Mortgage Awareness Program
  - 1075.3650 Report of Default and Foreclosure Rates on Conventional Loans
  - 1075.3700 Commissioner's Review and Analysis
  - 1075.3750 Third Party Review of High Risk Home Loans
- 
- 1075.APPENDIX A Estimated Monthly Income and Expenses Worksheet
  - 1075.APPENDIX B Mortgage Ratio Worksheet

AUTHORITY: Implementing and authorized by the Savings Bank Act [205 ILCS 205].

SOURCE: Emergency Rules adopted at 14 Ill. Reg. 15029, effective September 4, 1990, for a maximum of 150 days; adopted at 15 Ill. Reg. 1916, effective January 25, 1991; amended at 16 Ill. Reg. 4891, effective March 16, 1992; amended at 17 Ill. Reg. 8894, effective June 7, 1993; expedited correction at 17 Ill. Reg. 18223, effective June 7, 1993; emergency amendment adopted at 18 Ill. Reg. 7016, effective April 22, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 15094, effective September 26, 1994; emergency amendment at 19 Ill. Reg. 10277, effective June 29, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 15474, effective October 31, 1995; recodified from Chapter VIII, Commissioner of Savings and Residential Finance, to Chapter II, Office of Banks and Real Estate, pursuant to PA 89-508, at 20 Ill. Reg.

## OFFICE OF BANKS AND REAL ESTATE

## NOTICE OF ADOPTED AMENDMENTS

12645; amended at 22 Ill. Reg. 6719, effective March 30, 1998; amended at 24 Ill. Reg. 73, effective January 1, 2000; emergency amendment at 24 Ill. Reg. 6986, effective April 24, 2000, for a maximum of 150 days; emergency expired on September 20, 2000; amended at 24 Ill. Reg. 15026, effective September 26, 2000; emergency amendment at 24 Ill. Reg. 19331, effective December 15, 2000, for a maximum of 150 days; emergency amendment repealed at 25 Ill. Reg. 3698, effective January 30, 2001, in response to an objection of the Joint Committee on Administrative Rules at 25 Ill. Reg. 1858; amended at 25 Ill. Reg. 6197, effective May 17, 2001; amended at 26 Ill. Reg. 13483, effective September 13, 2002; emergency amendment at 27 Ill. Reg. 16043, effective September 29, 2003, for a maximum of 150 days; emergency amendments suspended at 27 Ill. Reg. 18485, effective November 18, 2003; emergency suspension withdrawn at 28 Ill. Reg. 409, effective December 16, 2003; emergency repealed at 28 Ill. Reg. 427, effective December 16, 2003, in response to the objection and suspension of the Joint Committee on Administrative Rules; amended at 28 Ill. Reg. 807, effective December 29, 2003.

## SUBPART A: FILINGS

**Section 1075.120 Examination Fees**

- a) Time expended in the conduct of any examination of the affairs of any savings bank or service corporation pursuant to Section 9004 of The Act or applicable service corporation undertakings, respectively, shall be billed by the Commissioner at a rate of ~~\$70 \$55.00~~ per examiner hour. Such fee shall be billed within forty-five (45) days following completion of the respective examination.
- b) When out-of-state travel occurs in the conduct of any examination, the savings bank or service corporation will be billed for expenses incurred in the performance of duties. Billings for such expense shall not exceed amounts authorized pursuant to the travel regulations of the Department of Central Management Services/Governor's Travel Control Board (80 Ill. Adm. Code 2800). In the situation where examination procedures are performed at out-of-state locations, the examination fee of ~~\$70 \$55.00~~ per hour plus travel, lodging and per diem shall be assessed. Additionally, travel time shall be billed at the examination rate of ~~\$70 \$55.00~~ per hour.

(Source: Amended at 28 Ill. Reg. 807, effective December 29, 2003)

**Section 1075.130 Supervisory Fees**

- a) The Commissioner shall receive, and there shall be paid to the Commissioner by each savings bank and each service corporation operating under the Act, a fixed

## OFFICE OF BANKS AND REAL ESTATE

## NOTICE OF ADOPTED AMENDMENTS

fee of ~~\$600-\$450~~, plus a variable fee based on the total assets of each savings bank and each service corporation as shown on the financial report filed with the Commissioner for the reporting period of the prior calendar year ended December 31, 1999 and every year thereafter according to the ~~the~~ following schedule:

~~28.82¢ 22¢~~ per \$1,000 of the first \$2,000,000 of total assets,

~~26.2¢ 20¢~~ per \$1,000 of the next \$3,000,000 of total assets,

~~23.58¢ 18¢~~ per \$1,000 of the next \$5,000,000 of total assets,

~~19.65¢ 15¢~~ per \$1,000 of the next \$15,000,000 of total assets,

~~17.03¢ 13¢~~ per \$1,000 of the next \$25,000,000 of total assets,

~~14.41¢ 11¢~~ per \$1,000 of the next \$50,000,000 of total assets,

~~11.79¢ 9¢~~ per \$1,000 of the next \$400,000,000 of total assets,

~~7.86¢ 6¢~~ per \$1,000 of the next \$500,000,000 of total assets, and

~~5.24¢ 4¢~~ per \$1,000 of all total assets in excess of \$1,000,000,000 of such savings bank or service corporation.

In the situation where service corporations and/or finance subsidiaries are owned by the savings bank, the owned assets may be consolidated with the assets of the savings bank for calculation of this fee. If the finance subsidiary is not active and is in the form of a Collateralized Mortgage Obligation or a similar vehicle (Mortgage Backed Securities, Real Estate Mortgage Income Certificates, and other securitized debt instruments), the Commissioner shall waive that portion of the fee attributed to the finance subsidiary.

- b) The Commissioner shall receive and there shall be paid to the Commissioner by each savings bank a fee of ~~\$600 \$450~~ for each approved branch office or facility office established under Subpart G of this Part. The determination of such fees shall be made annually as of the close of business of the prior calendar year ended December 31.
- c) One fourth of the sum of the supervisory fee so determined shall be remitted as billed by the Commissioner. Such fees shall be for the respective current year.

## OFFICE OF BANKS AND REAL ESTATE

## NOTICE OF ADOPTED AMENDMENTS

Fees payable for the third and fourth calendar quarters of 2003 shall be recalculated using total assets as of December 31, 2002, and the amended fees provided in subsections (a) and (b) of this Section. One fourth of the sum of the supervisory fee determined based on the amended fee schedule shall be remitted as billed for the third and fourth calendar quarters of 2003.

- d) Subject to the requirements of subsection (c) of this Section for the third and fourth quarters of 2003, supervisory ~~Supervisory~~ fees shall be determined by the Commissioner following the close of the respective calendar year; however, the dates of billings shall not prejudice the validity of an invoice for any such fees billed at a later date.
- e) In the event the state charter is converted or otherwise surrendered during the year, the Commissioner shall determine the supervisory fee based on the total assets of the savings bank as of the month-end immediately preceding the cancellation of the state charter, except that the measurement date may be another date at the discretion of the Commissioner in the event a savings bank elects to liquidate. In determining whether to set another measurement date, the Commissioner shall consider the following elements: whether the savings bank is undergoing a planned liquidation (where a savings bank elects to not continue operations), or, the savings bank has transferred significant assets (more than ½ of 1 percent of the total assets at the previous measurement date).
- f) The Commissioner may waive part of the first annual supervisory fee specified under subsection (a) above, for a savings and loan association that has paid the fee for conversion to federal charter as required under the rules promulgated pursuant to the Illinois Savings and Loan Act of 1985 (38 Ill. Adm. Code 400.110(b)). Such waiver, if any is granted, shall be in accordance with the following schedule:
- 1) for conversions that were completed less than twelve months but greater than six months before the issuance of a savings bank charter, 25 percent may be waived; and
  - 2) for conversions that were completed less than six months before the issuance of a savings bank charter, 50 percent may be waived.

(Source: Amended at 28 Ill. Reg. 807, effective December 29, 2003)

**Section 1075.140 Adjusted Supervisory Fees**

## OFFICE OF BANKS AND REAL ESTATE

## NOTICE OF ADOPTED AMENDMENTS

- a) The Commissioner shall receive and there shall be paid to the Commissioner an additional fee as an adjustment to the supervisory fee specified in Section 1075.130 of this Part, to be based upon the difference between the total assets of each savings bank and each service corporation as shown by its financial report filed with the Commissioner for the reporting period of the calendar year ended December 31 on which the supervisory fee was based, and the total assets of each savings bank and each service corporation as shown by its financial report filed with the Commissioner for the reporting period of the calendar year ended December 31 in which the quarterly payments referred to in Section 1075.130 of this Part are made according to the following schedule:

~~28.82¢ 22¢~~ per \$1,000 of the first \$2,000,000 of total assets, |

~~26.2¢ 20¢~~ per \$1,000 of the next \$3,000,000 of total assets, |

~~23.58¢ 18¢~~ per \$1,000 of the next \$5,000,000 of total assets, |

~~19.65¢ 15¢~~ per \$1,000 of the next \$15,000,000 of total assets, |

~~17.03¢ 13¢~~ per \$1,000 of the next \$25,000,000 of total assets, |

~~14.41¢ 11¢~~ per \$1,000 of the next \$50,000,000 of total assets, |

~~11.79¢ 9¢~~ per \$1,000 of the next \$400,000,000 of total assets, |

~~7.86¢ 6¢~~ per \$1,000 of the next \$500,000,000 of total assets, and |

~~5.24¢ 4¢~~ per \$1,000 of all total assets in excess of \$1,000,000,000 of such savings bank or service corporation. |

In the situation where service corporations and/or finance subsidiaries are owned by the savings bank, the owned assets may be consolidated with the assets of the savings bank for calculation of this fee. If the finance subsidiary is not active and is in the form of a Collateralized Mortgage Obligation or a similar vehicle, the Commissioner shall waive that portion of the fee attributed to the finance subsidiary.

- b) Adjusted supervisory fees shall be remitted as billed by the Commissioner. In the event the total assets of each savings bank and each service corporation as reported on the earlier financial report are more than the total assets as reported on

## OFFICE OF BANKS AND REAL ESTATE

## NOTICE OF ADOPTED AMENDMENTS

the later annual report, the Commissioner shall credit the next quarterly remittance of the supervisory fee in the same proportion.

- c) In the event the state charter is converted or otherwise surrendered during the year, the Commissioner shall determine the supervisory fee based on the total assets of the savings bank as of the month-end immediately preceding the cancellation of the state charter, except that the measurement date may be another date at the discretion of the Commissioner in the event a savings bank elects to liquidate. In determining whether to set another measurement date, the Commissioner shall consider the following elements: whether the savings bank is undergoing a planned liquidation (where a savings bank elects to not continue operations); or, the savings bank has transferred significant assets (more than  $\frac{1}{2}$  of 1 percent of the total assets at the previous measurement date).

(Source: Amended at 28 Ill. Reg. 807, effective December 29, 2003)

## OFFICE OF BANKS AND REAL ESTATE

## NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Real Estate Appraiser Licensing
- 2) Code Citation: 68 Ill. Adm. Code 1455
- 3) Section Number: 1455.320                      Adopted Action: Amended
- 4) Statutory Authority: Implementing and authorized by the Real Estate Appraiser Licensing Act of 2002
- 5) Effective Date of Rulemaking: December 29, 2003
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 9) A copy of the adopted amendment, including any material incorporated by reference, is on file in the Office of Banks and Real Estate's principal office and is available for public inspection.
- 11) Notice of Proposal Published in Illinois Register: 27 Ill. Reg. 15212; October 3, 2003
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Difference between proposal and final version: OBRE has incorporated JCAR's recommendations for nonsubstantive changes.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 14) Will this rulemaking replace an emergency rulemaking currently in effect? Yes
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking: The rulemaking increases Real Estate Appraiser License fees. This rulemaking increases, by \$50, the annual and initial application fees for appraisers, appraisal schools and appraisal courses. The rulemaking is necessary to implement the budget for the 2004 State Fiscal Year.
- 17) Information and questions regarding this adopted amendment shall be directed to:

---

OFFICE OF BANKS AND REAL ESTATE

NOTICE OF ADOPTED AMENDMENT

Jeff Riley  
Legislative Liaison  
Office of Banks and Real Estate  
500 E. Monroe Street  
Springfield IL 62701  
217/782-6167

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

OFFICE OF BANKS AND REAL ESTATE

NOTICE OF ADOPTED AMENDMENT

TITLE 68: PROFESSIONS AND OCCUPATIONS  
CHAPTER II: OFFICE OF BANKS AND REAL ESTATE

PART 1455  
REAL ESTATE APPRAISER LICENSING

SUBPART A: DEFINITIONS

Section  
1455.10      Definitions

SUBPART B: LICENSING REQUIREMENTS

Section  
1455.100      Application for a State Certified General Real Estate Appraiser License and a State Certified Residential Real Estate Appraiser License; Application for an Associate Real Estate Appraiser License; Application by Non-Resident for Licensure by Reciprocity

1455.110      Application for Renewal of State Certified General Real Estate Appraiser License, State Certified Residential Real Estate Appraiser License, and Associate Real Estate Appraiser License; Late Renewal of State Certified General Real Estate Appraiser License, State Certified Residential Real Estate Appraiser License, and Associate Real Estate Appraiser License; Expiration Date

1455.120      Conversion of a State Licensed Real Estate Appraiser License to an Associate Real Estate Appraiser License; Late Conversion; No Issuance of State Licensed Real Estate Appraiser License

1455.130      Application for Temporary Practice Permit; Term of Permit; Scope of Practice; Regulatory Responsibility; Notice

1455.140      Issuance of Certificate to Real Estate Appraisers; Temporary Practice Permits

SUBPART C: EDUCATION REQUIREMENTS

Section  
1455.150      Pre-License Education Requirements; State Certified General Real Estate Appraiser; State Certified Residential Real Estate Appraiser; Associate Real Estate Appraiser; Non-Resident Pre-License Education

1455.160      Continuing Education Requirements for State Certified General Real Estate Appraiser, State Certified Residential Real Estate Appraiser, Associate Real Estate Appraiser, and State Licensed Real Estate Appraiser; Non-Resident Continuing Education Approval

## OFFICE OF BANKS AND REAL ESTATE

## NOTICE OF ADOPTED AMENDMENT

## SUBPART D: EXPERIENCE REQUIREMENTS

## Section

- 1455.170 Experience Requirements for a State Certified General Real Estate Appraiser License
- 1455.180 Experience Requirements for a State Certified Residential Real Estate Appraiser License
- 1455.190 Verification of Experience Credit
- 1455.200 Acceptable Appraisal Experience Credit

## SUBPART E: BUSINESS PRACTICES; STANDARDS AND SCOPE OF PRACTICE

## Section

- 1455.210 Notification of Name Change
- 1455.220 Assumed Name
- 1455.230 Address Change; Street Address
- 1455.240 Uniform Standards of Professional Appraisal Practice (USPAP)

## SUBPART F: ENFORCEMENT PROVISIONS

## Section

- 1455.250 Grounds for Discipline
- 1455.260 Suspension or Denial for Failure to Pay Taxes, Child Support or any Illinois-Guaranteed Student Loan
- 1455.270 Additional Education; Reporting Requirements
- 1455.280 Administrative Warning Letter
- 1455.290 Cooperation Required with OBRE
- 1455.300 Felony Convictions; Discipline of Other Professional License; Notification
- 1455.310 Unprofessional Conduct

## SUBPART G: ADMINISTRATIVE PROVISIONS

## Section

- 1455.320 Fees
- 1455.330 Granting of Variances
- 1455.340 Duties of the Director

## SUBPART H: EDUCATION PROVIDER AND COURSE PROVISIONS

## OFFICE OF BANKS AND REAL ESTATE

## NOTICE OF ADOPTED AMENDMENT

## Section

- 1455.350 Education Provider Application; Requirements  
1455.360 Pre-License Education Course Requirements of Education Providers  
1455.370 Pre-License Course Curriculum; State Certified General Real Estate Appraiser;  
State Certified Residential Real Estate Appraiser; Associate Real Estate Appraiser  
1455.380 Examples of Acceptable Pre-License Education Courses  
1455.390 Continuing Education Course Requirements of Education Providers  
1455.400 Curriculum for Continuing Education Courses; Continuing Education Credit for  
Participation Other Than as a Student  
1455.410 Distance Education  
1455.420 Expiration Date and Renewal for Education Providers and Pre-License and  
Continuing Education Courses  
1455.430 Continuing Education Reporting  
1455.440 Transcript or Certificate of Completion

## SUBPART I: TRANSITION PROVISIONS

## Section

- 1455.450 Appraiser Applicants – Transition Provisions  
1455.460 Education Providers, Pre-License and Continuing Education Courses – Transition  
Provisions

## SUBPART J: HEARINGS

## Section

- 1455.470 Applicability  
1455.480 Administrative Law Judges  
1455.490 Disqualification of an Administrative Law Judge  
  
1455.APPENDIX A Caption for a Case Filed by the Agency  
1455.APPENDIX B Caption for a Case Filed by the Petitioner

AUTHORITY: Implementing and authorized by the Real Estate Appraiser Licensing Act of 2002 [225 ILCS 458].

SOURCE: Emergency rules adopted at 16 Ill. Reg. 16196, effective September 30, 1992, for a maximum of 150 days; rules adopted at 17 Ill. Reg. 1589, effective January 26, 1993; emergency amendment at 17 Ill. Reg. 6668, effective April 19, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 13494, effective July 30, 1993; amended at 18 Ill. Reg. 2379, effective January 28, 1994; emergency amendment at 18 Ill. Reg. 3006, effective February 10, 1994, for a maximum

## OFFICE OF BANKS AND REAL ESTATE

## NOTICE OF ADOPTED AMENDMENT

of 150 days; amended at 18 Ill. Reg. 8428, effective May 24, 1994; amended at 19 Ill. Reg. 9176, effective June 26, 1995; emergency amendment at 19 Ill. Reg. 12503, effective August 16, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 16604, effective December 1, 1995; amended at 20 Ill. Reg. 6488, effective April 30, 1996; recodified from Chapter VII, Department of Professional Regulation, to Chapter VIII, Office of Banks and Real Estate, pursuant to PA 89-23 and PA 89-508, at 20 Ill. Reg. 11984; amended at 21 Ill. Reg. 1685, effective January 27, 1997; amended at 21 Ill. Reg. 5538, effective April 18, 1997; emergency amendment at 22 Ill. Reg. 4132, effective February 4, 1998, for a maximum of 150 days; emergency amendment at 22 Ill. Reg. 8534, effective April 29, 1998, for a maximum of 150 days; old Part repealed by emergency rulemaking at 22 Ill. Reg. 12979, effective July 1, 1998, for a maximum of 150 days; new Part adopted by emergency rulemaking at 22 Ill. Reg. 13011, effective July 1, 1998, for a maximum of 150 days; old Part repealed and new Part adopted at 22 Ill. Reg. 20815, effective November 20, 1998; old Part repealed at 26 Ill. Reg. 10883 and new Part adopted by emergency rulemaking at 26 Ill. Reg. 10844, effective July 1, 2002, for a maximum of 150 days; old Part repealed at 26 Ill. Reg. 17689 and new Part adopted at 26 Ill. Reg. 17692, effective November 27, 2002; emergency amendment at 27 Ill. Reg. 14653, effective August 29, 2003, for a maximum of 150 days; amended at 28 Ill. Reg. 824, effective December 29, 2003.

## SUBPART G: ADMINISTRATIVE PROVISIONS

**Section 1455.320 Fees**

- a) Initial application fee for appraiser license.
  - 1) The application fee for an initial license as a State Certified General Real Estate Appraiser, a State Certified Residential Real Estate Appraiser, and an Associate Real Estate Appraiser shall be ~~\$225~~\$175.
  - 2) In addition to the initial fee for an initial applicant as a State Certified General Real Estate Appraiser and a State Certified Residential Real Estate Appraiser prescribed in subsection (a)(1), each applicant shall pay \$75, which shall include the National Registry fee.
- b) Renewal application fee for appraiser license.
  - 1) The application fee to renew a license as a State Certified General Real Estate Appraiser, a State Certified Residential Real Estate Appraiser or a State Licensed Real Estate Appraiser shall be calculated at ~~\$250~~\$200 per year, which shall include the National Registry fees.

## OFFICE OF BANKS AND REAL ESTATE

## NOTICE OF ADOPTED AMENDMENT

- 2) The application to renew an Associate Real Estate Appraiser License shall be calculated at ~~\$150~~ \$100 per year.
  - 3) The application fee to renew a license that has expired, as a State Certified General Real Estate Appraiser, a State Certified Residential Real Estate Appraiser, an Associate Real Estate Appraiser, or a State Licensed Real Estate Appraiser, shall be the sum of all lapsed renewal fees plus a \$50 late fee.
- c) Application fee to convert a license.
- 1) The application fee to convert a license as a State Licensed Real Estate Appraiser issued pursuant to a predecessor Act to a license as an Associate Real Estate Appraiser shall be ~~\$250~~ \$200.
  - 2) The application fee to convert a license that has expired as a State Licensed Real Estate Appraiser issued pursuant to a predecessor Act to a license as an Associate Real Estate Appraiser shall be ~~\$250~~ \$200, plus a \$50 late fee.
- d) Application fee for temporary practice permit.  
The application fee for a temporary practice permit pursuant to the Act and this Part shall be ~~\$200~~ \$150. There shall be no additional fee required for an extension granted pursuant to the Act and this Part for a temporary practice permit.
- e) Initial application fee for a license as an education provider, a pre-license course, and a continuing education course.
- 1) The application fee for a license as an education provider shall be ~~\$1050~~ \$1,000, plus course application fees.
  - 2) The application fee for a license for a pre-license course shall be ~~\$150~~ \$100.
  - 3) The application fee for a license for a continuing education course shall be ~~\$100~~ \$50.
- f) Application fee to renew a license as an education provider, a pre-license course, and a continuing education course.

## OFFICE OF BANKS AND REAL ESTATE

## NOTICE OF ADOPTED AMENDMENT

- 1) The application fee to renew a license as an education provider shall be calculated at ~~\$550~~ ~~\$500~~ per year.
  - 2) The application fee to renew a license that has expired as an education provider shall be the sum of all lapsed renewal fees plus a \$50 late fee.
  - 3) The application fee to renew a license as a pre-license course shall be calculated at ~~\$100~~ ~~\$50~~ per year.
  - 4) The application fee to renew a license that has expired as a pre-license course shall be the sum of all lapsed renewal fees plus a \$50 late fee.
  - 5) The application fee to renew a license as a continuing education course shall be calculated at ~~\$75~~ ~~\$25~~ per year.
  - 6) The application fee to renew a license that has expired as a continuing education course shall be the sum of all lapsed renewal fees plus a \$50 late fee.
- g) For the purposes of determining if a license has expired under this Section, OBRE shall consider the license expired if the postmark on the renewal application is a date later than the expiration date or, if delivered other than by mail, the license shall be considered expired if the renewal application is received by OBRE on a date later than the expiration date.
- h) General.
- 1) All fees paid pursuant to the Act and this Part are non-refundable.
  - 2) The fee for the issuance of a duplicate license certificate or pocket card, for the issuance of a replacement license certificate or pocket card that has been lost or destroyed, or for the issuance of a license certificate or pocket card with a name or address change, other than during the renewal period, shall be \$25.
  - 3) The fee for a certification of a licensee's record for any purpose shall be \$25.
  - 4) The fee for a decorative wall license showing registration shall be the cost

## OFFICE OF BANKS AND REAL ESTATE

## NOTICE OF ADOPTED AMENDMENT

of producing the license.

- 5) The fee for a roster of persons licensed under the Act shall be the cost of producing the roster.
- 6) Applicants for an examination as a State Certified Real Estate Appraiser, a State Certified Residential Real Estate Appraiser, or an Associate Real Estate Appraiser shall be required to pay a fee covering the cost of providing the examination. If a designated testing service is utilized for the examination, the fee shall be paid directly to the designated testing service. Failure to appear for the examination on the scheduled date, at the time and place specified, after the applicant's application for examination has been received and acknowledged, shall result in the forfeiture of the examination fee.
- 7) The fee for requesting a waiver of any education requirement provided by the Act and this Part shall be \$50.
- 8) The fee for a copy of the transcript of any proceeding under the Act shall be the cost to produce the copy.
- 9) The fee for certifying any record, e.g., a copy of a disciplinary order or application, shall be \$1 per page.
- 10) OBRE may charge an administrative fee not to exceed \$2,000, as a part of a compliance agreement issued with an administrative warning letter pursuant to Section 1455.320 of this Part.

(Source: Amended at 28 Ill. Reg. 824, effective December 29, 2003)

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Certification of Alternative Gas Suppliers
- 2) Code Citation: 83 Ill. Adm. Code 551
- 3) 

<u>Section Numbers</u> :	<u>Adopted Action</u> :
551.10	Amendment
551.20	Amendment
551.30	Amendment
551.40	Amendment
551.70	Amendment
551.80	Amendment
551.90	Amendment
551.100	Amendment
551.110	Amendment
551.120	Amendment
551.140	Amendment
551.170	Amendment
- 4) Statutory Authority: Implementing and authorized by Section 19-110 of the Public Utilities Act [220 ILCS 5/19-110]
- 5) Effective Date of Amendments: January 1, 2004
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these amendments contain incorporations by reference? Yes
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the Commission's Springfield office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: 1/3/03 at 27 Ill. Reg. 12
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Differences between proposal and final version:  
  
Section 551.20: Add  
  
"e) The applicant shall demonstrate that it is licensed to do business in the State of Illinois."

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF ADOPTED AMENDMENTS

Section 551.50(a): Change "*shall state*" to "*may state*".

Section 551.70(b)(6): Replace originally proposed language with the following:

The alternative gas supplier shall file with the Commission and maintain procedures addressing the manner in which any disputed amount for which a residential or small commercial customer is billed may be resolved; stating that while the dispute is pending, the customer shall pay the undisputed portion of the bill or an amount equal to last year's bill at the same location for the same period, normalized for weather, whichever is greater. Any disputed amount in excess of last year's bill for the same address adjusted for weather shall not be included in the amount that must be paid by the due date. The alternative gas supplier is required to inform its customers how to contact the Commission's Consumer Services Division to pursue an unresolved dispute. The alternative gas supplier's billing statements shall include a toll-free number and other means by which a customer any contact it with inquiries or complaints.

Section 551.80(c)(2): After "year" add "adjusted for any amount of revenue expected from customer accounts purchased or under contract to be purchased from another AGS"; replace "That" with "The That"; after "revenue" add "for the applicants most recently completed fiscal year".

Section 551.80(c)(4), (d)(4), (d)(5), (d)(6), and (f)(4): Add

"E) Documents supporting any estimate of revenue from customer accounts purchased or under contract to be purchased from another AGS."

Section 551.80(d)(2): After "fiscal year", add "adjusted for any amount of revenue expected from customer accounts purchased or under contract to be purchased from another AGS"; replace "That" with "The That"; after "revenue", add "for the applicant's most recently completed fiscal year".

Section 551.80(f)(2): After "fiscal year", add "adjusted for any amount of revenue expected from customer accounts purchased or under contract to be purchased from another AGS"; replace "That" with "The That". After "revenue", add "for the applicant's most recently completed fiscal year".

Section 551.140: Add:

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF ADOPTED AMENDMENTS

- f) An AGS that has contracted to acquire customer accounts from another AGS shall, at least 15 days in advance of any acquisition, demonstrate that it maintains sufficient financial resources to provide the service for which it has received a certificate of service authority using the criteria set forth in Section 551.80(c), (d), (f) and providing an estimate of the amount of revenue expected from the customer accounts under contract to be acquired including supporting documents.

Section 551.10: In the definition of "Qualifying surety", add "or "insurance company"" after "surety".

- 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 any emergency amendments currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendments: The rulemaking updates the Part to include alternative gas suppliers that were added to the statute by PA 92-852 and deletes references to Letters of Credit as a means of reimbursing customers. On the basis of comments, the Commission is also adopting changes regarding resolution dispute.
- 16) Information and questions regarding these adopted amendments shall be directed to:

Conrad S. Rubinkowski  
Office of General Counsel  
Illinois Commerce Commission  
527 East Capitol Avenue  
Springfield, IL 62701  
(217)785-3922

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

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF ADOPTED AMENDMENTS

TITLE 83: PUBLIC UTILITIES  
CHAPTER I: ILLINOIS COMMERCE COMMISSION  
SUBCHAPTER d: GAS UTILITIESPART 551  
CERTIFICATION OF ALTERNATIVE GAS SUPPLIERS

## Section

551.10	Definitions and Incorporations
551.20	Requirements for Applicants under Section 19-110(e) of the Act
551.30	Required Filings and Procedures
551.40	Residential <u>and Small Commercial</u> Customer Records and Information
551.50	License or Permit Bond Requirements
551.60	Confidential Documentation
551.70	General Procedures for Applicants
551.80	Financial Qualifications
551.90	Technical Qualifications
551.100	Managerial Qualifications
551.110	Commission Order in Proceedings
551.120	General Procedures for Reporting Continuing Compliance with Certification Requirements
551.130	Erroneous or Defective Reports
551.140	Financial Reporting Requirements
551.150	Managerial Reporting Requirements
551.160	Technical Reporting Requirements
551.170	Information Reporting Requirements

AUTHORITY: Implementing and authorized by Section 19-110 of the Public Utilities Act [220 ILCS 5/19-110].

SOURCE: Emergency rules adopted at 26 Ill. Reg. 4018, effective March 8, 2002, for a maximum of 150 days; adopted at 26 Ill. Reg. 11446, effective August 1, 2002; amended at 28 Ill. Reg. 833, effective January 1, 2004.

**Section 551.10 Definitions and Incorporations**

## a) Definitions

“Accountant’s report” has the same meaning as in 17 CFR 210.1-02 and 210.2-02 as of April 1, 2001.

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF ADOPTED AMENDMENTS

“Act” means the Public Utilities Act [220 ILCS 5].

“Alternative gas supplier” or “AGS” has the same meaning as in Section 19-105 of the Act [220 ILCS 5/19-105].

“Applicant” means an entity that files an application with the Illinois Commerce Commission to provide residential or small commercial gas service as an alternative gas supplier under Section 19-115 of the Act [220 ILCS 5/19-115].

“Best’s financial size category” refers to a numerical value that A.M. Best or its successor assigns to an insurance company based on the amount of that insurance company’s policyholders' surplus and reserve funds.

“Best’s rating” refers to a rating from A.M. Best or its successor that provides an overall opinion of an insurance company’s ability to meet its obligations to policyholders.

“Certified”, when used in regard to financial statements, has the same meaning as in 17 CFR 210.1-02 as of April 1, 2001.

“Commission” means the Illinois Commerce Commission.

“Dekatherm” means one thousand Mcf of natural gas at one thousand British Thermal Units per cubic foot or one million British Thermal Units.

“Dun & Bradstreet Business Information Report” means a credit report on businesses published by Dun & Bradstreet or its successor.

“Dun & Bradstreet Composite Credit Appraisal” means a number, one through four (one being the highest), that reflects Dun & Bradstreet’s or its successor’s overall assessment of a firm’s creditworthiness.

“Experian Small Business Intelliscore report” means a credit report on individuals or businesses published by Experian or its successor.

“Financial statements” has the same meaning as in 17 CFR 210.3-01 to 210.3-05 as of April 1, 2001.

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF ADOPTED AMENDMENTS

“Funds from operations interest coverage” equals (cash flow from operations exclusive of changes in working capital plus gross interest expense) divided by gross interest incurred before subtraction of capitalized interest and interest income.

“Funds from operations to average total debt” equals (cash flow from operations exclusive of changes in working capital plus depreciation adjustment for operating leases) divided by the average balance of total debt.

“Guarantee” means an undertaking by a guarantor to pay or fulfill the obligation upon failure of the principal obligor to fulfill its contractual obligations. A guarantee shall contain the following provisions:

The guarantee is one of payment and not of collection;

The guarantor’s obligations under the guarantee are weighed equally with other guarantees;

The obligations from transactions entered into under the original guarantee must be the subject of an ongoing guarantee;

The guarantee reinstates if any guaranteed payment made by the primary obligor is recaptured as a result of bankruptcy or insolvency; and

The guarantee is binding on successors of the guarantor.

“Intelliscore” means a score range from 0 to 100 that reflects Experian’s assessment of the likelihood of an individual or business becoming seriously delinquent on its outstanding obligations, as reported in the Experian Small Business Intelliscore report.

“Letter of credit” means an instrument issued by a bank guaranteeing the payment of a customer’s (i.e., the applicant or AGS) drafts in favor of a third party up to a stated amount for a specified period.

“License bond” or “Permit bond” means an obligation of a surety to pay the monies that the licensee owes the State of Illinois for violations of the duties and obligations imposed on it as an AGS.

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF ADOPTED AMENDMENTS

“Management position” means an employed position whereby an individual is responsible for directing, supervising, or administering the activities of a group of two or more people with fiscal responsibility and authority over that group.

"Material" has the same meaning as in 17 CFR 210.1-02 as of April 1, 2001.

“Mcf” means one thousand cubic feet at 14.73 pounds per square inch and 60 degrees Fahrenheit and free of water vapor.

"Parent" has the same meaning as in 17 CFR 210.1-02 as of April 1, 2001.

“Payment bond” means an obligation of a surety to pay the monies that the principal (i.e., the applicant or AGS) owes another party in the event that the applicant or AGS fails for whatever reason to perform its contracts.

“PAYDEX Score” is a number from 1 to 100 that represents Dun & Bradstreet’s assessment of a company’s payment performance, as reported in the Dun & Bradstreet Business Information Report.

“Pre-tax interest coverage” equals earnings from continuing operations before interest and taxes divided by gross interest incurred before subtraction of capitalized interest and interest income.

“Qualifying surety” or "insurance company" means a surety or insurer that is authorized by the U.S. Department of the Treasury pursuant to 31 USC 9305. A qualifying surety or insurer may not underwrite more than the amount specified by the U.S. Department of the Treasury on a single bond.

“Ratings agency” means Standard & Poor's or its successor, Moody’s Investors Service or its successor, or Fitch Ratings or its successor.

“Residential customer”, as used in this Part, means the same as the term is defined in Section 19-105 of the Act.

“Segment” refers to a component of an entity whose activities represent a separate major line of business or class of residential or small commercial customer.

“Small commercial customer”, as used in this Part, means the same as the term is defined in Section 19-105 of the Act.

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF ADOPTED AMENDMENTS

“Surplus Line Association of Illinois” is an organization of Illinois surplus line producers as defined in Section 445.1 of the Illinois Insurance Code [215 ILCS 5/445.1].

“Technical staff” means a staff of trained technical experts in gas and energy supply, including persons who have completed an accredited or otherwise recognized apprenticeship program or a formal education program and persons who possess no less than four years of experience working in a similar position with a utility, AGS or related business. This shall also include those persons registered as professional engineers as required by the Professional Engineering Practice Act of 1989 [225 ILCS 325].

“Total debt” equals notes payable plus the current portion of long-term debt, preferred stock and capitalized lease obligations plus long-term debt plus capitalized lease obligations plus total off balance sheet debt.

“Total debt to total capitalization” equals total debt divided by (total debt, plus minority interest, plus total preferred and preference stock, plus common equity).

“Unconditional guarantee” has the same meaning as “guarantee” with these additional provisions:

The guarantor has subjected itself to jurisdiction and service of process in accordance with the laws of the State of Illinois, and the guarantee will be construed in accordance with the laws of the State of Illinois without reference to conflict of laws principles; and

The guaranteed obligations are unconditional, irrespective of value, genuineness, validity, waiver, release, alteration, amendment, and enforceability of the guaranteed obligations.

- b) Incorporations by Reference. No incorporation by reference in this Part includes any later amendment or edition beyond the date stated.

(Source: Amended at 28 Ill. Reg. 833, effective January 1, 2004)

**Section 551.20 Requirements for Applicants under Section 19-110(e) of the Act**

Each applicant for certification as an AGS shall include with its application the following items, as required by Section 19-110(e) of the Act [220 ILCS 5/19-110(e)]:

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF ADOPTED AMENDMENTS

- a) The applicant shall certify that it *will comply with all applicable Federal, State, regional and industry rules, policies, practices, procedures* and tariffs for the use, operation, maintenance, safety, integrity, and reliability of the interstate natural gas system and shall agree to submit good faith schedules of natural gas deliveries in accordance with applicable tariffs.
- b) The applicant shall certify that it will provide service to residential or small commercial customers that are eligible to take service from an AGS.
- c) The applicant shall certify that it *will comply with informational and reporting requirements that the Commission may by rule establish*. [220 ILCS 5/19-110(e)]
- d) The applicant shall certify compliance with all other applicable laws and regulations and Commission rules and orders.
- e) The applicant shall demonstrate that it is licensed to do business in the State of Illinois.

(Source: Amended at 28 Ill. Reg. 833, effective January 1, 2004)

**Section 551.30 Required Filings and Procedures**

- a) The applicant shall publish, as provided by the Notice by Publication Act [715 ILCS 5], notice of its application for certification in the Official State Newspaper within 10 days following the filing of the application for certification. The applicant shall file proof of publication with the Clerk of the Commission.
- b) All applications for certification under this Part shall be verified as required by Section 200.130 of the Commission's "Rules of Practice" (83 Ill. Adm. Code 200.130).
- c) *The applicant shall identify the geographic area or geographic areas in which the applicant seeks to be authorized to offer service and the types of services it intends to offer.* [220 ILCS 5/19-110(d)] The applicant shall provide the following:
  - 1) Description of the applicant's business.

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF ADOPTED AMENDMENTS

- 2) Description of the characteristics of residential or small commercial customer groups the applicant proposes to serve.
  - 3) Proof that notification of an intent to serve in any allowed gas utility's service area has been previously provided to the agent designated by the gas utility pursuant to 83 Ill. Adm. Code 215.10 of each gas utility in whose service area the applicant intends to serve.
- d) Itemized filing requirements
- 1) At the time an AGS files an application for certification under this Part, the applicant shall also file its statement in support of application, supporting documents, and schedules containing information showing that the applicant meets the requirements of Section 19-110 of the Act.
  - 2) The applicant shall certify compliance with all terms and conditions required by Section 19-115 of the Act, to the extent that Section has application to the services being offered by the AGS.
- e) Contents of documents shall be consistent with Subpart B of the Commission's "Rules of Practice" (83 Ill. Adm. Code 200: Subpart B).

(Source: Amended at 28 Ill. Reg. 833, effective January 1, 2004)

**Section 551.40 Residential and Small Commercial Customer Records and Information**

- a) The applicant shall agree to adopt and follow rules and procedures ensuring that authorizations received from residential or small commercial customers, ~~residential~~ customer billing records, and requests for service transmitted to utilities are retained for a period of not less than two calendar years after the calendar year in which they were created. In addition to other lawful means of discovery, these records shall be made available by request to the Commission or its Staff on a confidential and proprietary basis, as necessary to carry out the Commission's obligations under the Act.
- b) The applicant shall preserve the confidentiality of its residential and small commercial customers' data and shall agree to adopt and follow rules and procedures to preserve the confidentiality of those ~~its residential~~ customers' data.

(Source: Amended at 28 Ill. Reg. 833, effective January 1, 2004)

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF ADOPTED AMENDMENTS

**Section 551.70 General Procedures for Applicants**

- a) *An applicant that seeks to serve residential or small commercial customers within a geographic area that is smaller than a gas utility's service area shall demonstrate that the designation of this smaller area does not violate any part of Section 19-115 of the Act [220 ILCS 5/19-115]. An applicant may shall state in its application for certification any limitations that will be imposed on the number of residential or small commercial customers or maximum load to be served [220 ILCS 5/19-110(d)] and certify that it will not deny service to a residential or small commercial customer or group of customers nor establish any differences as to prices, terms, conditions, services, products, facilities, or in any other respect, whereby such denial or differences are based upon race, gender or income nor deny service to a residential or small commercial customer or group of customers based on locality nor establish any unreasonable difference as to prices, terms, conditions, services, products, or facilities as between localities. [220 ILCS 5/19-115(e)]*
- b) *The applicant shall certify that it will comply with the following requirements with respect to the marketing, offering and provision of products or services to residential and small commercial customers:*
- 1) *Any marketing materials that make statements concerning prices, terms and conditions of service shall contain information that adequately discloses the prices, terms and conditions of the products or services that the alternative gas supplier is offering or selling to the residential or small commercial customer.*
  - 2) *Before any residential or small commercial customer is switched from another supplier, the alternative gas supplier shall give the customer written information that adequately discloses, in plain language, the prices, terms and conditions of the products and services being offered and sold to the customer.*
  - 3) *The alternative gas supplier shall provide to the residential customer accurate, timely, and itemized billing statements that describe the products and services provided to the customer and their prices and that specify the gas consumption amount and any service charges and taxes; and an additional statement, at least annually, that adequately discloses*

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF ADOPTED AMENDMENTS

*the average monthly prices, and the terms and conditions, of the products and services sold to the residential customer. ~~[220 ILCS 5/19-115(f)]~~*

- 4) The alternative gas supplier shall provide refunds of any deposits with interest within 30 days after the date that the residential or small commercial customer changes gas suppliers or discontinues service if the customer has satisfied all of its outstanding financial obligations to the alternative gas supplier at an interest rate set by the Commission which shall be the same as that required of gas utilities.*
- 5) The alternative gas supplier shall provide timely refunds of any undisputed overpayments upon oral or written request of the residential or small commercial customer. [220 ILCS 5/19-115(f)]*
- 6) The alternative gas supplier shall file with the Commission and maintain procedures addressing the manner in which any disputed amount for which a residential or small commercial customer is billed may be resolved, stating that while the dispute is pending, the customer shall pay the undisputed portion of the bill or an amount equal to last year's bill at the same location for the same period, normalized for weather, whichever is greater. Any disputed amount in excess of last year's bill for the same address adjusted for weather shall not be included in the amount that must be paid by the due date. The alternative gas supplier is required to inform its customers how to contact the Commission's Consumer Services Division to pursue an unresolved dispute. The alternative gas supplier's billing statements shall include a toll-free number and other means by which a customer may contact it with inquiries or complaints.*
- 7) The alternative gas supplier shall inform its residential and small commercial customers how to contact the Commission to obtain consumer education materials provided pursuant to Section 19-125 of the Act. [220 ILCS 5/19-125(b)]*

(Source: Amended at 28 Ill. Reg. 833, effective January 1, 2004)

**Section 551.80 Financial Qualifications**

An applicant shall be deemed to possess sufficient financial resources to be certified as an AGS able to serve available residential or small commercial customers if it meets any of the following criteria:

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF ADOPTED AMENDMENTS

- a) The applicant provides a copy of a Dun & Bradstreet Business Information Report that demonstrates, at a minimum, that the applicant has a Composite Credit Appraisal of “3” or lower and a PAYDEX score of “70” or higher. If the applicant does not have a Dun & Bradstreet Composite Credit Appraisal, the applicant provides a copy of an Experian Small Business Intelliscore report that demonstrates, at a minimum, that the applicant has an Intelliscore of “63” or higher. At the time of application for certification, the report shall be no more than 30 days old.
- b) The applicant maintains at least one of the following short-term credit ratings: A-2 or higher from Standard & Poor’s or its successor, P-2 or higher from Moody’s Investors Service or its successor, or F-2 or higher from Fitch Ratings or its successor; or at least one of the following long-term credit ratings: BBB- or higher from Standard & Poor’s or its successor, Baa3 or higher from Moody’s Investors Service or its successor, or BBB- or higher from Fitch Ratings or its successor. The applicant shall provide with its application a copy of the ratings agency reports that present the ratings of the applicant.
- c) The applicant maintains a borrowing agreement with an affiliate.
  - 1) The affiliate must have at least one of the following short-term credit ratings: A-2 or higher from Standard & Poor’s or its successor, P-2 or higher from Moody’s Investors Service or its successor, or F-2 or higher from Fitch Ratings or its successor; or at least one of the following long-term credit ratings: BBB- or higher from Standard & Poor’s or its successor, Baa3 or higher from Moody’s Investors Service or its successor, or BBB- or higher from Fitch Ratings or its successor.
  - 2) The amount of credit available to the applicant under the borrowing agreement shall be no less than the greater of \$500,000 or 5% of the amount of the applicant’s revenue for its most recently completed fiscal year adjusted for any amount of revenue expected from customer accounts purchased or under contract to be purchased from another AGS. The That amount of revenue for the applicant's most recently completed fiscal year must appear in the applicant’s certified financial statements, or those of the applicant’s parent, that have received an accountant’s report that certifies those financial statements to be free of material misstatement. If the applicant is using the certified financial statements of its parent, the amount of credit available under the borrowing agreement shall be

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF ADOPTED AMENDMENTS

determined using the applicable revenue amount from the segment information section of the certified financial statements of the applicant's parent.

- A) If the applicant is listed separately in the segment information section, the applicant's revenue shall be used.
  - B) If the segment information section is broken down by operation, or other means, the revenue for the entire segment of which the applicant is part shall be used, unless a certified breakdown of the segment by company is provided.
- 3) The borrowing agreement shall be valid for a period of not less than one year.
- 4) The applicant shall provide a copy of the following:
- A) The ratings agency reports that present the ratings of the affiliate with which the applicant maintains the borrowing agreement;
  - B) The borrowing agreement;
  - C) The applicant's certified financial statements, or those of the applicant's parent, as applicable; ~~and~~
  - D) The accountant's report for the applicant's certified financial statements or those of the applicant's parent, as applicable; ~~and~~.
  - E) Documents supporting any estimate of revenue from customer accounts purchased or under contract to be purchased from another AGS.
- d) The obligations of the applicant to unaffiliated companies arising from the acquisition of natural gas that can be delivered to residential or small commercial customers in the State of Illinois, for sale or lease or in exchange for other value received are covered under a guarantee, payment bond, or letter of credit.
- 1) This option is only available to an applicant that will engage in activities that could result in the applicant holding an ownership interest in or taking

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF ADOPTED AMENDMENTS

title to natural gas for the purpose of sale or resale to Illinois residential or small commercial customers.

- 2) The guarantee, payment bond, or letter of credit shall be in an amount that is no less than the greater of \$500,000 or 5% of the amount of the applicant's revenue from the sale of natural gas for the most recently completed fiscal year adjusted for any amount of revenue expected from customer accounts purchased or under contract to be purchased from another AGS. The ~~That~~ amount of revenue for the applicant's most recently completed fiscal year must appear in the applicant's certified financial statements, or those of the applicant's parent, that have received an accountant's report that certifies those financial statements to be free of material misstatement. If the applicant is using the certified financial statements of its parent, the amount of credit available under the borrowing agreement shall be determined using the applicable revenue amount from the segment information section of the certified financial statements of the applicant's parent.
  - A) If the applicant is listed separately in the segment information section, the applicant's revenue shall be used.
  - B) If the segment information section is broken down by operation, or other means, the revenue for the entire segment of which the applicant is part shall be used, unless a certified breakdown of the segment by company is provided.
- 3) The guarantee, payment bond, or letter of credit shall be valid for a period of not less than one year.
- 4) Guarantee. The guarantor shall be an affiliate of the applicant that maintains at least one of the following short-term credit ratings: A-2 or higher from Standard & Poor's or its successor, P-2 or higher from Moody's Investors Service or its successor, or F-2 or higher from Fitch Ratings or its successor; or at least one of the following long-term credit ratings: BBB- or higher from Standard & Poor's or its successor, Baa3 or higher from Moody's Investors Service or its successor, or BBB- or higher from Fitch Ratings or its successor. The guarantee shall obligate the guarantor to make contractually required payment, net of set-offs for any amounts owed to the applicant, to the supplier for services rendered or gas

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF ADOPTED AMENDMENTS

supplied in the event the applicant defaults. The applicant shall provide a copy of the following:

- A) The ratings agency reports that present the ratings of the affiliate that is the guarantor;
  - B) The guarantee; ~~and~~
  - C) The applicant's certified financial statements, or those of the applicant's parent, as applicable, including the accountant's report. If the amount of the guarantee is without dollar limitation, neither the applicant's certified financial statements, nor those of the applicant's parent, are required; ~~and-~~
  - D) Documents supporting any estimate of revenue from customer accounts purchased or under contract to be purchased from another AGS.
- 5) Payment Bond. An applicant using a payment bond or payment bonds shall provide a copy of the following:
- A) The payment bonds;
  - B) The certified financial statements of the applicant or those of the applicant's parent, as applicable; ~~and~~
  - C) The accountant's report for the certified financial statements of the applicant or those of the applicant's parent, as applicable; ~~and-~~
  - D) Documents supporting any estimate of revenue from customer accounts purchased or under contract to be purchased from another AGS.
- 6) Letter of Credit. The letter of credit shall be irrevocable and issued by a financial institution with a long-term obligation rating of A- or higher from Standard & Poor's or its successor, A3 or higher from Moody's Investors Service or its successor, or A- or higher from Fitch Ratings or its successor. The applicant shall provide a copy of the following:
- A) The letter of credit;

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF ADOPTED AMENDMENTS

- B) The ratings agency report that presents the long-term obligation rating of the financial institution extending the credit;
  - C) The certified financial statements of the applicant or those of the applicant's parent, as applicable; ~~and~~
  - D) The accountant's report for the certified financial statements of the applicant or those of the applicant's parent, as applicable; ~~and~~
  - E) Documents supporting any estimate of revenue from customer accounts purchased or under contact to be purchased from another AGS.
- e) The applicant certifies that it will offer to reimburse its Illinois residential and small commercial customers for the additional costs those customers incur to acquire natural gas as a result of the applicant's failure to comply with a contractual obligation to supply such energy. The applicant's prospective obligation to reimburse Illinois residential and small commercial customers shall be covered by an unconditional guarantee, or payment bond, ~~or letter of credit~~. Any dollar limitation on the unconditional guarantee, or payment bond, ~~or letter of credit~~ shall equal not less than an estimate of the maximum monthly number of Mcf of natural gas the applicant expects to schedule over the next 12 months times the 12-month average of the "Average City Gate Price, by State" for Illinois, as disclosed for the most recent 12-month period in the Energy Information Administration's (EIA) "Natural Gas Monthly". The most recent 12 months of data is available on the EIA's internet website (www.eia.doe.gov). The Average City Gate Price used shall be from not more than 28 days prior to the date of the application. The unconditional guarantee, or payment bond, ~~or letter of credit~~ shall be valid for a period of not less than one year.
- 1) Unconditional Guarantee. The guarantor shall be an affiliate of the applicant that maintains at least one of the following short-term credit ratings: A-2 or higher from Standard & Poor's or its successor, P-2 or higher from Moody's Investors Service or its successor, or F-2 or higher from Fitch Ratings or its successor; or at least one of the following long-term credit ratings: BBB- or higher from Standard & Poor's or its successor, Baa3 or higher from Moody's Investors Service or its successor, or BBB- or higher from Fitch Ratings or its successor. The applicant shall provide a copy of the following:

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF ADOPTED AMENDMENTS

- A) The ratings agency reports that present the ratings of the affiliate that is the guarantor;
  - B) The unconditional guarantee; and
  - C) A good faith estimate of the maximum daily amount of natural gas in dekatherms the applicant will schedule during the remainder of the current calendar year.
- 2) Payment Bond. The payment bond or payment bonds shall be issued by a qualifying surety authorized to transact business in the State of Illinois or by a surety whose Best's rating is A- or better and whose Best's financial size category is VII or larger, and whose contract of insurance is issued pursuant to Section 445 or 445a of the Illinois Insurance Code [215 ILCS 5/445 or 445a] and countersigned by the Surplus Line Association of Illinois or its successor. The applicant shall provide a copy of the following:
- A) The payment bonds or the contract of insurance with the countersignature of the Surplus Line Association of Illinois or its successor as applicable; and
  - B) A good faith estimate of the maximum daily amount of natural gas in dekatherms the applicant will schedule during the remainder of the current calendar year for residential and small commercial customers.~~3)Letter of Credit. The letter of credit shall be irrevocable and issued by a financial institution with a long-term obligation rating of A- or higher from Standard & Poor's or its successor, A3 or higher from Moody's Investors Service or its successor, or A- or higher from Fitch Ratings or its successor. The applicant shall provide a copy of the following: A)The letter of credit;B)The ratings agency report that presents the long-term obligation rating of the financial institution extending the credit; andC)A good faith estimate of the maximum daily amount of natural gas in dekatherms the applicant will schedule during the remainder of the current calendar year for residential customers.~~
- f) The applicant maintains a line of credit or revolving credit agreement.

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF ADOPTED AMENDMENTS

- 1) The line of credit or revolving credit agreement must be from a financial institution with a long-term obligation rating of A- or higher from Standard & Poor's or its successor, A3 or higher from Moody's Investors Service or its successor, or A- or higher from Fitch Ratings or its successor.
- 2) The amount of the line of credit or revolving credit agreement shall be no less than the greater of \$500,000 or 5% of the amount of the applicant's revenue for the most recently completed fiscal year adjusted for any amount of revenue expected from customer accounts purchased or under contract to be purchased from another AGS. ~~The That~~ amount of revenue for the applicant's most recently completed fiscal year must appear in the applicant's certified financial statements, or those of the applicant's parent, that have received an accountant's report that certifies those financial statements to be free of material misstatement. If the applicant is using the certified financial statements of its parent, the amount of credit available under the borrowing agreement shall be determined using the applicable revenue amount from the segment information section of the certified financial statements of the applicant's parent.
  - A) If the applicant is listed separately in the segment information section, the applicant's revenue shall be used.
  - B) If the segment information section is broken down by operation, or other means, the revenue for the entire segment of which the applicant is part shall be used, unless a certified breakdown of the segment by company is provided.
- 3) The line of credit or revolving credit agreement shall be valid for a period of not less than one year.
- 4) The applicant shall provide a copy of the following:
  - A) The line of credit or revolving credit agreement;
  - B) The ratings agency report that presents the long-term obligation rating of the financial institution extending the credit;
  - C) The applicant's certified financial statements, or those of the applicant's parent, as applicable; ~~and~~

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF ADOPTED AMENDMENTS

- D) The accountant's report for the applicant's certified financial statements, or those of the applicant's parent, as applicable; ~~and-~~
- E) Documents supporting any estimate of revenue from customer accounts purchased or under contract to be purchased from another AGS.
- g) The applicant earns 12 points on the financial ratios set forth in subsection (g)(1):
- 1) Financial Ratios
- A) Pre-Tax Interest Coverage (rounded to the nearest 0.1)
- 4.4 or above: 5 points  
3.9 to 4.3: 4 points  
3.4 to 3.8: 3 points  
2.9 to 3.3: 2 points  
2.4 to 2.8: 1 point  
2.3 or below: 0 points
- B) Funds from Operations Interest Coverage (rounded to the nearest 0.1)
- 4.9 or above: 5 points  
4.4 to 4.8: 4 points  
3.9 to 4.3: 3 points  
3.4 to 3.8: 2 points  
2.9 to 3.3: 1 point  
2.8 or below: 0 points
- C) Funds from Operations to Average Total Debt (rounded to the nearest 1%)
- 38% or above: 5 points  
33% to 37%: 4 points  
28% to 32%: 3 points  
23% to 27%: 2 points  
18% to 22%: 1 point  
17% or below: 0 points

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF ADOPTED AMENDMENTS

## D) Total Debt to Total Capitalization (rounded to the nearest 1%)

50% or below: 5 points

51% to 53%: 4 points

54% to 56%: 3 points

57% to 59%: 2 points

60% to 62%: 1 point

63% or above: 0 points

## 2) The applicant shall provide the following:

A) The applicant's certified financial statements for its most recently completed fiscal year;

B) The accountant's report for the applicant's certified financial statements; and

C) A schedule showing the calculation of each financial ratio with a reference to the applicant's certified financial statements provided for each input of the calculation.

(Source: Amended at 28 Ill. Reg. 833, effective January 1, 2004)

**Section 551.90 Technical Qualifications**

- a) An applicant that uses natural gas transmission or distribution facilities that it owns, controls, or operates in serving customers shall be deemed to possess sufficient technical capabilities to serve residential or small commercial customers if it maintains a technical staff on duty or on call 24 hours each day to operate and maintain applicant's facilities as needed, and meets the criteria in subsections (b) and (c) of this Section.
- b) An applicant shall be deemed to possess sufficient technical capabilities to serve residential or small commercial customers if it has individuals on its staff with demonstrated four years natural gas sales experience and two years experience working with rules and practices established by the Gas Industry Standards Board North American Energy Standards Board or its successor.

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF ADOPTED AMENDMENTS

- c) The applicant shall include in its application an exhibit containing occupational background information on the persons who are being used to meet the requirements of this Section.
- d) In the event the applicant does not meet the length of experience qualifications set forth in subsection (b), the applicant shall demonstrate the extent its technical resources and abilities match the services that it intends to provide to its residential or small commercial customers. The Commission may impose such terms and conditions as deemed necessary in order to insure the applicant is technically qualified, commensurate with the anticipated scope of the service to be provided and residential or small commercial customers to be served.

(Source: Amended at 28 Ill. Reg. 833, effective January 1, 2004)

**Section 551.100 Managerial Qualifications**

An applicant shall be deemed to possess sufficient managerial capabilities to serve residential or small commercial customers if it has two or more individuals in management positions with four or more years demonstrated experience in a management position with enterprise financial and administration responsibilities including profit and loss responsibilities and four years natural gas sales experience, and provides the information required in subsections (a) and (b) of this Section.

- a) The applicant shall include in its application an exhibit containing occupational background information on the persons who are being used to meet the requirements of this Section.
- b) The applicant shall include in its application an exhibit containing a corporate organizational chart and indicating the position of persons indicated in subsection (a) of this Section.
- c) In the event the applicant does not meet the managerial qualifications set forth in this Section, the applicant shall demonstrate the extent its managerial resources and abilities match the services that it intends to provide to its residential or small commercial customers. The Commission may impose such terms and conditions as deemed necessary in order to insure the applicant is managerially qualified, commensurate with the anticipated scope of the service to be provided and residential or small commercial customers to be served.

(Source: Amended at 28 Ill. Reg. 833, effective January 1, 2004)

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF ADOPTED AMENDMENTS

**Section 551.110 Commission Order in Proceedings**

The Commission shall issue an order granting or denying an application within 45 days after the date on which a complete application has been filed with the Commission and notice of the application's filing is published in the Official State Newspaper as provided by the Notice of Publication Act [715 ILCS 5], provided that the Commission can extend the time for considering an application filed under this Part by up to 90 days, and can schedule a hearing on such an application. The Commission shall extend the time for considering an application and schedule a hearing if:

- a) The applicant has proposed limitations on the number of residential or small commercial customers or the amount of load to be served;
- b) A party to the application proceeding has formally requested that the Commission hold hearings in a pleading that contains a verified prima facie showing that one or more of the allegations or certifications in the application is false or misleading;
- c) Other facts or circumstances exist that will necessitate additional time or evidence in order to determine whether a certificate should be issued; or
- d) The applicant has proposed to serve an area smaller than the service area of a gas utility.

(Source: Amended at 28 Ill. Reg. 833, effective January 1, 2004)

**Section 551.120 General Procedures for Reporting Continuing Compliance with Certification Requirements**

- a) An AGS shall continue to remain in compliance with the provisions of the Act and this Part, as now or hereafter amended. If an AGS received a certificate before the effective date of any provision of this Part, that provision applies to applicants seeking certification to serve residential or small commercial customers with the same natural gas demand or usage characteristics as the AGS serves, the AGS shall demonstrate that it has come into compliance with such provision no later than January 31 of the year following the year during which such amendment took effect.
- b) All reports required under this Part shall be under oath and shall be filed with the Chief Clerk of the Commission with copies provided to the Commission's

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF ADOPTED AMENDMENTS

Director of the Energy Division or its successor and the Commission's Director of the Financial Analysis Division or its successor. The reports shall be identified with the name of the AGS as it appears in the most recent Commission order granting the AGS certification.

- c) All reports made to the Commission by an AGS and the contents thereof shall be open to public inspection, unless otherwise ordered by the Commission. Such reports shall be preserved in the office of the Commission.

(Source: Amended at 28 Ill. Reg. 833, effective January 1, 2004)

**Section 551.140 Financial Reporting Requirements**

The AGS shall provide a copy of only those documents that the AGS requires to demonstrate that it continues to possess sufficient financial resources to serve the residential or small commercial customers for which it has received a certificate of service authority. The applicable documents shall be submitted at the times specified below:

- a) An AGS that seeks to demonstrate that it maintains sufficient financial resources to provide the services for which it has received a certificate of service authority using the criteria set forth in Section 551.80(a) shall submit an updated copy of a Dun & Bradstreet Business Information Report that demonstrates, at a minimum, that the AGS has a Composite Credit Appraisal of "3" or lower and a PAYDEX score of "70" or higher. If the AGS does not have a Dun & Bradstreet Composite Credit Appraisal, the AGS shall file an updated copy of an Experian Small Business Intelliscore report that demonstrates, at a minimum, that the AGS has an Intelliscore of "63" or higher. The applicable updated report shall be filed between January 1 and January 31 of each year. The report shall be no more than 30 days old at the date of the annual filing.
- b) An AGS that seeks to demonstrate that it maintains sufficient financial resources to provide the services for which it has received a certificate of service authority using the criteria set forth in Section 551.80(b), (c), (d)(4), (d)(6), (e)(1), (e)(3), or (f) shall submit a copy of the latest ratings report presenting the short-term or long-term credit or obligation ratings of the AGS, creditors, affiliates, or guarantors, as applicable, from the ratings agencies between January 1 and January 31 of each year and within 15 days following any downgrade of such ratings previously filed with the Commission to a rating below A-1 or A-, if issued from Standard & Poor's or its successor, P-1 or A3, if issued from Moody's Investors Service or its successor, or F-1 or A-, if issued from Fitch

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF ADOPTED AMENDMENTS

Ratings or its successor. Within 30 days after a downgrade of the short-term or long-term credit or obligation ratings of the AGS or its creditors, affiliates, or guarantors, as applicable, to a level below the minimum required under this Part, the AGS shall submit a report that identifies the subsection under which the AGS is seeking to demonstrate that its financial resources remain sufficient for providing the services for which it has received a certificate of service authority and includes the information and documents that subsection requires.

- c) An AGS that seeks to demonstrate that it maintains sufficient financial resources to provide the services for which it has received a certificate of service authority using the criteria set forth in Section 551.80(c), (d), (e), or (f) shall submit a copy of any modified, replacement or additional borrowing agreements, unconditional guarantees, lines of credit, revolving credit agreements, payment bonds, and letters of credit, as applicable, at least 15 days in advance of any modification, cancellation or expiration of the financial agreements.
- d) Between January 1 and January 31 of each year, an AGS that seeks to use the criteria specified in Section 551.80(d), to demonstrate that it maintains sufficient financial resources to provide the services for which it has received a certificate of service authority shall provide the maximum daily amount of natural gas scheduled in dekatherms during the previous calendar year and the date on which that amount was scheduled. If the AGS has been serving Illinois residential or small commercial customers for less than 12 months, the AGS shall also provide an estimate of the maximum daily amount of natural gas in dekatherms it will schedule during the current calendar year.
- e) An AGS that seeks to demonstrate that it maintains sufficient financial resources to provide the services for which it has received a certificate of service authority using the criteria set forth in Section 551.80(c), (d), (f), or (g) shall submit a copy of its certified financial statements, or those of its parent, and accountant's report, as applicable, within 120 days after the close of its fiscal year.
- f) An AGS that has contracted to acquire customer accounts from another AGS shall, at least 15 days in advance of any acquisition, demonstrate that it maintains sufficient financial resources to provide the service for which it has received a certificate of service authority using the criteria set forth in Section 551.80(c), (d) or (f) and providing an estimate of the amount of revenue expected from the customer accounts under contract to be acquired, including supporting documents.

(Source: Amended at 28 Ill. Reg. 833, effective January 1, 2004)

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF ADOPTED AMENDMENTS

**Section 551.170 Information Reporting Requirements**

No later than March 1 of every year, each AGS shall file with the Chief Clerk of the Commission, and provide to the Commission's Director of the Energy Division or its successor, a report stating the total annual dekatherms delivered and sold to residential and small commercial customers within each utility service territory in the preceding calendar year and the total revenues associated with the sale of natural gas to residential and small commercial customers within each utility service territory in the preceding calendar year. An AGS shall also provide any information and answer any questions upon request of the Commission.

(Source: Amended at 28 Ill. Reg. 833, effective January 1, 2004)

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Telecommunications Access for Persons with Disabilities
- 2) Code Citation: 83 Ill. Adm. Code 755
- 3) 

<u>Section Numbers</u> :	<u>Adopted Action</u> :
755.10	Amendment
755.11	New Section
755.15	Amendment
755.100	Amendment
755.105	Amendment
755.110	Amendment
755.115	Amendment
755.120	Amendment
755.125	Repeal
755.126	Repeal
755.130	Amendment
755.135	Amendment
755.145	Repeal
755.200	Amendment
755.205	Amendment
755.210	Amendment
755.220	Amendment
755.225	Amendment
755.230	Amendment
755.300	Amendment
755.305	Amendment
755.310	Amendment
755.400	Amendment
755.405	Amendment
755.410	Amendment
755.415	Amendment
755.500	Amendment
755.505	Amendment
755.510	Amendment
755.515	Amendment
755.520	Amendment
755.EXHIBIT E	Amendment
755.EXHIBIT F	Amendment
755.EXHIBIT I	Amendment
755.EXHIBIT J	Repeal

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF ADOPTED AMENDMENTS

755.EXHIBIT K	Repeal
755.EXHIBIT L	Amendment
755.EXHIBIT M	Repeal
755.EXHIBIT N	Repeal

- 4) Statutory Authority: Implementing Section 13-703 and authorized by Section 10-101 of the Public Utilities Act [220 ILCS 5/13-703 and 10-101]
- 5) Effective Date of Amendments: January 1, 2004
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these amendments contain incorporations by reference? Yes
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the Commission's Springfield office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: 6/13/03 at 27 Ill. Reg. 9061
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Differences between proposal and final version:  

Section 755.10: In the definition of "Subscriber lines", add "For customer bills issued before June 1, 2004, in calculating charges on subscriber lines, each centrex line shall be equivalent to one-tenth of a residence or business access line."

Section 755.100(b): Replace "18 months after the effective date of this amendment" with "July 1, 2005".

Section 755.105(a): Change "No later than July 1, 2004, each" to "Each".

Section 755.105(a): Change "Carriers" to "Until July 1, 2004, carriers that provide the resale of telecommunications services (as defined in Section 13-211 of the Act [220 ILCS 5/13-211]) may satisfy this requirement through contractual arrangements with incumbent local exchange carriers (as defined in Section 13.202-5 of the Act [220 ILCS 5/13-202.5]). All carriers".
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF ADOPTED AMENDMENTS

- 13) Will these amendments replace any emergency amendments currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendments: The Commission adopted Part 755 to implement Section 13-703 of the Public Utilities Act. Section 13-703 requires the Commission to

design and implement a program whereby each telecommunications carrier providing local exchange service shall provide a telecommunications device capable of servicing the needs of those persons with a hearing or speech disability together with a single party line, at no charge additional to the basic exchange rate, to any subscriber who is certified as having a hearing or speech disability by a licensed physician, speech-language pathologist, audiologist or a qualified State agency and to any subscriber which is an organization serving the needs of those persons with a hearing or speech disability as determined and specified by the Commission....

The Commission originally adopted Part 755 in 1988, amending it since the original adoption.

The rules were restrictive regarding the criteria that equipment must meet in order to be offered to the beneficiaries of the program. Commission Staff worked with the Illinois Telecommunications Access Corporation ("ITAC") to draft amendments that would allow ITAC to be more responsive to technological advancements in equipment. The adopted amendments remove equipment specifications from this Part and allow ITAC to file a tariffs containing equipment specifications to allow ITAC to keep up with technology through a tariff filing. The amendments allow for an equipment distribution program through the use of a voucher, rather than ITAC bidding, choosing, purchasing, warehousing, and distributing certain standard pieces of equipment. The amendments also set parameters to factor into the evaluation of new equipment to be offered, rather than list specific pieces of equipment to be offered. The amendments also change the identification of the ITAC line charge on the bills for local exchange service and the generally update terminology and definitions.

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

Conrad S. Rubinkowski  
Office of General Counsel

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

Illinois Commerce Commission  
527 East Capitol Avenue  
Springfield, IL 62701  
(217)785-3922

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

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF ADOPTED AMENDMENTS

TITLE 83: PUBLIC UTILITIES  
 CHAPTER I: ILLINOIS COMMERCE COMMISSION  
 SUBCHAPTER f: TELEPHONE UTILITIES

PART 755  
 TELECOMMUNICATIONS ACCESS FOR PERSONS WITH DISABILITIES

## SUBPART A: GENERAL PROVISIONS

## Section

755.10	Definitions
<u>755.11</u>	<u>Waiver</u>
755.15	Dispute Procedures
755.20	Notice (Repealed)
755.25	Deviations (Repealed)

SUBPART B: TELECOMMUNICATIONS CARRIER~~LEC~~ OBLIGATIONS

## Section

755.100	Components of ITAP Services
755.105	Execution and Administration of ITAP
755.110	Publicity Concerning ITAP
755.115	Application Procedure and Processing
755.120	Equipment <del>Set Specifications—TT</del>
755.125	Equipment Set Specifications – Telebraille ( <u>Repealed</u> )
755.126	Equipment Set Specifications – Text Telephone with LVD ( <u>Repealed</u> )
755.130	Bids
755.135	ITAP Filing Requirements
755.145	Renewal of Agreements ( <u>Repealed</u> )

## SUBPART C: ELIGIBILITY AND PARTICIPATION

## Section

755.200	Disability Certification
755.205	Eligibility and Application for Equipment <del>Sets</del> for Residents
755.210	Eligibility and Application for Equipment <del>Sets</del> for Organizations
755.220	Time Period for Possession
755.225	Shared Residence
755.230	Change of <u>Recipient Information Address</u>

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF ADOPTED AMENDMENTS

## SUBPART D: POSSESSION AND MAINTENANCE

## Section

755.300	Equipment Ownership and Liability
755.305	Recipient Responsibility
755.310	Responsibility for Maintenance

## SUBPART E: OVERSIGHT AND REVIEW

## Section

755.400	Staff Liaison
755.405	Advisory Council
755.410	Advisory Council Rights
755.415	Biannual Workshop

## SUBPART F: LINE CHARGE ADJUSTMENT MECHANISM

## Section

755.500	Annual Filings
755.505	<del>Local Exchange and Inter Exchange</del> Carrier Reports and Remittances to ITAC
755.510	Determination and Adjustment of the Line Charge
755.515	Notice and Filing Requirements
755.520	Interim Line Charge Adjustments
755.525	Waiver of Requirements of Section 755.500

755.EXHIBIT A	Calculation of Monthly Line Charge (Schedule A-1)
755.EXHIBIT B	Comparison of Present and Proposed Line Charges (Schedule A-2)
755.EXHIBIT C	Projection Period Statement of Revenues and Expenses at Present Line Charge, As Adjusted (Schedule A-3)
755.EXHIBIT D	Prior Calendar Year Actual Revenues Over/(Under) Expenses (Schedule A-4)
755.EXHIBIT E	Schedule of Adjustment to Projected Cash Balance (Schedule A-5)
755.EXHIBIT F	Supporting Schedule of Planned Capital Expenditures During Projection Period (Schedule A-6)
755.EXHIBIT G	Schedule of Projected Increase to Cash Under Proposed Line Charge Before Cash Adjustment (Schedule A-7)
755.EXHIBIT H	Call Volumes and Subscriber Lines (Schedule A-8)
755.EXHIBIT I	Depreciation Schedule (Schedule A-9)
755.EXHIBIT J	Projected Payroll Expenses, As Adjusted (Other than TRS Payroll Expenses) (Schedule A-10) <del>(Repealed)</del>

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF ADOPTED AMENDMENTS

755.EXHIBIT K	Projected Line Charge Filing Expenses (Schedule A-11) <del>(Repealed)</del>
755.EXHIBIT L	Comparative Actual and Projected Balance Sheets, At Proposed Line Charge, As Adjusted (Schedule A-12)
755.EXHIBIT M	Comparative Actual and Projected Statements of Revenues and Expenses at Proposed Line Charge, As Adjusted (Schedule A-13) <del>(Repealed)</del>
755.EXHIBIT N	Local Exchange Carrier Monthly Report to ITAC <del>(Repealed)</del>

AUTHORITY: Implementing Section 13-703 and authorized by Section 10-101 of the Public Utilities Act [220 ILCS 5/13-703 and 10-101].

SOURCE: Adopted at 12 Ill. Reg. 3687, effective February 1, 1988; amended at 14 Ill. Reg. 3042, effective February 15, 1990; emergency amendments at 14 Ill. Reg. 19375, effective November 25, 1990, for a maximum of 150 days; amended at 15 Ill. Reg. 5624, effective April 15, 1991; amended at 17 Ill. Reg. 5594, effective March 31, 1993; amended at 19 Ill. Reg. 17105, effective January 1, 1996; expedited correction at 20 Ill. Reg. 11490, effective January 1, 1996; amended at 28 Ill. Reg. 859, effective January 1, 2004.

## SUBPART A: GENERAL PROVISIONS

**Section 755.10 Definitions**

"Act" means the Public Utilities Act [220 ILCS 5].

"Centers for ~~Independent Living~~ ~~independent living~~" means organizations serving the needs of those persons with hearing or speech disabilities as described in Section 12a of the Disabled Persons Rehabilitation Act [20 ILCS 2405/12a].

"Commission" means the Illinois Commerce Commission.

"Deaf-blind" refers to a person who is deaf or hard-of-hearing and who also has a sight-disability and who can regularly and routinely communicate by telephone only through the aid of ~~equipment~~ ~~telebraille device~~ ~~or TT~~ ~~with LVD~~.

"Deaf or hard-of-hearing" refers to a condition of permanent hearing loss ~~(whether continuous or variable)~~ by which regular and routine telephone communication is possible only through the aid of ~~equipment~~ ~~devices~~ ~~which can send and receive written messages over the telephone network~~.

"Disability" refers to a condition of being permanently hearing ~~disabled~~, deaf-blind, speech-~~disabled~~, ~~hearing-sight disabled~~, or speech-sight disabled.

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF ADOPTED AMENDMENTS

"Equipment set" means telecommunications devices capable of servicing the needs of those persons with a hearing or speech disability as specified in ITAC's tariff pursuant to Section 755.135(a)(1)~~the Text Telephone ("TT"), telebraille device, or TT with LVD, and all of its components and support equipment (except paper rolls) as described in Sections 755.120, 755.125, and 755.126, provided under Sections 755.205 and 755.210 of this Part.~~

"Hearing disability" refers to condition of being permanently deaf or hard-of-hearing.

"Hearing-sight disability" refers to a condition of permanent hearing and sight disability that renders regular and routine telephone communication possible only through the aid of equipment.

"Illinois Telecommunications Access Corporation;" or "ITAC;" means the not-for-profit corporation jointly established by Illinois telecommunications carriers providing local exchange service carriers pursuant to Section 755.105 to administer programs mandated by Section 13-703 of the Act [220 ILCS 5/13-703].

"ITAP" or "Program" means the Illinois Telecommunications Access Program, by which Illinois telecommunications carriers providing local exchange service carriers shall provide the telecommunications devices capable of servicing the needs of subscribers with disabilities as required by Section 13-703 of the Act. ~~"LEC" or "local exchange carrier" means a telecommunications carrier providing local exchange telecommunications service as defined in Section 13-204 of the Act. For purposes of this Part, "LEC" or "local exchange carrier" also includes telecommunications carriers that are mutual concerns as defined in Section 13-202(b) of the Act.~~

"Line charge" means the charge authorized by Section 13-703(c) of the Act.

~~"LVD" or "Large visual display" is a device that, when connected to a TT, displays the text in a large moving lighted print.~~

"Organizations" means Centers for Independent Living~~centers for independent living~~ and those Illinois-based not-for-profit organizations not owned or operated by any political subdivision, public institution of higher learning, state agency, or municipal corporation of this State whose primary purpose is serving the needs of those persons with disabilities.

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF ADOPTED AMENDMENTS

"Personal service contracts" means all contracts entered into by ITAC, on behalf of the carriers for publicity/marketing and accounting.

"Projection period" means, for each annual filing required by Subpart F, a 12-month period beginning January 1 of the year in which the filing is made.

"Recipient" is a user or a parent or legal guardian of a minor user in whose name ~~an equipment set~~ is granted, as provided in Section 755.205(b).

~~"Sight disability" refers to condition of permanent loss of sight by which regular and routine telephone communication is possible only through the aid of a telebraille device or TT with LVD.~~

"Social service agencies" means the Illinois Department of Human Services-Office of Rehabilitation Services; Department on Aging; Department of Public Aid; Department of Public Health; Department of Children and Family Services; the State Board of Education; ~~and~~ the University of Illinois Division of Specialized Care for Children; the Illinois Deaf and Hard of Hearing Commission; and any other agency with which ITAC contracts to provide services for persons who are deaf-blind.

"Speech-disability" refers to a condition of permanent speech disability that precludes oral communication by which regular and routine telephone communication is possible only through the aid of equipment of devices which can send and receive written messages over the telephone network.

"Speech-sight disability" refers to a condition of permanent speech and sight disability that precludes oral communication, and by which regular and routine telephone communication is possible only through the aid of equipment a telebraille device or TT with LVD.

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

"Subscriber lines" means a voice grade communication channel between a subscriber and a telecommunications carrier's public switched network, which would be required to carry the subscriber's interpremises traffic and which is capable of providing access through the public switched network to the Illinois relay system. access lines, as defined in 83 Ill. Adm. Code 730.105, of LECs as defined in this Part, but shall not include Feature Groups A, B, C and D access lines. A subscriber line does not include 800 lines or access lines used for official

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF ADOPTED AMENDMENTS

communications of telecommunications carriers providing local exchange service. ~~For customer bills issued before June 1, 2004, in calculating charges on subscriber lines, each centrex line shall be equivalent to one-tenth of a residence or business access line. For customer bills issued on or after June 1, 2004, in calculating charges on subscriber lines pursuant to 220 ILCS 5/13-703(c), one charge shall be applied for each five centrex lines, and five charges shall be applied for each PBX trunk. ITAC's tariff shall specify the manner of applying charges to other multi-channel technologies, each centrex line shall be equivalent to one-tenth of a residence or business access line.~~

~~"Telebraille device" is a TT which employs braille language symbols.~~

~~"Telecommunications carrier" or "carrier" means a telecommunications carrier as that term is defined in Section 13-202 of the Act [220 ILCS 5/13-202] that is providing local exchange telecommunications service as defined in Section 13-204 of the Act [220 ILCS 5/13-204]. For purposes of this Part, "telecommunications carrier" or "carrier" also includes telecommunications carriers that are mutual concerns as defined in Section 13-202(b) of the Act.~~

"Telecommunications relay service (TRS)" or "Relay service call volumes" means all Illinois intrastate calls placed through the Illinois Relay Center, whether or not completed. ~~"TT" means text telephone, a device which employs graphic communication in the transmission of coded signals through a wire or radio communications system.~~

"User" means an Illinois resident with a disability whose eligibility has been established as provided in this Part for whose use ~~an~~ equipment ~~set~~ is provided, as set forth in Section 755.205.

~~"Voice grade access" means a functionality that enables a user of telecommunications services to transmit voice communications, including signaling the network that the caller wishes to place a call, and to receive voice communications, including receiving a signal indicating that there is an incoming call. For the purposes of this Part, bandwidth for voice grade access is 300 to 3,000 Hertz.~~

~~"Voucher program" means a program for the distribution of equipment offered by ITAC, on behalf of the carriers, pursuant to Section 755.100(b).~~

(Source: Amended at 28 Ill. Reg. 859, effective January 1, 2004)

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF ADOPTED AMENDMENTS

**Section 755.11 Waiver**

The Commission, on application of ITAC on behalf of the carriers, a carrier, the Advisory Council, or a user, or on the Commission's own motion, may grant a temporary or permanent waiver from this Part in specific cases where the Commission finds that:

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

(Source: Added at 28 Ill. Reg. 859, effective January 1, 2004)

**Section 755.15 Dispute Procedures**

- a) If there is a problem with ~~an~~ equipment distributed pursuant to Section 755.100(a) set:
  - 1) the Regional Center that distributed the equipment set should be contacted;
  - 2) if the problem cannot be resolved at the Regional Center, then the ITAC office should be contacted; and
  - 3) if the ITAC office cannot satisfactorily resolve the problem, they shall inform the user of the address and telephone number of the Staff Liaison Commission and the information contained in Section 755.410(b).
- b) After receiving the complaint, the Staff Liaison Commission will begin an informal investigation in an effort to settle the dispute.
- c) Disputes arising under this Part shall also be governed by 83 Ill. Adm. Code 735.200.

(Source: Amended at 28 Ill. Reg. 859, effective January 1, 2004)

SUBPART B: TELECOMMUNICATIONS CARRIER~~LEC~~ OBLIGATIONS

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF ADOPTED AMENDMENTS

**Section 755.100 Components of ITAP Services**

- a) ITAC, on behalf of the carriers, shall: ~~The LEC's shall:~~
- 1a) Provide equipment ~~sets~~ to Illinois residents who are recipients, as prescribed by this Part;
- 2b) Provide maintenance or exchange services for equipment ~~sets~~ at regional centers; and
- 3e) Provide training in the use of the equipment ~~sets~~ at regional centers that have personnel capable of multiple modes of communications to recipients who desire training and provide sign language capable personnel at regional centers.
- b) In fulfillment of or in addition to the obligations under subsection (a), ITAC, on behalf of the carriers, shall by July 1, 2005 initiate a voucher program. The terms and conditions of the voucher program shall be specified in ITAC's tariff. Under a voucher program, an eligible recipient may select equipment from the options offered in ITAC's tariff, and the selected equipment shall become the property of the recipient. Notwithstanding subsection (a), ITAC and the carriers shall not be required to provide maintenance service, exchange service, or training for equipment offered as part of a voucher program. The equipment offered through the voucher program need not be the same as those offered through the distribution program implemented pursuant to subsection (a).
- c) In addition to subsections (a) and (b), the carriers, through ITAC, may dispose of, by sale or other means, used, unneeded, or obsolete equipment.

(Source: Amended at 28 Ill. Reg. 859, effective January 1, 2004)

**Section 755.105 Execution and Administration of ITAP**

- a) Each carrier shall collect from its customers and remit to ITAC the monthly charge per subscriber line allowed by Section 13-703(c) of the Act and ordered by the Commission. Until July 1, 2004, carriers that provide the resale of telecommunications services (as defined in Section 13-211 of the Act [220 ILCS 5/13-211]) may satisfy this requirement through contractual arrangements with incumbent local exchange carriers (as defined in Section 13.202-5 of the Act [220 ILCS 5/13-202.5]). All carriers shall identify the line charge on the customer's

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF ADOPTED AMENDMENTS

~~bill no later than July 1, 2004. The line charge identification shall be "IL Telecom Relay Service and Equipment" or an equivalent phrase that is not detrimental to persons with disabilities. The charge per month per subscriber line, allowed by Section 13-703(e) of the Act and ordered by the Commission, shall be collected by the LECs from their customers. The charge applies to all subscriber lines as defined in Section 755.10. b) The LECs shall be reimbursed for all start up and ongoing expenses associated with the administration of the customer charge per line per month and the establishment, execution and administration of ITAP. Such costs shall include but not be limited to those expenses involving 1) Customer notification; 2) Customer billing; 3) Accounting and tax administration; 4) Auditing and reporting; 5) Taxes; 6) Franchise fees; 7) Uncollectables; and 8) LEC staff assignments.~~

- ~~be)~~ The ~~carriers or ITAC, on their behalf, LECs~~ may make voluntary or contractual agreements with businesses, agencies of local, state, or Federal government, organizations, and other third parties for provision or distribution of equipment, maintenance, warehousing, training, administration, or miscellaneous supports services as required to fulfill the goals of this program in a manner consistent with the intent and provisions of the Act and this Part.
- ~~cd)~~ The ~~carriers or ITAC, on their behalf, LECs~~ shall administer the ITAP so as to take full advantage of any economies of scale that may exist by centralizing the provision of ITAP services listed in Section 755.100. However, the ~~carriers or ITAC, on their behalf, LECs~~ shall provide sufficient regional centers to insure a reasonable access to ITAP by persons with disabilities.
- ~~de)~~ The ~~carriers~~ LECs may determine and propose to the Commission for approval, subject to the requirements of Section 7-101 and 7-102 of the Act [220 ILCS 5/7-101 and 7-102], a plan for joint execution and administration of ITAP. If the Commission approves a plan for joint execution and administration of ITAP through a not-for-profit corporation or other entity, all carriers shall join and participate fully in the plan for joint execution and administration.

(Source: Amended at 28 Ill. Reg. 859, effective January 1, 2004)

**Section 755.110 Publicity Concerning ITAP**

- a) ~~Carriers~~ LECs shall publicize ITAP. Publicity shall include, but not be limited to ~~bill;~~ ~~4) Bill~~ inserts or bill messages and notices published in the directories.;

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF ADOPTED AMENDMENTS

- b) ITAC, on behalf of the carriers, shall provide:
- 12) Notification, at least annually, ~~Written notification~~ to conventional media such as daily, weekly, ~~or~~ monthly newspapers or magazines, ~~and the news departments of~~ television ~~or and~~ radio stations, electronic media, or other cost-effective means of communication;
  - 23) Written notification, at least annually, to organizations and to newsletters serving persons with disabilities and to other licensed professionals who deal with hearing issues. ~~Any entity~~ Organizations and newsletters wishing to receive ~~this~~ notification must contact the telecommunications carriers through ITAC ~~LECs~~ and place themselves on an ITAP information service list; and
  - 34) Written notification to designated offices of ~~the State of Illinois~~ social service agencies. ITAC, on behalf of the carriers, ~~The LECs~~ shall obtain a list of designated offices from each of the social service agencies listed in this Part.
- cb) Information to be provided shall include at a minimum the services offered, descriptions of the intended recipients of these services, and the terms under which these services are available.

(Source: Amended at 28 Ill. Reg. 859, effective January 1, 2004)

**Section 755.115 Application Procedure and Processing**

- a) Application packets shall be made available to the public ~~by mail,~~ at all regional maintenance/training centers; and at designated offices of ~~the State of Illinois~~ social service agencies, as identified in Section 755.110 ~~(b)(3), (a)(4) and at the request of audiologists or any other similar entity.~~ The application packets shall contain: ~~1) A brochure which contains:~~
- 1A) An explanation ~~A description~~ of the obligations of ITAC, on behalf of the carrier, ~~the LEC~~ to the recipient;
  - 2B) A description of the rights and obligations of the recipient under ITAP;
  - 3C) A description of the application process for service under this Part;

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF ADOPTED AMENDMENTS

- ~~4D~~) A description of the Advisory Council and its role as liaison to persons with disabilities; ~~and~~
- ~~5E~~) The office telephone number of the Staff Liaison~~:-~~
- ~~62~~) An eligibility form to be filled out according to the provisions of Section 755.200 ~~of this Part~~, certifying the applicant as a person with a disability. Printed on the eligibility form shall be an explanation of its purpose, the definitions of disability contained in Section 755.10 ~~of this Part~~ and the certification requirements of Section 755.200~~:-~~
- ~~73~~) A form for the prospective recipient to sign indicating that he/she ~~the recipient~~ understands and agrees with the rights and obligations created ~~for the recipient~~ under this Part, and that he/she ~~the recipient~~ desires service under this Part~~:-~~
- ~~84~~) A standard application form requesting that the prospective recipient provide his/her full name, address, social security number, age, and telephone number, and the name of the person to whom telephone service is billed; and requiring: A) The address and telephone number of the recipient's residence; and B) The full name and age of the recipient and the name of the person to whom telephone service is billed.
- ~~95~~) A form for the prospective recipient to sign indicating that if the prospective recipient is acting for a minor user, the equipment ~~set~~ received under this program will be transferred to the user on the user's eighteenth birthday.
- b) Carriers~~LECs~~ will provide assistance in completing application forms to those who desire assistance at regional maintenance/training centers and through ITAC.
- c) Applicants shall complete (or have completed) all forms, attach all necessary documentation, and mail the completed application packet as directed by ITAC, on behalf of the carrier~~the LEC~~.
- d) Upon receipt of completed application packets, ITAC, on behalf of the carrier, ~~the LEC~~ shall acknowledge by postcard (~~stamped and~~ addressed by applicant) and process all applications. In no event shall the ITAC, on behalf of the carrier, ~~LEC~~ take more than 21 calendar days to verify an applicant's eligibility. If ITAC, on behalf of the carrier, ~~the LEC~~ determines that it cannot make a decision within 21

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF ADOPTED AMENDMENTS

days because the application is incomplete or contains inaccurate information, it must immediately notify the applicant upon making this determination and solicit clarification and additional information from the applicant in order to determine the applicant's eligibility. ~~The LEC shall file a quarterly report with the Commission detailing applications that required more than 21 days to process.~~

- e) Processing of applications by ITAC, on behalf of the carriers, LECs shall consist of a review for completeness and the assignment of priority status for distribution in the order of receipt of the completed applications.

(Source: Amended at 28 Ill. Reg. 859, effective January 1, 2004)

**Section 755.120 Equipment ~~Set Specifications~~ — TT**

Before offering TT equipment as part of an equipment distribution or voucher program pursuant to Section 755.100, the carriers or ITAC, on their behalf, shall consider sets shall include the following factors equipment and features:

- a) Whether the equipment allows persons who are deaf or hard-of-hearing, deaf-blind, hearing-sight disabled, or speech or speech-sight disabled access to the telecommunications network to send or receive messages~~a) Keyboard send;~~
- b) Whether the equipment falls within the scope of the Program pursuant to legislative mandates~~Large size, 20 character minimum LED display;~~
- c) The financial impact on the Program and on the intended recipients of procuring the equipment, and the cost-effectiveness of the equipment~~Baudot 5-level code and ASCII code capability;~~
- d) Whether the equipment meets an identified need~~Built-in modem and acoustical coupler;~~
- e) The ease of availability of the equipment~~Portability;~~
- f) The durability, reliability, and quality of the equipment~~Carrying ease;~~
- g) The cost, ease, and feasibility of training persons, including disabled persons as defined in Section 755.10, in the use of the equipment~~Alternate A.C. power and self-contained, user-replaceable, rechargeable battery pack (initial battery pack provided with equipment and subsequent replacement to be provided at his/her~~

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF ADOPTED AMENDMENTS

- ~~expense);~~
- h) ~~The cost, ease, and feasibility of equipment repair~~~~One remote signalling device which will turn on a lamp or some other appliance to signal a person with a hearing disability of incoming calls. The signalling device should be capable of activating other remote signals which the recipient may add at his/her option and expense;~~
- i) ~~The availability of warranties upon the equipment~~~~Built-in printer and an initial roll of printer paper (subsequent rolls to be supplied by the recipient at his/her expense);~~
- j) ~~Ease of use of the equipment by persons with a disability; and~~~~High level of reliability and durability. TT and remote signalling device must come with at least a one-year full warranty;~~
- k) ~~Compatibility of the equipment with other ITAC equipment and other telecommunications technology. A visible serial number permanently affixed to the chassis;~~~~l) All equipment provided under this program shall meet all applicable requirements for registration with the Federal Communications Commission under 47 CFR 68 as of October 1, 1994. No later amendment or edition is incorporated; and m) A voice announcer.~~

(Source: Amended at 28 Ill. Reg. 859, effective January 1, 2004)

**Section 755.125 Equipment Set Specifications – Telebraille (Repealed)**

~~Telebraille equipment sets shall include the following equipment and features:~~

- a) ~~Braille keyboard;~~
- b) ~~20 character Braille display;~~
- c) ~~Baudot 5 level code and ASCII code capability;~~
- d) ~~Built-in modem and acoustical coupler;~~
- e) ~~Portability;~~
- f) ~~Carrying case;~~
- g) ~~Alternate A.C. power and self-contained, user-replaceable, rechargeable battery pack (initial battery pack to be provided with equipment and subsequent replacement to be provided by the recipient at his/her expense);~~
- h) ~~One remote signalling device which the person with a hearing and sight disability wears or carries on his/her person and which vibrates when the phone is ringing;~~
- i) ~~High level of reliability and durability. Telebraille and remote signalling devices~~

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF ADOPTED AMENDMENTS

- ~~shall come with at least a one-year full warranty;~~
- ~~j) A visible serial number permanently affixed to the chassis;~~
- ~~k) All equipment provided under this program shall meet all applicable requirements for registration with the Federal Communications Commission under 47 CFR 68 as of October 1, 1994. No further amendment or edition is incorporated; and~~
- ~~l) A voice announcer.~~

(Source: Repealed at 28 Ill. Reg. 859, effective January 1, 2004)

**Section 755.126 Equipment Set Specifications – Text Telephone with LVD (Repealed)**

~~A text telephone with LVD shall meet the specifications for TT as prescribed in Section 755.120 and the following:~~

- ~~a) Large display showing characters in bold type;~~
- ~~b) An option of lens colors for display;~~
- ~~c) High level of reliability and durability. LVD shall come with at least a one-year full warranty; and~~
- ~~d) A visible serial number permanently affixed to the LVD chassis.~~

(Source: Repealed at 28 Ill. Reg. 859, effective January 1, 2004)

**Section 755.130 Bids**

- a) Prior to entering into agreements contemplated by Section 755.135(b), the carriers or ITAC, on their behalf, LECs shall solicit and accept bids from various providers.
- b) Bids will be evaluated and awarded based upon the bidder's ability, as demonstrated in the bid proposal, to advance the goals and objectives of ITAP, consistent with the criteria listed below:
  - 1) Corporate and fiscal integrity, history, and ability of the bidder to deliver equipment or services up for bid;
  - 2) Equipment up for bid must be evaluated in light of the factors specified meet the minimum specifications in Section 755.120, ~~755.125, or 755.126~~; and
  - 3) Maintenance and training services up for bid must be deliverable as prescribed in Sections 755.100 and 755.310.

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF ADOPTED AMENDMENTS

- c) The requirements of subsections (a) and (b) shall not apply to arrangements for the provision of legal services for ITAP.

(Source: Amended at 28 Ill. Reg. 859, effective January 1, 2004)

**Section 755.135 ITAP Filing Requirements**

- a) ITAC, on behalf of the carriers, The LECs shall file with the Commission for approval pursuant to the provisions of the Act and this Part, the following tariff items:
- 1) A tariff describing any for providing equipment distribution program offered pursuant to Section 755.100(a) sets with a detailed description of the equipment the carriers LEC intends to provide pursuant to ITAP, including:
    - A) the manufacturers manufacturer(s) of the equipment,
    - B) the model numbers number(s) of the equipment,
    - C) the model names name(s) of the equipment, and
    - D) a description of the operating functions and specifications of the equipment, ; and
    - E) the recipient disability certification requirements for receipt of each specific equipment offered.
  - 2) A tariff sheet that which describes the voucher program pursuant to Section 755.100(b), including the applicable recipient disability certification requirements. application packet the LEC intends to provide in compliance with Section 755.115(a). The tariff sheet shall be accompanied by a facsimile of the actual application packets to be provided.
  - 3) At a minimum, ITAC, on behalf of the carriers, shall give written notice of any tariff filing made under subsection (a) to each of the following: Staff Liaison, Chairperson of the Advisory Council, distribution centers, and local chapters of the Illinois Association for the Deaf, Association for Late-Deafened Adults, and Self Help for Hard of Hearing, as well as the

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF ADOPTED AMENDMENTS

social service agencies. This notice shall be given no later than the date of the tariff filing and shall describe generally the nature of the filing.

- 4) Notwithstanding the requirements of subsections (a)(1)-(3), ITAC, on behalf of the carriers, may purchase or otherwise obtain a limited number of pieces of equipment for distribution and use on a trial basis, for the purpose of evaluating whether they should be offered to recipients pursuant to Section 755.100, without filing a tariff under subsection (a). However, the distribution and use shall be limited to ITAC employees, ITAC board members, members of the Advisory Council, and the persons identified by ITAC whose use characteristics will enable realistic testing of the equipment. The trial shall not exceed 100 pieces of equipment, shall not exceed one year in duration, and shall be preceded by written notification to the Director of the Commission's Consumer Services Division, the Staff Liaison, and the Chairperson of the Advisory Council. At the conclusion of the trial, ITAC shall provide a report indicating the results of the trial to the Director of the Commission's Consumer Services Division, the Staff Liaison, and the Chairperson of the Advisory Council.
- b) With reference to the provision of ITAP services, the carriers, or ITAC on their behalf, LECs shall file for approval by the Commission all personal services contracts in excess of \$40,000~~\$30,000~~ and all other contracts in excess of \$140,000~~\$100,000~~. All contracts entered into by ITAC that are below these amounts shall be filed with the Commission on an informational basis.
- c) ITAC, on behalf of the carriers, The LECs shall file with the Commission an annual report (to be filed no later than March 31 of each year) that shall contain the following information: copies of the following: 1) Detailed descriptions of bid solicitation and evaluation procedures and criteria, updated as changes occur; 2) Detailed descriptions of procedures for delivering ITAP services, updated as changes occur; and 3) An annual report (to be filed no later than March 31 of each year) which shall contain the following information:
- 1A) Updates on administration procedures for ITAP,
- 2B) Description of program activities of the past year, including at a minimum the number of applications received, the number of and type of equipment and/or vouchers~~FF's~~ distributed, the number and location of regional centers, and the number of training sessions offered, the number and type of maintenance/repair/exchange incidents, and lists and descriptions of

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF ADOPTED AMENDMENTS

~~supply contracts entered into for the provision of ITAP services, and~~

- ~~3C)~~ Description and brief evaluation of program effectiveness including at a minimum the following information:
- ~~Ai)~~ the number and type of complaint incidents,
  - ~~Bii)~~ the average period of time needed to process a typical application,
  - ~~Ciii)~~ the average period of time between the processing of an application and the receipt of the equipment or voucher~~TT~~, and
  - ~~Div)~~ a list of issues or problem areas identified by the Advisory Council and any action taken by the carriers or ITACLECs in response.

(Source: Amended at 28 Ill. Reg. 859, effective January 1, 2004)

**Section 755.145 Renewal of Agreements (Repealed)**

- ~~a) All agreements, contractual or otherwise, entered into by the LECs for the provision of ITAP services shall be closed ended and of limited duration.~~
- ~~b) Prior to expiration of each agreement, the LECs shall review and evaluate the agreement and determine appropriate criteria for any successor agreement, consistent with the provisions of this Part.~~
- ~~c) Before entering into agreements for the purchase of equipment sets subject to Section 755.135(b), the LECs will solicit bids and award contracts according to the provisions of Section 755.130 of this Part.~~

(Source: Repealed at 28 Ill. Reg. 859, effective January 1, 2004)

## SUBPART C: ELIGIBILITY AND PARTICIPATION

**Section 755.200 Disability Certification**

- a) An applicant with a hearing disability seeking ITAP eligibility ~~for a TT equipment set~~ shall have completed by a licensed physician, licensed audiologist, a designated counselor with the Illinois Department of Human Services-Office of Rehabilitation Services (ORS)(~~DORS~~), or a care coordinatorspeech and hearing consultant with the University of Illinois Division of Specialized Care for Children (DSCC) a standard form (provided by ITAC, on behalf of the

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF ADOPTED AMENDMENTS

~~carriers)the LECs)~~ certifying that the applicant is deaf or hard-of-hearing as those terms are defined in this Part.

- b) An applicant who is deaf-blind or hearing-sight disabled seeking ITAP eligibility ~~for a telebraille equipment set or a TT with LVD~~ shall have completed by a licensed physician, licensed audiologist, designated counselor with ~~the ORS Illinois Department of Rehabilitation Services (DORS), a designated counselor with any agency with which ITAC contracts to provide services for persons who are deaf-blind or a care coordinatorspeech and hearing consultant~~ with DSCC the University of Illinois Division of Specialized Care for Children a standard form (provided by ITAC, on behalf of the carriers)the LECs), provisionally certifying the applicant as deaf-blind or hearing-sight disabled as ~~those that conditions are~~condition is defined in this Part. In instances in which deaf-blindness or the hearing-sight disability is certified by an audiologist, the audiologist shall make the provisionalsuch certification only upon review of medical records ~~thatwhich~~ confirm the applicant's sight disability. An applicant who has been provisionally certified as deaf-blind or hearing-sight disabled, as those conditions are defined in this Part, shall receive final certification only upon determination by a designated counselor with any agency with which ITAC contracts to provide services for persons who are deaf-blind that the applicant has the potential skills and potential ability to appropriately utilize the applicable equipment.
- c) An applicant who has a speech disability seeking ITAP eligibility ~~for a TT equipment set~~ shall have completed by a licensed physician, speech-language pathologist, or care coordinator speech and hearing consultant with DSCC the University of Illinois Division of Specialized Care for Children, or designated counselor with ORS a standard form (provided by ITAC, on behalf of the carriers)the LECs) certifying the applicant has a speech disability as that condition is defined in this Part. In instances in which the applicant's speech disability is certified by a designated counselor with ORS or a care coordinator with DSCC, the ORS counselor or DSCC care coordinator shall make this certification only upon review of medical records that confirm the applicant's speech disability.
- d) An applicant who has a speech-sight disability seeking ITAP eligibility ~~for a telebraille equipment set or a TT with LVD~~ shall have completed by a licensed physician, speech-language pathologist, a care coordinatorspeech and hearing consultant with DSCC the University of Illinois Division of Specialized Care for Children, or a designated counselor with ORS DORS a standard form (provided by ITAC, on behalf of the carriersthe LECs) certifying the applicant as a person with

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF ADOPTED AMENDMENTS

a speech-sight disability as that condition is defined in this Part. In instances in which the applicant has a speech-sight disability and the speech disability is certified by a speech-language pathologist, the speech-language pathologist shall make ~~this~~~~such~~ certification only upon review of medical records ~~that~~~~which~~ confirm the applicant's sight disability. In instances in which the applicant's speech disability and the sight disability is certified by a designated counselor with ~~ORSDORS~~ ~~or a care coordinator with DSCC~~, the ~~ORSDORS~~ counselor ~~or DSCC care coordinator~~ shall make ~~this~~ ~~such~~ certification only upon review of medical records which confirm the applicant's speech disability ~~or disabilities~~.

- e) ~~ITAC, on behalf of the carriers, The LECs~~ shall obtain from the Director of ~~ORSDORS~~ a list of designated ~~ORSDORS~~ counselors who have expertise in working with persons with hearing, ~~speech~~, and sight disabilities and who are authorized to certify individuals for ITAP. ~~ITAC, on behalf of the carriers, The LECs~~ shall obtain from the Director of ~~DSCC the University of Illinois Division of Specialized Care for Children~~ a list of the Division's designated ~~care coordinators hearing and speech consultants~~ authorized to certify individuals for ITAP. ~~ITAC, on behalf of the carriers, The LECs~~ shall obtain updated lists annually.

(Source: Amended at 28 Ill. Reg. 859, effective January 1, 2004)

**Section 755.205 Eligibility and Application for Equipment ~~Sets~~ for Residents**

- a) ~~Unless ITAC's tariff provides otherwise, one piece of One~~ equipment ~~set~~ shall be provided per subscriber line in a residence ~~that~~~~which~~ is the permanent legal residence of a ~~certified~~ user. Subject to ~~subsections subsections~~ (f) ~~and (g) below~~, the maximum number of ~~pieces of~~ equipment ~~sets~~ that shall be provided is the lesser of the number of ~~certified users~~ ~~user(s)~~ or the number of subscriber lines in the residence.
- b) The equipment ~~set~~ shall be granted in the name of the recipient. Subject to ~~subsections subsections~~ (f) ~~and (g) below~~, there is only one recipient per subscriber line. Recipient status shall be granted to an adult user within the residence. In the absence of an adult user within the residence, recipient status shall be granted to the parent or legal guardian residing with a minor user in the residence.
- c) The recipient shall assume all responsibilities and liabilities for the equipment ~~set~~ as prescribed by this Part.

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF ADOPTED AMENDMENTS

- d) The recipient shall be required to sign and complete all forms and documents provided in the application packet as described in Section 755.115(a).
- e) Along with the completed application, the recipient shall provide copies of drivers' licenses, Illinois State I.D.'s, or some other proof of identification and Illinois residence for the recipient and identification of the person to whom telephone service is billed.
- f) Notwithstanding the requirements of subsection (a), if two or more certified users with different disabilities reside in the same legal residence, and if the certified users require dissimilar equipment in order to engage in regular and routine telephone communications as a result of their differing disabilities, ITAC, on behalf of the carriers, shall provide an additional piece of equipment or additional pieces of equipment. One telebraille equipment set shall be provided to a recipient in a residence with a single subscriber line even if a TT equipment set or a TT with LVD is also provided for another user or other users in the residence. ~~g) One TT equipment set or TT with LVD shall be provided to a recipient in a residence with a single subscriber line even if a telebraille equipment set is also provided for another user or other users in the residence.~~

(Source: Amended at 28 Ill. Reg. 859, effective January 1, 2004)

**Section 755.210 Eligibility and Application for Equipment ~~Sets~~ for Organizations**

- a) Organizations having more than one office receiving basic telephone service shall designate one office to receive the equipment, ~~set~~.
- b) Recipient status shall be granted to the organization. The president, executive director, or other official of the organization shall sign the appropriate application forms on behalf of the organization.
- c) The organization shall assume all responsibilities and liabilities for the equipment ~~set~~ prescribed for recipients by this Part.
- d) The organization shall file a verified Application or Petition for Eligibility with the Commission containing the following:
  - 1) Address and telephone number of the organization's headquarters and the office to which the equipment ~~set~~ will be assigned;

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF ADOPTED AMENDMENTS

- 2) Statement explaining how the organization meets the definition of "organization" contained in Section 755.10;
  - 3) Statement of the equipment ~~set~~ applied for and a demonstration that the organization's primary purpose is serving those persons with disabilities who require that kind of equipment; ~~set~~;
  - 4) Full names, addresses, and telephone numbers of officers who can act for the organization;
  - 5) Articles of incorporation, by-laws, charter, or any other documenting evidence supporting the statement required by subsection (d)(2);
  - 6) Most recent annual report (if applicable).
- e) The organization's eligibility will be determined by the Commission upon the filing of a complete verified Application or Petition. A determination of eligibility shall be based on a finding by the Commission that the organization meets the definition of "organization" contained in Section 755.10 and that its primary purpose is to serve the needs of those persons with disabilities who require the equipment ~~set~~ for which the organization has applied.

(Source: Amended at 28 Ill. Reg. 859, effective January 1, 2004)

**Section 755.220 Time Period for Possession**

Contingent upon the recipient's compliance with provisions of this Part, all equipment distributed pursuant to Section 755.100(a)sets will be provided until the user's legal residence ceases to have telephone service for more than 45 days. At ~~that~~such time the equipment ~~set~~ must be returned to ~~the ITACLEC~~. If telephone service is reestablished after the equipment ~~set~~ has been returned to ~~the ITACLEC~~, eligibility must be reapplied for as though no prior service had been provided. An applicant who re-applies after having returned ~~thean~~ equipment ~~set~~ may submit an eligibility form certifying the disability, as described in Section 755.115(a)(2), dated up to one year prior to the date of notice of loss of eligibility.

(Source: Amended at 28 Ill. Reg. 859, effective January 1, 2004)

**Section 755.225 Shared Residence**

In the event that two or more recipients share a common permanent legal residence, equipment in

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF ADOPTED AMENDMENTS

excess of that permitted under Section 755.205 shall be returned to ~~ITAC~~the LEC.

(Source: Amended at 28 Ill. Reg. 859, effective January 1, 2004)

**Section 755.230 Change of Recipient Information~~Address~~**

If the recipient changes his/her permanent legal address, name or telephone number, within the State of Illinois, he/she must notify ~~ITAC~~the LEC of this ~~the~~ ~~change of address~~.

(Source: Amended at 28 Ill. Reg. 859, effective January 1, 2004)

## SUBPART D: POSSESSION AND MAINTENANCE

**Section 755.300 Equipment Ownership and Liability**

- a) All equipment ~~sets~~ distributed under Section 755.100(a) of this Part shall remain the property of ~~ITAC~~the LEC's. Each recipient shall sign a form indicating that he/she understands and accepts the requirements of this Part regarding ownership and liability.
- b) Equipment distributed pursuant to Section 755.100(a)~~sets under this program~~ may not be sold, loaned, or otherwise transferred out of the possession of the original recipient. Transfers will subject the recipient to liability for the full replacement cost of the equipment. ~~set~~.
- c) Upon implementation of a voucher system pursuant to Section 755.100(b), the tariff filed pursuant to Section 755.135(a)(2) shall specify the Program requirements regarding ownership and liability.

(Source: Amended at 28 Ill. Reg. 859, effective January 1, 2004)

**Section 755.305 Recipient Responsibility**

- a) In cases in which the recipient is the sole user within the residence:
  - 1) in the event the recipient permanently relocates outside of Illinois, the recipient must return ~~any~~the equipment distributed under Section 755.100(a)~~set~~ to ~~ITAC~~the LEC prior to leaving the State;
  - 2) in the event of the death of the recipient, the executor of the recipient's

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF ADOPTED AMENDMENTS

estate, or other responsible survivor must return ~~any~~the equipment distributed under Section 755.100(a)~~set~~ to ITAC~~the LEC~~.

- b) In cases in which the user of the equipment distributed pursuant to Section 755.100(a) resides with a person with a disability and in the event of the user's death or permanent relocation outside of Illinois, the remaining person with the disability or the parent or legal guardian of the remaining person with a disability must give notice to ITAC~~the LEC~~ and make application for the assignment of recipient status to the eligible individual within the residence.
- c) In cases in which the recipient of equipment distributed pursuant to Section 755.100(a) is not a user, on the occasion of the 18<sup>th</sup> birthday of a minor user, ~~the recipient shall give notice to the LEC, and~~ recipient status shall be transferred to the user.

(Source: Amended at 28 Ill. Reg. 859, effective January 1, 2004)

**Section 755.310 Responsibility for Maintenance**

- a) Unless otherwise specified by this Section, all ordinary expense of maintenance and repair of equipment distributed pursuant to Section 755.100(a)~~sets~~ is borne by ITAC, on behalf of the carrier~~the LEC~~.
- b) If ~~an~~equipment ~~set~~ is damaged, lost, or destroyed due to negligence of the recipient and not due to ordinary wear and tear, the recipient shall be held responsible for the cost of replacing the lost or destroyed equipment ~~set~~ or ITAC's cost of restoring the damaged equipment ~~set~~ to its original condition, unless ITAC, on behalf of the carriers,~~the LEC~~ assumes the responsibility for the costs of repair in ~~thesesuch~~ instances. ITAC shall have the right to bill the recipient for the cost of replacing or restoring the lost, destroyed, or damaged equipment, and to withhold further participation by the recipient in the programs offered under Section 755.100(a) and (b) of this Part until payment is made.
- ~~cb~~) The recipient must immediately notify ITAC~~the LEC~~ if ~~any~~the equipment distributed pursuant to Section 755.100(a) is lost, destroyed, stolen, or damaged. If equipment is stolen, damaged, or destroyed due to fire, flood, or other acts of God, the local police, fire, or insurance adjustor's report, specifying the stolen, damaged, or destroyed ITAC equipment, must be ~~notified and the police report number~~ forwarded to ITAC~~the LEC~~ within 30~~five~~ days ~~after~~of the date the incident~~theft~~ was reported.

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF ADOPTED AMENDMENTS

(Source: Amended at 28 Ill. Reg. 859, effective January 1, 2004)

## SUBPART E: OVERSIGHT AND REVIEW

**Section 755.400 Staff Liaison**

The Executive Director of the Commission shall appoint one Staff member to act as Staff Liaison to the programs required by Section 13-703 of the Act. The Staff Liaison shall serve as a contact person, advisor and monitor of the ITAP administrators and the Advisory Council. The Staff Liaison shall ~~assemble for implement a procedure for coordinating the dissemination equipment specifications, training, and testing information in response to the equipment distributed pursuant to Section 755.100 to of information by the LECs, the ITAP Advisory Council and the Commissions's 9-1-1 Coordinator in order to encourage and~~ assist emergency telephone services Public Safety Answering Points ("PSAP") ~~to update and/or install TT equipment, investigate and implement PSAP-based TT decoder systems, and develop or refine regular TT training and testing procedures for their telecommunicators.~~

(Source: Amended at 28 Ill. Reg. 859, effective January 1, 2004)

**Section 755.405 Advisory Council**

An Advisory Council composed of seven members who are representatives of persons with disabilities shall function as an organ for the input of individuals with disabilities to ITAP.

- a) For the purpose of selecting representatives to the Advisory Council, the Commission shall divide the state into the following five districts: ~~along Market Service Area ("MSA") boundaries: District #1—MSA 1 District #2—MSA's 2, 3, 4, 13, 18 District #3—MSA's 5, 6, 7, 17 District #4—MSA's 8, 9, 10, 14, 16 District #5—MSA's 11, 12, 15, 19~~
- 1) District 1: Cook, DuPage, Grundy, Iroquois, Kane, Kankakee, Kendall, Lake, LaSalle, McHenry, Putnam, and Will Counties;
  - 2) District 2: Boone, Carroll, DeKalb, JoDaviess, Lee, Mercer, Ogle, Rock Island, Stephenson, Whiteside, and Winnebago Counties;
  - 3) District 3: Bureau, Champaign, DeWitt, Ford, Fulton, Hancock, Henderson, Henry, Knox, Livingston, Logan, Marshall, Mason,

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF ADOPTED AMENDMENTS

McDonough, McLean, Peoria, Piatt, Stark, Tazewell, Vermilion, Warren, and Woodford Counties;

4) District 4: Adams, Brown, Cass, Christian, Clark, Coles, Cumberland, Douglas, Edgar, Effingham, Greene, Macon, Macoupin, Menard, Montgomery, Morgan, Moultrie, Pike, Sangamon, Schuyler, Scott, and Shelby Counties; and

5) District 5: Alexander, Bond, Calhoun, Clay, Clinton, Crawford, Edwards, Fayette, Franklin, Gallatin, Hamilton, Hardin, Jackson, Jasper, Jefferson, Jersey, Johnson, Lawrence, Madison, Marion, Massac, Monroe, Perry, Pope, Pulaski, Randolph, Richland, Saline, St. Clair, Union, Wabash, Washington, Wayne, White, and Williamson Counties.

b) ~~The~~In each district, organizations eligible to receive equipment sets under this Part shall jointly select representatives to the Advisory Council shall be made up of seven members.;

1) Three members shall be selected from District 1; the district containing MSA 1;

2) One member shall be selected from each of the four remaining districts; and

3) The Advisory Council members shall be elected to staggered terms of three years with an election being held annually.

c) In each district, nominations for seats on the Advisory Council shall be solicited by ITAC. The sitting Advisory Council shall identify appropriate local organizations, including, but not limited to, all distribution centers, local chapters of the Illinois Association for the Deaf, the Association for Late-Deafened Adults, and Self Help for Hard of Hearing. Each nomination shall be accompanied by a resume of the nominee.

d) Those local organizations identified in subsection (c) shall be entitled to vote for the Advisory Council members representing that district.

e) If no nominations are received for a seat in any district, that seat shall become an at-large seat, and the organizations specified in subsection (c) shall submit nominations, accompanied by resumes of the nominee, without regard to the

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF ADOPTED AMENDMENTS

residence of the nominee. All the local organizations identified in subsection (c) shall be entitled to vote for at-large seats.

- ~~f~~e) The seven members of the Advisory Council shall elect a chairperson.

(Source: Amended at 28 Ill. Reg. 859, effective January 1, 2004)

**Section 755.410 Advisory Council Rights**

- a) ~~ITAC~~~~The ITAP administrators~~ shall serve one copy of all filings, reports or other information pertaining to ITAP provided to the Commission on the chairperson of the Advisory Council.
- b) Upon receipt of complaints concerning this program, ~~ITAC~~ ~~the ITAP staff~~ shall inform the recipient that if he/she remains dissatisfied in his/her dispute, the recipient may contact the Advisory Council. ~~ITAC~~~~The ITAP staff~~ shall provide the recipient with the name, telephone number and business address of a designated ~~member~~ ~~member(s)~~ of the Advisory Council and inform the recipient that the Advisory Council may be able to aid the recipient in his/her dispute.

(Source: Amended at 28 Ill. Reg. 859, effective January 1, 2004)

**Section 755.415 Biannual Workshop**

~~At~~~~The Staff Liaison shall convene, at~~ least two times each year, ITAC, in consultation with the Staff Liaison, shall find and organize, including but not limited to arranging for the location, interpreters, and other accessibility support, a meeting of the Advisory Council to:

- a) Provide a review and analysis of the program's development; and
- b) Solicit suggestions and comments from the members of the Advisory Council.

(Source: Amended at 28 Ill. Reg. 859, effective January 1, 2004)

## SUBPART F: LINE CHARGE ADJUSTMENT MECHANISM

**Section 755.500 Annual Filings**

- a) On or before April 1 of each year, ITAC shall file with the Commission a verified petition requesting that the Commission establish the annual line charge, and shall

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF ADOPTED AMENDMENTS

file with the petition the following information, and shall serve the filing as provided in Section 755.515(b):

- 1) ITAC's audited financial statements as of December 31 of the prior calendar year;
- 2) A projected balance sheet, projected statement of revenues and expenses, projected statement of cash flows, and a summary of significant projection assumptions and accounting policies for the projection period;
- 3) A pro forma adjustment to annualize December levels of revenues and expenses for the projection period shall be added to the projected revenues and expenses;
- 4) A statement from an independent certified public accountant that the projected balance sheet and statements of revenues and expenses and cash flows comply with the guidelines for presentation of a projection established in the "Guide for Prospective Financial Information" (copyright ~~1999~~1993) by the American Institute of Certified Public Accountants (1211 Avenue of the Americas, New York NY 10036), and that the underlying assumptions provide a reasonable basis for management's projections. No later amendment or edition of the "Guide for Prospective Financial Information" is included by this incorporation; and
- 5) Schedules for the projection period presenting the following information in the format of Sections 755.Exhibit A through 755.Exhibit M below:
  - A) A calculation of the proposed monthly line charge (Exhibit A);
  - B) A comparison of present and proposed line charges, as adjusted (Exhibit B);
  - C) A statement of revenues and expenses at present line charge, as adjusted (Exhibit C);
  - D) A statement of prior calendar year actual revenues over/(under) expenses (Exhibit D);
  - E) A schedule of adjustment to projected cash balance (Exhibit E);

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF ADOPTED AMENDMENTS

- F) A supporting schedule of planned capital expenditures during projection period (Exhibit F);
- G) A schedule of projected increase to cash under proposed line charge before cash adjustment (Exhibit G);
- H) A schedule of projected and historical TRS call volumes and projected and historical subscriber lines (Exhibit H);
- I) A depreciation schedule (Exhibit I); ~~and J) A schedule of projected payroll expenses (other than TRS payroll expenses), as adjusted (Exhibit J); K) A schedule of projected line charge filing expenses (assuming no suspension of filing) (Exhibit K);~~
- J) Comparative actual and projected balance sheets, at proposed line charge, as adjusted (Exhibit L); ~~and M) Comparative actual and projected statements of revenues and expenses, at proposed line charge, as adjusted (Exhibit M).~~
- b) For purposes of projecting subscriber lines for the projection period as required by subsection (a) ~~above~~, it shall be assumed that subscriber lines will increase or decrease annually, from the number of subscriber lines on December 31 of the prior calendar year reported by ITAC pursuant to subsection (a)(5)(H) ~~above~~, at a weighted average growth rate. ~~Prior to January 1, 1996, this growth rate shall reflect the rates of increase or decrease in subscriber lines for the three most recent years available, as calculated from the annual reports to the Commission by the two largest local exchange telecommunications carriers in Illinois. Effective January 1, 1996, this~~ This growth rate shall be based on historical Illinois ~~reflect the rates of increase or decrease in subscriber lines for the three most recent years, as reported by ITAC, pursuant to subsection (a)(5)(H) above.~~
- c) ~~For~~ Effective January 1, 1996, for purposes of projecting TRS call volumes for the projection period as required by subsection (a) ~~above~~, forecasts of call volumes shall be based on historical Illinois TRS call volumes.
- d) For purposes of projecting expenses for the projection period as required by subsection (a) ~~above~~, an annual inflation factor equal to the consensus Gross National Product implicit price deflator for the projection period, as reported in the publication "Blue Chip Economic Indicators" for January of the year in which

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF ADOPTED AMENDMENTS

the filing is made, shall be applied to all costs, excluding depreciation and costs fixed by contract between ITAC and another party, and other reasonably estimated costs.

- e) For purposes of establishing the proposed line charge for the projection period, ITAC shall make calculations so that the following amounts are reflected in the proposed line charge over a 12 month period:
- 1) projection period revenues (over)/under expenses at present line charge, as adjusted;
  - 2) the total difference, if any, between ITAC's actual revenues and ITAC's actual expenses for the prior calendar year; and
  - 3) any adjustment necessary so that ITAC's cash balance, under the proposed line charge, at the end of the projection period will be no less than one-eighth and no greater than one-fourth of ITAC's projected expenses, as adjusted, for the projection period, excluding depreciation, plus an allowance for planned capital expenditures during the projection period.
- f) ITAC shall make available to the Commission Staff all workpapers, documentation, and calculations supporting its annual filing.

(Source: Amended at 28 Ill. Reg. 859, effective January 1, 2004)

**Section 755.505 ~~Local Exchange and Inter-Exchange~~ Carrier Reports and Remittances to ITAC**

Each ~~local exchange~~ carrier, as defined in this Part, shall provide a monthly remittance report to ITAC, indicating the number of subscriber lines excluding centrex lines, the number of centrex lines, PBX lines and other technologies indicated in ITAC's tariff; the applicable line charges;; ~~the number of intra-MSA (See Section 13-208 of the Act) TRS billable messages billed, the~~ revenues from each source;; adjustments for errors (if any) in prior monthly reports;; and the total remittance. All revenue amounts shall be reported net of uncollectible amounts and applicable discounts as prescribed by 83 Ill. Adm. Code 756.220(d) and 83 Ill. Adm. Code 756.125(a)(2)(C), respectively, ~~and~~ shall be remitted to ITAC as reported. This data shall be presented in the format defined in ITAC's tariff, of Section 755-Exhibit N. The Staff Liaison shall provide assistance to ITAC in monitoring remittances.

(Source: Amended at 28 Ill. Reg. 859, effective January 1, 2004)

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF ADOPTED AMENDMENTS

**Section 755.510 Determination and Adjustment of the Line Charge**

- a) The Commission may, upon complaint, its own motion, or the petition of ITAC, enter upon a hearing concerning the propriety of the proposed line charge. If no hearing is held, the Commission shall issue an order determining the line charge level within 45 days after ITAC's annual filing. If a hearing is conducted, the Commission shall issue an order determining the line charge level within 105 days after ITAC's annual filing. If the Commission is unable to issue an order within this 105-day period, the Commission shall extend this period for a further period not exceeding six months.
- b) The Commission's order establishing the line charge shall be served on ITAC, the ITAP Advisory Council chairperson, the Staff Liaison, the Director of the Commission's Telecommunications Department, and all ~~local exchange~~ carriers.
- c) If any change in the line charge is ordered, the order shall direct each ~~local exchange~~ carrier to file a tariff within 15 days in compliance with the order and without further notice.

(Source: Amended at 28 Ill. Reg. 859, effective January 1, 2004)

**Section 755.515 Notice and Filing Requirements**

- a) ITAC shall, beginning not later than ten days after it files the information required under Section 755.500 or under Section 755.520, cause to be published once each week for two consecutive weeks a notice of its filing in the official state newspaper and in a secular newspaper (that has been regularly published for at least six months prior to the first publication of ~~thisueh~~ notice) in general circulation in the cities of Chicago and Springfield. ~~ThisSueh~~ notice shall be not less than one column in width and three inches in length.
- b) ITAC shall file with the Chief Clerk of the Commission the required reports and schedules pursuant to Section 755.500 and 755.520. Any documents filed with the Commission pursuant to those Sections shall also be served on the following persons: Director of the Commission's Consumer Services Division and Telecommunications Division~~Department~~, the Manager of the Accounting Department of the Commission's Financial Analysis Division, the Staff Liaison, and the ITAP Advisory Council chairperson.

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF ADOPTED AMENDMENTS

(Source: Amended at 28 Ill. Reg. 859, effective January 1, 2004)

**Section 755.520 Interim Line Charge Adjustments**

- a) ITAC may request, by petition, an interim line charge adjustment. ~~This~~Such petition shall be verified and shall include documentation in substantially the same form as Exhibit A through Exhibit L of this Part supporting the need for an interim line charge adjustment and a projected cash flow statement. If a hearing is conducted, ITAC shall bear the burden of proof regarding the need for an interim line charge adjustment.
- b) The Commission shall issue an order on an expedited basis addressing any requested interim line charge adjustment, either denying, granting in full, or granting in part the requested interim line charge adjustment. The Commission's order shall be served on the same persons as in Section 755.510(b). If the Commission determines that an interim line charge adjustment is necessary, the order shall authorize an interim line charge, to remain in effect until subsequent order of the Commission. If the Commission's order authorizes an interim~~interim~~ line charge adjustment, it shall direct all ~~local exchange~~ carriers to file tariffs in compliance with the order.

(Source: Amended at 28 Ill. Reg. 859, effective January 1, 2004)

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF ADOPTED AMENDMENTS

**Section 755.EXHIBIT E Schedule of Adjustment to Projected Cash Balance (Schedule A-5)**

Line (A)	Description (B)	Amount (C)	Amount (D)
1	Projected Cash Balance at Proposed Line Charge Before Cash Adjustment (a)	_____	
2	One-Eighth of Projected Expenses, As Adjusted (Excluding Depreciation <u>and Gain/Loss on Property and Equipment Retirements</u> )	_____	
3	Planned Capital Expenditures During Projection Period <u>(b)</u> <del>(Attach Supporting Schedule)</del>	_____	
4	Line 2 plus Line 3	_____	
5	If Line 4 is greater than Line 1, enter amount from Line 4 here. If line 4 is less than line 1, go to line 7.		_____
6	Adjustment to Cash Balance (Line 5 minus Line 1)		_____
	*IF THERE IS AN ENTRY ON LINE 5, STOP HERE AND ENTER AMOUNT FROM LINE 6 ON LINE 3 OF SCHEDULE A-1		
7	One-Fourth of Projected Expenses, As Adjusted (Excluding Depreciation <u>and Gain/Loss Property and Equipment Requirements</u> )	_____	
8	Amount from Line 3	_____	
9	Line 7 plus Line 8	_____	
10	If Line 9 is less than Line 1, enter amount from Line 9 here. If Line 9 is greater than Line 1, there is no adjustment to Cash Balance.		

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

11 Adjustment to Cash Balance (Line 10 minus Line 1)

\*IF THERE IS AN ENTRY ON LINE 10, ENTER  
AMOUNT FROM LINE 11 ON LINE 3 OF SCHEDULE  
A-1.

(a) Amount from Line 7, Column D, Schedule A-7.

(b) Amount from Line 19, Column D, Schedule A-6.

(Source: Amended at 28 Ill. Reg. 859, effective January 1, 2004)

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

**Section 755.EXHIBIT F Supporting Schedule of Planned Capital Expenditures During Projection Period (Schedule A-6)**

Line (A)	Description (B)	Amount (C)	Amount (D)
1.	Amount of Property and Equipment Purchased in prior calendar years to be paid in projection period:		
<del>2.3.4.</del>	<del>TT Equipment</del> <del>Telebraille Equipment</del> <del>LVD Equipment</del>		
<del>35.</del>	Computer Equipment and Software		
<del>46.</del>	Furniture and Fixtures		
<del>57.</del>	Buildings		
<del>68.</del>	Subtotal		
<del>79.</del>	Add: Amount of Projected Property and Equipment purchases:		
<del>8.10.11.12.</del>	<del>TT Equipment</del> <del>Telebraille Equipment</del> <del>LVD Equipment</del>		
<del>9.13.</del>	Computer Equipment and Software		
<del>10.14.</del>	Furniture and Fixtures		
<del>11.15.</del>	Buildings		
<del>12.16.</del>	Subtotal <sup>a</sup>		
<del>13.17.</del>	Less: Amount of Projected Property and Equipment Purchases to be Paid in years following projection period:		
<del>14.18.19.20.</del>	<del>TT Equipment</del> <del>Telebraille Equipment</del> <del>LVD Equipment</del>		
<del>15.21.</del>	Computer Equipment and Software		
<del>16.22.</del>	Furniture and Fixtures		
<del>17.23.</del>	Buildings		
<del>18.24.</del>	Subtotal		

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

1925. Total Planned Capital Expenditures During  
Projection Period

---

---

---

<sup>a</sup> Amount from Line 9, Column D, Schedule A-9

(Source: Amended at 28 Ill. Reg. 859, effective January 1, 2004)

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

**Section 755.EXHIBIT I Depreciation Schedule (Schedule A-9)**

Line (A)	Description (B)	Actual Prior Cal Yr 12/31 Prop and Equipment At Cost (C)	Proj Period (Year) Additions (D)	Proj Period (Year) Retirements (E)	Proj Period 12/31 Prop and Equipment At Cost (F)	Average Useful Life (G)	Proj Period Depreciation Expense (H)
1	Buildings	_____	_____	_____	_____	_____	_____
2	Computer Equipment	_____	_____	_____	_____	_____	_____
3	Computer Software	_____	_____	_____	_____	_____	_____
4	Furniture and Fixtures	_____	_____	_____	_____	_____	_____
567	<del>TT</del> Equipment: <del>Telet</del> <del>Equipment</del> <del>Large Visual</del> <del>Display Equip.</del>	_____	_____	_____	_____	_____	_____
68	Other:	_____	_____	_____	_____	_____	_____
79	Total	_____	_____	_____	_____	_____	_____
40	Reconciliation of Accumulated Depreciation						
8		12/31/ Accumulated Depreciation	Accumulated Depreciation Associated With Retirements	(Year) Depreciation Expense	12/31/ Accumulated Depreciation		

(Source: Amended at 28 Ill. Reg. 859, effective January 1, 2004)

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF ADOPTED AMENDMENTS

**Section 755.EXHIBIT J Projected Payroll Expenses, As Adjusted (Other than DPRS Payroll Expenses) (Schedule A-10) (Repealed)**

Line	Description	Year-Ending 12/31	Amount
(A)	(B)	(C)	(D)
1	Executive Wages		
2	Other Management Wages		
3	Non-Management Wages		
4	Sub-Total		
5	Executive Benefits		
6	Other Management Benefits		
7	Non-Management Benefits		
8	Subtotal		
9	Total Payroll Expenses		

(Source: Repealed at 28 Ill. Reg. 859, effective January 1, 2004)

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF ADOPTED AMENDMENTS

**Section 755.EXHIBIT K Projected Line Charge Filing Expenses (Schedule A-11)**  
**(Repealed)**

Line	Description	Year Ending
(A)	(B)	12/31 (C)
1	Legal	
2	Accounting	
3	Other:	
4	Other:	
5	Total	

(Source: Repealed at 28 Ill. Reg. 859, effective January 1, 2004)

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF ADOPTED AMENDMENTS

**Section 755.EXHIBIT L Comparative Actual and Projected Balance Sheets, At Proposed Line Charge, As Adjusted (Schedule A-12)**

Line (A)	Description (B)	Actual Prior Calendar Year 12/31/ (C)	Projected 12/31/ (D)
1	ASSETS		
2	Current Assets:		
3	Cash, <del>and</del> Cash Equivalents and Other Cash Investments	_____	_____
4	Accounts Receivable	_____	_____
5	Interest Receivable	_____	_____
6	Prepaid Distribution Expenses	_____	_____
7	Other:	_____	_____
8	Total Current Assets	_____	_____
9	Property and Equipment:		
10	Computer Equipment and Software	_____	_____
11	Furniture and Fixtures	_____	_____
<del>12</del> <u>13</u> <del>14</del>	<del>TT</del> Equipment <del>Telebraille</del> <del>Equipment</del> <del>Large Visual Display</del> <del>Equipment</del>	_____	_____
<u>13</u> <del>15</del>	Less: Accumulated Depreciation	_____	_____
<u>14</u> <del>16</del>	Property and Equipment, Net	_____	_____

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF ADOPTED AMENDMENTS

<u>1517</u>	Other:	_____	_____	
<u>1618</u>	Total Assets	_____	_____	
<u>1719</u>	LIABILITIES AND FUND BALANCE			
<u>1820</u>	Current Liabilities:			
<u>1924</u>	Accounts Payable:			
<u>2022</u>	TRS	_____	_____	
<u>2123</u>	Other:	_____	_____	
<u>2224</u>	Total Current Liabilities	_____	_____	
<u>2325</u>	Fund Balance:			
<u>2426</u>	Beginning Balance	_____	_____	
<u>2527</u>	Revenues Over/(Under) Expenses	_____	_____	
<u>2628</u>	Ending Balance	_____	_____	
<u>2729</u>	Total Liabilities and Fund Balance	_____	_____	

(Source: Amended at 28 Ill. Reg. 859, effective January 1, 2004)

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF ADOPTED AMENDMENTS

**Section 755.EXHIBIT M Comparative Actual and Projected Statements of Revenues and Expenses at Proposed Line Charge, As Adjusted (Schedule A-13) (Repealed)**

Line (A)	Description (B)	Actual Prior Calendar Year 12/31/ (C)	Projected 12/31/ (D)
1	Revenues:-		
2	Subscriber Line Charge		
3	Investment Income		
4	TRS		
5	Other:-		
6	Total Revenues		
7	Expenses:-		
8	TRS		
9	Administration		
10	Equipment Distribution and Maintenance		
11	Legal		
12	Accounting and Consulting		
13	Depreciation		
14	(Gain)/Loss on Property and Equipment Retirements		
15	Other Expenses:-		

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

<del>16</del>	<del>Total Expenses</del>	
<del>17</del>	<del>Revenues Over/(Under) Expenses</del>	

(Source: Repealed at 28 Ill. Reg. 859, effective January 1, 2004)

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF ADOPTED AMENDMENTS

**Section 755.EXHIBIT N Local Exchange Carrier Monthly Report to ITAC (Repealed)**~~Local Exchange Carrier Name:~~~~Remittance for (Month/Year):~~

<del>Line (A)</del>	<del>Description (B)</del>	<del>Number (C)</del>	<del>Rate (D)</del>	<del>Revenues (b) (E)</del>
<del>1</del>	<del>Subscriber Lines (a)</del>			
<del>2</del>	<del>Centrex Lines</del>			
<del>3</del>	<del>Intra-MSA TRS billable messages billed</del>			
<del>4</del>	<del>Prior Period Adjustment (Attach Explanation)</del>			
<del>5</del>	<del>Total Remittance</del>			

~~(a) "Subscriber lines" means access lines, as defined in 83 Ill. Adm. Code 730.105, of local exchange carriers as defined in 83 Ill. Adm. Code 755.10 (including telecommunications carriers that are mutual concerns as defined in Section 13-202(b) of the Act), but shall not include Feature Groups A, B, C, and D access lines, 800 lines or access lines used for official communications of telecommunications carriers providing local exchange service. Also, for purposes of this report, "subscriber lines" does not include Centrex lines.~~

~~(b) All revenue amounts shall be reported net of uncollectible amounts and applicable discounts as prescribed by Sections 756.220(d) and 756.125(a)(2)(C), respectively.~~

~~Date Prepared:~~~~Originator:~~~~Phone:~~

(Source: Repealed at 28 Ill. Reg. 859, effective January 1, 2004)

## DEPARTMENT OF INSURANCE

## NOTICE OF ADOPTED RULES

- 1) Heading of the Part: Universal Life Insurance
- 2) Code Citation: 50 Ill. Adm. Code 1411
- 3) 

<u>Section Number:</u>	<u>Adopted Action:</u>
1411.10	New Section
1411.20	New Section
1411.30	New Section
1411.40	New Section
1411.50	New Section
1411.60	New Section
- 4) Statutory Authority: Implementing Sections 149 and 223 through 231.1 and authorized by Section 401 of the Illinois Insurance Code [215 ILCS 5/149, 223 through 231.1 and 401]
- 5) Effective Date of Rules: January 1, 2004
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted rulemaking, including any material incorporated by reference, is on file in the Department of Insurance's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: April 18, 2003, 27 Ill. Reg. 6563
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version: Changes:
  - a) Changed "which" to "that" in Section 1411.20, 2<sup>nd</sup> line of 5<sup>th</sup> paragraph; 1411.30(a)(2)(C), 7<sup>th</sup> and 19<sup>th</sup> lines; 1411.30(a)(4), 2<sup>nd</sup> line; 1411.30(a)(6)(B), 2<sup>nd</sup> line; 1411.40(b)(2)(C), 2<sup>nd</sup> line; 1411.40(b)(2)(D), 2<sup>nd</sup> line; 1411.40(b)(3)(B), 2<sup>nd</sup> line; 1411.40(c)(2), 4<sup>th</sup> line; 1411.50(a), 2<sup>nd</sup> line; 1411.60(a), 2<sup>nd</sup> line; and 1411.60(b)(3), 1<sup>st</sup> line.
  - b) Subsection 1411.30(a): changed "(a)(1)(C)" to "(a)(3)", "(a)(1)(D)" to "(a)(4)", "(a)(1)(A)" to "(a)(1)", and "(a)(1)(B)" to "(a)(2)".

## DEPARTMENT OF INSURANCE

## NOTICE OF ADOPTED RULES

- c) Subsection 1411.30(a)(2)(C), 14<sup>th</sup> line: hyphenated “minimum death benefit”.
- d) Subsection 1411.30(a)(2)(C), 20<sup>th</sup>-21<sup>st</sup> and 23<sup>rd</sup> lines, and 1411.30(b)(1)(B), 3<sup>rd</sup>-4<sup>th</sup> and 5<sup>th</sup> lines: made “Guaranteed Maturity Premium” lower case.
- e) Subsection 1411.30(a)(3): changed “(a)(1)(B)” to “(a)(2)”.
- f) Subsection 1411.30(a)(4): changed “(a)(1)(C)” to “(a)(3)” and “(a)(1)(B)” to “(a)(2)”.
- g) Subsection 1411.30(a)(5): changed “(a)(1)(B)” to “(a)(2)”.
- h) Subsection 1411.30(b)(1): made “subsections” singular after “shall be the greater of”.
- i) Section 1411.40, at the end of subsection 1411.40(a)(2)(A)(i), (ii), (iii) and (iv): changed commas to semicolons.
- j) Subsection 1411.40(a)(2)(A)(v): added semicolon after “benefit”.
- k) Subsection 1411.40(a)(9): changed “subsection” to “Section” after “allowance provided by”.
- l) Subsection 1411.40(b)(2)(D): changed “1411.30(a)(1)(D)” to “1411.30(a)(4)”.
- m) Subsection 1411.40(c)(1)(B): added a comma after “policy”.
- n) Subsection 1411.50(a) and 1411.60(a), after “will serve to keep”: changed “such” to “the”.
- o) Subsection 1411.50(b): added a comma after “1406”.
- p) Subsection 1411.30(a): Deleted “1)” from the first line after “Requirements” and renumbered subsequent paragraphs as follows: changed “A)” and “B)” to “1)” and “2)””; changed “i)”, “ii)”, “iii)”, “iv)”, and “v)” to “A)”, “B)”, “C)”, “D)”, and “E)”, respectively; changed “C” “D)”, “E)” and “F)” to “3)”, “4)”, “5)” and “6)”, respectively; changed “i)” and “ii)” to “A)” and “B)”; changed “G)” to “7)”; and changed “i)”, “ii)” and “iii)” to “A)”, “B)” and “C)”, respectively.

## DEPARTMENT OF INSURANCE

## NOTICE OF ADOPTED RULES

- 12) Have all changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? No. The Department of Insurance did not agree to make nonsubstantive changes on JCAR's Second Notice Changes document.
- 13) Will this rulemaking replace an emergency rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of rulemaking: This rule adopts the National Association of Insurance Commissioners' (NAIC) Universal Life Insurance Model Regulation. The rule will supplement the Department's existing regulations on life insurance policies with standards and requirements specifically applicable to all individual and group universal life insurance policies except variable universal life policies. The rule establishes minimum standards for reserve valuation and cash surrender values and mandatory policy provisions, including a periodic policy status report to the policyowner or group certificateholder.
- 16) Information and questions regarding this adopted rulemaking shall be directed to:

Arlene Howard  
Life, Accident and Health Compliance Unit  
Department of Insurance  
320 West Washington  
Springfield, Illinois 62767-0001  
(217) 558-6875

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

## DEPARTMENT OF INSURANCE

## NOTICE OF ADOPTED RULES

## TITLE 50: INSURANCE

## CHAPTER I: DEPARTMENT OF INSURANCE

## SUBCHAPTER s: LEGAL RESERVE LIFE INSURANCE

## PART 1411

## UNIVERSAL LIFE INSURANCE

## Section

1411.10	Purpose and Applicability
1411.20	Definitions
1411.30	Valuation
1411.40	Nonforfeiture
1411.50	Policy and Group Certificate Requirements and Disclosures
1411.60	Annual Report to Individual Policyowner or Group Certificateholder

AUTHORITY: Implementing Sections 149 and 223 through 231.1 and authorized by Section 401 of the Illinois Insurance Code [215 ILCS 5/149, 223 through 231.1 and 401].

SOURCE: Adopted at 28 Ill. Reg. 906, effective January 1, 2004.

**Section 1411.10 Purpose and Applicability**

The purpose of this Part is to supplement the Department's existing regulations on life insurance policies with standards and requirements specifically applicable to all individual and group universal life insurance policies and group certificates except variable universal life policies and group certificates. It establishes minimum standards for reserve valuation and cash surrender values, as well as mandatory policy provisions, including a periodic policy status report to the policyowner or group certificateholder.

**Section 1411.20 Definitions**

Cash Surrender Value means the net cash surrender value plus any amounts outstanding as policy loans.

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

Director means the Director of the Illinois Department of Insurance.

Fixed Premium Universal Life Insurance Policy means a universal life insurance policy other than a flexible premium universal life insurance policy.

## DEPARTMENT OF INSURANCE

## NOTICE OF ADOPTED RULES

Flexible Premium Universal Life Insurance Policy means a universal life insurance policy that permits the policyowner or group certificateholder to vary, independently of each other, the amount or timing of one or more premium payments or the amount of insurance.

Net Cash Surrender Value means the maximum amount payable to the policyowner or group certificateholder upon surrender.

Policy Value means the amount to which separately identified interest credits and mortality, expense, or other charges are made under a universal life insurance policy.

Universal Life Insurance Policy means a group or individual life insurance policy where separately identified interest credits (other than in connection with dividend accumulations, premium deposit funds, or other supplementary accounts) and mortality and expense charges are made to the policy or group certificate. A universal life insurance policy may provide for other credits and charges, such as charges for the cost of benefits provided by rider.

**Section 1411.30 Valuation**

## a) Requirements

The minimum valuation standard for individual and group universal life insurance policies shall be the Commissioners Reserve Valuation Method, as described in this Section for such policies, and the tables and interest rates specified in this Section. The terminal reserve for the basic policy or group certificate and any benefits and/or riders for which premiums are not paid separately as of any policy or group certificate anniversary shall be equal to the net level premium reserves less subsection (a)(1)(C) and less subsection (a)(1)(D) of this Section, where reserves by the net level premium method shall be equal to  $((A)-(B))r$  where (A), (B) and "r" are as defined in subsections (a)(1)(A) and (a)(1)(B) of this Section:

1) (A) is the present value of all future guaranteed benefits at the date of valuation.

2) (B) is the quantity  $(PVFB)_{(a_{x+t})/a_x}$

A) Where PVFB is the present value of all benefits guaranteed at issue assuming future guaranteed maturity premiums are paid by the

## DEPARTMENT OF INSURANCE

## NOTICE OF ADOPTED RULES

policyowner or group certificateholder and taking into account all guarantees contained in the policy or declared by the insurer.

- B)  $a_x$  and  $a_{x+t}$  are present values of an annuity of 1 per year payable on policy or group certificate anniversaries beginning at ages  $x$  and  $x+t$ , respectively, and continuing until the highest attained age at which a premium may be paid under the policy. The letter " $x$ " is defined as the issue age and the letter " $t$ " is defined as the duration of the policy or group certificate.
- C) The guaranteed maturity premium for flexible premium universal life insurance policies shall be that level gross premium, paid at issue and periodically thereafter over the period during which premiums are allowed to be paid, which will mature the policy or group certificate on the latest maturity date, if any, permitted under the policy or group certificate (otherwise at the highest age in the valuation mortality table), for an amount that is in accordance with the policy or group certificate structure. (The maturity amount shall be the initial death benefit where the death benefit is level over the lifetime of the policy or group certificate except for the existence of a minimum-death-benefit corridor, or shall be the specified amount where the death benefit equals a specified amount plus the policy value or cash surrender value except for the existence of a minimum-death-benefit corridor.) The guaranteed maturity premium is calculated at issue based on all policy guarantees at issue (excluding guarantees linked to an external referent). The guaranteed maturity premium for fixed premium universal life insurance policies shall be the premium defined in the policy or group certificate that at issue provides the minimum policy or group certificate guarantees. (The guaranteed maturity premium for both flexible and fixed premium policies shall be adjusted for death benefit corridors provided by the policy. The guaranteed maturity premium may be less than the premium necessary to pay all charges. This can especially happen in the first year for policies or group certificates with large first year expense charges.)
- D) The letter " $r$ " is equal to 1, unless the policy is a flexible premium policy and the policy value is less than the guaranteed maturity

## DEPARTMENT OF INSURANCE

## NOTICE OF ADOPTED RULES

fund, in which case "r" is the ratio of the policy value to the guaranteed maturity fund.

- E) The guaranteed maturity fund at any duration is that amount which, together with future guaranteed maturity premiums, will mature the policy or group certificate based on all policy or group certificate guarantees at issue.
- 3) (C) is the quantity  $((a)-(b))(a_{x+t})(r)/a_x$  where (a)-(b) is as described in Section 223 of the Code for the plan of insurance defined at issue by the guaranteed maturity premiums and all guarantees contained in the policy or group certificate or declared by the insurer.  $a_{x+t}$  and  $a_x$  are defined in subsection (a)(1)(B) of this Section.
- 4) (D) is the sum of any additional quantities analogous to subsection (a)(1)(C) of this Section that arise because of structural changes in the policy or group certificate, with each such quantity being determined on a basis consistent with that of subsection (a)(1)(C) using the maturity date in effect at the time of the change. (Structural changes are those changes which are separate from the automatic workings of the policy or group certificate. Such changes usually would be initiated by the policyholder or group certificateholder and include changes in the guaranteed benefits, changes in latest maturity date, or changes in allowable premium payment period. For fixed premium universal life policies with redetermination of all credits and charges no more frequently than annually, on policy or group certificate anniversaries, structural changes also include changes in guaranteed benefits, or in fixed premiums, unanticipated by the guaranteed maturity premium for such policies or group certificates at the date of issue, even if such changes arise from automatic workings of the policy or group certificate. The recomputation of subsection (a)(1)(B) of this Section, for fixed premium universal life structural changes, shall exclude from PVFB, the present value of future guaranteed benefits, those guaranteed benefits which are funded by the excess of the insurer's declared guarantees of interest, mortality and expenses, over the guarantees contained in the policy or group certificate at the date of issue.)
- 5) The guaranteed maturity premium, the guaranteed maturity fund and subsection (a)(1)(B) of this Section shall be recalculated to reflect any structural changes in the policy or group certificate. This recalculation shall be done in a manner consistent with the descriptions above.

## DEPARTMENT OF INSURANCE

## NOTICE OF ADOPTED RULES

- 6) Future guaranteed benefits are determined by:
  - A) Projecting the greater of the guaranteed maturity fund and the policy value, taking into account future guaranteed maturity premiums, if any, and using all guarantees of interest, mortality, expense deductions, etc., contained in the policy or group certificate or declared by the insurer; and
  - B) Taking into account any benefits guaranteed in the policy or group certificate or by declaration that do not depend on the policy value.
- 7) All present values shall be determined using:
  - A) An interest rate (or rates) specified by Section 223 of the Code for policies or group certificates issued in the same year;
  - B) The mortality rates specified by Section 223 for policies or group certificates issued in the same year or contained in such other table as may be approved by the Director for this purpose; and
  - C) Any other tables needed to value supplementary benefits provided by a rider which is being valued together with the policy or group certificate.
- b) Alternative Minimum Reserves
  - 1) If, in any policy year, the guaranteed maturity premium on any universal life insurance policy is less than the valuation net premium for such policy or group certificate, calculated by the valuation method actually used in calculating the reserve thereon but using the minimum valuation standards of mortality and rate of interest, the minimum reserve required for such contract shall be the greater of subsection (b)(1)(A) or (b)(1)(B) of this Section.
    - A) The reserve calculated according to the method, the mortality table, and the rate of interest actually used.
    - B) The reserve calculated according to the method actually used but using the minimum valuation standards of mortality and rate of

## DEPARTMENT OF INSURANCE

## NOTICE OF ADOPTED RULES

interest and replacing the valuation net premium by the guaranteed maturity premium in each policy year for which the valuation net premium exceeds the guaranteed maturity premium.

- 2) For universal life insurance reserves on a net level premium basis, the valuation net premium is  $PVFB/a_x$  and for reserves on a Commissioners Reserve Valuation Method, the valuation net premium is  $(PVFB/a_x) + ((a) - (b))/a_x$ .

**Section 1411.40 Nonforfeiture**

- a) Minimum Cash Surrender Values for Flexible Premium Universal Life Insurance Policies
  - 1) Minimum cash surrender values for flexible premium universal life insurance policies shall be determined separately for the basic policy or group certificate and any benefits and riders for which premiums are paid separately. The following requirements pertain to a basic policy or group certificate and any benefits and riders for which premiums are not paid separately.
  - 2) The minimum cash surrender value (before adjustment for indebtedness and dividend credits) available on a date as of which interest is credited to the policy or group certificate shall be equal to:
    - A) The accumulation to that date of the premiums paid minus the accumulations (all accumulations being at the actual rate or rates of interest at which interest credits have been made unconditionally to the policy; or have been made conditionally, but for which the conditions have since been met) to that date of:
      - i) The benefit charges;
      - ii) The averaged administrative expense charges for the first policy year and any insurance-increase years;
      - iii) Actual administrative expense charges for other years;

## DEPARTMENT OF INSURANCE

## NOTICE OF ADOPTED RULES

- iv) Initial and additional acquisition expense charges not exceeding the initial or additional expense allowances, respectively;
  - v) Any service charges actually made (excluding charges for cash surrender or election of a paid-up nonforfeiture benefit); and
  - vi) Any deductions made for partial withdrawals,
- B) Minus any unamortized unused initial and additional expense allowances.
- 3) Interest on the premiums and on all charges referred to in subsections (a)(2)(A)(i) through (vi) of this Section shall be accumulated from and to such dates as are consistent with the manner in which interest is credited in determining the policy value.
  - 4) The benefit charges shall include the charges made for mortality and any charges made for riders or supplementary benefits for which premiums are not paid separately. If benefit charges are substantially level by duration and develop low or no cash values, then the Director shall have the right to require higher cash values unless the insurer provides adequate justification that the cash values are appropriate in relation to the policy's or group certificate's other characteristics.
  - 5) The administrative expense charges shall include charges per premium payment, charges per dollar of premium paid, periodic charges per thousand dollars of insurance, periodic per policy or group certificate charges, and any other charges permitted by the policy or group certificate to be imposed without regard to the policyowner's or group certificateholder's request for services.
  - 6) The averaged administrative expense charges for any year shall be those which would have been imposed in that year if the charge rate or rates for each transaction or period within the year had been equal to the arithmetic average of the corresponding charge rates which the policy or group certificate states will be imposed in policy years 2 through 20 in determining the policy value.

## DEPARTMENT OF INSURANCE

## NOTICE OF ADOPTED RULES

- 7) The initial acquisition expense charges shall be the excess of the expense charges, other than service charges, actually made in the first policy year over the averaged administrative expense charges for that year. Additional acquisition expense charges shall be the excess of the expense charges, other than service charges, actually made in an insurance-increase year over the averaged administrative expense charges for that year. An insurance-increase year shall be the year beginning on the date of increase in the amount of insurance by policyowner or group certificateholder request (or by the terms of the policy or group certificate).
- 8) Service charges shall include charges permitted by the policy or group certificate to be imposed as the result of a policyowner's or group certificateholder's request for a service by the insurer (such as the furnishing of future benefit illustrations) or of special transactions.
- 9) The initial expense allowance shall be the allowance provided by Section 229.2(4c)(a) of the Code for a fixed premium, fixed benefit endowment policy with a face amount equal to the initial face amount of the flexible premium universal life insurance policy, with level premiums paid annually until the highest attained age at which a premium may be paid under the flexible premium universal life insurance policy, and maturing on the latest maturity date permitted under the policy or group certificate, if any, otherwise at the highest age in the valuation mortality table. The unused initial expense allowance shall be the excess, if any, of the initial expense allowance over the initial acquisition expense charges as defined above.
- 10) If the amount of insurance is subsequently increased upon request of the policyowner or group certificateholder (or by the terms of the policy or group certificate), an additional expense allowance and an unused additional expense allowance shall be determined on a basis consistent with the above and with Section 229.2(4c)(e) of the Code, using the face amount and the latest maturity date permitted at that time under the policy or group certificate.
- 11) The unamortized unused initial expense allowance during the policy year beginning on the policy or group certificate anniversary at age  $x+t$  (where "x" is the same issue age) shall be the unused initial expense allowance multiplied by  $a_{x+t}/a_x$  where  $a_{x+t}$  and  $a_x$  are present values of an annuity of 1 per year payable on policy or group certificate anniversaries beginning at

## DEPARTMENT OF INSURANCE

## NOTICE OF ADOPTED RULES

ages  $x+t$  and  $x$ , respectively, and continuing until the highest attained age at which a premium may be paid under the policy or group certificate, both on the mortality and interest bases guaranteed in the policy or group certificate. An unamortized unused additional expense allowance shall be the unused additional expense allowance multiplied by a similar ratio of annuities, with  $a_x$  replaced by an annuity beginning on the date as of which the additional expense allowance was determined.

- b) Minimum Cash Surrender Values for Fixed Premium Universal Life Insurance Policies
- 1) For fixed premium universal life insurance policies, the minimum cash surrender values shall be determined separately for the basic policy or group certificate and any benefits and riders for which premiums are paid separately. The following requirements pertain to a basic policy or group certificate and any benefits and riders for which premiums are not paid separately.
  - 2) The minimum cash surrender value (before adjustment for indebtedness and dividend credits) available on a date as of which interest is credited to the policy or group certificate shall be equal to  $[(A)-(B)-(C)-(D)]$ , where:
    - A) (A) is the present value of all future guaranteed benefits.
    - B) (B) is the present value of future adjusted premiums. The adjusted premiums are calculated as described in Section 229.2(4c)(a). The nonforfeiture net level premium is equal to the quantity  $PVFB/a_x$  where:
      - i)  $PVFB$  is the present value of all benefits guaranteed at issue assuming future premiums are paid by the policyowner or group certificateholder and all guarantees contained in the policy or group certificate or declared by the insurer, and
      - ii)  $a_x$  is the present value of an annuity of 1 per year payable on policy or group certificate anniversaries beginning at age  $x$  and continuing until the highest attained age at which a premium may be paid under the policy or group certificate.

## DEPARTMENT OF INSURANCE

## NOTICE OF ADOPTED RULES

- C) (C) is the present value of any quantities analogous to the nonforfeiture net level premium that arise because of guarantees declared by the insurer after the issue date of the policy or group certificate.  $a_x$  shall be replaced by an annuity beginning on the date as of which the declaration became effective and payable until the end of the period covered by the declaration.
  - D) (D) is the sum of any quantities analogous to subsection (b)(2)(B) of this Section that arise because of structural changes in the policy or group certificate, as described in Section 1411.30(a)(1)(D).
- 3) Future guaranteed benefits are determined by:
- A) Projecting the policy value, taking into account future premiums, if any, and using all guarantees of interest, mortality, expense deductions, etc., contained in the policy or group certificate or declared by the insurer; and
  - B) Taking into account any benefits guaranteed in the policy or group certificate or by declaration that do not depend on the policy value.
- 4) All present values shall be determined using:
- A) An interest rate (or rates) specified by Section 229.2(4c) of the Code for policies or group certificates issued in the same year, and
  - B) The mortality rates specified by Section 229.2(4c) of the Code for policies or group certificates issued in the same year or contained in such other table as may be approved by the Director for this purpose.
- c) Minimum Paid-Up Nonforfeiture Benefits
- 1) If a universal life insurance policy provides for the optional election of a paid-up nonforfeiture benefit, it shall be such that its present value shall be at least equal to the cash surrender value provided for by the policy or group certificate on the effective date of the election. The present value shall be based on mortality and interest standards at least as favorable to the policyowner or group certificateholder as:

## DEPARTMENT OF INSURANCE

## NOTICE OF ADOPTED RULES

- A) In the case of a flexible premium universal life insurance policy, the mortality and interest basis guaranteed in the policy or group certificate for determining the policy value, or
  - B) In the case of a fixed premium policy, the mortality and interest standards permitted for paid-up nonforfeiture benefits by Section 229.2(4c) of the Code.
- 2) In lieu of the paid-up nonforfeiture benefit, the insurer may substitute, upon proper request not later than 60 days after the due date of the premium in default, an actuarially equivalent alternative paid-up nonforfeiture benefit that provides a greater amount or longer period of death benefits, or, if applicable, a greater amount or earlier payment of endowment benefits.

**Section 1411.50 Policy and Group Certificate Requirements and Disclosures**

- a) **Periodic Disclosure**  
The policy shall provide that the individual policyowner or group certificateholder will be sent, without charge, at least annually, a report that will serve to keep the policyowner or group certificateholder advised as to the status of the policy. The end of the current report period must be not more than 3 months previous to the date of the mailing of the report. Specific requirements of this report are detailed in Section 1411.60 of this Part.
- b) **Current Illustrations**  
The annual report shall provide notice that the individual policyowner or group certificateholder may request an illustration of current and future benefits and values, as required by 50 Ill. Adm. Code 1406, when the policy is illustrated.
- c) **Policy Guarantees**  
The policy shall provide guarantees of minimum interest credits and maximum mortality and expense charges. All values and data shown in the policy or group certificate shall be based on guarantees. No figures based on nonguarantees shall be included in the policy or group certificate.
- d) **Calculation of Cash Surrender Values**

## DEPARTMENT OF INSURANCE

## NOTICE OF ADOPTED RULES

The individual policy or group certificate shall contain at least a general description of the calculation of cash surrender value including the following information:

- 1) The guaranteed maximum expense charges and loads.
  - 2) Any limitation on the crediting of additional interest. Interest credits shall not remain conditional for a period longer than 24 months.
  - 3) The guaranteed minimum rate or rates of interest.
  - 4) The guaranteed maximum mortality charges.
  - 5) Any other guaranteed charges.
  - 6) Any surrender or partial withdrawal charges.
- e) **Changes in Basic Coverage**  
If the policyowner or group certificateholder has the right to change the basic coverage, any limitation on the amount or timing of such change shall be stated in the policy. If the individual policyowner or group certificateholder has the right to increase the basic coverage, the individual policy or group certificate shall state whether a new period of contestability and/or suicide is applicable to the additional coverage.
- f) **Grace Period and Lapse**  
The group or individual policy shall provide for written notice to be sent to the individual policyowner's or group certificateholder's last known address at least 30 days prior to termination of coverage. A flexible premium policy shall provide for a grace period after lapse, either of 30 days or of 1 month for individual policies or 31 days for group policies, as required by Sections 224 and 231.1 of the Code. Unless otherwise defined in the policy, lapse shall occur on that date on which the net cash surrender value first equals zero.
- g) **Misstatement of Age or Sex**  
If there is a misstatement of age or sex in the individual application or group enrollment form, the policy shall provide that the amount of the death benefit shall be that which would be purchased by the most recent mortality charge at the correct age or sex.

## DEPARTMENT OF INSURANCE

## NOTICE OF ADOPTED RULES

- h) **Maturity Date**  
If an individual policy or group certificate provides for a "maturity date," "end date," or similar date, then the policy or group certificate shall also contain a statement, in close proximity to that date, that it is possible that coverage may not continue to the maturity date even if scheduled premiums are paid in a timely manner, if such is the case.
- i) **Disclosure Requirements**  
Disclosure of information about the policy being applied for shall follow the standards in 50 Ill. Adm. Code 1406.

**Section 1411.60 Annual Report to Individual Policyowner or Group Certificateholder**

- a) **Requirements**  
The policy shall provide that the individual policyowner or group certificateholder will be sent, without charge, at least annually, a report that will serve to keep the policyowner or group certificateholder advised of the status of the policy. The end of the current report period shall be not more than 3 months previous to the date of the mailing of the report.
- b) The report shall include the following:
  - 1) The beginning and end of the current report period;
  - 2) The policy value at the end of the previous report period and at the end of the current report period;
  - 3) The total amounts that have been credited or debited to the policy value during the current report period, identifying each by type (e.g., interest, mortality, expense and riders);
  - 4) The current death benefit at the end of the current report period on each life covered by the policy;
  - 5) The net cash surrender value of the policy or group certificate as of the end of the current report period;
  - 6) The amount of outstanding loans, if any, as of the end of the current report period;

## DEPARTMENT OF INSURANCE

## NOTICE OF ADOPTED RULES

- 7) For fixed premium policies:  
If, assuming guaranteed interest, mortality and expense loads and continued scheduled premium payments, the individual policy's or group certificate's net cash surrender value is such that it would not maintain insurance in force until the end of the next reporting period, a notice to this effect shall be included in the report;
  
- 8) For flexible premium policies:  
If, assuming guaranteed interest, mortality and expense loads, the individual policy's or group certificate's net cash surrender value will not maintain insurance in force until the end of the next reporting period unless further premium payments are made, a notice to this effect shall be included in the report.

## DEPARTMENT ON AGING

## NOTICE OF EMERGENCY AMENDMENTS

- 1) Heading of the Part: Community Care Program
- 2) Code Citations: 89 Ill. Adm. Code 240
- 3) 

<u>Section Numbers:</u>	<u>Emergency Action:</u>
240.810	Amendment
240.920	Amendment
240.950	Amendment
- 4) Statutory Authority: 20 ILCS 105/4.01(11) and 5.02
- 5) Effective Date of Amendments: January 1, 2004.
- 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: Not Applicable.
- 7) Date filed with the Index Department: December 26, 2003.
- 8) A copy of the emergency amendments including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Reason for Emergency: This emergency rulemaking is in response to the Governor's directive that the asset level for eligibility in the Community Care Program be revised from \$10,000 to \$12,500 effective January 1, 2004.
- 10) A complete Description of the Subjects and Issues Involved: The maximum allowable asset level of \$10,000 has not been adjusted since the inception of the Community Care Program. The adjustment to \$12,500 will allow more individuals who are not able to afford private care to be eligible for in-home services.
- 11) Are there any proposed amendments to this Part pending? No
- 12) Statement of Statewide Policy Objectives: This rulemaking does not create a State mandate.
- 13) Information and questions regarding this request shall be directed to:

Heidi Dodd  
Assistant General Counsel

DEPARTMENT ON AGING

NOTICE OF EMERGENCY AMENDMENTS

Illinois Department on Aging  
421 E. Capitol Avenue, #100  
Springfield IL 62701  
(217) 785-3346

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

DEPARTMENT ON AGING

NOTICE OF EMERGENCY AMENDMENTS

TITLE 89: SOCIAL SERVICES  
CHAPTER II: DEPARTMENT ON AGING

PART 240  
COMMUNITY CARE PROGRAM

SUBPART A: GENERAL PROGRAM PROVISIONS

Section	
240.100	Community Care Program
240.110	Department Prerogative
240.120	Services Provided
240.130	Maintenance of Effort
240.140	Program Limitations
240.150	Completed Applications Prior to August 1, 1982 (Repealed)
240.160	Definitions

SUBPART B: SERVICE DEFINITIONS

Section	
240.210	Homemaker Service
240.220	Chore-Housekeeping Service (Repealed)
240.230	Adult Day <del>Care</del> Service
240.240	Information and Referral
240.250	Demonstration/Research Projects
240.260	Case Management Service
240.270	Alternative Provider
240.280	Individual Provider

SUBPART C: RIGHTS AND RESPONSIBILITIES

Section	
240.300	Applicant/Client Rights and Responsibilities
240.310	Right to Apply
240.320	Nondiscrimination
240.330	Freedom of Choice
240.340	Confidentiality/Safeguarding of Case Information
240.350	Applicant/Client/Authorized Representative Cooperation
240.360	Reporting Changes
240.370	Voluntary Repayment

## DEPARTMENT ON AGING

## NOTICE OF EMERGENCY AMENDMENTS

## SUBPART D: APPEALS

Section	
240.400	Appeals and Fair Hearings
240.405	Representation
240.410	When the Appeal May Be Filed
240.415	What May Be Appealed
240.420	Group Appeals
240.425	Informal Review
240.430	Informal Review Findings
240.435	Withdrawing an Appeal
240.436	Cancelling an Appeal
240.440	Examining Department Records
240.445	Hearing Officer
240.450	The Hearing
240.451	Conduct of Hearing
240.455	Continuance of the Hearing
240.460	Postponement
240.465	Dismissal Due to Non-Appearance
240.470	Rescheduling the Appeal Hearing
240.475	Recommendations of Hearing Officer
240.480	The Appeal Decision
240.485	Reviewing the Official Report of the Hearing

## SUBPART E: APPLICATION

Section	
240.510	Application for Community Care Program
240.520	Who May Make Application
240.530	Date of Application
240.540	Statement to be Included on Application

## SUBPART F: ELIGIBILITY

Section	
240.600	Eligibility Requirements
240.610	Establishing Eligibility
240.620	Home Visit
240.630	Determination of Eligibility

## DEPARTMENT ON AGING

## NOTICE OF EMERGENCY AMENDMENTS

240.640	Eligibility Decision
240.650	Continuous Eligibility
240.655	Frequency of Redeterminations
240.660	Extension of Time Limit

## SUBPART G: NON-FINANCIAL REQUIREMENTS

Section	
240.710	Age
240.715	Determination of Need
240.720	Clients Prior to Effective Date of This Section (Repealed)
240.725	Clients After Effective Date of This Section (Repealed)
240.726	Emergency Budget Act Reduction (Repealed)
240.727	Minimum Score Requirements
240.728	Maximum Payment Levels for Homemaker Service
240.729	Maximum Payment Levels for Adult Day Care Service
240.730	Plan of Care
240.735	Supplemental Information
240.740	Assessment of Need
240.750	Citizenship
240.755	Residence
240.760	Furnishing of Social Security Number

## SUBPART H: FINANCIAL REQUIREMENTS

Section	
240.800	Financial Factors
240.810	Assets
<u>EMERGENCY</u>	
240.815	Exempt Assets
240.820	Asset Transfers
240.825	Income
240.830	Unearned Income Exemptions
240.835	Earned Income
240.840	Potential Retirement, Disability and Other Benefits
240.845	Family
240.850	Monthly Average Income
240.855	Applicant/Client Expense for Care
240.860	Change in Income
240.865	Application For Medical Assistance (Medicaid)

## DEPARTMENT ON AGING

## NOTICE OF EMERGENCY AMENDMENTS

- 240.870 Determination of Applicant/Client Monthly Expense for Care  
240.875 Client Responsibility

## SUBPART I: DISPOSITION OF DETERMINATION

- Section  
240.905 Prohibition of Institutionalized Individuals From Receiving Community Care  
Program Services  
240.910 Written Notification  
240.915 Service Provision  
240.920 Reasons for Denial  
EMERGENCY  
240.925 Frequency of Redeterminations (Renumbered)  
240.930 Suspension of Services  
240.935 Discontinuance of Services to Clients  
240.940 Penalty Payments  
240.945 Notification  
240.950 Reasons for Termination  
EMERGENCY  
240.955 Reasons for Reduction or Change

## SUBPART J: SPECIAL SERVICES

- Section  
240.1010 Nursing Facility Screening  
240.1020 Interim Services  
240.1040 Intense Service Provision  
240.1050 Temporary Service Increase

## SUBPART K: TRANSFERS

- Section  
240.1110 Individual Transfer Request – Vendor to Vendor – No Change in Service  
240.1120 Individual Transfer Request – Vendor to Vendor – With Change in Service  
240.1130 Individual Transfers – Case Coordination Unit to Case Coordination Unit  
240.1140 Transfer of Pending Applications  
240.1150 Interagency Transfers  
240.1160 Temporary Transfers – Case Coordination Unit to Case Coordination Unit  
240.1170 Caseload Transfer – Vendor to Vendor  
240.1180 Caseload Transfer – Case Coordination Unit to Case Coordination Unit

## DEPARTMENT ON AGING

## NOTICE OF EMERGENCY AMENDMENTS

## SUBPART L: ADMINISTRATIVE SERVICE CONTRACT

Section  
240.1210 Administrative Service Contract

## SUBPART M: CASE COORDINATION UNITS AND PROVIDERS

Section  
240.1310 Standard Contractual Requirements for Case Coordination Units and Providers  
240.1320 Vendor or Case Coordination Unit Fraud/Illegal or Criminal Acts  
240.1330 General Vendor and CCU Responsibilities (Repealed)  
240.1396 Payment for Services (Repealed)  
240.1397 Purchases and Contracts (Repealed)  
240.1398 Safeguarding Case Information (Repealed)  
240.1399 Suspension/Termination of a Vendor or Case Coordination Unit (CCU)

## SUBPART N: CASE COORDINATION UNITS

Section  
240.1400 Community Care Program Case Management  
240.1410 Case Coordination Unit Administrative Minimum Standards  
240.1420 Case Coordination Unit Responsibilities  
240.1430 Case Management Staff Positions, Qualifications and Responsibilities  
240.1440 Training Requirements For Case Management Supervisors and Case Managers

## SUBPART O: PROVIDERS

Section  
240.1510 Provider Administrative Minimum Standards  
240.1520 Provider Responsibilities  
240.1530 General Homemaker Staffing Requirements  
240.1535 Homemaker Staff Positions, Qualifications and Responsibilities  
240.1540 General Chore-Housekeeping Staffing Requirements (Repealed)  
240.1545 Chore-Housekeeping Staff Positions, Qualifications and Responsibilities (Repealed)  
240.1550 Standard Requirements for Adult Day ~~Service Care~~ Providers  
240.1555 General Adult Day ~~Service Care~~ Staffing Requirements  
240.1560 Adult Day ~~Service Care~~ Staff ~~Qualifications~~  
240.1565 Adult Day ~~Service Care~~ Satellite Sites

## DEPARTMENT ON AGING

## NOTICE OF EMERGENCY AMENDMENTS

240.1570	Service Availability Expansion
240.1575	Adult Day Care Site Relocation
240.1580	Standards for Alternative Providers
240.1590	Standard Requirements for Individual Provider Services

## SUBPART P: PROVIDER PROCUREMENT

## Section

240.1600	Provider Contract
240.1605	Procuring Provider Services
240.1610	Procurement Cycle for Provider Services (Repealed)
240.1620	Issuance of Provider Proposal and Guidelines
240.1625	Content of Provider Proposal and Guidelines
240.1630	Criteria for Number of Provider Contracts Awarded
240.1635	Evaluation of Provider Proposals
240.1640	Determination and Notification of Provider Awards
240.1645	Objection to Procurement Action Determination
240.1650	Classification, Identification and Receipt of Provider Service Violations
240.1655	Method of Identification of Provider Service Violations (Repealed)
240.1660	Provider Performance Reviews
240.1661	Provider and Case Coordination Unit Right to Appeal
240.1665	Contract Actions for Failure to Comply with Community Care Program Requirements

## SUBPART Q: CASE COORDINATION UNIT PROCUREMENT

## Section

240.1710	Procurement Cycle For Case Management Services
240.1720	Case Coordination Unit Performance Review

## SUBPART R: ADVISORY COMMITTEE

## Section

240.1800	Community Care Program Advisory Committee
240.1850	Technical Rate Review Advisory Committee (Repealed)

## SUBPART S: PROVIDER RATES

## Section

240.1910	Establishment of Fixed Unit Rates
----------	-----------------------------------

## DEPARTMENT ON AGING

## NOTICE OF EMERGENCY AMENDMENTS

240.1920	Contract Specific Variations
240.1930	Fixed Unit Rate of Reimbursement for Homemaker Service
240.1940	Fixed Unit Rates of Reimbursement for Adult Day Service and Transportation
240.1950	Adult Day Care Fixed Unit Reimbursement Rates
240.1960	Case Management Fixed Unit Reimbursement Rates

## SUBPART T: FINANCIAL REPORTING

## Section

240.2020	Financial Reporting of Homemaker Service
240.2030	Unallowable Costs for Homemaker Service
240.2040	Minimum Direct Service Worker Costs for Homemaker Service
240.2050	Cost Categories for Homemaker Service

**AUTHORITY:** Implementing Section 4.02 and authorized by Section 4.01(11) of the Illinois Act on the Aging [20 ILCS 105/4.02 and 4.01(11)].

**SOURCE:** Emergency rules adopted at 4 Ill. Reg. 1, p. 67, effective December 20, 1979, for a maximum of 150 days; adopted at 4 Ill. Reg. 17, p. 151, effective April 25, 1980; amended at 4 Ill. Reg. 43, p. 86, effective October 15, 1980; emergency amendment at 5 Ill. Reg. 1900, effective February 18, 1981, for a maximum of 150 days; amended at 5 Ill. Reg. 12090, effective October 26, 1981; emergency amendment at 6 Ill. Reg. 8455, effective July 6, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 14953, effective December 1, 1982; amended at 7 Ill. Reg. 8697, effective July 20, 1983; codified at 8 Ill. Reg. 2633; amended at 9 Ill. Reg. 1739, effective January 29, 1985; amended at 9 Ill. Reg. 10208, effective July 1, 1985; emergency amendment at 9 Ill. Reg. 14011, effective August 29, 1985, for a maximum of 150 days; amended at 10 Ill. Reg. 5076, effective March 15, 1986; recodified at 12 Ill. Reg. 7980; amended at 13 Ill. Reg. 11193, effective July 1, 1989; emergency amendment at 13 Ill. Reg. 13638, effective August 18, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 17327, effective November 1, 1989; amended at 14 Ill. Reg. 1233, effective January 12, 1990; amended at 14 Ill. Reg. 10732, effective July 1, 1990; emergency amendment at 15 Ill. Reg. 2838, effective February 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 10351, effective July 1, 1991; emergency amendment at 15 Ill. Reg. 14593, effective October 1, 1991, for a maximum of 150 days; emergency amendment at 15 Ill. Reg. 17398, effective November 15, 1991, for a maximum of 150 days; emergency amendment suspended at 16 Ill. Reg. 1744; emergency amendment modified in response to a suspension by the Joint Committee on Administrative Rules and reinstated at 16 Ill. Reg. 2943; amended at 15 Ill. Reg. 18568, effective December 13, 1991; emergency amendment at 16 Ill. Reg. 2630, effective February 1, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 2901, effective February 6, 1992, to expire June 30, 1992; emergency amendment at 16 Ill. Reg. 4069, effective February 28, 1992, to expire

## DEPARTMENT ON AGING

## NOTICE OF EMERGENCY AMENDMENTS

June 30, 1992; amended at 16 Ill. Reg. 11403, effective June 30, 1992; emergency amendment at 16 Ill. Reg. 11625, effective July 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 11731, effective June 30, 1992; emergency rule added at 16 Ill. Reg. 12615, effective July 23, 1992, for a maximum of 150 days; modified at 16 Ill. Reg. 16680; amended at 16 Ill. Reg. 14565, effective September 8, 1992; amended at 16 Ill. Reg. 18767, effective November 27, 1992; amended at 17 Ill. Reg. 224, effective December 29, 1992; amended at 17 Ill. Reg. 6090, effective April 7, 1993; amended at 18 Ill. Reg. 609, effective February 1, 1994; emergency amendment at 18 Ill. Reg. 5348, effective March 22, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 13375, effective August 19, 1994; amended at 19 Ill. Reg. 9085, effective July 1, 1995; emergency amendment at 19 Ill. Reg. 10186, effective July 1, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 12693, effective August 25, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 16031, effective November 20, 1995; amended at 19 Ill. Reg. 16523, effective December 1, 1995; amended at 20 Ill. Reg. 1493, effective January 10, 1996; emergency amendment at 20 Ill. Reg. 5388, effective March 22, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 8995, effective July 1, 1996; amended at 20 Ill. Reg. 10597, effective August 1, 1996; amended at 21 Ill. Reg. 887, effective January 10, 1997; amended at 21 Ill. Reg. 6183, effective May 15, 1997; amended at 21 Ill. Reg. 12418, effective September 1, 1997; amended at 22 Ill. Reg. 3415, effective February 1, 1998; amended at 23 Ill. Reg. 2496, effective February 1, 1999; amended at 23 Ill. Reg. 5642, effective May 1, 1999; amended at 26 Ill. Reg. 9668, effective July 1, 2002; emergency amendment at 26 Ill. Reg. 10829, effective July 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 17358, effective November 25, 2002; emergency amendment at 28 Ill. Reg. 923, effective January 1, 2004, for a maximum of 150 days

## SUBPART H: FINANCIAL REQUIREMENTS

**Section 240.810 Assets****EMERGENCY**

- a) To be eligible to receive Community Care Program (CCP) services, an applicant/client shall not own interest in non-exempt assets having a combined value in excess of ~~\$12,500~~~~\$10,000~~, if:
- 1) unmarried; or
  - 2) married and:
    - A) spouse is receiving CCP services; or
    - B) spouse is in a nursing home; or

## DEPARTMENT ON AGING

## NOTICE OF EMERGENCY AMENDMENTS

- C) spouse does not reside on a permanent basis with and does not receive support from or give support to the applicant/client; or
- D) spouse is abandoned; or
- E) spouse is potentially abusing the applicant/client.

EXCEPTION: An applicant/client, who is married and the spouse does not receive CCP services, shall not own interest in non-exempt assets having a total value in excess of the asset disregard amount allowed by the Illinois Department of Public Aid for Medicaid which is currently \$2,000 +\$1,500 in a pre-paid burial plan or life insurance policy + burial merchandise. Non-exempt assets having value over the asset disregard amount described above and up to the amount allowed by the Community Spouse Asset Allowance, as adopted by the Illinois Department of Public Aid at 89 Ill. Adm. Code 120.379(d), must be transferred to or for the sole benefit of the community spouse. If the couple owns assets that exceed the asset disregard and prevention of spousal impoverishment amounts allowed by statute, the excess (up to ~~\$10,500~~~~\$8,000~~ of non-exempt assets after transfer; and/or up to \$1,800 of countable monthly income after diversion) shall be designated as a spend down, to be spent before Medicaid enrollment is established.

- b) The value of non-exempt assets shall be considered in determining eligibility for the Community Care Program.
- c) All assets not specifically exempt are non-exempt.
- d) When a client's non-exempt assets are greater than the allowable disregard as specified in subsection (a) above, consideration of non-liquid assets may be deferred as follows:
  - 1) real property may be deferred from consideration for six months;
  - 2) the client shall sign an agreement to dispose of the real property in excess of the allowable disregard within six months from the date of the agreement; and
  - 3) the six month period for disposition may be extended an additional six months if the client fails to dispose of the asset (through no fault of his/her

## DEPARTMENT ON AGING

## NOTICE OF EMERGENCY AMENDMENTS

own) despite reasonable and diligent effort.

(Source: Amended by emergency rulemaking at 28 Ill. Reg. 923, effective January 1, 2004, for a maximum of 150 days)

## SUBPART I: DISPOSITION OF DETERMINATION

**Section 240.920 Reasons for Denial****EMERGENCY**

Denial of Community Care Program (CCP) eligibility shall be based upon one or more of the reasons identified below:

- a) Applicant is less than 60 years of age at the time of the determination of eligibility.
- b) Applicant is not in need of CCP services: scored less than 29 total points/less than 15 points on Part A, Level of Impairment, of the Determination of Need.
- c) Applicant/authorized representative refuses to sign Client Agreement – Plan of Care.
- d) Applicant/authorized representative refuses to sign Client Agreement – Plan of Care based upon the expense to be incurred monthly as required on the Client Agreement – Plan of Care.
- e) Applicant/authorized representative does not agree with plan of care/hours of service.
- f) Applicant is deceased.
- g) Applicant has been institutionalized for more than 60 calendar days from the date of application.
- h) Applicant/authorized representative voluntarily withdraws application.
- i) Applicant cannot be located to determine eligibility/provide CCP services.
- j) Applicant/authorized representative has not provided reasonable documentation supporting eligibility as required by the Department or its Case Coordination Unit

## DEPARTMENT ON AGING

## NOTICE OF EMERGENCY AMENDMENTS

(CCU) within 90 calendar days from the date of receipt of the completed application.

- k) Applicant/authorized representative has not cooperated with the Department/CCU/vendor as required and as specified by Section 240.350.
- l) Applicant does not meet citizenship requirements.
- m) Applicant does not meet residency requirements.
- n) A plan of care cannot be developed that adequately meets the applicant's determined needs.
  - 1) The determination that an adequate plan of care cannot be developed shall be sought first through the Physician/Nurse Practitioner/Registered Nurse/Christian Science Practitioner endorsement. Failure to obtain the supportive endorsement that an adequate plan of care cannot be developed shall be so documented.
  - 2) If the Physician/Nurse Practitioner/Registered Nurse/Christian Science Practitioner fails to provide the supportive endorsement, the CCU shall make the determination that an adequate plan of care cannot be developed in accordance with Section 240.715.
- o) The total value of applicant's non-exempt assets is in excess of ~~\$12,500~~\$10,000.
- p) Applicant has not provided the Physician, Nurse Practitioner, Registered Nurse or Christian Science Practitioner endorsement as required by Section 240.730(d).
- q) Eligibility could not be established for an applicant who was receiving interim services based upon presumptive eligibility as required by Section 240.1020.
- r) Applicant/authorized representative provided fraudulent information.
- s) Applicant whose CCP services were previously denied or terminated for non-cooperation as set forth in Section 240.350 shall be denied services upon re-application, except as the situation or condition which led to the memorandum of understanding (~~see See~~Section 240.350) has been permanently resolved.
- t) Applicant has an outstanding bill for CCP services provided prior to this

## DEPARTMENT ON AGING

## NOTICE OF EMERGENCY AMENDMENTS

application which he/she refuses to pay.

- u) Applicant chooses not to receive CCP services from the list of authorized vendors and has so indicated on the Client's Vendor Selection form.
- v) Applicant received interim services in the past for which an incurred expense was never paid.
- w) Applicant has transferred non-exempt assets within the past 36 months for the purpose of obtaining CCP services.
- x) Applicant/authorized representative has not reported or refused to provide documentation of changes in circumstances which have occurred prior to eligibility determination as required by Section 240.360.

(Source: Amended by emergency rulemaking at 28 Ill. Reg. 923, effective January 1, 2004, for a maximum of 150 days)

**Section 240.950 Reasons for Termination****EMERGENCY**

A client shall be terminated from the Community Care Program (CCP) for one or more of the reasons identified below:

- a) client is deceased;
- b) client is an in-patient of any institution or is otherwise not available for services for more than sixty (60) calendar days;
- c) client's condition has improved and there is no longer a need for CCP services as measured by the CCP Determination of Need (DON);
- d) client cannot be located;
- e) client has requested termination of services;
- f) client refuses transfer to a different vendor/Case Coordination Unit (CCU) and the current vendor/CCU cannot provide services needed by the client;
- g) client has failed to cooperate with the Department/CCU/vendor as required and as

## DEPARTMENT ON AGING

## NOTICE OF EMERGENCY AMENDMENTS

specified in Section 240.350;

- h) client no longer meets citizenship requirements;
- i) client no longer meets residency requirements;
- j) a plan of care cannot be developed that adequately meets the client's determined needs in accordance with Section 240.715.
  - 1) Such determination shall be sought first through the Physician/Nurse Practitioner/Registered Nurse/Christian Science Practitioner endorsement. Failure to obtain the endorsement shall be so documented.
  - 2) If the Physician/Nurse Practitioner/Registered Nurse/Christian Science Practitioner fails to provide the supportive endorsement, the CCU shall make the determination that an adequate plan of care (see Section 240.730(d)) cannot be developed~~;~~.
- k) client's non-exempt assets have increased and exceed ~~\$12,500~~~~\$10,000~~ (see Section 240.810(a));
- l) client failed to report the transfer of non-exempt assets as required by Section 240.820;
- m) client, initially determined eligible prior to July 6, 1982 (see Section 240.800(a) and (b)), who has had continuous service since that time, refuses to declare income/assets upon redetermination;
- n) client has failed to report or refused to provide documentation of changes in circumstances as required by Section 240.360;
- o) client refuses to sign a Client Agreement – Plan of Care (see Section 240.855(c));
- p) client rejects CCP services under Section 240.330 and has so indicated on the Client's Vendor Selection form; or
- q) a client, whose CCP services were discontinued for non-payment of incurred expense for care, has not made payment for the indebtedness, and has not received CCP services for more than one ~~(+)~~ year (see Section 240.935(e)).

DEPARTMENT ON AGING

NOTICE OF EMERGENCY AMENDMENTS

(Source: Amended by emergency rulemaking at 28 Ill. Reg. 923, effective January 1, 2004, for a maximum of 150 days)

## ATTORNEY GENERAL

## NOTICE OF EMERGENCY AMENDMENTS

- 1) Heading of the Part: Tobacco Products Manufacturers' Escrow Enforcement Act of 2003
- 2) Code Citation: 14 Ill. Admin. Code 250
- 3) 

<u>Section Numbers</u> :	<u>Emergency Action</u> :
250.10	Amendment
250.20	Amendment
250.30	Amendment
250.40	Amendment
250.50	Amendment
250.60	New
250.70	New
250.80	New
250.90	New
250.100	New
250.110	New
- 4) Statutory Authority: Tobacco Products Manufacturers' Escrow Enforcement Act of 2003 [30 ILCS 167], enacted by P.A. 93-0446, effective January 1, 2004.
- 5) Effective Date of Amendments: January 1, 2004
- 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: No early expiration.
- 7) Date filed with the Index Department: December 23, 2003
- 8) A copy of the adopted amendments is on file in the agency's principal office and is available for public inspection.
- 9) Reason for emergency: Effective January 1, 2004, Public Act 93-466 replaces the Tobacco Product Manufacturers' Escrow Enforcement Act [30 ILCS 169] with the Tobacco Products Manufacturers' Escrow Act of 2003 [30 ILCS 167]. Failure to adopt rules to implement the additional reporting requirements of the new Act immediately puts those subject to the new requirements in jeopardy of penalties for noncompliance and jeopardizes the State's ability to assure proper collection of revenues. There was insufficient time between enactment and the effective date of the new legislation in which to complete the proposed rulemaking process.

## ATTORNEY GENERAL

## NOTICE OF EMERGENCY AMENDMENTS

- 10) A Complete Description of the Subjects and Issues Involved: These amendments further explain and define the obligations of those manufacturers of tobacco products that are not participating in the Master Settlement Agreement and must, therefore, establish escrow accounts in Illinois pursuant to the Agreement and State law, which accounts are to be funded in amounts based upon the quantity of product sold in Illinois. They also further detail the reporting obligations of distributors of the tobacco products manufactured by those non-participating manufacturers in this State. The reporting requirements are essential to the State's ability to enforce the Agreement and State law and to assure continued receipt of payments under the Settlement Agreement.
- 11) Are there any proposed amendments to this Part pending? No
- 12) Statement of Statewide Policy Objectives: Neither creates nor modifies a State mandate within the meaning of 30 ILCS 805/3b of the State Mandates Act.
- 13) Information and questions regarding this amendment shall be directed to:

Phillip J. Robertson  
Public Interest Division  
Office of the Attorney General  
100 W. Randolph Street  
Chicago IL 60601  
(312) 814-3000

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

## ATTORNEY GENERAL

## NOTICE OF EMERGENCY AMENDMENTS

TITLE 14: COMMERCE  
SUBTITLE A: REGULATION OF BUSINESS  
CHAPTER II: ATTORNEY GENERALPART 250  
TOBACCO ~~PRODUCTS~~~~PRODUCT~~ MANUFACTURERS' ESCROW  
ENFORCEMENT ACT OF 2003

## Section

250.10 General

EMERGENCY

250.20 Definitions

EMERGENCY

250.30 Distributor Filings

EMERGENCY250.40 Prohibition of Distribution~~Sales~~ of Non-Compliant TPM ~~Nonecompliant-NPM~~  
CigarettesEMERGENCY250.50 Appointment of Agent for Service of Process~~Violations~~EMERGENCY250.60 Certification Requirements for Tobacco Product ManufacturersEMERGENCY250.70 NPMs Required to Make Quarterly Installment PaymentsEMERGENCY250.80 Establishment of Directory of Participating Manufacturers and Compliant NPMsEMERGENCY250.90 Release of Escrow Account MoneyEMERGENCY250.100 Review of AGO DeterminationsEMERGENCY250.110 ViolationsEMERGENCY

AUTHORITY: Implementing and authorized by Sections 25 and 35 of the Tobacco Products Manufacturers' Escrow Enforcement Act of 2003 [30 ILCS 167].

SOURCE: Adopted at 27 Ill. Reg. 7719, effective April 16, 2003; emergency amendment at 28 Ill. Reg. 939, effective January 1, 2004, for a maximum of 150 days.

**Section 250.10 General**

## ATTORNEY GENERAL

## NOTICE OF EMERGENCY AMENDMENTS

**EMERGENCY**

This Part provides for enforcement of the Tobacco Product Manufacturers' Escrow Act [30 ILCS 168], in accordance with the Tobacco ~~Products~~ ~~Product~~ Manufacturers' Escrow Enforcement Act ~~of 2003~~ [30 ILCS ~~167~~~~169~~] (see P.A. ~~93-44692-0737~~). The former Act, passed as a result of the Master Settlement Agreement (MSA) entered into between 46 states, including Illinois, and the major tobacco companies, requires tobacco product manufacturers not participating in the MSA to set up qualified escrow accounts and to deposit funds into ~~those~~~~the~~ accounts based on the number of manufacturers' cigarettes sold in each state. The latter Act provides, *inter alia*, for enforcement of the escrow obligations.

(Source: Amended by emergency rulemaking at 28 Ill. Reg. 939, effective January 1, 2004, for a maximum of 150 days)

**Section 250.20 Definitions****EMERGENCY**

"AGO" means the Office of the Illinois Attorney General~~General's Office~~.

"Brand Family" has the same meaning prescribed in Section 10 of the Escrow Enforcement Act.

"Cigarette" ~~has the same meaning prescribed~~~~means that term as defined~~ in Section 10 of the Escrow Act [30 ILCS 168], which includes roll-your-own ("RYO") tobacco.

"Department" means the Illinois Department of Revenue.

"Director" means Director of Revenue.

"Distributor" has the same meaning prescribed in Section 1 of the Cigarette Tax Act [35 ILCS 130], and Section 1 of the Cigarette Use Tax Act [35 ILCS 135], and, in addition, means a distributor of roll-your-own tobacco in accordance with Section 10-5 of the Tobacco Products Tax Act of 1995 [35 ILCS 143], as appropriate.

"Escrow Act" means the Tobacco Product Manufacturers' Escrow Act [30 ILCS 168].

"Escrow Enforcement Act" means the Tobacco ~~Products~~ ~~Product~~ Manufacturers'

## ATTORNEY GENERAL

## NOTICE OF EMERGENCY AMENDMENTS

Escrow Enforcement Act of 2003 [30 ILCS 167169] (see P.A. 93-44692-0737).

“Filed” means received by the AGO in readable form, however transmitted, or postmarked for delivery by the U.S. mail.

“Liability year” means the calendar year in which a tobacco product manufacturer’s cigarettes are sold in Illinois, and to which the requirements of the Escrow Act apply.

“NPM” means a tobacco product non-participating manufacturer that is not a Participating Manufacturer.

“Participating manufacturer” has the same meaning prescribed in Section 15(a)(1) of the Escrow Act [30 ILCS 168].

"Qualified Escrow Fund" has the same meaning prescribed in Section 10 of the Escrow Act.

“Stamps or imprints” means revenue tax stamps or imprints as provided for in Section 3 of the Cigarette Tax Act or stamps or imprints evidencing the payment of cigarette use tax as provided for in Section 3 of the Cigarette Use Tax Act, as appropriate.

“Tobacco product manufacturer” or "TPM" has the same meaning prescribed in Section 10 of the Escrow Act.

"Units sold" has the meaning prescribed in Section 10 of the Escrow Act.

(Source: Amended by emergency rulemaking at 28 Ill. Reg. 939, effective January 1, 2004, for a maximum of 150 days)

**Section 250.30 Distributor Filings****EMERGENCY**

- a) Each distributor shall report quarterly to the AGO on paper or electronic forms provided by the AGO such information as is necessary for the AGO to ascertain the quantity of each NPM’s cigarettes sold in Illinois by the distributor during the preceding quarter. Paper forms shall be sent to: Office of the Illinois Attorney General, 500 South Second Street, Springfield, Illinois, 62706. Paper forms may alternatively be Fax-ed to (217)524-4701. Electronic forms shall be e-mailed to

## ATTORNEY GENERAL

## NOTICE OF EMERGENCY AMENDMENTS

[tobacco@atg.state.il.us](mailto:tobacco@atg.state.il.us). The quarterly information to be reported shall include:

- 1) The number of each NPM's cigarettes ~~distributed~~ sold by the distributor within Illinois, by brand.
  - 2) The ~~equivalent stick count~~ number of ounces of each NPM's ~~RYO~~ roll-your-own tobacco ~~distributed~~ sold by the distributor within Illinois, by brand.
  - 3) The NPM name and address for each brand.
  - 4) The name and address of the person or entity from whom the distributor purchased or obtained the brand.
  - 5) The name and address of the first importer of foreign NPM brands or the first purchaser of non-resident NPM brands.
- b) The information required by subsection (a) shall be filed ~~prior to~~ by the ~~20<sup>th</sup>~~ 15<sup>th</sup> day ~~after of the month following~~ the end of ~~each calendar~~ the reporting quarter. The filing for:
- 1) January, February, and March is due on or before April ~~2015~~.
  - 2) April, May, and June is due on or before July ~~2015~~.
  - 3) July, August, and September is due on or before October ~~2015~~.
  - 4) October, November, and December is due on or before January ~~2015~~ of the following year.
- c) Distributors not selling any NPM brands for the relevant time period shall timely file a form as described in subsection (a) marked "none".
- d) Distributors shall maintain and make available to the Attorney General all records, invoices, and documentation ~~keep all records~~ relating to or reflecting purchases and sales of NPM cigarettes, which records, invoices and documentation provide a basis for the filings under subsection (a), for a period of not less than ~~five~~ three years after the date of sale.
- e) Distributors shall provide an electronic mail address to the AGO for the purpose

## ATTORNEY GENERAL

## NOTICE OF EMERGENCY AMENDMENTS

of receiving electronic mail updates and notification.

- f) Distributors shall provide any additional information requested by the AGO including, but not limited to, samples of packaging, labeling of each brand family, names of customers and quantities of each brand sold to them and a statement signed by an officer of the manufacturer under penalty of perjury, certifying whether the manufacturer is, or is not, a participating tobacco manufacturer under the MSA.
- g) Distributors not complying with this Section 250.30, or filing false or inaccurate information with the AGO, may be deemed to be in violation of the Escrow Enforcement Act and dealt with in accordance with Section ~~250.110~~250.50.

(Source: Amended by emergency rulemaking at 28 Ill. Reg. 939, effective January 1, 2004, for a maximum of 150 days)

**Section 250.40 Prohibition of DistributionSales of Non-Compliant TPM ~~Nonecompliant NPM~~ Cigarettes  
EMERGENCY**

- a) ~~As set forth in Section 15(a) of the Escrow Enforcement Act, a distributor shall not affix or cause to be affixed stamps or imprints to individual packages of cigarettes delivered or caused to be delivered by the distributor in Illinois, and may not otherwise deliver or cause to be delivered in Illinois RYO cigarettes in the form of roll-your-own tobacco, if the tobacco product manufacturer of those cigarettes or RYO, including roll-your-own tobacco does not appear in either the directory of participating manufacturers or the directory of compliant NPMs, has: 1) failed to become a participating manufacturer; or 2) failed to create a qualified escrow fund for any cigarettes manufactured by the tobacco product manufacturer and sold in Illinois or otherwise failed to bring itself into compliance with Section 15(a)(2) of the Escrow Act. Compliance includes payment by the manufacturer of the statutorily prescribed amount into the escrow fund in a timely manner and, where the manufacturer has not timely complied, payment of statutorily prescribed penalties pursuant to 15(a)(2)(C) of the Escrow Act.~~
- b) A distributor that affixes or causes to be affixed stamps or imprints to individual packages of cigarettes for delivery in Illinois, or that otherwise delivers or causes to be delivered RYO tobacco in Illinois, which cigarettes or RYO tobacco are manufactured by a tobacco product manufacturer whose name on the date of

## ATTORNEY GENERAL

## NOTICE OF EMERGENCY AMENDMENTS

~~stamping or imprinting (of cigarettes), or on the date of delivery (of RYO tobacco), does not appear on either the directory of participating manufacturers or the directory of compliant NPMs, may be deemed to be in violation of the Escrow Enforcement Act and may be dealt with in accordance with Section 250.110. The AGO shall publish a list of participating manufacturers and a list of compliant NPMs who have created a qualified escrow fund and who are otherwise in compliance with Section 15(a)(2) of the Escrow Act. The lists shall be published on the AGO's web site (www.ag.state.il.us) and shall be revised as new information is received by the AGO. e) ——— Distributors who affix or cause to be affixed stamps or imprints to packages of cigarettes manufactured by a tobacco product manufacturer whose name appears on the list of participating manufacturers or on the list of compliant NPMs on the date of stamping or imprinting shall not be deemed to have violated Section 15 of the Escrow Enforcement Act by virtue of that conduct. d) ——— Distributors who deliver or cause to be delivered roll your own tobacco manufactured by a tobacco product manufacturer whose name appears on the list of participating manufacturers or on the list of compliant NPMs on the date of delivery shall not be deemed to have violated Section 15 of the Escrow Enforcement Act or subsection (a) of this Section by virtue of that conduct. For purposes of this subsection, "delivery" means sale or otherwise passing out of the possession, custody and control of the distributor. e) For purposes of enforcement proceedings in accordance with Section 250.50 of this Part, a distributor shall have as a defense the fact that its conduct falls within that permitted by subsection (c) or (d), provided, however, that the burden shall be on the distributor to establish the defense through documentation prepared contemporaneously with their stamping, imprinting or delivery of cigarettes, as the case may be. f) The AGO shall not place an NPM on the list of compliant NPMs provided for in subsection (b) unless: 1) the NPM has had sales in one or more liability years prior to the date of the list's publication and is in full compliance with its escrow requirements under the Escrow Act as to such sales, including the payment of any applicable penalties under the Escrow Act; or 2) ——— the NPM, not having had sales in one or more prior liability years: A) ——— has established a qualified escrow account under the Escrow Act; and B) is in fact depositing funds into the account on a quarterly basis based on sales of its cigarettes in Illinois during its first liability year of sales. g) ——— In determining compliance for purposes of placing an NPM on the list of compliant NPMs, the AGO may consider distributor filings provided for in Section 250.30; the NPM's escrow agreement, if any, submitted to the AGO; the NPM's timely deposit of the requisite funds into the escrow account; the requirements for placement on the list as set forth in this Part; and other relevant facts that may come to the attention of the AGO. Any NPM dissatisfied with the AGO's~~

## ATTORNEY GENERAL

## NOTICE OF EMERGENCY AMENDMENTS

~~determination of compliance may submit documents relevant to the determination to the AGO and request review of the determination by an Assistant Attorney General who is designated by the Attorney General to undertake such reviews and who did not participate in the initial determination. h) — A distributor that affixes or causes to be affixed stamps or imprints to individual packages of cigarettes for delivery in Illinois, or that otherwise delivers or causes to be delivered in Illinois cigarettes in the form of roll-your-own tobacco, which cigarettes are manufactured by a tobacco product manufacturer whose name: 1) on the date of stamping or imprinting, in the case of individual packages of non-roll-your-own cigarettes, or 2) — on the date of delivery in the case of roll-your-own cigarettes, does not appear on either the list of participating manufacturers or the list of compliant NPMs, may be deemed to be in violation of the Escrow Enforcement Act and dealt with in accordance with Section 250.50.~~

(Source: Amended by emergency rulemaking at 28 Ill. Reg. 939, effective January 1, 2004, for a maximum of 150 days)

**Section 250.50 Appointment of Agent for Service of Process ~~Violations~~**

- a) Any non-resident or foreign NPM that has not registered to do business in this State shall appoint an agent located within the State of Illinois to receive service of process on behalf of said non-resident or foreign NPM. On forms provided by the AGO, the NPM shall submit the name, address, phone number, company name (if applicable) and hours of availability of the agent, as well as proof of appointment, to the Director and the AGO.
- b) If the NPM terminates the authority of the agent, the NPM shall notify the Director and the AGO of same at least 30 calendar days prior to said termination, and provide proof at least 5 calendar days prior to said termination of the appointment of a new agent. If the agent terminates an agency appointment, the NPM shall notify the Director and the AGO of same within 5 calendar days of said termination, and shall include proof of the appointment of a new agent.
- c) Any foreign or non-resident NPM that fails to appoint an agent as required herein and in Section 20 of the Escrow Enforcement Act shall be deemed to appoint the Illinois Secretary of State as the agent on whom process may be served on its behalf. However, such appointment will not satisfy the condition precedent for having its brand families listed in the directory of compliant NPMs.

## ATTORNEY GENERAL

## NOTICE OF EMERGENCY AMENDMENTS

(Source: Amended by emergency rulemaking by renumbering Section 250.50 to Section 250.110 and adding new Section 250.50 at 28 Ill. Reg. 939, effective January 1 2004, for a maximum of 150 days)

**Section 250.60 Certification Requirements for Tobacco Product Manufacturers**  
**EMERGENCY**

- a) No later than April 30 of each year, on paper or electronic forms provided by the AGO, every tobacco product manufacturer whose cigarettes or RYO tobacco were sold in Illinois during the preceding calendar year shall execute and deliver to the AGO a certification acknowledging under penalty of perjury that:
- 1) as of the date of the certification, the tobacco product manufacturer is a participating manufacturer or an NPM;
  - 2) if it is a participating manufacturer, it has generally performed its financial obligations under the MSA;
  - 3) if it is an NPM, it is in full compliance with the Escrow Act and the Escrow Enforcement Act.
- b) The certification of a participating manufacturer shall include:
- 1) a list of its brand families, which list shall be updated within 30 days of any addition to or modification of its brand families by executing and delivering a supplemental certification to the AGO;
  - 2) that the brand family is deemed to be its cigarettes for purposes of calculating payments under the MSA in the volume and shares determined pursuant to the MSA.
- c) The certification of an NPM shall include:
- 1) a complete list of all of its brand families, which list shall be updated within 30 days of any addition to or modification of its brand families by executing a supplemental certification to the AGO, and the number of units sold for each brand family in Illinois during the preceding calendar year;

## ATTORNEY GENERAL

## NOTICE OF EMERGENCY AMENDMENTS

- 2) that the brand family is deemed to be its cigarettes for purposes of Section 15 of the Escrow Act;
- 3) a complete list of all of its brand families that have been sold in Illinois during the current calendar year;
- 4) a complete list of all of its brand families which were sold in Illinois during the preceding year which are no longer being sold in Illinois as of the date of the certification;
- 5) the name and address of any other manufacturer in the preceding calendar year of a brand family for which certification is sought;
- 6) that it is registered to do business in Illinois or has appointed a registered agent for service of process and provided notice thereof as required by Section 20 of the Escrow Enforcement Act;
- 7) that it has established, continues to maintain, and has fully funded a qualified escrow account pursuant to Section 15 of the Escrow Act;
- 8) that it has executed a qualified escrow agreement that has been reviewed and approved by the AGO;
- 9) the name, address and telephone number of the financial institution where the NPM has established its escrow account;
- 10) the account number of the escrow account, and the sub-account number for Illinois;
- 11) the amount the NPM deposited into the escrow account for cigarettes sold in Illinois during the preceding calendar year, including the dates and amounts of each deposit, and evidence thereof;
- 12) the dates and amounts of any withdrawal or transfer from any escrow account established, maintained, or funded by the NPM;
- 13) that it is otherwise in full compliance with the Escrow Act and the Escrow Enforcement Act as well as any regulations, including all quarterly installment payments.

## ATTORNEY GENERAL

## NOTICE OF EMERGENCY AMENDMENTS

- d) All records, invoices and documentation relied upon for certification shall be maintained by a TPM for at least 5 years.
- e) Participating manufacturers and NPMs shall provide any additional information requested by the AGO including, but not limited to, samples of packaging, labeling of each brand family, contracts to manufacture a brand family and proof of first importer status under the MSA.

(Source: Added by emergency rulemaking at 28 Ill. Reg. 939, effective January 1, 2004, for a maximum of 150 days)

**Section 250.70 NPMs Required to Make Quarterly Installment Payments**  
**EMERGENCY**

- a) Whenever the AGO determines that compliance with the Escrow Act will be promoted by requiring certification and escrow deposits more frequently than on an annual basis, the AGO may require an NPM, on a case-by-case basis, to certify its compliance with the Escrow Act and make its required escrow deposits in quarterly installments during the Liability Year. Factors which may be considered in making this determination include, but are not limited to, the following:
  - 1) the initial addition of an NPM to the Directory of Compliant NPMs;
  - 2) a history of the NPM not complying with the Escrow Act;
  - 3) a history of the NPM under-funding its qualified escrow account;
  - 4) a history of the NPM failing to timely pay, or failing to pay entirely, judgments or penalties due under the Escrow Act to a qualified escrow account or to the AGO;
  - 5) credible evidence supporting a concern by the AGO that the NPM may not be financially able to meet its fiscal obligations under the Escrow Act when they become due on April 30 of the following calendar year;
  - 6) a volume of more than 2,000,000 cigarettes sold during a calendar quarter.
- b) The initial notice of the AGO's determination requiring the payment of quarterly installments shall include:

## ATTORNEY GENERAL

## NOTICE OF EMERGENCY AMENDMENTS

- 1) the basis for the determination;
  - 2) the date the first quarterly payment is due, such date being a minimum of 30 days after the date of notice;
  - 3) that the NPM may request review of the AGO's determination in the manner set forth in Section 250.100 within 30 days of the date of notice;
  - 4) the requirement that quarterly installment payments shall be made for four quarters where the basis for quarterly installment payments is the initial addition of an NPM to the Directory of Compliant NPMs; and
  - 5) a copy of the State of Illinois Affidavit of Nonparticipating Manufacturer Regarding Quarterly Escrow Payment.
- c) Each NPM required to make quarterly installment payments shall:
- 1) make its required escrow deposit based upon Illinois sales for the previous quarter;
  - 2) provide proof of deposit for each quarterly installment;
  - 3) file quarterly with the AGO the State of Illinois Affidavit of Nonparticipating Manufacturer Regarding Quarterly Escrow Payment; and
  - 4) file a State of Illinois Affidavit of Nonparticipating Manufacturer regarding Escrow Reconciliation Payment, make a final reconciliation payment and provide proof of deposit on or before April 15 of the year following the liability year.
- d) The information required by subsection (c) shall be filed on or before the last day of the month following the end of the quarter. The filing for:
- 1) January, February, and March is due on or before April 30.
  - 2) April, May and June is due on or before July 31.
  - 3) July, August and September is due on or before October 31.

## ATTORNEY GENERAL

## NOTICE OF EMERGENCY AMENDMENTS

- 4) October, November and December is due on or before January 31 of the following year.
- e) The AGO shall notify the NPM of the date it can cease making quarterly installment payments.
- f) NPMs not complying with this Section, or filing false or inaccurate information with the AGO, may be deemed to be in violation of the Escrow Enforcement Act and will be dealt with in accordance with Section 250.110. In addition, NPMs not complying with this Section shall be subject to a penalty not to exceed 5% of the amount improperly withheld from escrow per each day of the violation, and in a total amount not to exceed 100% of the original amount improperly withheld from escrow.

(Source: Added by emergency rulemaking at 28 Ill. Reg. 939, effective January 1, 2004, for a maximum of 150 days)

**Section 250.80 Establishment of Directory of Participating Manufacturers and Compliant NPMs**  
**EMERGENCY**

- a) The AGO shall develop, maintain, and publish a directory of participating manufacturers who have generally performed their financial obligations under the MSA (or provide a web address link to a directory maintained by NAAG), and a separate directory of compliant NPMs who have established a qualified escrow account and who are otherwise in compliance with Section 15(a)(2) of the Escrow Act and Sections 15(a)(2) and 15(a)(3) of the Escrow Enforcement Act.
- b) The directories shall be published on the AGO's website (www.ag.state.il.us) and shall be revised as necessary as new information is received by the AGO. Notice of the addition or removal of an NPM or brand family from the directory shall be provided to distributors ten (10) calendar days prior to the change. Notice of such change shall also be provided to the NPM that is being added or removed (or whose brand family is being added or removed). The notice shall be sent to the NPM or its agent for service of process by certified mail ten (10) calendar days prior to the change.
- c) The AGO shall not place an NPM on the directory of compliant NPMs unless all outstanding final judgments (including interest thereon) for violations of the

## ATTORNEY GENERAL

## NOTICE OF EMERGENCY AMENDMENTS

Escrow Act and the Escrow Enforcement Act have been fully satisfied for that brand family and NPM, and:

- 1) the NPM has had sales in one or more Liability Years prior to the date of the directory's publication and it is in full compliance with its escrow obligations under the Escrow Act and the Escrow Enforcement Act and Section 250.70 as to such sales, including the payment of any applicable penalties; or
  - 2) the NPM is a successor to a tobacco product manufacturer that has had sales in one or more Liability Years prior to the date of the directory's publication, and it has deposited funds into a qualified escrow account to fully fund all prior Liability Year obligations for all of its predecessor's brands and paid all the penalties due for all such brands for all prior Liability Years, if the NPM's predecessor has not already done so; or
  - 3) the NPM has had no sales in any prior Liability Years but has established a qualifying Escrow Account (as evidenced by an approved Escrow Agreement) and is otherwise compliant with the Escrow Act and the Escrow Enforcement Act.
- d) Under Section 15(a)(2) of the Escrow Act, each NPM for a particular brand family is jointly and severally liable with every other NPM for that particular brand family for all Liability Year escrow obligations and penalties.
- e) In determining compliance for purposes of placing an NPM on the directory of compliant NPMs, the AGO may consider the following:
- 1) distributor filings;
  - 2) the NPM's certifications and affidavits;
  - 3) the NPM's escrow agreement;
  - 4) the timeliness of the NPM's deposits into the escrow account;
  - 5) the timeliness of the NPM's payment of penalties due;
  - 6) the requirements for placement on the directory as set forth in this Part and in the Acts; and

## ATTORNEY GENERAL

## NOTICE OF EMERGENCY AMENDMENTS

- 7) other relevant facts that may come to the attention of the AGO.

(Source: Added by emergency rulemaking at 28 Ill. Reg. 939, effective January 1, 2004, for a maximum of 150 days)

**Section 250.90 Release of Escrow Account Money**  
**EMERGENCY**

- a) Funds deposited by a tobacco product manufacturer pursuant to Section 15 of the Escrow Act shall be released from escrow only:
- 1) to pay a judgment or settlement on any released claim brought against the tobacco product manufacturer by the State or any releasing party located or residing in the State;
  - 2) to the extent a tobacco product manufacturer establishes that the amount it was required to place into escrow was greater than the MSA payments, as determined by Section IX (i) of that Agreement, in which case the excess shall revert back to the tobacco product manufacturer;
  - 3) to the extent said funds were not released under subsections (1) or (2) above, in which case the remaining funds shall revert back to the tobacco product manufacturer 25 years after the date on which they were placed into escrow.
- b) The release of escrow account funds under subsection (a)(1) above may be effectuated only pursuant to a Court order or a valid, fully executed Settlement Agreement. The order or agreement shall be forwarded to the escrow agent, who shall promptly release the funds to the AGO or the releasing party (as the case may be) in the order in which they were placed into escrow, and only in the amount specified in the order or agreement.
- c) The release of escrow account funds under subsection (a)(2) above may be effectuated only upon the presentation to the AGO of sufficient documentary evidence demonstrating that the tobacco product manufacturer did in fact place funds into the escrow account, that it is current on all escrow obligations and penalties for any period for any brand family (including those of any predecessor TPM), and that it was required to place into escrow amounts greater than it would have paid had it been a participating manufacturer under the MSA. Upon the

## ATTORNEY GENERAL

## NOTICE OF EMERGENCY AMENDMENTS

presentation of such evidence, the AGO and the TPM will by letter direct the escrow agent to promptly release funds from the escrow account to the tobacco product manufacturer in the order in which they were placed into escrow, in the amount specified by the letter of direction.

- d) The release of escrow account funds under subsection (a)(3) above may be effectuated only upon the presentation to the AGO of sufficient documentary evidence demonstrating that the tobacco product manufacturer did in fact place funds into the escrow account, that it is current on all escrow obligations and penalties for any period for any brand family (including those of any predecessor TPM), and that the funds for which it is seeking a release were placed in the account more than 25 years earlier and they are not needed to pay any judgment or settlement to the State or a releasing party. Upon the presentation of such evidence, the AGO and the TPM will by letter direct the escrow agent to promptly release funds from the escrow account to the tobacco product manufacturer in the order in which they were placed into escrow, in the amount specified by the letter of direction.

(Source: Added by emergency rulemaking at 28 Ill. Reg. 939, effective January 1, 2004, for a maximum of 150 days)

**Section 250.100 Review of AGO Determinations**  
**EMERGENCY**

Any TPM dissatisfied with the AGO's determination of compliance, or with the AGO's determination regarding quarterly installments, may submit documents relevant to the determination to the AGO and request review of the determination by an Assistant Attorney General who is designated by the Attorney General to undertake such reviews and who did not participate in the initial determination. Any such request for a determination shall be submitted in writing to: Office of the Illinois Attorney General, Special Litigation Bureau, 100 West Randolph Street, 13<sup>th</sup> Floor, Chicago, Illinois, 60601. The burden of proof shall be on the TPM to establish that it or a particular brand family is entitled to be listed in the directory.

(Source: Added by emergency rulemaking at 28 Ill. Reg. 939, effective January 1, 2004, for a maximum of 150 days)

**Section 250.110 Violations**  
**EMERGENCY**

## ATTORNEY GENERAL

## NOTICE OF EMERGENCY AMENDMENTS

- a) The AGO may investigate conduct that appears to be in violation of the Escrow Act, the Escrow Enforcement Act, or of this Part, and may request the assistance of the Department in accordance with its investigatory powers under the Cigarette Tax Act [35 ILCS 130], the Cigarette Use Tax Act [35 ILCS 135], or the Tobacco Products Tax Act of 1995 [35 ILCS 143].
- b) If the AGO determines that a violation has occurred, it shall give written notice to the distributor or the NPM that has committed the violation and shall provide written notice of the violation to the Director ~~of the Department of Revenue,~~ Such notice shall include including copies of any documents evidencing the violation and a recommendation for revocation or suspension of license pursuant to Section 6 of the Cigarette Tax Act, Section 6 of the Cigarette Use Tax Act, or Section 10-25 of the Tobacco Products Tax Act of 1995, as appropriate.
- c) The AGO may initiate litigation in Circuit Court to enforce the provisions of the Escrow Act, the Escrow Enforcement Act, and this Part, or to seek an injunction to restrain a threatened or actual violation of same. In any such action, the AGO shall be entitled to recover the costs of the investigation, the costs of the litigation, and reasonable attorney fees.

(Source: Amended by emergency rulemaking by renumbering Section 250.110 from Section 250.50 and amending Section 250.110 at 28 Ill. Reg. 939, effective January 1, 2004, for a maximum of 150 days)

## DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

## NOTICE OF EMERGENCY RULEMAKING

1) Heading of the Part: Illinois Film Production Services Tax Credit Program

2) Code Citation: 14 Ill. Adm. Code 528

<u>Section Numbers:</u>	<u>Emergency Action:</u>
528.10	New
528.20	New
528.30	New
528.40	New
528.50	New
528.60	New
528.70	New
528.80	New
528.90	New
528.100	New

3) Statutory Authority: Implementing and authorized by the Film Production Services Tax Credit Act (P.A. 93-543, effective January 1, 2004) [35 ILCS 15].

4) Effective Date of Rule(s): December 26, 2003

5) 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: N/A

6) Date filed with the Index Department: December 26, 2003

7) A copy of the adopted rule including any material incorporated by reference is on file in the agency's principal office and if available for public inspection.

8) Reason for Emergency: New legislation taking effect on January 1, 2004.

9) A complete Description of the Subjects and Issues Involved: To encourage the motion picture industry to produce films in Illinois and to compete with other competitor locations, Illinois, in order to preserve and expand the existing human infrastructure for the motion picture industry in this state, is offering an incentive program to encourage the training and hiring of Illinois residents in the motion picture industry.

10) Are there any proposed amendments to this Part pending? No

DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

NOTICE OF EMERGENCY RULEMAKING

11) Statement of Statewide Policy Objectives: This rule will neither create nor expand a State mandate under the State Mandates Act.

12) Information and questions regarding this adoption shall be directed to:

Erin Davis  
Department of Commerce and Economic Opportunity  
620 E. Adams Street  
Springfield, Illinois 62701  
(217) 782-6074

13) Does this amendment required the review of the Procurement Policy Board as specified in Section 5-25 of the Illinois Procurement Code [30 ILCS 500/5-25]? No

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

## DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

## NOTICE OF EMERGENCY RULEMAKING

## TITLE 14: COMMERCE

## CHAPTER I: DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

## PART 528

## ILLINOIS FILM PRODUCTION SERVICES TAX CREDIT PROGRAM

## Section

528.10	Purpose
EMERGENCY	
528.20	Definitions
EMERGENCY	
528.30	Eligibility Determination
EMERGENCY	
528.40	Form of Application
EMERGENCY	
528.50	Evaluation of Applications
EMERGENCY	
528.60	Approval/Denial of Applications
EMERGENCY	
528.70	Amount and Duration of Credit
EMERGENCY	
528.80	Interim and Final Film Tax Credit Certifications
EMERGENCY	
528.90	Non-Compliance Provisions
EMERGENCY	
528.100	Books and Records
EMERGENCY	

AUTHORITY: Implementing and authorized by the Film Production Services Tax Credit Act [35 ILCS 15].

SOURCE: Adopted by emergency rulemaking at 28 Ill. Reg. 957, effective December 26, 2003.

**Section 528.10 Purpose**  
**EMERGENCY**

The Department shall make Film Tax Credit awards under the Film Production Services Tax Credit Act for the purpose of preserving and expanding the existing human infrastructure for the motion picture industry in Illinois, and *to promote and encourage the training and hiring of Illinois residents who represent the diversity of the Illinois population through the creation and*

## DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

## NOTICE OF EMERGENCY RULEMAKING

*implementation of training, education and recruitment programs organized in cooperation with Illinois colleges, universities, labor organizations and the motion picture industry. (Section 5 of the Act)*

**Section 528.20 Definitions**  
**EMERGENCY**

The following definitions are applicable to this Part:

*“Accredited Production” means a film, video, or television production that has been certified by the Department in which the aggregate Illinois labor expenditures included in the cost of the production, in the period that ends 12 months after the time principal filming or taping of the production began, exceed \$100,000 for productions of 30 minutes or longer, or \$50,000 for productions of less than 30 minutes, but does not include a production that:*

*is news, current events, or public programming, or a program that includes weather or market reports;*

*is a talk show;*

*is a production in respect of a game, questionnaire, or contest;*

*is a sports event or activity;*

*is a gala presentation or awards show;*

*is a finished production that solicits funds;*

*is a production produced by a film production company if records, as required by 18 USC 2257, are to be maintained by that film production company with respect to any performer portrayed in that single media or multimedia program; or*

*is a production produced primarily for industrial, corporate, or institutional purposes. (Section 10 of the Act)*

*“Accredited Production Certificate” means a certificate issued by the Department certifying that the production is an accredited production that meets*

## DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

## NOTICE OF EMERGENCY RULEMAKING

*the guidelines of the Film Production Services Tax Credit Act. (Section 10 of the Act)*

“Act” means the Film Production Services Tax Credit Act [35 ILCS 15].

*“Applicant” means a taxpayer that is a film production company that is operating or has operated an accredited production located within the State of Illinois and that owns the copyright in the accredited production throughout the Illinois production period or has contracted directly with the owner of the copyright in the accredited production or a person acting on behalf of the owner to provide services for the production, where the owner of the copyright is not an eligible production corporation. (Section 10 of the Act)*

*“Credit” means the amount equal to 25% of the Illinois labor expenditure approved by the Department. (Section 10 of the Act)*

“Department” means the Illinois Department of Commerce and Economic Opportunity, formerly known as the Illinois Department of Commerce and Community Affairs.

“Director” means the Director of the Department.

“Employees of the Applicant” means any employee, agent, or contractor whose salaries, wages, or other payments are included in the cost of production.

“Film Production Company” means any individual, corporation, partnership, or any other entity, or any of its agents or assigned agents that is engaged, directly or indirectly, in any accredited production.

“Final Film Tax Credit Certificate” means the Final Accredited Production Certificate issued by the Department to the Film Production Company certifying that it has complied with all requirements of the Act and this Part and that it is entitled to a Credit under the Act.

*“Illinois Labor Expenditure” means salary or wages paid to employees of the applicant for services on the accredited production. To qualify as an Illinois labor expenditure, the expenditure must be:*

*reasonable in the circumstances;*

## DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

## NOTICE OF EMERGENCY RULEMAKING

*included in the federal income tax basis of the property;*

*incurred by the applicant for services on or after January 1, 2004;*

*incurred for the production stages of the accredited production, from the final script stage to the end of the post-production stage;*

*limited to the first \$25,000 of wages paid or incurred to each employee of the production;*

*exclusive of the salary or wages paid to or incurred for the 2 highest paid employees of the production;*

*directly attributable to the accredited production;*

*paid in the tax year for which the applicant is claiming the credit or no later than 60 days after the end of the tax year;*

*paid to persons resident in Illinois at the time the payments were made;*  
*and*

*paid for services rendered in Illinois. (Section 10 of the Act)*

“Interim Film Tax Credit Certificate” means the Interim Accredited Production Certificate issued by the Department to the Film Production Company approving the Applicant’s application, which sets forth the amount of the potential Credit based on the information in the application.

“Principal Filming” begins at the culmination of preparation activity and starts with photography of principal actors or action.

“State” means the State of Illinois.

“Taxpayer” means any person as defined by and subject to the tax imposed by the Illinois Income Tax Act. [35 ILCS 5/1501(a)(18), (a)(24)]

**Section 528.30 Eligibility Determination**  
**EMERGENCY**

Applicants must satisfy all of the following criteria in order to be eligible for a Credit:

## DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

## NOTICE OF EMERGENCY RULEMAKING

- a) Ownership of Copyright in Accredited Production:
- 1) The Applicant must *own the copyright in the accredited production throughout the Illinois production period, or*
  - 2) The Applicant has *contracted directly with the owner of the copyright in the accredited production, or a person acting on behalf of the owner to provide services for the production, where the owner of the copyright is not an eligible production corporation.* (Section 10 of the Act).
- b) Illinois Taxpayer Status: An Applicant that is not an Illinois Taxpayer (has no Illinois income tax liability) may utilize one of the following structures in order to be eligible for the Credit:
- 1) Partnership or Limited Liability Company (LLC) treated as a partnership for purposes of the Illinois Income Tax Act [35 ILCS 5] – An Applicant may establish a partnership or an LLC for purposes of accomplishing the accredited production. [35 ILCS 5/1501(a)(16)]
  - 2) Subsidiary Corporation. An Applicant may establish a subsidiary corporation to accomplish an accredited production. If the Applicant and the subsidiary corporation are members of a unitary business group, they must file a combined income tax return with the Illinois Department of Revenue on which the Credit will be used against the combined income tax liability of the group. [35 ILCS 5/502(e), 5/1501(a)(27)]
  - 3) Contracting. An Applicant may contract with an Illinois Taxpayer to accomplish an accredited production and qualify for the Credit and the value of the Credit to the taxpayer may be taken into account in determining the payment to be made under the contract.
- c) Aggregate Illinois labor expenditures. In order to qualify for a Credit under the Act, the Applicant must incur, in the 12-month period after the commencement of principal filming or taping of the production, Illinois labor expenditures that exceed the following amounts:
- 1) \$100,000 for productions of 30 minutes or longer;
  - 2) \$50,000 for productions of less than 30 minutes.

## DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

## NOTICE OF EMERGENCY RULEMAKING

- d) *To qualify as an Illinois labor expenditure, the expenditure must be:*
- 1) *reasonable in the circumstances;*
  - 2) *included in the federal income tax basis of the property;*
  - 3) *incurred by the applicant for services on or after January 1, 2004;*
  - 4) *incurred for the production stages of the accredited production, from the final script state to the end of the post-production stage;*
  - 5) *limited to the first \$25,000 of wages paid or incurred to each employee of the production;*
  - 6) *exclusive of the salary or wages paid to or incurred for the 2 highest paid employees of the production;*
  - 7) *directly attributable to the accredited production;*
  - 8) *paid in the tax year for which the applicant is claiming the tax credit or not later than 60 days after the tax year;*
  - 9) *paid to persons resident in Illinois at the time the payments were made; and*
  - 10) *paid for services rendered in Illinois. (Section 10 of the Act)*
- e) Non-eligible productions – The following types of productions are not eligible for a Credit:
- 1) *news, current events, or public programming, or a program that includes weather or market reports;*
  - 2) *talk show;*
  - 3) *production in respect of a game, questionnaire, or contest;*
  - 4) *sport event or activity;*

## DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

## NOTICE OF EMERGENCY RULEMAKING

- 5) *gala presentation or awards show;*
  - 6) *finished production that solicits funds;*
  - 7) *production produced by a film production company if records, as required by 18 USC 2257, are to be maintained by that film production company with respect to any performer in that single media or multimedia program; and*
  - 8) *production produced primarily for industrial, corporate, or institutional purposes. (Section 10 of the Act)*
- f) Only one Credit will be awarded per accredited production.

**Section 528.40 Form of Application  
EMERGENCY**

The Department will accept and evaluate applications from eligible Applicants in accordance with the following provisions:

- a) An Applicant proposing a film or television production planned to be located in the State shall submit its application prior to the start of Principal Filming or taping in sufficient time to allow for the evaluation of the application by the Department.
- b) Written applications will be required and must be submitted on the standard application form provided by the Department. Applications shall be submitted to the Department office location stated on the application. The Applicant must provide the following information:
  - 1) Legal name, address, and telephone number of Applicant.
  - 2) Name, title, and telephone number of primary contact person.
  - 3) Applicant's form of organization – a description stating that the Applicant is one of the following:
    - A) Individual Proprietorship

## DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

## NOTICE OF EMERGENCY RULEMAKING

- B) Partnership
  - C) Corporation
  - D) Subchapter S Corporation
  - E) Limited Liability Corporation
  - F) Other (Applicant will provide description).
- 4) Date of incorporation or formation.
  - 5) Federal Employee Identification Number (FEIN).
  - 6) Production Title.
  - 7) Type of production – a description stating that the production is one of the following:
    - A) Feature film
    - B) Television program
    - C) Commercial
    - D) Other (Applicant will provide description)
    - E) Length of production
  - 8) Dates on which Illinois production expenses begin and end.
  - 9) Number of shoot days in Illinois.
  - 10) Total budget of production.
  - 11) Estimated total Illinois labor expenditure.
  - 12) Estimated number of Illinois residents to be hired to work on the production.

## DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

## NOTICE OF EMERGENCY RULEMAKING

- 13) Percentage of minority workers in Illinois that the Applicant plans to employ to perform work on the production.
  - 14) Documentation evidencing Applicant's intention to participate in training, education and recruitment programs offered by Illinois colleges, universities, labor organizations and the motion picture industry that are designed to promote training and hiring of Illinois residents who represent the diversity of the Illinois population.
  - 15) Documentation evidencing that the receipt of the credit is essential to the decision to operate the accredited production in Illinois, such as documentation that Applicant has multi-state or international location options and could reasonably locate outside the State, or can demonstrate that at least one other state or nation is being considered for the production, or other documentation showing that the receipt of the tax credit is a major factor in the Applicant's decision to locate the production in Illinois.
- c) The Applicant must submit a copy of the complete script of the production.
  - d) The Applicant is responsible for the accuracy of all data, information, and documentation included in the application. Once submitted, applications shall become the property of the Department.
  - e) Upon written request, Applicants shall issue any necessary authorization to the appropriate federal, State or local authority for the release of information concerning a production being considered under this Part, including but not limited to financial reports, and records relating to the Applicant or the production for which the Credit is requested.

**Section 528.50 Evaluation of Applications  
EMERGENCY**

- a) Prior to substantive evaluation of an application for a Credit, the Department shall examine all applications to determine that all required information and documentation has been provided. Applicants will be notified of any deficiencies in applications and provided an opportunity to correct such deficiencies through submission of additional documentation.

## DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

## NOTICE OF EMERGENCY RULEMAKING

- b) In evaluating applications, the Department shall determine that a preponderance of the following conditions exist:
- 1) the Applicant's production is economically sound and will increase opportunities for residents of Illinois to obtain employment;
  - 2) the Applicant will meet the requisite aggregate Illinois labor expenditure requirement in accordance with the provisions of Section 528.30(c) of this Part;
  - 3) the extent to which the Applicant plans to employ Illinois residents representing the diversity of the Illinois population subject to any applicable collective bargaining agreements to which the Applicant is a signatory, to perform work on the production;
  - 4) the extent to which the Applicant intends to participate in training, education and recruitment programs that are organized in cooperation with Illinois colleges and universities, labor organizations, and the motion picture industry and are designed to promote and encourage the training and hiring of Illinois residents who represent the diversity of the Illinois population;
  - 5) the Applicant's demonstration that the Credit is essential to its decision to locate the production in Illinois; and
  - 6) awarding the Credit will result in an overall positive impact to the State.

**Section 528.60 Approval/Denial of Applications**  
**EMERGENCY**

- a) The Department reserves the right to make inquiries, conduct studies in the manner and by the methods it deems necessary, to review information with respect to the Applicant's application. The Department also reserves the right to request information from the Applicant that is necessary to calculate the amount of the tax credit.
- b) The Department reserves the right to reject any application that does not comply with the requirements of this Part. Recommendations that an application for the Credit should be approved or denied shall occur within a reasonable time frame as

## DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

## NOTICE OF EMERGENCY RULEMAKING

determined by the Department. Applications are subject to final approval by the Director of the Department.

- c) Applicants shall be notified in writing as to the Department's evaluation of all completed applications. If the Department denies an application for the Credit, it will specify the reasons for denial in writing and allow the Applicant 30 days to amend and re-submit its application for evaluation.

**Section 528.70 Amount and Duration of Credit**  
**EMERGENCY**

- a) For tax years beginning or on or after January 1, 2004, a taxpayer who has been awarded a tax credit under the Act is entitled to a credit against the taxes imposed under subsections (a) and (b) of Section 201 of the Illinois Income Tax Act in an amount determined by the Department [35 ILCS 5/201(a) and (b)]. If the taxpayer is a partnership or Subchapter S corporation, the credit is allowed to the partners or shareholders in accordance with the determination of income and distributive share of income under sections 702 and 704 and Subchapter S of the Internal Revenue Code (26 USCA 702 and 704). The credit may not be carried forward or back. In no event shall a Credit under this Act reduce the taxpayer's liability to less than zero [35 ILCS 5/213].
- b) Eligible Applicants will be awarded *a Credit equal to 25% of the Illinois labor expenditures approved by the Department* for an accredited production. (Section 10 of the Act)
- c) *The duration of the Credit may not exceed one taxable year.* (Section 10 of the Act)

**Section 528.80 Interim and Final Film Tax Credit Certifications**  
**EMERGENCY**

- a) Interim Film Tax Credit Certificate: Upon approval of an application, the Department will issue an Interim Accredited Production Certificate certifying that the production is an Accredited Production that meets the guidelines of the Act. This interim certificate will set forth the amount of the potential Credit based on the information set forth in the application and shall provide that the amount of the Credit is subject to reduction in the event that the Applicant's actual Illinois labor expenditures are less than the amount set forth in the application.

## DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

## NOTICE OF EMERGENCY RULEMAKING

- b) Final Film Tax Credit Certificate: The Applicant may request a Final Accredited Production Certificate from the Department certifying the actual amount of the Credit to the Applicant and the Illinois Department of Revenue at any time following the completion of the film production, but in no event later than 2 years following the completion of the film production. The Final Film Tax Credit Certificate will be issued upon the Department's verification that the Applicant is in compliance with all requirements of the Act and this Part relative to the award of the Credit, including verification of all costs submitted as qualifying as the Applicant's Illinois labor expenditure.

**Section 528.90 Non-Compliance Provisions**  
**EMERGENCY**

Material noncompliance with the requirements of the Interim Accredited Production Certificate may result in rescission of the Credit by the Department, or the institution of proceedings to have the Illinois Department of Revenue revoke the Credit.

**Section 528.100 Books and Records**  
**EMERGENCY**

- a) Record Retention: *the Applicant must at all times keep proper books of record and accounts in accordance with generally accepted accounting principles consistently applied, with the books, records, or papers related to the accredited production in the custody or control of the taxpayer open for reasonable Department inspection and audits, and including, without limitation, the making of copies of the books, records, or papers, and the inspection or appraisal of any of the assets of the applicant or the accredited production. (Section 15(f) of the Act)*
- b) Confidentiality: To the extent possible and permitted by law, the Department will maintain materials and information received from an Applicant for application for a Credit as confidential.

## ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

## NOTICE OF EMERGENCY AMENDMENT

- 1) Heading of the Part: General Procedures
- 2) Code Citation: 80 Ill. Adm. Code 1100
- 3) Section Numbers: 1100.10                      Emergency Action: Amendment
- 4) Statutory Authority: 5 ILCS 5/5(i)
- 5) Effective Date of Rule: January 1, 2004
- 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 is to expire when the permanent rules become effective.
- 7) Date Filed with the Index Department: December 26, 2003
- 8) A copy of this adopted 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: This amendment implements Public Act 93-0444, which became effective on August 5, 2003. Public Act 93-0444 creates a new method by which unions may become the exclusive representatives of educational employees. This amendment is necessary to provide guidance to the parties in implementing this new procedure.
- 10) A Complete Description of the Subjects and Issues Involved: Public Act 93-0444 allows unions to become the exclusive representatives of educational employees through a card check procedure. Previously, unions were able to become exclusive representatives only through an election or through the employer agreeing to voluntarily recognize the union. This amendment implements Public Act 93-0444.
- 11) Are there any proposed amendments to this Part pending? No
- 12) Statement of Statewide Policy Objectives: This amendment does not create or expand a State mandate.
- 13) Information and questions regarding this amendment shall be directed to:

Susan Willenborg  
Illinois Educational Labor Relations Board

---

ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

NOTICE OF EMERGENCY AMENDMENT

160 North LaSalle Street, Suite N-400  
Chicago, Illinois 60601-3103  
312/793-3288

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

## ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

## NOTICE OF EMERGENCY AMENDMENT

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES  
SUBTITLE C: LABOR RELATIONS  
CHAPTER III: ILLINOIS EDUCATIONAL LABOR RELATIONS BOARDPART 1100  
GENERAL PROCEDURES

## Section

1100.10 Definitions

**EMERGENCY**

1100.20 Filing and Service of Documents  
1100.30 Computation and Extensions of Time  
1100.40 Hearing Officers  
1100.50 Recording of Hearings  
1100.60 Representation of Parties  
1100.70 Subpoenas  
1100.80 Limitation on Practice Before the Board by Former Employees  
1100.90 Amicus Curiae  
1100.100 Gender Usage  
1100.105 Qualifications of Administrative Law Judges  
1100.110 Conflict of Interest

AUTHORITY: Implementing and authorized by the Illinois Educational Labor Relations Act [115 ILCS 5].

SOURCE: Emergency rules adopted at 8 Ill. Reg. 8638, effective June 6, 1984, for a maximum of 150 days; adopted at 8 Ill. Reg. 22548, effective November 5, 1984; amended at 14 Ill. Reg. 1270, effective January 5, 1990; amended at 26 Ill. Reg. 11472, effective July 23, 2002; emergency amendment at 28 Ill. Reg. 971, effective January 1, 2004, for a maximum of 150 days.

**Section 1100.10 Definitions****EMERGENCY**

- a) The term "Act" shall mean the Illinois Educational Labor Relations Act {115 ILCS 5}. (~~Ill. Rev. Stat. 1987, ch. 48, par. 1701 et seq.~~)
- b) This Part incorporates the definitions contained in Section 2 of the Act.
- c) The term "incumbent employee organization" or "incumbent exclusive

## ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

## NOTICE OF EMERGENCY AMENDMENT

representative" shall mean the existing exclusive representative of the employees in the bargaining unit.

- d) The term "charging party" shall mean the person who files an unfair labor practice charge.
- e) The term "respondent" shall mean the party named in an unfair labor practice charge or complaint as having allegedly committed the unfair labor practice.
- f) The term "scheduled start of the forthcoming school year" shall mean the first date scheduled for student attendance for that year.
- g) The term "professional instructional personnel" shall mean, in the case of a public school district, any employee whose position requires a certificate issued pursuant to Article 21 of the Section 21-1 et seq. of The School Code {105 ILCS 5/Art. 21}. (Ill. Rev. Stat. 1987, ch. 122, par. 21-1 et seq.).
- h) The term "professional instructional personnel" shall mean, in the case of an employer other than a public school district, any employee whose position includes or could include the provision of academic instruction to students.
- i) The term "legal holiday" shall mean a "legal school holiday" as specified in SectionSee 24-2 of the School Code (not to include "special holidays" or "commemorative holidays"); or a holiday observed by the Board.
- j) The term "representation petition" shall include both a petition seeking recognition as exclusive representative through an election and a petition seeking recognition as exclusive representative through the Board's card check procedures (majority interest petition).

(Source: Amended by emergency rulemaking at 28 Ill. Reg. 971, effective January 1, 2004, for a maximum of 150 days)

## ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

## NOTICE OF EMERGENCY AMENDMENTS

- 1) Heading of the Part: Representation Procedures
- 2) Code Citation: 80 Ill. Adm. Code 1110
- 3) 

<u>Section Numbers</u> :	<u>Emergency Action</u> :
1110.10	Amendment
1110.30	Amendment
1110.40	Amendment
1110.50	Amendment
1110.60	Amendment
1110.70	Amendment
1110.80	Amendment
1110.90	Amendment
1110.100	Amendment
1110.105	New Section
1110.140	Amendment
1110.180	Amendment
- 4) Statutory Authority: 5 ILCS 5/5(i)
- 5) Effective Date of Rule: January 1, 2004
- 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 is to expire when the permanent rules become effective.
- 7) Date Filed with the Index Department: December 26, 2003
- 8) A copy of this 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: This amendment implements Public Act 93-0444, which became effective on August 5, 2003. Public Act 93-0444 creates a new method by which unions may become the exclusive representatives of educational employees. This amendment is necessary to provide guidance to the parties in implementing this new procedure.
- 10) A Complete Description of the Subjects and Issues Involved: Public Act 93-0444 allows unions to become the exclusive representatives of educational employees through a card check procedure. Previously, unions were able to become exclusive representatives only

## ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

## NOTICE OF EMERGENCY AMENDMENTS

through an election or through the employer agreeing to voluntarily recognize the union.  
This amendment implements Public Act 93-0444.

- 11) Are there any proposed amendments to this Part pending? No.
- 12) Statement of Statewide Policy Objectives: This amendment does not create or expand a State mandate.
- 13) Information and questions regarding this amendment shall be directed to:

Susan Willenborg  
Illinois Educational Labor Relations Board  
160 North LaSalle Street, Suite N-400  
Chicago, Illinois 60601-3103  
312/793-3288

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

## ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

## NOTICE OF EMERGENCY AMENDMENTS

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES  
SUBTITLE C: LABOR RELATIONS  
CHAPTER III: ILLINOIS EDUCATIONAL LABOR RELATIONS BOARDPART 1110  
REPRESENTATION PROCEDURES

## Section

- 1110.10 General Statement of Purpose  
EMERGENCY
- 1110.15 Investigations
- 1110.20 Employee Organizations Seeking Recognition
- 1110.30 Employer Responses to Recognition Requests  
EMERGENCY
- 1110.40 Voluntary Recognition Procedures  
EMERGENCY
- 1110.50 Representation Petitions  
EMERGENCY
- 1110.60 Decertification Petitions  
EMERGENCY
- 1110.70 Timeliness of Petitions and Bars to Elections  
EMERGENCY
- 1110.80 Showing of Interest  
EMERGENCY
- 1110.90 Posting of Notice  
EMERGENCY
- 1110.100 Processing of Petitions Seeking an Election  
EMERGENCY
- 1110.105 Processing of Majority Interest Petitions  
EMERGENCY
- 1110.110 Consent Elections
- 1110.120 Bargaining Unit Determinations
- 1110.130 Eligibility of Voters
- 1110.140 Conduct of the Election  
EMERGENCY
- 1110.150 Objections to the Election
- 1110.160 Petitions for Clarification of the Bargaining Unit
- 1110.170 Petitions to Amend Certification
- 1110.180 Petitions for Self-Determination  
EMERGENCY

## ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

## NOTICE OF EMERGENCY AMENDMENTS

1110.Appendix A     Model Authorization Card  
EMERGENCY

AUTHORITY: Implementing and authorized by the Illinois Educational Labor Relations Act [115 ILCS 5]

SOURCE: Emergency rules adopted at 8 Ill. Reg. 4526, effective March 26, 1984, for a maximum of 150 days; adopted at 8 Ill. Reg. 16300, effective August 27, 1984; amended at 14 Ill. Reg. 1297, effective January 5, 1990; emergency amendment at 28 Ill. Reg. 975, effective January 1, 2004, for a maximum of 150 days.

**Section 1110.10 General Statement of Purpose**  
EMERGENCY

The regulations contained in this Part detail the procedures that employers, employees, and employee organizations should use for employer voluntary recognition of an employee organization and for instituting representation and related proceedings. These procedures are the exclusive means by which an educational employer may recognize an employee organization after the effective date of this Part if the bargaining relationship and any ensuing collective bargaining agreement are to be pursuant to the Illinois Educational Labor Relations Act ("the Act"); ~~[115 ILCS 5]Supp. to Ill. Rev. Stat. 1983, ch. 48, par. 1701 et. seq.~~, and subject to the processes of this Board.

(Source: Amended by emergency rulemaking at 28 Ill. Reg. 975, effective January 1, 2004, for a maximum of 150 days)

**Section 1110.30 Employer Responses to Recognition Requests**  
EMERGENCY

- a) An employer faced with a request for recognition in a bargaining unit that is not currently represented by an employee organization shall recognize an employee organization that seeks voluntary recognition if that organization appears to represent a majority of employees in the unit and if the voluntary recognition procedures specified in Section 1110.40 of this Part are followed. If the employee organization does not seek voluntary recognition, the employer may agree to resort to the voluntary recognition procedures, may consent to a representation election, may file a representation petition with the Board, or may decline to respond to the request, or, if an election is sought, may consent to a representation election.
- b) An employer faced with a request for recognition in a bargaining unit in which

## ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

## NOTICE OF EMERGENCY AMENDMENTS

another employee organization has lawfully attained representation rights may file a representation petition with the Board, ~~or~~ may decline to respond to the request, or, if an election is sought, may consent to a representation election. The employer may not agree to resort to the voluntary recognition procedures in response to such a request.

(Source: Amended by emergency rulemaking at 28 Ill. Reg. 975, effective January 1, 2004, for a maximum of 150 days)

**Section 1110.40 Voluntary Recognition Procedures****EMERGENCY**

- a) Voluntary recognition procedures may not be used under the following circumstances:
  - 1) whenever an employee organization has lawfully attained representation rights as the exclusive representative of the employees in the bargaining unit;
  - 2) whenever there has been a valid representation election or a majority interest petition has been dismissed within the preceding twelve months;
  - 3) whenever the proposed bargaining unit would include both professional and nonprofessional employees.
- b) Whenever a party intends to use the voluntary recognition procedures, the party shall notify the Board of its intent. The notification shall be on a form developed by the Board and shall include:
  - 1) the name and address of the employer;
  - 2) the name, address, and affiliation, if any, of the employee organization to be recognized;
  - 3) a description of the proposed bargaining unit;
  - 4) the approximate number of employees in the proposed bargaining unit;
  - 5) the reasons why ~~the employer believes that~~ the employee organization appears to represent a majority of the employees;

## ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

## NOTICE OF EMERGENCY AMENDMENTS

- 6) the date on which the employer posted or intends to post the voluntary recognition notice; and
  - 7) a copy of the voluntary recognition notice that has been or will be posted.
- c) The employer must post the voluntary recognition notice on the date specified in the notification filed with the Board on bulletin boards and other places where notices for employees in the bargaining unit are customarily placed. The notice must be on a form developed by the Board, and must contain the following:
- 1) a statement that, subject to Board certification, the employer intends to recognize the employee organization if no competing claims of representation are filed with the Board;
  - 2) the name and affiliation, if any, of the employee organization to be recognized;
  - 3) a description of the proposed bargaining unit;
  - 4) the date of posting; and
  - 5) the date by which a competing claim of representation must be filed with the Board, which is the date that the posting period is scheduled to terminate.
- d) The notice shall remain posted for a period of at least 20 school days. For purposes of computing the 20-day period, a school day shall not include weekends, days on which holidays are recognized, or any day on which a significant portion of the regularly scheduled work force in the bargaining unit is not scheduled to work. The employer shall attempt to insure that the notice is not removed or defaced and shall replace any notice which is removed or defaced.
- e) During the posting period, any competing employee organization may file a petition with the Board. Prior to, or simultaneously with, its filing with the Board, the petition shall also be served on the employer and the employee organization that was to have been voluntarily recognized. The petition shall be on a form developed by the Board and shall contain:
- 1) the name, address, and affiliation, if any, of the employee organization;

## ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

## NOTICE OF EMERGENCY AMENDMENTS

- 2) the names of the employer and employee organization that the employer intends to voluntarily recognize;
  - 3) a description of the proposed bargaining unit;
  - 4) the date the voluntary recognition notice was posted; and
  - 5) the date the posting period is scheduled to terminate.
- f) A competing employee organization's petition must be supported by a showing of interest by *at least 15 percent of the employees in an appropriate bargaining unit which includes all or some of the employees in the unit intended to be recognized* (Section 7(b) of the Act).
- g) Upon the filing of a competing employee organization's petition, the Board shall treat the notification of intent to use the voluntary recognition proceedings as a representation proceeding. The Board shall proceed in accordance with Section 7(c) of the Act and Sections 1110.90 - 1110.150 of this Part.
- h) If no competing employee organization petitions have been filed with the Board by the termination of the posting period, the employee organization~~employer~~ shall file with the Board a request for voluntary recognition certification. In the alternative, the employer may file such a request. The request shall be on a form developed by the Board. The request shall be signed and shall contain the following:
- 1) the name and address of the employer;
  - 2) the name, address, and affiliation, if any, of the employee organization;
  - 3) a description of the proposed bargaining unit;
  - 4) the number of employees in the proposed bargaining unit;
  - 5) the dates and locations of the posting of the voluntary recognition notice;
  - 6) a statement that the notice was not removed or defaced during the posting period; and

## ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

## NOTICE OF EMERGENCY AMENDMENTS

- 7) a statement describing why ~~the employer is satisfied that~~ the employee organization represents the majority of the employees in the bargaining unit.
- i) The petition must be supported by objective evidence that a majority of the employees in the bargaining unit wish to be represented by the employee organization.
  - 1) If authorization cards are offered as evidence, those cards that would not qualify as evidence in support of a representation petition, pursuant to Section 1110.80(c) and (d) of this Part, will not be considered sufficient evidence of majority status.
  - 2) If employees signing such authorization cards have also signed cards authorizing other employee organizations to represent them, those cards will not be considered sufficient evidence of majority status.
- j) The Board will investigate the voluntary recognition request:
  - 1) If the Board concludes that the employee organization represents a majority of the employees in the bargaining unit, and that the petition is otherwise consistent with the Act and this Part, the Board shall certify the employee organization as the exclusive representative of the employees.
  - 2) If the Board determines that there is insufficient evidence to support the claim of majority status, or that the petition otherwise contravenes the Act or this Part, the Board shall dismiss the petition without prejudice to the filing of a representation petition by either the employer or the employee organization. ~~k) If, at the end of the posting period, the employer is no longer satisfied that the employee organization has demonstrated majority status, the employer shall petition the Board to withdraw the voluntary recognition request. Such withdrawal shall be without prejudice to the filing of a representation petition by either the employer or the employee organization.~~

(Source: Amended by emergency rulemaking at 28 Ill. Reg. 975, effective January 1, 2004, for a maximum of 150 days)

**Section 1110.50 Representation Petitions****EMERGENCY**

## ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

## NOTICE OF EMERGENCY AMENDMENTS

- a) A representation petition may be filed by:
- 1) an employee, a group of employees, or an employee organization; or
  - 2) an employer *alleging that one or more labor organizations have presented a claim to be recognized as an exclusive bargaining representative of a majority of the employees in an appropriate unit and that it doubts the majority status of any of the organizations or that it doubts the majority status of an exclusive representative* (Section 7(c)(2) of the Act).
- b) Representation petitions shall be signed by a representative of the petitioning party and shall contain:
- 1) the name and address of the employer;
  - 2) the name, address, and affiliation, if any, of the employee organization;
  - 3) a description of the proposed bargaining unit which petitioner claims to be appropriate;
  - 4) the approximate number of employees in the proposed bargaining unit;
  - 5) the name of any existing exclusive representative of any employees in the proposed bargaining unit;
  - 6) a brief description of any collective bargaining agreements covering any employees in the proposed bargaining unit, and the expiration dates of the agreements;
  - 7) the date that the employer recognized any existing exclusive representative of any employees in the proposed bargaining unit, and the method of recognition;
  - 8) election and/or recognition history prior to January 1, 1984, to the extent known; ~~and~~
  - 9) a statement whether the petitioner intends to use the card check procedure or the election procedure; and

## ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

## NOTICE OF EMERGENCY AMENDMENTS

- ~~10)9)~~ in the case of a petition filed by an employer, a statement that one or more employee organizations has demanded recognition and that the employer doubts either their majority status or the continued majority status of the existing representative.
- c) The Board shall serve the representation petition on the appropriate parties.
- 1) Employer petitions shall be served on the employee organizations that demanded recognition, and on the existing exclusive representative, if any.
  - 2) Employee and employee organization petitions shall be served on the employer and on the existing exclusive representative, if any.
- d) Employee and employee organization petitions seeking an election shall be accompanied by a showing of interest that at least 30 percent of the employees in the petitioned for bargaining unit wish to be represented by the employee organization. Employee and employee organization majority interest petitions shall be accompanied by a showing of a majority interest.
- e) A petition may seek joint representation by two or more employee organizations if an instrument, such as a joint council, has been established to effectuate the joint representation. In such instances, the petition shall describe the instrument.
- f) A petitioner may withdraw ~~its~~ representation petition seeking an election as follows:
- 1) If there are no intervenors, at any time prior to the direction of an election.
  - 2) If there are no intervenors, at any time after the direction of an election, but prior to the election. However, such withdrawal shall bar the petitioner from petitioning for an election or a card check in a bargaining unit covering all or part of the petitioned for unit for one year following the withdrawal.
  - 3) If there are intervenors, the employee organization may not withdraw its petition without the consent of all parties. However, the employee organization may file a statement signed by its authorized representative that it no longer wishes to appear on the ballot. The statement shall be filed no later than ten days prior to the election. Upon receipt of such a statement, the Board shall strike the employee organization's name from

## ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

## NOTICE OF EMERGENCY AMENDMENTS

the ballot.

- g) A petitioner may withdraw a majority petition as follows:
- 1) If there are no intervenors, at any time. However, if the petitioner withdraws the petition after the Board has determined that a different unit than that which was petitioned for is appropriate or has determined that there is clear and convincing evidence of fraud or coercion in obtaining the showing of interest, such withdrawal shall bar the petitioner from filing a representation petition in a bargaining unit covering all or part of the petitioned for unit for one year following the withdrawal.
  - 2) If there are intervenors that meet the requirements of Section 1110.105(r) of this Part, the employee organization may not withdraw its petition without the consent of all parties. However, the employee organization may file a statement signed by its authorized representative that it no longer wishes to appear on the ballot. The statement shall be filed no later than ten days prior to the election. Upon receipt of such a statement, the Board shall strike the employee organization's name from the ballot.
- h)g) Failure to complete the petition by listing all of the information contained in subsection (b) of this ~~SectionPart~~ shall not be grounds for dismissal of the petition so long as the unlisted information is available from any other party. ~~A~~The petition seeking an election may be revised by the filing party at any time prior to a hearing or agreement to a consent election. A majority interest petition may be revised by the filing party with 21 days after service of the petition. Notice of any revision shall be served upon all other parties.

(Source: Amended by emergency rulemaking at 28 Ill. Reg. 975, effective January 1, 2004, for a maximum of 150 days)

**Section 1110.60 Decertification Petitions****EMERGENCY**

- a) A petition to decertify an existing exclusive representative may be filed by an employee or group of employees. The Board shall serve the petition on the exclusive representative and on the employer. The petition shall be on a form developed by the Board. It shall be signed and shall contain the following:
- 1) the name and address of the petitioner;

## ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

## NOTICE OF EMERGENCY AMENDMENTS

- 2) the name, address, and affiliation, if any, of the exclusive representative;
  - 3) the name and address of the employer;
  - 4) a description of the bargaining unit;
  - 5) the approximate number of employees in the bargaining unit;
  - 6) the date that the exclusive representative was recognized and the method of recognition, if known; and
  - 7) a brief description of any collective bargaining agreements covering any employees in the bargaining unit, and the expiration dates of the agreements.
- b) An employer shall not instigate or lend support to a decertification petition. Allegations that an employer has violated this subsection may be raised in motions to dismiss the decertification petition, objections to the decertification election, or unfair labor practice charges.

c) The card check procedure shall not be used to decertify an employee organization.

(Source: Amended by emergency rulemaking at 28 Ill. Reg. 975, effective January 1, 2004, for a maximum of 150 days)

**Section 1110.70 Timeliness of Petitions and Bars to Elections****EMERGENCY**

- a) Election bar: With respect to any bargaining unit, *no election may be conducted in a bargaining unit, or subdivision thereof, in which a valid election has been held within the preceding 12 month period* (Section 7(d) of the Act). However, representation and decertification petitions filed within the last three months of the 12 month period will be processed, and any resulting election or card check will be conducted~~held~~ after the 12 month period has elapsed. Representation and decertification petitions filed in the first 9 months of the 12 month period will be dismissed.
- b) Certification bar: With respect to any bargaining unit, absent unusual circumstances the Board will dismiss a representation or decertification petition

## ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

## NOTICE OF EMERGENCY AMENDMENTS

filed within 12 months following the date of Board certification of an exclusive representative for all or some of the employees in the bargaining unit, as a result of voluntary certification, card check or representation election. Unusual circumstances include when the exclusive representative dissolves or becomes defunct; when as a result of a schism, substantially all of the members and officers of the exclusive representative transfer their affiliation to a new local or international; or the size of the bargaining unit fluctuates radically within a short time.

- c) With respect to petitions with proposed bargaining units containing professional instructional personnel, representation and decertification petitions may not be filed whenever there is in effect a collective bargaining agreement of three years or shorter duration covering all or some of the employees in the bargaining unit. Collective bargaining agreements of longer than three years duration shall serve as a bar for the first three years of their existence. In all cases, representation and decertification petitions may be filed between January 15 and March 1 of the year in which the collective bargaining agreement is due to expire or in the third year of an agreement of more than three years duration. However, no such petition may be filed if it would otherwise be barred by subsections (a) or (b) of this Section.
- d) With respect to petitions with proposed bargaining units not containing professional instructional personnel, representation and decertification petitions may not be filed whenever there is in effect a collective bargaining agreement of three years or shorter duration covering all or some of the employees in the bargaining unit. Collective bargaining agreements of longer than three years duration shall serve as a bar for the first three years of their existence. In all cases, representation and decertification petitions may be filed between 90 days and 45 days prior to the expiration date of a collective bargaining agreement of three years duration or less, or any time after 90 days prior to the end of the third year of an agreement of more than three years duration.
- e) A collective bargaining agreement shall not bar the filing of a representation or decertification petition if the agreement is between an employer and an employee organization recognized by the employer after the effective date of this Part without having used the voluntary recognition, card check or representation election procedures specified in the Act and this Part.

(Source: Amended by emergency rulemaking at 28 Ill. Reg. 975, effective January 1, 2004, for a maximum of 150 days)

## ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

## NOTICE OF EMERGENCY AMENDMENTS

**Section 1110.80 Showing of Interest****EMERGENCY**

- a) Representation petitions filed by employees, groups of employees and employee organizations that seek an election; and all decertification petitions must be accompanied by a 30 percent showing of interest. Majority interest petitions must be accompanied by a showing of majority interest.
- 1) The showing of interest in support of a representation petition seeking an election shall consist of authorization cards, petitions, or other evidence which demonstrates that at least 30 percent of the employees in the proposed bargaining unit desire to be represented for collective bargaining by the petitioned for employee organization.
  - 2) The showing of interest in support of a decertification petition shall consist only of cards or petitions clearly stating that the employee does not want the incumbent employee organization to continue serving as exclusive representative.
  - 3) The showing of interest in support of a majority interest petition shall consist of current dues deduction authorizations, authorization cards, petitions, or other evidence that demonstrates that more than 50 percent of the employees wish to be represented for collective bargaining by the petitioned for employee organization. An authorization card including the information in Appendix A of this Part shall be considered sufficient to support a showing of majority interest.
- b) A petition to intervene in an election or card check must be supported by a 15 percent showing of interest when the petition proposes a bargaining unit substantially similar to the originally proposed unit. When the intervenor proposes a bargaining unit substantially different from the originally proposed unit, the petition must be supported by a 30 percent showing of interest in the case of a petition seeking an election and a showing of majority interest in the case of a majority interest petition. In determining whether the proposed bargaining units are substantially similar, the Board will consider the number and type of employees in each of the proposed units. The proposed units will not be considered substantially similar whenever less than 50 percent of the employees in the originally proposed unit are included in the unit proposed by the intervenor. An incumbent exclusive representative shall automatically be allowed to

## ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

## NOTICE OF EMERGENCY AMENDMENTS

intervene without submitting any showing of interest.

- c) If authorization cards or petitions are submitted as a showing of interest, each signature appearing thereon should be dated by the employee.
- d) Each signature appearing on an authorization card or petition shall be effective for six months from the date it was given.
- e) In the case of a petition seeking an election, whenever~~Whenever~~ an employee has signed authorization cards or petitions for two or more employee organizations, each card or petition shall be counted in computing the required showing of interest. In the case of a majority interest petition, whenever an employee has signed authorization cards or petitions for two or more employee organizations, neither card or signature on a petition shall be counted in computing the required showing of interest.
- f) The Board shall maintain the confidentiality of the showing of interest. The evidence submitted in support of the showing of interest shall not be furnished to any of the parties.
- g) The Executive Director will determine whether the evidence submitted demonstrates the appropriate level of showing of interest pursuant to subsections (a) and (b) of this ~~Section~~section. The showing of interest shall not be subject to collateral attack and shall not be an issue at hearing. However, any person who has evidence that the showing of interest was fraudulent or was obtained through misrepresentation or coercion may bring the evidence to the attention of the Board's agent investigating the petition.
- h) If the Executive Director determines that the evidence submitted does not demonstrate the appropriate level of showing of interest, the petitioner or intervenor shall have 48 hours to provide the necessary showing of interest to the Executive Director. If the petitioner or intervenor is unable to present any necessary additional evidence of showing of interest within that time, then the petition shall be subject to dismissal.

(Source: Amended by emergency rulemaking at 28 Ill. Reg. 975, effective January 1, 2004, for a maximum of 150 days)

**Section 1110.90 Posting of Notice****EMERGENCY**

## ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

## NOTICE OF EMERGENCY AMENDMENTS

Following the filing of a representation or decertification petition, the Board shall provide the employer with a notice which shall be immediately posted on bulletin boards and other places where notices for employees in the bargaining unit are customarily posted, or in conspicuous places in the absence of a customary posting location.

(Source: Amended by emergency rulemaking at 28 Ill. Reg. 975, effective January 1, 2004, for a maximum of 150 days)

**Section 1110.100 Processing of Petitions Seeking an Election**  
**EMERGENCY**

- a) All parties served with a representation petition seeking an election or a decertification petition shall respond to the petition within seven days after ~~of~~ service. The response shall set forth the party's position with respect to the matters asserted in the petition, including, but not limited to, the appropriateness of the bargaining unit. A party that fails to file a timely response without good cause shall be deemed to have waived its right to a hearing. Good cause will include when there is no prejudice to another party or the other parties have consented to a hearing without the filing of a timely response.
- b) Upon receipt of the petition, the Board or its agent shall investigate the petition. If the investigation discloses that *there is no reasonable cause to suspect that a question of representation exists*, as defined in Section 7(c)(1) or (2) of the Act, the petition will be dismissed; provided that, the dismissal may be appealed within 14~~fourteen~~ days to the Board. If the investigation discloses that *there is reasonable cause to suspect that a question of representation exists*, as defined in Section 7(c)(1) or (2) of the Act, the matter will be set for hearing before a hearing officer. All parties shall be given a minimum of seven days notice of the hearing.
- c) Petitions to intervene may be filed with the Board no later than 14 days prior to the date set for the election. Any intervenor who files after the date set for hearing, or if no hearing is held, after the approval of a consent election agreement or the direction of an election pursuant to subsection (j) of this Section, shall have waived objections to the bargaining unit.
- d) Interested persons who wish to participate in the hearing shall direct such requests to the hearing officer. The request shall be in writing and shall state the grounds for participation. In determining whether to grant the request, the hearing officer

## ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

## NOTICE OF EMERGENCY AMENDMENTS

shall base his decision on the timeliness of the request, the degree to which the person requesting participation has a real interest at stake, the ability of the parties to represent the interests of the person requesting participation and the complexity of the proceeding.

- e) The hearing officer shall obtain a full and complete record by inquiring into all matters in dispute. The record shall be obtained either by evidentiary hearing or stipulation. Immediately prior to the close of the record, one or more parties may file motions to remove the case to the Board for decision. Responses to these motions may be filed as directed by the hearing officer. Within seven days after the close of the record, the hearing officer shall rule on the motions. The hearing officer may also order the case removed to the Board on his own motion within seven days after the close of the record. If the hearing officer orders a case removed, he shall certify that there are no determinative issues of fact that require a hearing officer's recommended decision.
- f) Within seven days after removal, a party may move the Board to remand the case to the hearing officer, identifying in detail the material factual issues in dispute. If the Board fails to rule on the motion within 14 days, the motion will be deemed denied; the General Counsel will set a briefing schedule for briefs to be submitted to the Board. In cases removed to the Board, the Board shall remand the case if, at any time, it determines that the case presents issues of material fact requiring a hearing officer's recommended decision.
- g) In cases not removed to the Board and in cases remanded to the hearing officer, the hearing officer shall file and serve on the parties a recommended decision within 21 days after the conclusion of the presentation of evidence, the receipt of the transcript, and the receipt of any post-hearing briefs, unless additional time is required due to the length of the record and the complexity of the issues involved. Such additional time shall not exceed 90 days.
- h) Parties may file exceptions to the hearing officer's recommendation and briefs in support of those exceptions no later than ~~14~~fourteen days after receipt of the recommendation. Any party to the proceeding may file a response to any exceptions and supporting briefs within ~~14~~fourteen days from receipt of a party's exceptions and supporting brief. Such response shall be filed with the Board and served on all parties. If no exceptions have been filed within the ~~14~~fourteen-day period, the parties will be deemed to have waived their exceptions.
- i) The Board will review the hearing officer's recommendation upon request by a

## ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

## NOTICE OF EMERGENCY AMENDMENTS

party or on its own motion. If the Board determines that a question concerning representation exists, as defined in Section 7(c)(1) or (2) of the Act, the Board shall direct that an election be held and a notice of election be posted. An election shall not be held on a date on which a substantial portion of the regularly scheduled work force in the bargaining unit is not scheduled to work.

- j) Within seven days following the direction of an election, the employer shall furnish all other parties and the Executive Director with a list of the names and addresses of the employees eligible to vote in the election.

(Source: Amended by emergency rulemaking at 28 Ill. Reg. 975, effective January 1, 2004, for a maximum of 150 days)

**Section 1110.105 Processing of Majority Interest Petitions**  
**EMERGENCY**

- a) Majority interest procedures may not be used when another employee organization has lawfully attained representation rights as the exclusive representative of the employees in the bargaining unit.
- b) The employer shall provide a list of employees as of the date of the petition within seven days after receipt of the petition, unless more time (not to exceed seven days) is granted by the Board due to the size of the unit.
- c) The employer shall provide examples of the employees' signatures within 14 days after receipt of the petition, unless more time (not to exceed seven days) is granted by the Board due to the size of the unit.
- d) Within 21 days after receipt of the petition, parties served with the petition shall file a written response to the petition. The response shall set forth the party's position with respect to the appropriateness of the unit, any proposed exclusions from the unit, any allegations of fraud or coercion in obtaining the showing of interest, and any other issues raised by the petition. A party that fails to file a timely response without good cause shall be deemed to have waived its right to a hearing. Good cause will include when there is no prejudice to another party or the other parties have consented to a hearing without the filing of a timely response.
- e) Upon receipt of the petition, the Board or its agent shall investigate the petition. The Board shall certify the employee organization as the exclusive representative within 30 days after service of the petition if:

## ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

## NOTICE OF EMERGENCY AMENDMENTS

- 1) the Board concludes that the employee organization represents a majority of the employees in the bargaining unit;
  - 2) there are no issues of fraud or coercion in obtaining the showing of interest;
  - 3) the petition is otherwise consistent with the Act and with this Part; and
  - 4) either there are no unit appropriateness or exclusion issues or the number of contested positions or employees is not sufficient to affect the determination of majority status.
- f) Where fraud or coercion in obtaining the showing of interest is alleged, the party or employee alleging fraud or coercion must provide its evidence of fraud or coercion to the Board and to the other parties, including a synopsis of any affidavits submitted to the Board, within 21 days after receipt of the petition or the posting of notice. The petitioner may file a response no later than seven days following the receipt of that evidence.
- g) If the Executive Director determines that there is clear and convincing evidence of fraud or coercion sufficient to affect the majority status of the petition, an election will be conducted according to the procedures set forth in this Part. The election shall be conducted within 45 days after the Executive Director's determination, unless proceedings concerning the appropriateness of the unit, exclusions from the unit sufficient to affect majority status, or the timeliness of the petition are pending.
- h) If the Executive Director determines that there is not clear and convincing evidence of fraud or coercion sufficient to affect the majority status of the petition, the party or employee alleging the fraud or coercion may file exceptions to that determination and briefs supporting those exceptions no later than seven days after receipt of the Executive Director's decision. The other parties may file a response to those exceptions no later than seven days after receipt of such exceptions and briefs. The Board shall issue its decision no later than 30 days from the date that the last brief must be filed. If no exceptions are filed within the seven-day period, the parties and any employee alleging fraud and coercion will be deemed to have waived their exceptions.

## ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

## NOTICE OF EMERGENCY AMENDMENTS

- i) If no exceptions are filed, the Board shall certify the employee organization as the exclusive representative within 10 days after service of the Executive Director's decision if:
- 1) the Board concludes that the employee organization represents a majority of the employees in the bargaining unit;
  - 2) the petition is otherwise consistent with the Act and with this Part; and
  - 3) there are no unit appropriateness or exclusion issues, those issues have been resolved, or the number of contested positions or employees is not sufficient to affect the determination of majority status.
- j) If the Board determines that there is clear and convincing evidence of fraud or coercion sufficient to affect the majority status of the petition, an election shall be conducted according to the procedures set forth in this Part. The election shall be conducted within 45 days after the Board's determination, unless proceedings concerning the appropriateness of the unit, exclusions from the unit sufficient to affect majority status, or the timeliness of the petition are pending. If the Board determines that there is not clear and convincing evidence of fraud or coercion sufficient to affect the majority status of the petition, the Board shall certify the employee organization as the exclusive representative immediately upon issuance of the Board's opinion and order if:
- 1) the Board concludes that the employee organization represents a majority of the employees in the bargaining unit;
  - 2) the petition is otherwise consistent with the Act and with this Part; and
  - 3) there are no unit appropriateness or exclusion issues, those issues have been resolved, or the number of contested positions or employees is not sufficient to affect the determination of majority status.
- k) If there are unit appropriateness or exclusion issues, but the number of contested positions or employees is not sufficient to affect the determination of majority status, a party may invoke the Board's unit clarification procedures.
- l) If there are unit appropriateness or exclusion issues, and the number of contested positions or employees is sufficient to affect the determination of majority status, a hearing shall be conducted to resolve these issues. A hearing shall also be

## ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

## NOTICE OF EMERGENCY AMENDMENTS

conducted when there are issues of material fact concerning the timeliness of the petition under Section 1110.70 of this Part. The hearing shall commence no later than 30 days from service of the petition. The Board shall proceed in accordance with 80 Ill. Adm. Code 1105.10 - 1105.80, except that:

- 1) The hearing officer's recommended decision shall be issued not later than 21 days after the conclusion of the presentation of evidence, the receipt of the transcript, and the receipt of any post-hearing briefs, unless additional time (not to exceed 21 days) is required due to the length of the record or the complexity of the issues involved.
  - 2) The parties may file exceptions to the recommended decision and briefs in support of those exceptions no later than seven days after receipt of the decision. Any party to the proceeding may file a response to any exceptions and supporting briefs within seven days from receipt of a party's exceptions and supporting brief. Exceptions and briefs shall be simultaneously filed with the Board and served on the parties. The Board shall issue its decision no later than 60 days from the date that the last brief must be filed. If no exceptions have been filed within the seven-day period, the parties will be deemed to have waived their exceptions.
- m) Interested persons who wish to participate in the hearing shall direct such requests to the hearing officer. The request shall be in writing and shall state the grounds for participation. In determining whether to grant the request, the hearing officer shall base his decision on the timeliness of the request, the degree to which the person requesting participation has a real interest at stake, the ability of the parties to represent the interests of the person requesting participation and the complexity of the proceeding.
- n) The hearing officer shall obtain a full and complete record by inquiring into all matters in dispute. The record shall be obtained either by evidentiary hearing or stipulation. Immediately prior to the close of the record, one or more parties may file motions to remove the case to the Board for decision. Responses to these motions may be filed as directed by the hearing officer. Within seven days after the close of the record, the hearing officer shall rule on the motions. The hearing officer may also order the case removed to the Board on his own motion within seven days after the close of the record. If the hearing officer orders a case removed, he shall certify that there are no determinative issues of fact that require a hearing officer's recommended decision.

## ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

## NOTICE OF EMERGENCY AMENDMENTS

- o) Within seven days after removal, a party may move the Board to remand the case to the hearing officer, identifying in detail the material factual issues in dispute. If the Board fails to rule on the motion within 14 days, the motion will be deemed denied; the General Counsel will set a briefing schedule for briefs to be submitted to the Board. In cases removed to the Board, the Board shall remand the case if, at any time, it determines that the case presents issues of material fact requiring a hearing officer's recommended decision.
- p) The Board shall certify the employee organization as exclusive representative immediately upon issuance of the Board's opinion and order, or upon expiration of the time for filing exceptions to the hearing officer's recommended decision, if:
- 1) the bargaining unit found to be appropriate by the Board is sufficiently similar to the petitioned for bargaining unit that the showing of majority interest remains sufficient;
  - 2) the employee organization agrees to represent the bargaining unit found to be appropriate;
  - 3) the Board concludes that the employee organization represents a majority of the employees in the bargaining unit;
  - 4) there is not clear and convincing evidence of fraud or coercion in obtaining the showing of interest; and
  - 5) the petition is otherwise consistent with the Act and this Part.
- q) If the bargaining unit approved by the Board is not sufficiently similar to the petitioned for bargaining unit that the showing of majority interest remains sufficient, the petitioner may submit a supplemental showing of interest within seven days after receipt of the Board's ruling, may participate in an election according to subsection (s), or may withdraw the petition.
- r) Petitions to intervene may be filed no later than 14 days after the notice is posted. Intervention shall only be allowed when, as a result of the evidence submitted by the intervenor in support of its showing of interest, the original petitioner no longer has a valid showing of majority interest.
- s) If the valid evidence presented by the employee organization to support its claim of majority status does not constitute a majority showing of interest, but

## ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

## NOTICE OF EMERGENCY AMENDMENTS

demonstrates that at least 30 percent of the employees in the unit found appropriate desire to be represented for collective bargaining by the employee organization, the Board shall conduct an election in the unit found appropriate if the petition is otherwise consistent with the Act and this Part.

- t) An employee may withdraw his authorization card or other evidence supporting the showing of majority interest at any time prior to the Board's determination of majority interest.
- u) Upon the filing of a petition or at any time thereafter that the case is pending, a party may allege that *the dues deduction authorizations and other evidence submitted in support of a designation of representative without an election were subsequently changed, altered, withdrawn, or withheld as a result of employer fraud, coercion, or any other unfair labor practice by the employer* (Section 7(c-5) of the Act). The party must submit its evidence in support of the allegation at the time that it makes the allegation. Any other party may submit its response to the allegation no later than 14 days from receipt of the submission of the party making the allegation. The Board or its agent shall investigate the allegation. If the Executive Director finds that there is an issue of law or fact that such conduct occurred, the matter shall be set for hearing. The hearing shall be conducted according to the Board's procedures for contested case hearings (80 Ill. Adm. Code 1105.90 - 1105.220), except that:
- 1) The Administrative Law Judge's recommended decision shall be issued no later than 21 days after the conclusion of the presentation of evidence, the receipt of the transcript, and the receipt of any post-hearing briefs, unless additional time (not to exceed 21 days) is required due to the length of the record or the complexity of the issues involved.
  - 2) The parties may file exceptions to the recommended decision and briefs in support of those exceptions no later than 14 days after receipt of the decision. Any other party may file a response to the exceptions and briefs no later than 14 days after receipt of those exceptions and briefs. Exceptions and briefs shall be simultaneously filed with the Board and served on the parties. The Board shall issue its decision within 60 days from the date that the last brief was due.
- v) If the Administrative Law Judge, or the Board on review, *determines that a labor organization would have had a majority interest but for an employer's fraud, coercion, or unfair labor practice, it shall designate the labor organization as an*

## ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

## NOTICE OF EMERGENCY AMENDMENTS

*exclusive representative without conducting an election (Section 7(c-5) of the Act).*

- w) In order for an employee's dues deduction authorization, authorization card, signature on a petition or other evidence to be counted in determining whether an employee organization has demonstrated a majority interest, the employee must be in the bargaining unit on the date the petition was filed. If the bargaining unit is altered as a result of a determination of the Board, the employee must be in the bargaining unit on the date of the Board's determination.
- x) In cases where the proposed unit includes professional and nonprofessional employees, the Board will determine majority status separately for each group. If the employee organization has demonstrated majority status for each group, the Board will conduct a vote to determine whether a majority of each group desires a combined unit. If the majority does not vote for a combined unit, the Board will issue separate certifications for the resulting units.
- y) In cases where the proposed unit includes craft and non-craft employees, the Board will determine majority status separately for each group. If the employee organization has demonstrated majority status for each group, the Board will conduct a vote to determine whether a majority of the craft employees desire a combined unit. If the majority of the craft employees does not vote for a combined unit, the Board will issue separate certifications for the resulting units.

(Source: Added by emergency rulemaking at 28 Ill. Reg. 975, effective January 1, 2004, for a maximum of 150 days)

**Section 1110.140 Conduct of the Election****EMERGENCY**

- a) The election shall be conducted under the supervision of the Board. Voting shall be by secret ballot.
- b) Absentee ballots will be allowed only where an individual submits a written request to the Board no later than ten days prior to the election and demonstrates in that request that he is not able to be physically present at the polling place at the time for which the election is scheduled and therefore would be unable to cast a ballot. The request must set forth the factual basis for the claim. Mere inconvenience to the individual shall not be cause for the issuance of an absentee ballot.

## ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

## NOTICE OF EMERGENCY AMENDMENTS

- c) Each party shall be entitled to an equal number of observers as determined by the Board or its agent. The number of observers allowed shall be based on the number of polling locations and the number of eligible voters. The identity and conduct of observers are subject to such limitations as the Board or its agent shall prescribe in order to insure that voters are free from interference, coercion, or intimidation.
- d) The Board's agent is authorized to prescribe the area in proximity to the polling place in which electioneering shall be prohibited. The specified area shall be based on the size and nature of the specific polling place.
- e) Ballots shall list all employee organizations that properly petitioned or intervened in the election, the incumbent exclusive representative, and the choice of "No Representative".
- f) Where an election involves a bargaining unit that includes craft employees, and there has been a proper petition for a separate craft unit, craft employees shall be given two ballots: one to vote for or against craft severance and a second to vote on choice of representative. Noncraft employees shall only be given ballots for voting on choice of representative.
- g) Where an election involves a bargaining unit containing professional and nonprofessional employees, all employees shall be given two ballots: one for indicating whether they desire a combined professional-nonprofessional unit and a second for indicating choice of representative, except as provided for in Section 1110.150(x).
- h) Ballot boxes shall be examined in the presence of the observers immediately prior to the opening of the polls and shall be sealed at the opening of the polls. The seal shall allow for one opening on the top of the ballot box for voters to insert their ballots.
- i) The Board's agent or any authorized observer may question the identity of any voter. A voter whose identity has been questioned may establish his identity by showing a driver's license or any other equally reliable piece of identification. Challenged voters shall be permitted to vote in secret with their ballots set aside by the Board's agent with appropriate markings.
- j) A voter shall mark a cross (X) or check( ) in the circle or block designating his

## ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

## NOTICE OF EMERGENCY AMENDMENTS

choice in the election. The intent of the voter shall be followed in the marking of the ballot. If the ballot is defaced, torn, marked in such a manner that it is not understandable, or identifies the voter, the ballot shall be declared void. If the voter inadvertently spoils a ballot, he may return it to the Board's agent who shall give the voter another ballot and shall preserve the spoiled ballot.

- k) A voter shall fold his ballot so that no part of its face is exposed and, on leaving the voting booth, shall deposit the ballot in the ballot box. If the election is continued for more than one period, the ballot box shall be sealed until the subsequent opening of the polls and shall remain in the custody of the Board's agent until the counting of the ballots.
- l) The Board's agent may privately assist any voter who, due to physical or other disability, is unable to mark his ballot.
- m) Prior to the close of the polls, each party shall designate a representative to observe the tallying of the ballots.
- n) Immediately upon the conclusion of the polling, the votes shall be tallied as follows:
  - 1) The Board's agent shall attempt to achieve a voluntary resolution of all ballot challenges before the ballots are counted.
  - 2) If there was only one polling location, the Board's agent shall tally the votes in the presence of a representative designated by each party and shall serve a written tally on each of the representatives.
  - 3) If there was more than one polling location, the Board's agent shall seal the ballot boxes and bring them to a predetermined central location. When all the ballot boxes have arrived, they shall be opened, the ballots shall be commingled, and the votes shall be tallied in the presence of a representative designated by each party. The Board's agent shall serve a written tally on each of the representatives.
  - 4) The Board's agent shall count the number of challenged ballots separately. If the challenged ballots cannot affect the outcome of the election, the challenges will not be resolved. If the challenged ballots could affect the outcome of the election, the Board's agent shall again attempt to achieve a voluntary resolution of all the challenges.

## ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

## NOTICE OF EMERGENCY AMENDMENTS

- 5) If challenges to ballots have not been resolved, and if the challenges could affect the outcome of the election, the challenged ballots shall be investigated by the Executive Director, who shall issue a recommended decision concerning the application of Sections 2, 7, 8 and 9 of the Act and this Part to the challenged ballots. Parties may file exceptions to the Executive Director's recommendation and briefs in support of those exceptions no later than 14 days after receipt of the recommendation. Copies of all exceptions and briefs shall be served upon all other parties and a certificate of service shall be attached. Any party to the proceeding may file a response to any exceptions and supporting briefs within 14 days from receipt of a party's exceptions and supporting brief. Such response shall be filed with the Board and served on all parties. If no exceptions have been filed within the 14 day period, the parties will be deemed to have waived their exceptions. The Board will review the Executive Director's recommendation upon request by a party or on its own motion.
- 6) When the election includes a vote on craft severance, the craft employee ballots on craft severance shall be tallied first. If a majority of the craft employees casting valid ballots choose craft severance, the craft and noncraft ballots on choice of representative shall be tallied separately. If a majority of the craft employees casting valid ballots do not choose craft severance, the ballots on choice of representative shall be tallied together.
- 7) When the election includes a vote on a combined professional - nonprofessional unit, the ballots on unit preference shall be tallied first. Separate tallies shall be made for professional and nonprofessional employees.
- 8) If a majority of the employees casting valid ballots in each group vote for a combined unit, the ballots on choice of representative shall be tallied together. If a combined unit fails to receive a majority vote in either or both groups, the ballots on choice of representative shall be tallied separately.
  - o) In all cases, the recipient of a majority of the valid ballots cast by those voting shall prevail.
  - p) When there are three or more choices on the ballot (two or more employee organizations and "No Representative") and no choice receives a majority, the

## ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

## NOTICE OF EMERGENCY AMENDMENTS

Board shall conduct a runoff election between the two choices that received the most votes. The results of votes taken during the first election on craft severance and combined professional-nonprofessional units shall be binding on the runoff election.

- q) Where there are three or more choices on the ballot, and either the vote is split equally among all of the choices, or there is a tie for second place, the Board shall declare the election inconclusive and shall order a new election. The results of the craft severance and combined professional-nonprofessional unit votes in the first election shall be binding on the rerun election.
- r) The Board shall preserve all ballots until such time as any objections to the election have been resolved and the results have been certified and served on the parties.

(Source: Amended by emergency rulemaking at 28 Ill. Reg. 975, effective January 1, 2004, for a maximum of 150 days)

**Section 1110.180 Petitions for Self-Determination****EMERGENCY**

- a) **Self-Determination Petition**
- 1)** A self-determination petition to add unrepresented employees to an existing bargaining unit, where a question concerning representation would be presented by their inclusion, may be filed by an employee, a group of employees, or exclusive representative of the existing bargaining unit. The Board shall serve the petition on the appropriate parties. The petition shall be on a form developed by the Board. It shall be signed and shall contain the following:
- A1)** the name and address of the petitioner;
- B2)** the name, address and affiliation, if any, of the exclusive representative;
- C3)** the name and address of the employer;
- D4)** a description of the bargaining unit;
- E5)** the approximate number of employees in the bargaining unit;

## ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

## NOTICE OF EMERGENCY AMENDMENTS

- ~~F6)~~ a description of the employees who would be added to the existing unit;
- ~~G7)~~ the approximate number of employees who would be added;
- ~~H)~~ a statement whether the petitioner intends to use the card check procedure or the election procedure;
- ~~I8)~~ the date that the exclusive representative was recognized and the method of recognition, if known; and
- ~~J9)~~ a brief description of any collective bargaining agreements covering any employees in the bargaining unit, and the expiration dates of the agreements.
- ~~2)10)~~ A~~The~~ self-determination petition seeking an election shall be accompanied by a showing of interest that at least 30 percent of the employees sought to be added to the existing unit wish to be represented by the exclusive representative. A majority interest self-determination petition shall be accompanied by a showing of majority interest among the employees sought to be added to the existing unit.
- ~~3)11)~~ In any election conducted pursuant to this Part, only those employees that the petition seeks to add to the unit shall vote on the question of representation. In any card check conducted pursuant to this Part, a showing of majority interest among only the employees the petition seeks to add to the unit shall be required.
- ~~4)12)~~ No unit will include *both professional employees and nonprofessional employees unless a majority of employees in each group vote for inclusion in the unit* (Section 7 of the Act).
- b) Merger Petition
- 1) A petition to merge two or more existing bargaining units, where a question concerning representation would not be presented by their inclusion, may be filed by an employee, a group of employees, or exclusive representative of either existing bargaining unit. The Board shall serve the petition on the appropriate parties. The petition shall be on

## ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

## NOTICE OF EMERGENCY AMENDMENTS

a form developed by the Board. It shall be signed and shall contain the following:

- ~~A1)~~ A1) the name and address of the petitioner;
- ~~B2)~~ B2) the name, address and affiliation, if any, of the exclusive representative;
- ~~C3)~~ C3) the name and address of the employer;
- ~~D4)~~ D4) a description of the proposed bargaining unit;
- ~~E5)~~ E5) the approximate number of employees in the proposed bargaining unit;
- ~~F6)~~ F6) a description of the employees in each of the existing units;
- ~~G7)~~ G7) the approximate number of employees who would be added in each existing unit;
- ~~H8)~~ H8) the date that the exclusive representative was recognized and the method of recognition, if known; ~~and;~~
- ~~I9)~~ I9) a brief description of any collective bargaining agreements covering any employees in the bargaining units, and the expiration dates of the agreements.
- ~~210)~~ 210) In any election conducted pursuant to this Part, employees shall vote only on the question of unit merger.
- ~~311)~~ 311) No unit will include *both professional employees and nonprofessional employees unless a majority of employees in each group vote for inclusion in that unit* (Section 7 of the Act).

(Source: Amended by emergency rulemaking at 28 Ill. Reg. 975, effective January 1, 2004, for a maximum of 150 days)

ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

NOTICE OF EMERGENCY AMENDMENTS

**Section 1110.APPENDIX A Model Authorization Card**  
**EMERGENCY**

I authorize \_\_\_\_\_ (employee organization) \_\_\_\_\_ to be my exclusive collective bargaining representative for all purposes of collective bargaining with my employer.

\_\_\_\_\_ :-

\_\_\_\_\_  
Name (printed or typed)

\_\_\_\_\_  
Employment position

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

(Source: Added by emergency rulemaking at 28 Ill. Reg. 975, effective January 1, 2004, for a maximum of 150 days)

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF EMERGENCY RULES

- 1) Heading of the Part: Individuals Access to Services
- 2) Code Citation: 59 Ill. Adm. Code 109
- 3) 

<u>Section Numbers:</u>	<u>Emergency Action:</u>
109.10	Added
109.20	Added
109.30	Added
109.40	Added
- 4) Statutory Authority: Implementing Section 2-104 of the Mental Health and Developmental Disabilities Code [405 ILCS 5/2-104] and authorized by Section 5-104 of the Mental Health and Developmental Disabilities Code [405 ILCS 5/5-104] and by Section 5 of the Mental Health and Developmental Disabilities Administrative Act [20 ILCS 1705/5].
- 5) Effective Date of Amendments: December 26, 2003
- 6) If these emergency rules are to expire before the end of the 150-day period, please specify the date on which they are to expire. Not Applicable
- 7) Date filed with the Index Department: December 26, 2003
- 8) A copy of the adopted rule, 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: Pursuant to a court order (Baker v. Adams et al., No. 02-CH-15962), the Department is promulgating rules to codify the use of computers and computer equipment in Department facilities. The emergency rule will serve to protect public safety and welfare, as well as the safety and welfare of individual recipients, by providing the Department with the ability to govern the use of the internet, e-mail and computers in its facilities.
- 10) A Complete Description of the Subject and Issues: This rulemaking implements guidelines and parameters involving the use of the internet, e-mail and computers by recipients in certain State-operated facilities.
- 11) Are there any other amendments pending on this Part? No

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF EMERGENCY RULES

- 12) Statement of Statewide Policy Objectives (if applicable). This rulemaking does not create or expand a State mandate.
- 13) Information and questions regarding this rulemaking shall be directed to:

Tracie Drew, Bureau Chief  
Bureau of Administrative Rules and Procedures  
Department of Human Services  
100 South Grand Avenue, East  
Springfield, Illinois 62762  
Telephone number: (217) 785-9772

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

The full text of the emergency rules begins on the next page.

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF EMERGENCY RULES

TITLE 59: MENTAL HEALTH  
CHAPTER I: DEPARTMENT OF HUMAN SERVICESPART 109  
INDIVIDUALS ACCESS TO SERVICES

## SUBPART A: POSSESSION AND USE OF PERSONAL COMPUTERS

## Section

109.10 Definitions

EMERGENCY

109.20 Applicability

EMERGENCY

109.30 Procedures

EMERGENCY

109.40 Department Access to E-mails and Internet Communications

EMERGENCY

AUTHORITY: Implementing Section 2-104 of the Mental Health and Developmental Disabilities Code [405 ILCS 5/2-104] and authorized by Section 5-104 of the Mental Health and Developmental Disabilities Code [405 ILCS 5/5-104] and by Section 5 of the Mental Health and Developmental Disabilities Administrative Act [20 ILCS 1705/5].

SOURCE: Emergency rule adopted at 28 Ill. Reg. 1006, effective December 26, 2003, for a maximum of 150 days.

## SUBPART A: POSSESSION AND USE OF PERSONAL COMPUTERS

**Section 109.10 Definitions****EMERGENCY**

“Computer programs” or “software” means instructions for the computer written generally in a machine language.

“CD-ROM” or “CD” means a compact computer memory storage device containing one or more computer programs that can be used by or installed onto a computer and which is removable.

“CPU” or “central processing unit” means the brains of the computer and physically consists of a large metal or plastic box.

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF EMERGENCY RULES

“CRT” or “cathode ray tube” means one type of a computer monitor.

“Cyberstalking” means using electronic communication (such as a computer) to transmit a threat of bodily harm, sexual assault, confinement or restraint to a person, or place the person or his or her family member in reasonable apprehension of harm, sexual assault, confinement or restraint.

“EDP liaison” means the person designated by the facility to ensure computer software and hardware are compatible with DHS systems and requirements. The EDP liaison serves as the liaison between the facility and the Bureau of Management Information Systems.

“Educational purposes” means enrollment in a degree program from an accredited school or a class offered by an accredited school or adult learning center approved by the individual’s treatment or interdisciplinary team.

“Employee”, for the purposes of this Part only, means any person providing services at the direction of the Administrator or Director, or Department Secretary, on- or off-site. This includes payroll personnel, contractors, subcontractors, and volunteers.

“Facility” means a State-operated developmental disabilities or a State-operated mental health facility as defined by Sections 1-107 or 1-114 of the Mental Health and Developmental Disabilities Code [405 ILCS 5/1-107 and 1-114].

“Facility director” means the chief administrator of a facility or his or her designee. At a mental health facility, the designee may be a hospital administrator, medical director, medical administrator, physician, clinical psychologist, clinical social worker, or registered nurse. At a developmental disabilities facility, the designee may be any member of the center’s executive staff or the EDP liaison coordinator.

“Inappropriate use” means the use of a computer in violation of this Part or facility policy or to harass or otherwise harm another person. Unless instructed otherwise by the court, it does not include using the computer to prepare for litigation to seek relief or against the Department.

“Individual” means a recipient of services as defined in Section 1-123 of the Mental Health and Developmental Disabilities Code [405 ILCS 5/1-123].

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF EMERGENCY RULES

“Internet” or “World-wide web” means a method whereby two or more computers can interact.

“Laptop computer” means a portable computer that has all of the functions of a larger desktop computer.

“LCD” means liquid crystal display.

“Modem” means a device used to connect one computer to another or to the internet through telephone lines, radio frequencies, cable connections, or other means.

“Peripheral” means any device that is used in conjunction with a computer and includes, but is not limited to, printers, scanners, and disk drives.

“Printer” means a device that will put the information from a computer program on paper.

“Restriction” means limiting the individual’s use of a computer or access to specified software, up to and including denial to use a computer.

“Treatment or Interdisciplinary team” means the facility employees responsible for developing, implementing, and evaluating an individual’s programs and services.

**Section 109.20 Applicability  
EMERGENCY**

This Part shall apply to all facilities.

**Section 109.30 Procedures  
EMERGENCY**

- a) General Provisions
  - 1) The facility director shall be responsible for implementing this Part. He or she may restrict the possession or use of computers, peripherals, modems, CDs, disks, software, or other equipment used with the computer for all individuals in a facility, when necessary to protect an individual or others

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF EMERGENCY RULES

from harm, provided that notice of such restriction shall be given to all individuals upon admission, within 30 days after the effective date of this Part, or upon the imposition of a new restriction.

- 2) Due to safety concerns raised by metal in the CPU or glass in the CRT monitors, the facility director may choose to limit the approved computers to laptop computers with LCD displays. If the facility director limits the type of equipment to be used, he or she will ensure that information concerning these limitations is included in notices to employees and individuals.
- 3) Except as provided in this Section, e-mail and internet use on State-owned computers by individuals is prohibited. Facilities are not required to provide individuals with e-mail or internet access on State-owned computers. Individuals may request to have e-mail and internet access for educational purposes only. No other uses of State-owned computers by individuals are permitted. The treatment or interdisciplinary team may deny the request if it determines that e-mail or internet access would be clinically inappropriate or that a restriction on e-mail or internet use is necessary to protect the individual or others from harm. Behaviors such as issuing written and verbal threats, obtaining personal information about other persons in order to intimidate or harass them, obtaining information about making bombs and other weapons, cyberstalking, and planning escapes from facilities will result in denial of e-mail and internet access.
- 4) If a facility prohibits possession of CDs by individuals while in the facility and an individual has an approved program on CD, the individual, under employee supervision, may load the program onto the computer after which the CD will be placed in personal storage until the individual is discharged. The facility shall not provide any equipment to convert any program from one format (CD) to another (disk) (see subsection (a)(1)).
- 5) The treatment or interdisciplinary team, with the approval of the facility director, may restrict an individual's possession of computers, modems, or computer peripherals when necessary to protect the individual or others from harm. Individuals wishing to purchase or obtain computers, modems, or computer peripherals for personal use must have prior approval from their case managers and the treatment team at a mental health facility or the interdisciplinary team and the EDP liaison at a developmental disabilities facility. Individuals will be asked to sign the

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF EMERGENCY RULES

“Agreement for Use of Computers” form (IL 462-0190) documenting their understanding of the terms of use and their agreement to those terms.

Those terms may include restricting the use of the computer and any peripheral to non-treatment or habilitation time periods. Any computer or computer peripheral received by an individual that has not been approved shall either be returned to the sender or placed in the individual’s personal property storage, at the individual’s choice. The individual may elect to seek approval for the computer or peripheral.

- 6) The treatment or interdisciplinary team, with the approval of the facility director, may restrict an individual’s possession or use of computer software when necessary to protect the individual or others from harm. Individuals wishing to purchase or obtain computer software for personal use must have prior approval from their case managers and the treatment team at a mental health facility or the interdisciplinary team and the EDP liaison at a developmental disabilities facility. Individuals will be asked to sign the “Agreement for Use of Computers” form (IL 462-0190) documenting their understanding of the terms of use and their agreement to those terms. Any computer software received by an individual that has not been approved shall either be returned to the sender or placed in the individual’s personal property storage, at the individual’s choice. The individual may elect to seek approval for the computer software.

- b) Individual Use

- 1) If an individual wishes to use a computer and software, employees will inform the individual concerning the stipulations/terms under which a computer and software may be used. The individual must sign the form attesting that he or she understands the terms of use and agrees to those terms. If an individual has a guardian, the treatment or interdisciplinary team shall review the form with the individual and his or her guardian. The guardian will also be asked to sign the agreement. The treatment or interdisciplinary team may specify additional terms and conditions for use of a computer in the individual’s treatment or habilitation plan.
- 2) If an individual is approved to use a computer, software that is approved includes the following:
  - A) Operating system (i.e., DOS, Windows, OS2);

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF EMERGENCY RULES

- B) Utility programs (virus checkers, file managers, defragmenters, scan disk);
  - C) Word processing;
  - D) Accessories (calculators, paintbrush, print programs);
  - E) Games that the individual would be authorized to play on the unit, such as solitaire, card games, chess, checkers, various board games, or skills development games; and
  - F) The treatment or interdisciplinary team must approve any additional programs that the individual wishes to use. Any software in a factory-sealed container may be presumed to contain only the software that it indicates is included.
- 3) The individual's use of the computer will be determined based on clinical review and assessment, as well as the availability of space, the number of electrical outlets, and electrical devices. No extension cords or devices that multiply the number of outlets, such as outlet strips, etc., are permitted.
- 4) If an individual at a mental health facility uses a computer, any peripheral, power cord and/or other associated part in an attack or assault on another individual, employee, or visitor, the computer and all accompanying devices and equipment shall be confiscated and placed in personal property storage. The "Notice Regarding Restricted Rights of Individuals" form (IL 462-2004M) will be completed according to facility procedure. If an individual at a developmental disabilities facility uses a computer related item to harm or attempt to harm another person, the computer will be removed from the individual until the interdisciplinary team meets (within 3 working days) to determine the programmatic action warranted. The "Notice Regarding Restriction of Rights of an Individual" form (IL 462-2004D) and SODC Operations "Supplemental Report On the Use of Restraints and/or Emergency Behavior Intervention Procedures" are to be completed if an individual's computer is restricted and the forms processed in accordance with the developmental disabilities facility's procedures for processing documents.

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF EMERGENCY RULES

- 5) If an individual inappropriately uses a computer, the treatment or interdisciplinary team may restrict his or her use of the computer until the treatment or interdisciplinary team meets to determine the programmatic action warranted.
  - 6) The treatment or interdisciplinary team shall keep a record of the equipment and software that each individual is authorized to use. At least annually, there shall be an inventory of all individuals' rooms to ensure compliance. There may be random checks of what software is loaded onto each individual's computer. Any unauthorized software programs shall be deleted. The continued presence of unauthorized software or providing software to other persons may result in the restriction of the use of the computer.
  - 7) Computers are approved for the individual's personal use. Allowing another individual to use a computer or using the computer to obtain personal gain from other individuals is a violation that can result in restrictions on the use of the computer.
- c) Use of Disks
- 1) Individuals may purchase blank disks or software approved in accordance with subsections (b)(1) and (2) through a facility commissary or through the facility at a local store. If individuals are sent blank disks or software approved in accordance with subsections (b)(1) and (2), they must be in a factory sealed container. If they are not in a factory sealed container, they are to be treated as "computer disks from others" (see subsection (c)(3)).
  - 2) When an individual has been approved to use a computer, he or she may wish to send and receive correspondence from his or her attorney on computer disk. The facility shall send a letter to the individual's attorney explaining that correspondence may be sent to the individual on computer disk, provided the attorney certifies, with each computer disk, that it only contains documents relating to that legal representation.
  - 3) Computer disks coming to or from the individual shall be examined (except for disks sent to or from the individual's attorneys) and the documents on some or all of the disks will be reviewed. If unauthorized programs or contraband material is present, those disks (and all other disks

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF EMERGENCY RULES

to or from that same person) could be restricted with the appropriate restriction of rights.

- 4) For security reasons, the facility director may restrict all disks coming to or from persons or organizations outside the facility, except for those disks coming to or from attorneys corresponding with individuals. The treatment or interdisciplinary team, with the facility director's approval, may restrict disks coming to or from an individual when necessary to protect the individual or others from harm, except for those disks coming to or from the individual's attorney.

**Section 109.40 Department Access to E-mails and Internet Communications  
EMERGENCY**

- a) Personal Information on Department Computers – The privacy of materials kept in electronic data storage, internet use, and electronic mail when using Department computers is not a right, nor is it guaranteed. Most materials on Department systems are, by definition, public records. As such, they are subject to laws and policies that may compel the Department to disclose them.
- b) Monitoring of Computer Use – The facility director shall ensure e-mail and internet use by individuals on all State-owned computers is monitored to ensure compliance with sanctioned uses. Individuals using State-owned computers for sanctioned uses shall be informed, prior to use, that such use shall be monitored. The Office of Management Information Systems (MIS) administers the Department's information systems and data processing equipment. MIS may monitor computer use and system accesses by any individual or organizational entity in DHS. This includes the potential to monitor transaction executions, file accesses, communications such as e-mail and accesses of external resources such as the internet.
- c) Contents of E-mail – The contents of electronic messages may be seen by a system administrator in the course of routine maintenance or in order to dispose of undeliverable messages. In addition, electronic mail systems store messages in files (e.g., the file containing a user's inbound mail). These files are copied in the course of system backups and these backup copies may be kept long after original messages are deleted.
- d) System Files and Logs – In the course of resolving system performance or security problems, system administrators may examine the contents of files that

DEPARTMENT OF HUMAN SERVICES

NOTICE OF EMERGENCY RULES

control the flow of tasks through the system or that grant unauthenticated access to other systems. This includes systems logs that document activities of users.

## DEPARTMENT OF LABOR

## NOTICE OF EMERGENCY RULES

- 1) Heading of the Part: Victims' Economic Security and Safety Act
- 2) Code Citation: 56 Ill. Adm. Code 280
- 3) 

<u>Section Numbers:</u>	<u>Emergency Action:</u>
280.101	New Section
280.110	New Section
280.120	New Section
280.131	New Section
280.140	New Section
280.201	New Section
280.211	New Section
280.221	New Section
280.231	New Section
280.241	New Section
280.301	New Section
280.311	New Section
280.321	New Section
280.401	New Section
280.411	New Section
280.421	New Section
280.501	New Section
- 4) Statutory Authority: Public Act 93-0591
- 5) Effective Date of Rules: December 29, 2003
- 6) If these emergency rules are to expire before the end of the of the 150-day period, please specify the date on which they will expire: These emergency rules are to expire when the proposed rules are adopted.
- 7) Date Filed in the Index Department: December 29, 2003
- 8) A copy of these emergency rules, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Reason for Emergency: New legislation requiring the Department to implement the provisions of Public Act 93-0591, effective August 25, 2003.

## DEPARTMENT OF LABOR

## NOTICE OF EMERGENCY RULES

- 10) A complete description of the Subjects and Issues Involved: The Victims' Economic Security and Safety Act (Public Act 93-0591, commonly known as "VESSA") provides up to twelve (12) weeks of unpaid leave in any 12-month period to a qualified employee (of a defined employer) who is a victim of domestic or sexual violence, or who has a family or household member who is a victim of such violence to address issues arising from such violence. Employers, including persons with more than 50 employees, the State of Illinois and any unit of local government and school district, are prohibited from discharging, harassing, or otherwise discriminating against any qualified employee. VESSA requires the adoption of rules necessary for the Department's administration and enforcement, including investigating alleged violations of VESSA. The emergency rules prescribe the Department's complaint process, subpoena (and other discovery) and investigative powers and the Department's ability to issue protective and other orders where necessary. The emergency rules also provide for maintaining records by defined employers to ensure compliance with VESSA. Further, the rules provide for the adoption by reference of formal hearing rules subject to the Administrative Review Law and the Administrative Procedure Act.
- 11) Are there any proposed amendments to this Part pending? Yes, proposed rules have been filed concurrent with these emergency rules.
- 12) Statement of Statewide Policy Objectives: See paragraph 10.
- 13) Information and questions regarding these rules shall be directed to:
- Raymond C. Cyrus, Attorney  
Illinois Department of Labor  
160 N. La Salle St. Suite C-1300  
Chicago IL 60601  
312-793-1805

The full text of the emergency rules begins on the next page

DEPARTMENT OF LABOR

NOTICE OF EMERGENCY RULES

TITLE 56: LABOR AND EMPLOYMENT  
CHAPTER I: DEPARTMENT OF LABOR  
SUBCHAPTER b: REGULATION OF WORKING CONDITIONS

PART 280  
VICTIMS' ECONOMIC SECURITY AND SAFETY ACT

SUBPART A: GENERAL PROVISIONS

- Section  
280.100 Purpose and Scope  
EMERGENCY  
280.110 Definitions  
EMERGENCY  
280.120 Application  
EMERGENCY  
280.130 Independent Contractor Exemption  
EMERGENCY  
280.140 Records Retention and Release  
EMERGENCY

SUBPART B: COMPLAINT

- Section  
280.200 Persons Who May File a Complaint  
EMERGENCY  
280.210 Requirements for Filing a Complaint  
EMERGENCY  
280.220 Confidentiality  
EMERGENCY  
280.230 Incomplete Complaint  
EMERGENCY  
280.240 Amendment of Complaint  
EMERGENCY

SUBPART C: PROCEDURE IMMEDIATELY AFTER COMPLAINT

- Section  
280.300 Withdrawal, Settlement, Waiver and Consents  
EMERGENCY

## DEPARTMENT OF LABOR

## NOTICE OF EMERGENCY RULES

280.310 Presentation of Parties' Information  
EMERGENCY  
280.320 Duplicative Issues or Inconsistent Rulings  
EMERGENCY

## SUBPART D: ADMINISTRATIVE CASE REVIEW

Section  
280.400 Investigation  
EMERGENCY  
280.410 Decision by the Department  
EMERGENCY  
280.420 Enforcement Procedures  
EMERGENCY

## SUBPART E: FORMAL HEARING

Section  
280.500 Procedures in Formal Hearing  
EMERGENCY

AUTHORITY: Implementing the Victims' Economic Security and Safety Act of 2003 [820 ILCS 180].

SOURCE: Adopted at 28 Ill. Reg. 1017, effective December 29, 2003.

## SUBPART A: GENERAL PROVISIONS

**Section 280.100 Purpose and Scope**  
**EMERGENCY**

This Part shall apply to claims arising under the Victims' Economic Security and Safety Act [820 ILCS 180].

**Section 280.110 Definitions**  
**EMERGENCY**

“Act” means the Victims' Economic Security and Safety Act (VESSA) [820 ILCS 180].

## DEPARTMENT OF LABOR

## NOTICE OF EMERGENCY RULES

“Certification” means:

a sworn statement of the employee; and

any of the following:

documentation from an employee, agent, or volunteer of a victim services organization, an attorney, a member of the clergy, or a medical or other professional from whom the employee or the employee's family or household member has sought assistance in addressing domestic or sexual violence and the effects of the violence;

a police or court record; or

other corroborating evidence.

“Complaint” means an allegation of a violation of the Act filed with the Department.

“Complainant” means a person who files a complaint.

“Department” means the Illinois Department of Labor or a duly authorized representative.

“Director” means the Director of Labor or a duly authorized representative.

“Employee” means any person suffered or permitted to work by an employer, including on a full-time or part-time basis or as a participant in a work assignment as a condition of receipt of federal or State income-based public assistance.

“Employer” means an individual, partnership, association, corporation, business trust, legal representative, or any organized group of persons, or entity for whom 50 or more employees are employed and includes the State of Illinois, any State officer, department, agency or commission, any unit of local government, and any school district.

“FMLA” means the federal Family and Medical Leave Act of 1993 (29 USC 2601 et seq.), or as hereafter amended.

## DEPARTMENT OF LABOR

## NOTICE OF EMERGENCY RULES

“Respondent” means an employer against whom a complaint is filed.

**Section 280.120 Application of the Act**  
**EMERGENCY**

- a) Men and women have equal protection under the Act.
- b) The Department will assist an individual with a claim when:
  - 1) The claim concerns work performed within the State of Illinois, but not when the claim concerns sporadic work performed in Illinois for an employer located outside of Illinois.
  - 2) The claim concerns work performed outside the State of Illinois if the specified employer is located within Illinois or the contract for hire was entered into in this State, but not when the claim is filed by an employee whose permanent work station was outside the State of Illinois and who performed a substantial portion of his/her duties outside Illinois.
- c) In any calendar month an employer is subject to the prescriptions of the Act and this Part, including, without limitation, providing leave or reasonable accomodation and is prohibited from retaliating or other discriminatory acts against an employee for the following 12 calendar months.
- d) An employee who may have exhausted all available leave under FMLA, for a purpose other than that which is available under the Act, remains eligible for leave under the Act.

**Section 280.130 Independent Contractor Exemption**  
**EMERGENCY**

- a) As used in this Part, the term “employee” shall not include any individual:
  - 1) who has been and will continue to be free from control and direction over the performance of the individual’s work, both under the contract of service with the employer and in fact; and
  - 2) who performs work that is either outside the usual course of business or is performed outside all the places of business of the employer unless the

## DEPARTMENT OF LABOR

## NOTICE OF EMERGENCY RULES

employer is in the business of contracting with third parties for the placement of employees; and

- 3) who is an independently established trade, occupation, profession or business.
- b) “Control” means the existence of general control or right to general control, even though the details of the work are left to an individual’s judgment.
- c) “An independently established trade, occupation, profession or business” means the individual performing the services has a proprietary interest in such business, to the extent that the individual operates the business without hindrance from any other person and as the enterprise’s owner, may sell or otherwise transfer the business.
- d) All three conditions in subsection (a) must be satisfied and demonstrated by a respondent for the independent contractor exemption to apply.
- e) An individual may be an employee without being entirely dependent upon the relationship with a specified employer for the individual’s livelihood. An individual engaged in other occupations may be an employee of a specified employer even though the individual only worked intermittently or part time.
- f) In determining whether the exemption applies, the Department may consider the actual, rather than the alleged, relationship between a respondent and complainant. Designations and terminology used by the parties, as well as the individual’s status for tax purposes, are not controlling.

**Section 280.140 Records Retention and Release**  
**EMERGENCY**

- a) Employers must maintain records that contain the following:
  - 1) Name, address, and occupation of each employee; rate or basis of pay, terms of compensation; daily and weekly hours worked per pay period; additions to or deductions from wages; and total compensation paid each pay period.

## DEPARTMENT OF LABOR

## NOTICE OF EMERGENCY RULES

- 2) All dates leave under the Act is used by each employee shall be designated in the records as such leave. If leave is taken in increments of less than one full day, the time of day and the number of hours taken must be recorded.
  - 3) Copies of “employee requests”, if in writing, for leave under the Act, with any attachments, furnished to the employer.
  - 4) Copies of any written notices regarding the Act given to employees.
  - 5) Any documents describing employee benefits or employer policies and practices regarding the taking of paid and unpaid leaves.
  - 6) Any employer that provides any paid time off, including, without limitation, vacation, sick or personal leave, to its employees must maintain true and accurate records of the paid time off earned for each year and the dates on which paid time off was taken or paid.
  - 7) Records of any dispute between the employer and an employee regarding designation of leave under the Act, including any written documents from the employer or employee stating the reasons for the designation and for the disagreement.
- b) In addition, the employer shall preserve any records made in the regular course of the business operation that relate to personnel records, employee qualifications for promotion, transfer, discharge or other disciplinary action, wage rates, skills testing certifications, job evaluations, job descriptions, merit systems, seniority systems, individual employment contracts, collective bargaining agreements, description of practices or other matters that describe or explain the basis for any use of any type of paid and unpaid time off.
- c) Records and documents relating to medical certifications, medical histories of employees or employees' family and household members, created for purposes of the Act, shall be maintained in conformance with all State and federal laws, including, without limitation, all confidentiality requirements.
- d) All records under this Section shall be maintained by an employer for at least three years. Failure by a respondent to maintain all records for the stated period or in the stated manner may result in a finding of failure to cooperate.

## SUBPART B: COMPLAINT

## DEPARTMENT OF LABOR

## NOTICE OF EMERGENCY RULES

**Section 280.200 Persons Who May File a Complaint  
EMERGENCY**

An employee, or representative of employees, who believes his or her rights under this Act have been violated may file a complaint with the Department requesting a review of the alleged violation.

**Section 280.210 Requirements for Filing a Complaint  
EMERGENCY**

- a) A complaint shall be filed on a form to be supplied by the Department. Such form shall name the respondent, shall be signed by the complainant and shall be accurately completed alleging the violation of the Act requesting to be reviewed. The form may have attached copies of all supporting documentation.
- b) All complaints and amendments to any complaint shall be delivered, by U.S. mail or personal delivery, to the Department's Chicago office within three years after the alleged violation of the Act occurs. The complaint shall be deemed filed as of the date it is date stamped as received by the Department.

**Section 280.220 Confidentiality  
EMERGENCY**

Where a complainant requests confidentiality, the Department will advise the complainant of the need to reveal the complainant's identity so that the Department can conduct its investigation. In such cases, the Department will allow the complainant an opportunity to withdraw the complaint pursuant to Section 280.300 before notification of the complainant's identity is given to a respondent.

**Section 280.230 Incomplete Complaint  
EMERGENCY**

If the Department receives a complaint from an individual that complies substantially with Section 280.210 but is lacking an element that still must be provided, the Department may accept and docket the complaint as an incomplete complaint. The Department shall notify the complainant, in writing, of the elements that must be supplied. If the complainant is unavailable or unwilling, without good cause, to perfect the complaint within 30 calendar days, the Department may make a finding of a failure to cooperate or may deem there to be a waiver of all proceedings before the Director.

## DEPARTMENT OF LABOR

## NOTICE OF EMERGENCY RULES

**Section 280.240 Amendment of Complaint  
EMERGENCY**

- a) A complaint may be amended to cure technical defects or to set forth additional facts or allegations related to the subject matter of the original complaint and the amendments, if timely filed pursuant to Sections 280.210 and 280.230, shall relate back to the original filing date, unless such facts or allegations could have been reasonably known or discovered as of the date of the original filing.
- b) A complaint may not be amended to substitute or name additional respondents.
- c) If the employee who is the subject of the complaint dies while the proceedings are pending, the cause is abated and the complaint shall be denied .
- d) Any amendment to a complaint shall be provided to all parties.

## SUBPART C: PROCEDURE IMMEDIATELY AFTER COMPLAINT

**Section 280.300 Withdrawal, Settlement, Waiver and Consents  
EMERGENCY**

- a) A complaint may be withdrawn at any time.
- b) Complainant and a respondent may settle at any time.
- c) Any party may waive a public hearing at any time after the time for filing a response has passed.
- d) At any time, the parties may enter into consent findings, rules and orders under 56 Ill. Adm. Code 120.540.
- e) Any withdrawal, settlement or Consent Order will not affect the processing of a complaint made by any other complainant, the allegations of which are similar or related to the individual allegations settled.
- f) If the Department finds that any party's objections to a proposed settlement agreement are without merit or that the party is unavailable or unwilling, without good cause, to participate in settlement negotiations, the Department may make a finding of failure to cooperate.

## DEPARTMENT OF LABOR

## NOTICE OF EMERGENCY RULES

**Section 280.310 Presentation of Parties' Information  
EMERGENCY**

- a) At the time of filing of the complaint, the Department may determine initially whether the allegations in the complaint sufficiently state a claim under the Act so that the Department can proceed with the investigation.
- b) If, at the time of filing, or at any subsequent time, it is determined that there is a lack of jurisdiction, the complaint shall be denied. Upon the specific request of either of the parties, or on its own motion, the Department may recommend to the Director the denial of the complaint. All parties shall be notified of the denial of the Complaint pursuant to the Administrative Procedures Act.
- c) If the Department determines jurisdiction appears to exist, the Department shall promptly serve upon each respondent a copy of the complaint with a written notice setting forth the rights and obligations of the parties. The notice shall be served by U.S. regular mail.
- d) Each respondent must remit a written response to the complaint within 21 calendar days after the date the Department forwarded the complaint. The response shall be signed by a duly authorized individual representative and shall include a complete, accurate and responsive explanation to the claim necessary and appropriate to the Department's investigation, specifying any defenses and any disputed and undisputed facts. If a respondent relied on any record for the response, the respondent shall submit a copy of that record. If any statutory, regulatory or case law authority is cited, copies shall be attached. Failure, without good cause, of a respondent to submit an appropriate response to the Department may result in a finding of a failure to cooperate with the Department.
- e) Upon receipt of a respondent's response, the Department is to forward the response to the complainant. Complainant shall submit a rebuttal to the Department within 21 calendar days after the date the Department forwarded the response of the respondent. Failure, without good cause, of the complainant to submit timely a rebuttal to the Department may result in a finding of a failure to cooperate or may be deemed to be a waiver of all proceedings before the Director and will permit a final order denying the complaint .

**Section 280.320 Duplicative Issues or Inconsistent Rulings**

## DEPARTMENT OF LABOR

## NOTICE OF EMERGENCY RULES

When the Department becomes aware that there is a complaint pending in federal or State court containing some or all of the issues before the Department, it may make a determination whether there is the possibility of inconsistent findings or rulings. At any time, the Department may recommend to the Director dismissal of those issues and continue, if feasible, to process the remaining issues. If all issues are being litigated, then denial of the entire complaint may be considered. The parties will be afforded an opportunity to contest the denial.

## SUBPART D: ADMINISTRATIVE CASE REVIEW

**Section 280.400 Investigation  
EMERGENCY**

- a) The Department may conduct such investigation, formal or informal, as reasonable to ascertain the facts relating to the violation alleged in the complaint and determine whether reasonable cause exists to believe a violation of the Act has occurred. The investigation may be made by written or oral inquiry, field visit, informal conference, informational public hearing and, if necessary, a formal administrative hearing or any method or combination of methods deemed suitable in the discretion of the Department. The Department will limit its investigation to reviewing up to three years prior to the date the complaint was filed, but in no case shall review occur prior to the effective date of the Act, August 25, 2003.
- b) The parties must cooperate fully with the Department at all times as provided for in this Part. Such cooperation shall include without limitation:
  - 1) promptly providing the Department with a notice of address or telephone change or any prolonged absence from the current address so that the parties can be located;
  - 2) providing necessary information and being available for interviews, conferences and hearings upon reasonable notice or request by the Department. If the parties cannot be located or do not respond to reasonable requests by the Department, without good cause, such action may result in a finding of a failure to cooperate with the Department.
- c) If, at any time, a party fails to cooperate with the Department under this Part, the Department, upon seven calendar days notice to all parties, may make a part of the official record a finding of failure to cooperate. If a finding of a failure to cooperate is made, the Department may make such recommendations as are

## DEPARTMENT OF LABOR

## NOTICE OF EMERGENCY RULES

appropriate to the Director, including denial of the complaint, or other order, including provision of discovery, including subpoenas or depositions, or affirmative action under the Act.

- d) The Department may in its discretion withhold any witness statement or identity of any witness as confidential upon the request of a party or the witness.
- e) The Department may convene an informal conference in person or by telephone, which may be public or not within the discretion of the Department, for the purpose of obtaining evidence, identifying the issues in dispute, ascertaining the positions of the parties and exploring the possibility of settlement. The informal conference will be limited in scope to those issues the Department believes to be in question.
- f) Notice of the conference shall be given to all parties at least seven calendar days prior to the conference and shall identify the individuals requested to attend on behalf of each party.
- g) A party may be accompanied at an informal conference by the party's attorney and by a translator if necessary.
- h) Parties shall be prepared to proceed at the informal conference. A request by one party for a continuance may be granted prior to the hearing if the request is in writing, with notice to the other party, and the Department grants permission. Otherwise, a request for a continuance may be made in person to the Department at the time of hearing with proof that the party notified or attempted to notify the other party in advance of the hearing of the intent to ask for a continuance. The continuance will be granted only upon a showing of good cause.
- i) The Department shall conduct the informal conference and control the proceedings. No tape recordings, stenographic report or other verbatim record of the conference shall be made. If any person, including a party, fails to cooperate at the conference, including becoming so disruptive or abusive that a full and fair conference cannot be conducted, the Department shall exclude the person from the conference. If a party fails to cooperate, a finding of failure to cooperate may result.
- j) Telephone Hearings

## DEPARTMENT OF LABOR

## NOTICE OF EMERGENCY RULES

- 1) Written requests to participate in an informal conference by telephone must be received by the Department's Chicago office no later than six calendar days prior to the hearing date. The request shall be in writing and state a compelling reason why the party needs to participate by telephone and the name, address and telephone number of the person to be contacted.
  - 2) A party shall not consider its request granted unless the party receives written notice of the Department's approval prior to the hearing date.
  - 3) In no event shall any party be able to participate in an informal conference, informational public hearing or formal administrative hearing through an electronic pager. Cell phones may only be used upon extraordinary circumstances. Any user of a cell phone shall be individually responsible for its performance.
- k) If a party appears at an informal conference, informational public hearing or formal administrative hearing, exclusively through an attorney or other representative unfamiliar with the events at issue, the Department shall make a finding of a failure to cooperate, unless, with respect to a respondent, the respondent establishes that it does not employ or control any person with knowledge of the events at issue.

**Section 280.410 Decision by the Department  
EMERGENCY**

- a) At the conclusion of an informal investigation, the Department must make, in writing, at least one of the following determinations:
  - 1) Probability of a violation of the Act. If the Department determines that there is a probability that a violation of the Act has occurred, it may:
    - A) Seek a Consent Order, executed by both parties and the Department, that abates the unlawful practice and provides appropriate relief to the complainant; or
    - B) Refer the matter for commencement of a formal administrative hearing.

## DEPARTMENT OF LABOR

## NOTICE OF EMERGENCY RULES

- 2) No probability of a violation of the Act. If the Department determines that there is no probability that a violation of the Act has occurred, the matter will be referred for commencement of a formal administrative hearing.
  - 3) Whether any party has failed to cooperate with the Department and any appropriate recommendation.
- b) Whenever a decision is made under this Section, notice must be in compliance with the Department's Rules of Procedure in Administrative Hearings (56 Ill. Adm. Code 120).

**Section 280.420 Enforcement Procedures  
EMERGENCY**

- a) The Director may require reasonable evidence that a respondent is in full or substantial compliance with any order.
- b) If a respondent does not voluntarily comply with any discovery (including depositions or subpoenas) or other order of the Department within 21 calendar days, there may be a finding of a failure to cooperate and the Director may refer the matter to the Office of the Attorney General for enforcement.

## SUBPART E: FORMAL HEARING

**Section 280.500 Procedures in Formal Hearing  
EMERGENCY**

Upon referral of a matter for formal hearing, the parties and the Department shall comply with this Part, all provisions of Article 10 of the Illinois Administrative Procedure Act [5 ILCS 100/Art. 10], and the Department's Rules of Procedure in Administrative Hearings (56 Ill. Adm. Code 120).

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF EMERGENCY AMENDMENTS

- 1) Heading of the Part: White-Tailed Deer Hunting By Use of Handguns
- 2) Code Citation: 17 Ill. Adm. Code 680
- 3) Section Numbers: 680.40                      Emergency Action:  
Amendment
- 4) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.24, 2.25, 2.26 and 3.36 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.13, 2.24, 2.25, 2.26 and 3.36].
- 5) Effective Date of Amendment: January 6, 2004
- 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: Not Applicable
- 7) Date filed with the Index Department: December 29, 2003
- 8) A copy of the emergency amendments, including any material incorporated by reference, is on file in the Department of Natural Resource's principal office and is available for public inspection:
- 9) Reason for Emergency: This Part is being amended to add language regarding legal firearms and ammunition for the 2004 White-Tailed Deer Hunting By Use of Firearms Season.
- 10) A Complete Description of the Subjects and Issues Involved: P.A. 93-0554, effective August 20, 2003, amended Section 2.25 of the Wildlife Code [520 ILCS 5/2.25], to allow the use of centerfire revolvers or centerfire single-shot handguns during this season. The Department has proposed amendments to this Part incorporating this language into Part 680, however, they have not yet been adopted and the handgun season begins January 16, 2004.
- 11) Are there any other proposed amendments pending on this Part? 27 Ill. Reg. 16216; October 24, 2003
- 12) Statement of Statewide Policy Objective: This rulemaking does not affect units of local government.
- 13) Information and questions regarding this amendment shall be directed to:

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF EMERGENCY AMENDMENTS

Jack Price, Legal Counsel  
Department of Natural Resources  
One Natural Resources Way  
Springfield IL 62702-1271  
217/782-1809

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

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF EMERGENCY AMENDMENTS

TITLE 17: CONSERVATION  
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES  
SUBCHAPTER b: FISH AND WILDLIFEPART 680  
WHITE-TAILED DEER HUNTING BY USE OF HANDGUNS

## Section

- 680.10 Statewide Season  
680.20 Statewide Deer Permit Requirements  
680.30 Deer Permit Requirements – Group Hunt  
680.40 Statewide Handgun Requirements for Deer Hunting

**EMERGENCY**

- 680.50 Statewide Deer Hunting Rules  
680.60 Reporting Harvest  
680.70 Rejection of Application/Revocation of Permits  
680.80 Regulations at Various Department-Owned or -Managed Sites

AUTHORITY: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.24, 2.25, 2.26 and 3.36 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.13, 2.24, 2.25, 2.26 and 3.36].

SOURCE: Adopted at 15 Ill. Reg. 13353, effective September 3, 1991; amended at 16 Ill. Reg. 15446, effective September 28, 1992; amended at 17 Ill. Reg. 18810, effective October 19, 1993; amended at 18 Ill. Reg. 15739, effective October 18, 1994; amended at 19 Ill. Reg. 15422, effective October 26, 1995; amended at 20 Ill. Reg. 10906, effective August 5, 1996; amended at 21 Ill. Reg. 9128, effective June 26, 1997; amended at 22 Ill. Reg. 14875, effective August 3, 1998; amended at 24 Ill. Reg. 8975, effective June 19, 2000; amended at 26 Ill. Reg. 13820, effective September 5, 2002; emergency amendment at 28 Ill. Reg. 1032, effective January 1, 2004, for a maximum of 150 days

**Section 680.40 Statewide Handgun Requirements for Deer Hunting****EMERGENCY**

- a) The only legal firearms are centerfire revolvers or centerfire single-shot handgunshunting devices are centerfire handguns of .30 caliber or larger with a minimum barrel length of 4 inches and single-shot muzzleloading handguns (blackpowder handguns that are incapable of being loaded from the breech end) of .50 caliber or larger capable of producing at least 500 foot pounds of energy at the muzzle according to published ballistic tables of the manufacturer. It shall be unlawful to take or attempt to take white-tailed deer by the use of semi-automatic handguns, blackpowder revolvers or handguns altered to allow for shoulder firing.

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF EMERGENCY AMENDMENTS

- b) The only legal ammunition for a centerfire handgun is a bottleneck centerfire cartridge of .30 caliber or larger with a case length not exceeding 1.4 inches or a straight-walled centerfire cartridge of .30 caliber or larger; both of which must be available with the published ballistic tables of the manufacturer showing a capability of at least 500 foot pounds of energy at the muzzle, ~~that is available as a factory load with the published ballistic tables of the manufacturer showing a capability of at least 500 foot pounds of energy at the muzzle and whose case length does not exceed 1.4 inches.~~ Single-shot muzzleloading handguns must use a projectile of .44 caliber or larger with sufficient blackpowder or "blackpowder substitute" (such as Pyrodex) to produce at least 500 foot pounds of energy at the muzzle. Modern smokeless powders (nitrocellulose-based) do not qualify as "blackpowder" substitutes. A wad or sleeve is not considered a projectile or part of a projectile. Non-expanding, military-style, full-metal jacket bullets cannot be used to harvest white-tailed deer; only soft point or expanding bullets (including copper/copper alloy rounds designed for hunting) are legal ammunition.
- c) It shall be unlawful to use or possess any other firearm or ammunition in the field while hunting white-tailed deer during the Handgun Deer Season. However, the lawful possession of firearms to take furbearing mammals and game mammals other than deer by persons other than handgun deer hunters shall not be prohibited during the handgun deer season as set in Section 680.10. ~~(Except that the otherwise lawful possession of firearms to take furbearing mammals and game mammals other than deer shall not be prohibited during the handgun deer season as set in Section 680.10.)~~ Violation is a Class B misdemeanor (see 520 ILCS 5/2.24).

(Source: Amended by emergency rulemaking at 28 Ill. Reg. 1032, effective January 1, 2004, for a maximum of 150 days)

## JOINT COMMITTEE ON ADMINISTRATIVE RULES

## SCHEDULED MEETING:

STRATTON OFFICE BUILDING  
ROOM C-1  
SPRINGFIELD, ILLINOIS  
10:00 A.M.  
JANUARY 14, 2004

---

**NOTICES:** The scheduled date and time for the JCAR meeting are subject to change. Due to *Register* submittal deadlines, the Agenda below may be incomplete. Other items not contained in this published Agenda are likely to be considered by the Committee at the meeting and items from the list can be postponed to future meetings.

*If members of the public wish to express their views with respect to a rulemaking, they should submit written comments to the Office of the Joint Committee on Administrative Rules at the following address:*

*Joint Committee on Administrative Rules  
700 Stratton Office Building  
Springfield, Illinois 62706  
Email: [jcar@legis.state.il.us](mailto:jcar@legis.state.il.us)  
Phone: 217/785-2254*

**RULEMAKINGS CURRENTLY BEFORE JCAR****PROPOSED RULEMAKINGS**Agriculture

1. Egg and Egg Products Act (8 Ill. Adm. Code 65)
  - First Notice Published: 27 Ill. Reg. 16082 – 10/17/03
  - Expiration of Second Notice: 1/24/04
2. Illinois Bovidae and Cervidae Tuberculosis Eradication Act (8 Ill. Adm. Code 80)
  - First Notice Published: 27 Ill. Reg. 14667 – 9/19/03
  - Expiration of Second Notice: 1/15/04
3. Diseased Animals (8 Ill. Adm. Code 85)
  - First Notice Published: 27 Ill. Reg. 14675 – 9/19/03
  - Expiration of Second Notice: 1/15/04
4. Animal Disease Laboratories Act (8 Ill. Adm. Code 110)

## JOINT COMMITTEE ON ADMINISTRATIVE RULES

## SCHEDULED MEETING:

STRATTON OFFICE BUILDING  
ROOM C-1  
SPRINGFIELD, ILLINOIS  
10:00 A.M.  
JANUARY 14, 2004

-First Notice Published: 27 Ill. Reg. 14893 – 9/26/03  
-Expiration of Second Notice: 1/15/04

5. Meat and Poultry Inspection Act (8 Ill. Adm. Code 125)  
-First Notice Published: 27 Ill. Reg. 14055 – 8/29/03  
-Expiration of Second Notice: 1/15/04

Banks and Real Estate

6. Hearings Before the Office of Banks and Real Estate (38 Ill. Adm. Code 392)  
-First Notice Published: 27 Ill. Reg. 16341 – 10/31/03  
-Expiration of Second Notice: 1/30/04
7. Hearings for Removal or Prohibition of Directors, Officers, Employees or Agents of a State Bank or Corporate Fiduciary or Revocation of a Foreign Bank Representative Office License (38 Ill. Adm. Code 900)  
-First Notice Published: 27 Ill. Reg. 16351 – 10/31/03  
-Expiration of Second Notice: 1/30/04
8. Real Estate License Act of 2000 (68 Ill. Adm. Code 1450)  
-First Notice Published: 27 Ill. Reg. 15668 – 10/10/03  
-Expiration of Second Notice: 1/15/04

Commerce Commission

9. Procedures for Gas, Electric, Water and Sanitary Sewer Utilities Governing Eligibility for Service, Deposits, Payment Practices and Discontinuance of Service (83 Ill. Adm. Code 280)  
-First Notice Published: 27 Ill. Reg. 14955 – 9/26/03  
-Expiration of Second Notice: 1/15/04
10. Telecommunications Relay Service (83 Ill. Adm. Code 756)  
-First Notice Published: 27 Ill. Reg. 14726 – 9/19/03  
-Expiration of Second Notice: 1/24/04

## JOINT COMMITTEE ON ADMINISTRATIVE RULES

## SCHEDULED MEETING:

STRATTON OFFICE BUILDING  
ROOM C-1  
SPRINGFIELD, ILLINOIS  
10:00 A.M.  
JANUARY 14, 2004

11. Presubscription (83 Ill. Adm. Code 773)
  - First Notice Published: 27 Ill. Reg. 6028 – 4/11/03
  - Expiration of Second Notice: 2/1/04
12. Relocation Towing (92 Ill. Adm. Code 1710)
  - First Notice Published: 27 Ill. Reg. 8600 – 5/30/03
  - Expiration of Second Notice: 2/1/04
13. Household Goods Carriers (92 Ill. Adm. Code 1457)
  - First Notice Published: 27 Ill. Reg. 9341 – 6/20/03
  - Expiration of Second Notice: 1/30/04

Human Services

14. Food Stamps (89 Ill. Adm. Code 121)
  - First Notice Published: 27 Ill. Reg. 13936 – 8/22/03
  - Expiration of Second Notice: 1/18/04

Labor Relations Board

15. General Procedures (80 Ill. Adm. Code 1200)
  - First Notice Published: 27 Ill. Reg. 15208 – 10/3/03
  - Expiration of Second Notice: 1/15/04
16. Representation Proceedings (80 Ill. Adm. Code 1210)
  - First Notice Published: 27 Ill. Reg. 15210 – 10/3/03
  - Expiration of Second Notice: 1/15/04

Natural Resources

17. White-Tailed Deer Hunting by Use of Handguns (17 Ill. Adm. Code 680)
  - First Notice Published: 27 Ill. Reg. 16216 – 10/24/03
  - Expiration of Second Notice: 2/1/04

## JOINT COMMITTEE ON ADMINISTRATIVE RULES

## SCHEDULED MEETING:

STRATTON OFFICE BUILDING  
ROOM C-1  
SPRINGFIELD, ILLINOIS  
10:00 A.M.  
JANUARY 14, 2004

18. Public Museum Grants Program (23 Ill. Adm. Code 3200)  
-First Notice Published: 27 Ill. Reg. 4443 – 3/14/03  
-Expiration of Second Notice: 1/30/04

Professional Regulation

19. Illinois Professional Land Surveyor Act of 1989 (68 Ill. Adm. Code 1270)  
-First Notice Published: 27 Ill. Reg. 15305 – 10/3/03  
-Expiration of Second Notice: 2/4/04

Public Aid

20. Termination of Non-Emergency Transportation Vendors (89 Ill. Adm. Code 104)  
-First Notice Published: 27 Ill. Reg. 14294 – 9/5/03  
-Expiration of Second Notice: 2/6/04
21. Hospital Services (89 Ill. Adm. Code 148)  
-First Notice Published: 27 Ill. Reg. 9549 – 6/27/03  
-Expiration of Second Notice: 2/4/04
22. Diagnosis Related Grouping (DRG) Prospective Payment System (PPS) (89 Ill. Adm. Code 149)  
-First Notice Published: 27 Ill. Reg. 9569 – 6/27/03  
-Expiration of Second Notice: 2/4/04
23. Advanced & Expedited Payments for Medicaid Percentage Adjustment Payments (89 Ill. Adm. Code 140)  
-First Notice Published: 27 Ill. Reg. 14065 – 8/29/03  
-Expiration of Second Notice: 2/6/04
24. Add Medicaid Percentage Adjustments and Redefine Current Hospital Adjustment Programs (89 Ill. Adm. Code 148)  
-First Notice Published: 27 Ill. Reg. 14090 – 8/29/03

## JOINT COMMITTEE ON ADMINISTRATIVE RULES

## SCHEDULED MEETING:

STRATTON OFFICE BUILDING  
ROOM C-1  
SPRINGFIELD, ILLINOIS  
10:00 A.M.  
JANUARY 14, 2004

-Expiration of Second Notice: 2/6/04

25. Access to Medical Transportation Services (89 Ill. Adm. Code 140)  
-First Notice Published: 27 Ill. Reg. 14776 – 9/19/03  
-Expiration of Second Notice: 2/6/04

Public Health

26. Certified Local Health Department Code (77 Ill. Adm. Code 600)  
-First Notice Published: 27 Ill. Reg. 15728 – 10/10/03  
-Expiration of Second Notice: 2/5/04
27. Local Health Protection Grant Rules (77 Ill. Adm. Code 615)  
-First Notice Published: 27 Ill. Reg. 15740 – 10/10/03  
-Expiration of Second Notice: 2/1/04

Revenue

28. Property Tax Code (86 Ill. Adm. Code 110)  
-First Notice Published: 27 Ill. Reg. 17059 – 11/7/03  
-Expiration of Second Notice: 2/5/04

Secretary of State

29. Business Corporation Act (14 Ill. Adm. Code 150)  
-First Notice Published: 27 Ill. Reg. 15330 – 10/3/03  
-Expiration of Second Notice: 1/16/04
30. Limited Liability Company Act (14 Ill. Adm. Code 178)  
-First Notice Published: 27 Ill. Reg. 15335 – 10/3/03  
-Expiration of Second Notice: 1/16/04

State Fire Marshal

## JOINT COMMITTEE ON ADMINISTRATIVE RULES

## SCHEDULED MEETING:

STRATTON OFFICE BUILDING  
ROOM C-1  
SPRINGFIELD, ILLINOIS  
10:00 A.M.  
JANUARY 14, 2004

31. Fire Truck Revolving Loan Program (41 Ill. Adm. Code 290)  
-First Notice Published: 27 Ill. Reg. 16095 – 10/17/03  
-Expiration of Second Notice: 2/5/04

**EMERGENCY RULEMAKINGS**Revenue

32. Income Tax (86 Ill. Adm. Code 100)  
-Notice Published: 27 Ill. Reg. 18464 – 12/5/03
33. Retailers' Occupation Tax (86 Ill. Adm. Code 130)  
-Notice Published: 27 Ill. Reg. 18911 – 12/12/03
34. TeleFile Program (86 Ill. Adm. Code 770)  
-Notice Published: 27 Ill. Reg. 18924 – 12/12/03

Secretary of State

35. Department of Personnel (80 Ill. Adm. Code 420)  
-Notice Published: 27 Ill. Reg. 18259 – 12/1/03

State Toll Highway Authority

36. State Toll Highway Rules (92 Ill. Adm. Code 2520)  
-Notice Published: 27 Ill. Reg. 18238 – 12/1/03

**EXPEDITED CORRECTION**Department of Public Health

37. Skilled Nursing and Intermediate Care Facilities Code (77 Ill. Adm. Code 300)  
-Notice Published: 27 Ill. Reg. 19047 – 12/19/03

---

JOINT COMMITTEE ON ADMINISTRATIVE RULES

SCHEDULED MEETING:

STRATTON OFFICE BUILDING  
ROOM C-1  
SPRINGFIELD, ILLINOIS  
10:00 A.M.  
JANUARY 14, 2004

- 38. Sheltered Care Facilities Code (77 Ill. Adm. Code 330)  
-Notice Published: 27 Ill. Reg. 19060 – 12/19/03
- 39. Intermediate Care for the Developmentally Disabled Facilities Code (77 Ill. Adm. Code 350)  
-Notice Published: 27 Ill. Reg. 19071 – 12/19/03
- 40. Long-Term Care for Under Age 22 Facilities Code (77 Ill. Adm. Code 390)  
-Notice Published: 27 Ill. Reg. 19084 – 12/19/03

**AGENCY RESPONSES**

Department of Professional Regulation

- 41. Wholesale Drug Distribution Licensing Act (68 Ill. Adm. Code 1600; 27 Ill. Reg. 13343)

JOINT COMMITTEE ON ADMINISTRATIVE RULES  
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of December 23, 2003 through December 29, 2003 and have been scheduled for review by the Committee at its January 14, 2004 meeting in Springfield. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rulemaking should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield IL 62706.

<u>Second Notice Expires</u>	<u>Agency and Rule</u>	<u>Start Of First Notice</u>	<u>JCAR Meeting</u>
2/4/04	<u>Department of Public Aid</u> , Hospital Services (89 Ill. Adm. Code 148)	6/27/03 27 Ill. Reg. 9549	1/14/04
2/4/04	<u>Department of Public Aid</u> , Diagnosis Related Grouping (DRG) Prospective Payment System (PPS) (89 Ill. Adm. Code 149)	6/27/03 27 Ill. Reg. 9569	1/14/04
2/5/04	<u>Department of Revenue</u> , Property Tax Code (86 Ill. Adm. Code 110)	11/7/03 27 Ill. Reg. 17059	1/14/04
2/5/04	<u>State Fire Marshal</u> , Fire Truck Revolving Loan Program (41 Ill. Adm. Code 290)	10/17/03 27 Ill. Reg. 16095	1/14/04
2/5/04	<u>Department of Public Health</u> , Certified Local Health Department Code (77 Ill. Adm. Code 600)	10/10/03 27 Ill. Reg. 15728	1/14/04
2/6/04	<u>Department of Public Aid</u> , Medical Payment (89 Ill. Adm. Code 140)	9/19/03 27 Ill. Reg. 14776	1/14/04

JOINT COMMITTEE ON ADMINISTRATIVE RULES  
ILLINOIS GENERAL ASSEMBLY

## SECOND NOTICES RECEIVED

2/6/04	<u>Department of Public Aid</u> , Hospital Services (89 Ill. Adm. Code 148)	8/29/03 27 Ill. Reg. 14090	1/14/04
2/6/04	<u>Department of Public Aid</u> , Medical Payment (89 Ill. Adm. Code 140)	8/29/03 27 Ill. Reg. 14065	1/14/04
2/6/04	<u>Department of Public Aid</u> , Practice in Administrative Hearings (89 Ill. Adm. Code 104)	9/5/03 27 Ill. Reg. 14294	1/14/04

# ILLINOIS ADMINISTRATIVE CODE

## Issue Index - With Effective Dates

Rules acted upon in Volume 28, Issue 2 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

89 - 240	.....	470
14 - 250	.....	472
14 - 528	.....	474
59 - 109	.....	476
56 - 280	.....	478
35 - 611	.....	481

### ADOPTED RULES

38 - 375	12/29/2003.....	773
38 - 398	12/29/2003.....	778
38 - 1000	12/29/2003.....	783
38 - 1050	12/29/2003.....	797
38 - 1075	12/29/2003.....	807
68 - 1455	12/29/2003.....	824
83 - 551	1/1/2004.....	833
83 - 755	1/1/2004.....	859
50 - 1411	1/1/2004.....	906

### EMERGENCY RULES

89 - 240	12/26/2003.....	923
14 - 250	1/1/2004.....	939
14 - 528	12/26/2003.....	957
80 - 1100	1/1/2004.....	971
80 - 1110	1/1/2004.....	975
59 - 109	12/26/2003.....	1006
56 - 280	12/29/2003.....	1017
17 - 680	1/6/2004.....	1032

### JOINT COMMITTEE ON ADMINISTRATIVE RULES AGENDA

38 - 392	.....	1036
92 - 1457	.....	1036
92 - 1710	.....	1036
83 - 773	.....	1036
83 - 756	.....	1036
83 - 280	.....	1036
38 - 900	.....	1036
8 - 125	.....	1036
8 - 110	.....	1036
8 - 85	.....	1036
8 - 80	.....	1036
8 - 65	.....	1036
80 - 1210	.....	1036
68 - 1450	.....	1036
68 - 1600	.....	1036
92 - 2520	.....	1036
80 - 420	.....	1036
86 - 770	.....	1036
86 - 130	.....	1036
86 - 100	.....	1036
41 - 290	.....	1036

Rules acted upon in Volume 28, Issue 2 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.

14 - 178	.....	1036
14 - 150	.....	1036
77 - 330	.....	1036
89 - 121	.....	1036
77 - 350	.....	1036
77 - 300	.....	1036
77 - 390	.....	1036
86 - 110	.....	1036
77 - 615	.....	1036
77 - 600	.....	1036
89 - 140	.....	1036
89 - 148	.....	1036
89 - 140	.....	1036
89 - 149	.....	1036
89 - 148	.....	1036
89 - 104	.....	1036
68 - 1270	.....	1036
23 - 3200	.....	1036
17 - 680	.....	1036
80 - 1200	.....	1036

**SECOND NOTICES RECEIVED**

41 - 290	.....	1043
89 - 148	.....	1043
86 - 110	.....	1043
77 - 600	.....	1043
89 - 140	.....	1043
89 - 149	.....	1043

## 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 <input type="checkbox"/> New <input type="checkbox"/> Renewal	\$290.00 (annually)
<input type="checkbox"/> Electronic Version of the Illinois Register (E-mail Address Required) <input type="checkbox"/> New <input type="checkbox"/> Renewal	\$290.00 (annually)
<input type="checkbox"/> Back Issues of the Illinois Register (Current Year Only) Volume # _____ Issue# _____ Date _____	\$ 10.00 (each)
<input type="checkbox"/> Microfiche sets of the Illinois Register 1977 – 2001 Specify Year(s) _____	\$ 200.00 (per set)
<input type="checkbox"/> Cumulative/Sections Affected Indices 1990 - 2002 Specify Year(s) _____	\$ 5.00 (per set)
<div style="text-align: right; font-size: small;">(Processing fee for credit cards purchases, if applicable.)</div> <b>TOTAL AMOUNT OF ORDER</b> \$ _____	\$ 1.50

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:** Secretary of State  
 Department of Index  
 Administrative Code Division  
 111 E. Monroe  
 Springfield, IL 62756

**Fax Order To:** (217) 524-0308

Name:	Attention:	ID #:
Address:		
City:	State:	Zip Code:
Phone:	Fax:	E-Mail:

[www.cyberdriveillinois.com](http://www.cyberdriveillinois.com)