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REGISTER

RULES
OF GOVERNMENTAL
AGENCIES



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TABLE OF CONTENTS

September 10, 2004 Volume 28, Issue 37

PROPOSED RULES

COMMUNITY COLLEGE BOARD, ILLINOIS	
Administration of the Illinois Public Community College Act	
23 Ill. Adm. Code 1501	12501
COMMERCE AND ECONOMIC OPPORTUNITY, DEPARTMENT OF	
Administration of the Coal Grant Provisions of the Illinois Resource	
Development and Energy Security Act	
32 Ill. Adm. Code 120	12516
COMMERCE COMMISSION, ILLINOIS	
Employee Walkways in Railroad Yards	
92 Ill. Adm. Code 1546	12533
NATURAL RESOURCES, DEPARTMENT OF	
Public Use of State Parks and Other Properties of the Department of	
Natural Resources	
17 Ill. Adm. Code 110	12535
General Hunting and Trapping on Department-Owned or	
-Managed Sites	
17 Ill. Adm. Code 510	12548
Injurious Species	
17 Ill. Adm. Code 805	12554
SECRETARY OF STATE, OFFICE OF THE	
Cancellation, Revocation or Suspension of Licenses or Permits	
92 Ill. Adm. Code 1040	12559
TRANSPORTATION, ILLINOIS DEPARTMENT OF	
Motor Carrier Safety Regulations: General	
92 Ill. Adm. Code 390	12566

ADOPTED RULES

CENTRAL MANAGEMENT SERVICES, DEPARTMENT OF	
Pay Plan	
80 Ill. Adm. Code 310	12585
EMERGENCY MANAGEMENT AGENCY	
Radiation Safety Requirements for Industrial Radiographic Operations	
32 Ill. Adm. Code 350	12598
Radiation Safety Requirements for Wireline Service Operations and	
Subsurface Tracer Studies	
32 Ill. Adm. Code 351	12643
POLLUTION CONTROL BOARD	
Primary Drinking Water Standards	
35 Ill. Adm. Code 611	12666
TRANSPORTATION, ILLINOIS DEPARTMENT OF	
Slow-Moving Vehicle Identification Emblem	
92 Ill. Adm. Code 564, Repealed.....	12712

Slow-Moving Vehicle Identification Emblem 92 Ill. Adm. Code 564	12714
EMERGENCY RULES	
COMMERCE COMMISSION, ILLINOIS Employee Walkways in Railroad Yards 92 Ill. Adm. Code 1546	12722
NOTICE OF CORRECTIONS TO PROPOSED AMENDMENT	
CENTRAL MANAGEMENT SERVICES, DEPARTMENT OF Pay Plan 80 Ill. Adm. Code 310	12728
NOTICE OF PUBLICATION ERROR	
SECRETARY OF STATE, OFFICE OF THE Procedures and Standards 92 Ill. Adm. Code 1001	12745
JOINT COMMITTEE ON ADMINISTRATIVE RULES AGENDA	
JOINT COMMITTEE ON ADMINISTRATIVE RULES September Agenda.....	12746
SECOND NOTICES RECEIVED	
JOINT COMMITTEE ON ADMINISTRATIVE RULES Second Notices Received.....	12753
NOTICE OF PUBLIC INFORMATION	
FINANCIAL AND PROFESSIONAL REGULATION, DEPARTMENT OF 20 Notices concerning the Residential Mortgage License Act of 1987.....	12755
LABOR, DEPARTMENT OF 1 Notice concerning D & S Wrecking, Inc.....	12775

ILLINOIS COMMUNITY COLLEGE BOARD

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Administration of the Illinois Public Community College Act
- 2) Code Citation: 23 Ill. Adm. Code 1501
- 3) Section Numbers: Proposed Action:
 1501.501 Amendment
 1501.507 Amendment
- 4) Statutory Authority: 110 ILCS 805/2-12
- 5) A Complete Description of the Subjects and Issues Involved: These proposed rule changes would allow districts to modify their practices and procedures to design systems that would eliminate the need for districts to physically distribute midterm classlists or final grade sheets to instructors, collect the signed forms, and store multiple pieces of paper in a file cabinet.
- 6) Will these proposed amendments replace any emergency amendments currently in effect?
No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? Yes

<u>Section Numbers</u>	<u>Proposed Action</u>	<u>Illinois Register Citation</u>
1501.201	Amendment	April 23, 2004 (17 Ill. Reg. 6207)
1501.406	Amendment	April 23, 2004 (17 Ill. Reg. 6207)
1501.501	Amendment	April 23, 2004 (17 Ill. Reg. 6207)
1501.503	Amendment	April 23, 2004 (17 Ill. Reg. 6207)
1501.510	Amendment	April 23, 2004 (17 Ill. Reg. 6207)
1501.602	Amendment	April 23, 2004 (17 Ill. Reg. 6207)
1501.603	Amendment	April 23, 2004 (17 Ill. Reg. 6207)
1501.607	Amendment	April 23, 2004 (17 Ill. Reg. 6207)

- 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 submit written comments to:

ILLINOIS COMMUNITY COLLEGE BOARD

NOTICE OF PROPOSED AMENDMENTS

Cherie VanMeter
Administrative Aide
Illinois Community College Board
401 East Capitol Avenue
Springfield, Illinois 62701-1711
Telephone: (217) 785-0053
Fax: (217) 524-6195

All written comments received within 45 days after this issue of the *Illinois Register* will be considered.

- 12) Initial Regulatory Flexibility Analysis: The Illinois Community College Board has determined that this rulemaking will not affect small businesses.
- 13) Regulatory Agenda on which this rulemaking was summarized: July 2004

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

ILLINOIS COMMUNITY COLLEGE BOARD

NOTICE OF PROPOSED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE A: EDUCATION
CHAPTER VII: ILLINOIS COMMUNITY COLLEGE BOARD

PART 1501

ADMINISTRATION OF THE ILLINOIS PUBLIC COMMUNITY COLLEGE ACT

SUBPART A: ILLINOIS COMMUNITY COLLEGE BOARD ADMINISTRATION

Section

- 1501.101 Definition of Terms
- 1501.102 Advisory Groups
- 1501.103 Rule Adoption (Recodified)
- 1501.104 Manuals
- 1501.105 Advisory Opinions
- 1501.106 Executive Director
- 1501.107 Information Request (Recodified)
- 1501.108 Organization of ICCB
- 1501.109 Appearance at ICCB Meetings
- 1501.110 Appeal Procedure
- 1501.111 Reporting Requirements (Repealed)
- 1501.112 Certification of Organization (Repealed)
- 1501.113 Administration of Detachments and Subsequent Annexations
- 1501.114 Recognition

SUBPART B: LOCAL DISTRICT ADMINISTRATION

Section

- 1501.201 Reporting Requirements
- 1501.202 Certification of Organization
- 1501.203 Delineation of Responsibilities
- 1501.204 Maintenance of Documents or Information
- 1501.205 Recognition Standards (Repealed)

SUBPART C: PROGRAMS

Section

- 1501.301 Definition of Terms
- 1501.302 Units of Instruction, Research, and Public Service
- 1501.303 Program Requirements

ILLINOIS COMMUNITY COLLEGE BOARD

NOTICE OF PROPOSED AMENDMENTS

1501.304	Statewide and Regional Planning
1501.305	College, Branch, Campus, and Extension Centers
1501.306	State or Federal Institutions (Repealed)
1501.307	Cooperative Agreements and Contracts
1501.308	Reporting Requirements
1501.309	Course Classification and Applicability

SUBPART D: STUDENTS

Section	
1501.401	Definition of Terms
1501.402	Admission of Students
1501.403	Student Services
1501.404	Academic Records
1501.405	Student Evaluation
1501.406	Reporting Requirements

SUBPART E: FINANCE

Section	
1501.501	Definition of Terms
1501.502	Financial Planning
1501.503	Audits
1501.504	Budgets
1501.505	Student Tuition
1501.506	Published Financial Statements
1501.507	Credit Hour Claims
1501.508	Special Populations Grants (Repealed)
1501.509	Workforce Preparation Grants (Repealed)
1501.510	Reporting Requirements
1501.511	Chart of Accounts
1501.514	Business Assistance Grants (Repealed)
1501.515	Advanced Technology Equipment Grant (Repealed)
1501.516	Capital Renewal Grants
1501.517	Retirees Health Insurance Grants (Repealed)
1501.518	Uncollectible Debts
1501.519	Special Initiatives Initiative Grants
1501.520	Lincoln's Challenge Scholarship Grants
1501.521	Technology Enhancement Grants
1501.522	Deferred Maintenance Grants (Repealed)

ILLINOIS COMMUNITY COLLEGE BOARD

NOTICE OF PROPOSED AMENDMENTS

1501.523 Foundation Matching Grants

SUBPART F: CAPITAL PROJECTS

Section

1501.601 Definition of Terms
1501.602 Approval of Capital Projects
1501.603 State Funded Capital Projects
1501.604 Locally Funded Capital Projects
1501.605 Project Changes
1501.606 Progress Reports (Repealed)
1501.607 Reporting Requirements
1501.608 Approval of Projects in Section 3-20.3.01 of the Act
1501.609 Completion of Projects Under Section 3-20.3.01 of the Act
1501.610 Demolition of Facilities

SUBPART G: STATE COMMUNITY COLLEGE

Section

1501.701 Definition of Terms
1501.702 Applicability
1501.703 Recognition
1501.704 Programs
1501.705 Finance
1501.706 Personnel
1501.707 Facilities

SUBPART H: PERSONNEL

Section

1501.801 Definition of Terms
1501.802 Sabbatical Leaves

AUTHORITY: Implementing and authorized by Articles II and III and Section 6-5.3 of the Public Community College Act [110 ILCS 805/Arts. II and III and 6-5.3].

SOURCE: Adopted at 6 Ill. Reg. 14262, effective November 3, 1982; codified at 7 Ill. Reg. 2332; amended at 7 Ill. Reg. 16118, effective November 22, 1983; Sections 1501.103, 1501.107 and 1501.108 recodified to 2 Ill. Adm. Code 5175 at 8 Ill. Reg. 6032; amended at 8 Ill. Reg. 14262, effective July 25, 1984; amended at 8 Ill. Reg. 19383, effective September 28, 1984; emergency amendment at 8 Ill. Reg. 22603, effective November 7, 1984, for a maximum of 150

ILLINOIS COMMUNITY COLLEGE BOARD

NOTICE OF PROPOSED AMENDMENTS

days; emergency amendment at 8 Ill. Reg. 24299, effective December 5, 1984, for a maximum of 150 days; amended at 9 Ill. Reg. 3691, effective March 13, 1985; amended at 9 Ill. Reg. 9470, effective June 11, 1985; amended at 9 Ill. Reg. 16813, effective October 21, 1985; amended at 10 Ill. Reg. 3612, effective January 31, 1986; amended at 10 Ill. Reg. 14658, effective August 22, 1986; amended at 11 Ill. Reg. 7606, effective April 8, 1987; amended at 11 Ill. Reg. 18150, effective October 27, 1987; amended at 12 Ill. Reg. 6660, effective March 25, 1988; amended at 12 Ill. Reg. 15973, effective September 23, 1988; amended at 12 Ill. Reg. 16699, effective September 23, 1988; amended at 12 Ill. Reg. 19691, effective November 15, 1988; amended at 13 Ill. Reg. 1182, effective January 13, 1989; amended at 13 Ill. Reg. 14904, effective September 12, 1989; emergency amendment at 14 Ill. Reg. 299, effective November 9, 1989, for a maximum of 150 days; emergency amendment expired on April 9, 1990; amended at 14 Ill. Reg. 4126, effective March 1, 1990; amended at 14 Ill. Reg. 10762, effective June 25, 1990; amended at 14 Ill. Reg. 11771, effective July 9, 1990; amended at 14 Ill. Reg. 13997, effective August 20, 1990; expedited correction at 18 Ill. Reg. 3027, effective August 20, 1990; amended at 15 Ill. Reg. 10929, effective July 11, 1991; amended at 16 Ill. Reg. 12445, effective July 24, 1992; amended at 16 Ill. Reg. 17621, effective November 6, 1992; amended at 17 Ill. Reg. 1853, effective February 2, 1993; amended at 18 Ill. Reg. 4635, effective March 9, 1994; amended at 18 Ill. Reg. 8906, effective June 1, 1994; amended at 19 Ill. Reg. 2299, effective February 14, 1995; amended at 19 Ill. Reg. 2816, effective February 21, 1995; amended at 19 Ill. Reg. 7515, effective May 26, 1995; amended at 21 Ill. Reg. 5891, effective April 22, 1997; amended at 22 Ill. Reg. 2087, effective January 12, 1998; amended at 22 Ill. Reg. 17472, effective July 10, 1998; amended at 24 Ill. Reg. 249, effective December 21, 1999; amended at 24 Ill. Reg. 17522, effective November 20, 2000; amended at 25 Ill. Reg. 7161, effective May 18, 2001; emergency amendment at 25 Ill. Reg. 12863, effective September 28, 2001, for a maximum of 150 days; emergency expired February 24, 2002; amended at 26 Ill. Reg. 646, effective January 7, 2002; amended at 27 Ill. Reg. 17204, effective October 31, 2003; amended at 28 Ill. Reg. _____, effective _____.

SUBPART E: FINANCE

Section 1501.501 Definition of Terms

Annual Financial Statement. The "annual financial statement", which is required to be published by a district, consists of two parts:

an annual financial report, which includes a statement of revenues and expenditures along with other basic financial data; and

an annual program report, which provides a narrative description of programs offered, goals of the district, and student and staff data.

ILLINOIS COMMUNITY COLLEGE BOARD

NOTICE OF PROPOSED AMENDMENTS

Attendance at ~~Midterm~~~~Mid-Term~~. A student is "in attendance at ~~midterm~~~~mid-term~~" in a course if the student is currently enrolled in and actively pursuing completion of the course.

Auditor. An auditor is a person who enrolls in a class without intent to obtain academic credit and whose status as an auditor is declared by the student, approved by college officials, and identified on college records prior to the end-of-registration date of the college for that particular term.

Capital Renewal Grants. Capital renewal grants are State grants allocated proportionally to each community college district based on the latest fall on-campus nonresidential gross square feet of facilities as reported to the ICCB. Such grants are to be utilized for miscellaneous capital improvements such as rehabilitation, remodeling, improvement, and repair; architect/engineer services; supplies, fixed equipment, and materials; and all other expenses required to complete the work.

Lincoln's Challenge Scholarship Grants. The Lincoln's Challenge Program is administered by the Illinois Department of Military Affairs. Upon successful completion of that program, students qualify for a scholarship to a community college. The Lincoln's Challenge Scholarship Grant is a special appropriation received by the ICCB from the Governor and the General Assembly. These scholarships provide an opportunity for graduates of Lincoln's Challenge to transition easily into higher education by enrolling in one of the 48 public community colleges. The scholarship grants can be used to cover the cost of education, which includes tuition, books, fees and required educational supplies.

Midterm Class List Certification. As part of the verification that a student's credit hours are eligible for State funding, the college shall establish a process for certifying students in attendance at the midterm. The district shall file with the ICCB a document outlining the process (including but not limited to specific steps and/or procedures, steps for obtaining an electronic midterm certification signature, etc.) it follows as part of that certification and the district shall file an amended process anytime changes are made, but not less than once every five years.

Midterm Certification Signature. The college may either obtain and maintain midterm class lists manually signed and dated by faculty or accept electronic signature of the faculty. If the college chooses to accept an electronic signature of

ILLINOIS COMMUNITY COLLEGE BOARD

NOTICE OF PROPOSED AMENDMENTS

faculty, then the college must include in the midterm class list certification process a written summary explaining what steps are in place that assure:

- 1) Appropriate administrative and operational controls are in place to ensure faculty only have access to midterm class lists they teach;
- 2) Appropriate controls are in place to only allow an electronic signature at the midpoint of the class during a specified period (i.e., one or two weeks before and one or two weeks after the midpoint of the class);
- 3) Each faculty member's identity is authenticated and attributed to the midterm certification signature;
- 4) The integrity of the electronically signed midterm class list of each course section has been secured and verified; and
- 5) The college has the capability of generating signed printed midterm class lists that support the ICCB SU/SR credit hour claim submission.

A final grade sheet electronic signatures process, if adopted, should be implemented in the same manner as the electronic midterm certification signature.

Residency – Applicability – Verification of Status. As part of verification that its credit hours are eligible to receive ICCB grants, each community college district shall adopt a process for verifying the residency status of its students and shall file a description of this process with the ICCB by July 1, 1990. The process shall include the methods for verifying residency as defined in the general provisions, special State provisions, and district provisions of this Section. Each district shall file descriptions of any revisions to its process with the ICCB prior to their implementation.

Residency – General Provisions. The following provisions apply both to State and district residency definitions:

To be classified as a resident of the State of Illinois or of the community college district, each student shall have occupied a dwelling within the State or district for at least 30 days immediately prior to the date established by the district for classes to begin.

The district shall maintain documentation verifying State or district residency of students.

ILLINOIS COMMUNITY COLLEGE BOARD

NOTICE OF PROPOSED AMENDMENTS

Students occupying a dwelling in the State or district who fail to meet the 30-day residency requirement may not become residents simply by attending classes at a community college for 30 days or more.

Students who move from outside the State or district and who obtain residence in the State or district for reasons other than attending the community college shall be exempt from the 30-day requirement if they demonstrate through documentation a verifiable interest in establishing permanent residency.

Residency – District Provisions. Students shall not be classified as residents of the district where attending even though they may have met the general 30-day residency provision if they are:

federal job corps workers stationed in the district;

inmates of State or federal correctional/rehabilitation institutions located in the district;

full-time students attending a postsecondary educational institution in the district who have not demonstrated through documentation a verifiable interest in establishing permanent residency; and

students attending under the provisions of a chargeback or contractual agreement with another community college.

Residency – Special State Provisions. Students shall be classified as residents of the State without meeting the general 30-day residency provision if they are:

federal job corps workers stationed in Illinois;

members of the armed services stationed in Illinois;

inmates of State correctional/rehabilitation institutions located in Illinois;
or

employed full time in Illinois.

Special Initiatives Grants. Special initiatives grants provide funds for conducting

ILLINOIS COMMUNITY COLLEGE BOARD

NOTICE OF PROPOSED AMENDMENTS

special initiatives activities.

Special Initiatives Activities. Special initiatives activities are defined each year in a request for proposal process. All colleges will have the opportunity to apply for funds to conduct such approved special initiatives activities. Special initiatives activities are based upon criteria as specified in terms outlined in a grant agreement between the college and the ICCB.

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

Section 1501.507 Credit Hour Claims

- a) **Claims.** Claims for credit hours shall be submitted within 30 days after the end of each term in a format used by the ICCB.
- b) **Course Requirements.** Courses which produce credit hours eligible for ICCB grants shall satisfy the following requirements:
 - 1) Courses shall be offered for the number of credit hours for which they are approved by the ICCB.
 - 2) Courses which have variable credit hours shall be claimed in specified increments only up to the maximum credit value approved for the course.
 - 3) Course data shall be posted to the permanent academic record of each student claimed.
 - 4) Courses shall be a part of units of instruction which have been approved by the ICCB, or the courses must be authorized extensions of existing units of instruction.
 - 5) Courses shall have specific written objectives.
 - 6) A course outline shall be available for review by any student or citizen.
 - 7) Courses shall have a method of evaluating student performance which follows the adopted college grading system.
 - 8) Courses shall follow the adopted college policies on student tuition.

ILLINOIS COMMUNITY COLLEGE BOARD

NOTICE OF PROPOSED AMENDMENTS

- 9) The following categories of physical education courses shall be the only ones to produce eligible credit hours:
 - A) Elective physical education courses;
 - B) Required courses for majors and minors in physical education, recreational leadership, and related programs;
 - C) Physical education courses in teacher education programs as required by the State Teachers Certification Board.
- 10) Courses shall produce a maximum rate of one semester credit hour or equivalent per week. Requests for exceptions to this requirement may be submitted to the ICCB. The criteria utilized by the ICCB for exceptions shall include:
 - A) documentation of need for an intensified or accelerated schedule;
 - B) student population identified with testing and/or screening to indicate special needs and/or competencies;
 - C) how courses are instructed, including schedule of classes, study time allotted for students, method of instruction and how students are evaluated;
 - D) time period of instructional activity and projected termination date;
 - E) procedures to evaluate the accelerated instructional activity.
- 11) Courses offered by the college for high school students during the regular school day at the secondary school shall be college-level and shall meet the following requirements:
 - A) State Laws and Regulations and Accreditation Standards. All State laws, ICCB regulations, accreditation standards specified by the North Central Association, and local college policies that apply to courses, instructional procedures and academic standards at the college apply to college-level courses offered by the college on campus, at off-campus sites, and at secondary schools. These policies, regulations, instructional procedures and academic

ILLINOIS COMMUNITY COLLEGE BOARD

NOTICE OF PROPOSED AMENDMENTS

standards apply to students, faculty and staff associated with these courses.

- B) Instructors. The instructors for these courses shall be selected, employed and evaluated by the community college. They shall be selected from full-time faculty and/or from adjunct faculty with appropriate credentials and demonstrated teaching competencies at the college level.
- C) Qualification of Students. Students accepted for enrollment in college-level courses must have appropriate academic qualifications, a high level of motivation and adequate time to devote to studying a college-level course. The students' course selections shall be made in consultation with high school counselors and/or principals and ordinarily are restricted to students in the junior and senior years of high school. The students shall meet all college criteria and follow all college procedures for enrolling in courses.
- D) Placement Testing and Prerequisites. Students enrolling in college-level courses must satisfy course placement tests or course prerequisites when applicable to assure that they have the same qualifications and preparation as other college students.
- E) Course Offerings. Courses shall be selected from transfer courses that have been articulated with senior institutions in Illinois or from the first-year courses in ICCB approved associate in applied science degree programs.
- F) Course Requirements. The course outlines utilized for these courses shall be the same as for courses offered on campus and at other off-campus sites and shall contain the content articulated with colleges and universities in the State. Course prerequisites, descriptions, outlines, requirements, learning outcomes and methods of evaluating students shall be the same as for on-campus offerings.
- G) Concurrent Credit. The determination of whether a college course is offered for concurrent high school and college credit shall be made at the secondary level, according to the school's policies and

ILLINOIS COMMUNITY COLLEGE BOARD

NOTICE OF PROPOSED AMENDMENTS

practices of the district.

- c) Student Requirements. The following requirements shall apply to students who generate credit hours eligible for ICCB grants:
- 1) Students shall be certified by their instructors as being in attendance at ~~midterm~~ ~~mid-term~~ by including a certification statement on the ~~midterm~~ ~~mid-term~~ class roster, signed and dated by the instructor.
 - 2) Students who complete a course with a passing grade by the end of the term and who were not certified as being in attendance at ~~midterm~~ ~~mid-term~~ by the instructor shall be considered as having been in attendance at ~~midterm~~ ~~mid-term~~.
 - 3) Students enrolled in variable entry/variable exit classes or short-term classes of less than eight weeks may be certified by their instructors as having been in attendance at midterm by including a certification statement on the final class roster, signed and dated by the instructor.
 - 4) Students shall be residents of the State of Illinois.
 - 5) Auditors or visitors in a course shall not produce eligible credit hours.
 - 6) Students who repeat enrollment in a course shall produce credit hours eligible for ICCB grants when one of the following conditions is met:
 - A) If the student completed the course the first time of enrollment with less than a grade of C (or equivalent) and if the student was claimed for funding, the student may enroll and be claimed in the course one additional time, or
 - B) If the student enrolled in the course previously and withdrew before completing the course, and if the student was claimed for funding, the student may enroll and be claimed in the course one additional time, or
 - C) If a student completed the course previously and was claimed for funding, the student may be claimed for retaking the course if the student uses his/her option to retake the course tuition free under the college's educational guarantee program, or

ILLINOIS COMMUNITY COLLEGE BOARD

NOTICE OF PROPOSED AMENDMENTS

- D) If the last time the student completed the course was at least four years previously, the student may be claimed for funding if the student repeats the course to upgrade his/her skills in that area, or
- E) If a course has been approved by the ICCB to be repeated, the student may repeat the course and be claimed as often as approved by the ICCB.
- d) Exceptions. The following credits will not be eligible for ICCB funding:
- 1) Credit by examination;
 - 2) Military service credit for physical education;
 - 3) Transfer of credit earned at other institutions or in the armed forces;
 - 4) Proficiency examinations;
 - 5) Advanced placement credits;
 - 6) Other methods of program acceleration which do not include instruction.
- e) Midterm class list certification requirements
- 1) The midterm class lists' primary purpose shall be for certification of students' credit hours for State funding eligibility or ineligibility.
 - 2) The process must rely on the course section's instructor's assessment of the students' pursuit of successful completion at the midpoint of the class as indicated by that instructor's midterm certification signature.
 - 3) The college shall document and communicate district requirements to faculty each semester.
 - 4) The college must be able to provide, upon request, a hardcopy midterm class list print out of each course section, submitted on the ICCB SU/SR credit hour claim, containing either a manual faculty signature or an authenticated electronic faculty signature for either ICCB or external audit purposes.

ILLINOIS COMMUNITY COLLEGE BOARD

NOTICE OF PROPOSED AMENDMENTS

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

DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Administration of the Coal Grant Provisions of the Illinois Resource Development and Energy Security Act
- 2) Code Citation: 32 Ill. Adm. Code 120
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
120.10	Amendment
120.20	Amendment
120.30	Amendment
120.40	Amendment
120.60	Amendment
120.70	Repealed
120.80	Repealed
120.90	Repealed
120.100	Amendment
120.110	Amendment
120.120	Amendment
120.130	Amendment
- 4) Statutory Authority: Implementing and authorized by the Illinois Resource Development Security Act [20 ILCS 688]
- 5) A Complete Description of the Subjects and Issues Involved Public Act 93-167 made changes to the Illinois Resource Development and Energy Security Act that require revisions to the rules and regulations governing the Coal Revival Program. The primary change was to alter program application requirements to allow applicants to use projected tax revenues rather than actual revenues in making an application to the program. The net effect of this changes is to eliminate the need for potential applicants to pre-qualify for the program.

Other minor changes to these rules are proposed to address issues such as name changes and improve definitions.
- 6) Will this rulemaking replace an emergency rulemaking currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this rulemaking contain incorporations by reference? No
- 9) Are there any proposed amendments containing incorporations by reference? No

DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

NOTICE OF PROPOSED AMENDMENTS

- 10) Statement of Statewide Policy Objective: This rulemaking does not create or expand a State Mandate as defined in Section 3(b) of the State Mandate Act [30 ILCS 805/3(b)].
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:
- Jolene Clarke
Department of Commerce and Economic Opportunity
620 E. Adams Street
Springfield, Illinois 62701
Phone: 217/557-1820
Fax: 217-782-0038
e-mail: Jolene_Clarke@commerce.state.il.us
- 12) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses and small municipalities affected: These amendments clarify and update operation of the programs and have no material effect on the entities.
- B) Reporting, bookkeeping or other procedures required for compliance: Bookkeeping, financial management, program administration and reporting of approved grants.
- C) Types of professional skills necessary for compliance: Grantees would already possess the skills necessary for compliance.
- 13) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the two most recent agendas because: the Department did not anticipate the changes.

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

DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

NOTICE OF PROPOSED AMENDMENTS

TITLE 32: ENERGY

CHAPTER I: DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY~~COMMUNITY AFFAIRS~~

PART 120

ADMINISTRATION OF THE COAL GRANT PROVISIONS OF THE ILLINOIS RESOURCE DEVELOPMENT AND ENERGY SECURITY ACT

Section

120.10	Purpose
120.20	Definitions
120.30	Eligible Applicants
120.40	Eligible Uses of Grant Funds
120.50	Allocation of Appropriations
120.60	Funding Limitation
120.70	Pre-Qualification Request <u>(Repealed)</u>
120.80	Form of Pre-Qualification Request <u>(Repealed)</u>
120.90	Pre-Qualification Evaluation Procedure <u>(Repealed)</u>
120.100	Application Request
120.110	Form of Application
120.120	Application Evaluation Procedure
120.130	Grant Agreement
120.140	Severability
120.150	Administrative Requirements for Grants

AUTHORITY: Implementing and authorized by the Illinois Resource Development and Energy Security Act [20 ILCS 688].

SOURCE: Adopted by emergency rulemaking at 26 Ill. Reg. 7735, effective May 9, 2002, for a maximum of 150 days; adopted at 26 Ill. Reg. 13198, effective August 23, 2002; amended at 28 Ill. Reg. _____, effective _____.

Section 120.10 Purpose

- a) The Illinois Resource Development and Energy Security Act [20 ILCS 688] authorizes the State of Illinois, through the Department of Commerce and Economic Opportunity, formerly known as the Department of Commerce and Community Affairs, to promote the development of new, coal-fired electric generation capacity in Illinois. The purpose and scope of the Act~~IRDESA Program~~ is the enhancement of the State's energy security by insuring that:

DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

NOTICE OF PROPOSED AMENDMENTS

- 1) the State's vast and underutilized coal resources are tapped as a fuel source for new electric generating plants;
 - 2) the electric transmission system within the State is upgraded to more efficiently distribute additional amounts of electricity;
 - 3) well-paying jobs are created as new electric plants are built in regions of the State with relatively high unemployment; and
 - 4) substantial grant funds and the full faith and credit of the State of Illinois are made available to facilitate investments in the State's energy infrastructure to achieve economic development within the Illinois coal industry and insure energy security for Illinois citizens.
- b) The Department of Commerce and Economic Opportunity Law of the Civil Administrative Code [20 ILCS 605/605-332] authorizes the Department to provide financial assistance to eligible businesses for new electric generating facilities from funds appropriated by the General Assembly. Financial assistance through the Illinois Resource Development and Energy Security Act Grant Program will be provided to eligible applicants in the form of a grant through the Coal Revival Program.

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

Section 120.20 Definitions

The following definitions are applicable to this Part:

"Act" means the Illinois Resource Development and Energy Security Act [20 ILCS 688].

"Agreement" means a written document executed between the grantee and the Department defining the rights and obligations with respect to the project.

"Applicant" means an entity, as defined in Section 120.30 of this Part, submitting a written request for program funds appropriated under the Act.

"Baseload" means the minimum amount of power delivered or required over a given period of time at a steady state.

DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

NOTICE OF PROPOSED AMENDMENTS

"Coal Revival Program" means the Illinois Resource Development and Energy Security Act grant program described in this Part.

"Department" means the Department of Commerce and Economic Opportunity, formerly known as the Department of Commerce and Community Affairs.

"Director" means the Director of the Department of Commerce and Economic Opportunity, formerly known as the Department of Commerce and Community Affairs.

"Eligible business" means an entity that proposes to construct a new electric generating facility and that has applied to the Department to receive financial assistance pursuant to this Part. [20 ILCS 605/605-332(a)]

"Full-time equivalent job" means the number of employees required to equal one full-time employee. For purposes of this definition, employee means a person who works a minimum of 35 hours per week for a minimum of 13 consecutive weeks.

"Grant amount" means an amount that the Department shall pay to a grantee for its use on an eligible project.

"Grantee" means an entity, as defined in Section 120.30 of this Part, eligible to receive program funds appropriated under the Act.

"Illinois coal mining job" means:

~~a new job in an Illinois coal mine, not including a call back from a layoff, created after July 1, 2001, at which an individual is employed at year end in an underground or surface coal mining operation as reported to the Illinois Department of Natural Resources for inclusion in the Office of Mines and Minerals Annual Statistical Report; or~~

a full-time equivalent job~~new job~~ in an Illinois coal mine, not including a call back from a layoff, created after July 1, 2001, ~~in which a person works a minimum of 35 hours per week for a minimum of 13 consecutive weeks a year;~~ or

after July 1, 2001, an additional purchase of 9,691 tons of Illinois-mined

DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

NOTICE OF PROPOSED AMENDMENTS

coal per year (an amount equal to the average annual coal produced per Illinois coal miner, calculated by dividing the total Illinois coal production by the total number of Illinois miners, as reported to the Department of Natural Resources for inclusion in the Office of Mines and Minerals Annual Statistical Report for calendar year 2000).

"New electric generating facility" means a newly-constructed electric generation plant or a newly constructed generation capacity expansion at an existing facility, including the transmission lines and associated equipment that transfers electricity from points of supply to points of delivery, and for which foundation construction commenced not sooner than July 1, 2001, which is designed to provide baseload electric generation operating on a continuous basis throughout the year, and which has an aggregate rated generating capacity of at least 400 megawatts for all new units at one site, uses coal or gases derived from coal as its primary fuel source, and supports the creation of at least 150 new Illinois coal mining jobs. [20 ILCS 605/605-332(a)]

~~"IRDESA Program" means the Illinois Resource Development and Energy Security Act Grant Program described in this Part.~~

"Project" means the activities described by the applicant in the grant application and approved by the Department.

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

Section 120.30 Eligible Applicants

Businesses eligible for funding consideration under the ~~Coal Revival IRDESA~~ Program must meet all of the following criteria:

- a) construct a new electric generating facility or a new expansion at an electric generating facility, including transmission lines and associated equipment that transfers electricity from the points of supply to points of delivery;
- b) provide baseload electric power operating on a continuous basis throughout the year;
- c) construct a new facility or facility expansion that will have an aggregate nameplate generating capacity of 400 megawatts (MW) or more for all units at one site;

DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

NOTICE OF PROPOSED AMENDMENTS

- d) commence foundation construction on or after July 1, 2001;
- e) use Illinois coal or gases derived from coal as its primary fuel source at the proposed facility; and
- f) propose a facility or facility expansion that supports the creation of at least 150 new Illinois coal mining jobs.

As an alternative means of determining minimum eligibility under the program, job creation may be indirectly determined from quantities of coal purchased annually, based on the average amount of coal produced per Illinois miner in calendar year 2000, as published in the Annual Statistical Report of the Division of Mines and Minerals, Illinois Department of Natural Resources. The average Illinois miner produced 9,691 tons of coal in calendar year 2000.

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

Section 120.40 Eligible Uses of Grant Funds

- a) The grant amount may be used for capital facilities consisting of buildings, structures, durable equipment and land at the new electric generating facility.

~~b)~~ Funding for the ~~Coal Revival~~~~Illinois Resource Development and Energy Security Act Grant~~ Program is derived from the sale of general obligation bonds issued by the State of Illinois. This funding source imposes limits on the use of program funds. When authorized, general obligation bonds will be sold in increments and grants awarded to successful applicants upon certification by the ~~Governor's Office of Management and Bureau of the~~ Budget that the State portion of the projected tax receipts will equal or exceed 110% of the maximum annual debt service over the 25-year life of the bonds. State sales taxes from coal used by new plants will be set aside and transferred to the general obligation bond retirement and interest fund to retire these bonds.

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

Section 120.60 Funding Limitation

In accordance with Section 605-332 of the Civil Administrative Code of Illinois [20 ILCS 605/605-332], the Department may provide financial assistance not to exceed the amount of State general obligation debt as certified by the ~~Governor's Office of Management and Bureau of~~

DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

NOTICE OF PROPOSED AMENDMENTS

~~the~~ Budget, the amount of capital investment in the energy generation facility, or \$100,000,000, whichever is less.

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

Section 120.70 Pre-Qualification Request (Repealed)

- ~~a) Any business may request pre-qualification for the IRDESA Program prior to facility construction. Upon the applicant's request, the Department shall provide a written statement regarding the eligibility of the proposed facility to qualify the applicant to receive grant funds, under the conditions provided by the applicant. Pre-qualification confers no rights upon the applicant, but does provide the applicant reasonable assurance that, by following its plan as submitted, it can expect to be funded upon application for grant funds.~~
- ~~b) Pre-qualification requests should be submitted in accordance with the following guidelines:~~
- ~~1) Applicants may submit brochures and other presentations only as necessary to present a complete and effective application.~~
 - ~~2) The Department may require applications to be clarified or supplemented through additional written submissions or oral presentations.~~
 - ~~3) One original and 5 copies of each pre-qualification request shall be submitted to the IRDESA Grant Program Coordinator, Office of Coal Development, Illinois Department of Commerce and Community Affairs, 620 East Adams Street, CIPS-4, Springfield IL 62701-1615.~~
 - ~~4) Applicants are discouraged from submitting confidential information since materials submitted in conjunction with an IRDESA Program pre-qualification request are subject to disclosure, in response to requests received under provisions of the Freedom of Information Act [5 ILCS 140]. Information that could reasonably be considered to be proprietary, privileged or confidential commercial or financial information should be identified as such in the application. The Department will maintain the confidentiality of that information only to the extent permitted by law.~~

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

DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

NOTICE OF PROPOSED AMENDMENTS

Section 120.80 Form of Pre-Qualification Request (Repealed)

- a) ~~Applications to the IRDESA Program for pre-qualification may be submitted to the Department at any time.~~
- b) ~~The pre-qualification request shall include, but not be limited to, the following information:~~
 - 1) ~~Pre-qualification Request Cover Page. Form to be obtained from the Department's Office of Coal Development and completed by the Applicant;~~
 - 2) ~~Ownership Disclosure. Identification by name of those businesses or entities with 10% or more ownership of the new electric generating facility, with the percent ownership for each set forth;~~
 - 3) ~~Performance Disclosure. As asserted against the applicant, or any parent organization or holding company of the applicant, identification of all pending or unresolved violations of State or federal laws or regulations that could result in legal or regulatory impact on the operation of the electric generating facility. If the applicant does not have relevant or necessary operating permits, identification of the status of any permit applications and anticipated date of permit issuance;~~
 - 4) ~~Executive Summary. A brief and concise overview of the proposed electric generating facility;~~
 - 5) ~~Facility Description. A description of the proposed electric generating facility, including a description of the scope and nature of the facility; a description of equipment, technologies and processes used; a description of the generation capacity, availability and ability to transmit power at all times, including times of significant area load fluctuations and high demand; a location map showing project site and connections to existing transportation routes, transmission lines, and water supplies; a description of the facility inputs and outputs; and a description of all permits, rights and agreements necessary for plant construction and operation;~~
 - 6) ~~Facility Benefits. Economic justification for the facility that includes a summary of the social or economic benefits of the facility to Illinois; identification of those communities, businesses and other entities likely to~~

DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

NOTICE OF PROPOSED AMENDMENTS

~~benefit from the facility; identification of employment impacts such as permanent jobs created or retained by the facility itself, projected payrolls, and the existing and/or new coal markets that would be affected by the project; and identification of potential impacts on local and State electric rates and reliability;~~

- ~~7) Facility Costs and Schedule.—A gross project budget and time schedule for the completion of the facility, and for major facility components, including cost estimates and anticipated completion dates; and~~
- ~~8) State Sales Taxes.—A reasonable estimation of the annual consumption of Illinois coal at the new electric generating facility and the State sales taxes the business expects to pay annually for new Illinois coal purchases. With respect to use and occupation taxes, references to such taxes mean only those taxes paid on Illinois mined coal used in a new electric generating facility.~~

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

Section 120.90 Pre-Qualification Evaluation Procedure (Repealed)

- ~~a) All pre-qualification requests will undergo a substantive evaluation in terms of the technical, economic, environmental and management components of the new electric generating facility by Department staff. The criteria used in determining whether a pre-qualification request will be approved include, but are not limited to, the following:
 - ~~1) creation of at least 150 new Illinois coal mining jobs;~~
 - ~~2) creation of a new electric generating facility that has an aggregate rated generating capacity of at least 400 megawatts for all new units at one site and uses coal or gases derived from coal as its primary fuel source;~~
 - ~~3) commitment to provide baseload electric generation operating on a continuous basis throughout the year, including times of significant area load fluctuations and high demand;~~
 - ~~4) the total State occupation and use taxes paid on Illinois mined coal used at the new electric generating facility for a minimum of 4 preceding calendar quarters;~~~~

DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

NOTICE OF PROPOSED AMENDMENTS

- ~~5) the beginning and completion construction dates of the new electric generating facility; and~~
- ~~6) the amount of capital investment by the eligible business in the new electric generating facility.~~
- b) ~~The Department may obtain the assistance of other persons either within or outside of State government in reviewing part or all of any application. If the Department elects to obtain such assistance, the Department shall select persons that possess a higher degree of environmental, technical or engineering experience and understanding than readily found within the Department and shall use such persons to evaluate only when, in the opinion of the Department, to do so would promote a more thorough and fair understanding of the applicant's statements, plans and processes to be employed.~~
- e) ~~The Department reserves the right to make on-site survey inspections during the review period when, in the opinion of the Department, to do so would promote a more thorough and fair understanding of the applicant's statements, plans and processes to be employed.~~
- d) ~~Upon completion of the review, the Department staff shall forward all pre-qualification applications and evaluations, together with its recommendations, to the Director. The Director will then make a final determination of the eligibility of the entity and the new electric generating facility to receive grant funds under the Act. Applicants will be notified in writing within 30 days as to whether the entity is pre-qualified for the IRDESA program. If pre-qualification is denied, the notification shall state the reasons for that determination. A finding that an applicant is not pre-qualified shall not preclude the applicant from proceeding with its project and making formal application for assistance upon completion of the project. Final commitment to issue grant funds can only be made upon a successful grant application by the applicant after four consecutive quarters of facility operation.~~

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

Section 120.100 Application Request

- a) Potential applicants are encouraged to advise the Department of their intent to apply to the program prior to submitting a formal application. The Department

DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

NOTICE OF PROPOSED AMENDMENTS

~~may request a written or oral description of the proposed project and other information regarding the likely economic and environmental impacts of the project. The Department may, at its discretion, provide potential applicants with a preliminary assessment of their eligibility for the program provided that sufficient project information is presented by the applicant. While pre-qualification is encouraged to expedite steps involved with eligibility determination, project evaluation, and appropriation of funds, any business, whether pre-qualified or not, may apply for grant funds under the Act.~~

- b) Grant applications should be submitted in accordance with the following guidelines:
- 1) ~~Application to the Coal Revival Program can be made only after the Illinois Environmental Protection Agency has issued a draft construction permit for the facility.~~
 - 2)4) Applicants may submit brochures and other presentations only as necessary to present a complete and effective application.
 - 3)2) The Department may require applications to be clarified or supplemented through additional written submissions or oral presentations.
 - 4)3) One original and 5 copies of each grant application shall be submitted to the ~~Coal Revival~~IRDESA Grant Program Coordinator, Office of Coal Development, Illinois Department of Commerce and Economic Opportunity, Community Affairs, 620 East Adams Street, ~~CIPS-4~~, Springfield IL 62701-1615.
 - 5)4) Applicants are discouraged from submitting confidential information since materials submitted in conjunction with an approved Coal RevivalIRDESA Program funding request are subject to disclosure, in response to requests received under provisions of the Freedom of Information Act [5 ILCS 140]. Information that could reasonably be considered to be proprietary, privileged or confidential commercial or financial information should be identified as such in the application. The Department will maintain the confidentiality of that information only to the extent permitted by law.

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

DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

NOTICE OF PROPOSED AMENDMENTS

Section 120.110 Form of Application

- a) Applications to the ~~Coal Revival~~IRDESA Program for grant funds may be submitted to the Department at any time.
- b) The grant application should include, but not be limited to, the following information:
 - 1) Grant Application Cover Page. Form to be obtained from the Department's Office of Coal Development and completed by the applicant;
 - 2) Ownership Disclosure. Identification by name of those businesses or entities with 10% or more ownership of the new electric generating facility, with the percent ownership for each set forth;
 - 3) Performance Disclosure. As asserted against the applicant, or any parent organization or holding company of the applicant, identification of all pending or unresolved violations of State or federal laws or regulations that could result in legal or regulatory impact on the operation of the electric generating facility. All State and federal permits required for the operation of the facility should be identified. If the applicant does not have relevant or necessary operating permits, identification of the status of any permit applications and anticipated date of permit issuance;
 - 4) Executive Summary. A brief and concise overview of the proposed electric generating facility;
 - 5) Facility Description. A description of the proposed electric generating facility, including a description of the scope and nature of the proposed facility; a description of equipment, technologies and processes used; a description of the generation capacity, availability and dispatch; a location map showing project site and connections to existing transportation routes, transmission lines, and water supplies; a description of the facility inputs and outputs; and a description of all permits, rights and agreements necessary for plant construction and operation;
 - 6) Facility Benefits. Economic justification for the facility that includes a summary of the social or economic benefits of the facility to Illinois; identification of those communities, businesses and other entities likely to benefit from the facility; identification of employment impacts such as

DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

NOTICE OF PROPOSED AMENDMENTS

~~permanent~~ jobs created or retained by the facility itself ~~and~~; projected payrolls; ~~and~~ the existing and/or new coal markets that would be affected by the project; and identification of potential impacts on local and State electric rates and reliability. The discussion on facility employment impacts should include:

- A) current employment levels.
- B) projections of temporary jobs created (construction, project managers, etc.) that will be created during the project.
- C) full-time equivalent jobs to be created at the facility
- D) full-time equivalent jobs retained as a direct result of completing the project, and
- E) Illinois coal mining jobs created as a result of new coal purchases for the facility;

- 7) Facility Capital and O&M Costs. Financial aspects of the facility, including capital cost, operation and maintenance costs, financing, debt service and retirement, and expected return on investment. For purposes of this subsection (b)(7), operation and maintenance costs are defined as those variable costs attendant to the day to day operation and scheduled maintenance of the new electric generating facility; and
- 8) State Sales Taxes. ~~A For the preceding four consecutive quarters, a~~ certification of the amount of Illinois coal used at the new electric generating facility and the State ~~occupation and uses~~ taxes paid on ~~Illinois-mined~~ the purchase of the coal used at the facility for a minimum of four preceding calendar quarters, or the projected amount of Illinois coal to be used at the new electric generating facility and the State occupation and use taxes paid on Illinois-mined coal to be used at the facility. Applicant must provide reasonable documentation of a long-term commitment to Illinois coal use at the facility through binding coal purchase agreements with suppliers, including documentation of coal supply contracts, detailing the terms and duration of each agreement.

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

DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

NOTICE OF PROPOSED AMENDMENTS

Section 120.120 Application Evaluation Procedure

- a) All grant applications submitted will undergo a substantive evaluation in terms of the technical, economic, environmental and management components of the new electric generating facility by Department staff. The criteria used in determining whether a grant will be awarded include, but are not limited to, the following:
- 1) creation of at least 150 new Illinois coal mining jobs;
 - 2) creation of a new electric generating facility that has an aggregate rated generating capacity of at least 400 megawatts for all new units at one site and uses coal or gases derived from coal as its primary fuel source;
 - 3) commitment to provide baseload electric generation operating on a continuous basis throughout the year, including times of significant area load fluctuations and high demand;
 - 4) the total State occupation and use taxes paid on Illinois-mined coal used at the new electric generating facility for a minimum of 4 preceding calendar quarters, or the projected total State occupation and use taxes to be paid annually on Illinois-mined coal used at the new electric generating facility;
 - 5) the beginning and completion construction dates of the electric generating facility; and
 - 6) the amount of capital investment by the eligible business in the new electric generating facility.
- b) The Department may obtain the assistance of other persons either within or outside of State government in reviewing part or all of any application. If the Department elects to obtain such assistance, the Department shall select persons that possess a higher degree of environmental, technical or engineering experience and understanding than readily found within the Department and shall use such persons to evaluate only when, in the opinion of the Department, to do so would promote a more thorough and fair understanding of the applicant's statements, plans and processes to be employed.
- c) The Department reserves the right to make on-site survey inspections during the review period when, in the opinion of the Department, to do so would promote a more thorough and fair understanding of the applicant's statements, plans and

DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

NOTICE OF PROPOSED AMENDMENTS

processes to be employed.

- d) In addition to compliance with any federal, State or local permitting requirements, funded projects will be subject to review by the following Illinois agencies: Department of Natural Resources, Historic Preservation Agency, Department of Agriculture, and Illinois Environmental Protection Agency. Grantees will be required to comply with requirements established by these agencies relative to their respective reviews. Grantees will be responsible for coordinating directly with the applicable external agencies. Any requirements communicated to the Department shall be incorporated into any grant agreement awarded as of its execution date, or if received from the applicable agency subsequent to execution, as an addendum to the grant agreement. Grantees will be contractually obligated to comply with these requirements. Prior to notification of compliance by the applicable external agency, grantees may request disbursement of funds only for the following purposes: administrative, contractual, legal, engineering or architectural/engineering costs incurred that are necessary to allow for compliance by the grantee with requirements established by the external agency. Funds will not be disbursed for land acquisition or any activity that physically impacts the project site until the Department receives the appropriate sign-off from the applicable agencies.
- e) Upon completion of the review, the Department staff shall recommend applications meeting all criteria set forth in subsection (a). Department staff will then forward all applications, together with its recommendations, to the Director for final determination. During the final review process, the Director will determine whether an applicant is awarded a grant. Applicants will be notified in writing as to whether the entity is eligible to receive financial assistance through the Coal Revival Program. If an application is denied, the notification shall state the reasons for that determination.

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

Section 120.130 Grant Agreement

- a) When a grant has been awarded, the grantee and the Department shall execute an Agreement. The Agreement shall be executed between the grantee and the Director or the Director's designee on behalf of the Department.
- b) The Agreement shall contain substantive provisions, including, but not limited to, the following:

DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

NOTICE OF PROPOSED AMENDMENTS

- 1) A recitation of legal authority pursuant to which the Agreement is made;
- 2) An identification of the project scope and schedule, and the work or services to be performed or conducted by the grantee;
- 3) An identification of the grant amount;
- 4) The conditions and manner in which the Department shall pay the grant amount subject at all times to annual appropriation by the General Assembly;
- 5) A promise by the grantee not to assign or transfer any of the rights, duties or obligations of the grantee without the written consent of the Department;
- 6) A promise by the grantee not to amend the Agreement without the written consent of the Department. Failure to do so will result in a cost disallowance. The project must be completed by the completion date in the Agreement unless a written request for an extension is submitted no later than 30 days prior to the award completion date;
- 7) A covenant that the grantee shall expend the grant amount and any accrued interest only for the purposes of the project as stated in the Agreement and approved by the Department; ~~and~~
- 8) A covenant that the grantee shall refrain from entering into any written or oral agreement or understanding with any party that might be construed as an obligation of the State of Illinois or the Department for the payment of any funds under the Act; ~~and-~~
- 9) A covenant that no grant funds will be disbursed until the eligible business has satisfactorily demonstrated to the Department that the revenue stream will be sufficient to service the debt on General Obligation Bonds issued in support of the project.

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

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED RULES

- 1) Heading of the Part: Employee Walkways in Railroad Yards
- 2) Code Citation: 92 Ill. Adm. Code 1546
- 3)

<u>Section Numbers</u> :	<u>Proposed Action</u> :
1546.10	New Section
1546.20	New Section
1546.110	New Section
1546.120	New Section
1546.130	New Section
1546.140	New Section
1546.150	New Section
- 4) Statutory Authority: [625 ILCS 5/18c-7401.1] (Public Act 93-0791).
- 5) A Complete Description of the Subjects and Issues Involved: These rules implement Public Act 93-0791 which mandates that the Commission adopt rules regarding safe walkways for railroad workers in areas where work is regularly performed on the ground.
- 6) Will this proposed rule replace any 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? No
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: This proposed amendment neither creates nor expands any State mandate on units of local government, school districts, or community college districts.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments should be filed, within 45 days after the date of this issue of the *Illinois Register* with:

Steven L. Matrisch
Office of Transportation Counsel
Transportation Division
Illinois Commerce Commission
527 East Capitol Avenue

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED RULES

Springfield IL 62701
(217) 782-6447
smatrisc@icc.state.il.us

- 12) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 13) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent regulatory agendas because: the Commission did not anticipate the need at that time.

The full text of the Proposed Rules is identical to the Emergency Rules that begin on page 12722 of the *Illinois Register*.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Public Use of State Parks and Other Properties of the Department of Natural Resources
- 2) Code Citation: 17 Ill. Adm. Code 110
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
110.30	Amendment
110.35	New Section
110.40	Amendment
110.70	Amendment
110.100	Amendment
110.120	Amendment
110.150	Amendment
110.160	Amendment
110.165	Amendment
- 4) Statutory Authority: Implementing and authorized by Section 8 of the State Forest Act [525 ILCS 40/8] and by Sections 1, 2, 4 and 6 of the State Parks Act [20 ILCS 835/1, 2, 4 and 6] and by Section 5 of the State Parks Designation Act [20 ILCS 840/5] and by Sections 805-10, 805-520, 805-525, 805-330, 805-335 and 805-515 of the Civil Administrative Code of Illinois [20 ILCS 805/805-10, 805-520, 805-525, 805-330, 805-335 and 805-515].
- 5) A Complete Description of the Subjects and Issues Involved: This Part is being amended to clarify existing regulations and to add regulations regarding equestrian use; add language regarding feeding of waterfowl and wildlife; and add a lake and site information to the list of lakes between 60-500 acres with no horsepower limit.
- 6) Will this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objective: This rulemaking does not affect units of local government.
- 11) Time, Place and Manner in which interested persons may comment on this proposed

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

rulemaking: Comments on the proposed rulemaking may be submitted in writing for a period of 45 days following publication of this notice to:

Jack Price, Legal Counsel
Department of Natural Resources
One Natural Resources Way
Springfield IL 62702-1271
217/782-1809

- 12) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 13) Regulatory Agenda on which this rulemaking was summarized: July 2004

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

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER a: LANDSPART 110
PUBLIC USE OF STATE PARKS AND OTHER PROPERTIES OF THE
DEPARTMENT OF NATURAL RESOURCES

Section

- 110.4 Fees and Charges
- 110.5 Unlawful Activities (Repealed)
- 110.20 Alcoholic Beverages – Possession, Consumption, Influence
- 110.30 Animals – Pets, Dogs, Cats, ~~Equine~~; – Noisy, Vicious, Dangerous Animals; –
~~Horses~~—Livestock;— Animal Waste
- 110.35 Feeding of Waterfowl, Wildlife
- 110.40 Boats and Other Watercraft
- 110.45 Abandoned Watercraft
- 110.50 Capacity of Areas – Usage Limitation
- 110.60 Camping – Campfires
- 110.70 Destruction of Property – Flora – Fauna – Man-Made and Inanimate Natural
Objects-Collection of Artifacts
- 110.90 Group Activity
- 110.95 Demonstrations
- 110.100 Littering
- 110.110 Prohibited Fishing Areas – Cleaning of Fish
- 110.120 Restricted Areas
- 110.140 Soliciting/Advertising/Renting/Selling
- 110.150 Swimming/Wading/Diving
- 110.160 Vehicles – Operation on Roadway – Speed – Parking – Weight Limit
- 110.165 Bicycles – Operation on Roadway – Designated Trails
- 110.170 Weapons and Firearms – Display and Use
- 110.175 Nudity Prohibited
- 110.180 Violation of Rule
- 110.185 Emergency Modification of Site Rules

AUTHORITY: Implementing and authorized by Section 8 of the State Forest Act [525 ILCS 40/8] and by Sections 1, 2, 4 and 6 of the State Parks Act [20 ILCS 835/1, 2, 4 and 6] and by Section 5 of the State Parks Designation Act [20 ILCS 840/5] and by Sections 805-10, 805-520, 805-525, 805-330, 805-335 and 805-515 of the Civil Administrative Code of Illinois [20 ILCS 805/805-10, 805-520, 805-525, 805-330, 805-335 and 805-515].

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

SOURCE: Adopted at 4 Ill. Reg. 11, p. 59, effective March 4, 1980; emergency amendment at 5 Ill. Reg. 8933, effective August 25, 1981, for a maximum of 150 days; codified at 5 Ill. Reg. 10621; amended at 6 Ill. Reg. 7401, effective June 11, 1982; amended at 8 Ill. Reg. 9967, effective June 19, 1984; amended at 10 Ill. Reg. 9797, effective May 21, 1986; amended at 10 Ill. Reg. 13256, effective July 25, 1986; amended at 13 Ill. Reg. 3785, effective March 13, 1989; amended at 15 Ill. Reg. 14423, effective October 1, 1991; emergency amendment at 16 Ill. Reg. 7934, effective May 11, 1992, for a maximum of 150 days; emergency expired October 8, 1992; amended at 16 Ill. Reg. 15435, effective September 28, 1992; amended at 19 Ill. Reg. 6471, effective April 28, 1995; recodified by changing the agency name from Department of Conservation to Department of Natural Resources at 20 Ill. Reg. 9389; amended at 22 Ill. Reg. 14832, effective August 3, 1998; amended at 24 Ill. Reg. 12556, effective August 7, 2000; emergency amendment at 25 Ill. Reg. 13786, effective October 12, 2001, for a maximum of 150 days; amended at 26 Ill. Reg. 1206, effective January 16, 2002; amended at 26 Ill. Reg. 6534, effective May 1, 2002; amended at 27 Ill. Reg. 8866, effective May 19, 2003; amended at 28 Ill. Reg. 7061, effective May 3, 2004; amended at 28 Ill. Reg. _____, effective _____.

**Section 110.30 Animals – Pets, Dogs, Cats, Equine;– Noisy, Vicious, Dangerous Animals;–
Horses– Livestock;– Animal Waste**

It shall be unlawful:

- a) For any person to allow an unleashed dog, cat or other domesticated animal on any area and further for any person to allow any dog, cat or other domesticated animal in any area, on a leash longer than 10 feet, except that:
 - 1) unleashed hunting dogs are allowed during the hunting season for all wildlife species except deer and wild turkey on any Department areas open to hunting and so posted;
 - 2) at field trials unleashed dogs are allowed at sites designated by the Department in accordance with 17 Ill. Adm. Code 910;
 - 3) unleashed hunting dogs are allowed by individual permit for dog training at sites designated by the Department in accordance with 17 Ill. Adm. Code 950;–
 - 4) search and rescue dog training is allowed by activity permit. The permit will designate specific areas and times so as not to conflict with other site activities.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

- b) For any leashed or tied animal to be left unattended and not under the specific physical control of the owner or person designated by the owner. ~~The owner or person designated by the owner for dogs or other animals must have proof that their animal has a current rabies inoculation certificate or a valid license.~~
- c) For any person to bring any domesticated animal onto Department lands without the animal being current on any required federal, State or local vaccinations or health certifications. Proof of required vaccinations or health certifications must be provided to any Department employee upon demand.
- d)e) For any person to keep a noisy, or vicious, or dangerous dog or animal, or one which is disturbing to other persons, on Department of Natural Resources controlled properties, and to remain therein after being asked by the Site Superintendent or assigned employee to leave.
- e)d) For any person to ride or lead any ~~equine~~horse in any area, other than a designated ~~bridle paths or equestrian~~ trail or areaareas, except ~~that horses are permitted in any designated area at field trials, special events, and~~ horse drawn conveyances authorized by permit by the Department of Natural Resources. The decision to grant or deny a permit will be based upon the impact upon the site and the public. Horse patrols of the Department in the performance of their duties are not excluded from any area under the control of the Department. Hikers on equestrian trails must yield to equines.
- f)e) For any person to allow livestock to roam or graze on any Department-controlled lands except when authorized by proper lease, license or written agreement approved by the Illinois Department of Natural Resources in accordance with 17 Ill. Adm. Code 150.
- g)f) For any person responsible for an animal in a campground or day use area not to dispose of his animal's waste excrement directly into a Department garbage container with a tight fitting lid or have the excrement put into a closed water tight bag or water tight container with the lid closed and placed into an opena Department trash container. At equestrian campgrounds, equestrians must deposit their animal's waste in a designated manure collection area.
- h)g) For any person to allow a dog, cat, or other domesticated animal on any area designated as "NO PETS". Such designation will be reserved for beach areas, concession areas, and certain areas within campgrounds and picnic areas where

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

there are concentrations of large numbers of people or the presence of food or children.

- i) For any person to erect or use temporary corrals, except when there are insufficient hitching posts or tie line areas, there is a large enough open area that can be utilized for a corral without causing damage to State property, and permission has been obtained from the Site Superintendent for use of rope or gates. Electrified fences or wires are prohibited.
- j) To tether equines or canines to trees. Tie lines between trees are permissible if sites do not provide hitching posts, tie line posts or tethering structures within campgrounds, day use areas or rest areas. Tie lines, if used, must not allow animals to reach or otherwise do damage to either tree.

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

Section 110.35 Feeding of Waterfowl, Wildlife

It shall be unlawful for any person (except Department employees or agents in connection with their official duties) to hand feed or otherwise make feed available to waterfowl or wildlife on State owned, leased or managed sites.

(Source: Added at 28 Ill. Reg. _____, effective _____)

Section 110.40 Boats and Other Watercraft

It shall be unlawful:

- a) For any person to operate any sailboat, rowboat, houseboat, pontoon boat, or boat propelled by machinery or other watercraft in any pond, lake, river, canal, or other body of water where posting clearly indicates that certain specific boating usage is prohibited. However, Department of Natural Resources employees operating watercraft in carrying out official duties and personnel of cooperating agents or agencies operating watercraft as authorized by the Department of Natural Resources are exempt from boating regulations in this Section 110.40 or in specific site rules as determined by Department of Natural Resources supervisory managers in order to provide management actions for enhancing or saving the resource base or the safety and welfare of the using public.
- b) For any person to use a motor driven boat on any body of water under the

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

jurisdiction of the Department that has less than 60 surface acres. However, this does not exclude the use of motor driven boats to gain access to duck blinds during blind building activities and during the waterfowl hunting season or electric trolling motors on these bodies of water.

- c) For any person to use a motor driven boat with a motor of a size larger than 10 H.P. on any body of water under the jurisdiction of the Department that has 60 or more surface acres of water area except:

- 1) departmentally supervised waters of over 500 acres;
- 2) on the following lakes that are between 60-500 acres, motors of any size are allowed (10 H.P. and under may operate at full speed while motors larger than 10 H.P. must operate at no-wake, idle speed):

Prairie Lake – Jim Edgar Panther Creek State Fish and Wildlife Area (Cass County)

Pierce Lake – Rock Cut State Park (Winnebago County)

Wolf Lake – William W. Powers State Conservation Area (Cook County)

Dawson Lake – Moraine View State Recreation Area (McLean County)

Mermet Lake – Mermet Lake State Fish and Wildlife Area (Massac County); and

- 3) portions of canals having specific regulations posted on boat motor size and boat use allowed and except that an outboard horsepower restriction shall not apply at posted boat launch ramps while loading or unloading a trailered watercraft; provided that the watercraft over the H.P. limit is operated at a no-wake speed within 150 feet of the loading ramp itself.

- d) For any person to allow his boat or other watercraft to remain on any of the public recreational and fishing areas under the jurisdiction of the Department beyond the date of December 1st of each year.

- e) To remain on any Department lake after posted closing time.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

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

**Section 110.70 Destruction of Property – Flora – Fauna – Man-Made and Inanimate
Natural Objects – Collection of Artifacts**

It shall be unlawful:

- a) For any person to injure or remove any animal, plant or part thereof, or attempt to disturb any agricultural crop, except:
 - 1) as otherwise provided by permit, law or regulation;
 - 2) as provided by Department-sponsored program or activity under the direct supervision of an authorized employee; and
 - 3) in the collection of edible fungi, nuts and berries on Department owned, leased or managed lands where such collection would not be incompatible with resource management activities or recreational programs at the site, nor be in conflict with the Natural Areas Preservation Act, and where such collection is for personal use only and not for re-sale.
 - A) Collection hours for edible fungi, nuts and berries shall be allowed during the site's regular hours of operation only, except collection is not permitted at any site during the open hours of established hunting seasons at that site.
 - B) Collection contests shall not be allowed on any State site.
- b) For any person to remove, take, alter, construct, mutilate, deface or destroy any natural or man-made property, equipment, improvement, sign, trail or building, except as otherwise provided by permit, law, regulation, or by Department program activity under the direct supervision of an authorized employee.
- c) For any person to collect or take artifacts and/or mutilate, destroy, deface or excavate any archaeological site except as provided by permit according to 17 Ill. Adm. Code 370.
- d) For any person to withdraw or pump water from any Department controlled lake, canal, wetland, river or stream except as authorized by Department permit. The

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

decision to grant or deny a permit will be based upon a balancing between the need of the permittee and the protected water level or flow.

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

Section 110.100 Littering

It shall be unlawful:

- a) For any person using Department of Natural Resources facilities to discard, abandon, place, or deposit on Department of Natural Resources properties, except in containers provided, any wire, cans, bottles, glass, shotgun shells, paper trash, rubbish, garbage, cardboard, wood boxes or other insoluble animal, vegetable, metal, or mineral materials.
- b) For any person to bring into Department of Natural Resources property any of the items listed in subsection (a) ~~above~~, with the express purpose of disposing, abandoning, or leaving any of these types of materials on Department property, whether they are left or placed in proper containers or not.
- c) ~~For food to be possessed or consumed on swimming beaches or the discarding of cans, bottles, glass, paper, trash, or insoluble materials on the designated beach area.~~

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

Section 110.120 Restricted Areas

It shall be unlawful:

- a) For any person to enter or remain in any area or on any trail when such area or trail has, in whole or in part, been closed to use by visitors. Site Superintendents and Law Enforcement Officers of the Department of Natural Resources, as well as other peace officers, are authorized to prohibit the use of such closed areas, and it shall be unlawful for any person to disobey the rules and regulations posted relative to such closed area.
- b) For any person to enter or remain on any portion of a dedicated nature preserve area where posted rules and regulations prohibit such entry to protect the natural fauna or flora within such area.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

- c) For any person to operate a metal or mineral detection device, except that person may use hand carried devices on Department of Natural Resources properties that are not classified or zoned as State Historical, Archaeological, [Military](#) or Nature Preserve sites. In addition, persons must obtain a permit from the Department through the Site Superintendent, in advance, indicating the location where these devices shall be used. Further, only a small pen knife, ice-pick or screwdriver shall be used by permittee to recover any find in the area designated. After completing detection activity, the permittee must return the work area to its original state. No shovels, picks or entrenching devices of any size shall be used.
- d) For any person to collect firewood or operate a chain saw or sound amplification system which would draw on the site's electrical system in any area which has been closed or posted to prohibit such use. Site Superintendents of the Department of Natural Resources shall prohibit such use in any area that does not allow the collecting of firewood, has experienced illegal cutting of timber or at which the noise will disturb other site users.
- e) For any person to use electronic or electrical speakers which emit sound into the use area of others at a volume which is disturbing or annoying to a reasonable person except as authorized by Department permit. The decision to grant or deny a permit will be based upon the reason for the request and [the](#) time, date and type of activity, balanced against public enjoyment of the park.
- f) For any person to use shower buildings and/or restrooms other than as gender designated except those situations where parents or guardians may attend children or those with physical/mental challenges that need assistance.

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

Section 110.150 Swimming/Wading/Diving

It shall be unlawful for any person to swim, wade or bodily enter into the water at any location. The exceptions to this rule include only the following:

- a) areas designated by posting as allowing swimming. Where lifeguards are not posted, no person under 17 years of age may swim or be on the beach without supervision of a parent, guardian, or responsible adult (18 years of age or older) present. [Designated swimming beaches shall conform to all rules and regulations of the Illinois Department of Public Health regarding public swimming beaches](#)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

(77 Ill. Adm. Code 820.360);

- b) areas where a Department employed lifeguard is on duty;
- c) areas posted for other uses such as waterfowl huntinghunters, water skiingskiers, wade fishing, or riding personal watercraft or inflatable deviceswading anglers, or seuba divers; or
- d) areas authorized for Scuba diving. Scuba divers must have in their possession valid permits issued by the Department. Permits are issued to keep track of name and location of divers, to ensure that divers are certified by a recognized entity and to minimize conflicts.

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

Section 110.160 Vehicles – Operation on Roadway – Speed – Parking – Weight Limit

It shall be unlawful:

- a) For any person to operate any motor vehicle other than on roadways specifically posted as trafficways by the Department of Natural Resources, except that Site Superintendents shall, if it is to the Department's benefit, grant written permission to individuals or contractors to operate vehicles on other than roadways specifically posted as trafficways. These exceptions will include, but not be limited to, access by lessees to leased property or adjacent private property; access by contractors to the contract work sitesite(s); access by volunteers to project or program areas which assist the site.
 - 1) For any person to operate a snowmobile in any area other than on posted trails except that Site Superintendents shall, if it is to the Department's benefit, grant written permission to individuals to operate snowmobiles on other than posted trails. These exceptions will include, but not be limited to, access by lessees to leased property or adjacent private property; access by contractors to the contract work sitesite(s); access by volunteers to project or program areas which assist the site.
 - 2) For any person to operate any motor driven bicycle, mini-bike, motorcycle or off-road vehicle unless it is on a roadway designated for vehicular use or on a designated area established by the Department for off-road vehicular use, except that Site Superintendents shall, if it is to the

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

Department's benefit, grant written permission to individuals to operate such vehicles on areas other than those designated for off-road vehicular use. These exceptions will include, but not be limited to, access by lessees to leased property or adjacent private property; access by contractors to the contract work sitesite(s); access by volunteers to project or program areas which assist the site.

- b) For any person to exceed a speed of 20 M.P.H. unless it is otherwise posted by sign on any paved, concrete, asphalt or other all-weather roadway, or to exceed 10 M.P.H. unless otherwise posted by sign on any unpaved, gravel or dirt roadway or in any parking area.
- c) For any person to park a motor vehicle in any ~~prohibited~~ area which is not posted as a parking area with signs, or to park a vehicle in any area for the purpose of repair, except those immediate repairs necessary to remove the vehicle from the area immediately.
- d) For any person to exceed a combined vehicle and content weight limit of 20,000 lbs. (10 ton) unless it is otherwise posted by sign on any Department roadway except that Site Superintendents shall, if it is to the Department's benefit, grant written permission to individuals or contractors to operate such vehicles on posted roadways. These exceptions will include, but not be limited to, access by lessees utilizing farm equipment to get to leased property or adjacent private property; access by contractors to the contract work sitesite(s); access by vendors delivering materials.
- e) For any person to operate a snowmobile in any portion of a park or recreation area with less than four inches of snow cover.
- f) Except in cases of emergency, for any person to land or attempt to land any aircraft on Department property without prior authorization from the Department.

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

Section 110.165 Bicycles – Operation on Roadway – Designated Trails

It shall be unlawful for any person to ride a bicycle except on a roadway designated for vehicular use, parking lot, or posted bicycle trail or in a direction opposite of a posted one-way trail. An authorized employee of the Department may close the trail for safety reasons or to prevent damage to the trail or natural resources.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

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

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: General Hunting and Trapping on Department-Owned or -Managed Sites
- 2) Code Citation: 17 Ill. Adm. Code 510
- 3) Section Number: 510.10 Proposed Action: Amendment
- 4) Statutory Authority: Implementing and authorized by Sections 1.2, 1.3, 1.4, 1.13, 1.20, 2.1, 2.2, 2.6, 2.7, 2.9, 2.13, 2.18, 2.20, 2.24, 2.25, 2.26, 2.27, 2.28, 2.30, 2.33 and 3.5 of the Wildlife Code [520 ILCS 5/1.2, 1.3, 1.4, 1.13, 1.20, 2.1, 2.2, 2.6, 2.7, 2.9, 2.13, 2.18, 2.20, 2.24, 2.25, 2.26, 2.27, 2.28, 2.30, 2.33 and 3.5] and by Section 805-515 of the Civil Administrative Code of Illinois [20 ILCS 805/805-515].
- 5) A Complete Description of the Subjects and Issues Involved: Public Act 93-0807, effective July 24, 2004, made it legal in Illinois for persons to track wounded deer with dogs on a lead up to 50 feet. Tracking dogs on State sites will not be allowed due to hunter density and to maintain quality hunting experiences for others and to keep dogs from flushing deer and other game animals from refuge and restricted areas.
- 6) Will this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed amendment contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objective: This rulemaking does not affect units of local government.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on the proposed rulemaking may be submitted in writing for a period of 45 days following publication of this notice to:

Jack Price, Legal Counsel
Department of Natural Resources
One Natural Resources Way
Springfield IL 62702-1271
217/782-1809

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT

- 12) Initial Regulatory Flexibility Analysis:
 - A) Types of small businesses, small municipalities and not for profit corporations affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 13) Regulatory Agenda on which this rulemaking was summarized: July 2004

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

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT

TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER b: FISH AND WILDLIFEPART 510
GENERAL HUNTING AND TRAPPING ON
DEPARTMENT-OWNED OR -MANAGED SITES

Section

- 510.10 General Site Regulations
510.20 Hunting and Trapping by Special Permit

AUTHORITY: Implementing and authorized by Sections 1.2, 1.3, 1.4, 1.13, 1.20, 2.1, 2.2, 2.6, 2.7, 2.9, 2.13, 2.18, 2.20, 2.24, 2.25, 2.26, 2.27, 2.28, 2.30, 2.33 and 3.5 of the Wildlife Code [520 ILCS 5/1.2, 1.3, 1.4, 1.13, 1.20, 2.1, 2.2, 2.6, 2.7, 2.9, 2.13, 2.18, 2.20, 2.24, 2.25, 2.26, 2.27, 2.28, 2.30, 2.33 and 3.5] and by Section 805-515 of the Civil Administrative Code of Illinois [20 ILCS 805/805-515].

SOURCE: Adopted at 5 Ill. Reg. 8011, effective July 24, 1981; codified at 5 Ill. Reg. 10633; amended at 6 Ill. Reg. 9637, effective July 21, 1982; amended at 7 Ill. Reg. 10775, effective August 24, 1983; amended at 8 Ill. Reg. 13700, effective July 24, 1984; amended at 9 Ill. Reg. 11610, effective July 16, 1985; amended at 10 Ill. Reg. 15597, effective September 16, 1986; amended at 11 Ill. Reg. 9535, effective May 5, 1987; amended at 12 Ill. Reg. 11724, effective June 30, 1988; amended at 13 Ill. Reg. 10583, effective June 19, 1989; amended at 14 Ill. Reg. 14762, effective September 4, 1990; amended at 15 Ill. Reg. 9966, effective June 24, 1991; amended at 16 Ill. Reg. 11064, effective June 30, 1992; amended at 17 Ill. Reg. 10775, effective July 1, 1993; amended at 19 Ill. Reg. 10608, effective July 1, 1995; recodified by changing the agency name from Department of Conservation to Department of Natural Resources at 20 Ill. Reg. 9389; amended at 22 Ill. Reg. 14804, effective August 3, 1998; amended at 24 Ill. Reg. 8923, effective June 19, 2000; amended at 28 Ill. Reg. _____, effective _____.

Section 510.10 General Site Regulations

- a) Regulations
All the regulations cited in this Part apply to all Department species rules, unless the species rule is more restrictive.
- b) Definitions:
 - 1) Unauthorized person – any individual who is not a Department employee

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT

or an individual who is not present for the purpose of hunting or trapping.

- 2) Designated area – a defined location at a site with a set boundary within which only a specified recreational activity such as hunting or trapping may take place during a publicly announced time period.
 - 3) Hunting/Trapping area – any portion of a site where actual hunting and/or trapping takes place. It does not include places such as parking lots, check stations, pavilions, or picnic areas associated with a hunting/trapping area.
 - 4) Restricted area – a defined location at a site with a set boundary within which hunting and/or trapping is prohibited.
 - 5) Refuge area – a defined location at a site with a set boundary within which no public activity or presence is allowed, except as authorized by the Department when it is determined that activity such as nature studies, hiking, fishing or camping would not be detrimental to the purpose of the refuge.
 - 6) Adult – a person 18 years of age or older.
 - 7) Waterfowl rest area – a defined location at a site with a set boundary within which no public activity or presence is allowed for a specified period of time, except as authorized by the Department.
 - 8) Hunter or trapper quota – The maximum number of hunters or trappers that can be accommodated at a site at any one time. Hunter and trapper quotas are determined by the formula of one hunter or trapper per 10-40 huntable acres. The number of huntable acres is determined by, but not limited to, the biological studies on the number of available animals within a species, the condition, topography and configuration of the land at the site, the condition of the roads at the site and the number of employees available to work at the site.
 - 9) Publicly announced – The information referred to will be included on the Department's Internet Home Page at <http://dnr.state.il.us>, published in Outdoor Illinois, provided to outdoor writers for newspapers, and placed on the Department's Toll Free Hotline.
- c) It shall be unlawful:

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT

- 1) For any person to possess any alcoholic beverage while in any hunting/trapping area for the purpose of hunting or trapping.
- 2) To hunt or trap on any site with a manned check station without first declaring game killed on a previous hunt and in possession either on the hunter's person or in his vehicle.
- 3) To construct or use any tree stand using nails, screws or any device which pierces or cuts the bark of the tree on which it is installed.
- 4) To hunt or trap in a restricted area.
- 5) For unauthorized persons to use or occupy in any manner designated hunting areas during the permit dove hunting season and controlled pheasant hunting season at sites holding such seasons, or during any hunting season where such restrictions are so posted at the site, when authorized hunting is in progress.
- 6) To enter a refuge, restricted area or waterfowl rest area unless authorized by the Department.
- 7) To hunt or trap on any Department-owned or -managed land that is not a designated area pursuant to applicable species rules (17 Ill. Adm. Code 530, 550, 570, 590, 650, 660, 670, 680, 690, 710, 715, 720, 730, and 740).
- 8) To buy, sell or commercialize hunting or trapping rights, directly or indirectly, except that this does not apply to Department of Natural Resources hunting or trapping fees or to the operation of controlled pheasant hunting on Department lands pursuant to a written concession agreement.
- 9) To hunt or trap without a valid permit where permits are required.
- 10) To hunt with any weapon except shotgun or bow and arrow unless otherwise specified.
- 11) [To track deer with dogs on any Department owned or managed site.](#)

- d) Specific Management Procedures

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT

- 1) Specific management procedures will be posted at either check stations or site parking lots at the site so the procedures will be visible to the public.
- 2) Where there is a check station in operation, or where designated, hunters must sign in and/or sign out, and report their kill within fifteen minutes, or as posted, after completing their hunt. Some areas require the wearing of a back patch and depositing hunting license (or Firearm Owner's Identification card if the hunter is exempt from buying a license).
- 3) In the event that Department budget reductions or site staffing reductions make the operation of check stations impractical, State sites that now require check stations and other restrictive hunter regulations may be opened to statewide regulations or closed to hunting by posting such notice at the site.
- 4) At sites where windshield permits are issued, such permits must be displayed in a location visible through the windshield of the vehicle while hunting.
- 5) Department will have the authority to issue site specific deer permits in addition to any other deer permits issued by the Department (see Parts 650, 660, 670 and 680); and to designate the sex of deer (antlered or antlerless) that hunters may harvest through site-specific regulations.
- 6) All hunter or trapper quotas are filled on a first come-first served basis unless a drawing or special permit is used. The Department shall use a special permit or drawing whenever past hunter or trapper participation at a particular site reveals that the demand exceeds the quota established by the Department. Hunters or trappers will be notified as expeditiously as possible through site postings, news releases or public announcements when quotas are established.
- 7) During pheasant, rabbit, quail and partridge season, hunters and trappers are required to wear a cap and upper outer garment of solid and vivid blaze orange of at least 400 square inches while trapping or hunting pheasant, quail, Hungarian partridge, rabbit, snipe, rail and woodcock.

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

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Injurious Species
- 2) Code Citation: 17 Ill. Adm. Code 805
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
805.20	Amendment
805.30	Amendment
- 4) Statutory Authority: Implementing and authorized by Sections 1-125, 1-150, 5-10, 10-100 and 20-90, and 20-100 of the Fish and Aquatic Life Code [515 ILCS 5/1-125, 1-150, 5-10, 10-100, 20-90, and 20-100], and Sections 1.4, 1.10, 2.2, 2.3 and 3.22 of the Wildlife Code [520 ILCS 5/1.4, 1.10, 2.2, 2.3 and 3.22].
- 5) A Complete Description of the Subjects and Issues Involved: This amendment adds two species of Asian carp (bighead carp and silver carp) to the injurious species list. Various projects are underway to protect the Great Lakes from an invasion by Asian carp. Adding these species to the listing of injurious species will assist in this effort by removing a potential source of introduction through live bait, aquaculture, and live fish shipments. The Section on unlawful acts is being amended to add language regarding interstate transport of injurious species across Illinois.
- 6) Will this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objective: This rulemaking does not affect units of local government.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on the proposed rulemaking may be submitted in writing for a period of 45 days following publication of this notice to:

Jack Price, Legal Counsel
Department of Natural Resources
One Natural Resources Way
Springfield IL 62702-1271

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

217/782-1809

- 12) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: Commercial fishermen and live fish haulers/live markets that are offering live Asian carp for sale will be required to cease this part of their operations. Current permit holders: 1 Aquaculturist, 3 Commercial Fishermen, 1 Live Hauler (non-resident) and 1 Processing Facility.
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 13) Regulatory Agenda on which this rulemaking was summarized: This Part was not listed on either of the two most recent Regulatory Agendas because the Department was not aware that this amendment would be necessary.

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

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER b: FISH AND WILDLIFEPART 805
INJURIOUS SPECIES

Section	
805.10	Definition
805.20	Listing of Injurious Species
805.30	Unlawful Acts
805.40	Permits
805.50	Penalties

AUTHORITY: Implementing and authorized by Sections 1-125, 1-150, 5-10, 10-100 and 20-90, and 20-100 of the Fish and Aquatic Life Code [515 ILCS 5/1-125, 1-150, 5-10, 10-100, 20-90, and 20-100], and Sections 1.4, 1.10, 2.2, 2.3 and 3.22 of the Wildlife Code [520 ILCS 5/1.4, 1.10, 2.2, 2.3 and 3.22].

SOURCE: Adopted by emergency rulemaking at 26 Ill. Reg. 14878, effective September 26, 2002, for a maximum of 150 days; adopted at 27 Ill. Reg. 3369, effective February 14, 2003; amended at 28 Ill. Reg. _____, effective _____.

Section 805.20 Listing of Injurious Species

- a) Wild Mammals
- *Flying fox or fruit bat of the genus *Pteropus*
 - *Mongoose or meerkat of the genera *Atilax*, *Cynictis*, *Helogale*, *Heroestes*
 - **Ichneumia*, *Munzos*, and *Suricata*
 - *Any species of European rabbit of the genus *Oryctolagus*
 - *Any species of Indian wild dog, red dog, or dhole of the genus *Cuon*
 - *Any species of multimammate rat or mouse of the genus *Mastomys*
 - *Raccoon dog, *Nyctereutes procyonoides*

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

b) Wild Birds

*Pink starling or rosy pastor, *Sturnus roseus*

*Dioch, *Quelea quelea*, including its black-fronted, red-billed or Sudan subspecies

*Java sparrow, *Padda oryzivora*

*Red-whiskered bul-bul, *Pycnonotus jocosus*

*Eggs of wild nongame birds

c) Fish, Mollusks and Crustaceans

*Snakeheads (including, but not limited to, all fishes of the genera *Channa* and *Parachanna*, and others of the family *Channidae*)

*Fish or viable eggs of the walking catfish, *Clariidae* family

*Mollusks, veligers or viable eggs of zebra mussels, genus *Dreissena*

*Crustaceans or viable eggs of mitten crabs, genus *Eriocheir*

River ruffe (*Gymnocephalus cernuus*)

Silver carp (*Hypophthalmichthys molitrix*)

Bighead carp (*Hypophthalmichthys nobilis*)

*Black carp (*Mylopharyngodon piceus*)

Gobies (round, tubenose) (*Neogobius melanostomus*, *Proterorhinus marmoratus*)

Rusty crayfish (*Orconectes rusticus*). Possession of living rusty crayfish is prohibited for all except the holders of an approved aquaculture permit with a letter of authorization to import/possess this species.

Rudd (*Scardinius erythrophthalmus*)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

d) Amphibians

None

e) Reptiles

*Specimens or eggs of the brown tree snake, *Boiga irregularis*

NOTE: Species noted by an asterisk (*) are federally listed.

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

Section 805.30 Unlawful Acts

- a) Injurious species shall not be possessed, propagated, bought, sold, bartered or offered to be bought, sold, bartered, transported, traded, transferred or loaned to any other person or institution unless a permit is first obtained from the Department of Natural Resources in accordance with Section 805.40 of this Part, except persons engaged in interstate transport for lawful commercial purposes who do not buy, sell, barter, trade, transfer, loan or offer to do so in Illinois may possess and transport injurious species across Illinois without an injurious species permit from the Department. However, under no circumstances shall an interstate transporter transfer any injurious species from one container to another, nor exchange or discharge water, bedding, or any soluble or insoluble material from a container containing injurious species without first obtaining written permission from the Department.
- b) Injurious species shall not be released. Release of injurious species is a violation of Section 10-100 and/or Section 20-90 of the Fish and Aquatic Life Code [515 ILCS 5/10-100 or 20-90] or Section 2.2 of the Wildlife Code [520 ILCS 5/2.2].
- c) Possession of federally listed injurious species shall also be in accordance with the provisions of the Lacey Act (18 USC 42) and 50 CFR 16 (no incorporation in this Part includes later amendments or editions).

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

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Cancellation, Revocation or Suspension of Licenses or Permits
- 2) Code Citation: 92 Ill. Adm. Code 1040
- 3) Section Number: 1040.110 Proposed Action:
New Section
- 4) Statutory Authority: Section 2-104(b) of the Illinois Vehicle Code [625 ILCS 5/2-104(b)], Section 6-103(16) of the Illinois Vehicle Code [625 ILCS 5/6-103(16)].
- 5) A Complete Description of the Subjects and Issues Involved: The proposed rulemaking implements PA 93-783/SB 2167, effective January 1, 2005. The PA allowed for disqualifying an applicant from holding any class of driver's license or permit for a period of 120 consecutive days if an applicant bribes/attempts to bribe an employee of the Secretary of State's Office, the owner or employee of any commercial driver training school licensed by the Secretary of State, or any other individual authorized by the laws of this State to give driving instructions or administer any part of a driver's license examination.
- 6) Will this rulemaking replace an emergency rulemaking currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this rulemaking contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objective: This rulemaking will not create or enlarge a state mandate.
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: The Secretary of State will fully consider all comments received within 45 days of the date this notice is published. All comments must be in writing and should be sent to:

Office of the Secretary of State
Driver Services Department
JoAnn Wilson, Legislative Liaison
c/o Director's Office
2701 South Dirksen Parkway
Springfield, IL 62723
(217) 785-1441

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENT

- 12) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of Professional skills necessary for compliance: None
- 13) Regulatory Agenda on which this rulemaking was summarized: January 2004

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

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENT

TITLE 92: TRANSPORTATION
CHAPTER II: SECRETARY OF STATE

PART 1040

CANCELLATION, REVOCATION OR SUSPENSION OF LICENSES OR PERMITS

Section

1040.10	Court to Forward Licenses and Reports of Convictions
1040.20	Illinois Offense Table
1040.25	Suspension or Revocation for Driving Without a Valid Driver's License
1040.29	2 or More Traffic Offenses Committed within 24 Months by a Person Under the Age of 21 Years
1040.30	3 or More Traffic Offenses Committed Within 12 Months
1040.31	Operating a Motor Vehicle During a Period of Suspension or Revocation
1040.32	Suspension or Revocation of Driver's Licenses, Permits or Identification Cards Used Fraudulently
1040.33	Suspension or Revocation of Driver's Licenses/Permits for Fictitious or Unlawfully Altered Person-with-Disabilities License Plate or Parking Decal or Device or Fraudulent Person-with-Disabilities License Plate or Parking Decal or Device
1040.35	Commission of an Offense Requiring Mandatory Revocation or Discretionary Suspension or Revocation Upon Conviction
1040.36	Suspension for Violation of Restrictions on Driver's License
1040.37	Suspension for Violation of Restrictions on Instruction Permit
1040.38	Commission of a Traffic Offense in Another State
1040.40	Repeated Convictions or Collisions
1040.41	Suspension of Licenses for Curfew Violations
1040.42	Fleeing and Eluding
1040.43	Illegal Transportation
1040.46	Fatal Accident and Personal Injury Suspensions or Revocations
1040.48	Vehicle Emission Suspensions
1040.50	Suspension of License of Commercial Vehicle Driver
1040.52	Driver Remedial Education Course
1040.55	Suspension for Driver's License Classification Violations
1040.60	Release of Information Regarding a Disposition of Court Supervision
1040.65	Offenses Occurring on Military Bases
1040.66	Invalidation of a Restricted Driving Permit
1040.70	Problem Driver Pointer System
1040.80	Cancellation of Driver's License Upon Issuance of a Handicapped Identification Card
1040.100	Rescissions

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENT

1040.101	Reinstatement Fees
1040.102	Bankruptcy for Suspensions, Cancellations, Failure to Pay and Returned Checks Actions
1040.105	Suspension for 5 or More Tollway Violations and/or Evasions
1040.107	Suspension for Violation of 625 ILCS 5/11-907, Approaching a Stationary Emergency Vehicle
1040.108	Suspension for Failure to Make Report of Vehicle Accident Violations
<u>1040.110</u>	<u>Bribery</u>

AUTHORITY: Implementing Articles II and VII of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/Ch. 6, Arts. II and VII] and authorized by Section 2-104(b) of the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code [625 ILCS 5/2-104(b)].

SOURCE: Filed September 22, 1972; amended at 3 Ill. Reg. 26, p. 282, effective June 30, 1979; amended at 5 Ill. Reg. 3533, effective April 1, 1981; amended at 6 Ill. Reg. 4239, effective April 2, 1982; codified at 6 Ill. Reg. 12674; amended at 8 Ill. Reg. 2200, effective February 1, 1984; amended at 8 Ill. Reg. 3783, effective March 13, 1984; amended at 8 Ill. Reg. 18925, effective September 25, 1984; amended at 8 Ill. Reg. 23385, effective November 21, 1984; amended at 10 Ill. Reg. 15265, effective September 4, 1986; amended at 11 Ill. Reg. 16977, effective October 1, 1987; amended at 11 Ill. Reg. 20659, effective December 8, 1987; amended at 12 Ill. Reg. 2148, effective January 11, 1988; amended at 12 Ill. Reg. 14351, effective September 1, 1988; amended at 12 Ill. Reg. 15625, effective September 15, 1988; amended at 12 Ill. Reg. 16153, effective September 15, 1988; amended at 12 Ill. Reg. 16906, effective October 1, 1988; amended at 12 Ill. Reg. 17120, effective October 1, 1988; amended at 13 Ill. Reg. 1593, effective January 23, 1989; amended at 13 Ill. Reg. 5162, effective April 1, 1989; amended at 13 Ill. Reg. 7802, effective May 15, 1989; amended at 13 Ill. Reg. 8659, effective June 2, 1989; amended at 13 Ill. Reg. 17087, effective October 16, 1989; amended at 13 Ill. Reg. 20127, effective December 8, 1989; amended at 14 Ill. Reg. 2944, effective February 7, 1990; amended at 14 Ill. Reg. 3664, effective February 7, 1990; amended at 14 Ill. Reg. 5178, effective April 1, 1990; amended at 14 Ill. Reg. 5560, effective March 22, 1990; amended at 14 Ill. Reg. 14177, effective August 21, 1990; amended at 14 Ill. Reg. 18088, effective October 22, 1990; amended at 15 Ill. Reg. 14258, effective September 24, 1991; amended at 17 Ill. Reg. 8512, effective May 27, 1993; amended at 17 Ill. Reg. 9028, effective June 2, 1993; amended at 17 Ill. Reg. 12782, effective July 21, 1993; amended at 18 Ill. Reg. 7447, effective May 3, 1994; amended at 18 Ill. Reg. 10853, effective June 27, 1994; amended at 18 Ill. Reg. 11644, effective July 7, 1994; amended at 18 Ill. Reg. 16443, effective October 24, 1994; amended at 20 Ill. Reg. 2558, effective January 26, 1996; amended at 21 Ill. Reg. 8398, effective June 30, 1997; amended at 21 Ill. Reg. 10985, effective July 29, 1997; amended at 21 Ill. Reg. 12249, effective August 26, 1997; amended at 21 Ill. Reg. 12609, effective August 29, 1997; amended at 22 Ill. Reg. 1438, effective January 1, 1998; amended at 22 Ill. Reg. 5083, effective February 26, 1998; amended at

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENT

22 Ill. Reg. 13834, effective July 10, 1998; amended at 24 Ill. Reg. 1655, effective January 11, 2000; emergency amendment at 24 Ill. Reg. 8398, effective June 2, 2000, for a maximum of 150 days; emergency expired October 29, 2000; emergency amendment at 24 Ill. Reg. 16096, effective October 12, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 16689, effective October 30, 2000; amended at 25 Ill. Reg. 2723, effective January 31, 2001; amended at 25 Ill. Reg. 6402, effective April 26, 2001; emergency amendment at 26 Ill. Reg. 2044, effective February 1, 2002, for a maximum of 150 days; emergency expired June 30, 2002; emergency amendment at 26 Ill. Reg. 3753, effective February 21, 2002, for a maximum of 150 days; emergency expired July 20, 2002; amended at 26 Ill. Reg. 12373, effective July 25, 2002; amended at 26 Ill. Reg. 13684, effective September 3, 2002; amended at 28 Ill. Reg. _____, effective _____.

Section 1040.110 Bribery

- a) For the purposes of this Section, the following definitions shall apply:
- 1) "Authorized Personnel" – Manager, Administrator, Instructor, Secretary of State Police, Director or Inspector General.
 - 2) "Bribe" – Any item or thing of value, payment, or other personal advantage that an employee of the Secretary of State's Office, the owner or employee of any commercial driver training school licensed by the Secretary of State or any other individual authorized by the laws of this State to give driving instructions or administer any part of a driver's license examination is not authorized by law or administrative rule to accept, knowing or reasonably believing that such item, thing of value, payment or advantage was promised or tendered with the intent to influence or change the performance of any act or duty related to the issuance of a driver's license.
 - 3) "Bribery" – The solicitation or accepting of any bribe or improper offering.
 - 4) "Denial of Driver's License" – To prohibit or disallow the privilege to obtain a driver's license or permit.
 - 5) "Department" – Department of Driver Services within the Office of the Secretary of State.
 - 6) "Disqualified" – The denial of the issuance of a license or permit or the invalidation of any license or permit.

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENT

- 7) "Facility Administered Test" – An actual demonstration of the driver's license applicant's ability to successfully pass a Vision, Written or Drive Test administered by a Driver Services Facility employee or individual or entity approved by the Department to administer such test.
- 8) "Invalidate" – To render no longer valid any driver's license or permit for a specified period of time.
- b) The Department shall, pursuant to Section 6-103(16) of the Illinois Vehicle Code [625 ILCS 5/6-103(16)], deny for a period of 120 consecutive days the issuance of a driver's license and/or permit to any person who, with intent to influence any act related to the issuance of any driver's license or permit, promises or tenders to an employee of the Secretary of State's Office, the owner or employee of any commercial driver training school licensed by the Secretary of State, or any other individual authorized by the laws of this State to give driving instructions or administer any part of a driver's license examination any property or personal advantage that person is not authorized by law to accept.
- c) The Department shall, pursuant to Section 6-103(16) of the Illinois Vehicle Code [625 ILCS 5/6-103(16)], invalidate for a period of 120 consecutive days the driver's license and/or permit of any person who, with intent to influence any act related to the issuance of any driver's license or permit, promises or tenders to an employee of the Secretary of State's Office, the owner or employee of any commercial driver training school licensed by the Secretary of State, or any other individual authorized by the laws of this State to give driving instructions or administer any part of a driver's license examination any property or personal advantage that person is not authorized by law to accept. Any persons promising or tendering such property or personal advantage shall be disqualified from holding any class of driver's license or permit.
- d) When an authorized personnel is tendered a bribe as defined in subsection (a)(2), he or she shall immediately proceed in the following manner. The authorized personnel shall complete the interview process, complete the designated bribery/attempted bribery form and notify the appropriate staff of the bribery incident. All evidence collected from the incident shall be placed in a secure locked place. For purposes of this Section, the Department shall disqualify the individual for a designated time upon receipt of the prescribed bribery/attempted bribery form faxed by the authorized personnel.

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENT

- e) The facility application for any facility administered test that was successfully completed prior to the termination of further testing due to bribery/attempted bribery shall be validated and a receipt shall be given to the individual for any statutory fees collected by an employee of the Secretary of State's Office.
- f) Pursuant to Section 2-118 of the Illinois Vehicle Code [625 ILCS 5/2-118], any person whose driver's license or permit has been disqualified under this Section may request an administrative hearing to contest the Department's action.

(Source: Added at 28 Ill. Reg. _____, effective _____)

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Motor Carrier Safety Regulations: General
- 2) Code Citation: 92 Ill. Adm. Code 390
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
390.1020	Amend
- 4) Statutory Authority: Implementing and authorized by Section 18b-102 and 18b-105 of, the Illinois Motor Carrier Safety Law [625 ILCS 5/Ch. 18B, as amended by P.A. 93-0860, effective August 4, 2004]
- 5) A complete description of the subjects and issues involved: This proposed amendment is identical to the emergency amendment that was published in the September 3, 2004, issue of the *Illinois Register* at 28 Ill. Reg. 12479, effective August 18, 2004. This proposed amendment will replace the emergency amendment after the expiration of the 150-day period. The Department is, therefore, proposing to add a new category of vehicle to the definition of Commercial Motor Vehicle (CMV), at Section 390.1020, in accordance with P.A. 93-0860, effective August 4, 2004. The new category includes vehicles used or designed to transport between 9 and 15 passengers, including the driver, for direct compensation, if the vehicle is being operated beyond a radius of 75 air miles (86.3 statute miles or 138.9 kilometers) from the driver's normal work reporting location. The Public Act also authorizes the Department to amend an existing category in the definition of CMV to include those vehicles that will be "used" to transport more than 15 passengers, including the driver. Finally, the Department is adding two new definitions - "air mile" and "direct compensation" at Section 390.1020 to clarify the change to the definition of CMV and for consistency with the Public Act.
- 6) Will this rulemaking replace an emergency rulemaking currently in effect? Yes
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this rulemaking contain incorporations by reference? No
- 9) Are there any other amendments pending on this Part? No
- 10) Statement of Statewide Policy Objective: This rulemaking does not affect units of local government.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED AMENDMENT

Any interested party may submit written comments or arguments concerning this proposed amendment. Written submissions shall be filed with:

By U.S. Mail:

Ms. Catherine Allen
Illinois Department of Transportation
Division of Traffic Safety
P.O. Box 19212
Springfield, Illinois 62794-9212
(217) 785-1181

By Messenger or Inter-Agency Mail:

DOT Annex Building
3215 Executive Park Drive
Commercial Vehicle Safety; 3rd Floor
Springfield, Illinois

JCAR requests, comments and concerns regarding this rulemaking should be addressed to:

Ms. Christine Caronna-Beard, Rules Manager
Office of Chief Counsel
Illinois Department of Transportation
2300 South Dirksen Parkway, Room 311
Springfield, Illinois 62764
(217) 782-3215

Comments received within 45 days after the date of publication of this *Illinois Register* will be considered. Comments received after that time will be considered, time permitting.

12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses affected: This rulemaking affects small businesses that operate vehicles used or designed to transport between 9 and 15 passengers, including the driver, for direct compensation, if the vehicle is being operated beyond a radius of 75 air miles (86.3 statute

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED AMENDMENT

miles or 138.9 kilometers) from the driver's normal work reporting location. This rulemaking also affect small businesses that use any vehicle to transport more than 15 passengers, including the driver

- B) Reporting, bookkeeping or other procedures required for compliance:
None
 - C) Types of professional skills necessary for compliance: No professional skills are necessary for compliance.
- 13) Regulatory Agenda on which this rulemaking was summarized: This proposed amendment was not included on either of the two most recent regulatory agendas because: This rulemaking was not anticipated by the Department when the two most recent regulatory agendas were published.

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

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED AMENDMENT

TITLE 92: TRANSPORTATION
CHAPTER I: DEPARTMENT OF TRANSPORTATION
SUBCHAPTER d: MOTOR CARRIER SAFETY REGULATIONSPART 390
MOTOR CARRIER SAFETY REGULATIONS: GENERAL

SUBPART A: GENERAL APPLICABILITY AND DEFINITIONS

Section	
390.1000	Purpose
390.1010	General Applicability
390.1020	Definitions
390.1030	Rules of Construction

SUBPART B: GENERAL REQUIREMENTS AND INFORMATION

Section	
390.2000	Incorporation by Reference

AUTHORITY: Implementing, and authorized by Sections 18b-102 and 18b-105 of, the Illinois Motor Carrier Safety Law [625 ILCS 5/Ch. 18B] (see P.A. 93-0860, effective August 4, 2004).

SOURCE: Adopted at 14 Ill. Reg. 15519, effective September 10, 1990; amended at 15 Ill. Reg. 13171, effective August 21, 1991; amended at 16 Ill. Reg. 14435, effective September 8, 1992; amended at 18 Ill. Reg. 754, effective January 11, 1994; amended at 18 Ill. Reg. 10362, effective June 15, 1994; amended at 19 Ill. Reg. 13050, effective August 30, 1995; amended at 20 Ill. Reg. 15344, effective November 18, 1996; amended at 23 Ill. Reg. 5105, effective March 31, 1999; amended at 24 Ill. Reg. 1954, effective January 19, 2000; amended at 25 Ill. Reg. 2100, effective January 17, 2001; amended at 26 Ill. Reg. 8978, effective June 5, 2002; amended at 26 Ill. Reg. 12749, effective August 12, 2002; amended at 27 Ill. Reg. 9218, effective June 2, 2003; amended at 28 Ill. Reg. 1152, effective January 4, 2004; emergency amendment at 28 Ill. Reg. 12479, effective August 18, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL APPLICABILITY AND DEFINITIONS

Section 390.1020 Definitions

The following definitions apply to all Parts in the IMCSR unless a specific Part expressly defines

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED AMENDMENT

a term different than what is used below:

"Accident" means:

Except as provided below, an occurrence involving a commercial motor vehicle operating on a highway that results in:

A fatality;

Bodily injury to a person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident; or

One or more motor vehicles incurring disabling damage as a result of the accident, requiring the vehicle(s) to be transported away from the scene by a tow truck or other motor vehicle.

The term accident does not include:

An occurrence involving only boarding and alighting from a stationary motor vehicle; or

An occurrence involving only the loading or unloading of cargo. (49 CFR 390.5, October 1, 2002)

"Agricultural movements" means the operation of a motor vehicle or combination of vehicles controlled and operated by a private motor carrier of property that is using the vehicle to transport nonhazardous or hazardous agricultural crop production fertilizers or agricultural chemicals from a local source of supply to farm or field, or from one farm or field to another, or from farm or field back to the local source of supply. (Section 1-101.6 of the Illinois Vehicle Code (the Code) [625 ILCS 5/1-101.6])

"Air mile" means a nautical mile, which is equivalent to 6,076 feet or 1,852 meters. Accordingly, 100 air miles are equivalent to 115.08 statute miles or 185.2 kilometers. (Section 18b-101 of the Law (see P.A. 93-0860, effective August 4, 2004))

"Alcohol concentration" (AC) means the concentration of alcohol in a person's blood or breath. When expressed as a percentage it means grams of alcohol per

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED AMENDMENT

100 milliliters of blood or grams of alcohol per 210 liters of breath. (49 CFR 390.5, October 1, 2002)

"Bus" means any motor vehicle designed, constructed, and/or used for the transportation of passengers, including taxicabs. (49 CFR 390.5, October 1, 2002)

"Business district" means the territory contiguous to and including a highway when within any 600 feet along such highway there are buildings in use for business or industrial purposes, including but not limited to, hotels, banks, or office buildings, railroad stations and public buildings which occupy at least 300 feet of frontage on one side or 300 feet collectively on both sides of the highway. (Section 1-108 of the Code)

"Charter transportation of passengers" means transportation, using a bus, of a group of persons who, pursuant to a common purpose, under a single contract, at a fixed charge for the motor vehicle, have acquired the exclusive use of the motor vehicle to travel together under an itinerary either specified in advance or modified after having left the place of origin. (49 CFR 390.5, October 1, 2002)

"Code" means the Illinois Vehicle Code [625 ILCS 5].

"Commerce" means trade, commerce or transportation within the State. (Section 1-111.4 of the Code)

"Commercial motor vehicle (CMV)" means:

Any self propelled or towed vehicle used on public highways in interstate and intrastate commerce to transport passengers or property when the vehicle has a gross vehicle weight, a gross vehicle weight rating, a gross combination weight, or a gross combination weight rating of 10,001 or more pounds (4,537 or more kilograms); or

The vehicle is used or designed to transport more than 15 passengers, including the driver; or

The vehicle is designed to carry 15 or fewer passengers and is operated by a contract carrier transporting employees in the course of their employment on a highway of this State; or

The vehicle is used or designed to transport between 9 and 15 passengers,

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED AMENDMENT

including the driver, for direct compensation, if the vehicle is being operated beyond a radius of 75 air miles (86.3 statute miles or 138.9 kilometers) from the driver's normal work reporting location; or

The vehicle is used in the transportation of hazardous materials in a quantity requiring placarding under the Illinois Hazardous Materials Transportation Act.

This definition shall not include farm machinery, fertilizer spreaders, and other special agricultural movement equipment described in Section 3-809 of the Code nor implements of husbandry as defined in Section 1-130 of the Code. (Section 18b-101 of the Law (see P.A. 93-0860, effective August 4, 2004))

"Commercial Vehicle Inspections" means:

Level 1 – North American Standard Inspection: An inspection that includes each of the items specified under the North American Uniform Out-of-Service Criteria.

As a minimum, North American Standard inspections must include examination of: driver's license, medical examiner's certificate and waiver if applicable, alcohol and drugs, driver's record of duty status as required, hours of service, seat belt, vehicle inspection report, brake system, steering mechanism, wheels and rims, tires, coupling devices, suspension, frame, fuel system, exhaust system, windshield wipers, lighting devices, safe loading, and hazardous material requirements as applicable.

Level 2 – Walk Around Driver/Vehicle Inspection: An examination that, as a minimum, includes: driver's license, medical examiner's certificate, and waiver if applicable, driver's record of duty status as required, hours of service, seat belt, vehicle inspection report, fire extinguisher, warning devices for stopped vehicles, head lamps, turn signals, stop lamps, windshield wipers, wheels, tires, fuel system, exhaust system, visible brake components, coupling devices, cargo securement, low air warning device, visible suspension components, and hazardous material requirements as applicable. It is contemplated that the walk-around driver/vehicle inspection will be conducted without inspecting underneath the vehicle.

Level 3 – Driver Only Inspection: A roadside examination of the driver's

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED AMENDMENT

license, medical certification and waiver if applicable, driver's record of duty status as required, hours of service, seat belt, and vehicle inspection report.

Level 4 – Special Inspections: Inspections under this heading typically include a one-time examination of a particular item. These examinations are normally made in support of a study or to verify or refute a suspected trend.

Level 5 – Vehicle-Only Inspection: An inspection that includes each of the vehicle inspection items specified under the North American Standard Inspection (Level 1), without a driver present, conducted at any location.

(Commercial Vehicle Safety Alliance (CVSA), CVSA Operations Manual, January 1996)

"Commercial Vehicle Safety Alliance (CVSA)" means the association of state/territory (United States), provincial/territory (Canada), and federal (Mexico) officials responsible for the administration and enforcement of motor carrier safety and hazardous materials laws in the United States, Canada and Mexico working together with the federal governments and industry to improve commercial vehicle safety. (CVSA Operations Manual, January 1996)

"Conviction" means an unvacated adjudication of guilt, or a determination that a person has violated or failed to comply with the law in a court of original jurisdiction or by an authorized administrative tribunal, an unvacated forfeiture of bail or collateral deposited to secure the person's appearance in court, a plea of guilty or nolo contendere accepted by the court, the payment of a fine or court cost, or violation of a condition of release without bail, regardless of whether or not the penalty is rebated, suspended or probated. (49 CFR 390.5, October 1, 2002)

"Department" means the Department of Transportation of the State of Illinois, acting directly or through its duly authorized officers and agents. (Section 1-115.05 of the Code)

"Direct assistance" means transportation and other relief services provided by a motor carrier or its driver(s) incident to the immediate restoration of essential services (such as electricity, medical care, sewer, water, telecommunications, and telecommunication transmissions) or essential supplies (such as food and fuel). It

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED AMENDMENT

does not include transportation related to long-term rehabilitation of damaged physical infrastructure or routine commercial deliveries after the initial threat to life and property has passed. (49 CFR 390.5, October 1, 2002)

"Direct compensation" means payment made to the motor carrier by the passengers or a person acting on behalf of the passengers for the transportation services provided, and not included in a total package charge or other assessment for highway transportation services. (Section 18b-101 of the Law (see P.A. 93-0860, effective August 4, 2004))

"Disabling damage" means damage which precludes departure of a motor vehicle from the scene of the accident in its usual manner in daylight after simple repairs.

Inclusions: Damage to motor vehicles that could have been driven, but would have been further damaged if so driven.

Exclusions:

Damage which can be remedied temporarily at the scene of the accident without special tools or parts.

Tire disablement without other damage even if no spare tire is available.

Headlamp or taillight damage.

Damage to turn signals, horn or windshield wipers which makes them inoperative. (49 CFR 390.5, October 1, 2002)

"Driving a commercial motor vehicle while under the influence of alcohol" means committing any one or more of the following acts in a CMV: driving a CMV while the person's alcohol concentration is 0.04 percent or more; driving under the influence of alcohol, as prescribed by state law; or refusal to undergo such testing as is required by any state or jurisdiction in the enforcement of Table 1 to "Commercial Driver's License Standards; Requirements and Penalties" (49 CFR 383.51) or "Driving of Motor Vehicles" (49 CFR 392.5(a)(2)). (49 CFR 390.5, October 1, 2002)

"Driveaway-towaway operation" means any operation in which a motor vehicle constitutes the commodity being transported and one or more sets of wheels of the

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED AMENDMENT

vehicle being transported are on the surface of the roadway during transportation. (49 CFR 390.5, October 1, 2002)

"Driver" means any person who operates any commercial motor vehicle. (49 CFR 390.5, October 1, 2002)

"Emergency" means any hurricane, tornado, storm (e.g., thunderstorm, snowstorm, icestorm, blizzard, sandstorm, etc.), high water, wind-driven water, tidal wave, tsunami, earthquake, volcanic eruption, mud slide, drought, forest fire, explosion, blackout or other occurrence, natural or man-made, which interrupts the delivery of essential services (such as electricity, medical care, sewer, water, telecommunications, and telecommunication transmissions) or essential supplies (such as food and fuel) or otherwise immediately threatens human life or public welfare, provided such hurricane, tornado, or other event results in:

A declaration of an emergency by the President of the United States, the Governor of a state, or their authorized representatives having authority to declare emergencies; by the FMCSA Field Administrator for the geographical area in which the occurrence happens; or by other Federal, State or local government officials having authority to declare emergencies, including but not limited to the Illinois Department of Transportation's Director, Division of Traffic Safety, or his designee; or

A request by a police officer for tow trucks to move wrecked or disabled motor vehicles. (49 CFR 390.5, October 1, 2002)

"Emergency relief" means an operation in which a motor carrier or driver of a commercial motor vehicle is providing direct assistance to supplement State and local efforts and capabilities to save lives or property or to protect public health and safety as a result of an emergency as defined in this Section. (49 CFR 390.5, October 1, 2002)

"Employee" means:

A driver of a commercial motor vehicle (including an independent contractor while in the course of operating a commercial motor vehicle);

A mechanic;

A freight handler; and

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED AMENDMENT

Any individual, who in the course of his or her employment directly affects commercial motor vehicle safety, but such term does not include an employee of the United States, any state, any political subdivision of a state, or any agency established under a compact between states and approved by the Congress of the United States who is acting within the course of such employment. (49 CFR 390.5, October 1, 2002)

"Employer" means any person engaged in a business affecting interstate or intrastate commerce who owns or leases a commercial motor vehicle in connection with that business, or assigns employees to operate it, but such term does not include the United States, any state, any political subdivision of a state, or any agency established under a compact between states approved by the Congress of the United States.

"Exempt intracity zone" means the geographic area of a municipality or the commercial zone of that municipality described by the Federal Motor Carrier Safety Administration (FMCSA) in 49 CFR 372, subpart B. The descriptions are printed in Appendix F to the Federal Motor Carrier Safety Regulations. A driver may be considered to operate a commercial motor vehicle wholly within an exempt intracity zone notwithstanding any common control, management, or arrangement for a continuous carriage or shipment to or from a point without such zone. (49 CFR 390.5, October 1, 2002)

"Exempt motor carrier" means a person engaged in transportation exempt from economic regulation by the Federal Motor Carrier Safety Administration (FMCSA) under 49 USC 13506. "Exempt motor carriers" are subject to the requirements set forth in the Illinois Motor Carrier Safety Regulations. (49 CFR 390.5, October 1, 2002)

"Farm to market agricultural transportation" means the operation of a motor vehicle controlled and operated by a farmer who is a private motor carrier of property; who is using the vehicle to transport agricultural products to or from a farm operated by the farmer, or to transport farm machinery or farm supplies to or from a farm operated by the farmer; and who is not using the commercial vehicle to transport hazardous materials of a type or quantity that requires the vehicle to be placarded in accordance with the Illinois Hazardous Materials Transportation Act. (Section 1-119.6 of the Code)

"Farm machinery" – see definition of "Special Agricultural Movement"

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED AMENDMENT

Equipment" in this Section.

"Farm vehicle driver" means a person who drives only a commercial motor vehicle that is –

Controlled and operated by a farmer as a private motor carrier of property;

Being used to transport either –

Agricultural products, or

Farm machinery, farm supplies, or both, to or from a farm;

Not being used in the operation of a for-hire motor carrier;

Not carrying hazardous materials of a type or quantity that requires the commercial motor vehicle to be placarded in accordance with 49 CFR 177.823; and

Being used within 150 air-miles of the farmer's farm. (49 CFR 390.5, October 1, 2002)

"Farmer" means any person who operates a farm or is directly involved in the cultivation of land, crops, or livestock which:

Are owned by that person; or

Are under the direct control of that person. (49 CFR 390.5, October 1, 2002)

"Fatality" means any injury which results in the death of a person at the time of the motor vehicle accident or within 30 days of the accident. (49 CFR 390.5, October 1, 2002)

"Federal Motor Carrier Safety Administrator" means the chief executive of the Federal Motor Carrier Safety Administration, an agency within the United States Department of Transportation. (49 CFR 390.5, October 1, 2002)

"FMCSA Field Administrator" means the Field Administrator, Federal Motor Carrier Safety Administration, for a given geographical area of the United States.

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED AMENDMENT

(49 CFR 390.5, October 1, 2002)

"For-hire" means the operation of a vehicle for compensation and subject to federal regulation by the Interstate Commerce Commission or to State regulation by the Illinois Commerce Commission and those vehicles governed by Chapters 8 and 9 under the Code and regulated by the Secretary of State. (Section 1-122.5 of the Code)

"For-hire motor carrier" means a person engaged in the transportation of goods or passengers for compensation. (49 CFR 390.5, October 1, 2002)

"Gross Combination Weight Rating (GCWR)" means the value specified by the manufacturer as the loaded weight of a combination (articulated) vehicle. In the absence of a value specified by the manufacturer, GCWR will be determined by adding the GVWR of the power unit and the total weight of the towed unit and any load thereon. (49 CFR 390.5, October 1, 2002)

"Gross Vehicle Weight Rating (GVWR)" means the value specified by the manufacturer as the loaded weight of a single motor vehicle. (49 CFR 390.5, October 1, 2002)

"Hazardous material" means a substance or material which has been determined by the Secretary of the United States Department of Transportation to be capable of posing an unreasonable risk to health, safety, and property when transported in commerce, and which has been so designated. (49 CFR 390.5, October 1, 2002)

"Hazardous substance" means a material, and its mixtures or solutions, that is identified in Appendix A to 49 CFR 172.101, List of Hazardous Substances and Reportable Quantities when offered for transportation in one package, or in one transport motor vehicle if not packaged, and when the quantity of the material therein equals or exceeds the reportable quantity (RQ). This definition does not apply to petroleum products that are lubricants or fuels, or to mixtures or solutions of hazardous substances if in a concentration less than that shown in the table in "General Information, Regulations and Definitions" (49 CFR 171.8) based on the reportable quantity (RQ) specified for the materials listed in Appendix A to 49 CFR 172.101. (49 CFR 390.5, October 1, 2002)

"Hazardous waste" means any material that is subject to the hazardous waste manifest requirements of the EPA specified in "Standards Applicable to Generators of Hazardous Waste" (40 CFR 262) or would be subject to these

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED AMENDMENT

requirements absent an interim authorization to a state under "State Program Requirements" (40 CFR 123), Subpart F. (49 CFR 390.5, October 1, 2002)

"Highway" means any road, street, or way, whether on public or private property, open to public travel. "Open to public travel" means that the road section is available, except during scheduled periods, extreme weather or emergency conditions, passable by four-wheel standard passenger cars, and open to the general public for use without restrictive gates, prohibitive signs, or regulation other than restrictions based on size, weight, or class of registration. Toll plazas of public toll roads are not considered restrictive gates. (49 CFR 390.5, October 1, 2002)

"Illinois Motor Carrier Safety Regulations (IMCSR)" means the requirements established in Parts 385, 386, 390, 391, 392, 393, 395, 396 and 397 (92 Ill. Adm. Code: Chapter I, Subchapter d).

"Illinois State Police" means any individual officer of the Illinois State Police.

"Implement of husbandry" means every vehicle designed and adapted exclusively for agricultural, horticultural, or livestock raising operations, including farm wagons, wagon trailers or like vehicles used in connection therewith, or for lifting or carrying an implement of husbandry provided that no farm wagon, wagon trailer or like vehicle having a gross weight of more than 36,000 pounds, shall be included hereunder. (Section 1-130 of the Code)

"Interstate commerce" means transportation between two or more states or transportation originating in one state and passing into or through other states for delivery in another state. (Section 1-133 of the Code)

"Intrastate commerce" means any trade, traffic, or transportation in Illinois which is not described in the term "interstate commerce." (49 CFR 390.5, October 1, 2002)

"Law" means the Illinois Motor Carrier Safety Law [625 ILCS 5/Ch. 18B].

"Medical Examiner" means a person who is licensed, certified, and/or registered, in accordance with applicable State laws and regulations, to perform physical examinations. In Illinois, the term includes doctors of medicine, doctors of osteopathy, doctors of chiropractic, physician assistants who have been delegated the performance of medical examinations by his/her supervising physician, and

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED AMENDMENT

advanced practice nurses who have a written collaborative agreement with a collaborating physician that authorizes him/her to perform physical examinations.

"Motor carrier" means a for-hire motor carrier or a private motor carrier. The term "motor carrier" includes a motor carrier's agents, officers and representatives as well as employees responsible for hiring, supervising, training, assigning, or dispatching of drivers and employees concerned with the installation, inspection, and maintenance of motor vehicle equipment and/or accessories. For purposes of the IMCSR, the definition of "motor carrier" includes the terms "employer" and "exempt motor carrier." (49 CFR 390.5, October 1, 2002)

"Motor vehicle" means any vehicle, machine, tractor, trailer, or semitrailer propelled or drawn by mechanical power and used upon the highways in the transportation of passengers or property, or any combination thereof determined by the Federal Motor Carrier Safety Administration, but does not include any vehicle, locomotive, or car operated exclusively on a rail or rails, or a trolley bus operated by electric power derived from a fixed overhead wire, furnishing local passenger transportation similar to street-railway service. (49 CFR 390.5, October 1, 2002)

"Multiple-employer driver" means a driver who, in any period of 7 consecutive days, is employed or used as a driver by more than one motor carrier. (49 CFR 390.5, October 1, 2002)

"North American Uniform Out-Of-Service Criteria" means a set of guidelines established by the CVSA and recognized by all states, the provinces of Canada, and Mexico as acceptable standards for identifying driver violations and critical vehicle inspection items that may render a driver, a commercial motor vehicle or a hazardous material load out-of-service. The criteria is enforced, in some states, by qualified law enforcement officers of a municipality, county, state or the federal government. In Illinois, only qualified officers of the Illinois State Police and the federal government have authority to enforce the out-of-service criteria.

"Operator" – see driver.

"Other terms" – any other term used in the IMCSR is used in its commonly accepted meaning, except where such other term has been defined elsewhere in the IMCSR. In that event, the definition therein given shall apply. (49 CFR 390.5, October 1, 2002)

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED AMENDMENT

"Out-of-service order" means a declaration by the Illinois State Police or by an authorized enforcement officer of a Federal, state, Canadian, Mexican or local jurisdiction that a driver, a commercial motor vehicle, or a motor carrier operation, is out-of-service pursuant to 49 CFR 386.72, 49 CFR 392.5, 49 CFR 395.13, 49 CFR 396.9, or 92 Ill. Adm. Code 392.2000(d), or compatible laws, or the North American Uniform Out-of-Service Criteria as defined in this Section.

"Person" means any natural person or individual, governmental body, firm, association, partnership, copartnership, joint venture, company, corporation, joint stock company, trust, estate or any other legal entity or their legal representative, agent or assigns. (Section 18b-101 of the Law)

"Planting and harvesting season" means the period of February 1 through November 30 each year.

"Principal place of business" means a single location designated by the motor carrier, normally its headquarters, for purposes of identification under this Subchapter d. The motor carrier must make records required by 49 CFR 382 and 49 CFR 387, as well as Parts 390, 391, 395, 396, and 397 of this Subchapter d, available for inspection at this location within 48 hours (Saturdays, Sundays, and Federal or State holidays excluded) after a request has been made by a special agent or authorized representative of the Federal Motor Carrier Safety Administration or the Illinois Department of Transportation. (49 CFR 390.5, October 1, 2002)

"Private motor carrier" means a person who provides transportation of property or passengers, by commercial motor vehicle, and is not a for-hire motor carrier. (49 CFR 390.5, October 1, 2002)

"Private motor carrier of passengers (business)" means a private motor carrier engaged in the interstate or intrastate transportation of passengers which is provided in the furtherance of a commercial enterprise and is not available to the public at large. (49 CFR 390.5, October 1, 2002)

"Private motor carrier of passengers (nonbusiness)" means a private motor carrier involved in the interstate or intrastate transportation of passengers that does not otherwise meet the definition of a private motor carrier of passengers (business). (49 CFR 390.5, October 1, 2002)

"Radar detector" means any device or mechanism to detect the emission of radio

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED AMENDMENT

microwaves, laser beams or any other future speed measurement technology employed by enforcement personnel to measure the speed of commercial motor vehicles upon public roads and highways for enforcement purposes. Excluded from this definition are radar detection devices that meet both of the following requirements:

Transported outside the driver's compartment of the commercial motor vehicle. For this purpose, the driver's compartment of a passenger-carrying CMV shall include all space designed to accommodate both the driver and the passengers; and

Completely inaccessible to, inoperable by, and imperceptible to the driver while operating the commercial motor vehicle. (49 CFR 390.5, October 1, 2002)

"Residential district" means the territory adjacent to and including a highway which is not a business district and for a distance of 300 feet or more along the highway is primarily improved with residences. (49 CFR 390.5, October 1, 2002)

"School bus" means a motor vehicle that meets all of the special requirements for school buses in Sections 12-801, 12-802, 12-803 and 12-805 of the Code and is designed or used to carry more than 10 passengers, including the driver, and is used for transporting preprimary, primary or secondary school students from home to school or from school to home or for intrastate school sanctioned functions.

"School bus operation" means the use of a school bus to transport only school children and/or school personnel from home to school and from school to home and for intrastate school sanctioned functions.

"Secretary" means the Secretary of the Illinois Department of Transportation.

"Single-employer driver" means a driver who, in any period of 7 consecutive days, is employed or used as a driver solely by a single motor carrier. This term includes a driver who operates a commercial motor vehicle on an intermittent, casual, or occasional basis. (49 CFR 390.5, October 1, 2002)

"Special agent" – See 49 CFR Appendix B to Subchapter B of Chapter III.

"Special agricultural movement equipment" means a vehicle of the second

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED AMENDMENT

division having a corn sheller, a welldriller, hay press, clover huller, feed mixer and unloader or other farm machinery permanently mounted thereon and used solely for transporting the same, farm wagon type trailers having a fertilizer spreader attachment permanently mounted thereon, having a gross weight of not to exceed 36,000 pounds and farm wagon type tank trailers (i.e., nurse tanks) not to exceed 3,000 gallon capacity. Also includes any single unit self-propelled agricultural fertilizer implement, designed for both on and off road use, equipped with flotation tires and otherwise especially adapted for the application of plant food materials or agricultural chemicals. (Section 3-809 of the Code)

"State" means a state of the United States and the District of Columbia and includes a political subdivision of a state. (49 CFR 390.5, October 1, 2002)

"Trailer" includes:

"Full trailer" means any motor vehicle other than a pole trailer which is designed to be drawn by another motor vehicle and so constructed that no part of its weight, except for the towing device, rests upon the self-propelled towing motor vehicle. A semitrailer equipped with an auxiliary front axle (converter dolly) shall be considered a full trailer. (49 CFR 390.5, October 1, 2002)

"Pole trailer" means any motor vehicle which is designed to be drawn by another motor vehicle and attached to the towing motor vehicle by means of a "reach" or "pole," or by being "boomed" or otherwise secured to the towing vehicle, for transporting long or irregularly shaped loads such as poles, pipes, or structural members, which generally are capable of sustaining themselves as beams between the supporting connections. (49 CFR 390.5, October 1, 2002)

"Semitrailer" means any motor vehicle, other than a pole trailer, which is designed to be drawn by another motor vehicle and is constructed so that some part of its weight rests upon the self-propelled towing motor vehicle. (49 CFR 390.5, October 1, 2002)

"Truck" means any self-propelled commercial motor vehicle except a truck tractor, designed and/or used for the transportation of property. (49 CFR 390.5, October 1, 2002)

"Truck tractor" means a self-propelled commercial motor vehicle designed and/or

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED AMENDMENT

used primarily for drawing other vehicles. (49 CFR 390.5, October 1, 2002)

"United States" means the 50 states and the District of Columbia. (49 CFR 390.5, October 1, 2002)

"US DOT" means the United States Department of Transportation.

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

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Pay Plan
- 2) Code Citation: 80 Ill. Adm. Code 310
- 3) Section Number: 310.280 Adopted Action: Amended
- 4) Statutory Authority: Authorized by Sections 8 and 8a of the Personnel Code [20 ILCS 415/8 and 8a]
- 5) Effective date of amendment: August 27, 2004
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection. Copies of all Pay Plan amendments and Collective Bargaining contracts are available upon request from the Division of Technical Services.
- 9) Notices of Proposed published in the Illinois Register: May 14, 2004, Issue #20; 28 Ill. Reg. 6950
- 10) Has JCAR issued a Statement of Objection to this amendment? No
- 11) Differences between proposal and final version: In the Table of Contents, Tables AA and AB are moved to reflect the adopted amendments published June 25, 3004 in 28 Ill. Reg. 8842. In line 102, “(Repealed)” was added to the end of the Table AB reference to reflect the peremptory amendment published on May 21, 2004 in 28 Ill. Reg. 7323.

In the Source Notes, the changes reflect: the expiration on November 27, 2003 of the emergency amendment at 27 Ill. Reg. 10442, effective July 1, 2003; the addition of “amended at 28 Ill. Reg. 6879, effective April 30, 2004”; the addition of “peremptory amendment at 28 Ill. Reg. 7323, effective May 10, 2004”; the addition of “amended at 28 Ill. Reg. 8842, effective June 11, 2004”; and the addition of “peremptory amendment at 28 Ill. Reg. 9717, effective June 28, 2004”.

In the Section 310.280 table, changes reflect the adoption effective April 30, 2004 and published in the 28 Ill. Reg. 6879. The table changes removed four positions in the

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENT

Department of Commerce and Economic Opportunity and added one in the Department of Public Health.

In the Section 310.280 table, the heading for the "Department of Commerce and Economic Opportunity" is added and the close parenthesis, ")", is added after the position number.

- 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 amendment replace any emergency amendment currently in effect? No
- 14) Are there any amendments pending on this Part? Yes

Section Numbers	Proposed Action	Ill. Reg. Citation
310.110	Amend	28 Ill. Reg. 11532, 08/13/04
310.130	Amend	28 Ill. Reg. 11532, 08/13/04
310.530	Amend	28 Ill. Reg. 11532, 08/13/04
310.540	Amend	28 Ill. Reg. 11532, 08/13/04
310.Appendix A, Table H	Amend	28 Ill. Reg. 11532, 08/13/04
310.Appendix A, Table I	Amend	28 Ill. Reg. 11532, 08/13/04
310.Appendix A, Table J	Amend	28 Ill. Reg. 11532, 08/13/04
310.Appendix A, Table N	Amend	28 Ill. Reg. 11532, 08/13/04
310.Appendix A, Table O	Amend	28 Ill. Reg. 11532, 08/13/04
310.Appendix A, Table R	Amend	28 Ill. Reg. 11532, 08/13/04
310.Appendix A, Table W	Amend	28 Ill. Reg. 11532, 08/13/04
310.Appendix A, Table X	Amend	28 Ill. Reg. 11532, 08/13/04
310.Appendix A, Table Y	Amend	28 Ill. Reg. 11532, 08/13/04
310.Appendix A, Table Z	Amend	28 Ill. Reg. 11532, 08/13/04
310.Appendix B	Amend	28 Ill. Reg. 11532, 08/13/04
310.Appendix C	Amend	28 Ill. Reg. 11532, 08/13/04
310.Appendix D	Amend	28 Ill. Reg. 11532, 08/13/04
310.Appendix G	Amend	28 Ill. Reg. 11532, 08/13/04

- 15) Summary and purpose of amendment: A Public Service Administrator, position number 37015-42-10-900-10-01, was added at the request of the Department of Commerce and Economic Opportunity with a designated rate of \$86,474 annually, effective April 16, 2004.
- 16) Information and questions regarding this adopted amendment shall be directed to:

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENT

Ms. Dawn DeFraties
Deputy Director
Bureau of Personnel
Department of Central Management Services
503 William G. Stratton Building
Springfield IL 62706
217/524-8773
Fax: 217/558-4497

- 17) Does this amendment require the preview of the Procurement Policy Board as specified in Section 5-25 of the Illinois Procurement Code [30 ILCS 50/5-25]? No

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

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENT

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES
SUBTITLE B: PERSONNEL RULES, PAY PLANS, AND
POSITION CLASSIFICATIONS

CHAPTER I: DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

PART 310
PAY PLAN

SUBPART A: NARRATIVE

Section	
310.20	Policy and Responsibilities
310.30	Jurisdiction
310.40	Pay Schedules
310.50	Definitions
310.60	Conversion of Base Salary to Pay Period Units
310.70	Conversion of Base Salary to Daily or Hourly Equivalents
310.80	Increases in Pay
310.90	Decreases in Pay
310.100	Other Pay Provisions
310.110	Implementation of Pay Plan Changes for Fiscal Year 2004
310.120	Interpretation and Application of Pay Plan
310.130	Effective Date
310.140	Reinstitution of Within Grade Salary Increases (Repealed)
310.150	Fiscal Year 1985 Pay Changes in Schedule of Salary Grades, effective July 1, 1984 (Repealed)

SUBPART B: SCHEDULE OF RATES

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

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENT

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

SUBPART C: MERIT COMPENSATION SYSTEM

Section

- 310.410 Jurisdiction
- 310.420 Objectives
- 310.430 Responsibilities
- 310.440 Merit Compensation Salary Schedule
- 310.450 Procedures for Determining Annual Merit Increases
- 310.455 Intermittent Merit Increase
- 310.456 Merit Zone (Repealed)
- 310.460 Other Pay Increases
- 310.470 Adjustment
- 310.480 Decreases in Pay
- 310.490 Other Pay Provisions
- 310.495 Broad-Band Pay Range Classes
- 310.500 Definitions
- 310.510 Conversion of Base Salary to Pay Period Units (Repealed)
- 310.520 Conversion of Base Salary to Daily or Hourly Equivalents
- 310.530 Implementation
- 310.540 Annual Merit Increase Guidechart for Fiscal Year 2004
- 310.550 Fiscal Year 1985 Pay Changes in Merit Compensation System, effective July 1, 1984 (Repealed)

310.APPENDIX A Negotiated Rates of Pay

- 310.TABLE A HR-190 (Department of Central Management Services – State of Illinois Building – SEIU)
- 310.TABLE B HR-200 (Department of Labor – Chicago, Illinois – SEIU) (Repealed)
- 310.TABLE C RC-069 (Firefighters, AFSCME) (Repealed)
- 310.TABLE D HR-001 (Teamsters Local #726)
- 310.TABLE E RC-020 (Teamsters Local #330)
- 310.TABLE F RC-019 (Teamsters Local #25)
- 310.TABLE G RC-045 (Automotive Mechanics, IFPE)
- 310.TABLE H RC-006 (Corrections Employees, AFSCME)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENT

310.TABLE I	RC-009 (Institutional Employees, AFSCME)
310.TABLE J	RC-014 (Clerical Employees, AFSCME)
310.TABLE K	RC-023 (Registered Nurses, INA)
310.TABLE L	RC-008 (Boilermakers)
310.TABLE M	RC-110 (Conservation Police Lodge)
310.TABLE N	RC-010 (Professional Legal Unit, AFSCME)
310.TABLE O	RC-028 (Paraprofessional Human Services Employees, AFSCME)
310.TABLE P	RC-029 (Paraprofessional Investigatory and Law Enforcement Employees, IFPE)
310.TABLE Q	RC-033 (Meat Inspectors, IFPE)
310.TABLE R	RC-042 (Residual Maintenance Workers, AFSCME)
310.TABLE S	HR-012 (Fair Employment Practices Employees, SEIU) (Repealed)
310.TABLE T	HR-010 (Teachers of Deaf, IFT)
310.TABLE U	HR-010 (Teachers of Deaf, Extracurricular Paid Activities)
310.TABLE V	CU-500 (Corrections Meet and Confer Employees)
310.TABLE W	RC-062 (Technical Employees, AFSCME)
310.TABLE X	RC-063 (Professional Employees, AFSCME)
310.TABLE Y	RC-063 (Educators, AFSCME)
310.TABLE Z	RC-063 (Physicians, AFSCME)
310.TABLE AA	NR-916 (Department of Natural Resources, Teamsters)
310.TABLE AB	VR-007 (Plant Maintenance Engineers, Operating Engineers) (Repealed)
310.APPENDIX B	Schedule of Salary Grades – Monthly Rates of Pay for Fiscal Year 2004
310.APPENDIX C	Medical Administrator Rates for Fiscal Year 2004
310.APPENDIX D	Merit Compensation System Salary Schedule for Fiscal Year 2004
310.APPENDIX E	Teaching Salary Schedule (Repealed)
310.APPENDIX F	Physician and Physician Specialist Salary Schedule (Repealed)
310.APPENDIX G	Broad-Band Pay Range Classes Salary Schedule for Fiscal Year 2004

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

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

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENT

emergency amendment at 8 Ill. Reg. 12616, effective July 1, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 15007, effective August 6, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 15367, effective August 13, 1984; emergency amendment at 8 Ill. Reg. 21310, effective October 10, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 21544, effective October 24, 1984; amended at 8 Ill. Reg. 22844, effective November 14, 1984; emergency amendment at 9 Ill. Reg. 1134, effective January 16, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 1320, effective January 23, 1985; amended at 9 Ill. Reg. 3681, effective March 12, 1985; emergency amendment at 9 Ill. Reg. 4163, effective March 15, 1985, for a maximum of 150 days; emergency amendment at 9 Ill. Reg. 9231, effective May 31, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 9420, effective June 7, 1985; amended at 9 Ill. Reg. 10663, effective July 1, 1985; emergency amendment at 9 Ill. Reg. 15043, effective September 24, 1985, for a maximum of 150 days; peremptory amendment at 10 Ill. Reg. 3325, effective January 22, 1986; amended at 10 Ill. Reg. 3230, effective January 24, 1986; emergency amendment at 10 Ill. Reg. 8904, effective May 13, 1986, for a maximum of 150 days; peremptory amendment at 10 Ill. Reg. 8928, effective May 13, 1986; emergency amendment at 10 Ill. Reg. 12090, effective June 30, 1986, for a maximum of 150 days; peremptory amendment at 10 Ill. Reg. 13675, effective July 31, 1986; peremptory amendment at 10 Ill. Reg. 14867, effective August 26, 1986; amended at 10 Ill. Reg. 15567, effective September 17, 1986; emergency amendment at 10 Ill. Reg. 17765, effective September 30, 1986, for a maximum of 150 days; peremptory amendment at 10 Ill. Reg. 19132, effective October 28, 1986; peremptory amendment at 10 Ill. Reg. 21097, effective December 9, 1986; amended at 11 Ill. Reg. 648, effective December 22, 1986; peremptory amendment at 11 Ill. Reg. 3363, effective February 3, 1987; peremptory amendment at 11 Ill. Reg. 4388, effective February 27, 1987; peremptory amendment at 11 Ill. Reg. 6291, effective March 23, 1987; amended at 11 Ill. Reg. 5901, effective March 24, 1987; emergency amendment at 11 Ill. Reg. 8787, effective April 15, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 11830, effective July 1, 1987, for a maximum of 150 days; peremptory amendment at 11 Ill. Reg. 13675, effective July 29, 1987; amended at 11 Ill. Reg. 14984, effective August 27, 1987; peremptory amendment at 11 Ill. Reg. 15273, effective September 1, 1987; peremptory amendment at 11 Ill. Reg. 17919, effective October 19, 1987; peremptory amendment at 11 Ill. Reg. 19812, effective November 19, 1987; emergency amendment at 11 Ill. Reg. 20664, effective December 4, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20778, effective December 11, 1987; peremptory amendment at 12 Ill. Reg. 3811, effective January 27, 1988; peremptory amendment at 12 Ill. Reg. 5459, effective March 3, 1988; amended at 12 Ill. Reg. 6073, effective March 21, 1988; peremptory amendment at 12 Ill. Reg. 7783, effective April 14, 1988; emergency amendment at 12 Ill. Reg. 7734, effective April 15, 1988, for a maximum of 150 days; peremptory amendment at 12 Ill. Reg. 8135, effective April 22, 1988; peremptory amendment at 12 Ill. Reg. 9745, effective May 23, 1988; emergency amendment at 12 Ill. Reg. 11778, effective July 1, 1988, for a maximum of 150 days; emergency amendment at 12 Ill. Reg. 12895, effective July 18, 1988, for a maximum of 150 days; peremptory amendment at 12 Ill. Reg. 13306, effective July 27,

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENT

1988; corrected at 12 Ill. Reg. 13359; amended at 12 Ill. Reg. 14630, effective September 6, 1988; amended at 12 Ill. Reg. 20449, effective November 28, 1988; preemptory amendment at 12 Ill. Reg. 20584, effective November 28, 1988; preemptory amendment at 13 Ill. Reg. 8080, effective May 10, 1989; amended at 13 Ill. Reg. 8849, effective May 30, 1989; preemptory amendment at 13 Ill. Reg. 8970, effective May 26, 1989; emergency amendment at 13 Ill. Reg. 10967, effective June 20, 1989, for a maximum of 150 days; emergency amendment expired on November 17, 1989; amended at 13 Ill. Reg. 11451, effective June 28, 1989; emergency amendment at 13 Ill. Reg. 11854, effective July 1, 1989, for a maximum of 150 days; corrected at 13 Ill. Reg. 12647; preemptory amendment at 13 Ill. Reg. 12887, effective July 24, 1989; amended at 13 Ill. Reg. 16950, effective October 20, 1989; amended at 13 Ill. Reg. 19221, effective December 12, 1989; amended at 14 Ill. Reg. 615, effective January 2, 1990; preemptory amendment at 14 Ill. Reg. 1627, effective January 11, 1990; amended at 14 Ill. Reg. 4455, effective March 12, 1990; preemptory amendment at 14 Ill. Reg. 7652, effective May 7, 1990; amended at 14 Ill. Reg. 10002, effective June 11, 1990; emergency amendment at 14 Ill. Reg. 11330, effective June 29, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 14361, effective August 24, 1990; emergency amendment at 14 Ill. Reg. 15570, effective September 11, 1990, for a maximum of 150 days; emergency amendment expired on February 8, 1991; corrected at 14 Ill. Reg. 16092; preemptory amendment at 14 Ill. Reg. 17098, effective September 26, 1990; amended at 14 Ill. Reg. 17189, effective October 2, 1990; amended at 14 Ill. Reg. 17189, effective October 19, 1990; amended at 14 Ill. Reg. 18719, effective November 13, 1990; preemptory amendment at 14 Ill. Reg. 18854, effective November 13, 1990; preemptory amendment at 15 Ill. Reg. 663, effective January 7, 1991; amended at 15 Ill. Reg. 3296, effective February 14, 1991; amended at 15 Ill. Reg. 4401, effective March 11, 1991; preemptory amendment at 15 Ill. Reg. 5100, effective March 20, 1991; preemptory amendment at 15 Ill. Reg. 5465, effective April 2, 1991; emergency amendment at 15 Ill. Reg. 10485, effective July 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 11080, effective July 19, 1991; amended at 15 Ill. Reg. 13080, effective August 21, 1991; amended at 15 Ill. Reg. 14210, effective September 23, 1991; emergency amendment at 16 Ill. Reg. 711, effective December 26, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 3450, effective February 20, 1992; preemptory amendment at 16 Ill. Reg. 5068, effective March 11, 1992; preemptory amendment at 16 Ill. Reg. 7056, effective April 20, 1992; emergency amendment at 16 Ill. Reg. 8239, effective May 19, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 8382, effective May 26, 1992; emergency amendment at 16 Ill. Reg. 13950, effective August 19, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 14452, effective September 4, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 238, effective December 23, 1992; preemptory amendment at 17 Ill. Reg. 498, effective December 18, 1992; amended at 17 Ill. Reg. 590, effective January 4, 1993; amended at 17 Ill. Reg. 1819, effective February 2, 1993; amended at 17 Ill. Reg. 6441, effective April 8, 1993; emergency amendment at 17 Ill. Reg. 12900, effective July 22, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 13409, effective July 29, 1993; emergency amendment at 17 Ill. Reg. 13789, effective

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENT

August 9, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 14666, effective August 26, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 19103, effective October 25, 1993; emergency amendment at 17 Ill. Reg. 21858, effective December 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 22514, effective December 15, 1993; amended at 18 Ill. Reg. 227, effective December 17, 1993; amended at 18 Ill. Reg. 1107, effective January 18, 1994; amended at 18 Ill. Reg. 5146, effective March 21, 1994; preemptory amendment at 18 Ill. Reg. 9562, effective June 13, 1994; emergency amendment at 18 Ill. Reg. 11299, effective July 1, 1994, for a maximum of 150 days; preemptory amendment at 18 Ill. Reg. 13476, effective August 17, 1994; emergency amendment at 18 Ill. Reg. 14417, effective September 9, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 16545, effective October 31, 1994; preemptory amendment at 18 Ill. Reg. 16708, effective October 28, 1994; amended at 18 Ill. Reg. 17191, effective November 21, 1994; amended at 19 Ill. Reg. 1024, effective January 24, 1995; preemptory amendment at 19 Ill. Reg. 2481, effective February 17, 1995; preemptory amendment at 19 Ill. Reg. 3073, effective February 17, 1995; amended at 19 Ill. Reg. 3456, effective March 7, 1995; preemptory amendment at 19 Ill. Reg. 5145, effective March 14, 1995; amended at 19 Ill. Reg. 6452, effective May 2, 1995; preemptory amendment at 19 Ill. Reg. 6688, effective May 1, 1995; amended at 19 Ill. Reg. 7841, effective June 1, 1995; amended at 19 Ill. Reg. 8156, effective June 12, 1995; amended at 19 Ill. Reg. 9096, effective June 27, 1995; emergency amendment at 19 Ill. Reg. 11954, effective August 1, 1995, for a maximum of 150 days; preemptory amendment at 19 Ill. Reg. 13979, effective September 19, 1995; preemptory amendment at 19 Ill. Reg. 15103, effective October 12, 1995; amended at 19 Ill. Reg. 16160, effective November 28, 1995; amended at 20 Ill. Reg. 308, effective December 22, 1995; emergency amendment at 20 Ill. Reg. 4060, effective February 27, 1996, for a maximum of 150 days; preemptory amendment at 20 Ill. Reg. 6334, effective April 22, 1996; preemptory amendment at 20 Ill. Reg. 7434, effective May 14, 1996; amended at 20 Ill. Reg. 8301, effective June 11, 1996; amended at 20 Ill. Reg. 8657, effective June 20, 1996; amended at 20 Ill. Reg. 9006, effective June 26, 1996; amended at 20 Ill. Reg. 9925, effective July 10, 1996; emergency amendment at 20 Ill. Reg. 10213, effective July 15, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 10841, effective August 5, 1996; preemptory amendment at 20 Ill. Reg. 13408, effective September 24, 1996; amended at 20 Ill. Reg. 15018, effective November 7, 1996; preemptory amendment at 20 Ill. Reg. 15092, effective November 7, 1996; emergency amendment at 21 Ill. Reg. 1023, effective January 6, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 1629, effective January 22, 1997; amended at 21 Ill. Reg. 5144, effective April 15, 1997; amended at 21 Ill. Reg. 6444, effective May 15, 1997; amended at 21 Ill. Reg. 7118, effective June 3, 1997; emergency amendment at 21 Ill. Reg. 10061, effective July 21, 1997, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 12859, effective September 8, 1997, for a maximum of 150 days; preemptory amendment at 21 Ill. Reg. 14267, effective October 14, 1997; preemptory amendment at 21 Ill. Reg. 14589, effective October 15, 1997; preemptory amendment at 21 Ill. Reg. 15030, effective November 10, 1997; amended at 21 Ill. Reg. 16344, effective December 9, 1997; preemptory amendment at 21 Ill. Reg. 16465, effective

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENT

December 4, 1997; preemptory amendment at 21 Ill. Reg. 17167, effective December 9, 1997; preemptory amendment at 22 Ill. Reg. 1593, effective December 22, 1997; amended at 22 Ill. Reg. 2580, effective January 14, 1998; preemptory amendment at 22 Ill. Reg. 4326, effective February 13, 1998; preemptory amendment at 22 Ill. Reg. 5108, effective February 26, 1998; preemptory amendment at 22 Ill. Reg. 5749, effective March 3, 1998; amended at 22 Ill. Reg. 6204, effective March 12, 1998; preemptory amendment at 22 Ill. Reg. 7053, effective April 1, 1998; preemptory amendment at 22 Ill. Reg. 7320, effective April 10, 1998; preemptory amendment at 22 Ill. Reg. 7692, effective April 20, 1998; emergency amendment at 22 Ill. Reg. 12607, effective July 2, 1998, for a maximum of 150 days; preemptory amendment at 22 Ill. Reg. 15489, effective August 7, 1998; amended at 22 Ill. Reg. 16158, effective August 31, 1998; preemptory amendment at 22 Ill. Reg. 19105, effective September 30, 1998; preemptory amendment at 22 Ill. Reg. 19943, effective October 27, 1998; preemptory amendment at 22 Ill. Reg. 20406, effective November 5, 1998; amended at 22 Ill. Reg. 20581, effective November 16, 1998; amended at 23 Ill. Reg. 664, effective January 1, 1999; preemptory amendment at 23 Ill. Reg. 730, effective December 29, 1998; emergency amendment at 23 Ill. Reg. 6533, effective May 10, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 7065, effective June 3, 1999; emergency amendment at 23 Ill. Reg. 8169, effective July 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 11020, effective August 26, 1999; amended at 23 Ill. Reg. 12429, effective September 21, 1999; preemptory amendment at 23 Ill. Reg. 12493, effective September 23, 1999; amended at 23 Ill. Reg. 12604, effective September 24, 1999; amended at 23 Ill. Reg. 13053, effective September 27, 1999; preemptory amendment at 23 Ill. Reg. 13132, effective October 1, 1999; amended at 23 Ill. Reg. 13570, effective October 26, 1999; amended at 23 Ill. Reg. 14020, effective November 15, 1999; amended at 24 Ill. Reg. 1025, effective January 7, 2000; preemptory amendment at 24 Ill. Reg. 3399, effective February 3, 2000; amended at 24 Ill. Reg. 3537, effective February 18, 2000; amended at 24 Ill. Reg. 6874, effective April 21, 2000; amended at 24 Ill. Reg. 7956, effective May 23, 2000; emergency amendment at 24 Ill. Reg. 10328, effective July 1, 2000, for a maximum of 150 days; emergency expired November 27, 2000; preemptory amendment at 24 Ill. Reg. 10767, effective July 3, 2000; amended at 24 Ill. Reg. 13384, effective August 17, 2000; preemptory amendment at 24 Ill. Reg. 14460, effective September 14, 2000; preemptory amendment at 24 Ill. Reg. 16700, effective October 30, 2000; preemptory amendment at 24 Ill. Reg. 17600, effective November 16, 2000; amended at 24 Ill. Reg. 18058, effective December 4, 2000; preemptory amendment at 24 Ill. Reg. 18444, effective December 1, 2000; amended at 25 Ill. Reg. 811, effective January 4, 2001; amended at 25 Ill. Reg. 2389, effective January 22, 2001; amended at 25 Ill. Reg. 4552, effective March 14, 2001; preemptory amendment at 25 Ill. Reg. 5067, effective March 21, 2001; amended at 25 Ill. Reg. 5618, effective April 4, 2001; amended at 25 Ill. Reg. 6655, effective May 11, 2001; amended at 25 Ill. Reg. 7151, effective May 25, 2001; preemptory amendment at 25 Ill. Reg. 8009, effective June 14, 2001; emergency amendment at 25 Ill. Reg. 9336, effective July 3, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 9846, effective July 23, 2001; amended at 25 Ill. Reg. 12087, effective September 6, 2001; amended at 25 Ill. Reg. 15560, effective November 20,

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENT

2001; preemptory amendment at 25 Ill. Reg. 15671, effective November 15, 2001; amended at 25 Ill. Reg. 15974, effective November 28, 2001; emergency amendment at 26 Ill. Reg. 223, effective December 21, 2001, for a maximum of 150 days; amended at 26 Ill. Reg. 1143, effective January 17, 2002; amended at 26 Ill. Reg. 4127, effective March 5, 2002; preemptory amendment at 26 Ill. Reg. 4963, effective March 15, 2002; amended at 26 Ill. Reg. 6235, effective April 16, 2002; emergency amendment at 26 Ill. Reg. 7314, effective April 29, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 10425, effective July 1, 2002; emergency amendment at 26 Ill. Reg. 10952, effective July 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 13934, effective September 10, 2002; amended at 26 Ill. Reg. 14965, effective October 7, 2002; emergency amendment at 26 Ill. Reg. 16583, effective October 24, 2002, for a maximum of 150 days; emergency expired March 22, 2003; preemptory amendment at 26 Ill. Reg. 17280, effective November 18, 2002; amended at 26 Ill. Reg. 17374, effective November 25, 2002; amended at 26 Ill. Reg. 17987, effective December 9, 2002; amended at 27 Ill. Reg. 3261, effective February 11, 2003; expedited correction at 28 Ill. Reg. 6151, effective February 11, 2003; amended at 27 Ill. Reg. 8855, effective May 15, 2003; amended at 27 Ill. Reg. 9114, effective May 27, 2003; emergency amendment at 27 Ill. Reg. 10442, effective July 1, 2003, for a maximum of 150 days; emergency expired November 27, 2003; preemptory amendment at 27 Ill. Reg. 17433, effective November 7, 2003; amended at 27 Ill. Reg. 18560, effective December 1, 2003; preemptory amendment at 28 Ill. Reg. 1441, effective January 9, 2004; amended at 28 Ill. Reg. 2680, effective January 22, 2004; amended at 28 Ill. Reg. 6879, effective April 30, 2004; preemptory amendment at 28 Ill. Reg. 7323, effective May 10, 2004; amended at 28 Ill. Reg. 8842, effective June 11, 2004; preemptory amendment at 28 Ill. Reg. 9717, effective June 28, 2004; amended at 28 Ill. Reg. 12585, effective August 27, 2004.

SUBPART B: SCHEDULE OF RATES

Section 310.280 Designated Rate

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

Department of Children & Family Services

Public Service Administrator
(Pos. No. 37015-16-23-120-00-01)

Annual Salary
85,104

Department of Commerce & Economic Opportunity

Public Service Administrator

Annual Salary

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENT

(Pos. No. 37015-42-10-900-10-01)

86,474

Department of Human Services

Administrative Assistant I
(Pos. No. 00501-10-68-010-80-21)

Annual Salary
55,200

Medical Administrator I, Option D
(Pos. No. 26401-10-79-006-00-21)

Annual Salary
142,368

Medical Administrator V
(Pos. No. 26406-10-76-000-00-01)

Annual Salary
186,000

Public Service Administrator
(Pos. No. 37015-10-23-100-30-01)

Annual Salary
76,572

Senior Public Service Administrator
(Pos. No. 40070-10-65-000-00-01)

Annual Salary
105,475

Senior Public Service Administrator
(Pos. No. 40070-10-81-920-00-21)

Annual Salary
105,480

Illinois Labor Relations Board

Private Secretary II
(Pos. No. 34202-50-19-000-00-01)

Annual Salary
51,900

Department of Natural Resources

Administrative Assistant II
(Pos. No. 00502-12-30-000-20-01)

Annual Salary
50,520

Department of Public Aid

Senior Public Service Administrator
(Pos. No. 40070-33-20-000-00-61)

Annual Salary
123,060

Department of Public Health

Senior Public Service Administrator

Annual Salary

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENT

(Pos. No. 40070-20-80-000-00-81) 134,000

Department of Revenue

Public Service Administrator Annual Salary
(Pos. No. 37015-25-61-140-80-01) 76,668

Public Service Administrator Annual Salary
(Pos. No. 37015-25-61-140-90-01) 74,904

Department of State Police

Senior Public Service Administrator Annual Salary
(Pos. No. 40070-21-10-000-00-01) 117,828

Senior Public Service Administrator Annual Salary
(Pos. No. 40070-21-40-000-00-01) 117,828

(Source: Amended at 28 Ill. Reg. 12585, effective August 27, 2004)

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Radiation Safety Requirements for Industrial Radiographic Operations
- 2) Code Citation: 32 Ill. Adm. Code 350
- 3)

<u>Section Number:</u>	<u>Adopted Action:</u>
350.20	Amendment
350.25	Amendment
350.30	Amendment
350.40	Amendment
350.50	Amendment
350.60	New Section
350.1000	Amendment
350.1010	Amendment
350.1020	Amendment
350.1030	Amendment
350.1040	Amendment
350.1050	Amendment
350.1060	Amendment
350.1070	Amendment
350.1080	Amendment
350.1090	Amendment
350.2010	Amendment
350.2020	Amendment
350.2030	Amendment
350.2040	Amendment
350.3020	Amendment
350.3030	Amendment
350.3040	Amendment
350.3045	Amendment
350.3048	Amendment
350.3050	Amendment
350.3090	Amendment
350.4000	Amendment
350.4010	Amendment
350.4020	Amendment
350.4030	Amendment
APPENDIX C	Amendment

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

- 4) Statutory Authority: Implementing and authorized by the Radiation Protection Act of 1990 [420 ILCS 40].
- 5) Effective Date of Amendments: October 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 amendments, including any material incorporated by reference, is on file at the Agency's headquarters located at 1035 Outer Park Drive, Springfield, Illinois and is available for public inspection.
- 9) Notice of Proposal Published in the Illinois Register: September 26, 2003; 27 Ill. Reg. 14957
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Differences between proposal and final version:
 - a) In Section 350.30, add "Agency" means the Illinois Emergency Management Agency."
 - b) In Section 350.30, in the definition of "Associated equipment", strike "i.e." and add "e.g."; strike "crank" and add "control device cable"; and after "tube", add "and collimator when it is used as an exposure head".
 - c) In Section 350.30, add "\"Certifying entity\" means an independent certifying organization meeting the requirements in Appendix A of 10 CFR 34 or an Agreement State meeting the requirements in Appendix A, Parts II and III of 10 CFR 34.".
 - d) In Section 350.30, in the definition of "Control cable", change "(see "guide tube")" to "means a protective sheath for guiding the control cable. The control tube connects the control drive mechanism to the radiographic exposure device".
 - e) In Section 350.30, in the definition of "Crank-out device", change the second line to "(Control or drive cable), ~~protective sheath and handcrank~~ used to move the".

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

- f) In Section 350.30, add ""Field examination" or "Practical examination" means a demonstration through practical application of the safety rules and principles of industrial radiography, including use of all appropriate equipment and procedures."
- g) In Section 350.30, in the definition of "Guide tube", delete "or "Control tube"".
- h) In Section 350.30, add ""Independent certifying organization" means an independent organization that meets all the criteria of Appendix A of 10 CFR 34."
- i) In Section 350.30, add ""Radiographic operations" means all activities associated with the presence of radioactive sources in a radiographic exposure device during use of the device or transport (except when being transported by a common or contract transport) to include surveys to confirm the adequacy of boundaries, setting up equipment and any activity inside restricted area boundaries."
- j) In Section 350.30, in the definition of "Source assembly", after "means", add "an assembly that consists of the sealed source and a connector that attaches the source to the control cable. The source assembly may also include a stop ball used to secure the source in the shielded position." and strike "a component to which the sealed source is affixed or in which the sealed source is contained. The source assembly includes the sealed source (i.e., pigtail)."
- k) In Section 350.1000(a)(4), after "devices", add ", source assemblies, source changers".
- l) In Section 350.1000(b), after "device", add ", source assembly, source changer".
- m) In Section 350.1000(c), strike "serial" and add "sealed".
- n) In Sections 350.1010, 350.1040 and 350.3045, strike "microC" and insert " μ C".
- o) In Section 350.1050(g), change "(6 months after the effective date of this amendment)" to "October 1, 2004".
- p) In Section 350.1070(a), after "machine", strike the comma and add ". For", after "device" add ", a description, make, model and serial number of the radiographic exposure device, or transport or storage container in which the sealed source is located" and strike "and each sealed source".

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

- q) In Section 350.1070(b), after "using the", add "radiation machine. For radiographic exposure devices, the identity and signature of the radiographer to whom assigned" and strike "source of radiation".
- r) In Section 350.2010(d)(1), strike "12" and add "6".
- s) In Section 350.2030(a), after the period, add "After replacement, each individual monitoring device must be processed as soon as possible.".
- t) In Section 350.2030(c)(4), after "until", add "a determination of".
- u) In Section 350.2030(4), strike "determined." and add "made. The determination must be made by the RSO or the RSO's designee. The results of this determination must be included in records maintained in accordance with subsection (d) of this Section.".
- v) In Section 350.2030(c), add:

"5) If the individual monitoring device that is required by subsection (a) of this Section is lost or damaged, the worker shall cease work immediately until a replacement monitoring device meeting the requirements in subsection (a) of this Section is provided and the exposure is calculated for the time period from issuance to loss or damage of the individual monitoring device. The results of this calculated exposure and the time period for which the monitoring device was lost or damaged must be included in the records maintained in accordance with subsection (d) of this Section.".
- w) In Section 350.2030(d), strike "and" and add a semicolon.
- x) In Section 350.2030(d), after "readings", add "; records of estimates of exposures associated with off-scale pocket ionization chambers; and/or lost or damaged individual monitoring devices".
- 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

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

- 15) Summary and Purpose of Amendments: This amendment will update several definitions, add S-tube testing clarify procedures to reflect changes in Part 405, and make other language modifications requested by the Nuclear Regulatory Commission for compliance with Agreement State Status.
- 16) Information and questions regarding these adopted amendments shall be directed to:

Laura Stolpman
Staff Attorney
Illinois Emergency Management Agency
1035 Outer Park Drive
Springfield, Illinois 62704

(217) 785-9884 (voice)
(217) 782-6133 (TDD)

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

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

TITLE 32: ENERGY

CHAPTER II: ILLINOIS EMERGENCY MANAGEMENT AGENCY
SUBCHAPTER b: RADIATION PROTECTION

PART 350

RADIATION SAFETY REQUIREMENTS FOR
INDUSTRIAL RADIOGRAPHIC OPERATIONS

SUBPART A: GENERAL PROVISIONS

Section

350.10	Purpose
350.20	Scope
350.25	Incorporations by Reference
350.30	Definitions
350.40	Exemptions
350.50	Receipt, Transfer and Disposal of Sources of Radiation
<u>350.60</u>	<u>Form and Location of Records</u>

SUBPART B: EQUIPMENT CONTROL

Section

350.1000	Requirements for Radiography Equipment Using Radiographic Exposure Devices
350.1005	Requirements for Radiography Equipment Using Radiation Machines
350.1010	Limits on Levels of Radiation for Radiographic Exposure Devices, Source Changers and Transport Containers
350.1020	Locking of Sources of Radiation
<u>350.1030</u>	Permanent Storage Precautions
350.1040	Radiation Survey Instruments
350.1050	Testing for Leakage or Contamination, Repair, Tagging, Opening, Modification and Replacement of Sealed Sources
350.1060	Quarterly Inventory
350.1070	Utilization Logs
350.1080	Inspection and Maintenance
350.1090	Permanent Radiographic Installations

SUBPART C: PERSONAL RADIATION SAFETY REQUIREMENTS FOR
RADIOGRAPHERS AND RADIOGRAPHER TRAINEES

Section

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

- 350.2010 Training and Testing
- 350.2020 Operating and Emergency Procedures
- 350.2030 Personnel Monitoring Control
- 350.2040 Supervision of Radiographer Trainees

SUBPART D: PRECAUTIONARY PROCEDURES IN RADIOGRAPHIC OPERATIONS

Section

- 350.3010 Access Control and Security
- 350.3020 Posting
- 350.3030 Radiation Surveys and Survey Records
- 350.3040 Records Required at Temporary Job Sites
- 350.3045 Operating Requirements
- 350.3048 Notification of Incidents
- 350.3050 Special Requirements and Exemptions for Enclosed Radiography Systems
- 350.3060 Special Requirements and Exemptions for Enclosed Radiography Systems, other than those Described in Section 350.3050 that are Designed to Allow Admittance of Individuals (Repealed)
- 350.3070 Special Requirements and Exemptions for Certified and Non-Certified Cabinet X-Ray Systems Designed to Exclude Individuals (Repealed)
- 350.3080 Special Requirements for Mobile or Portable Radiation Machines (Repealed)
- 350.3090 Special Requirements for Underwater and Lay-Barge Radiography
- 350.4000 Prohibitions
- 350.4010 Licensing and Registration Requirements for Industrial Radiographic Operations
- 350.4020 Radiation Safety Officer
- 350.4030 Reciprocity

- 350.APPENDIX A Subjects to be Covered During the Instruction of Radiographers (Repealed)
- 350.APPENDIX B General Requirements for Inspection of Industrial Radiographic Equipment
- 350.APPENDIX C Retention Requirements for Records

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

SOURCE: Filed and effective April 20, 1974, by the Department of Public Health; transferred to the Department of Nuclear Safety by P.A. 81-1516, effective December 3, 1980; codified at 7 Ill. Reg. 14744; recodified at 10 Ill. Reg. 11265; amended at 10 Ill. Reg. 17287, effective September 25, 1986; amended at 13 Ill. Reg. 13592, effective August 11, 1989; amended at 18 Ill. Reg.

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

7263, effective May 2, 1994; expedited correction at 18 Ill. Reg. 10943, effective May 2, 1994; amended at 19 Ill. Reg. 8250, effective June 12, 1995; amended at 19 Ill. Reg. 16591, effective November 27, 1995; emergency amendment at 22 Ill. Reg. 21101, effective November 17, 1998, for a maximum of 150 days; amended at 23 Ill. Reg. 2900, effective February 25, 1999; recodified from the Department of Nuclear Safety to the Illinois Emergency Management Agency at 27 Ill. Reg. 13641; amended at 28 Ill. Reg. 12598, effective October 1, 2004.

SUBPART A: GENERAL PROVISIONS

Section 350.20 Scope

This Part shall apply to all licensees or registrants who use sources of radiation for industrial radiography. Except when the requirements of this Part are clearly applicable only to sealed radioactive sources, or to radiation machines, the requirements of this Part apply to both sealed radioactive sources and radiation machines used for performing industrial radiography procedures. Section 350.3050 [of this Part](#) contains special requirements for enclosed radiography and cabinet x-ray systems. Section 350.3090 [of this Part](#) contains special requirements for underwater and lay-barge radiography. Nothing in this Part shall apply to the use of sources of radiation in the healing arts. Each licensee and registrant is responsible for ensuring that persons performing activities under a license or certificate of registration comply with 32 Ill. Adm. Code: Chapter II, Subchapters b and d, license conditions, if any, and orders of the [Agency-Department](#).

(Source: Amended at 28 Ill. Reg. 12598, effective October 1, 2004)

Section 350.25 Incorporations by Reference

- a) All rules, standards and guidelines of agencies of the United States or nationally recognized organizations or associations that are incorporated by reference in this Part are incorporated as of the date specified in the reference and do not include any later amendments or editions. Copies of these rules, standards and guidelines that have been incorporated by reference are available for public inspection at the [Illinois Emergency Management Agency-Department of Nuclear Safety](#), 1035 Outer Park Drive, Springfield, Illinois.
- b) In addition, copies of ANSI standards may be obtained directly from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402 and from the American National Standards Institute, Inc., 1430 Broadway, New York, New York 10018.

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

(Source: Amended at 28 Ill. Reg. 12598, effective October 1, 2004)

Section 350.30 Definitions

As used in this Part, the following definitions apply:

"Agency" means the Illinois Emergency Management Agency.

"ALARA" means as low as is reasonably achievable as defined in 32 Ill. Adm. Code 310.20.

"Annual refresher safety training" means a review conducted or provided by the licensee or registrant for its employees on radiation safety aspects of industrial radiography.

"Associated equipment" means equipment used in conjunction with a radiographic exposure device to make radiographic ~~exposures~~ ~~exposure~~ where the such-equipment drives, guides, or comes into contact with the source (e.g.i.e., guide tube, control tube, control device cable ~~erank~~, removable source stop, "J" tube and collimator when it is used as an exposure head).

"Cabinet radiography" means industrial radiography conducted in an enclosure or cabinet so shielded that doses to individual members of the public at every location on the exterior meet the limitations specified in 32 Ill. Adm. Code 340.310(a).

"Cabinet x-ray system" means an x-ray system with the x-ray tube installed in an enclosure which, independent of existing architectural structures except the floor on which it may be placed, is intended to contain at least that portion of a material being irradiated, provide radiation attenuation and exclude personnel from its interior during generation of x radiation. Included are all x-ray systems designed primarily for the inspection of carry-on baggage at airline, railroad and bus terminals and in similar facilities. An x-ray tube used within a shielded part of a building or x-ray equipment which may temporarily or occasionally incorporate portable shielding is not considered a cabinet x-ray system.

"Certifying entity" means an independent certifying organization meeting the requirements in Appendix A of 10 CFR 34 or an Agreement State meeting the requirements in Appendix A, Parts II and III of 10 CFR 34.

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

"Collimator" means a radiation shield of lead or other heavy metal which is placed on the end of a guide tube or directly onto a radiographic exposure device to restrict the size and shape of the radiation beam when the sealed source is moved into position to make a radiographic exposure.

"Control cable" or "Drive cable" means the cable that is connected to the source assembly and used to drive the source to and from the exposure location.

"Control drive mechanism" (see "Crank-out device").

"Control tube" means a protective sheath for guiding the control cable. The control tube connects the control drive mechanism to the radiographic exposure device.

"Crank-out device" or "Control drive mechanism" means the cable (control or drive cable), ~~protective sheath and handcrank~~ used to move the sealed source from the shielded to the unshielded position to make an industrial radiographic exposure.

"Drive cable" (see "Control cable").

"Enclosed radiography" means industrial radiography conducted in an enclosed cabinet or room and includes cabinet radiography and shielded-room radiography.

"Exposure head" or "Source stop" means a device that locates the gamma radiography sealed source in the selected working position.

"Field examination" or "Practical examination" means a demonstration through practical application of the safety rules and principles of industrial radiography, including use of all appropriate equipment and procedures.

"GED" means general equivalency diploma.

"Guide tube" or "Projection sheath" means a flexible or rigid tube (i.e., "J" tube) for guiding the source assembly and the attached control cable from the exposure device to the exposure head. The guide tube may also include the connections necessary for attachment to the exposure device and to the exposure head.

"Hands-on experience" means experience in all of those areas considered to be directly involved in the radiography process, and includes taking radiographs.

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

calibration of survey instruments, operational and performance testing of survey instruments and devices, film development, posting of radiation areas, transportation of radiography equipment, posting of records and radiation area surveillance, etc., as applicable. Excessive time spent in only one or two of these areas, such as film development or radiation area surveillance, should not be counted toward the 2 years of experience required for a radiation safety officer in Section 350.4020(b)(3) of this Part or the experience for a radiographer as required by 32 Ill. Adm. Code 405.80.

"Independent certifying organization" means an independent organization that meets all the criteria of Appendix A of 10 CFR 34.

"Industrial radiography" or "radiography" means the process used to perform the examination of the macroscopic structure of materials by non-destructive methods using radioactive material or radiation machines.

"Lay-barge radiography" means industrial radiography performed on any water vessel used for laying pipe.

"Lixiscope" means a portable light-intensified imaging device using a sealed source.

"Lock-out survey" means a radiation survey performed to determine that a sealed source is in its shielded position. The lock-out survey is performed before moving the radiographic exposure device or source changer to a new location. The lock-out survey is also performed when securing the radiographic exposure device or source changer against unauthorized removal.

"Permanent radiographic installation" means an installation or structure designed or intended for radiography and in which radiography is regularly performed.

"Permanent use or storage location" means a location listed on a radioactive material license or a certificate of registration where sources of radiation are used or stored.

"Personal supervision" means the provision of guidance and instruction to a radiographer trainee by a radiographer who is:

physically present at the site;

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

in visual contact with the radiographer trainee while the trainee is using sources of radiation; and

in ~~such~~ proximity that immediate assistance can be given if required.

"Pigtail" (see "Source assembly").

"Pill" (see "Sealed source").

"Projection sheath" (see "Guide tube").

"Radiation safety officer" means an individual who is both designated as a radiation safety officer in accordance with Section 350.4020 of this Part and who meets the requirements of Section 350.4020 of this Part and 32 Ill. Adm. Code 310.20.

"Radiographer" means any individual who performs or personally supervises industrial radiographic operations. Radiographers shall meet the requirements of Section 350.2010(a) of this Part and shall comply with the requirements of 32 Ill. Adm. Code: Chapter II, Subchapters b and d, all license conditions, if any, and orders of the Agency-Department.

"Radiographer trainee" means any individual who uses sources of radiation and related handling tool or radiation survey instruments under the personal supervision of a radiographer. Radiographer trainees shall meet the requirements of Section 350.2010(b) of this Part and shall comply with the requirements of 32 Ill. Adm. Code: Chapter II, Subchapters b and d, all license conditions, if any, and orders of the Agency-Department.

"Radiographic exposure device" means any instrument containing a sealed source fastened or contained therein, in which the sealed source or shielding thereof may be moved or otherwise changed from a shielded to an unshielded position for purposes of making a radiographic exposure (i.e, camera).

"Radiographic operations" means all activities associated with the presence of radioactive sources in a radiographic exposure device during use of the device or transport (except when being transported by a common or contract transport) to include surveys to confirm the adequacy of boundaries, setting up equipment and any activity inside restricted area boundaries.

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

"Radiography" (see "Industrial radiography").

"S-tube" means a tube through which the radioactive source travels when inside a radiographic exposure device.

"Sealed source" or "Pill" (i.e., pill) means any capsule or matrix as defined in 32 Ill. Adm. Code 310.20.

"Shielded position" means the location within the radiographic exposure device or storage container which, by manufacturer's design, is the proper location for storage of the sealed source.

"Shielded-room radiography" means industrial radiography conducted in a room so shielded that doses to individual members of the public at every location on the exterior meet the limitations as specified in 32 Ill. Adm. Code 340.310(a) (i.e., bay, bunker, cell).

"Source assembly" or "Pigtail" means an assembly that consists of the sealed source and a connector that attaches the source to the control cable. The source assembly may also include a stop ball used to secure the source in the shielded position. ~~a component to which the sealed source is affixed or in which the sealed source is contained. The source assembly includes the sealed source (i.e., pigtail).~~

"Source changer" means a device designed and used for replacement of sealed sources in radiographic exposure devices, including those source changers also used for transporting and storage of sealed sources.

"Storage container" means the structure in which sealed sources are secured and stored at a permanent storage location as described in Section 350.4010(c)(5) of this Part.

"Source stop" (see "Exposure head").

"Temporary job site" means any location that is not specifically listed on a radioactive material license or certificate of registration where industrial radiography is performed for 180 days or less during any consecutive 12 months.

"Transport container" means a package that is designed and constructed to provide radiation safety and security when sealed sources are transported and meets all applicable regulations of the U.S. Department of Transportation.

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

"Underwater radiography" means industrial radiography performed when the radiographic exposure device and related equipment are beneath the surface of water.

(Source: Amended at 28 Ill. Reg. 12598, effective October 1, 2004)

Section 350.40 Exemptions

- a) The following are exempt from the requirements of this Part:
 - 1) Cabinet x-ray systems designed to exclude individuals, except that ~~the such~~-systems must satisfy the provisions of Section 350.3050(c) of this Part, which apply specifically to cabinet x-ray systems; and
 - 2) Lixiscopes ~~Lixiseope~~-used in industrial applications.
- b) Devices exempted by subsection (a) of this Section above are subject to the requirements of 32 Ill. Adm. Code 320 and 330 and other applicable provisions of 32 Ill. Adm. Code: Chapter II, Subchapters b and d.

(Source: Amended at 28 Ill. Reg. 12598, effective October 1, 2004)

Section 350.50 Receipt, Transfer and Disposal of Sources of Radiation

Each licensee or registrant shall maintain records showing the receipt, transfer and disposal of sources of radiation. These records shall include the date of receipt, transfer or disposal, the name of the individual making the record, the radionuclide, the number of gigabecquerels or curies and the make, model and serial number of each source of radiation and device, as appropriate. Records shall be maintained for Agency Department-inspection until the radioactive material license or certificate of registration is terminated.

(Source: Amended at 28 Ill. Reg. 12598, effective October 1, 2004)

Section 350.60 Form and Location of Records

- a) Each record required by this Part shall be legible throughout the specific retention period. The record may be the original or a reproduced copy or a microform provided that the copy or microform is authenticated by authorized personnel and that the microform is capable of reproducing a clear copy throughout the required

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

retention period. The record may also be stored in electronic media with the capability for producing legible, accurate and complete records during the required retention period. Records such as letters, drawings and specifications shall include all pertinent information, stamps, initials and signatures. The licensee or registrant shall maintain adequate safeguards against tampering with and loss of records.

- b) Each licensee or registrant shall maintain copies of records required by this Part and other applicable Parts of 32 Ill. Adm. Code at the location(s) specified in Section 350.4010(c)(7) of this Part.

(Source: Added at 28 Ill. Reg. 12598, effective October 1, 2004)

SUBPART B: EQUIPMENT CONTROL

Section 350.1000 Requirements for Radiography Equipment Using Radiographic Exposure Devices

- a) Equipment used in industrial radiographic operations involving the use of radiographic exposure devices shall meet the following minimum criteria:
- 1) Each radiographic exposure device, source assembly, or sealed source and all associated equipment:
 - A) Manufactured on or before July 1, 1994, and used after January 10, 1996, shall meet the requirements specified in American National Standards Institute (ANSI) N432-1980, "Radiological Safety for the Design and Construction of Apparatus for Gamma Radiography," published January 1981, as NBS Handbook 136, exclusive of subsequent amendments or editions. However, equipment used in industrial radiographic operations need not comply with section 8.9.2(c) of the Endurance Test in ANSI N432-1980, if the prototype equipment has been tested using a torque value representative of the torque that an individual using the radiography equipment can realistically exert on the lever or crankshaft of the drive mechanism; and/or-
 - B) Manufactured after July 1, 1994, and used after January 10, 1996, shall meet the requirements specified in ANSI N43.9-1991, "American National Standard for Gamma Radiography –

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

Specifications for Design and Testing of Apparatus," published 1991, exclusive of subsequent amendments or editions.

- 2) Each radiographic exposure device shall have attached to it one or more durable, legible, clearly visible labels bearing the:
 - A) Chemical symbol and mass number of the radionuclide in the device;
 - B) Activity of the sealed source and the date on which this activity was last measured;
 - C) Model and serial number of the sealed source;
 - D) Manufacturer of the sealed source; and
 - E) Licensee's name, address and telephone number.
- 3) Each radiographic exposure device intended for use as a Type B transport container shall meet the applicable requirements of 32 Ill. Adm. Code 341.
- 4) Radiographic exposure devices, source assemblies, source changers and associated equipment that allow the source to be moved out of the device for routine operation shall meet the following additional requirements:
 - A) The coupling between the source assembly and the control cable shall be designed in ~~such~~ a manner that the source assembly will not become disconnected if cranked outside the guide tube. The coupling shall be such that it cannot be unintentionally disconnected under normal conditions.
 - B) The device shall automatically secure the source assembly when it is cranked back into the shielded position within the device. This securing system shall only be released by means of a deliberate operation of the exposure device.
 - C) The outlet fittings, lock box and drive cable fittings on each radiographic exposure device shall be equipped with safety plugs or covers, which shall be installed during storage and transportation, to protect the source assembly from water, mud,

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

sand or other foreign matter.

- D) Each sealed source or source assembly shall have attached to it, or engraved in it, a durable, legible, visible label with the words: "DANGER-RADIOACTIVE." The label shall not interfere with the safe operation of the exposure device or associated equipment.
- E) The guide tube, if manufactured on or before July 1, 1994, and used after January 10, 1996, shall have passed a kinking test that closely approximates the kinking forces likely to be encountered during use and the crushing tests for the control units specified in ANSI N432-1980, "Radiological Safety for the Design and Construction of Apparatus for Gamma Radiography," published January 1981, as NBS Handbook 136, exclusive of subsequent amendments or editions. Guide tubes manufactured after July 1, 1994, and used after January 10, 1996, shall have passed a kinking test that closely approximates the kinking forces likely to be encountered during use and the crushing tests for the control units specified in ANSI N43.9-1991, "American National Standard for Gamma Radiography – Specifications for Design and Testing of Apparatus," published 1991, exclusive of subsequent amendments or editions.
- F) Use of a guide tube shall be necessary to move the source out of the device.
- G) An exposure head, endcap or similar device designed to prevent the source assembly from extending beyond the end of the guide tube shall be attached to the outermost end of the guide tube during radiographic operations.
- H) The guide tube exposure head connection, if these parts were manufactured on or before July 1, 1994, and used after January 10, 1996, shall be able to withstand the tensile test for control units specified in ANSI N432-1980, "Radiological Safety for the Design and Construction of Apparatus for Gamma Radiography," published January 1981, as NBS Handbook 136, exclusive of subsequent amendments or editions If these parts were manufactured after July 1, 1994, and used after January 10, 1996, the guide tube exposure head connection shall be able to withstand

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

the tensile test for control units specified in ANSI N43.9-1991, "American National Standard for Gamma Radiography – Specifications for Design and Testing of Apparatus," published 1991, exclusive of subsequent amendments or editions.

- I) Source changers shall provide a system for assuring that the source will not be accidentally withdrawn from the changer when connecting or disconnecting the drive cable to or from a source assembly.
- b) Modification of any radiographic exposure device, source assembly, source changer and associated equipment is prohibited unless the Agency-Department, the U.S. Nuclear Regulatory Commission or an Agreement State has determined that the design of any replacement component, including source holder, source assembly, control or guide tube would not compromise the design safety features of the system.
- ~~e) All radiographic exposure devices and associated equipment manufactured after July 1, 1994, and acquired by licensees shall comply with the requirements of this Section.~~
- ~~d) All radiographic exposure devices and associated equipment in use after January 10, 1996, shall comply with the requirements of this Section.~~
- ce) Each radiographic exposure device, source changer and storage container shall be provided with a lock or lockable outer container designed to prevent unauthorized or accidental removal or exposure of a sealedserial source.
- df) Each radiographic exposure device and each transport container shall bear a permanent, durable, legible, clearly visible marking or label(s) which has, as a minimum, the standard radiation caution symbol, depicted in 32 Ill. Adm. Code 340.Illustration A, and the following wording:

CAUTION (OR DANGER)
RADIOACTIVE MATERIAL ~~–DO NOT HANDLE~~
NOTIFY CIVIL AUTHORITIES (OR NAME OF COMPANY)

In addition, transport containers shall meet the applicable requirements of 32 Ill. Adm. Code 341.

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

(Source: Amended at 28 Ill. Reg. 12598, effective, October 1 2004)

Section 350.1010 Limits on Levels of Radiation for Radiographic Exposure Devices, Source Changers and Transport Containers

- a) Radiographic exposure devices ~~and source changers~~ manufactured prior to July 1, 1994, shall not be used for industrial radiography unless they meet the following minimum criteria:
- 1) Radiographic exposure devices and source changers measuring less than 10 centimeters (4 inches) from the sealed source storage position to any exterior surface of the device shall have no radiation level in excess of 12.9 $\mu\text{CmicroC}/\text{kg}$ (50 mR) per hour at 15 centimeters (6 inches) from any exterior surface of the device.
 - 2) Radiographic exposure devices ~~and source changers~~ measuring a minimum of 10 centimeters (4 inches) from the sealed source storage position to any exterior surface of the device, ~~and all storage containers for sealed sources or outer containers for radiographic exposure devices~~, shall not have radiation levels in excess of 2 mSv (equivalent to 200 mrem, 200 mR, or 51.6 $\mu\text{CmicroC}/\text{kg}$ (200 mR) per hour at any exterior surface, and 0.1 mSv (equivalent to 10 mrem, 10 mR, or 2.58 $\mu\text{CmicroC}/\text{kg}$ (10 mR) per hour at 1 meter (39.4 inches) from any exterior surface.
 - 3) The radiation levels specified in subsections (1) and (2) of this Section above shall be determined with the sealed source in the shielded position (i.e., "off").
- b) Radiographic exposure devices, source changers and transport containers manufactured on or after July 1, 1994, and used after January 10, 1996, shall not have a maximum exposure rate in excess of 2 mSv (200 mrem) per hour at any exterior surface and 0.1 mSv (10 mrem) per hour at 1 meter from any exterior surface with the sealed source in the shielded position. ~~meet the limits on radiation levels specified in ANSI N432-1980, "Radiological Safety for the Design and Construction of Apparatus for Gamma Radiography," published January 1981, as NBS Handbook 136, exclusive of subsequent amendments or editions.~~

(Source: Amended at 28 Ill. Reg. 12598, effective October 1, 2004)

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

Section 350.1020 Locking of Sources of Radiation

- a) Each radiographic exposure device, source changer and storage container shall be kept locked at all times except when under the direct surveillance of a radiographer or radiographer trainee, or as authorized pursuant to Section 350.3010 of this Part.
- b) Each radiographic exposure device and source changer shall be locked and the key removed from any keyed lock prior to being moved or transported and also prior to being stored at a given location.
- c) Each sealed source shall be secured in its shielded position by locking the radiographic exposure device or source changer each time the sealed source is returned to its shielded position.
- d) Radiation machines shall be locked and the key removed at all times except when under the direct surveillance of a radiographer or a radiographer trainee or as may be otherwise authorized pursuant to Section 350.3010 of this Part.

(Source: Amended at 28 Ill. Reg. 12598, effective October 1, 2004)

Section 350.1030 ~~Permanent~~ Storage Precautions

Locked radiographic exposure devices, source changers, storage containers, transport containers that contain sealed sources and radiation machines shall be secured to prevent tampering or removal by unauthorized personnel. The licensee shall store radioactive material in a manner that will minimize danger from explosion or fire.

(Source: Amended at 28 Ill. Reg. 12598, effective October 1, 2004)

Section 350.1040 Radiation Survey Instruments

- a) The licensee or registrant shall maintain sufficient calibrated and operable radiation survey instruments to make physical radiation surveys as required by this Part and 32 Ill. Adm. Code 340.510(a). Instrumentation required by this Section shall have a range ~~such that~~ 0.02 mSv (0.516 μ CmicroC/kg, 2 mrem or (2 mR) per hour through 0.01 Sv (258 μ CmicroC/kg or (1 R) per hour can be measured.
- b) Each radiation survey instrument shall be calibrated:

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

- 1) At energies appropriate for use;
 - 2) At intervals not to exceed 6 months and after each instrument servicing other than battery replacement;
 - 3) ~~To Such that~~ accuracy that can be demonstrated within plus or minus 20 percent ~~can be demonstrated~~;
 - 4) At two or more widely separated points, other than zero, on each scale, or one point of each scale for digital devices. For instruments without multiple scales, calibration shall be performed at six points equally spaced across the range of 0.02 mSv (0.516 ~~$\mu\text{CmicroC}$~~ /kg 2 mrem or (2 mR) per hour to 0.01 Sv (258 ~~$\mu\text{CmicroC}$~~ /kg, 1 rem or 1 R) per hour; and
 - 5) By a person licensed by the ~~Agency-Department~~, the U.S. Nuclear Regulatory Commission, an Agreement State or a Licensing State to perform such service.
- c) Records of calibrations shall be maintained for 5 years after the calibration date for inspection by the ~~Agency-Department~~.
 - d) Immediately prior to use, a radiation survey instrument shall be checked to ensure that it is operating properly by bringing it near a source of radiation and observing a response. Instruments that fail to respond shall not be used.

(Source: Amended at 28 Ill. Reg. 12598, effective October 1, 2004)

Section 350.1050 Testing for Leakage or Contamination, Repair, Tagging, Opening, Modification and Replacement of Sealed Sources

- a) The licensee shall permit only persons specifically authorized by the ~~Agency Department~~, the U.S. Nuclear Regulatory Commission, an Agreement State or a Licensing State to:
 - 1) Replace any sealed source fastened to or contained in a radiographic device;
 - 2) Test a sealed source for leakage or contamination; or

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

- 3) Repair, tag, open or modify any sealed source.
- b) An applicant that desires to conduct its own tests for leakage or contamination shall establish procedures to be followed when testing sealed sources for leakage or contamination and shall submit a description of such procedures to the Agency Department for approval. The description shall include the:
 - 1) Instrumentation to be used;
 - 2) Method of performing the tests-test; and
 - 3) Pertinent experience of the individual(s) who will perform the test.
 - c) Each sealed source shall be tested for leakage or contamination in accordance with 32 Ill. Adm. Code 340.410. In the absence of a certificate from a transferor indicating that a test has been made within the 6-month period prior to the transfer, the sealed source shall not be put into use until tested and the test results confirm that the sealed source is not leaking or contaminated.
 - d) An acceptable leak test for sealed sources in the possession of a radiography licensee would be to test at the nearest accessible point to the sealed source storage position, or other appropriate measuring point, by a procedure approved pursuant to subsection (b) of this Section-above. Records of tests for leakage or contamination shall be kept in accordance with 32 Ill. Adm. Code 340.1135.
 - e) If in accordance with 32 Ill. Adm. Code 340.410 a sealed source is determined to be leaking or contaminated, the licensee shall immediately withdraw the equipment involved from use and shall cause it to be decontaminated and repaired or to be disposed of in accordance with 32 Ill. Adm. Code 340. Within 5 days after obtaining results of a test showing a sealed source to be leaking or contaminated, the licensee shall file a report with the Agency Department in accordance with 32 Ill. Adm. Code 340.1260.
 - f) A sealed source that is not fastened to or contained in a radiographic exposure device shall have permanently attached to it a durable tag at least 2.54 centimeters (1 inch) square bearing the prescribed radiation caution symbol in conventional colors, magenta or purple on a yellow background, and at least the instructions:

DANGER
RADIOACTIVE MATERIAL

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

DO NOT HANDLE
NOTIFY CIVIL AUTHORITIES IF FOUND

- g) Each exposure device using depleted uranium (DU) shielding and an “S” tube configuration shall be tested for DU contamination at intervals not to exceed 12 months. The analysis shall be capable of detecting the presence of 185 Bq (0.005 μ Ci) of radioactive material on the test sample, and shall be performed by a person specifically authorized by the Agency, the U.S. Nuclear Regulatory Commission or another Agreement State to perform the analysis. Should the testing reveal the presence of DU contamination, the exposure device shall be removed from use until an evaluation of the wear of the S-tube has been made. Should the evaluation reveal that the S-tube is worn through, the device shall not be used again. DU shielded devices do not have to be tested for DU contamination while not in use and in storage. Before using or transferring the device, however, the device shall be tested for DU contamination, if the interval of storage exceeds 12 months. A record of the DU leak test shall be made and kept in units of becquerel (Bq) or microcurie (μ Ci) and maintained for inspection by the Agency for 5 years after the records are made or until the source in storage is removed, whichever time interval is longer. Licensees shall be in compliance with the DU leak testing requirement of this subsection beginning October 1, 2004.

(Source: Amended at 28 Ill. Reg. 12598, effective October 1, 2004)

Section 350.1060 Quarterly Inventory

Each licensee or registrant shall conduct a physical inventory at intervals not to exceed 3 months to account for all sources of radiation it has received or possesses. The inventory shall cover all sources of radiation not exempted by Section 350.40 of this Part, including, but not limited to, sealed sources, radiation machines and radiographic exposure devices containing depleted uranium. The records of the inventories shall be maintained for 5 years from the date of the inventory for inspection by the Agency Department and shall include the manufacturer, model, serial number, radionuclide and number of gigaBequerels ~~gigabeequerels~~ or curies or mass for DU in each device, if applicable, location of each source of radiation, date of the inventory and the name of the individual performing the inventory.

(Source: Amended at 28 Ill. Reg. 12598, effective October 1, 2004)

Section 350.1070 Utilization Logs

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

Each licensee or registrant shall maintain current logs, which shall be kept available for inspection by the ~~Agency Department~~ for 5 years from the date of the recorded event, showing for each source of radiation the following information:

- a) A unique identifying number or code (e.g., serial number) for each radiation machine,~~;~~ For each radiographic exposure device, a description, make, model and serial number of the radiographic exposure device, or transport or storage container in which the sealed source is located and each sealed source;
- b) The name of the radiographer using the radiation machine. For radiographic exposure device, the identity and signature of the radiographer to whom assigned source of radiation;
- c) The locations where used and dates each source of radiation is removed from storage and returned to storage; and
- d) For radiation machines used in permanent radiographic installations, the date(s) each radiation machine is energized.

(Source: Amended at 28 Ill. Reg. 12598, effective October 1, 2004)

Section 350.1080 Inspection and Maintenance

- a) Each licensee or registrant shall ensure that visual and operability checks for obvious defects in survey instruments, radiation machines, radiographic exposure devices, transport and storage containers, associated equipment, source changers, source guide tubes and crank-out devices are performed at the beginning of each day of use, or work shift, to ensure that:-
 - 1) The equipment is in good working condition;
 - 2) The sources are adequately shielded; and
 - 3) Required labeling is present.
- b) Each licensee or registrant shall conduct a program of at least quarterly inspection and maintenance of radiation machines, radiographic exposure devices, transport containers and source changers to assure proper functioning of components listed in Section 350. Appendix B of this Part. All appropriate parts shall be maintained in accordance with manufacturer's specifications. Records of inspection and

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

maintenance shall be maintained for inspection by the ~~Agency Department~~ for 5 years.

- c) If any inspection conducted pursuant to subsection (a) or (b) ~~of this Section above~~ reveals damage to components listed in ~~Section 350~~.Appendix B ~~of this Part~~, the device shall be labeled as defective and shall be removed from service until repairs have been made.

(Source: Amended at 28 Ill. Reg. 12598, effective October 1, 2004)

Section 350.1090 Permanent Radiographic Installations

Permanent radiographic installations using ~~a~~-radiographic exposure device(s) having high radiation area entrance controls of the type described in 32 Ill. Adm. Code 340.610(a)(2), 340.610(a)(3) and 340.610(b) shall also meet the following requirements:

- a) Each entrance that is used for personnel access to the high radiation area shall have both visible and audible warning signals to warn of the presence of radiation. The visible signal shall be activated by radiation. The audible signal shall be activated when an attempt is made to enter the installation while the source is exposed.
- b) The entrance control device or alarm system shall be tested for proper operation prior to beginning operations on each day of use. The radiography system shall not be used if any entrance control device or alarm system is operating improperly. If an entrance control device or alarm system is operating improperly, it shall be labeled as defective immediately and repaired. Before the radiography system is returned to service, the radiation safety officer shall retest the entrance control device or alarm system and approve the repair.
- c) Records of tests performed pursuant to subsection (b) ~~of this Section above~~ shall be maintained for inspection by the ~~Agency Department~~ for 5 years.

(Source: Amended at 28 Ill. Reg. 12598, effective October 1, 2004)

**SUBPART C: PERSONAL RADIATION SAFETY REQUIREMENTS FOR
RADIOGRAPHERS AND RADIOGRAPHER TRAINEES****Section 350.2010 Training and Testing**

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

- a) The licensee or registrant shall not permit any individual to act as a radiographer, as defined in this Part, until such individual:
- 1) Has been certified by the Agency Department pursuant to 32 Ill. Adm. Code 405.90(a) ~~or (e)~~ for the class of radiography (i.e., radioactive materials, radiation machines, or both) that the licensee or registrant is authorized to perform and ~~the such~~ certification has neither expired nor been suspended or revoked by the Agency Department;
 - 2) Has received copies of this Part, 32 Ill. Adm. Code 340 and 400, a copy of the license or certificate of registration issued to the licensee or registrant and copies of and instructions in the licensee's or registrant's operating and emergency procedures;
 - 3) Has been instructed in the use of the licensee's or registrant's sources of radiation, radiographic exposure devices, related handling tools and radiation survey instruments; and
 - 4) Has demonstrated, to the satisfaction of the licensee or registrant, an understanding of the instructions provided pursuant to subsections (a)(2) and (3) of this Section above as evidenced by having successfully completed a written test and a field examination.
- b) The licensee or registrant shall not permit any individual to act as a radiographer trainee, as defined in this Part, until such individual:
- 1) Has been certified by the Agency Department pursuant to 32 Ill. Adm. Code 405.90(b) for the class of radiography (i.e., radioactive materials, radiation machines, or both) that the licensee or registrant is authorized to perform and ~~the such~~ certification has neither expired nor been suspended or revoked by the Agency Department; and
 - 2) Has met the requirements of subsections (a)(2) through (a)(4) of this Section above.
- c) Records of the ~~above~~ training specified in this Section, including copies of written tests and dates of oral tests and field examinations, shall be maintained for inspection by the Agency Department for 3 years following termination of employment or until the radioactive material license or certificate of registration is terminated.

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

- d) Except as provided in subsection (f) of this Section, each ~~Each~~ licensee or registrant shall conduct an internal audit program to ensure that the Agency's ~~Department's~~ radioactive material license conditions and the licensee's or registrant's operating and emergency procedures are followed by each radiographer and radiographer trainee. The licensee or registrant shall audit the job performance of each radiographer and radiographer trainee. The internal audit program shall:
- 1) Include observation by the licensee or registrant of the job performance of each radiographer and radiographer trainee during an actual industrial radiographic operation at intervals not to exceed 6~~12~~ months.
 - 2) Provide that, if a radiographer or a radiographer trainee has not participated in an industrial radiographic operation for more than 6 months since the last audit, the individual's job performance shall be observed and recorded by the licensee or registrant when the individual next participates in an industrial radiographic operation.
- e) Records of these audits shall be maintained for inspection by the Agency ~~Department~~ for 5 years from the date of the audit.
- f) In those operations where a single individual serves as both radiographer and radiation safety officer, and performs each radiography operation, an internal audit program is not required.
- g) The licensee or registrant shall provide annual refresher safety training for each radiographer and radiographer trainee at intervals not to exceed 12 months. The review shall include, as a minimum, the results of internal audits, new procedures or equipment, new or revised regulations, accidents or errors that have been observed and shall also provide opportunities for employees to ask safety questions.

(Source: Amended at 28 Ill. Reg. 12598, effective October 1, 2004)

Section 350.2020 Operating and Emergency Procedures

The licensee's or registrant's operating and emergency procedures shall include instructions in at least the following:

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

- a) Handling and use of sources of radiation to be employed such that no individual is likely to be exposed to radiation doses in excess of the limits established in 32 Ill. Adm. Code 340;
- b) Methods and occasions for conducting radiation surveys;
- c) Methods for controlling access to radiographic areas;
- d) Methods and occasions for locking and securing sources of radiation;
- e) Personnel monitoring and the use of individual monitoring devices, including steps that shall be taken immediately by radiographic personnel in the event that an ionization chamber (i.e., pocket dosimeter) is found to be off-scale;
- f) Transportation to field locations, including packing of sources of radiation in the vehicles, placarding of vehicles and control of sources of radiation during transportation;
- g) Methods or procedures for minimizing exposure of individuals in the event of an accident, including procedures to follow in the event of a disconnect accident, a transportation accident and loss of a sealed source;
- h) The procedure for notifying proper personnel in the event of an accident or loss of a sealed source;
- i) Maintenance of records (see ~~Section 350.~~Appendix C of this Part); and
- j) The inspection and maintenance of radiographic exposure devices, source changers, storage containers, transport containers, source guide tubes, crank-out devices and radiation machines.

(Source: Amended at 28 Ill. Reg. 12598, effective October 1, 2004)

Section 350.2030 Personnel Monitoring Control

- a) The licensee or registrant shall not permit any individual to act as a radiographer or as a radiographer trainee unless, at all times during radiographic operations, each ~~such~~ individual wears a direct reading pocket ionization chamber (i.e., pocket dosimeter) and an individual monitoring device provided and evaluated by a qualified dosimetry processor as described in 32 Ill. Adm. Code 340.510(d)

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

Each ~~such~~ device shall be assigned to and worn by only one individual. After replacement, each individual monitoring device must be processed as soon as possible.

- b) Pocket ionization chambers (i.e., pocket dosimeters) shall meet the criteria in ANSI N13.5-1972, "Performance Specifications for Direct Reading and Indirect Reading Pocket Dosimeters for X- and Gamma Radiation" published 1972, exclusive of subsequent amendments or editions.
- c) The use of pocket ionization chambers (i.e., pocket dosimeters) is subject to the following requirements:
 - 1) Pocket ionization chambers shall be recharged at least daily or at least at the start of each work shift;
 - 2) Pocket ionization chambers shall be read and exposures recorded at least at the beginning and end of each worker's shift involving the use of a source of radiation;
 - 3) Pocket ionization chambers shall be checked for correct response to radiation at periods not to exceed 1 year. Acceptable dosimeters shall read within plus or minus 30 percent of the true radiation exposure. Records of pocket ionization chamber (i.e., pocket dosimeter) calibrations shall be maintained for inspection by the ~~Agency Department~~ for 5 years; and
 - 4) If an individual's pocket ionization chamber is discharged beyond its range (i.e., goes "off-scale"), industrial radiographic operations by that individual shall cease immediately and the individual's monitoring device shall be sent immediately for processing. The individual shall not use sources of radiation until a determination of the individual's radiation dose has been ~~determined~~ made. The determination must be made by the RSO or the RSO's designee. The results of this determination must be included in records maintained in accordance with subsection (d) of this Section.
 - 5) If the individual monitoring device that is required by subsection (a) of this Section is lost or damaged, the worker shall cease work immediately until a replacement monitoring device meeting the requirements in subsection (a) of this Section is provided and the exposure is calculated for the time period from issuance to loss or damage of the individual monitoring device. The results of this calculated exposure and the time

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

period for which the monitoring device was lost or damaged must be included in the records maintained in accordance with subsection (d) of this Section.

- d) Reports received from the individual monitoring device processor; ~~and~~ records of daily pocket ionization chamber (i.e., pocket dosimeter) readings, records of estimates of exposures associated with off-scale pocket ionization chambers; and/or lost or damaged individual monitoring devices shall be kept for inspection by the ~~Agency Department~~ until the radioactive material license or certificate of registration is terminated or until the ~~Agency Department~~ authorizes their disposition, in writing, following a determination by the ~~Agency Department~~ that the records contain inaccurate personnel monitoring information.
- e) In addition to other requirements of this Section, each individual performing radiography with sealed sources at a location other than a permanent radiography installation shall wear an alarm ratemeter. Each alarm ratemeter shall:
- 1) Be checked prior to use at the start of each shift to ensure that the alarm functions properly (sounds);
 - 2) Be set to give an alarm signal at a preset dose rate of 5mSv (500 mrem) per hour or less;
 - 3) Require special means to change the preset alarm function; and
 - 4) Be calibrated, at periods not to exceed 1 year, for correct response to radiation. Ratemeters shall alarm within plus or minus 20 percent of the true radiation dose rate. Records of alarm ratemeter calibrations shall be maintained for inspection by the ~~Agency Department~~ for 5 years.
- f) The alarm ratemeter shall be used in addition to, and not as a substitute for, the portable survey instrument required by Section 350.3030 of this Part. The alarm ratemeter is intended to provide additional assurance that the radiation exposure levels are within regulatory limits.

(Source: Amended at 28 Ill. Reg. 12598, effective October 1, 2004)

Section 350.2040 Supervision of Radiographer Trainees

Except when under the personal supervision of a radiographer, a radiographer trainee shall not

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

use radiographic exposure devices, sealed sources, or related source handling tools, or conduct radiation surveys required by Sections 350.3030(b) and 350.3030(c) of this Part to determine that the sealed source has returned to the shielded position after an exposure. The personal supervision shall include, at a minimum:

- a) The radiographer's physical presence at the site where the sources of radiation are being used;
- b) The availability of the radiographer to give immediate assistance if required; and
- c) The radiographer's direct observation of the radiographer trainee's performance of the operations referred to in this Section.

(Source: Amended at 28 Ill. Reg. 12598, effective October 1, 2004)

SUBPART D: PRECAUTIONARY PROCEDURES IN RADIOGRAPHIC OPERATIONS

Section 350.3020 Posting

Notwithstanding any provisions in 32 Ill. Adm. Code 340.930(a), areas in which radiography is being performed shall be conspicuously posted as follows:

- a) Each high radiation area shall be conspicuously posted with a sign or signs bearing the radiation caution symbol and the words:

CAUTION (OR DANGER)
HIGH RADIATION AREA

- b) Each radiation area shall be conspicuously posted with a sign or signs bearing the radiation caution symbol and the wording required in subsection (a) of this Section ~~above~~, or the words:

CAUTION (OR DANGER)
RADIATION AREA

- c) Whenever practicable, ropes or barriers shall be used in addition to appropriate signs to designate radiation areas and to help prevent unauthorized entry.
- d) Notwithstanding the requirements of 32 Ill. Adm. Code 340.920(a), each radiation area may be posted in accordance with 32 Ill. Adm. Code 340.920(b) (i.e., both

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

signs may be posted at the same location at the boundary of the radiation area).

(Source: Amended at 28 Ill. Reg. 12598, effective October 1, 2004)

Section 350.3030 Radiation Surveys and Survey Records

- a) No industrial radiographic operation shall be conducted unless at least one calibrated and operable radiation survey instrument, as described in Section 350.1040 [of this Part](#), is available and used at each site where radiographic exposures are made.
- b) A survey with a radiation survey instrument shall be made after each use of a radiographic exposure device to determine that the sealed source has been returned to its shielded position. The entire circumference of the radiographic exposure device shall be surveyed. If the radiographic exposure device has a source guide tube, the survey shall also include the source guide tube and any attached collimator.
- c) A lock-out survey, in which all accessible surfaces of the radiographic exposure device or source changer are surveyed with a radiation survey instrument, shall be made to determine that each sealed source is in its shielded position prior to securing the radiographic exposure device or source changer as specified in Section 350.1020 [of this Part](#).
- d) A physical radiation survey shall be made after each radiographic exposure using a radiation machine to determine that the machine is "off".
- e) Radiation surveys shall be performed in areas where industrial radiography operations are to be performed and shall meet the following requirements:
 - 1) Before industrial radiographic operations begin, all radiation areas and high radiation areas (as determined by calculated exposure rates) in which radiographic operations are to be performed shall be posted in accordance with Section 350.3020 [of this Part](#). An area survey shall be performed during the first radiographic exposure (i.e., with the sealed source in the exposed position) to confirm that the requirements specified in Section 350.3020 [of this Part](#) have been met and that doses to individual members of the public do not exceed the limits specified in 32 Ill. Adm. Code 340.310(a).

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

- 2) The survey required in subsection ~~(e)(1) of this Section above~~ shall be repeated each time the exposure device is relocated or the exposed position of the sealed source is changed.
- 3) The requirements specified in subsection ~~(e)(2) of this Section above~~ do not apply to repetitive industrial radiographic operations when the conditions of exposure, including, but not limited to, the radiographic exposure device, duration of exposure, source strength, pipe size and pipe thickness, remain constant.
- f) If a vehicle is to be used for storage of radioactive material, a vehicle survey shall be performed after securing radioactive material in the vehicle and before commencement of transport to ensure that doses to individual members of the public do not exceed the limits specified in 32 Ill. Adm. Code 340.310(a) at the exterior surface of the vehicle.
- g) Surveys shall be performed on storage containers to ensure that doses to individual members of the public do not exceed the limits specified in 32 Ill. Adm. Code 340.310(a). These surveys shall be performed initially with the maximum amount of radioactive material present in the storage location and thereafter at the time of the quarterly inventory and whenever storage conditions change.
- h) A survey meeting the requirements of subsection (b) ~~of this Section above~~ shall be performed on the radiographic exposure device and the source changer after every sealed source exchange.
- i) Records shall be kept of the surveys required by subsections (c) through (h) ~~of this Section above~~. ~~The Such~~ records shall be maintained for inspection by the ~~Agency Department~~ for 5 years after completion of the survey. If the survey was used to determine an individual's exposure, however, the records of the survey shall be maintained until the radioactive material license or certificate of registration is terminated or until the ~~Agency Department~~ authorizes their disposition, in writing, following a determination by the ~~Agency Department~~ that the records contain inaccurate information that could result in an inaccurate determination of an individual's exposure.

(Source: Amended at 28 Ill. Reg. 12598, effective October 1, 2004)

Section 350.3040 Records Required at Temporary Job Sites

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

Each licensee or registrant using a source of radiation at a temporary job site shall maintain and have available at the temporary job site, for inspection by the Agency-Department, the following records:

- a) The radioactive material license, certificate of registration or equivalent document;
- b) Operating and emergency procedures;
- c) Relevant regulations of the Agency-Department;
- d) Survey records required pursuant to Section 350.3030 of this Part for the period of operation at the site;
- e) Daily pocket ionization chamber (i.e., pocket dosimeter) records for the period of operation at the site;
- f) If using radioactive material, daily alarm ratemeter records for the period of operation at the site; and
- g) Both the latest instrument calibration records and sealed source leakage or contamination test records for specific devices in use at the site. Acceptable records include tags or labels that are affixed to the device or survey meter and decay charts showing leakage or contamination test results for sources that have been manufactured within the last 6 months.

(Source: Amended at 28 Ill. Reg. 12598, effective October 1, 2004)

Section 350.3045 Operating Requirements

- a) When radiography is performed at a location other than a permanent radiographic installation, a minimum of two radiographic personnel shall be present to operate the radiographic exposure device. At least one of the radiographic personnel shall be a radiographer. The other radiographic personnel may be either a radiographer or radiographer trainee.
- b) Collimators shall be used in industrial radiographic systems that use crank-out devices except when physically impossible.

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

- c) Other than a radiographer, or a radiographer trainee who is under the personal supervision of a radiographer, no person shall manipulate controls or operate equipment used in industrial radiographic operations.
- d) At each job site, the following shall be supplied by the licensee or registrant:
- 1) The appropriate barrier ropes and signs;
 - 2) At least one operable, calibrated survey instrument;
 - 3) A current whole body individual monitoring device for each worker; and
 - 4) An operable, calibrated pocket ionization chamber (i.e., pocket dosimeter) with a range of zero to 2 mSv (51.6 μ CmicroC/kg, 200 mrem or (200 mR) for each worker.
- e) Each worker who performs industrial radiography with a sealed source at a location other than a permanent radiography installation shall have on his or her person an operable, calibrated alarm ratemeter.
- f) Each radiographer or radiographer trainee at a job site shall have on his or her person a valid industrial radiographer certification card issued by the Agency Department pursuant to the provisions of 32 Ill. Adm. Code 405.
- g) Industrial radiographic operations shall not be performed if any of the items in subsections (d), (e) and (f) of this Section are unavailable at the job site or are inoperable.
- h) The licensee shall not transport radioactive material unless the material is packaged, and the package is labeled, marked and accompanied with appropriate shipping papers in accordance with 32 Ill. Adm. Code 341.
- i) The licensee shall lock and physically secure the transport package containing radioactive material in the transporting vehicle to prevent accidental loss, tampering or unauthorized removal of the radioactive material from the vehicle.

(Source: Amended at 28 Ill. Reg. 12598, effective October 1, 2004)

Section 350.3048 Notification of Incidents

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

- a) The licensee or registrant shall notify the ~~Agency Department~~ of stolen, lost or missing sources of radiation, overexposures, excessive radiation levels and leakage or contamination of sealed sources in accordance with 32 Ill. Adm. Code 340.1210 through 340.1230 and 340.1260. In addition, each licensee or registrant shall submit a written report within 30 days to the ~~Agency Department~~ whenever one of the following events occurs:
- 1a) A sealed source cannot be returned to the shielded position and properly secured;
 - 2b) A sealed source becomes disconnected from a drive cable;
 - 3e) Failure of any component necessary for safe operation of a device to properly perform its intended function; or
 - 4d) An indicator on a radiation machine fails to show that radiation is being produced or an exposure switch fails to terminate production of radiation when turned to the "off" position.
- b) The licensee or registrant shall include the following information in each report submitted pursuant to subsection (a) of this Section that involves failure of safety components of radiography equipment:
- 1) Description of the equipment problem;
 - 2) Cause of each incident, if known;
 - 3) Name of the manufacturer and model of equipment involved in the incident;
 - 4) Place, date and time of the incident;
 - 5) Actions taken to establish normal operations;
 - 6) Corrective actions taken or planned to prevent recurrence; and
 - 7) Names and qualifications of personnel involved in the incident.

(Source: Amended at 28 Ill. Reg. 12598, effective October 1, 2004)

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

Section 350.3050 Special Requirements and Exemptions for Enclosed Radiography Systems

- a) Except as exempted by subsection (c) ~~of this Section below~~, the following additional requirements apply to enclosed radiography systems, including systems used in shielded-room radiography. Enclosed radiography systems (including cabinet systems) that are designed to allow admittance of individuals shall be designed and constructed so that:
- 1) All requirements of this Part and of 32 Ill. Adm. Code 340.310(a) and 340.320 are complied with;
 - 2) Each door fastening mechanism will allow the door to be opened from the inside at all times;
 - 3) Visible and audible alarms are installed and are activated immediately prior to each initiation of an exposure; and
 - 4) A reliable interlock or other mechanism is installed at each means of access to the enclosure which will preclude access to an area of radiation hazard either by preventing entry or by automatically reducing the hazard.
- b) Each system for enclosed radiography specified in subsection (a) ~~of this Section above~~ shall be evaluated initially by the licensee or registrant and at intervals not to exceed 1 year to assure compliance with the requirements of this Part and 32 Ill. Adm. Code 340.310(a) and 340.320. Records of these evaluations shall be maintained for inspection by the ~~Agency Department~~ for a period of 5 years after the evaluation.
- c) Cabinet x-ray systems designed to exclude individuals are exempt from the requirements of this Part except that:
- 1) The registrant shall comply with the requirements of 32 Ill. Adm. Code 320 and 340;
 - 2) The registrant shall not permit any individual to operate a cabinet x-ray system until ~~the such~~ individual has been instructed in the operating and emergency procedures for the unit and has demonstrated, to the satisfaction of the registrant, competence in its use;

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

- 3) Each cabinet x-ray system shall be manufactured and assembled in conformance with the regulations in 21 CFR 1020.40, published April 1, ~~2002-1991~~, exclusive of subsequent amendments or editions;-
- 4) The registrant shall maintain for review by the ~~Agency Department~~ information regarding the operating parameters and workload of each cabinet system; and
- 5) Tests for proper operation of interlocks installed in accordance with 21 CFR 1020.40 shall be conducted and recorded in accordance with Section 350.1090 ~~of this Part~~.

(Source: Amended at 28 Ill. Reg. 12598, effective October 1, 2004)

Section 350.3090 Special Requirements for Underwater and Lay-Barge Radiography

- a) Underwater radiography or lay-barge radiography shall not be performed unless specifically authorized in a radioactive material license issued by the ~~Agency Department~~, the U.S. Nuclear Regulatory Commission or an Agreement State in accordance with Section 350.4010 ~~of this Part~~ or equivalent.
- b) In addition to the other requirements of this Part, the following rules apply to the performance of lay-barge radiography:
 - 1) Cobalt-60 sources with activities in excess of 740 GBq (20 Ci) (nominal) and iridium-192 sources with activities in excess of 3.70 TBq (100 Ci) (nominal) shall not be used in the performance of lay-barge industrial radiography.
 - 2) Collimators shall be used in the performance of lay-barge radiography.

(Source: Amended at 28 Ill. Reg. 12598, effective October 1, 2004)

Section 350.4000 Prohibitions

Retrieval of disconnected sealed sources of radioactive material or sealed sources that cannot be returned by normal means to a shielded position or properly secured shall not be performed unless specifically authorized by a radioactive material license issued by the ~~Agency Department~~, the U.S. Nuclear Regulatory Commission or an Agreement State.

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

(Source: Amended at 28 Ill. Reg. 12598, effective October 1, 2004)

Section 350.4010 Licensing and Registration Requirements for Industrial Radiographic Operations

- a) Radioactive material used in industrial radiographic operations shall be licensed in accordance with 32 Ill. Adm. Code 330.
- b) Radiation machines used in industrial radiographic operations shall be registered in accordance with 32 Ill. Adm. Code 320.

AGENCY NOTE: If a licensee does not use radiation machines and uses only radioactive material, then the licensed activities do not need to be registered in accordance with the requirements of 32 Ill. Adm. Code 320.

- c) In addition to the licensing requirements in 32 Ill. Adm. Code 330, an application for a license shall include the following information:
 - 1) A schedule or description of the program for training radiographic personnel that specifies:
 - A) Initial training;
 - B) Periodic training;
 - C) On-the-job training; and
 - D) Methods to be used by the licensee or registrant to determine the knowledge, understanding and ability of radiographic personnel to comply with Agency Department rules, licensing or registration requirements, and the operating and emergency procedures of the applicant;
 - 2) Written operating and emergency procedures, including all items listed in Section 350.2020 of this Part;
 - 3) A description of the internal inspection system or other management control to ensure that radiographic personnel comply with license conditions, regulations and orders of the Agency Department and the applicant's operating and emergency procedures;

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

- 4) A description of the organization of the industrial radiographic program, including delegation of authority and responsibility for operation of the radiation safety program;
- 5) A list of proposed permanent radiographic installations and descriptions of proposed permanent storage and use locations. Radioactive material shall not be stored at a permanent storage location or used at a permanent use location unless ~~the such~~ storage or use location is specifically authorized by the license. A storage or use location is permanent if radioactive material is stored or used at the location for more than 180 days during any consecutive 12 months;
- 6) A description of the program for inspection and maintenance of radiographic exposure devices, transport containers and storage containers (including applicable items in Sections 350.1080 and ~~350~~-Appendix B of this Part);
- 7) The location(s), i.e., address, where all records required by this Part and other applicable Parts of 32 Ill. Adm. Code will be maintained;
- 87) For applicants seeking authorization to perform underwater radiography, a description of:
 - A) Radiation safety procedures and radiographer responsibilities unique to the performance of underwater radiography;
 - B) Radiographic equipment and radiation safety equipment unique to underwater radiography; and
 - C) Methods for watertight encapsulation of equipment; and
- 98) For applicants seeking authorization to perform lay-barge radiography, a description of:
 - A) Transport procedures for radioactive material to be used in industrial radiographic operations;
 - B) Storage facilities for radioactive material; and

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

C) Methods for restricting access to radiation areas.

d) Each licensee or registrant shall maintain a copy of its license or registration, documents incorporated by reference, amendments to each of these items and the application for each of these items until 3 years after being superseded by new documents approved by the Agency, or until the Agency terminates the license or registration.

(Source: Amended at 28 Ill. Reg. 12598, effective October 1, 2004)

Section 350.4020 Radiation Safety Officer

a) Each licensee or registrant performing industrial radiography shall designate a Radiation Safety Officer (RSO).

AGENCY NOTE: The ~~Agency Department~~ will list the name of the RSO on each radioactive material license.

b) The RSO's qualifications shall include, but not be limited to:

- 1) Possession of a high school diploma or a certificate of high school equivalency based on the GED test;
- 2) Completion of the training and testing requirements of Section 350.2010(a)(2), (3) and (4) of this Part;
- 3) 2 years of documented experience related to radiation protection, including knowledge of industrial radiographic operations; and
- 4) For licensees only, the RSO shall also maintain certification as an industrial radiographer as specified in Section 350.2010(a)(1) of this Part.

c) The specific duties of the RSO shall include, but need not be limited to, the following:

- 1) Establish and oversee operating, emergency and ALARA procedures, and review them at least annually to ensure that the procedures are current and conform with 32 Ill. Adm. Code: Chapter II, Subchapters b and d;
- 2) Oversee the radiation protection training program for radiographic

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

personnel;

- 3) Ensure that required radiation surveys and leak tests are performed and documented in accordance with 32 Ill. Adm. Code: Chapter II, Subchapters b and d;
- 4) Ensure that corrective measures are taken when levels of radiation exceed established limits;
- 5) Ensure that individual monitoring devices are calibrated and used properly by industrial radiographic personnel, that records are kept of the monitoring results and that timely notifications are made as required by this Part and 32 Ill. Adm. Code 400;
- 6) Ensure that required interlock switches and warning signals are functioning and that radiation signs, ropes and barriers are properly posted and positioned;
- 7) Investigate and report to the ~~Agency Department~~ each known or suspected case of excessive radiation exposure to an individual or radiation level detected in excess of limits established by 32 Ill. Adm. Code: Chapter II, Subchapters b and d and each theft or loss of ~~sources~~ ~~source(s)~~ of radiation, determine the cause and take steps to prevent recurrence;
- 8) Assume control and have the authority to institute corrective actions in emergency situations or unsafe conditions;
- 9) Maintain records as required by 32 Ill. Adm. Code: Chapter II, Subchapters b and d (see ~~Section 350~~.Appendix C of this Part);
- 10) Ensure proper storage, labeling, transport and use of exposure devices and sources of radiation;
- 11) Ensure that quarterly inventory and inspection and maintenance programs are performed in accordance with Sections 350.1060 and 350.1080 of this Part; and
- 12) Ensure that personnel comply with 32 Ill. Adm. Code: Chapter II, Subchapters b and d, the conditions of the license and the operating and emergency procedures of the licensee or registrant.

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

- d) The licensee or registrant shall ensure that the duties in subsection (c) of this Section above are executed.

(Source: Amended at 28 Ill. Reg. 12598, effective October 1, 2004)

Section 350.4030 Reciprocity

The Agency Department shall grant reciprocal recognition of radioactive material licenses in accordance with 32 Ill. Adm. Code 330.900.

(Source: Amended at 28 Ill. Reg. 12598, effective October 1, 2004)

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

Section 350.APPENDIX C Retention Requirements for Records

<u>Specific Section</u>	<u>Name of Record</u>	<u>Record Retention Period</u>
350.50	Receipt, Transfer and Disposal	Until the radioactive material license or certificate of registration is terminated
350.1040(c)	Survey Instrument Calibration	5 years
350.1050(c)	Leakage or Contamination Tests	5 years
350.1060	Quarterly Inventory	5 years
350.1070	Utilization Logs	5 years
350.1080	Quarterly Inspection and Maintenance	5 years
350.1090	High Radiation Area Control Devices or Alarm Systems	5 years
350.2010(c)	Training and Testing Records	Until the radioactive material license or certificate of registration is terminated. 3 years after termination of employment
350.2010(d)	Internal Audit Program	5 years
350.2030(c)	Pocket Ionization Chamber (i.e., Pocket Dosimeter) Calibrations	5 years
350.2030(d)	Personnel Monitoring Records Pocket Ionization Chamber (i.e., Pocket Dosimeter) Readings	Until the radioactive material license or certificate of registration is terminated
350.2030(e)(4)	Alarm Ratemeter Calibrations	5 years

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

350.3030	Radiation Surveys	5 years or until the radioactive material license or certificate of registration is terminated if a survey was used to determine an individual's exposure
350.3040	Records at Temporary Job Sites	During temporary job site operations
350.3050	Initial and Annual Evaluations of Enclosed Radiography Systems	5 years
<u>350.4010</u>	<u>License, documents incorporated by reference and amendments to each of these items</u>	<u>Until the radioactive material license is terminated by the Agency or until 3 years after being superseded by new documents approved by the Agency</u>

(Source: Amended at 28 Ill. Reg. 12598, effective October 1, 2004)

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Radiation Safety Requirements for Wireline Service Operations and Subsurface Tracer Studies
- 2) Code Citation: 32 Ill. Adm. Code 351
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
351.25	Amendment
351.30	Amendment
351.40	Amendment
351.1010	Amendment
351.1040	Amendment
351.1050	Amendment
351.1060	Amendment
351.1070	Amendment
351.1080	Amendment
351.1090	Amendment
351.1100	Amendment
351.2010	Amendment
351.2020	Amendment
351.2030	Amendment
351.3022	New Section
351.3025	New Section
351.3027	New Section
351.3030	Amendment
351.4010	Amendment
351.4020	Amendment
351.4030	Amendment
351.5010	Amendment
351.APPENDIX B	Amendment
- 4) Statutory Authority: Implementing and authorized by Sections 9 and 11 of the Radiation Protection Act of 1990 [420 ILCS 40/9 and 11] and Section 5 of the Personnel Radiation Monitoring Act [420 ILCS 25/5].
- 5) Effective Date of Amendments: August 27, 2004
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file at the Agency's headquarters located at 1035 Outer Park Drive, Springfield, Illinois and is available for public inspection.
- 9) Notice of Proposal Published in the Illinois Register: September 26, 2003; 27 Ill. Reg. 14999
- 10) Has JCAR issued a Statement of Objection to these Amendments? No
- 11) Differences between proposal and final version:
 - a) In the Table of Contents, in Section 351.3025, change "Compensating" to "Compensation".
 - b) In Section 351.1050 (a), after the second sentence, add "The wipe of a sealed source must be performed using a leak test kit approved by the U.S. Nuclear Regulatory Commission, an Agreement State or a Licensing State.".
 - c) In Section 351.3022 (a), after the period, add "Film badges must be replaced at least monthly and other individual monitoring devices replaced at least quarterly. After replacement, each individual monitoring device must be promptly processed.".
 - d) In the Section header of Section 351.3025, change "Compensating" to "Compensation".
- 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: This amendment will add energy compensated sources to the well logging rule and make other language modifications requested by the Nuclear Regulatory Commission for compliance with Agreement State Status.
- 16) Information and questions regarding these adopted amendments shall be directed to:

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

Laura Stolpman
Staff Attorney
Illinois Emergency Management Agency
1035 Outer Park Drive
Springfield, Illinois 62704

(217) 785-9884 (voice)
(217) 782-6133 (TDD)

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

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

TITLE 32: ENERGY

CHAPTER II: ILLINOIS EMERGENCY MANAGEMENT AGENCY
SUBCHAPTER b: RADIATION PROTECTION

PART 351

RADIATION SAFETY REQUIREMENTS FOR WIRELINE
SERVICE OPERATIONS AND SUBSURFACE TRACER STUDIES

Section

351.10	Purpose
351.20	Scope
351.25	Incorporations by Reference
351.30	Definitions
351.40	Prohibition
351.1010	Limits on Levels of Radiation
351.1020	Storage Precautions
351.1030	Transport Precautions
351.1040	Radiation Survey Instruments
351.1050	Testing for Leakage or Contamination of Sealed Sources
351.1060	Quarterly Inventory
351.1070	Utilization Records
351.1080	Design and Performance Criteria for Sealed Sources Used in Downhole Operations
351.1090	Labeling
351.1100	Inspection and Maintenance
351.2010	Training Requirements
351.2020	Operating and Emergency Procedures
351.2030	Personnel Monitoring
351.3010	Security
351.3020	Handling Tools
<u>351.3022</u>	<u>Tritium Neutron Generator Target Source</u>
<u>351.3025</u>	<u>Energy Compensation Source (ECS)</u>
<u>351.3027</u>	<u>Well-logging in a Well without a Surface Casing</u>
351.3030	Subsurface Tracer Studies
351.3040	Particle Accelerators
351.4010	Radiation Surveys
351.4020	Documents and Records Required at Field Stations
351.4030	Documents and Records Required at Temporary Jobsites
351.5010	Notification of Incidents, Abandonment and Lost Sources
351.APPENDIX A	Subjects To Be Included In Training Courses For Logging

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

351.APPENDIX B Supervisors
Example of Plaque for Identifying Wells Containing Sealed
Sources Containing Radioactive Material Abandoned Downhole

AUTHORITY: Implementing and authorized by Sections 9 and 11 of the Radiation Protection Act of 1990 [420 ILCS 40/9 and 11] and Section 5 of the Personnel Radiation Monitoring Act [420 ILCS 25/5].

SOURCE: Adopted at 10 Ill. Reg. 17507, effective September 25, 1986; amended at 11 Ill. Reg. 5215, effective March 13, 1987; amended at 13 Ill. Reg. 13605, effective August 11, 1989; amended at 14 Ill. Reg. 13633, effective August 13, 1990; amended at 18 Ill. Reg. 3344, effective February 22, 1994; emergency amendment at 22 Ill. Reg. 21108, effective November 17, 1998, for a maximum of 150 days; amended at 23 Ill. Reg. 2907, effective February 25, 1999; recodified from the Department of Nuclear Safety to the Illinois Emergency Management Agency at 27 Ill. Reg. 13641; amended at 28 Ill. Reg. 12643, effective August 27, 2004.

Section 351.25 Incorporations by Reference

All rules, standards and guidelines of agencies of the United States or nationally recognized organizations or associations that are incorporated by reference in this Part are incorporated as of the date specified in the reference and do not include any later amendments or editions. Copies of these rules, standards and guidelines that have been incorporated by reference are available for public inspection at the [Illinois Emergency Management Agency](#) ~~Department of Nuclear Safety~~, 1035 Outer Park Drive, Springfield, Illinois.

(Source: Amended at 28 Ill. Reg. 12643, effective august 27, 2004

Section 351.30 Definitions

As used in this Part, the following definitions apply:

"Agency" means the Illinois Emergency Management Agency.

"Energy compensation source (ECS)" means a small sealed source, with an activity not exceeding 3.7 MBq (100 microcuries), used within a logging tool, or other tool components, to provide a reference standard to maintain the tool's calibration when in use.

"Field station" means a facility where radiation sources may be stored or used and from which equipment is dispatched to temporary jobsites.

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

"Irretrievable well-logging source" means any sealed source containing radioactive material that is pulled off or not connected to the wireline that suspends the source in the well and for which all reasonable effort at recovery has been expended.

"Injection tool" means a device used for controlled subsurface injection of radioactive tracer material.

"Logging supervisor" means the individual who provides personal supervision of the utilization of sources of radiation at the well site.

"Logging tool" means a device used subsurface to perform well-logging.

"Mineral logging" means any logging performed for the purpose of mineral exploration other than oil or gas.

"Personal supervision" means guidance and instruction by the supervisor who is physically present at the jobsite and watching the performance of the operation in such proximity that visual contact can be maintained and immediate assistance given as required.

"Radioactive marker" means radioactive material placed subsurface or on a structure intended for subsurface use for the purpose of depth determination or direction orientation.

"Source holder" means a housing or assembly into which a radioactive source is placed for the purpose of facilitating the handling and use of the source in well-logging operations.

"Subsurface tracer study" means the release of a substance tagged with radioactive material for the purpose of tracing the movement or position of the tagged substance in the well-bore or adjacent formation.

"Temporary jobsite" means a location to which radioactive materials have been dispatched to perform wireline service operations or subsurface tracer studies.

"Tritium neutron generator target source" means a tritium (hydrogen-3) source used within a neutron generator tube to produce neutrons for use in well-logging applications.

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

"Well-bore" means a drilled hole in which wireline service operations and subsurface tracer studies are performed.

"Well-logging" means the lowering and raising of measuring devices or tools which may contain sources of radiation into well-bores or cavities for the purpose of obtaining information about the well and/or adjacent formations.

"Wireline" means a cable containing one or more electrical conductors which is used to lower and raise logging tools in the well-bore.

"Wireline service operation" means any evaluation or mechanical service which is performed in the well-bore using devices on a wireline.

(Source: Amended at 28 Ill. Reg. 12643 effective August 27, 2004)

Section 351.40 Prohibition

No licensee or registrant shall perform wireline service operations with ~~a~~-sealed source(s) unless, prior to commencement of the operation, the licensee has a written agreement with the well operator, well owner, drilling contractor or land owner that:

- a) In the event a sealed source is lodged downhole, efforts at recovery will be made that are commensurate with the circumstances of the specific case, e.g., quantity and half-life of the ~~radionuclide isotope~~, depth of the source and presence of potable water aquifers; and
- b) In the event a decision is made to abandon the sealed source downhole, the requirements of Section 351.5010(~~de~~) of this Part shall be met within 30 days after a decision by the licensee to abandon the source has been approved by the Illinois Emergency Management Agency (~~Agency~~)~~Department of Nuclear Safety~~ (~~Department~~).

(Source: Amended at 28 Ill. Reg. 12643, effective August 27, 2004)

Section 351.1010 Limits on Levels of Radiation

Sources of radiation shall be used, stored and transported in ~~such~~-a manner that the transportation requirements of 32 Ill. Adm. Code 341 and the dose limitation requirements of 32 Ill. Adm. Code 340 are met.

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

(Source: Amended at 28 Ill. Reg. 12643, effective August 27, 2004)

Section 351.1040 Radiation Survey Instruments

- a) The licensee or registrant shall maintain sufficient calibrated and operable radiation survey instruments at each field station to make physical radiation surveys as required by this Part and by 32 Ill. Adm. Code 340.510(a). Instrumentation shall be capable of measuring 0.001 mSv (0.1 mrem) per hour through at least 0.5 mSv (50 mrem) per hour. This range is considered equivalent to 25.8 nC/kg (100 microR) per hour through at least 5.16 microC/kg (20 mR) per hour for the gamma radiation sources typically used in well-logging.
- b) Each radiation survey instrument shall be calibrated:
 - 1) At intervals not to exceed 6 months and after each instrument servicing (e.g., electronic repair);
 - 2) At energies and radiation levels equivalent to those to be encountered during use; and
 - 3) So that accuracy within plus or minus 20 percent of the true radiation level can be demonstrated on each scale.
- c) Calibration records shall be maintained for a period of 2 years for inspection by the Agency Department.

(Source: Amended at 28 Ill. Reg. 12643, effective August 27, 2004)

Section 351.1050 Testing for Leakage or Contamination of Sealed Sources

- a) Testing for leakage or contamination of sealed sources shall be performed in accordance with 32 Ill. Adm. Code 340.410. Test samples shall be taken from the surfaces of sources or source holders or from the surfaces of devices in which sources are mounted and on which one might expect contamination to accumulate. The wipe of a sealed source must be performed using a leak test kit approved by the U.S. Nuclear Regulatory Commission, an Agreement State or a Licensing State.

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

- b) Each energy compensation source that is not exempt from testing for leakage or contamination in accordance with 32 Ill. Adm. Code 340.410(b) shall be tested at intervals not to exceed 3 years. In the absence of a certificate from a transferor that a test has been made within the 3 years before the transfer, the energy compensation source shall not be used until tested in accordance with 32 Ill. Adm. Code 340.410.
- c) If a sealed source is found to be leaking in accordance with 32 Ill. Adm. Code 340.410, the licensee shall check the equipment associated with the leaking source for radioactive contamination and, if contaminated, have it decontaminated or disposed of by persons specifically authorized by the Agency, the U.S. Nuclear Regulatory Commission, an Agreement State or a Licensing State to perform such services.
- d) The licensee shall maintain records of testing for leakage or contamination of sealed sources in accordance with 32 Ill. Adm. Code 340.1135.

(Source: Amended at 28 Ill. Reg. 12643, effective August 27, 2004)

Section 351.1060 Quarterly Inventory

Each licensee or registrant shall conduct a quarterly physical inventory to account for all sources of radiation. If all sources are not accounted for during the inventory, the licensee or registrant shall notify the AgencyDepartment in accordance with the requirements of 32 Ill. Adm. Code 340.1210. Records of inventories shall be maintained for 2 years from the date of inventory for inspection by the AgencyDepartment and shall include the quantities and kinds of sources of radiation, the location where sources of radiation are assigned, the date of the inventory and the name of the individual conducting the inventory.

(Source: Amended at 28 Ill. Reg. 12643, effective August 27, 2004)

Section 351.1070 Utilization Records

Each licensee or registrant shall maintain current records, which shall be kept available for inspection by the AgencyDepartment for 2 years from the date of the recorded event, showing the following information for each source of radiation:

- a) Make, model number and a serial number or a description of each source of radiation used;

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

- b) The identity of the well-logging supervisor or field unit to whom assigned;
- c) Locations where used and dates of use; and
- d) In the case of tracer materials and radioactive markers, the utilization record shall indicate the radionuclide and activity used in a particular well.

(Source: Amended at 28 Ill. Reg. 12643, effective August 27, 2004)

Section 351.1080 Design and Performance Criteria for Sealed Sources Used in Downhole Operations

- a) A licensee may not use a sealed source in well-logging unless:
 - 1) The sealed source is doubly encapsulated;
 - 2) The sealed source contains radioactive material whose chemical and physical forms are insoluble and non-dispersible; and
 - 3) A prototype of the sealed source has been tested and meets the performance standards for oil well-logging sources contained in either the United States of America Standards Institute (USASI) Standard No. N5.10-1968, "[Classification of Sealed Radioactive Sources](#)", or the [revision of N5.10-1968, which is](#) American National Standards Institute (ANSI) Standard No. N542-1977 (1978 edition), "[Sealed Radioactive Sources, Classification](#)", [which was reaffirmed and redesignated ANSI N43.6-1977\(R 1989\)](#), exclusive of subsequent amendments or editions, [or the sealed source prototype has been tested and found to maintain its integrity after each of the following tests:-](#)
 - A) [Temperature. The test source was held at minus 40 degrees Celsius for 20 minutes, 600 degrees Celsius for 1 hour and then subjected to a thermal shock test with a temperature drop from 600 degrees Celsius to 20 degrees Celsius within 15 seconds.](#)
 - B) [Impact test. A 5 kg steel hammer, 2.5 cm in diameter, was dropped from a height of 1 m onto the test source.](#)

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

- C) Vibration test. The test source was subjected to a vibration from 25 Hz to 500 Hz at an amplitude of 5 times the acceleration of gravity for 30 minutes.
- D) Puncture test. A 1 gram hammer and pin, 0.3 cm pin diameter, was dropped from a height of 1 m onto the test source.
- E) Pressure test. The test source was subjected to an external pressure of 16.95 MPascals (24,600 pounds per square inch absolute).
- b) The requirements of subsection (a) of this Section above do not apply to sealed sources that contain licensed material in gaseous form or to energy compensation sources (ECS). ECSs shall be registered with the Agency, the U.S. Nuclear Regulatory Commission or another Agreement State pursuant to the equivalent of 32 Ill. Adm. Code 330.280(m)(2), e.g., 10 CFR 32.210.

(Source: Amended at 28 Ill. Reg. 12643, effective August 27, 2004)

Section 351.1090 Labeling

- a) Sources, Source Holders or Logging Tools
- 1) Each source, source holder or logging tool containing radioactive material shall bear a durable, legible and clearly visible marking or label which has, as a minimum, the standard radiation caution symbol (as described in 32 Ill. Adm. Code 340.910), without the conventional color requirement and the following wording:
- DANGER*
RADIOACTIVE
- *AGENCY NOTE: or CAUTION.
- 2) This labeling shall be on every component transported as a separate piece of equipment.
- b) Transport Containers. Each transport container shall have permanently attached to it a durable, legible and clearly visible label which has, as a minimum, the standard radiation caution symbol (as described in 32 Ill. Adm. Code 340.910) and the following wording:

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

DANGER*
RADIOACTIVE
NOTIFY CIVIL AUTHORITIES (OR NAME OF COMPANY)

*AGENCY NOTE: or CAUTION.

- c) Uranium sinker bars. A well-logging licensee may use a uranium sinker bar in well-logging applications only if it is legibly impressed with the following wording:

CAUTION
RADIOACTIVE-DEPLETED URANIUM
NOTIFY CIVIL AUTHORITIES (OR NAME OF COMPANY) IF FOUND

(Source: Amended at 28 Ill. Reg. 12643, effective August 27, 2004)

Section 351.1100 Inspection and Maintenance

- a) Each licensee or registrant shall conduct, at intervals not to exceed 6 months, a program of inspection and maintenance of source holders, logging tools, source handling tools, storage containers, transport containers and injection tools to assure proper labeling and physical condition. Records of inspection and maintenance shall be maintained for a period of 2 years for inspection by the Agency Department.
- b) If any inspection conducted pursuant to subsection (a) of this Section above reveals damage to labeling or components that which could result in release of radioactive material into the environment, or loss of control of radioactive material or that which could otherwise create a risk of increase in radiation exposure, the device shall be removed from service until repairs have been made.
- c) The repair, opening or modification of any sealed source shall be performed only by persons specifically authorized to do so by the Agency Department, the U.S. Nuclear Regulatory Commission, an Agreement State or a Licensing State.

(Source: Amended at 28 Ill. Reg. 12643, effective August 27, 2004)

Section 351.2010 Training Requirements

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

- a) No licensee or registrant shall permit any individual to act as a logging supervisor as defined in this Part until ~~the~~ individual has:
- 1) Received 40 hours of instruction in the subjects outlined in ~~Section 351.~~Appendix A ~~of this Part~~ and has demonstrated to the satisfaction of the licensee or registrant an understanding thereof by successful completion of a written examination administered by the licensee or registrant;
 - 2) Read and received instruction in the regulations contained in this Part and the applicable Sections of 32 Ill. Adm. Code 310, 340 and 400 or the equivalent state or federal regulations, conditions of appropriate license or certificate of registration, and the licensee's or registrant's operating and emergency procedures and demonstrated to the satisfaction of the licensee or registrant an understanding thereof; and
 - 3) Demonstrated to the satisfaction of the licensee or registrant competence to use sources of radiation, related handling tools and radiation survey instruments which will be used on the job.
- b) No licensee or registrant shall permit any individual to assist in the handling of sources of radiation until ~~the~~ individual has:
- 1) Read or received instruction in the licensee's or registrant's operating and emergency procedures and demonstrated to the satisfaction of the licensee or registrant an understanding thereof; and
 - 2) Demonstrated to the satisfaction of the licensee or registrant competence to use, under the personal supervision of the logging supervisor, the sources of radiation, related handling tools and radiation survey instruments which will be used on the job.
- c) The licensee or registrant shall maintain employee training records for inspection by the ~~Agency~~Department for 2 years following termination of employment.

(Source: Amended at 28 Ill. Reg. 12643, effective August 27, 2004)

Section 351.2020 Operating and Emergency Procedures

The licensee's or registrant's operating and emergency procedures shall include instructions in at

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

least the following:

- a) Handling and use of sources of radiation to be employed so that no individual is likely to be exposed to radiation doses in excess of the standards established in 32 Ill. Adm. Code 340;
- b) Methods and occasions for conducting radiation surveys, including surveys for detecting contamination as required by Section 351.4010(a) through (e) of this Part;
- c) Methods and occasions for locking and securing sources of radiation;
- d) Personnel monitoring and the use of personnel monitoring equipment;
- e) Transportation to temporary jobsites and field stations, including the packaging and placing of sources of radiation in vehicles, placarding of vehicles and securing sources of radiation during transportation to prevent accidental loss, tampering or unauthorized removal;
- f) Minimizing exposure of individuals in the event of an accident and from inhalation and ingestion of radioactive tracer materials;
- g) Procedure for notifying proper personnel in the event of an accident;
- h) Maintenance of records;
- i) Inspection and maintenance of sealed sources, source holders, logging tools, source handling tools, storage containers, transport containers and injection tools;
- j) Procedure to be followed in the event a sealed source is lodged downhole or likely to be leaking; ~~and~~
- k) Procedures to be used for picking up, receiving and opening packages containing radioactive material in accordance with 32 Ill. Adm. Code 340.960;-
- l) Use of sealed sources in wells without surface casing for protecting fresh water aquifers, if appropriate;
- m) Use of remote handling tools for handling sealed sources and radioactive tracer material, except low activity calibration sources; and

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

- n) Decontamination of the environment, equipment and personnel if radioactive tracer material is used.

(Source: Amended at 28 Ill. Reg. 12643, effective August 27, 2004)

Section 351.2030 Personnel Monitoring

- a) No licensee or registrant shall permit any individual to act as a logging supervisor or to assist in the handling of sources of radiation unless each ~~such~~ individual wears an individual monitoring device provided and evaluated by a qualified dosimetry processor as described in 32 Ill. Adm. Code 340.510(d). Each ~~such~~ device shall be assigned to and worn by only one individual.
- b) Records of individual monitoring results shall be retained in accordance with 32 Ill. Adm. Code 340.1160.

(Source: Amended at 28 Ill. Reg. 12643, effective August 27, 2004)

Section 351.3022 Tritium Neutron Generator Target Source

- a) Use of a tritium neutron generator target source, containing quantities not exceeding 1,110 MBq (30 Ci) for well-logging in a well with a surface casing to protect fresh water aquifers, is subject to the requirements of this Part, except Sections 351.40, 351.1080 and 351.5010 of this Part. Film badges must be replaced at least monthly and other individual monitoring devices replaced at least quarterly. After replacement, each individual monitoring device must be promptly processed.
- b) Either use of a tritium neutron generator target source containing quantities exceeding 1,110 MBq (30 Ci) or use of a tritium neutron generator target source containing quantities not exceeding 1,110 MBq (30 Ci) in a well without a surface casing to protect fresh water aquifers is subject to the requirements of this Part, except Section 351.1080 of this Part.

(Source: Added at 28 Ill. Reg. 12643, effective August 27, 2004)

Section 351.3025 Energy Compensation Source (ECS)

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

- a) The licensee may use an ECS that is contained within a logging tool, or other tool components, only if the ECS contains quantities of radioactive material not exceeding 3.7 MBq (100 microCi).
- b) For well-logging applications with a surface casing for protecting fresh water aquifers, use of the ECS is only subject to the requirements of Sections 351.1050, 351.1060 and 351.1070 of this Part.
- c) For well-logging applications without a surface casing for protecting fresh water aquifers, use of the ECS is subject to the requirements of Sections 351.40, 351.1050, 351.1060, 351.1070, 351.3030(b)(2) and 351.5010 of this Part.

(Source: Added at 28 Ill. Reg. 12643, effective August 27, 2004)

Section 351.3027 Well-logging in a Well without a Surface Casing

The licensee may use a sealed source in a well without a surface casing for protecting fresh water aquifers only if the licensee follows a procedure for reducing the probability of the sealed source becoming lodged in the well. The procedure shall be approved by the Agency pursuant to Section 351.2020(l) of this Part.

(Source: Added at 28 Ill. Reg. 12643, effective August 27, 2004)

Section 351.3030 Subsurface Tracer Studies

- a) All personnel handling radioactive tracer material shall be required to use protective gloves, protective clothing and equipment which prevents the spread of contamination. Precautions shall be taken by the licensee or registrant to prevent ingestion or inhalation of radioactive material.
- b) No licensee or registrant shall cause the injection of radioactive material into potable aquifers without specific license authorization issued by the Agency Department pursuant to 32 Ill. Adm. Code 330.250. The Such authorization will be issued only if:
 - 1) The applicant's proposed procedures will prevent tracer concentrations at the most exposed drinking water source or public water supply inlet from exceeding the Illinois Environmental Protection Agency's drinking water quality standards in 35 Ill. Adm. Code 604; and

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

- 2) The applicant's proposed procedures will be performed:
- A) On an underground injection well for which a U.S. Environmental Protection Agency underground injection control program permit has been issued pursuant to 40 CFR 124 or 40 CFR 144 revised as of July 1, 1990, or pursuant to 35 Ill. Adm. Code 705 or 62 Ill. Adm. Code 240; or
 - B) On a well for which the Illinois Environmental Protection Agency has otherwise approved a subsurface radioactive tracer study pursuant to 35 Ill. Adm. Code 704; or
 - C) On a well for which the Illinois Department of Natural Resources Mines and Minerals has otherwise approved a subsurface radioactive tracer study pursuant to 62 Ill. Adm. Code 240.

(Source: Amended at 28 Ill. Reg. 12643, effective August 27, 2004)

Section 351.4010 Radiation Surveys

- a) Radiation surveys and/or calculations shall be made and recorded for each area where radioactive materials are stored.
- b) Radiation surveys and/or calculations shall be made and recorded for the radiation levels in occupied positions and on the exterior of each vehicle used to transport radioactive material. TheSuch surveys and/or calculations shall include each source of radiation or combination of sources to be transported in the vehicle.
- c) After removal of the sealed source from the logging tool and before departing the jobsite, the logging tool detector shall be energized, or a radiation survey meter used, to assure that the logging tool is free of contamination.
- d) If the licensee has reason to believe that, as a result of any operation involving a sealed source, the encapsulation of the sealed source could be damaged by the operation, the licensee shall conduct a radiation survey, including a contamination survey, during and after the operation.
- e)⊕ Radiation surveys shall be made and recorded at the jobsite or wellhead for each tracer operation, except those using hydrogen-3, carbon-14 and sulfur-35. These surveys shall include measurements of radiation levels before and after the

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

operation.

- f)e) Records required pursuant to subsections (a) through (ed) of this Section above shall include the dates, the identification of individual(s) making the survey, the identification of survey instrument(s) used and an exact description of the location of the survey. Records of these surveys shall be maintained for inspection by the Agency Department for 5 years after completion of the survey.

(Source: Amended at 28 Ill. Reg. 12643, effective August 27, 2004)

Section 351.4020 Documents and Records Required at Field Stations

Each licensee or registrant shall maintain, for inspection by the Agency Department, the following documents and records for the specific devices and sources used at the field station:

- a) Appropriate license, certificate of registration or equivalent document issued by the Nuclear Regulatory Commission, an Agreement State or Licensing State;
- b) Operating and emergency procedures required by Section 351.2020 of this Part;
- c) 32 Ill. Adm. Code: Chapter II, Subchapters b and d;
- d) Records of the latest survey instrument calibrations pursuant to Section 351.1040 of this Part;
- e) The dates of the latest tests for leakage or contamination performed on the sealed sources and the results of the tests;
- f) Quarterly inventories required pursuant to Section 351.1060 of this Part;
- g) Utilization records required pursuant to Section 351.1070 of this Part;
- h) Records of inspection and maintenance required pursuant to Section 351.1100 of this Part; and
- i) Survey records required pursuant to Section 351.4010 of this Part.

(Source: Amended at 28 Ill. Reg. 12643, effective August 27, 2004)

Section 351.4030 Documents and Records Required at Temporary Jobsites

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

Each licensee or registrant conducting operations at a temporary jobsite shall have the following documents and records available at that site for inspection by the AgencyDepartment:

- a) Operating and emergency procedures required by Section 351.2020 of this Part;
- b) Survey records required pursuant to Section 351.4010 of this Part for the period of operation at the site;
- c) Evidence of current calibration for the radiation survey instruments in use at the site;
- d) The licensee's radioactive material license, including all appropriate amendments;
- e) When operating in the State under reciprocity as provided for in 32 Ill. Adm. Code 330.900, a copy of the appropriate license, certificate of registration or equivalent documentsdocument(s); and
- f) The dates of the latest tests for leakage or contamination performed on the sealed sources and the results of the tests.

(Source: Amended at 28 Ill. Reg. 12643, effective August 27, 2004)

Section 351.5010 Notification of Incidents, Abandonment and Lost Sources

- a) Notification shall be made to the AgencyDepartment whenever an incident has occurred as described in 32 Ill. Adm. Code 340.1220 or 340.1230. Notification shall also be made to the AgencyDepartment whenever a source is leaking or contaminated in accordance with 32 Ill. Adm. Code 340.1260 or stolen, missing or lost, other than in downhole logging operations, in accordance with 32 Ill. Adm. Code 340.1210.
- b) Whenever a sealed source is separated from the logging tool and is lost downhole, the licensee shall notify the Agency immediately by telephone prior to beginning source recovery operations.
- cb) Whenever a sealed source or device containing radioactive material is lodged downhole, the licensee or registrant shall:
 - 1) Monitor at the surface for the presence of radioactive contamination with a

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

radiation survey instrument or logging tool during logging tool recovery operations; and

- 2) Notify the ~~Agency~~Department immediately by telephone if radioactive contamination is detected at the surface or if the source is likely to have been ruptured~~appears to be damaged~~.

de) When ~~it becomes apparent that~~ efforts to recover the radioactive source are not~~will not be~~ successful, the licensee or registrant shall:

- 1) Advise the well operator of the regulations of the Illinois Emergency Management Agency~~Department of Nuclear Safety~~ regarding abandonment and the method of abandonment, which shall include:
 - A) The immobilization and sealing in place of the radioactive source with a cement plug;
 - B) The means to prevent inadvertent intrusion on the source, unless the source is not accessible to any subsequent drilling operations, such as setting of a whipstock or other deflection device; and
 - C) The mounting of a permanent identification plaque, at the surface of the well, containing the appropriate information required by subsection (ge) ~~of this Section~~below;
- 2) Notify the ~~Agency~~Department immediately by telephone, and by mail within 10 calendar days, giving the circumstances of the loss and requesting approval of the adopted abandonment procedures; and
- 3) File a written report with the ~~Agency~~Department within 30 days of the abandonment, setting forth the following information:
 - A) Date of occurrence and a brief description of attempts to recover the source;
 - B) A description of the radioactive source involved, including radionuclide, quantity, and chemical and physical form;
 - C) Surface location and identification of well;

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

- D) Results of efforts to immobilize and seal the source in place;
- E) Depth of the radioactive source;
- F) Depth of the top of the cement plug;
- G) Depth of the well; and
- H) Information contained on the permanent identification plaque.

~~ed~~) The ~~Agency~~Department will provide written approval of the request by the licensee pursuant to subsection ~~(de)~~(2) ~~of this Section~~above if the ~~Agency~~Department determines that accepted industry methods for recovery have been unsuccessful and the proposed abandonment procedures satisfy the requirements of subsection ~~(de)~~(1) ~~of this Section~~above.

~~f~~) If the licensee believed there was an immediate threat to public health and safety and the licensee implemented abandonment procedures before receiving Agency approval to implement abandonment procedures, the licensee shall notify the Agency immediately by telephone, and by mail within 10 calendar days, giving the circumstances and reasons why an immediate threat to public health and safety was determined to exist and who made the determination.

~~ge~~) Whenever a sealed source containing radioactive material is abandoned downhole, the licensee shall provide a permanent plaque for posting the well or well-bore. This plaque shall:

AGENCY NOTE: An example of a suggested plaque is shown in ~~Section 351~~.Appendix B of this Part.

- 1) Be constructed of long-lasting material, such as stainless steel or monel; and
- 2) Contain the following information engraved on its face:
 - A) The word "CAUTION";
 - B) The radiation symbol without the conventional color requirement;
 - C) The date of abandonment;

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

- D) The name of the well operator or well owner;
- E) The well name and well identification number(s) or other designation;
- F) The sealed ~~source~~source(s) by radionuclide and quantity of activity;
- G) The source depth and the depth to the top of the plug; and
- H) An appropriate warning, depending on the specific circumstances of each abandonment.

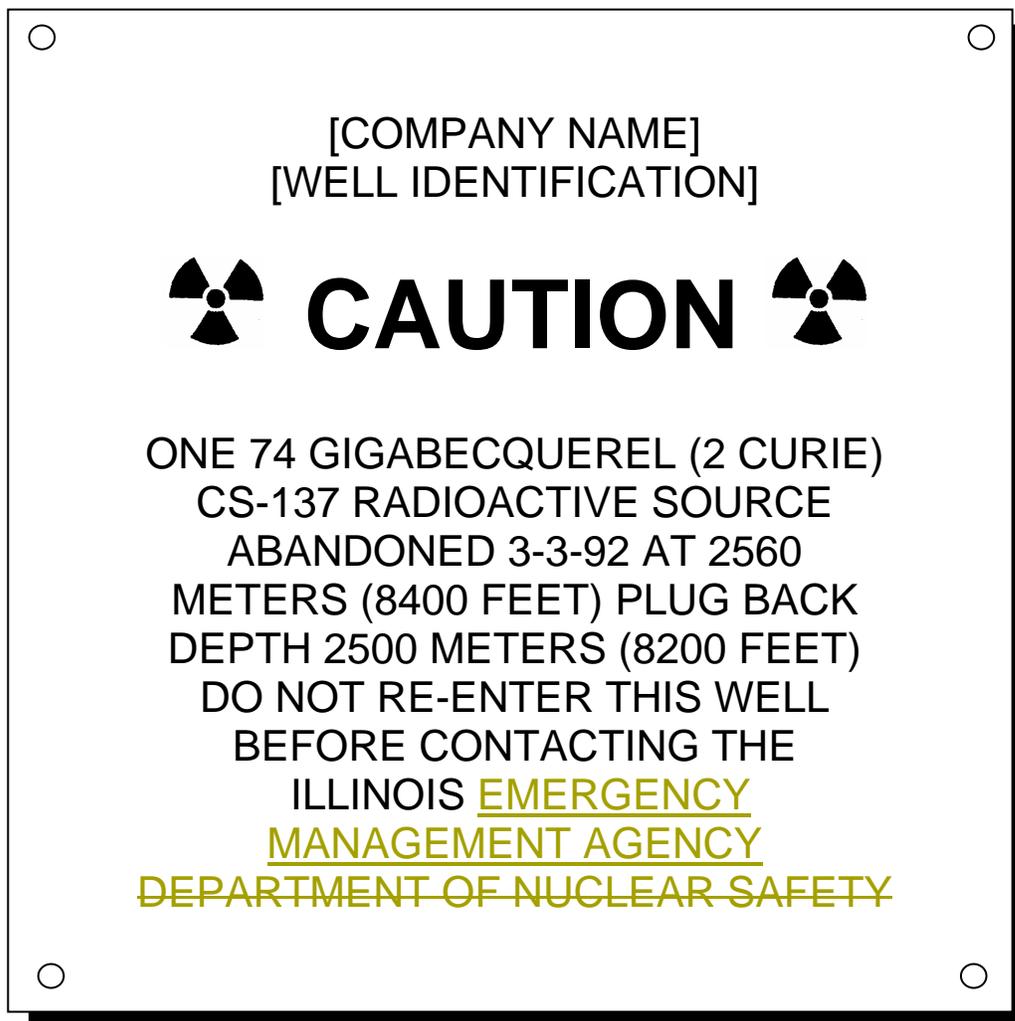
AGENCY NOTE: Appropriate warnings may include: "Do not drill below plug back depth"; "Do not enlarge casing"; or "Do not re-enter the hole" followed by the words, "before contacting the Illinois Emergency Management Agency Department of Nuclear Safety".

- ~~h)~~h) The licensee or registrant shall notify the Agency~~Department~~ immediately by telephone, and by mail within 10 calendar days, if the licensee knows or has reason to believe that radioactive material has been lost in or to an underground potable water source. ~~The~~Such notice shall designate the well location and shall describe the magnitude and extent of loss of radioactive material, assess the health and environmental consequences of ~~the~~such loss and explain efforts planned or being taken to mitigate these consequences.

(Source: Amended at 28 Ill. Reg. 12643, effective August 27, 2004)

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

Section 351.APPENDIX B Example of Plaque for Identifying Wells Containing Sealed Sources Containing Radioactive Material Abandoned Downhole

The size of the plaque should be convenient for use on active or inactive wells, e.g., an 18-centimeter (7-inch) square **and 3 mm (1/8 inch) thick**. Letter size of the word "CAUTION" should be approximately twice the letter size of the rest of the information, e.g., 12-millimeter (1/2-inch) and 6-millimeter (1/4-inch) letter size, respectively. Quantities and distances may be expressed either in SI units or in special and English units or in dual units **as above**.

(Source: Amended at 28 Ill. Reg. 12643, effective August 27, 2004)

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

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

<u>Section numbers:</u>	<u>Adopted action:</u>
611.100	Amend
611.102	Amend
- 4) Statutory authority: 415 ILCS 5/7.2, 17.5, and 27.
- 5) Effective date of amendments: August 26, 2004
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these amendments contain incorporations by reference? Yes. Section 611.102 is the centralized incorporations by reference for all of Part 611. One amendment changes a corporate name listed as the source of an analytical method incorporated by reference in that Section.
- 8) Statement of availability: The adopted amendments, a copy of the Board's opinion and order adopted August 19, 2004, and all materials incorporated by reference are on file at the Board's principal office and are available for public inspection and copying.
- 9) Notice of proposal published in Illinois Register: June 18, 2004, 28 Ill. Reg. 8403
- 10) Has JCAR issued a Statement of Objections to these rules? No. Section 17.5 of the Environmental Protection Act [415 ILCS 5/17.5] provides that Section 5-35 of the Administrative Procedure Act [5 ILCS 100/5-35] does not apply to this rulemaking. Because this rulemaking is not subject to Section 5-35 of the APA, it is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules (JCAR).
- 11) Differences between proposal and final version: A table that appears in the Board's opinion and order of August 19, 2004 in docket R04-13 summarizes the single difference between the amendments adopted in that order and those proposed by the Board in an opinion and order dated May 20, 2004, in docket R04-13.

The difference is limited to a single grammatical correction. The change is intended to have no substantive effect. The intent is to add clarity to the rules without deviation from the substance of the federal amendments on which this proceeding is based.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- 12) Have all the changes agreed upon by the Board and JCAR been made as indicated in the agreements issued by JCAR? 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.

Since the Notices of Proposed Amendments appeared in the June 18, 2004 issue of the *Illinois Register*, the Board received a number of suggestions for revisions from JCAR. The Board evaluated each suggestion and incorporated a number of changes into the text as a result, as detailed in the opinion and order of August 19, 2004 in docket R04-13, as indicated in item 11 above. See the August 19, 2004 opinion and order in docket R04-13 for additional details on the JCAR suggestions and the Board actions with regard to each. One table in that opinion itemizes the changes made in response to various suggestions. Another table indicates JCAR suggestions not incorporated into the text, with a brief explanation for each.

- 13) Will these amendments replace emergency amendments currently in effect? No
- 14) Are there any other amendments pending on this Part? No
- 15) Summary and purpose of amendments: 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 August 19, 2004, adopting amendments in docket R04-13, which opinion and order is available from the address below.

This proceeding updates 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:

R04-13	Federal SDWA amendments that occurred during the period July 1, 2003 though December 31, 2003.
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The following table briefly summarizes the federal actions in the update period:

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

December 23, 2003 (68 Fed. Reg. 74233)	USEPA changed its policy and determined that a property owner that “submeters” water, <i>i.e.</i> , that distributes water to a limited number of tenants on its own property, does not “sell” water within the meaning of Section 1411(3) of SDWA (42 U.S.C. 300g(3) 2000). Thus, such a property owner is a not a public water supply to which the SDWA requirements apply.
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The Board has further added an amendment at the request of an entity listed in the regulations. At the request of EMD Chemicals, formerly named EM Science, the Board is changing the appearance of their company name. This company produces two methods for microbiological analysis of water that are approved by USEPA. The methods are incorporated by reference in Section 611.102, where the company name appears.

Tables appear in the Board’s opinion and order of August 19, 2004 in docket R04-13 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 August 19, 2004 opinion and order in docket R04-13.

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

- 16) Information and questions regarding these adopted amendments shall be directed to:
Please reference consolidated Docket R04-13 and direct inquiries to the following person:

Michael J. McCambridge
Staff Attorney
Illinois Pollution Control Board
100 W. Randolph 11-500
Chicago, IL 60601
312-814-6924

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Request copies of the Board's opinion and order of August 19, 2004 at 312-814-3620. Alternatively, you may obtain a copy of the Board's opinion and order from the Internet at <http://www.ipcb.state.il.us>.

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

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED 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 ADOPTED 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 ADOPTED 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 ADOPTED 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
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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 (Repealed)

SUBPART O: ORGANIC MONITORING AND ANALYTICAL REQUIREMENTS

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED 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 (Repealed)

SUBPART P: THM MONITORING AND ANALYTICAL REQUIREMENTS

Section	
611.680	Sampling, Analytical, and other Requirements
611.683	Reduced Monitoring Frequency (Repealed)
611.684	Averaging (Repealed)
611.685	Analytical Methods
611.686	Modification to System (Repealed)
611.687	Sampling for THM Potential (Repealed)
611.688	Applicability Dates (Repealed)

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 ADOPTED 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 ADOPTED 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 ADOPTED 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 in R04-3 at 28 Ill. Reg. 5269, effective March 10, 2004; amended in R04-13 at 28 Ill. Reg. 12666, effective August 27, 2004.

SUBPART A: GENERAL

Section 611.100 Purpose, Scope, and Applicability

- a) This Part satisfies the requirement of Section 17.5 of the Environmental Protection Act (Act) [415 ILCS 5/17.5] that the Board adopt regulations that are identical in substance with federal regulations promulgated by the United States Environmental Protection Agency (USEPA) pursuant to Sections 1412(b), 1414(c), 1417(a), and 1445(a) of the Safe Drinking Water Act (SDWA) (42 USC 300g-1(b), 300g-3(c), 300g-6(a), and 300j-4(a)).
- b) This Part establishes primary drinking water regulations (NPDWRs) pursuant to the SDWA, and also includes additional, related State requirements that are consistent with and more stringent than the USEPA regulations (Section 7.2(a)(6) of the Act [415 ILCS 5/7.2(a)(6)]). The latter provisions are specifically marked as "additional State requirements": They apply only to community water systems (CWSs).
- c) This Part applies to "suppliers"; owners and operators of "public water systems" ("PWSs"). PWSs include CWSs, "non-community water systems" ("non-CWSs"), and "non-transient non-community water systems" ("NTNCWSs"), as these terms

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

are defined in Section 611.101.

- 1) CWS suppliers are required to obtain permits from the Illinois Environmental Protection Agency (Agency) pursuant to 35 Ill. Adm. Code 602.
- 2) Non-CWS suppliers are subject to additional regulations promulgated by the Illinois Department of Public Health (Public Health or DPH) pursuant to Section 9 of the Illinois Groundwater Protection Act [415 ILCS 55/9], including 77 Ill. Adm. Code 900.
- 3) Non-CWS suppliers are not required to obtain permits or other approvals from the Agency, or to file reports or other documents with the Agency. Any provision in this Part so providing is to be understood as requiring the non-CWS supplier to obtain the comparable form of approval from, or to file the comparable report or other document with Public Health.

BOARD NOTE: Derived from 40 CFR 141.1 ~~(2003)~~(2002).

- d) This Part applies to each PWS, unless the PWS meets all of the following conditions:

- 1) ~~The PWS consists~~Consists only of distribution and storage facilities (and does not have any collection and treatment facilities);
- 2) ~~The PWS obtains~~Obtains all of its water from, but is not owned or operated by, a supplier to which such regulations apply;
- 3) ~~The PWS does~~Does not sell water to any person; and
- 4) ~~The PWS is~~ Is not a carrier that conveys passengers in interstate commerce.

BOARD NOTE: Derived from 40 CFR 141.3 ~~(2003)~~(2002). The text of 40 CFR 141.3 is nearly identical to Section 1411 of the federal SDWA (42 USC 300g). On December 23, 2003 (at 68 Fed. Reg. 74233), USEPA announced a change in its policy relating to Section 1411. USEPA determined that a property owner that is not otherwise subject to the SDWA national primary drinking water standards "submeters" water, and does not "sell" water within the meaning of Section 1411(3) if the property

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

owner meters water to tenants on its property and bills the tenants for the water. USEPA charged the State with determining whether water is "submetered" or "sold" in a particular situation. USEPA stated that eligibility for exclusion requires that the owner obtain water from a regulated water system. USEPA set forth factors for consideration to aid the State in making such a determination: the property has a limited distribution system with no known backflow or cross-connection issues; the majority of the plumbing is within a structure, rather than in the ground; and property ownership is single or within an association of owners. USEPA cited apartment buildings, co-ops, and condominiums as examples of eligible properties. USEPA further stated that it does not intend the policy to apply to a large distribution system, to one that serves a large population, or one that serves a mixed commercial and residential population. USEPA cited "many military installations/facilities" and large mobile home parks as examples of systems to which the policy would not apply.

- e) Some subsection labels have been omitted in order to maintain local consistency between USEPA subsection labels and the subsection labels in this Part.

(Source: Amended at 28 Ill. Reg. 12666, effective August 27, 2004)

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 Department.

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

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

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 in Finished Waters," available from [EMD Chemicals IncEM 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 in "Standard Methods for the Examination of Water and Wastewater," 18th ed., from American Public Health Association.

"Palintest Method 1001" means "Method Number 1001," available from

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

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 in Finished Waters," available from [EMD Chemicals Inc/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.

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

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

"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 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.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

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

"Standard Methods for the Examination of Water and

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

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

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

"Standard Methods for the Examination of Water and Wastewater," 20th Edition, 1998 (referred to as "Standard Methods, 20th 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," 13th Edition, 1971 (referred to as "Standard Methods, 13th 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.

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

Method 306, Tritium in Water.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

"Standard Methods for the Examination of Water and Wastewater," 17th Edition, 1989 (referred to as "Standard Methods, 17th 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 7500-³H 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).

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

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

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 Chromatography, Ion Chromatography with Chemical Suppression of Eluent Conductivity.

Method 4500-CN⁻ C, Cyanide, Total Cyanide after

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Distillation.

Method 4500-CN⁻ E, Cyanide, Colorimetric Method.

Method 4500-CN⁻ F, Cyanide, Cyanide-Selective Electrode Method.

Method 4500-CN⁻ 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-ClO₂ C, Chlorine Dioxide, Amperometric Method I.

Method 4500-ClO₂ D, Chlorine Dioxide, DPD Method.

Method 4500-ClO₂ E, Chlorine Dioxide, Amperometric Method II (Proposed).

Method 4500-F⁻ B, Fluoride, Preliminary Distillation Step.

Method 4500-F⁻ C, Fluoride, Ion-Selective Electrode Method.

Method 4500-F⁻ D, Fluoride, SPADNS Method.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Method 4500-F⁻ E, Fluoride, Complexone Method.

Method 4500-H⁺ B, pH Value, Electrometric Method.

Method 4500-NO₂⁻ B, Nitrogen (Nitrite), Colorimetric Method.

Method 4500-NO₃⁻ D, Nitrogen (Nitrate), Nitrate Electrode Method.

Method 4500-NO₃⁻ E, Nitrogen (Nitrate), Cadmium Reduction Method.

Method 4500-NO₃⁻ F, Nitrogen (Nitrate), Automated Cadmium Reduction Method.

Method 4500-O₃ 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 Gross Alpha-Beta.

Method 7110 C, Gross Alpha and Beta Radioactivity (Total, Suspended, and Dissolved), Coprecipitation Method

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

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 Radioactive 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
for Members of the Coliform Group, Introduction.

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

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

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 18th Edition of Standard Methods for the Examination of Water and Wastewater," American Public Health Association, 1994.

Method 6610, Carbamate Pesticide Method.

"Standard Methods for the Examination of Water and Wastewater," 19th Edition, 1995 (referred to as "Standard Methods,

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

19th 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 Chromatography, Ion Chromatography with Chemical Suppression of Eluent Conductivity.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

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-ClO₂ C, Chlorine Dioxide, Amperometric Method I.

Method 4500-ClO₂ D, Chlorine Dioxide, DPD Method.

Method 4500-ClO₂ E, Chlorine Dioxide, Amperometric Method II (Proposed).

Method 4500-CN⁻ C, Cyanide, Total Cyanide after Distillation.

Method 4500-CN⁻ E, Cyanide, Colorimetric Method.

Method 4500-CN⁻ F, Cyanide, Cyanide-Selective Electrode Method.

Method 4500-CN⁻ G, Cyanide, Cyanides Amenable to Chlorination after Distillation.

Method 4500-F⁻ B, Fluoride, Preliminary Distillation Step.

Method 4500-F⁻ C, Fluoride, Ion-Selective Electrode Method.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Method 4500-F⁻ D, Fluoride, SPADNS Method.

Method 4500-F⁻ E, Fluoride, Complexone Method.

Method 4500-H⁺ B, pH Value, Electrometric Method.

Method 4500-NO₂⁻ B, Nitrogen (Nitrite), Colorimetric Method.

Method 4500-NO₃⁻ D, Nitrogen (Nitrate), Nitrate Electrode Method.

Method 4500-NO₃⁻ E, Nitrogen (Nitrate), Cadmium Reduction Method.

Method 4500-NO₃⁻ F, Nitrogen (Nitrate), Automated Cadmium Reduction Method.

Method 4500-O₃ 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.

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

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

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.

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

Method 7500-U B, Uranium, Radiochemical Method.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

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.

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

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Method 9223, Chromogenic Substrate Coliform Test (Proposed).

"Supplement to the 19th 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," 20th Edition, 1998 (referred to as "Standard Methods, 20th 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.

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

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Method 4500-CN⁻ C, Cyanide, Total Cyanide after Distillation.

Method 4500-CN⁻ E, Cyanide, Colorimetric Method.

Method 4500-CN⁻ F, Cyanide, Cyanide-Selective Electrode Method.

Method 4500-CN⁻ 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-ClO₂ C, Chlorine Dioxide, Amperometric Method I.

Method 4500-ClO₂ D, Chlorine Dioxide, DPD Method.

Method 4500-ClO₂ E, Chlorine Dioxide, Amperometric Method II (Proposed).

Method 4500-F⁻ B, Fluoride, Preliminary Distillation Step.

Method 4500-F⁻ C, Fluoride, Ion-Selective Electrode Method.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Method 4500-F⁻ D, Fluoride, SPADNS Method.

Method 4500-F⁻ E, Fluoride, Complexone Method.

Method 4500-H⁺ B, pH Value, Electrometric Method.

Method 4500-NO₂⁻ B, Nitrogen (Nitrite), Colorimetric Method.

Method 4500-NO₃⁻ D, Nitrogen (Nitrate), Nitrate Electrode Method.

Method 4500-NO₃⁻ E, Nitrogen (Nitrate), Cadmium Reduction Method.

Method 4500-NO₃⁻ F, Nitrogen (Nitrate), Automated Cadmium Reduction Method.

Method 4500-O₃ 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.

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

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

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-ClO₂ D, Chlorine Dioxide, DPD Method.

Method 4500-ClO₂ 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.

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

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

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

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.

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

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

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-Change Titration," approved May 15, 1992.

ASTM Method D1125-91 A, "Standard Test Methods for Electrical Conductivity and Resistivity of Water," "Test Method A

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

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

ASTM Method D3223-91, "Standard Test Method for Total

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

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.

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

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

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).

"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).

[EMD Chemicals Inc. 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 in Finished Waters," November 2000, Version 1.0.

"Readycult Coliforms 100 Presence/Absence Test for Detection and Identification of Coliform Bacteria and 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).

Great Lakes Instruments, Inc., 8855 North 55th Street, Milwaukee, WI 53223.

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

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

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 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.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

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 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.)

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

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

"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)

"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)

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

"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): "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.

"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.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

"EML Procedures Manual," 27th 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 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.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

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.

R-1110-76

R-1111-76

R-1120-76

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

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).

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

(Source: Amended at 28 Ill. Reg. 12666, effective August 27, 2004)

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED REPEALER

- 1) Heading of the Part: Slow-Moving Vehicle Identification Emblem
- 2) Code Citation: 92 Ill. Adm. Code 564
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
564.10	Repeal
564.20	Repeal
564. Appendix A	Repeal
- 4) Statutory Authority: Implementing and authorized by Section 12-709 of the Illinois Rules of the Road [625 ILCS 5/12-709]
- 5) Effective Date of Repealer: August 25, 2004
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this repealer contain incorporations by reference? No
- 8) A copy of the adopted repealer is on file in the agency's Division of Traffic Safety and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: April 23, 2004; 28 Ill. Reg. 6419
- 10) Has JCAR issued a Statement of Objection to this repealer? No
- 11) Differences between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? No changes were necessary.
- 13) Will this repealer replace an emergency repealer currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Repealer: The Department has repealed this Part in its entirety and has replaced it with a new Part published elsewhere in this issue of the *Illinois Register* that establishes revised standards to update the specifications and mounting requirements for slow-moving vehicle emblems as mandated by 625 ILCS 5/12-709.

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED REPEALER

- 16) Information and questions regarding this adopted repealer shall be directed to:

Ms Catherine Allen
Illinois Department of Transportation
Division of Traffic Safety
P.O. Box 19212
Springfield, Illinois 62794-9212

(217) 785-1181

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED RULES

- 1) Heading of the Part: Slow-Moving Vehicle Identification Emblem
- 2) Code Citation: 92 Ill. Adm. Code 564
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
564.10	New Section
564.20	New Section
564.30	New Section
564.40	New Section
564.Appendix A	New Section
- 4) Statutory Authority: Implementing and authorized by Section 12-709 of the Illinois Vehicle Code [625 ILCS 5/12-709]
- 5) Effective Date of Rules: August 25, 2004
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? Yes
- 8) A copy of the adopted rules, including any material incorporated by reference, is on file in the agency's Division of Traffic Safety and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: April 23, 2004; 28 Ill. Reg. 6427
- 10) Has JCAR issued a Statement of Objection to these rules? No
- 11) Differences between proposal and final version: Various grammatical corrections were made in agreement with JCAR. Additionally, the Department made a correction at Section 564.Appendix A(b)(1) and (2), in response to a public comment, that corrects the distance of "100 feet" to "1000 feet" in both those subsections.
- 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 Rules: By this Notice, the Department, through its

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED RULES

Division of Traffic Safety, has adopted a new, updated Part on the slow-moving vehicle identification emblem while simultaneously adopting a repealer of the current rules, notice and text of which appear elsewhere in the *Illinois Register*. The Department has replaced the current rules with this new Part that establishes revised specifications and mounting requirements, through an incorporation by reference, for slow-moving vehicle identification emblems as mandated by 625 ILCS 5/12-709. Section 12-709 of the Illinois Vehicle Code (the Code) requires the specifications and mounting requirements to be based on the American Society of Agricultural Engineers (ASAE) Standard (S) 276.5, dated November 1997. The November 1997 ASAE standard was updated in February 2003, although the updates were not substantive in nature. Therefore, the Department has incorporated by reference the ASAE S276.5 as of February 2003, which is substantively the same as the November 1997 standard provided for in Section 12-709 of the Code. Following is a section-by-section analysis of the differences between the new Part and the old Part.

Section 564.10 Purpose – No substantive change from the old Part to the new Part.

Section 564.20 Applicability – This new Section is being added to detail those affected by this Part, as prescribed by statute.

Section 564.30 Definitions – This new Section will aid the reader in comprehending this Part.

Section 564.40 Incorporation by Reference of ASAE S276.5, February 2003 – This new Section is similar to Section 564.20 in the old Part although the Department modified language to update the ASAE standard and, also, deleted language that required the emblem to be mounted in a location other than where the ASAE prescribes it to be mounted. The old standard required the emblem to be located 2 to 6 feet above the ground while the old Part requires the emblem to be mounted 4 to 12 feet above the ground. The new Part incorporates by reference ASAE S276.5 that prescribes the mounting at 2 to 10 feet above the ground.

Section 564.Appendix A Highlights of ASAE S276.5, February 2003 – The new Part revises the heading of the Appendix and provides important highlights from the ASAE S276.5, February 2003 that are useful to interested parties. These highlights include information regarding the general description of the emblem and the emblem's mounting requirements. These emblems are available on the

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED RULES

retail market at farm supply stores or directly from the manufacturer. At the time of purchase, the end user must look for the emblem that is marked as being in compliance with ASAE S276.5. Interested parties will also need to know how to mount the emblem on their slow-moving vehicle, as discussed in the new Part at Appendix A. In the old Part, the Department set out complete text of the ASAE standard in the rule. However, that standard has been significantly modified since March 1968 making the old Appendix out-of-date. In the new Part, incorporating the updated standard by reference will ensure compliance by emblem manufacturers. Finally, the highlights provided in the new Appendix A will assist interested parties in their comprehension of the new requirements.

- 16) Information and questions regarding this adopted rule shall be directed to:

Ms. Catherine Allen
Illinois Department of Transportation
Division of Traffic Safety
P.O. Box 19212
Springfield, Illinois 62794-9212

(217) 785-1181

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

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED RULES

TITLE 92: TRANSPORTATION
CHAPTER I: DEPARTMENT OF TRANSPORTATION
SUBCHAPTER f: HIGHWAYSPART 564
SLOW-MOVING VEHICLE IDENTIFICATION EMBLEM

Section

564.10	Purpose
564.20	Applicability
564.30	Definitions
564.40	Incorporation by Reference of ASAE S276.5, February 2003
564.APPENDIX A	Highlights of ASAE S276.5, February 2003

AUTHORITY: Implementing and authorized by Section 12-709 of the Illinois Vehicle Code [625 ILCS 5/12-709].

SOURCE: Part repealed at 28 Ill. Reg. 12712, effective August 28, 2004; new Part adopted at 28 Ill. Reg. 12714, effective August 25, 2004.

Section 564.10 Purpose

The purpose of this Part is to provide specifications and mounting requirements for slow-moving vehicle emblems as required by Section 12-709 of the Illinois Vehicle Code (the Code) [625 ILCS 5/12-709].

Section 564.20 Applicability

Section 12-709 of the Code provides:

- a) *Every animal drawn vehicle, farm tractor, implement of husbandry and special mobile equipment, when operated on a highway must display a slow-moving vehicle emblem mounted on the rear except as provided in subsection (b) of this Section. Special mobile equipment is exempt when operated within the limits of a construction or maintenance project where traffic control devices are used in compliance with the applicable provisions of the manual and specifications adopted under Section 11-301 of the Illinois Vehicle Code.*

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED RULES

- b) *Every vehicle or unit described in subsection (a) of this Section when operated in combination on a highway must display a slow-moving vehicle emblem as follows:*
- 1) *Where the towed unit or any load thereon partially or totally obscures the slow-moving vehicle emblem on the towing unit, the towed unit shall be equipped with a slow-moving vehicle emblem. In such cases the towing unit need not display the emblem.*
 - 2) *Where the slow-moving vehicle emblem on the towing unit is not obscured by the towed unit or its load, then either or both may be equipped with the required emblem but it shall be sufficient if either displays it.*
 - 3) *A registered truck towed behind a farm tractor in conformity with the provisions of Section 11-1418 of the Illinois Vehicle Code must display a slow-moving vehicle emblem in the manner provided by this Part while being towed on a highway if the emblem on the towing vehicle is partially or totally obscured. (Section 12-709 of the Code)*

Section 564.30 Definitions

"American Society of Agricultural Engineers" or "ASAE" means a professional and technical organization, of members worldwide, who are dedicated to the advancement of engineering applicable to agricultural, food, and biological systems. ASAE standards are developed and adopted to meet standardization needs in areas that include, but are not limited to, agricultural field equipment and farmstead equipment.

"Department" means the Illinois Department of Transportation.

"Highway" means the entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel or located on public school property. (Section 1-126 of the Code)

"Illinois Vehicle Code" or "the Code" means 625 ILCS 5.

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED RULES

"Slow-moving vehicle identification emblem" means a red-orange fluorescent equilateral triangle with a red retroreflective border positioned with a point of the triangle up.

Section 564.40 Incorporation by Reference of ASAE S276.5, February 2003

This Part incorporates by reference ASAE S276.5, February 2003, that is the basis and guideline for the Department's policies on the specifications and mounting of the slow-moving vehicle identification emblem. The ASAE S276.5 is incorporated as a part of this Part and is effective as indicated, not including any later amendments or editions. The ASAE S276.5 is available for public inspection at the Division of Traffic Safety, DOT Annex Building, 3215 Executive Park Drive, Commercial Vehicle Safety Section, 3rd Floor, Springfield, Illinois. Additionally, a copy of the standard may be purchased from the American Society of Agricultural Engineers, 2950 Niles Rd., St. Joseph MI 49085-9659.

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED RULES

Section 564.APPENDIX A Highlights of ASAE S276.5, February 2003

The following highlights are actual specifications from the ASAE S276.5, February 2003 document and are being provided to assist in the purchase of the appropriate emblem and in the proper mounting of the emblem on a vehicle. However, the specifications in this Appendix A are not all-inclusive. While the description, material and mounting requirements found in subsection (a) through (c) of Appendix A are the same as those contained in ASAE 276.5, February 2003, additional specifications applicable to the manufacturers of the emblem are incorporated by reference at Section 564.40 and are contained in the actual ASAE 276.5, February 2003 document.

- a) Description
 - 1) The identification emblem consists of a fluorescent, orange equilateral triangle with a red retroreflective border positioned with a point of the triangle up. The red-orange fluorescent triangle provides for daylight identification. The red retro-reflective border appears as a hollow red triangle in the path of motor vehicle headlights at night. The emblem may be movable or vehicular mounted.
 - 2) The emblem manufacturer's name and company address will be on the face of the emblem, along with a statement certifying that the emblem is in compliance with ASAE S276.5. This information shall be clearly and permanently marked on the face of the emblem. It will appear only in the lower center or lower right-hand corner of the emblem. On movable emblems, the information may be located on the reverse side of the backing material.
- b) Material Requirements
 - 1) Visibility of retroreflective materials. The emblem shall be visible at night as a hollow red triangle from all distances between 600 and 1000 feet from the rear when directly in front of lawful vehicle low beam headlights.
 - 2) Visibility of fluorescent materials. The emblem shall be visible in the daylight as a red-orange fluorescent triangle from all distances between 600 and 1000 feet.
- c) Position of Emblem

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED RULES

- 1) The emblem shall be mounted with the point of the triangle upward.
- 2) Emblems shall be mounted in a plane perpendicular to the direction of travel and ± 20 degrees from the vertical. The emblem shall be visible from the rear of a slow-moving vehicle.
- 3) The emblem shall be displayed as near to the rear and centered, or as near to the left of center of the vehicle or equipment as practical. It shall be located 2 to 10 feet above the ground measured from the lower edge of the emblem.
- 4) The emblem shall be securely and rigidly affixed to the equipment. Movable emblems may be mounted by using the socket and bracket specified in ANSI/ASAE S277, or by other means that provide secure and rigid attachment.
- 5) The effective reflectivity and fluorescence of the emblem shall be unobscured to the extent that the triangular shape is readily identifiable both day and night.

ILLINOIS COMMERCE COMMISSION

NOTICE OF EMERGENCY RULES

- 1) Heading of the Part: Employee Walkways in Railroad Yards
- 2) Code Citation: 92 Ill. Adm. Code 1546
- 3)

<u>Section Numbers</u> :	<u>Emergency Action</u> :
1546.10	New Section
1546.20	New Section
1546.110	New Section
1546.120	New Section
1546.130	New Section
1546.140	New Section
1546.150	New Section
- 4) Statutory Authority: [625 ILCS 5/18c-7401.1] (Public Act 93-0791).
- 5) Effective Date of Rules: September 1, 2004
- 6) If this emergency rules is to expire before the end of the 150-day period, please specify the date on which it is to expire: This emergency rule has no earlier expiration date specified.
- 7) Date filed with the Index Department: August 25, 2004
- 8) A copy of the emergency rule, including any material incorporated by reference, is on file in the Illinois Commerce Commission's principal office and is available for public inspection.
- 9) Reason for Emergency: Public Act 93-0791, codified at 625 ILCS 5/18c-7401.1, mandates that within 90 days after the effective date of the amendatory Act, the Commission shall adopt rules regarding safe walkways for railroad workers in areas where work is regularly performed on the ground.
- 10) A Complete Description of the Subjects and Issues Involved: These rules implement Public Act 93-0791 which mandates that the Commission adopt rules regarding safe walkways for railroad workers in areas where work is regularly performed on the ground.
- 11) Are there any other proposed amendments pending on this Part? No

ILLINOIS COMMERCE COMMISSION

NOTICE OF EMERGENCY RULES

- 12) Statement of Statewide Policy Objectives: This proposed amendment neither creates nor expands any State mandate on units of local government, school districts, or community college districts.
- 13) Information and questions regarding these rules shall be directed to:

Steven L. Matrisch
Office of Transportation Counsel
Transportation Division
Illinois Commerce Commission
527 East Capitol Avenue
Springfield IL 62701
(217) 782-6447
smatrisc@icc.state.il.us

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

ILLINOIS COMMERCE COMMISSION

NOTICE OF EMERGENCY RULES

TITLE 92: TRANSPORTATION
CHAPTER III: ILLINOIS COMMERCE COMMISSION
SUBCHAPTER c: RAIL CARRIERS

PART 1546
EMPLOYEE WALKWAYS IN RAILROAD YARDS

SUBPART A: GENERAL RULES

Section

1546.10 Scope

EMERGENCY

1546.20 General Requirements

EMERGENCY

SUBPART B: STANDARDS

Section

1546.110 New Yard Tracks

EMERGENCY

1546.120 Other Tracks

EMERGENCY

1546.130 Compliance

EMERGENCY

1546.140 Waivers

EMERGENCY

1546.150 Enforcement

EMERGENCY

AUTHORITY: Implementing and authorized by Section 18c-7401.1 and authorized by Section 18c-1202 of the Illinois Commercial Transportation Law [625 ILCS 5/18c-7401.1 and 18c-1202].

SOURCE: Adopted by emergency rulemaking at 28 Ill. Reg. 12722, effective September 1, 2004, for a maximum of 150 days.

SUBPART A: GENERAL RULES

Section 1546.10 Scope

ILLINOIS COMMERCE COMMISSION

NOTICE OF EMERGENCY RULES

EMERGENCY

- a) This Part prescribes that rail carriers must provide walkways adjacent to those portions of yard tracks constructed after the date on which this Part becomes effective where rail carrier employees frequently work on the ground performing switching activities.
- b) This Part applies to all new construction after the date on which this Part becomes effective and to the reconstruction of yard tracks accomplished after the date on which this Part becomes effective.
- c) This Part does not apply to tracks constructed in industry yards owned by an entity other than a rail carrier.

Section 1546.20 General Requirements**EMERGENCY**

- a) Walkways may be surfaced with asphalt, concrete, planking, grating, native material, crushed material, or other similar material. When crushed material is used, 100% of the material must be capable of passing through a 1½" square sieve opening and 90-100% of the material must be capable of passing through a 1" square sieve opening, provided, however, a de minimus variation shall not be a violation of this Part in an instance where the rail carrier has made a good faith effort to comply with the percentage requirements. Smaller crushed material is preferable. It should be used where drainage and durability issues do not arise. Material that is ¾" or less in size is recommended for switching lead tracks.
- b) Walkways must have a reasonably uniform surface and must be maintained in a safe condition without compromising track drainage.
- c) Cross slopes for walkways shall not exceed 1" of elevation for each 8" of horizontal length in any direction.
- d) Walkways shall be a minimum width of 2 feet.
- e) Walkways within the scope of this Part shall be kept reasonably free of spilled fuel oil, sand, posts, rocks, and other hazards or obstructions.

SUBPART B: STANDARDS

ILLINOIS COMMERCE COMMISSION

NOTICE OF EMERGENCY RULES

**Section 1546.110 New Yard Tracks
EMERGENCY**

- a) Rail carriers shall provide walkways adjacent to those portions of yard tracks constructed after the date on which this Part becomes effective where rail carrier employees frequently work on the ground performing switching activities.
- b) For purposes of this Part, frequently shall mean at least 5 days per week, 1 shift per day.

**Section 1546.120 Other Tracks
EMERGENCY**

- a) In cases where the Commission finds, after notice and hearing, that rail carrier employees who frequently work adjacent to a portion of track performing switching activities are exposed to safety hazards due to the lack of a walkway or to the condition of a walkway constructed before the date on which this Part becomes effective the Commission may order a rail carrier to construct a walkway adjacent to a portion of track where employees are performing switching activities, or require a rail carrier to modify an existing walkway in conformance with the standards set forth in Section 1546.110 within a reasonable period of time.
- b) For purposes of this Part, "frequently" shall mean at least 5 days per week, 1 shift per day or any other period deemed "frequently" enough by the Commission to warrant an order pursuant to this Part.

**Section 1546.130 Compliance
EMERGENCY**

Rail carriers shall be excused from complying with this Part during maintenance activities or any period of heavy rain or snow, derailments, rock and earth slides, washouts and similar weather or seismic conditions, and during a reasonable period afterwards to allow a return to compliance.

**Section 1546.140 Waivers
EMERGENCY**

- a) A rail carrier may petition the Commission for a waiver of any Section of this Part for good cause shown.

ILLINOIS COMMERCE COMMISSION

NOTICE OF EMERGENCY RULES

- b) For purposes of this Part, "good cause" includes, but is not limited to, a showing that compliance will impose an undue hardship on the rail carrier.

Section 1546.150 Enforcement**EMERGENCY**

- a) No formal complaint of an alleged violation of this Part may be filed until the filing party has attempted to address the alleged allegations with the rail carrier. Any complaint of an alleged violation of this Part shall contain a written statement that the filing party has made a reasonable, good faith attempt to address the alleged violation with the rail carrier.
- b) All formal complaints filed with the Commission shall be resolved pursuant to procedures set forth in 83 Ill. Adm. Code 200.170.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF CORRECTIONS TO PROPOSED AMENDMENTS

- 1) Heading of the Part for which proposed rulemaking is being corrected: Pay Plan
- 2) Code Citation: 80 Ill. Adm. Code 310
- 3) Illinois Register citation to Notice of Proposed Amendments: 28 Ill. Reg. 11532; August 13, 2004
- 4) Sections being corrected:
 - 310.Appendix A, Table H
 - 310.Appendix A, Table I
 - 310.Appendix A, Table J
 - 310.Appendix A, Table N
 - 310.Appendix A, Table O
 - 310.Appendix A, Table R
 - 310.Appendix A, Table W
 - 310.Appendix A, Table X
 - 310.Appendix A, Table Y
 - 310.Appendix A, Table Z
- 5) Corrections being made: Because of this notice of correction, the proposed amendments now include only those changes that reflect the new fiscal year. Provisions of the master contract agreement between the Department of Central Management Services and the American Federation of State, County and Municipal Employees (AFSCME) that the State of Illinois began to adhere to as of July 1, 2004, and that were originally included in the proposed rulemaking, are being removed. The master contract was signed on August 19, 2004, and CMS will file contract changes in a peremptory amendment within 30 days after that date, in accordance with the Illinois Administrative Procedure Act. Specifically, the peremptory amendment will include FY2005 salary increases for all AFSCME-represented general rates, security rates, and educator rates, as well as provide salary upgrades for certain day care representative, hearing referee, and the metrologist associate positions. With this notice, the 45-day 1st Notice period for the proposed rulemaking starts over as of 9/10/04.

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

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF CORRECTIONS TO PROPOSED AMENDMENTS

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES
SUBTITLE B: PERSONNEL RULES, PAY PLANS, AND
POSITION CLASSIFICATIONS

CHAPTER I: DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

PART 310
PAY PLAN

SUBPART A: NARRATIVE

Section	
310.20	Policy and Responsibilities
310.30	Jurisdiction
310.40	Pay Schedules
310.50	Definitions
310.60	Conversion of Base Salary to Pay Period Units
310.70	Conversion of Base Salary to Daily or Hourly Equivalents
310.80	Increases in Pay
310.90	Decreases in Pay
310.100	Other Pay Provisions
310.110	Implementation of Pay Plan Changes for Fiscal Year 2004 2005
310.120	Interpretation and Application of Pay Plan
310.130	Effective Date
310.140	Reinstitution of Within Grade Salary Increases (Repealed)
310.150	Fiscal Year 1985 Pay Changes in Schedule of Salary Grades, effective July 1, 1984 (Repealed)

SUBPART B: SCHEDULE OF RATES

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

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF CORRECTIONS TO PROPOSED AMENDMENTS

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

SUBPART C: MERIT COMPENSATION SYSTEM

Section

- 310.410 Jurisdiction
 310.420 Objectives
 310.430 Responsibilities
 310.440 Merit Compensation Salary Schedule
 310.450 Procedures for Determining Annual Merit Increases
 310.455 Intermittent Merit Increase
 310.456 Merit Zone (Repealed)
 310.460 Other Pay Increases
 310.470 Adjustment
 310.480 Decreases in Pay
 310.490 Other Pay Provisions
 310.495 Broad-Band Pay Range Classes
 310.500 Definitions
 310.510 Conversion of Base Salary to Pay Period Units (Repealed)
 310.520 Conversion of Base Salary to Daily or Hourly Equivalents
 310.530 Implementation
 310.540 Annual Merit Increase Guidechart for Fiscal Year ~~2004~~2005
 310.550 Fiscal Year 1985 Pay Changes in Merit Compensation System, effective July 1, 1984 (Repealed)

310.APPENDIX A Negotiated Rates of Pay

- 310.TABLE A HR-190 (Department of Central Management Services – State of Illinois Building – SEIU)
 310.TABLE B HR-200 (Department of Labor – Chicago, Illinois – SEIU) (Repealed)
 310.TABLE C RC-069 (Firefighters, AFSCME) (Repealed)
 310.TABLE D HR-001 (Teamsters Local #726)
 310.TABLE E RC-020 (Teamsters Local #330)
 310.TABLE F RC-019 (Teamsters Local #25)
 310.TABLE G RC-045 (Automotive Mechanics, IFPE)
 310.TABLE H RC-006 (Corrections Employees, AFSCME)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF CORRECTIONS TO PROPOSED AMENDMENTS

310.TABLE I	RC-009 (Institutional Employees, AFSCME)
310.TABLE J	RC-014 (Clerical Employees, AFSCME)
310.TABLE K	RC-023 (Registered Nurses, INA)
310.TABLE L	RC-008 (Boilermakers)
310.TABLE M	RC-110 (Conservation Police Lodge)
310.TABLE N	RC-010 (Professional Legal Unit, AFSCME)
310.TABLE O	RC-028 (Paraprofessional Human Services Employees, AFSCME)
310.TABLE P	RC-029 (Paraprofessional Investigatory and Law Enforcement Employees, IFPE)
310.TABLE Q	RC-033 (Meat Inspectors, IFPE)
310.TABLE R	RC-042 (Residual Maintenance Workers, AFSCME)
310.TABLE S	HR-012 (Fair Employment Practices Employees, SEIU) (Repealed)
310.TABLE T	HR-010 (Teachers of Deaf, IFT)
310.TABLE U	HR-010 (Teachers of Deaf, Extracurricular Paid Activities)
310.TABLE V	CU-500 (Corrections Meet and Confer Employees)
310.TABLE W	RC-062 (Technical Employees, AFSCME)
310.TABLE X	RC-063 (Professional Employees, AFSCME)
310.TABLE Y	RC-063 (Educators, AFSCME)
310.TABLE Z	RC-063 (Physicians, AFSCME)
310.TABLE AA	NR-916 (Department of Natural Resources, Teamsters)
310.TABLE AB	VR-007 (Plant Maintenance Engineers, Operating Engineers) (Repealed)
310.APPENDIX B	Schedule of Salary Grades – Monthly Rates of Pay for Fiscal Year 2004 <u>2005</u>
310.APPENDIX C	Medical Administrator Rates for Fiscal Year 2004 <u>2005</u>
310.APPENDIX D	Merit Compensation System Salary Schedule for Fiscal Year 2004 <u>2005</u>
310.APPENDIX E	Teaching Salary Schedule (Repealed)
310.APPENDIX F	Physician and Physician Specialist Salary Schedule (Repealed)
310.APPENDIX G	Broad-Band Pay Range Classes Salary Schedule for Fiscal Year 2004 <u>2005</u>

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

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

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF CORRECTIONS TO PROPOSED AMENDMENTS

1984, for a maximum of 150 days; amended at 8 Ill. Reg. 11299, effective June 25, 1984; emergency amendment at 8 Ill. Reg. 12616, effective July 1, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 15007, effective August 6, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 15367, effective August 13, 1984; emergency amendment at 8 Ill. Reg. 21310, effective October 10, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 21544, effective October 24, 1984; amended at 8 Ill. Reg. 22844, effective November 14, 1984; emergency amendment at 9 Ill. Reg. 1134, effective January 16, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 1320, effective January 23, 1985; amended at 9 Ill. Reg. 3681, effective March 12, 1985; emergency amendment at 9 Ill. Reg. 4163, effective March 15, 1985, for a maximum of 150 days; emergency amendment at 9 Ill. Reg. 9231, effective May 31, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 9420, effective June 7, 1985; amended at 9 Ill. Reg. 10663, effective July 1, 1985; emergency amendment at 9 Ill. Reg. 15043, effective September 24, 1985, for a maximum of 150 days; preemptory amendment at 10 Ill. Reg. 3325, effective January 22, 1986; amended at 10 Ill. Reg. 3230, effective January 24, 1986; emergency amendment at 10 Ill. Reg. 8904, effective May 13, 1986, for a maximum of 150 days; preemptory amendment at 10 Ill. Reg. 8928, effective May 13, 1986; emergency amendment at 10 Ill. Reg. 12090, effective June 30, 1986, for a maximum of 150 days; preemptory amendment at 10 Ill. Reg. 13675, effective July 31, 1986; preemptory amendment at 10 Ill. Reg. 14867, effective August 26, 1986; amended at 10 Ill. Reg. 15567, effective September 17, 1986; emergency amendment at 10 Ill. Reg. 17765, effective September 30, 1986, for a maximum of 150 days; preemptory amendment at 10 Ill. Reg. 19132, effective October 28, 1986; preemptory amendment at 10 Ill. Reg. 21097, effective December 9, 1986; amended at 11 Ill. Reg. 648, effective December 22, 1986; preemptory amendment at 11 Ill. Reg. 3363, effective February 3, 1987; preemptory amendment at 11 Ill. Reg. 4388, effective February 27, 1987; preemptory amendment at 11 Ill. Reg. 6291, effective March 23, 1987; amended at 11 Ill. Reg. 5901, effective March 24, 1987; emergency amendment at 11 Ill. Reg. 8787, effective April 15, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 11830, effective July 1, 1987, for a maximum of 150 days; preemptory amendment at 11 Ill. Reg. 13675, effective July 29, 1987; amended at 11 Ill. Reg. 14984, effective August 27, 1987; preemptory amendment at 11 Ill. Reg. 15273, effective September 1, 1987; preemptory amendment at 11 Ill. Reg. 17919, effective October 19, 1987; preemptory amendment at 11 Ill. Reg. 19812, effective November 19, 1987; emergency amendment at 11 Ill. Reg. 20664, effective December 4, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20778, effective December 11, 1987; preemptory amendment at 12 Ill. Reg. 3811, effective January 27, 1988; preemptory amendment at 12 Ill. Reg. 5459, effective March 3, 1988; amended at 12 Ill. Reg. 6073, effective March 21, 1988; preemptory amendment at 12 Ill. Reg. 7783, effective April 14, 1988; emergency amendment at 12 Ill. Reg. 7734, effective April 15, 1988, for a maximum of 150 days; preemptory amendment at 12 Ill. Reg. 8135, effective April 22, 1988; preemptory amendment at 12 Ill. Reg. 9745, effective May 23, 1988; emergency amendment at 12 Ill. Reg. 11778, effective July 1, 1988, for a maximum of 150 days; emergency amendment at 12 Ill. Reg. 12895, effective July 18, 1988,

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF CORRECTIONS TO PROPOSED AMENDMENTS

for a maximum of 150 days; peremptory amendment at 12 Ill. Reg. 13306, effective July 27, 1988; corrected at 12 Ill. Reg. 13359; amended at 12 Ill. Reg. 14630, effective September 6, 1988; amended at 12 Ill. Reg. 20449, effective November 28, 1988; peremptory amendment at 12 Ill. Reg. 20584, effective November 28, 1988; peremptory amendment at 13 Ill. Reg. 8080, effective May 10, 1989; amended at 13 Ill. Reg. 8849, effective May 30, 1989; peremptory amendment at 13 Ill. Reg. 8970, effective May 26, 1989; emergency amendment at 13 Ill. Reg. 10967, effective June 20, 1989, for a maximum of 150 days; emergency amendment expired on November 17, 1989; amended at 13 Ill. Reg. 11451, effective June 28, 1989; emergency amendment at 13 Ill. Reg. 11854, effective July 1, 1989, for a maximum of 150 days; corrected at 13 Ill. Reg. 12647; peremptory amendment at 13 Ill. Reg. 12887, effective July 24, 1989; amended at 13 Ill. Reg. 16950, effective October 20, 1989; amended at 13 Ill. Reg. 19221, effective December 12, 1989; amended at 14 Ill. Reg. 615, effective January 2, 1990; peremptory amendment at 14 Ill. Reg. 1627, effective January 11, 1990; amended at 14 Ill. Reg. 4455, effective March 12, 1990; peremptory amendment at 14 Ill. Reg. 7652, effective May 7, 1990; amended at 14 Ill. Reg. 10002, effective June 11, 1990; emergency amendment at 14 Ill. Reg. 11330, effective June 29, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 14361, effective August 24, 1990; emergency amendment at 14 Ill. Reg. 15570, effective September 11, 1990, for a maximum of 150 days; emergency amendment expired on February 8, 1991; corrected at 14 Ill. Reg. 16092; peremptory amendment at 14 Ill. Reg. 17098, effective September 26, 1990; amended at 14 Ill. Reg. 17189, effective October 2, 1990; amended at 14 Ill. Reg. 17189, effective October 19, 1990; amended at 14 Ill. Reg. 18719, effective November 13, 1990; peremptory amendment at 14 Ill. Reg. 18854, effective November 13, 1990; peremptory amendment at 15 Ill. Reg. 663, effective January 7, 1991; amended at 15 Ill. Reg. 3296, effective February 14, 1991; amended at 15 Ill. Reg. 4401, effective March 11, 1991; peremptory amendment at 15 Ill. Reg. 5100, effective March 20, 1991; peremptory amendment at 15 Ill. Reg. 5465, effective April 2, 1991; emergency amendment at 15 Ill. Reg. 10485, effective July 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 11080, effective July 19, 1991; amended at 15 Ill. Reg. 13080, effective August 21, 1991; amended at 15 Ill. Reg. 14210, effective September 23, 1991; emergency amendment at 16 Ill. Reg. 711, effective December 26, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 3450, effective February 20, 1992; peremptory amendment at 16 Ill. Reg. 5068, effective March 11, 1992; peremptory amendment at 16 Ill. Reg. 7056, effective April 20, 1992; emergency amendment at 16 Ill. Reg. 8239, effective May 19, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 8382, effective May 26, 1992; emergency amendment at 16 Ill. Reg. 13950, effective August 19, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 14452, effective September 4, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 238, effective December 23, 1992; peremptory amendment at 17 Ill. Reg. 498, effective December 18, 1992; amended at 17 Ill. Reg. 590, effective January 4, 1993; amended at 17 Ill. Reg. 1819, effective February 2, 1993; amended at 17 Ill. Reg. 6441, effective April 8, 1993; emergency amendment at 17 Ill. Reg. 12900, effective July 22, 1993, for a maximum of 150 days; amended at 17 Ill.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF CORRECTIONS TO PROPOSED AMENDMENTS

Reg. 13409, effective July 29, 1993; emergency amendment at 17 Ill. Reg. 13789, effective August 9, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 14666, effective August 26, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 19103, effective October 25, 1993; emergency amendment at 17 Ill. Reg. 21858, effective December 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 22514, effective December 15, 1993; amended at 18 Ill. Reg. 227, effective December 17, 1993; amended at 18 Ill. Reg. 1107, effective January 18, 1994; amended at 18 Ill. Reg. 5146, effective March 21, 1994; preemptory amendment at 18 Ill. Reg. 9562, effective June 13, 1994; emergency amendment at 18 Ill. Reg. 11299, effective July 1, 1994, for a maximum of 150 days; preemptory amendment at 18 Ill. Reg. 13476, effective August 17, 1994; emergency amendment at 18 Ill. Reg. 14417, effective September 9, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 16545, effective October 31, 1994; preemptory amendment at 18 Ill. Reg. 16708, effective October 28, 1994; amended at 18 Ill. Reg. 17191, effective November 21, 1994; amended at 19 Ill. Reg. 1024, effective January 24, 1995; preemptory amendment at 19 Ill. Reg. 2481, effective February 17, 1995; preemptory amendment at 19 Ill. Reg. 3073, effective February 17, 1995; amended at 19 Ill. Reg. 3456, effective March 7, 1995; preemptory amendment at 19 Ill. Reg. 5145, effective March 14, 1995; amended at 19 Ill. Reg. 6452, effective May 2, 1995; preemptory amendment at 19 Ill. Reg. 6688, effective May 1, 1995; amended at 19 Ill. Reg. 7841, effective June 1, 1995; amended at 19 Ill. Reg. 8156, effective June 12, 1995; amended at 19 Ill. Reg. 9096, effective June 27, 1995; emergency amendment at 19 Ill. Reg. 11954, effective August 1, 1995, for a maximum of 150 days; preemptory amendment at 19 Ill. Reg. 13979, effective September 19, 1995; preemptory amendment at 19 Ill. Reg. 15103, effective October 12, 1995; amended at 19 Ill. Reg. 16160, effective November 28, 1995; amended at 20 Ill. Reg. 308, effective December 22, 1995; emergency amendment at 20 Ill. Reg. 4060, effective February 27, 1996, for a maximum of 150 days; preemptory amendment at 20 Ill. Reg. 6334, effective April 22, 1996; preemptory amendment at 20 Ill. Reg. 7434, effective May 14, 1996; amended at 20 Ill. Reg. 8301, effective June 11, 1996; amended at 20 Ill. Reg. 8657, effective June 20, 1996; amended at 20 Ill. Reg. 9006, effective June 26, 1996; amended at 20 Ill. Reg. 9925, effective July 10, 1996; emergency amendment at 20 Ill. Reg. 10213, effective July 15, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 10841, effective August 5, 1996; preemptory amendment at 20 Ill. Reg. 13408, effective September 24, 1996; amended at 20 Ill. Reg. 15018, effective November 7, 1996; preemptory amendment at 20 Ill. Reg. 15092, effective November 7, 1996; emergency amendment at 21 Ill. Reg. 1023, effective January 6, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 1629, effective January 22, 1997; amended at 21 Ill. Reg. 5144, effective April 15, 1997; amended at 21 Ill. Reg. 6444, effective May 15, 1997; amended at 21 Ill. Reg. 7118, effective June 3, 1997; emergency amendment at 21 Ill. Reg. 10061, effective July 21, 1997, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 12859, effective September 8, 1997, for a maximum of 150 days; preemptory amendment at 21 Ill. Reg. 14267, effective October 14, 1997; preemptory amendment at 21 Ill. Reg. 14589, effective October 15, 1997; preemptory amendment at 21 Ill. Reg. 15030, effective November 10, 1997; amended at 21 Ill.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF CORRECTIONS TO PROPOSED AMENDMENTS

Reg. 16344, effective December 9, 1997; preemptory amendment at 21 Ill. Reg. 16465, effective December 4, 1997; preemptory amendment at 21 Ill. Reg. 17167, effective December 9, 1997; preemptory amendment at 22 Ill. Reg. 1593, effective December 22, 1997; amended at 22 Ill. Reg. 2580, effective January 14, 1998; preemptory amendment at 22 Ill. Reg. 4326, effective February 13, 1998; preemptory amendment at 22 Ill. Reg. 5108, effective February 26, 1998; preemptory amendment at 22 Ill. Reg. 5749, effective March 3, 1998; amended at 22 Ill. Reg. 6204, effective March 12, 1998; preemptory amendment at 22 Ill. Reg. 7053, effective April 1, 1998; preemptory amendment at 22 Ill. Reg. 7320, effective April 10, 1998; preemptory amendment at 22 Ill. Reg. 7692, effective April 20, 1998; emergency amendment at 22 Ill. Reg. 12607, effective July 2, 1998, for a maximum of 150 days; preemptory amendment at 22 Ill. Reg. 15489, effective August 7, 1998; amended at 22 Ill. Reg. 16158, effective August 31, 1998; preemptory amendment at 22 Ill. Reg. 19105, effective September 30, 1998; preemptory amendment at 22 Ill. Reg. 19943, effective October 27, 1998; preemptory amendment at 22 Ill. Reg. 20406, effective November 5, 1998; amended at 22 Ill. Reg. 20581, effective November 16, 1998; amended at 23 Ill. Reg. 664, effective January 1, 1999; preemptory amendment at 23 Ill. Reg. 730, effective December 29, 1998; emergency amendment at 23 Ill. Reg. 6533, effective May 10, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 7065, effective June 3, 1999; emergency amendment at 23 Ill. Reg. 8169, effective July 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 11020, effective August 26, 1999; amended at 23 Ill. Reg. 12429, effective September 21, 1999; preemptory amendment at 23 Ill. Reg. 12493, effective September 23, 1999; amended at 23 Ill. Reg. 12604, effective September 24, 1999; amended at 23 Ill. Reg. 13053, effective September 27, 1999; preemptory amendment at 23 Ill. Reg. 13132, effective October 1, 1999; amended at 23 Ill. Reg. 13570, effective October 26, 1999; amended at 23 Ill. Reg. 14020, effective November 15, 1999; amended at 24 Ill. Reg. 1025, effective January 7, 2000; preemptory amendment at 24 Ill. Reg. 3399, effective February 3, 2000; amended at 24 Ill. Reg. 3537, effective February 18, 2000; amended at 24 Ill. Reg. 6874, effective April 21, 2000; amended at 24 Ill. Reg. 7956, effective May 23, 2000; emergency amendment at 24 Ill. Reg. 10328, effective July 1, 2000, for a maximum of 150 days; emergency expired November 27, 2000; preemptory amendment at 24 Ill. Reg. 10767, effective July 3, 2000; amended at 24 Ill. Reg. 13384, effective August 17, 2000; preemptory amendment at 24 Ill. Reg. 14460, effective September 14, 2000; preemptory amendment at 24 Ill. Reg. 16700, effective October 30, 2000; preemptory amendment at 24 Ill. Reg. 17600, effective November 16, 2000; amended at 24 Ill. Reg. 18058, effective December 4, 2000; preemptory amendment at 24 Ill. Reg. 18444, effective December 1, 2000; amended at 25 Ill. Reg. 811, effective January 4, 2001; amended at 25 Ill. Reg. 2389, effective January 22, 2001; amended at 25 Ill. Reg. 4552, effective March 14, 2001; preemptory amendment at 25 Ill. Reg. 5067, effective March 21, 2001; amended at 25 Ill. Reg. 5618, effective April 4, 2001; amended at 25 Ill. Reg. 6655, effective May 11, 2001; amended at 25 Ill. Reg. 7151, effective May 25, 2001; preemptory amendment at 25 Ill. Reg. 8009, effective June 14, 2001; emergency amendment at 25 Ill. Reg. 9336, effective July 3, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 9846, effective July 23, 2001; amended at 25 Ill.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF CORRECTIONS TO PROPOSED AMENDMENTS

Reg. 12087, effective September 6, 2001; amended at 25 Ill. Reg. 15560, effective November 20, 2001; peremptory amendment at 25 Ill. Reg. 15671, effective November 15, 2001; amended at 25 Ill. Reg. 15974, effective November 28, 2001; emergency amendment at 26 Ill. Reg. 223, effective December 21, 2001, for a maximum of 150 days; amended at 26 Ill. Reg. 1143, effective January 17, 2002; amended at 26 Ill. Reg. 4127, effective March 5, 2002; peremptory amendment at 26 Ill. Reg. 4963, effective March 15, 2002; amended at 26 Ill. Reg. 6235, effective April 16, 2002; emergency amendment at 26 Ill. Reg. 7314, effective April 29, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 10425, effective July 1, 2002; emergency amendment at 26 Ill. Reg. 10952, effective July 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 13934, effective September 10, 2002; amended at 26 Ill. Reg. 14965, effective October 7, 2002; emergency amendment at 26 Ill. Reg. 16583, effective October 24, 2002, for a maximum of 150 days; emergency expired March 22, 2003; peremptory amendment at 26 Ill. Reg. 17280, effective November 18, 2002; amended at 26 Ill. Reg. 17374, effective November 25, 2002; amended at 26 Ill. Reg. 17987, effective December 9, 2002; amended at 27 Ill. Reg. 3261, effective February 11, 2003; expedited correction at 28 Ill. Reg. 6151, effective February 11, 2003; amended at 27 Ill. Reg. 8855, effective May 15, 2003; amended at 27 Ill. Reg. 9114, effective May 27, 2003; emergency amendment at 27 Ill. Reg. 10442, effective July 1, 2003, for a maximum of 150 days; emergency expired November 27, 2003; peremptory amendment at 27 Ill. Reg. 17433, effective November 7, 2003; amended at 27 Ill. Reg. 18560, effective December 1, 2003; peremptory amendment at 28 Ill. Reg. 1441, effective January 9, 2004; amended at 28 Ill. Reg. 2680, effective January 22, 2004; amended at 28 Ill. Reg. 6879, effective April 30, 2004; peremptory amendment at 28 Ill. Reg. 7323, effective May 10, 2004; amended at 28 Ill. Reg. 8842, effective June 11, 2004; peremptory amendment at 28 Ill. Reg. 9717, effective June 28, 2004; amended at 28 Ill. Reg. _____, effective _____.

SUBPART A: NARRATIVE

Section 310.110 Implementation of Pay Plan Changes for Fiscal Year ~~2004~~2005

The rates of pay for all employees occupying positions subject to the Schedule of Salary Grades shall be as set out in Appendix B, Schedule of Salary Grades - Monthly Rates of Pay for Fiscal Year ~~2004~~2005.

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

Section 310.130 Effective Date

The effective date of this Pay Plan Narrative (Subpart A), Schedule of Rates (Subpart B), and Schedule of Salary Grades (Appendix B), shall be for Fiscal Year ~~2004~~2005.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF CORRECTIONS TO PROPOSED AMENDMENTS

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

SUBPART C: MERIT COMPENSATION SYSTEM

Section 310.530 Implementation

- a) The salary schedule for the Merit Compensation System for Fiscal Year ~~2004~~2005 will continue as set forth in Appendix D of the Pay Plan.
- b) The Merit Increase Guidechart for Fiscal Year ~~2004~~2005 as set forth in Section 310.540 of the Pay Plan.

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

Section 310.540 Annual Merit Increase Guidechart for Fiscal Year ~~2004~~2005

Category	Definition	Increase
Category 1	Exceptional	\$0
Category 2	Accomplished	\$0
Category 3	Acceptable	\$0
Category 4	Unacceptable	\$0

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

Section 310.APPENDIX B Schedule of Salary Grades – Monthly Rates of Pay for Fiscal Year ~~2004~~2005

Salary Grade	Step 1c	Step 1b	Step 1a	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8
1	1663	1704	1746	1789	1835	1877	1922	1974	2018	2098	2140
2	1705	1747	1790	1835	1877	1922	1976	2024	2072	2153	2196
3	1743	1786	1831	1877	1922	1977	2027	2076	2127	2221	2265
4	1784	1829	1875	1922	1977	2031	2080	2141	2190	2288	2334

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF CORRECTIONS TO PROPOSED AMENDMENTS

5	1835	1881	1928	1977	2033	2091	2148	2202	2258	2358	2402
6	1886	1934	1983	2033	2092	2150	2214	2273	2337	2440	2489
7	1940	1989	2040	2092	2153	2219	2284	2349	2417	2530	2581
8	1996	2047	2099	2153	2224	2293	2369	2435	2508	2626	2679
9	2061	2114	2168	2224	2296	2374	2449	2529	2605	2727	2782
10	2129	2184	2241	2299	2386	2461	2543	2623	2706	2843	2900
11	2210	2267	2326	2387	2473	2554	2645	2733	2817	2966	3025
12	2300	2360	2422	2486	2578	2664	2763	2854	2959	3118	3180
13	2387	2450	2515	2581	2676	2778	2883	2988	3099	3272	3337
14	2488	2554	2622	2692	2795	2904	3031	3141	3261	3450	3519
15	2585	2654	2725	2799	2921	3042	3162	3291	3413	3618	3690
16	2700	2772	2849	2930	3062	3196	3330	3468	3607	3820	3896
17	2819	2899	2983	3069	3212	3360	3502	3643	3791	4017	4097
18	2963	3049	3137	3230	3387	3544	3705	3857	4012	4251	4336
19	3119	3210	3305	3405	3579	3747	3922	4086	4257	4514	4604
20	3293	3393	3494	3598	3780	3956	4143	4323	4501	4776	4872
21	3477	3582	3689	3798	3993	4187	4383	4583	4773	5070	5171
22	3675	3786	3900	4016	4225	4432	4641	4856	5059	5372	5479
23	3900	4016	4137	4260	4486	4715	4939	5167	5392	5730	5845
24	4149	4273	4401	4534	4775	5024	5265	5509	5758	6118	6240

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF CORRECTIONS TO PROPOSED AMENDMENTS

25 4422 4555 4691 4832 5097 5365 5633 5901 6169 6565 6696

Schedule of Salary Grades (Alternative Retirement Formula only)

– Monthly Rates of Pay for Fiscal Year ~~2004~~2005

Salary Grade	Step 1c	Step 1b	Step 1a	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8
1a	1704	1746	1789	1834	1881	1924	1971	2024	2070	2152	2195
2a	1747	1790	1835	1881	1924	1971	2026	2076	2125	2209	2253
3a	1786	1831	1877	1924	1971	2027	2079	2129	2182	2279	2325
4a	1829	1875	1922	1971	2027	2083	2133	2196	2247	2348	2395
5a	1881	1928	1977	2027	2085	2145	2203	2259	2317	2417	2465
6a	1934	1983	2033	2085	2146	2206	2271	2332	2398	2405	2554
7a	1989	2040	2092	2146	2209	2277	2344	2410	2481	2597	2649
8a	2047	2099	2153	2209	2282	2353	2431	2499	2574	2696	2750
9a	2114	2168	2224	2282	2356	2436	2513	2596	2674	2801	2857
10a	2184	2241	2299	2359	2449	2526	2610	2693	2778	2924	2982
11a	2267	2326	2387	2450	2538	2622	2715	2807	2896	3052	3113
12a	2360	2422	2486	2552	2646	2735	2840	2936	3044	3209	3273
13a	2450	2515	2581	2649	2747	2855	2966	3074	3188	3370	3437
14a	2554	2622	2692	2764	2873	2988	3118	3235	3359	3554	3625
15a	2654	2725	2799	2877	3005	3130	3256	3391	3515	3726	3801
16a	2772	2849	2930	3015	3150	3292	3431	3571	3715	3935	4014

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF CORRECTIONS TO PROPOSED AMENDMENTS

17a	2899	2983	3069	3158	3308	3461	3606	3753	3905	4138	4221
18a	3049	3137	3230	3327	3490	3651	3817	3974	4132	4378	4466
19a	3210	3305	3405	3507	3686	3858	4040	4209	4386	4650	4743
20a	3393	3494	3598	3706	3893	4075	4268	4452	4637	4920	5018
21a	3582	3689	3798	3912	4114	4312	4514	4719	4916	5223	5327
22a	3786	3900	4016	4137	4352	4565	4780	5001	5211	5534	5645
23a	4016	4137	4260	4389	4621	4858	5087	5321	5553	5901	6019
24a	4273	4401	4534	4671	4919	5174	5424	5674	5930	6303	6429
25a	4555	4691	4832	4976	5250	5525	5802	6079	6354	6762	6897

Schedule of Salary Grades (Maximum Security Institutions)
for Fiscal Year ~~2004~~2005

Salary Grade	Step 1c	Step 1b	Step 1a	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8
1m	1755	1798	1841	1885	1933	1976	2022	2076	2121	2203	2247
2m	1799	1842	1886	1933	1976	2022	2078	2127	2177	2260	2305
3m	1838	1882	1928	1976	2022	2079	2130	2181	2233	2330	2377
4m	1880	1926	1974	2022	2079	2134	2185	2248	2298	2399	2447
5m	1933	1980	2028	2079	2136	2196	2255	2311	2368	2468	2517
6m	1985	2035	2085	2136	2197	2257	2323	2384	2450	2556	2607
7m	2041	2091	2144	2197	2260	2328	2395	2462	2532	2648	2701
8m	2098	2151	2204	2260	2333	2404	2483	2551	2626	2747	2802

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF CORRECTIONS TO PROPOSED AMENDMENTS

9m	2165	2220	2276	2333	2407	2488	2565	2647	2726	2854	2911
10m	2235	2292	2351	2410	2500	2577	2662	2744	2832	2980	3040
11m	2319	2378	2438	2501	2590	2673	2767	2860	2952	3107	3169
12m	2412	2473	2537	2603	2698	2787	2894	2991	3100	3266	3331
13m	2501	2566	2633	2701	2800	2910	3022	3130	3246	3428	3497
14m	2605	2673	2743	2817	2928	3043	3174	3291	3415	3611	3683
15m	2705	2776	2852	2932	3061	3185	3314	3447	3572	3784	3860
16m	2826	2904	2986	3070	3207	3350	3488	3629	3773	3991	4071
17m	2954	3038	3125	3214	3366	3519	3664	3811	3962	4196	4280
18m	3104	3192	3288	3383	3547	3709	3874	4031	4190	4435	4524
19m	3267	3364	3463	3564	3744	3916	4097	4267	4443	4707	4801
20m	3449	3552	3656	3763	3950	4132	4325	4510	4694	4976	5076
21m	3639	3747	3856	3971	4171	4369	4572	4777	4973	5280	5386
22m	3843	3956	4074	4195	4408	4623	4836	5058	5269	5591	5703
23m	4074	4195	4318	4446	4678	4914	5144	5379	5611	5959	6078
24m	4331	4459	4591	4729	4975	5231	5481	5732	5988	6360	6487
25m	4613	4748	4890	5034	5308	5582	5859	6136	6411	6819	6955

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

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF CORRECTIONS TO PROPOSED AMENDMENTS

<u>Title</u>	<u>Minimum Salary</u>	<u>Midpoint Salary</u>	<u>Maximum Salary</u>
Medical Administrator I, Option C	8090	9843	11596
Medical Administrator I, Option D	9035	10837	12639
Medical Administrator II, Option C	8743	10528	12313
Medical Administrator II, Option D	10039	11903	13767
Medical Administrator III	10396	12438	14480
Medical Administrator IV	10564	12606	14648
Medical Administrator V	10734	12778	14822

The rates of pay for physicians occupying or appointed to a position in the Medical Administrator classes shall be as listed in the above schedule. All provisions of Subpart C of the Pay Plan, Merit Compensation System will apply to the Medical Administrator positions.

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

Section 310.APPENDIX D Merit Compensation System Salary Schedule for Fiscal Year
20042005

<u>Salary Range</u>	<u>Minimum Salary</u>	<u>Midpoint Salary</u>	<u>Maximum Salary</u>
MC 01	2142	2904	3666
MC 02	2235	3053	3871
MC 03	2343	3230	4117
MC 04	2449	3381	4313
MC 05	2571	3581	4591

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF CORRECTIONS TO PROPOSED AMENDMENTS

MC 06	2702	3759	4816
MC 07	2843	3984	5125
MC 08	2996	4227	5458
MC 09	3167	4463	5759
MC 10	3346	4752	6158
MC 11	3534	5046	6558
MC 12	3753	5384	7015
MC 13	4008	5755	7502
MC 14	4286	6179	8072
MC 15	4600	6624	8648
MC 16	4925	7116	9307
MC 17	5314	7681	10048
MC 18	5728	8015	10302
MC 19	6187	8364	10541

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

**Section 310.APPENDIX G Broad-Band Pay Range Classes Salary Schedule for Fiscal Year
20042005**

<u>Title</u>	<u>Minimum Salary</u>	<u>Maximum Salary</u>
Health Information Administrator	2571	5125
Human Resources Representative	2235	4313
Human Resources Specialist	2571	5125
Public Service Administrator	2996	6558
Residential Services Supervisor	2235	4313
Senior Public Service Administrator	4130	9705
Site Superintendent	2571	5125

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF CORRECTIONS TO PROPOSED AMENDMENTS

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

JOINT COMMITTEE ON ADMINISTRATIVE RULES

NOTICE OF PUBLICATION ERROR

SECRETARY OF STATE

- 1) Heading of the Part: Procedures and Standards
- 2) Code Citation: 92 Ill. Adm. Code 1001
- 3) Register citation of adopted rule: 28 Ill. Reg. 12123; 8/27/04
- 4) Explanation: A subsection was printed twice when this adopted rule was published in Issue 35 (8/27/04) of the *Illinois Register*. Section 1001.440(a)(6)(B)(3), regarding an updated evaluation, was also erroneously and redundantly included at Section 1001.430(k)(3). While the Secretary of State had made JCAR aware of this error, the faulty version was still inadvertently published.

JOINT COMMITTEE ON ADMINISTRATIVE RULES

SCHEDULED MEETING:

JAMES R. THOMPSON CENTER
ROOM 16-503
CHICAGO, ILLINOIS
10:30 A.M.
SEPTEMBER 14, 2004
JOINT COMMITTEE ON ADMINISTRATIVE RULES

SCHEDULED MEETING:

JAMES R. THOMPSON CENTER
ROOM 16-503
CHICAGO, ILLINOIS
10:30 A.M.
SEPTEMBER 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

Phone: 217/785-2254

RULEMAKINGS CURRENTLY BEFORE JCAR**PROPOSED RULEMAKINGS**Agriculture

1. Animal Welfare Act (8 Ill. Adm. Code 25)
 - First Notice Published: 28 Ill. Reg. 7351 – 5/28/04
 - Expiration of Second Notice: 10/6/04

JOINT COMMITTEE ON ADMINISTRATIVE RULES

SCHEDULED MEETING:

JAMES R. THOMPSON CENTER
ROOM 16-503
CHICAGO, ILLINOIS
10:30 A.M.
SEPTEMBER 14, 2004

2. Humane Care for Animals Act (8 Ill. Adm. Code 35)
 - First Notice Published: 28 Ill. Reg. 7366 – 5/28/04
 - Expiration of Second Notice: 10/6/04
3. Livestock Auction Markets (8 Ill. Adm. Code 40)
 - First Notice Published: 28 Ill. Reg. 7371 – 5/28/04
 - Expiration of Second Notice: 10/6/04
4. Bovine Brucellosis (8 Ill. Adm. Code 75)
 - First Notice Published: 28 Ill. Reg. 7375 – 5/28/04
 - Expiration of Second Notice: 10/6/04
5. Diseased Animals (8 Ill. Adm. Code 85)
 - First Notice Published: 28 Ill. Reg. 7380 – 5/28/04
 - Expiration of Second Notice: 10/6/04
6. Illinois Dead Animal Disposal Act (8 Ill. Adm. Code 90)
 - First Notice Published: 28 Ill. Reg. 8792 – 6/25/04
 - Expiration of Second Notice: 10/7/04

Children and Family Services

7. Licensing Standards for Day Care Centers (89 Ill. Adm. Code 407)
 - First Notice Published: 28 Ill. Reg. 6271 – 4/23/04
 - Expiration of Second Notice: 10/5/04

Commerce Commission

8. Fiscal Year for Annual Reports (General Order 35) (83 Ill. Adm. Code 210)
 - First Notice Published: 28 Ill. Reg. 6528 – 4/30/04
 - Expiration of Second Notice: 10/8/04
9. Background Checks and Mercury Compliance (83 Ill. Adm. Code 535)
 - First Notice Published: 28 Ill. Reg. 5567 – 4/2/04

JOINT COMMITTEE ON ADMINISTRATIVE RULES

SCHEDULED MEETING:

JAMES R. THOMPSON CENTER
ROOM 16-503
CHICAGO, ILLINOIS
10:30 A.M.
SEPTEMBER 14, 2004

-Expiration of Second Notice: 9/29/04

Commerce and Economic Opportunity

10. Illinois Film Production Services Tax Credit Program (14 Ill. Adm. Code 528)
 - First Notice Published: 28 Ill. Reg. 474 – 1/9/04
 - Expiration of Second Notice: 9/29/04
11. State Administration of the Federal Community Development Block Grant Program for Small Cities (47 Ill. Adm. Code 110)
 - First Notice Published: 28 Ill. Reg. 1 – 1/2/04
 - Expiration of Second Notice: 9/29/04

Community College Board

12. Administration of the Illinois Public Community College Act (23 Ill. Adm. Code 1501)
 - First Notice Published: 28 Ill. Reg. 6207 – 4/23/04
 - Expiration of Second Notice: 9/29/04

Corrections

13. Internal Investigations (20 Ill. Adm. Code 112)
 - First Notice Published: 28 Ill. Reg. 7408 – 5/28/04
 - Expiration of Second Notice: 9/23/04
14. County Jail Standards (20 Ill. Adm. Code 701)
 - First Notice Published: 28 Ill. Reg. 55 – 1/2/04
 - Expiration of Second Notice: 9/29/04

Education

15. School Technology Program (23 Ill. Adm. Code 575)
 - First Notice Published: 28 Ill. Reg. 6675 – 5/7/04
 - Expiration of Second Notice: 10/6/04

JOINT COMMITTEE ON ADMINISTRATIVE RULES

SCHEDULED MEETING:

JAMES R. THOMPSON CENTER
ROOM 16-503
CHICAGO, ILLINOIS
10:30 A.M.
SEPTEMBER 14, 2004

Labor Relations Board

16. General Procedures (80 Ill. Adm. Code 1200)
 - First Notice Published: 28 Ill. Reg. 7529 – 5/28/04
 - Expiration Date: 10/2/04
17. Police Officer Decertification Proceedings (80 Ill. Adm. Code 1240)
 - First Notice Published: 28 Ill. Reg. 7531 – 5/28/04
 - Expiration of Second Notice: 10/2/04

Law Enforcement Training Standards Board

18. Illinois Police Training Act (20 Ill. Adm. Code 1720)
 - First Notice Published: 28 Ill. Reg. 6298 – 4/23/04
 - Expiration of Second Notice: 9/23/04

Natural Resources

19. The Taking of Wild Turkeys – Fall Archery Season (17 Ill. Adm. Code 720)
 - First Notice Published: 28 Ill. Reg. 7846 – 6/11/04
 - Expiration of Second Notice: 9/22/04
20. Duck, Goose and Coot Hunting (17 Ill. Adm. Code 590)
 - First Notice Published: 28 Ill. Reg. 7795 – 6/11/04
 - Expiration of Second Notice: 9/24/04

Public Aid

21. Medical Assistance Programs (89 Ill. Adm. Code 120)
 - First Notice Published: 28 Ill. Reg. 6962 – 5/14/04
 - Expiration of Second Notice: 9/25/04
22. Children's Health Insurance Program (89 Ill. Adm. Code 125)
 - First Notice Published: 28 Ill. Reg. 6965 – 5/14/04
 - Expiration of Second Notice: 9/25/04

JOINT COMMITTEE ON ADMINISTRATIVE RULES

SCHEDULED MEETING:

JAMES R. THOMPSON CENTER
ROOM 16-503
CHICAGO, ILLINOIS
10:30 A.M.
SEPTEMBER 14, 2004

23. Medical Assistance Programs (89 Ill. Adm. Code 120)
 - First Notice Published: 28 Ill. Reg. 3685 – 2/27/04
 - Expiration of Second Notice: 10/8/04
24. Medical Payment (89 Ill. Adm. Code 140)
 - First Notice Published: 28 Ill. Reg. 3700 – 2/27/04
 - Expiration of Second Notice: 10/8/04

Revenue

25. Real Estate Transfer Tax (86 Ill. Adm. Code 120)
 - First Notice Published: 28 Ill. Reg. 7608 – 6/4/04
 - Expiration of Second Notice: 9/15/04

Secretary of State

26. Rulemaking in Illinois (1 Ill. Adm. Code 100)
 - First Notice Published: 28 Ill. Reg. 7881 -6/11/04
 - Expiration of Second Notice: 9/15/04
27. General Rules, Definitions (92 Ill. Adm. Code 1000)
 - First Notice Published: 28 Ill. Reg. 8448 – 6/18/04
 - Expiration of Second Notice: 9/22/04
28. Collection of Fees (92 Ill. Adm. Code 1003)
 - First Notice Published: 28 Ill. Reg. 9046 – 7/2/04
 - Expiration of Second Notice: 10/2/04

State Fire Marshal

29. Boiler and Pressure Vessel Safety (41 Ill. Adm. Code 120)
 - First Notice Published: 28 Ill. Reg. 9024 – 7/2/04
 - Expiration of Second Notice: 9/29/04

JOINT COMMITTEE ON ADMINISTRATIVE RULES

SCHEDULED MEETING:

JAMES R. THOMPSON CENTER
ROOM 16-503
CHICAGO, ILLINOIS
10:30 A.M.
SEPTEMBER 14, 2004

EMERGENCY RULEMAKINGSCapital Development Board

30. Capital Development Board Energy Code (71 Ill. Adm. Code 600)
-Notice Published: 28 Ill. Reg. 11355 – 8/6/04

Human Services

31. Aid to the Aged, Blind or Disabled (89 Ill. Adm. Code 113)
-Notice Published: 28 Ill. Reg. 11366 – 8/6/04

Public Aid

32. Medical Payment (89 Ill. Adm. Code 140)
-Notice Published: 28 Ill. Reg. 12198 – 8/27/04
33. Specialized Health Care Delivery Systems (89 Ill. Adm. Code 146)
-Notice Published: 28 Ill. Reg. 12218 – 8/27/04
34. Hospital Services (89 Ill. Adm. Code 148)
-Notice Published: 28 Ill. Reg. 12036 – 8/20/04
35. Hospital Services (89 Ill. Adm. Code 148)
-Notice Published: 28 Ill. Reg. 12227 – 8/27/04

PEREMPTORY RULEMAKINGAgriculture

36. Meat and Poultry Inspection Act (8 Ill. Adm. Code 125)
-Notice Published: 28 Ill. Reg. 11934 – 8/13/04

Transportation

JOINT COMMITTEE ON ADMINISTRATIVE RULES

SCHEDULED MEETING:

JAMES R. THOMPSON CENTER

ROOM 16-503

CHICAGO, ILLINOIS

10:30 A.M.

SEPTEMBER 14, 2004

37. Hazardous Materials Transportation: General Information, Regulations and Definitions (92 Ill. Adm. Code 171)
-Notice Published: 28 Ill. Reg. 11376 – 8/6/04
38. Hazardous Materials Table and Hazardous Materials Communications (92 Ill. Adm. Code 172)
-Notice Published: 28 Ill. Reg. 11381 – 8/6/04
39. Shippers General Requirements for Shipments and Packagings (92 Ill. Adm. Code 173)
-Notice Published: 28 Ill. Reg. 11385 – 8/6/04
40. Specifications or Packagings (92 Ill. Adm. Code 178)
-Notice Published: 28 Ill. Reg. 11390 – 8/6/04

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICE RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of August 24, 2004 through August 30, 2004 and have been scheduled for review by the Committee at its September 14, 2004 or October 12, 2004 meetings in Chicago. 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>
10/6/04	<u>Department of Agriculture</u> , Animal Welfare Act (8 Ill. Adm. Code 25)	5/28/04 28 Ill. Reg. 7351	9/14/04
10/7/04	<u>Department of Agriculture</u> , Illinois Dead Animal Disposal Act (8 Ill. Adm. Code 90)	6/25/04 28 Ill. Reg. 8792	9/14/04
10/8/04	<u>Illinois Commerce Commission</u> , Fiscal Year for Annual Reports (General Order 35) (83 Ill. Adm. Code 210)	4/30/04 28 Ill. Reg. 6528	9/14/04
10/8/04	<u>Department of Public Aid</u> , Medical Assistance Programs (89 Ill. Adm. Code 120)	2/27/04 28 Ill. Reg. 3685	9/14/04
10/8/04	<u>Department of Public Aid</u> , Medical Payment (89 Ill. Adm. Code 140)	2/27/04 28 Ill. Reg. 3700	9/14/04
10/13/04	<u>Department of State Police</u> , Evidence Disposal Procedures (20 Ill. Adm. Code 1226)	6/25/04 28 Ill. Reg. 8837	10/12/04
10/13/04	<u>State Employees' Retirement System</u> , The Administration and Operation of the State	6/18/04 28 Ill. Reg.	10/12/04

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICE RECEIVED

	Employees' Retirement System of Illinois (80 Ill. Adm. Code 1540)	8454	
10/13/04	<u>Illinois Commerce Commission</u> , Standards of Service Applicable to 9-1-1 Emergency Systems (83 Ill. Adm. Code 725)	2/27/04 28 Ill. Reg. 3636	10/12/04

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PUBLIC INFORMATION

NOTICE OF REMOVAL OF SUSPENSION UNDER
THE RESIDENTIAL MORTGAGE LICENSE ACT OF 1987

Pursuant to Section 4-5(h) of the Residential Mortgage License Act of 1987 (the "Act") [205 ILCS 635/4-5 (h)], notice is hereby given that the Department of Financial and Professional Regulation, Division of Banks and Real Estate, of the State of Illinois has removed the suspension against Gomez & Steider Bancorp, Inc., MB.0006302 of Chicago, Illinois, a licensee under the Act, for violating the terms of the Act and the rules and regulations adopted thereunder, effective August 12, 2004. For further reference link to: <http://www.obre.state.il.us/>

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PUBLIC INFORMATION

NOTICE OF PENALTY FEE IMPOSED UNDER
THE RESIDENTIAL MORTGAGE LICENSE ACT OF 1987

Pursuant to Section 4-5(h) of the Residential Mortgage License Act of 1987 (the "Act") [205 ILCS 635/4-5 (h)], notice is hereby given that the Department of Financial and Professional Regulation, Division of Banks and Real Estate, of the State of Illinois has issued a penalty fee of \$1,950 against Greater Mortgage Corp., MB.0004669, of Chicago, Illinois, a licensee under the Act, for violating the terms of the Act and the rules and regulations adopted thereunder, effective August 12, 2004. For further reference link to: <http://www.obre.state.il.us/>

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PUBLIC INFORMATION

NOTICE OF PENALTY FEE IMPOSED UNDER
THE RESIDENTIAL MORTGAGE LICENSE ACT OF 1987

Pursuant to Section 4-5(h) of the Residential Mortgage License Act of 1987 (the "Act") [205 ILCS 635/4-5 (h)], notice is hereby given that the Department of Financial and Professional Regulation, Division of Banks and Real Estate, of the State of Illinois has issued a penalty fee of \$900 against Statewide Mortgage, Inc., MB.0006288, of Worth, Illinois, a licensee under the Act, for violating the terms of the Act and the rules and regulations adopted thereunder, effective August 12, 2004. For further reference link to: <http://www.obre.state.il.us/>

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PUBLIC INFORMATION

NOTICE OF FINE IMPOSED UNDER
THE RESIDENTIAL MORTGAGE LICENSE ACT OF 1987

Pursuant to Section 4-5(h) of the Residential Mortgage License Act of 1987 (the "Act") [205 ILCS 635/4-5 (h)], notice is hereby given that the Department of Financial and Professional Regulation, Division of Banks and Real Estate, of the State of Illinois has issued a fine of \$500 against Guaranteed Rate, Inc., MB.0005932 of Chicago, Illinois, a licensee under the Act, for violating the terms of the Act and the rules and regulations adopted thereunder, effective August 12, 2004. For further reference link to: <http://www.obre.state.il.us/>

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PUBLIC INFORMATION

NOTICE OF FINE IMPOSED UNDER
THE RESIDENTIAL MORTGAGE LICENSE ACT OF 1987

Pursuant to Section 4-5(h) of the Residential Mortgage License Act of 1987 (the "Act") [205 ILCS 635/4-5 (h)], notice is hereby given that the Department of Financial and Professional Regulation, Division of Banks and Real Estate, of the State of Illinois has issued a fine of \$500 against American Eagle Mortgage, Inc., MB.0005154 of Arlington Heights, Illinois, a licensee under the Act, for violating the terms of the Act and the rules and regulations adopted thereunder, effective August 12, 2004. For further reference link to: <http://www.obre.state.il.us/>

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PUBLIC INFORMATION

NOTICE OF FINE IMPOSED UNDER
THE RESIDENTIAL MORTGAGE LICENSE ACT OF 1987

Pursuant to Section 4-5(h) of the Residential Mortgage License Act of 1987 (the "Act") [205 ILCS 635/4-5 (h)], notice is hereby given that the Department of Financial and Professional Regulation, Division of Banks and Real Estate, of the State of Illinois has issued a fine of \$500 against Mortgage Financial Advisors, Ltd., MB.0005685 of Wood Dale, Illinois, a licensee under the Act, for violating the terms of the Act and the rules and regulations adopted there under, effective August 12, 2004. For further reference link to: <http://www.obre.state.il.us/>

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PUBLIC INFORMATION

NOTICE OF SUSPENSION IMPOSED UNDER
THE RESIDENTIAL MORTGAGE LICENSE ACT OF 1987

Pursuant to Section 4-5(h) of the Residential Mortgage License Act of 1987 (the "Act") [205 ILCS 635/4-5 (h)], notice is hereby given that the Department of Financial and Professional Regulation, Division of Banks and Real Estate, of the State of Illinois has suspended the license of Bellwether Mortgage, MB.0006381 of Ottawa, Illinois, a licensee under the Act, for violating the terms of the Act and the rules and regulations adopted thereunder, effective August 12, 2004. For further reference link to: <http://www.obre.state.il.us/>

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PUBLIC INFORMATION

NOTICE OF PENALTY FEE IMPOSED UNDER
THE RESIDENTIAL MORTGAGE LICENSE ACT OF 1987

Pursuant to Section 4-5(h) of the Residential Mortgage License Act of 1987 (the "Act") [205 ILCS 635/4-5 (h)], notice is hereby given that the Department of Financial and Professional Regulation, Division of Banks and Real Estate, of the State of Illinois has issued a penalty fee of \$1,100 against American Eagle Mortgage, Inc., MB.0005154, of Arlington Heights, Illinois, a licensee under the Act, for violating the terms of the Act and the rules and regulations adopted thereunder, effective August 12, 2004. For further reference link to: <http://www.obre.state.il.us/>

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PUBLIC INFORMATION

NOTICE OF PENALTY FEE IMPOSED UNDER
THE RESIDENTIAL MORTGAGE LICENSE ACT OF 1987

Pursuant to Section 4-5(h) of the Residential Mortgage License Act of 1987 (the "Act") [205 ILCS 635/4-5 (h)], notice is hereby given that the Department of Financial and Professional Regulation, Division of Banks and Real Estate, of the State of Illinois has issued a penalty fee of \$700 against Inventive Mortgage Corporation, MB.0004644, of Westchester, Illinois, a licensee under the Act, for violating the terms of the Act and the rules and regulations adopted thereunder, effective August 12, 2004. For further reference link to: <http://www.obre.state.il.us/>

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PUBLIC INFORMATION

NOTICE OF FINE IMPOSED UNDER
THE RESIDENTIAL MORTGAGE LICENSE ACT OF 1987

Pursuant to Section 4-5(h) of the Residential Mortgage License Act of 1987 (the "Act") [205 ILCS 635/4-5 (h)], notice is hereby given that the Department of Financial and Professional Regulation, Division of Banks and Real Estate, of the State of Illinois has issued a fine of \$500 against M.S.C. Financial, Inc., MB.0004724 of Chicago, Illinois, a licensee under the Act, for violating the terms of the Act and the rules and regulations adopted thereunder, effective August 12, 2004. For further reference link to: <http://www.obre.state.il.us/>

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PUBLIC INFORMATION

NOTICE OF FINE IMPOSED UNDER
THE RESIDENTIAL MORTGAGE LICENSE ACT OF 1987

Pursuant to Section 4-5(h) of the Residential Mortgage License Act of 1987 (the "Act") [205 ILCS 635/4-5 (h)], notice is hereby given that the Department of Financial and Professional Regulation, Division of Banks and Real Estate, of the State of Illinois has issued a fine of \$500 against Rose Mortgage Corp., MB.0004183 of Chicago, Illinois, a licensee under the Act, for violating the terms of the Act and the rules and regulations adopted thereunder, effective August 12, 2004. For further reference link to: <http://www.obre.state.il.us/>

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PUBLIC INFORMATION

NOTICE OF FINE IMPOSED UNDER
THE RESIDENTIAL MORTGAGE LICENSE ACT OF 1987

Pursuant to Section 4-5(h) of the Residential Mortgage License Act of 1987 (the "Act") [204 ILCS 635/4-5(h)], notice is hereby given that the Department of Financial and Professional Regulation, Division of Banks and Real Estate, of the State of Illinois has issued a fine of \$500 against MDR Mortgage, Corp., MB.0003154 of Palatine, Illinois, a licensee under the Act, for violating the terms of the Act and the rules and regulations adopted thereunder, effective August 12, 2004. For further reference link to: <http://www.obre.state.il.us/>

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PUBLIC INFORMATION

NOTICE OF FINE IMPOSED UNDER
THE RESIDENTIAL MORTGAGE LICENSE ACT OF 1987

Pursuant to Section 4-5(h) of the Residential Mortgage License Act of 1987 (the "Act") [205 ILCS 635/4-5 (h)], notice is hereby given that the Department of Financial and Professional Regulation, Division of Banks and Real Estate, of the State of Illinois has issued a fine of \$500 against Keystone Mortgage Services, Inc., MB.0006630 of Park Ridge, Illinois, a licensee under the Act, for violating the terms of the Act and the rules and regulations adopted thereunder, effective August 12, 2004. For further reference link to: <http://www.obre.state.il.us/>

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PUBLIC INFORMATION

NOTICE OF FINE IMPOSED UNDER
THE RESIDENTIAL MORTGAGE LICENSE ACT OF 1987

Pursuant to Section 4-5(h) of the Residential Mortgage License Act of 1987 (the "Act") [205 ILCS 635/4-5 (h)], notice is hereby given that the Department of Financial and Professional Regulation, Division of Banks and Real Estate, of the State of Illinois has issued a fine of \$500 against First Source Financial USA, MB.0006762 of Henderson, Nevada, a licensee under the Act, for violating the terms of the Act and the rules and regulations adopted thereunder, effective August 12, 2004. For further reference link to: <http://www.obre.state.il.us/>

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PUBLIC INFORMATION

NOTICE OF FINE IMPOSED UNDER
THE RESIDENTIAL MORTGAGE LICENSE ACT OF 1987

Pursuant to Section 4-5(h) of the Residential Mortgage License Act of 1987 (the "Act") [205 ILCS 635/4-5 (h)], notice is hereby given that the Department of Financial and Professional Regulation, Division of Banks and Real Estate, of the State of Illinois has issued a fine of \$500 against First Suburban Northwest Mortgage, LLC, MB.0006263 of Lombard, Illinois, a licensee under the Act, for violating the terms of the Act and the rules and regulations adopted thereunder, effective August 12, 2004. For further reference link to: <http://www.obre.state.il.us/>

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PUBLIC INFORMATION

NOTICE OF FINE IMPOSED UNDER
THE RESIDENTIAL MORTGAGE LICENSE ACT OF 1987

Pursuant to Section 4-5(h) of the Residential Mortgage License Act of 1987 (the "Act") [205 ILCS 635/4-5 (h)], notice is hereby given that the Department of Financial and Professional Regulation, Division of Banks and Real Estate, of the State of Illinois has issued a fine of \$500 against SIRVA Mortgage, Inc., MB.0004037 of Mayfield Heights, Ohio, a licensee under the Act, for violating the terms of the Act and the rules and regulations adopted thereunder, effective August 12, 2004. For further reference link to: <http://www.obre.state.il.us/>

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PUBLIC INFORMATION

NOTICE OF SUSPENSION IMPOSED UNDER
THE RESIDENTIAL MORTGAGE LICENSE ACT OF 1987

Pursuant to Section 4-5(h) of the Residential Mortgage License Act of 1987 (the "Act") [205 ILCS 635/4-5 (h)], notice is hereby given that the Department of Financial and Professional Regulation, Division of Banks and Real Estate, of the State of Illinois has suspended the license American Mortgage Group, Inc., MB.0004519 of Belleville, Illinois, a licensee under the Act, for violating the terms of the Act and the rules and regulations adopted thereunder, effective August 12, 2004. For further reference link to: <http://www.obre.state.il.us/>

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PUBLIC INFORMATION

NOTICE OF SUSPENSION IMPOSED UNDER
THE RESIDENTIAL MORTGAGE LICENSE ACT OF 1987

Pursuant to Section 4-5(h) of the Residential Mortgage License Act of 1987 (the "Act") [205 ILCS 635/4-5 (h)], notice is hereby given that the Department of Financial and Professional Regulation, Division of Banks and Real Estate, of the State of Illinois has suspended the license of Mortgageclose.com, Inc., MB.0006612 of Orange, California, a licensee under the Act, for violating the terms of the Act and the rules and regulations adopted thereunder, effective August 12, 2004. For further reference link to: <http://www.obre.state.il.us/>

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PUBLIC INFORMATION

NOTICE OF SUSPENSION IMPOSED UNDER
THE RESIDENTIAL MORTGAGE LICENSE ACT OF 1987

Pursuant to Section 4-5(h) of the Residential Mortgage License Act of 1987 (the "Act") [205 ILCS 635/4-5 (h)], notice is hereby given that the Department of Financial and Professional Regulation, Division of Banks and Real Estate, of the State of Illinois has suspended the license of Professional Financial Mortgage, Inc., MB.0005894 of Southfield, Michigan, a licensee under the Act, for violating the terms of the Act and the rules and regulations adopted thereunder, effective August 12, 2004. For further reference link to: <http://www.obre.state.il.us/>

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PUBLIC INFORMATION

NOTICE OF SUSPENSION IMPOSED UNDER
THE RESIDENTIAL MORTGAGE LICENSE ACT OF 1987

Pursuant to Section 4-5(h) of the Residential Mortgage License Act of 1987 (the "Act") [205 ILCS 635/4-5(h)], notice is hereby given that the Department of Financial and Professional Regulation, Division of Banks and Real Estate, of the State of Illinois has issued a penalty fee of \$3,750 against 1st Palm Financial Services, LLC, MB.0006132, of Jacksonville, Florida, a licensee under the Act, for violating the terms of the Act and the rules and regulations adopted thereunder, effective August 12, 2004. For further reference link to: <http://www.obre.state.il.us/>

DEPARTMENT OF LABOR

NOTICE OF PUBLIC INFORMATION

CONTRACTOR PROHIBITED FROM AN AWARD OF A CONTRACT OR
SUBCONTRACT FOR PUBLIC WORKS PROJECTS

Pursuant to the findings in re: D & S Wrecking, Inc., IDOL File No. 04-PW-RT01-1188, the Director of the Department of Labor gives notice that [D & S Wrecking, Inc.], its member(s), officer(s), manager(s), agent(s), and all persons acting in D & S Wrecking Inc's. interest and/or D & S Wrecking, Inc's. behalf, and any business entity, including, but not limited to, any firm, corporation, partnership or association in which D & S Wrecking, Inc. its member(s), officer(s), manager(s), agent(s), and all persons acting in D & S Wrecking, Inc.'s interest and/or on D & S Wrecking, Inc's behalf have an interest, pecuniary or otherwise, is (are) prohibited from bidding, accepting or working on any contract or subcontract for a public works project covered by the Prevailing Wage Act, 820 ILCS 130/0.01-12 (2001), commencing August 25, 2004 and continuing through August 25, 2006.

Copies of Prevailing Wage Act are available on the internet at <http://www.legis.state.il.us/ilcs/ch820/ch820act130.htm>, and at the:

Illinois Department of Labor
Conciliation and Mediation Division
One West Old State Capital Plaza, Room 300
Springfield, Illinois 62701-1217

ILLINOIS ADMINISTRATIVE CODE Issue Index - With Effective Dates

Rules acted upon in Volume 28, Issue 37 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

23 - 1501	.....	12501
32 - 120	.....	12516
92 - 1546	.....	12533
17 - 110	.....	12535
17 - 510	.....	12548
17 - 805	.....	12554
92 - 1040	.....	12559
92 - 390	.....	12566

ADOPTED RULES

80 - 310	08/27/2004.....	12585
32 - 350	10/01/2004.....	12598
32 - 351	10/01/2004.....	12643
35 - 611	08/26/2004.....	12666
92 - 564	08/25/2004.....	12712
92 - 564	08/25/2004.....	12714

EMERGENCY RULES

92 - 1546	09/01/2004.....	12722
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NOTICE OF CORRECTIONS

80 - 310	12728
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NOTICES REQUIRED BY LAW TO BE PUBLISHED IN THE ILLINOIS REGISTER

92 - 1001	12745
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