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DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

- a) Heading of the Part: Pay Plan
- 2) Code Citation: 80 Ill. Adm. Code 310
- 3) Section Numbers: Proposed Action:
 310.Appendix A, Table D Amend
 310.Appendix A, Table E Amend
 310.Appendix A, Table F Amend
- 4) Statutory Authority: Authorized by Sections 8 and 8a of the Personnel Code [20 ILCS 415/8 and 20 ILCS 415/8a].
- 5) A Complete Description of the Subjects and Issues Involved: Section 310.Appendix A, Table D is amended to reflect properly calculated pay rates negotiated in the Teamsters' Local #726 (Cook County) HR-001 Agreement, signed August 12, 2004.

Section 310.Appendix A, Table E is amended to reflect all represented classification titles and properly calculated pay rates negotiated in the Teamsters' Local #330 (Fox Valley) Agreement, signed September 8, 2004.

Section 310.Appendix A, Table F is amended to reflect all represented classification titles and properly calculated pay rates negotiated in the Teamsters' Local #25 (Downstate) RC-019 Agreement, signed August 10, 2004.

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

<u>Section Numbers</u>	<u>Proposed Action</u>	<u>Ill. Reg. Citation</u>
310.110	Amend	28 Ill. Reg. 11532, 8/13/04 (Corrected at 28 Ill. Reg. 12728, 9/10/04)
310.130	Amend	28 Ill. Reg. 11532, 8/13/04 (Corrected at 28 Ill. Reg. 12728, 9/10/04)
310.530	Amend	28 Ill. Reg. 11532, 8/13/04 (Corrected at 28 Ill. Reg. 12728, 9/10/04)
310.540	Amend	28 Ill. Reg. 11532, 8/13/04 (Corrected at

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

<u>Section Numbers</u>	<u>Proposed Action</u>	<u>Ill. Reg. Citation</u>
310.Appendix B	Amend	28 Ill. Reg. 12728, 9/10/04 28 Ill. Reg. 11532, 8/13/04 (Corrected at 28 Ill. Reg. 12728, 9/10/04)
310.Appendix C	Amend	28 Ill. Reg. 11532, 8/13/04 (Corrected at 28 Ill. Reg. 12728, 9/10/04)
310.Appendix D	Amend	28 Ill. Reg. 11532, 8/13/04 (Corrected at 28 Ill. Reg. 12728, 9/10/04)
310.Appendix G	Amend	28 Ill. Reg. 11532, 8/13/04 (Corrected at 28 Ill. Reg. 12728, 9/10/04)

10) Statement of Statewide Policy Objectives: These amendments to the Pay Plan affect only the employees subject to the Personnel Code and do not set out any guidelines that affect local or other jurisdictions in the State.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Please direct comments to:

Ms. Dawn DeFraties
Deputy Director
Department of Central Management Services
503 William G. Stratton Building
Springfield IL 62706

Telephone: (217) 524-8773
Fax: (217) 558-4497

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

14) Does this amendment require the review of the Procurement Policy Board as specified in Section 5-25 of the Illinois Procurement Code? [30 ILCS 500/5-25] No

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

The text of the Proposed Amendments is identical to the text of the Emergency Amendments on page 14174 of this issue of the *Illinois Register*.

DEPARTMENT OF LABOR

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Prevailing Wage Hearing Procedures
- 2) Code Citation: 56 Ill. Adm. Code 100
- 3)

<u>Section Numbers</u> :	<u>Proposed Action</u>
100.5	Amend
100.22	Amend
100.24	Amend
100.60	Amend
100.120	Amend
- 4) Statutory Authority: 820 ILCS 130/0.01 et seq.
- 5) A Complete Description of the Subjects and Issues Involved: The proposed rulemaking is being implemented in order to be consistent with recent statutory amendments to the Prevailing Wage Act. The proposed rules will provide that a notice of violation can be issued for failure of a contractor or subcontractor to: furnish a sworn statement that their records are accurate, insert into each subcontract or lower tiered subcontract and project specifications a written stipulation that not less than the prevailing rate of wages be paid, post at a location on the project site the prevailing wage rates for each craft and employee and strengthen the record keeping requirements to include actual hourly wages paid in each pay period to each employee and the hours worked each day in each work week, and starting and ending times of work for each employee. Statutory citations are being updated in this amendment to reflect current citation format.
- 6) Will this proposed rulemaking replace any emergency amendments currently in effect?
Yes
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed rulemaking contain incorporation by reference? No
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: The debarment rules apply to contractors and subcontractors subject to the Act. The rules define the process by which contractors and subcontractors are debarred. This rulemaking does not require a local government to establish, expand or modify its activities in such a way as to necessitate any additional expenditures from local revenues.

DEPARTMENT OF LABOR

NOTICE OF PROPOSED AMENDMENTS

- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Written comments should be submitted, within 45 days after this notice, to:
- Valerie A. Puccini
Assistant General Counsel
Illinois Department of Labor
160 N. LaSalle Street, 13th Floor
Chicago IL 60601
(312) 793-7838
(312) 793-5257
- 12) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: Any contractor or subcontractor who performs public works projects subject to the Act.
- B) Reporting, bookkeeping or other procedures required for compliance: Employers subject to the Act must make and preserve records, including name, address, telephone number when available, occupation, social security number, actual hourly wages paid in each pay period to each employee, the hours worked each day in each work week by each employee, and the starting and ending times of work for each employee. The rules provide that records be maintained for a period of not less than 3 years.
- 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: of recent amendments to the Act which became effective January 1, 2004 and June 1, 2004.

The full text of the Proposed Amendments is identical to the text of the emergency amendments found at page 14204:

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

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

<u>Section numbers:</u>	<u>Proposed Action:</u>
611.102, 611.231, 611.233	Amend
611.241, 611.242, 611.250	Amend
611.261, 611.262, 611.301	Amend
611.382, 611.383, 611.526	Amend
611.532, 611.533, 611.720	Amend
611.732, 611.953, 611.956	Amend
611.Appendix G, 611.Appendix H	Amend
- 4) Statutory authority: 415 ILCS 5/7.2, 17, 17.5, and 27
- 5) A complete description of the subjects and issues involved:

This docket includes federal SDWA amendments that USEPA adopted in the period January 1, 2004 though June 30, 2004, and on August 25, 2004. The amendments approve one new analytical method for analysis of total coliforms and *E. coli* and three new methods for analysis of uranium in drinking water. Another amendment makes a number of minor corrections to various federal rules, including the Long Term 1 Enhanced Surface Water Treatment Rule, the Surface Water Treatment Rule, and the Lead and Copper Rule.

A fuller discussion of the issues involved in this rulemaking appears in the October 7, 2004 opinion and order in docket R05-6. The following briefly summarizes the federal actions considered in this rulemaking.

USEPA amended the federal SDWA regulations three times during the period January 1, 2004 though June 30, 2004. These actions are summarized below:

February 13, 2004 (69 Fed. Reg. 7156)

USEPA approved an additional analytical method for coliforms and *E. coli* in drinking water.

June 2, 2004 (69 Fed. Reg. 31068)

By a direct final rule, USEPA approved three additional analytical methods for uranium in drinking water. (This rule was withdrawn on August 25, 2004, as described below.)

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

June 29, 2004 (69 Fed. Reg. 38850)

USEPA adopted a number of minor corrections to various rules, including the Long Term 1 Enhanced Surface Water Treatment Rule, the Surface Water Treatment Rule, and the Lead and Copper Rule.

The Board engages in ongoing monitoring of federal actions. As of the October 7, 2004 opinion and order, the Board had identified two simultaneous and related USEPA actions since June 30, 2004, that further amend the SDWA rules. Both actions relate directly to the subject matter of the June 2, 2004 amendments that are involved in this docket. Those two actions are described as follows:

August 25, 2004 (69 Fed. Reg. 52176)

By a final rule, USEPA approved the three additional analytical methods for uranium in drinking water that it had approved on June 2, 2004, by a direct final rule. (Note the June 2, 2004 notice of proposed rule at 69 Fed. Reg. 31068.)

August 25, 2004 (69 Fed. Reg. 52181)

In response to adverse public comments, USEPA withdrew its June 2, 2004 direct final rule that approved three additional analytical methods for uranium in drinking water.

Tables appear in the Board's opinion and order of October 7, 2004, in docket R05-6 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 October 7, 2004, opinion and order in docket R05-6.

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

- 6) Will these proposed amendments replace any emergency amendments currently in effect?
No

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments contain incorporations by reference? Yes. Section 611.102 is the centralized incorporation of documents by reference for all of Part 611. The present amendments add two new analytical methods to those incorporated by reference. Those are the proprietary "Colitag® Test" and ASTM Method D5673-03. The amendments also move a method already incorporated by reference into appropriate alphanumeric order.
- 9) Are there any other amendments pending on this Part? No
- 10) Statement of statewide policy objectives: These proposed amendments do not create or enlarge a state mandate, as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b) (2002)].
- 11) Time, place and manner in which interested persons may comment on this proposed rulemaking: The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference Docket R05-6 and be addressed to:

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

Please direct inquiries to the following person and reference Docket R05-6:

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

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

- 12) Initial regulatory flexibility analysis:

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- A) Types of small businesses, small municipalities, and not-for-profit corporations affected: This rulemaking may affect those small businesses, small municipalities, and not-for-profit corporations that own or operate a public water supply. These proposed amendments do not create or enlarge a state mandate, as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b) (2002)].
- B) Reporting, bookkeeping or other procedures required for compliance: The existing rules and proposed amendments require extensive reporting, bookkeeping and other procedures, including the preparation of reports, water analyses, and maintenance of operating records. These proposed amendments do not create or enlarge a state mandate, as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b) (2002)].
- C) Types of professional skills necessary for compliance: Compliance with the existing rules and proposed amendments may require the services of an attorney, certified public accountant, chemist, and registered professional engineer. These proposed amendments do not create or enlarge a state mandate, as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b) (2002)].
- 13) Regulatory agenda on which this rulemaking was summarized: July 2004

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

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

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

SUBPART A: GENERAL

Section	
611.100	Purpose, Scope, and Applicability
611.101	Definitions
611.102	Incorporations by Reference
611.103	Severability
611.107	Agency Inspection of PWS Facilities
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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
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611.126	Prohibition on Use of Lead
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611.211	Filtration Required
611.212	Groundwater under Direct Influence of Surface Water
611.213	No Method of HPC Analysis
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POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

611.230	Filtration Effective Dates
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MAXIMUM RESIDUAL DISINFECTANT LEVELS (MRDLs)

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

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

611.331 Beta Particle and Photon Radioactivity (Repealed)

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611.356 Tap Water Monitoring for Lead and Copper
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POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

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POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

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611.650	Monitoring for 36 Contaminants (Repealed)
611.657	Analytical Methods for 36 Contaminants (Repealed)
611.658	Special Monitoring for Organic Chemicals (Repealed)

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POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

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POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

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

POLLUTION CONTROL BOARD

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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 26, 2004; amended in R05-06 at 28 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL

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.

"Colitag® Test" means "Colitag® Product as a Test for Detection and Identification of Coliforms and E. coli Bacteria in Drinking Water and

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[Source Water as Required in National Primary Drinking Water Regulations," available from CPI International.](#)

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

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

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

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

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

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

"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

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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 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.

"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.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Amco-AEPA-1 Polymer. See 40 CFR 141.22(a) (2003). 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

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

"Standard Methods for the Examination of Water and 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.

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

Method 306, Tritium in Water.

"Standard Methods for the Examination of Water and Wastewater," 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).

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

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Chromatography, Ion Chromatography with Chemical Suppression of Eluent Conductivity.

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.

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

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 6651, Glyphosate Herbicide (Proposed).

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

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Gross Alpha-Beta.

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

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

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

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

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

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

Method 7500-Ra B, Radium, Precipitation Method.

Method 7500-Ra C, Radium, Emanation Method.

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

Method 7500-Sr B, Total 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

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for Members of the Coliform Group, Introduction.

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

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

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

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

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

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

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

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

Method 9223, Chromogenic Substrate Coliform Test (Proposed).

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

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Method 6610, Carbamate Pesticide Method.

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

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

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

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

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

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

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

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

Method 4500-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.

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

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

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.

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

Method 6651, Glyphosate Herbicide (Proposed).

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

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

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

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

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

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

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

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

Method 7500-Ra B, Radium, Precipitation Method.

Method 7500-Ra C, Radium, Emanation Method.

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

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

Method 7500-U B, Uranium, Radiochemical Method.

Method 7500-U C, Uranium, Isotopic Method.

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

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

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

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

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

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

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

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

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

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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 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.

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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 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.

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

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.

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

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

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

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

Method 4500-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.

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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.

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

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

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

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- 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. _____, effective _____)

SUBPART B: FILTRATION AND DISINFECTION

Section 611.231 Source Water Quality Conditions

The Agency must consider the following source water quality conditions in determining whether to require filtration pursuant to Section 611.211:

- a) The fecal coliform concentration must be equal to or less than 20/100 ml, or the total coliform concentration must be equal to or less than 100/100 ml (measured as specified in [Sections](#) ~~Section~~ 611.531(a) or (b) and 611.532(a)) in representative samples of the source water immediately prior to the first or only point of disinfectant application in at least 90 percent of the measurements made for the 6 previous months that the system served water to the public on an ongoing basis. If a system measures both fecal and total coliforms, the fecal coliform criterion, but not the total coliform criterion, in this subsection, must be met.
- b) The turbidity level cannot exceed 5 NTU (measured as specified in [Sections](#) ~~Section~~ ~~611.531(a)~~ ~~611.531(d)~~ and 611.532(b) in representative samples of the source water immediately prior to the first or only point of disinfectant application unless the following are true:
- 1) The Agency determines that any such event was caused by circumstances that were unusual and unpredictable; and
 - 2) As a result of any such event there have not been more than two events in the past 12 months the system served water to the public, or more than

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five events in the past 120 months the system served water to the public, in which the turbidity level exceeded 5 NTU. An "event" is a series of consecutive days during which at least one turbidity measurement each day exceeds 5 NTU.

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

- c) Each CWS must take its raw water from the best available source that is economically reasonable and technically possible.

BOARD NOTE: This is an additional State requirement.

- d) Use of recycled sewage treatment plant effluent by a CWS on a routine basis must not be permitted.

BOARD NOTE: This is an additional State requirement.

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

Section 611.233 Treatment Technique Violations

- a) A supplier is in violation of a treatment technique requirement if the following is true:

- 1) Filtration is required because either of the following:

A) The supplier fails to meet any one of the criteria in [Sections Section 611.231 and 611.232](#); or

B) The Agency has determined, pursuant to Section 611.211, that filtration is required; and

- 2) The supplier fails to install filtration by the date specified in Section 611.230.

- b) A supplier that has not installed filtration is in violation of a treatment technique requirement if either of the following is true:

- 1) The turbidity level (measured as specified in [Sections Section 611.531\(a\)611.531\(d\)](#) and 611.532(b)) in a representative sample of the

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source water immediately prior to the first or only point of disinfection application exceeds 5 NTU; or

- 2) The system is identified as a source of a waterborne disease outbreak.

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

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

Section 611.241 Unfiltered PWSs

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

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

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

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

where the terms mean the following:

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

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HPC is greater than 500/ml.

- 2) Subsection (d)(1) does not apply if the Agency determines, pursuant to Section 611.213, that a supplier has no means for having a sample analyzed for HPC by a certified laboratory under the requisite time and temperature conditions specified by Section 611.531(a) and that the supplier is providing adequate disinfection in the distribution system.

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

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

Section 611.242 Filtered PWSs

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

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

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

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where the terms mean the following:

- a = Number of instances where the RDC is measured;
 - b = Number of instances where the RDC is not measured, but HPC is measured;
 - c = Number of instances where the RDC is measured but not detected and no HPC is measured;
 - d = Number of instances where the RDC is measured but not detected, and where HPC is greater than 500/ml; and
 - e = Number of instances where the RDC is not measured and HPC is greater than 500/ml.
- 2) Subsection (c)(1) does not apply if the Agency determines, pursuant to Section 611.213, that a supplier has no means for having a sample analyzed for HPC by a certified laboratory under the requisite time and temperature conditions specified by Section 611.531(a) and that the supplier is providing adequate disinfection in the distribution system.

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

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

Section 611.250 Filtration

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

- a) Conventional filtration treatment or direct filtration.
 - 1) For a system using conventional filtration or direct filtration, the turbidity

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level of representative samples of the system's filtered water must be less than or equal to 0.5 NTU in at least 95 percent of the measurements taken each month, measured as specified in Sections 611.531(a) and 611.533(a), except that if the Agency determines, by a SEP issued pursuant to Section 611.110, that the system is capable of achieving at least 99.9 percent removal or inactivation of Giardia lamblia cysts at some turbidity level higher than 0.5 NTU in at least 95 percent of the measurements taken each month, the Agency must substitute this higher turbidity limit for that system. However, in no case may the Agency approve a turbidity limit that allows more than 1 NTU in more than five percent of the samples taken each month, measured as specified in Sections 611.531(a) and 611.533(a).

- 2) The turbidity level of representative samples of a system's filtered water must at no time exceed 5 NTU.
 - 3) Beginning January 1, 2001, a supplier serving at least 10,000 or more persons must meet the turbidity requirements of Section 611.743(a).
 - 4) Beginning January 1, 2005, a supplier that serves fewer than 10,000 people must meet the turbidity requirements in Section 611.955.
- b) Slow sand filtration.
- 1) For a system using slow sand filtration, the turbidity level of representative samples of the system's filtered water must be less than or equal to 1 NTU in at least 95 percent of the measurements taken each month, measured as specified in Sections 611.531(a) and 611.533(a), except that if the Agency determines, by a SEP issued pursuant to Section 611.110, that there is no significant interference with disinfection at a higher level, the Agency must substitute the higher turbidity limit for that system.
 - 2) The turbidity level of representative samples of a system's filtered water must at no time exceed 5 NTU, measured as specified in Sections 611.531(a) and 611.533(a).
- c) Diatomaceous earth filtration.
- 1) For a system using diatomaceous earth filtration, the turbidity level of representative samples of the system's filtered water must be less than or

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equal to 1 NTU in at least 95 percent of the measurements taken each month, measured as specified in Sections 611.531(a) and 611.533(a).

- 2) The turbidity level of representative samples of a system's filtered water must at no time exceed 5 NTU, measured as specified in Sections 611.531(a) and 611.533(a).
- d) Other filtration technologies. A supplier may use a filtration technology not listed in subsections (a) through (c) if it demonstrates, by a SEP application pursuant to Section 611.110, to the Agency, using pilot plant studies or other means, that the alternative filtration technology, in combination with disinfection treatment that meets the requirements of Section 611.242, consistently achieves 99.9 percent removal or inactivation of *Giardia lamblia* cysts and 99.99 percent removal or inactivation of viruses. For a supplier that makes this demonstration, the requirements of subsection (b) apply. Beginning January 1, 2002, a supplier serving 10,000 or more persons must meet the requirements for other filtration technologies in Section 611.743(b). Beginning January 1, 2005, a supplier that serves fewer than 10,000 people must meet the requirements for other filtration technologies in Section 611.955.

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

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

Section 611.261 Unfiltered PWSs: Reporting and Recordkeeping

A supplier that uses a surface water source and does not provide filtration treatment must report monthly to the Agency the information specified in this Section beginning December 31, 1990, unless the Agency has determined that filtration is required, in which case the Agency must, by a SEP issued pursuant to Section 611.110, specify alternative reporting requirements, as appropriate, until filtration is in place. A supplier that uses a groundwater source under the direct influence of surface water and does not provide filtration treatment must report monthly to the Agency the information specified in this Section beginning December 31, 1990, or six months after the Agency determines that the groundwater source is under the direct influence of surface water, whichever is later, unless the Agency has determined that filtration is required, in which case the Agency must, by a SEP issued pursuant to Section 611.110, specify alternative reporting requirements, as appropriate, until filtration is in place.

- a) Source water quality information must be reported to the Agency within ten days after the end of each month the system serves water to the public. Information that

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must be reported includes the following:

- 1) The cumulative number of months for which results are reported.
- 2) The number of fecal or total coliform samples, whichever are analyzed during the month (if a system monitors for both, only fecal coliforms must be reported), the dates of sample collection, and the dates when the turbidity level exceeded 1 NTU.
- 3) The number of samples during the month that had equal to or fewer than 20/100 ml fecal coliforms or equal to or fewer than 100/100 ml total coliforms, whichever are analyzed.
- 4) The cumulative number of fecal or total coliform samples, whichever are analyzed, during the previous six months the system served water to the public.
- 5) The cumulative number of samples that had equal to or fewer than 20/100 ml fecal coliforms or equal to or fewer than 100/100 ml total coliforms, whichever are analyzed, during the previous six months the system served water to the public.
- 6) The percentage of samples that had equal to or fewer than 20/100 ml fecal coliforms or equal to or fewer than 100/100 ml total coliforms, whichever are analyzed, during the previous six months the system served water to the public.
- 7) The maximum turbidity level measured during the month, the dates of occurrence for any measurements that exceeded 5 NTU and the dates the occurrences were reported to the Agency.
- 8) For the first 12 months of recordkeeping, the dates and cumulative number of events during which the turbidity exceeded 5 NTU, and after one year of recordkeeping for turbidity measurements, the dates and cumulative number of events during which the turbidity exceeded 5 NTU in the previous 12 months the system served water to the public.
- 9) For the first 120 months of recordkeeping, the dates and cumulative number of events during which the turbidity exceeded 5 NTU, and after ten years of recordkeeping for turbidity measurements, the dates and

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cumulative number of events during which the turbidity exceeded 5 NTU in the previous 120 months the system served water to the public.

- b) Disinfection information specified in Section 611.532 must be reported to the Agency within ten days after the end of each month the system serves water to the public. Information that must be reported includes the following:
- 1) For each day, the lowest measurement of RDC in mg/ℓ in water entering the distribution system.
 - 2) The date and duration of each period when the RDC in water entering the distribution system fell below 0.2 mg/ℓ and when the Agency was notified of the occurrence.
 - 3) The daily RDCs (in mg/ℓ) and disinfectant contact times (in minutes) used for calculating the CT values.
 - 4) If chlorine is used, the daily measurements of pH of disinfected water following each point of chlorine disinfection.
 - 5) The daily measurements of water temperature in degrees C following each point of disinfection.
 - 6) The daily ~~CT_{calc}~~ ~~CT_{calc}~~ ~~CT_{calc}~~ and A_i values for each disinfectant measurement or sequence and the sum of all A_i values (B) before or at the first customer.
 - 7) The daily determination of whether disinfection achieves adequate Giardia cyst and virus inactivation, i.e., whether A_i is at least 1.0 or, where disinfectants other than chlorine are used, other indicator conditions that the Agency, pursuant to Section 611.241(a)(1), determines are appropriate, are met.
 - 8) The following information on the samples taken in the distribution system in conjunction with total coliform monitoring pursuant to Sections Section 611.240 through 611.242:
 - A) Number of instances where the RDC is measured;
 - B) Number of instances where the RDC is not measured but HPC is

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measured;

- C) Number of instances where the RDC is measured but not detected and no HPC is measured;
- D) Number of instances where no RDC is detected and where HPC is greater than 500/ml;
- E) Number of instances where the RDC is not measured and HPC is greater than 500/ml;
- F) For the current and previous month the system served water to the public, the value of "V" in the following formula:

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

where the terms mean the following:

- a = Value in subsection (b)(8)(A) of this Section;
- b = Value in subsection (b)(8)(B) of this Section;
- c = Value in subsection (b)(8)(C) of this Section;
- d = Value in subsection (b)(8)(D) of this Section; and
- e = Value in subsection (b)(8)(E) of this Section.

- G) The requirements of subsections (b)(8)(A) through (b)(8)(F) of this Section do not apply if the Agency determines, pursuant to Section 611.213, that a system has no means for having a sample analyzed for HPC by a certified laboratory under the requisite time and temperature conditions specified by Section 611.531(a) and that the supplier is providing adequate disinfection in the distribution system.
- 9) A system need not report the data listed in subsections (b)(1) and (b)(3) through (b)(6) of this Section, if all data listed in subsections (b)(1) through (b)(8) of this Section remain on file at the system, and the Agency determines, by a SEP issued pursuant to Section 611.110, that the following is true:
- A) The system has submitted to the Agency all the information

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required by subsections (b)(1) through (b)(8) of this Section for at least 12 months; and

- B) The Agency has determined that the system is not required to provide filtration treatment.
- c) By October 10 of each year, each system must provide to the Agency a report that summarizes its compliance with all watershed control program requirements specified in Section 611.232(b).
- d) By October 10 of each year, each system must provide to the Agency a report on the on-site inspection conducted during that year pursuant to Section 611.232(c), unless the on-site inspection was conducted by the Agency. If the inspection was conducted by the Agency, the Agency must provide a copy of its report to the supplier.
- e) Reporting health threats.
- 1) Each system, upon discovering that a waterborne disease outbreak potentially attributable to that water system has occurred, must report that occurrence to the Agency as soon as possible, but no later than by the end of the next business day.
 - 2) If at any time the turbidity exceeds 5 NTU, the system must consult with the Agency as soon as practical, but no later than 24 hours after the exceedence is known, in accordance with the public notification requirements under Section 611.903(b)(3).
 - 3) If at any time the RDC falls below 0.2 mg/ℓ in the water entering the distribution system, the system must notify the Agency as soon as possible, but no later than by the end of the next business day. The system also must notify the Agency by the end of the next business day whether or not the RDC was restored to at least 0.2 mg/ℓ within four hours.

| BOARD NOTE: Derived from 40 CFR 141.75(a) ~~(2003)(2002)~~.

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

Section 611.262 Filtered PWSs: Reporting and Recordkeeping

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A supplier that uses a surface water source or a groundwater source under the direct influence of surface water and provides filtration treatment must report monthly to the Agency the information specified in this Section.

- a) Turbidity measurements as required by Section 611.533(a) must be reported within ten days after the end of each month the supplier serves water to the public. Information that must be reported includes the following:
 - 1) The total number of filtered water turbidity measurements taken during the month.
 - 2) The number and percentage of filtered water turbidity measurements taken during the month that are less than or equal to the turbidity limits specified in Section 611.250 for the filtration technology being used.
 - 3) The date and value of any turbidity measurements taken during the month that exceed 5 NTU.

- b) Disinfection information specified in Section 611.533 must be reported to the Agency within ten days after the end of each month the supplier serves water to the public. Information that must be reported includes the following:
 - 1) For each day, the lowest measurement of RDC in mg/ℓ in water entering the distribution system.
 - 2) The date and duration of each period when the RDC in water entering the distribution system fell below 0.2 mg/ℓ and when the Agency was notified of the occurrence.
 - 3) The following information on the samples taken in the distribution system in conjunction with total coliform monitoring pursuant to Sections 611.240 through 611.242:
 - A) Number of instances where the RDC is measured;
 - B) Number of instances where the RDC is not measured but HPC is measured;
 - C) Number of instances where the RDC is measured but not detected and no HPC is measured;

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- D) Number of instances where no RDC is detected and where HPC is greater than 500/ml;
- E) Number of instances where the RDC is not measured and HPC is greater than 500/ml;
- F) For the current and previous month the supplier serves water to the public, the value of "V" in the following formula:

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

where the terms mean the following:

- a = Value in subsection (b)(3)(A) of this Section;
b = Value in subsection (b)(3)(B) of this Section;
c = Value in subsection (b)(3)(C) of this Section;
d = Value in subsection (b)(3)(D) of this Section; and
e = Value in subsection (b)(3)(E) of this Section.

- G) Subsections (b)(3)(A) through (b)(3)(F) of this Section do not apply if the Agency determines, pursuant to Section 611.213, that a supplier has no means for having a sample analyzed for HPC by a certified laboratory under the requisite time and temperature conditions specified by Section 611.531(a) and that the supplier is providing adequate disinfection in the distribution system.

c) Reporting health threats.

- 1) Each supplier, upon discovering that a waterborne disease outbreak potentially attributable to that water system has occurred, must report that occurrence to the Agency as soon as possible, but no later than by the end of the next business day.
- 2) If at any time the turbidity exceeds 5 NTU, the supplier must consult with the Agency as soon as practical, but no later than 24 hours after the exceedence is known, in accordance with the public notification requirements under Section 611.903(b)(3).

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- 3) If at any time the residual falls below 0.2 mg/ℓ in the water entering the distribution system, the supplier must notify the Agency as soon as possible, but no later than by the end of the next business day. The supplier also must notify the Agency by the end of the next business day whether or not the residual was restored to at least 0.2 mg/ℓ within four hours.

BOARD NOTE: Derived from 40 CFR 141.75(b) ~~(2003)~~(2002).

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

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

Section 611.301 Revised MCLs for Inorganic Chemical Contaminants

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

Contaminant	MCL	Units
Antimony	0.006	mg/ℓ
Arsenic (effective January 23, 2006)	0.010	mg/ℓ
Asbestos	7	MFL
Barium	2	mg/ℓ
Beryllium	0.004	mg/ℓ
Cadmium	0.005	mg/ℓ
Chromium	0.1	mg/ℓ
Cyanide (as free CN ⁻)	0.2	mg/ℓ
Fluoride	4.0	mg/ℓ
Mercury	0.002	mg/ℓ
Nitrate (as N)	10	mg/ℓ
Nitrite (as N)	1	mg/ℓ
Total Nitrate and Nitrite (as N)	10	mg/ℓ
Selenium	0.05	mg/ℓ

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Thallium 0.002 mg/ℓ

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

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

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

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	RO
Cadmium	C/F IX LIME RO
Chromium	C/F IX LIME, BAT for Cr ^{III} only RO
Cyanide	IX RO <u>ALK</u> Cl ₂
Mercury	C/F, BAT only if influent Hg concentrations less than or equal to 10 µg/l GAC LIME, BAT only if influent Hg concentrations less than or equal to 10 µg/l RO, BAT only if influent Hg concentrations less than or equal to 10 µg/l
Nickel	IX LIME RO
Nitrate	IX RO ED
Nitrite	IX RO
Selenium	AAL C/F, BAT for Se ^{IV} only

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	LIME
	RO
	ED
Thallium	AAL
	IX

Abbreviations

AAL	Activated alumina
<u>ALK Cl₂</u>	<u>Alkaline chlorination (pH ≥ 8.5)</u>
C/F	Coagulation/filtration (not BAT for a system that has fewer than 500 service connections)
<u>CC</u>	<u>Corrosion control</u>
<u>Cl₂</u>	<u>Oxidation (chlorine)</u>
DDF	Direct and diatomite filtration
<u>ED</u>	<u>Electrodialysis</u>
GAC	Granular activated carbon
IX	Ion exchange
LIME	Lime softening
<u>O/F</u>	<u>Oxidation/filtration</u>
RO	Reverse osmosis
CC	Corrosion control
ED	Electrodialysis
Cl₂	Oxidation (chlorine)
UV	Ultraviolet irradiation
O/F	Oxidation/filtration

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

Small System Compliance Technologies (SSCTs)¹ for Arsenic²

Small system compliance technology	Affordable for listed small system categories ³
Activated alumina (centralized)	All size categories
Activated alumina (point-of-use) ⁴	All size categories
Coagulation/filtration ⁵	501-3,300 persons, 3,301-10,000 persons
Coagulation-assisted microfiltration	501-3,300 persons,

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

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

² SSCTs for As^V. Pre-oxidation may be required to convert As^{III} to As^V.

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

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

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

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

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

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

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

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

Section 611.382 Monitoring Requirements

- a) General requirements.

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- 1) A supplier must take all samples during normal operating conditions.
 - 2) A supplier may consider multiple wells drawing water from a single aquifer as one treatment plant for determining the minimum number of TTHM and HAA5 samples required with Agency approval.
 - 3) Failure to monitor in accordance with the monitoring plan required under subsection (f) of this Section is a monitoring violation.
 - 4) Where compliance is based on a running annual average of monthly or quarterly samples or averages and the supplier's failure to monitor makes it impossible to determine compliance with MCLs or MRDLs, this failure to monitor will be treated as a violation for the entire period covered by the annual average.
 - 5) A supplier must use only data collected under the provisions of this Subpart I ~~or under the Information Collection Rule (40 CFR 141, Subpart M)~~ to qualify for reduced monitoring.
- b) Monitoring requirements for disinfection byproducts (DBPs).
- 1) TTHMs and HAA5.
 - A) Routine monitoring. A supplier must monitor at the following frequency:
 - i) A Subpart B system supplier that serves 10,000 or more persons must collect four water samples per quarter per treatment plant. At least 25 percent of all samples collected each quarter must be collected at locations representing maximum residence time. The remaining samples may be taken at locations representative of at least average residence time in the distribution system and representing the entire distribution system, taking into account the number of persons served, the different sources of water, and the different treatment methods.
 - ii) A Subpart B system supplier that serves from 500 to 9,999 persons must collect one water sample per quarter per

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treatment plant. The samples must be collected from locations representing maximum residence time.

- iii) A Subpart B system supplier that serves fewer than 500 persons must collect one sample per year per treatment plant during month of warmest water temperature. The samples must be collected from locations representing maximum residence time. If the sample (or average of annual samples, if more than one sample is taken) exceeds the MCL, the supplier must increase the monitoring frequency to one sample per treatment plant per quarter, taken at a point reflecting the maximum residence time in the distribution system, until the supplier meets the standards in subsection (b)(1)(D) of this Section.
- iv) A supplier that uses only groundwater not under direct influence of surface water, which uses chemical disinfectant, and which serves 10,000 or more persons must collect one water sample per quarter per treatment plant. The samples must be collected from locations representing maximum residence time.
- v) A supplier that uses only groundwater not under direct influence of surface water, which uses chemical disinfectant, and which serves fewer than 10,000 persons must collect one sample per year per treatment plant during month of warmest water temperature. The samples must be collected from locations representing maximum residence time. If the sample (or average of annual samples, if more than one sample is taken) exceeds MCL, the supplier must increase monitoring to one sample per treatment plant per quarter, taken at a point reflecting the maximum residence time in the distribution system, until the supplier meets standards in subsection (b)(1)(D) of this Section.

BOARD NOTE: If a supplier elects to sample more frequently than the minimum required, at least 25 percent of all samples collected each quarter (including those taken in excess of the required frequency) must be taken at locations that represent the maximum residence time of the water in the distribution system.

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The remaining samples must be taken at locations representative of at least average residence time in the distribution system. For a supplier using groundwater not under the direct influence of surface water, multiple wells drawing water from a single aquifer may be considered one treatment plant for determining the minimum number of samples required, with Agency approval.

- B) A supplier may reduce monitoring, except as otherwise provided, in accordance with the following:
- i) A Subpart B system supplier that serves 10,000 or more persons and which has a source water annual average TOC level, before any treatment, of less than or equal to 4.0 mg/ℓ may reduce monitoring if it has monitored for at least one year and its TTHM annual average is less than or equal to 0.040 mg/ℓ and HAA5 annual average is less than or equal to 0.030 mg/ℓ. The reduced monitoring allowed is a minimum of one sample per treatment plant per quarter at a distribution system location reflecting maximum residence time.
 - ii) A Subpart B system supplier that serves from 500 to 9,999 persons and which has a source water annual average TOC level, before any treatment, of less than or equal to 4.0 mg/ℓ may reduce monitoring if it has monitored at least one year and its TTHM annual average is less than or equal to 0.040 mg/ℓ and HAA5 annual average is less than or equal to 0.030 mg/ℓ. The reduced monitoring allowed is a minimum of one sample per treatment plant per year at a distribution system location reflecting maximum residence time during month of warmest water temperature.

BOARD NOTE: Any Subpart B system supplier serving fewer than 500 persons may not reduce its monitoring to less than one sample per treatment plant per year.
 - iii) A supplier using only groundwater not under direct influence of surface water using chemical disinfectant and serving 10,000 or more persons may reduce monitoring if it has monitored at least one year and its TTHM annual

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average is less than or equal to 0.040 mg/ℓ and HAA5 annual average is less than or equal to 0.030 mg/ℓ. The reduced monitoring allowed is a minimum of one sample per treatment plant per year at a distribution system location reflecting maximum residence time during month of warmest water temperature.

- iv) A supplier using only groundwater not under direct influence of surface water using chemical disinfectant and serving fewer than 10,000 persons may reduce monitoring if it has monitored at least one year and its TTHM annual average is less than or equal to 0.040 mg/ℓ and HAA5 annual average is less than or equal to 0.030 mg/ℓ for two consecutive years or TTHM annual average is less than or equal to 0.020 mg/ℓ and HAA5 annual average is less than or equal to 0.015 mg/ℓ for one year. The reduced monitoring allowed is a minimum of one sample per treatment plant per three year monitoring cycle at a distribution system location reflecting maximum residence time during month of warmest water temperature, with the three-year cycle beginning on January 1 following the quarter in which the supplier qualifies for reduced monitoring.

- C) A supplier on a reduced monitoring schedule may remain on that reduced schedule as long as the average of all samples taken in the year (for a supplier that must monitor quarterly) or the result of the sample (for a supplier that must monitor no more frequently than annually) is no more than 0.060 mg/ℓ and 0.045 mg/ℓ for TTHMs and HAA5, respectively. A supplier that does not meet these levels must resume monitoring at the frequency identified in subsection (b)(1)(A) of this Section (minimum monitoring frequency column) in the quarter immediately following the monitoring period in which the supplier exceeds 0.060 mg/ℓ for TTHMs or 0.045 mg/ℓ for HAA5. For a supplier using only groundwater not under the direct influence of surface water and serving fewer than 10,000 persons, if either the TTHM annual average is greater than 0.080 mg/ℓ or the HAA5 annual average is greater than 0.060 mg/ℓ, the supplier must go to increased monitoring identified in subsection (b)(1)(A) of this Section

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(sample location column) in the quarter immediately following the monitoring period in which the supplier exceeds 0.080 mg/ℓ for TTHMs or 0.060 mg/ℓ for HAA5.

- D) A supplier on increased monitoring may return to routine monitoring if, after at least one year of monitoring, its TTHM annual average is less than or equal to 0.060 mg/ℓ and its HAA5 annual average is less than or equal to 0.045 mg/ℓ.
 - E) The Agency may return a supplier to routine monitoring.
- 2) Chlorite. A CWS or NTNCWS supplier using chlorine dioxide, for disinfection or oxidation, must conduct monitoring for chlorite.
- A) Routine monitoring.
 - i) Daily monitoring. A supplier must take daily samples at the entrance to the distribution system. For any daily sample that exceeds the chlorite MCL, the supplier must take additional samples in the distribution system the following day at the locations required by subsection (b)(2)(B) of this Section, in addition to the sample required at the entrance to the distribution system.
 - ii) Monthly monitoring. A supplier must take a three-sample set each month in the distribution system. The supplier must take one sample at each of the following locations: near the first customer, at a location representative of average residence time, and at a location reflecting maximum residence time in the distribution system. Any additional routine sampling must be conducted in the same manner (as three-sample sets, at the specified locations). The supplier may use the results of additional monitoring conducted under subsection (b)(2)(B) of this Section to meet the requirement for monitoring in this subsection (b)(2)(A)(ii).
 - B) Additional monitoring. On each day following a routine sample monitoring result that exceeds the chlorite MCL at the entrance to the distribution system, the supplier must take three chlorite

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distribution system samples at the following locations: as close to the first customer as possible, in a location representative of average residence time, and as close to the end of the distribution system as possible (reflecting maximum residence time in the distribution system).

- C) Reduced monitoring.
 - i) Chlorite monitoring at the entrance to the distribution system required by subsection (b)(2)(A)(i) of this Section may not be reduced.
 - ii) Chlorite monitoring in the distribution system required by subsection (b)(2)(A)(ii) of this Section may be reduced to one three-sample set per quarter after one year of monitoring where no individual chlorite sample taken in the distribution system under subsection (b)(2)(A)(ii) of this Section has exceeded the chlorite MCL and the supplier has not been required to conduct monitoring under subsection (b)(2)(B) of this Section. The supplier may remain on the reduced monitoring schedule until either any of the three individual chlorite samples taken quarterly in the distribution system under subsection (b)(2)(A)(ii) of this Section exceeds the chlorite MCL or the supplier is required to conduct monitoring under subsection (b)(2)(B) of this Section, at which time the supplier must revert to routine monitoring.
- 3) Bromate.
 - A) Routine monitoring. A CWS or NTNCWS supplier using ozone, for disinfection or oxidation, must take one sample per month for each treatment plant in the system using ozone. A supplier must take samples monthly at the entrance to the distribution system while the ozonation system is operating under normal conditions.
 - B) Reduced monitoring. A supplier required to analyze for bromate may reduce monitoring from monthly to once per quarter, if the supplier demonstrates that the average source water bromide concentration is less than 0.05 mg/l based upon representative

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monthly bromide measurements for one year. The supplier may remain on reduced bromate monitoring until the running annual average source water bromide concentration, computed quarterly, is equal to or greater than 0.05 mg/ℓ based upon representative monthly measurements. If the running annual average source water bromide concentration is equal to or greater than 0.05 mg/ℓ, the supplier must resume routine monitoring required by subsection (b)(3)(A) of this Section.

- c) Monitoring requirements for disinfectant residuals.
 - 1) Chlorine and chloramines.
 - A) Routine monitoring. A CWS or NTNCWS supplier that uses chlorine or chloramines must measure the residual disinfectant level in the distribution system at the same point in the distribution system and at the same time as total coliforms are sampled, as specified in Section 611.521. A Subpart B system supplier may use the results of residual disinfectant concentration sampling conducted under Section 611.532 for unfiltered systems or Section 611.533 for systems that filter, in lieu of taking separate samples.
 - B) Reduced monitoring. Monitoring may not be reduced.
 - 2) Chlorine dioxide.
 - A) Routine monitoring. A CWS, an NTNCWS, or a transient non-CWS supplier that uses chlorine dioxide for disinfection or oxidation must take daily samples at the entrance to the distribution system. For any daily sample that exceeds the MRDL, the supplier must take samples in the distribution system the following day at the locations required by subsection (c)(2)(B) of this Section, in addition to the sample required at the entrance to the distribution system.
 - B) Additional monitoring. On each day following a routine sample monitoring result that exceeds the MRDL, the supplier must take three chlorine dioxide distribution system samples. If chlorine dioxide or chloramines are used to maintain a disinfectant residual in the distribution system, or if chlorine is used to maintain a

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disinfectant residual in the distribution system and there are no disinfection addition points after the entrance to the distribution system (i.e., no booster chlorination), the supplier must take three samples as close to the first customer as possible, at intervals of at least six hours. If chlorine is used to maintain a disinfectant residual in the distribution system and there are one or more disinfection addition points after the entrance to the distribution system (i.e., booster chlorination), the supplier must take one sample at each of the following locations: as close to the first customer as possible, in a location representative of average residence time, and as close to the end of the distribution system as possible (reflecting maximum residence time in the distribution system).

- C) Reduced monitoring. Monitoring may not be reduced.
- d) Monitoring requirements for disinfection byproduct (DBP) precursors.
- 1) Routine monitoring. A Subpart B system supplier that uses conventional filtration treatment (as defined in Section 611.101) must monitor each treatment plant for TOC not past the point of combined filter effluent turbidity monitoring and representative of the treated water. A supplier required to monitor under this subsection (d)(1) must also monitor for TOC in the source water prior to any treatment at the same time as monitoring for TOC in the treated water. These samples (source water and treated water) are referred to as paired samples. At the same time as the source water sample is taken, a system must monitor for alkalinity in the source water prior to any treatment. A supplier must take one paired sample and one source water alkalinity sample per month per plant at a time representative of normal operating conditions and influent water quality.
 - 2) Reduced monitoring. A Subpart B system supplier with an average treated water TOC of less than 2.0 mg/ℓ for two consecutive years, or less than 1.0 mg/ℓ for one year, may reduce monitoring for both TOC and alkalinity to one paired sample and one source water alkalinity sample per plant per quarter. The supplier must revert to routine monitoring in the month following the quarter when the annual average treated water TOC greater than or equal to 2.0 mg/ℓ.

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- e) Bromide. A supplier required to analyze for bromate may reduce bromate monitoring from monthly to once per quarter, if the supplier demonstrates that the average source water bromide concentration is less than 0.05 mg/ℓ based upon representative monthly measurements for one year. The supplier must continue bromide monitoring to remain on reduced bromate monitoring.
- f) Monitoring plans. Each supplier required to monitor under this Subpart I must develop and implement a monitoring plan. The supplier must maintain the plan and make it available for inspection by the Agency and the general public no later than 30 days following the applicable compliance dates in Section 611.380(b). A Subpart B system supplier serving more than 3,300 persons must submit a copy of the monitoring plan to the Agency no later than the date of the first report required under Section 611.384. After review, the Agency may require changes in any plan elements. The plan must include at least the following elements:
- 1) Specific locations and schedules for collecting samples for any parameters included in this Subpart I;
 - 2) How the supplier will calculate compliance with MCLs, MRDLs, and treatment techniques; and
 - 3) If approved for monitoring as a consecutive system, or if providing water to a consecutive system, under the provisions of Section 611.500, the sampling plan must reflect the entire distribution system.

BOARD NOTE: Derived from 40 CFR 141.132 ~~(2003)~~(2002).

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

Section 611.383 Compliance Requirements

- a) General requirements.
- 1) Where compliance is based on a running annual average of monthly or quarterly samples or averages and the supplier fails to monitor for TTHM, HAA5, or bromate, this failure to monitor will be treated as a monitoring violation for the entire period covered by the annual average. Where compliance is based on a running annual average of monthly or quarterly samples or averages and the supplier's failure to monitor makes it impossible to determine compliance with the MRDL for chlorine or

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chloramines, this failure to monitor will be treated as a monitoring violation for the entire period covered by the annual average.

- 2) All samples taken and analyzed under the provisions of this Subpart I must be included in determining compliance, even if that number is greater than the minimum required.
 - 3) If, during the first year of monitoring under Section 611.382, any individual quarter's average will cause the running annual average of that supplier to exceed the MCL [for total trihalomethanes, haloacetic acids \(five\), or bromate or the MRDL for chlorine or chloramine](#), the supplier is out of compliance at the end of that quarter.
- b) Disinfection byproducts (DBPs).
- 1) TTHMs and HAA5.
 - A) For a supplier monitoring quarterly, compliance with MCLs in Section 611.312 must be based on a running annual arithmetic average, computed quarterly, of quarterly arithmetic averages of all samples collected by the supplier as prescribed by Section 611.382(b)(1).
 - B) For a supplier monitoring less frequently than quarterly, the supplier demonstrates MCL compliance if the average of samples taken that year under the provisions of Section 611.382(b)(1) does not exceed the MCLs in Section 611.312. If the average of these samples exceeds the MCL, the supplier must increase monitoring to once per quarter per treatment plant, and such a system is not in violation of the MCL until it has completed one year of quarterly monitoring, unless the result of fewer than four quarters of monitoring will cause the running annual average to exceed the MCL, in which case the supplier is in violation at the end of that quarter. A supplier required to increase to quarterly monitoring must calculate compliance by including the sample that triggered the increased monitoring plus the following three quarters of monitoring.
 - C) If the running annual arithmetic average of quarterly averages covering any consecutive four-quarter period exceeds the MCL,

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the supplier is in violation of the MCL and must notify the public pursuant to Subpart V of this Part in addition to reporting to the Agency pursuant to Section 611.384.

- D) If a PWS fails to complete four consecutive quarter's monitoring, compliance with the MCL for the last four-quarter compliance period must be based on an average of the available data.
- 2) Bromate. Compliance must be based on a running annual arithmetic average, computed quarterly, of monthly samples (or, for months in which the supplier takes more than one sample, the average of all samples taken during the month) collected by the supplier, as prescribed by Section 611.382(b)(3). If the average of samples covering any consecutive four-quarter period exceeds the MCL, the supplier is in violation of the MCL and must notify the public pursuant to Subpart V of this Part, in addition to reporting to the Agency pursuant to Section 611.384. If a PWS supplier fails to complete 12 consecutive months' monitoring, compliance with the MCL for the last four-quarter compliance period must be based on an average of the available data.
 - 3) Chlorite. Compliance must be based on an arithmetic average of each three sample set taken in the distribution system as prescribed by Section 611.382(b)(2)(A)(ii) and Section 611.382(b)(2)(B). If the arithmetic average of any three sample set exceeds the MCL, the supplier is in violation of the MCL and must notify the public pursuant to Subpart V of this Part, in addition to reporting to the Agency pursuant to Section 611.384.
- c) Disinfectant residuals.
 - 1) Chlorine and chloramines.
 - A) Compliance must be based on a running annual arithmetic average, computed quarterly, of monthly averages of all samples collected by the supplier under Section 611.382(c)(1). If the average of quarterly averages covering any consecutive four-quarter period exceeds the MRDL, the supplier is in violation of the MRDL and must notify the public pursuant to Subpart V of this Part, in addition to reporting to the Agency pursuant to Section 611.384.

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- B) In cases where a supplier switches between the use of chlorine and chloramines for residual disinfection during the year, compliance must be determined by including together all monitoring results of both chlorine and chloramines in calculating compliance. Reports submitted pursuant to Section 611.384 must clearly indicate that residual disinfectant was analyzed for each sample.
- 2) Chlorine dioxide.
- A) Acute violations. Compliance must be based on consecutive daily samples collected by the supplier under Section 611.382(c)(2). If any daily sample taken at the entrance to the distribution system exceeds the MRDL, and on the following day one (or more) of the three samples taken in the distribution system exceeds the MRDL, the supplier is in violation of the MRDL and must take immediate corrective action to lower the level of chlorine dioxide below the MRDL and must notify the public pursuant to the procedures for acute health risks in Subpart V of this Part, in addition to reporting to the Agency pursuant to Section 611.384. Failure to take samples in the distribution system the day following an exceedence of the chlorine dioxide MRDL at the entrance to the distribution system will also be considered an MRDL violation and the supplier must notify the public of the violation in accordance with the provisions for acute violations under Subpart V of this Part, in addition to reporting to the Agency pursuant to Section 611.384.
- B) Nonacute violations. Compliance must be based on consecutive daily samples collected by the supplier under Section 611.382(c)(2). If any two consecutive daily samples taken at the entrance to the distribution system exceed the MRDL and all distribution system samples taken are below the MRDL, the supplier is in violation of the MRDL and must take corrective action to lower the level of chlorine dioxide below the MRDL at the point of sampling and must notify the public pursuant to the procedures for nonacute health risks in Subpart V of this Part, in addition to reporting to the Agency pursuant to Section 611.384. Failure to monitor at the entrance to the distribution system the day following an exceedence of the chlorine dioxide MRDL at the entrance to the distribution system is also an MRDL violation and the supplier must notify the public of the violation in accordance

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with the provisions for nonacute violations under Subpart V of this Part, in addition to reporting to the Agency pursuant to Section 611.384.

- d) Disinfection byproduct (DBP) precursors. Compliance must be determined as specified by Section 611.385(c). A supplier may begin monitoring to determine whether Step 1 TOC removals can be met 12 months prior to the compliance date for the supplier. This monitoring is not required and failure to monitor during this period is not a violation. However, any supplier that does not monitor during this period, and then determines in the first 12 months after the compliance date that it is not able to meet the Step 1 requirements in Section 611.141(b)(2) and must therefore apply for alternate minimum TOC removal (Step 2) requirements, is not eligible for retroactive approval of alternate minimum TOC removal (Step 2) requirements as allowed pursuant to Section 611.385(b)(3) and is in violation of an NPDWR. A supplier may apply for alternate minimum TOC removal (Step 2) requirements any time after the compliance date. For a supplier required to meet Step 1 TOC removals, if the value calculated under Section 611.385(c)(1)(D) is less than 1.00, the supplier is in violation of the treatment technique requirements and must notify the public pursuant to Subpart V of this Part, in addition to reporting to the Agency pursuant to Section 611.384.

BOARD NOTE: Derived from 40 CFR 141.133 ~~(2003)~~(2002).

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

SUBPART L: MICROBIOLOGICAL MONITORING AND
ANALYTICAL REQUIREMENTS

Section 611.526 Analytical Methodology

- a) The standard sample volume required for total coliform analysis, regardless of analytical method used, is 100 mL.
- b) Suppliers need only determine the presence or absence of total coliforms; a determination of total coliform density is not required.
- c) Suppliers must conduct total coliform analyses in accordance with one of the following analytical methods, incorporated by reference in Section 611.102 (the time from sample collection to initiation of analysis may not exceed 30 hours, and the supplier is encouraged but not required to hold samples below 10° C during

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transit):

- 1) Total Coliform Fermentation Technique, as set forth in Standard Methods, 18th, 19th, or 20th ed.: Methods 9221 A and B, as follows:
 - A) Lactose broth, as commercially available, may be used in lieu of lauryl tryptose broth if the supplier conducts at least 25 parallel tests between this medium and lauryl tryptose broth using the water normally tested and this comparison demonstrates that the false-positive rate and false-negative rate for total coliforms, using lactose broth, is less than 10 percent;
 - B) If inverted tubes are used to detect gas production, the media should cover these tubes at least one-half to two-thirds after the sample is added; and
 - C) No requirement exists to run the completed phase on 10 percent of all total coliform-positive confirmed tubes.
- 2) Total Coliform Membrane Filter Technique, as set forth in Standard Methods, 18th, 19th, or 20th ed.: Methods 9222 A, B, and C.
- 3) Presence-Absence (P-A) Coliform Test, as set forth in: Standard Methods, 18th, 19th, or 20th ed.: Method 9221 D, as follows:
 - A) No requirement exists to run the completed phase on 10 percent of all total coliform-positive confirmed tubes; and
 - B) Six-times formulation strength may be used if the medium is filter-sterilized rather than autoclaved.
- 4) ONPG-MUG test: Standard Methods, 18th, 19th, or 20th ed.: Method 9223. (The ONPG-MUG test is also known as the Autoanalysis Colilert System).
- 5) Colisure Test (Autoanalysis Colilert System). (The Colisure Test may be read after an incubation time of 24 hours.)

BOARD NOTE: USEPA included the P-A Coliform and Colisure Tests for testing finished water under the coliform rule, but did not include them

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for the purposes of the surface water treatment rule, under Section 611.531, for which quantitation of total coliforms is necessary. For these reasons, USEPA included Standard Methods: Method 9221 C for the surface water treatment rule, but did not include it for the purposes of the total coliform rule, under this Section.

- 6) E*Colite® Test (Charm Sciences, Inc.).
- 7) m-ColiBlue24® Test (Hatch Company).
- 8) ReadyCult Coliforms 100 Presence/Absence Test.
- 9) Membrane Filter Technique using Chromocult ~~Coliform~~ Coliform Agar.

10) Colitag® Test.

- d) This subsection corresponds with 40 CFR 141.21(f)(4), which USEPA has marked "reserved." This statement maintains structural consistency with the federal regulations.
- e) Suppliers must conduct fecal coliform analysis in accordance with the following procedure:
 - 1) When the MTF Technique or P-A Coliform Test is used to test for total coliforms, shake the lactose-positive presumptive tube or P-A vigorously and transfer the growth with a sterile 3-mm loop or sterile applicator stick into brilliant green lactose bile broth and EC medium, defined below, to determine the presence of total and fecal coliforms, respectively.
 - 2) For approved methods that use a membrane filter, transfer the total coliform-positive culture by one of the following methods: remove the membrane containing the total coliform colonies from the substrate with sterile forceps and carefully curl and insert the membrane into a tube of EC medium; (the laboratory may first remove a small portion of selected colonies for verification); swab the entire membrane filter surface with a sterile cotton swab and transfer the inoculum to EC medium (do not leave the cotton swab in the EC medium); or inoculate individual total coliform-positive colonies into EC medium. Gently shake the inoculated tubes of EC medium to insure adequate mixing and incubate in a waterbath at 44.5 ±0.2° C for 24 ±2 hours. Gas production of any amount in the inner

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fermentation tube of the EC medium indicates a positive fecal coliform test.

- 3) EC medium is described in Standard Methods, 18th ed., 19th ed., and 20th ed.: Method 9221E.
 - 4) Suppliers need only determine the presence or absence of fecal coliforms; a determination of fecal coliform density is not required.
- f) Suppliers must conduct analysis of *E. coli* in accordance with one of the following analytical methods, incorporated by reference in Section 611.102:
- 1) EC medium supplemented with 50 µg/ℓ of MUG (final concentration). EC medium is as described in subsection (e) of this Section. MUG may be added to EC medium before autoclaving. EC medium supplemented with 50 µg/ℓ MUG is commercially available. At least 10 ml of EC medium supplemented with MUG must be used. The inner inverted fermentation tube may be omitted. The procedure for transferring a total coliform-positive culture to EC medium supplemented with MUG is as in subsection (e) of this Section for transferring a total coliform-positive culture to EC medium. Observe fluorescence with an ultraviolet light (366 nm) in the dark after incubating tube at 44.5 ±2° C for 24 ±2 hours; or
 - 2) Nutrient agar supplemented with 100 µg/ℓ MUG (final concentration), as described in Standard Methods, 19th ed. and 20th ed.: Method 9222 G. This test is used to determine if a total coliform-positive sample, as determined by the MF technique, contains *E. coli*. Alternatively, Standard Methods, 18th ed.: Method 9221 B may be used if the membrane filter containing a total coliform-positive colony or colonies is transferred to nutrient agar, as described in Method 9221 B (paragraph 3), supplemented with 100 µg/ℓ MUG. If Method 9221 B is used, incubate the agar plate at 35° Celsius for 4 hours, then observe the colony or colonies under ultraviolet light (366-nm) in the dark for fluorescence. If fluorescence is visible, *E. coli* are present.
 - 3) Minimal Medium ONPG-MUG (MMO-MUG) Test, as set forth in Appendix D of this Part. (The Autoanalysis Colilert System is a MMO-MUG test.) If the MMO-MUG test is total coliform positive after a 24-hour incubation, test the medium for fluorescence with a 366-nm ultraviolet light (preferably with a 6-watt lamp) in the dark. If

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fluorescence is observed, the sample is E. coli-positive. If fluorescence is questionable (cannot be definitively read) after 24 hours incubation, incubate the culture for an additional four hours (but not to exceed 28 hours total), and again test the medium for fluorescence. The MMO-MUG test with hepes buffer is the only approved formulation for the detection of E. coli.

- 4) The Colisure Test (Autoanalysis Colilert System).
- 5) The membrane filter method with MI agar.
- 6) The E*Colite® Test.
- 7) The m-ColiBlue24® Test.
- 8) ReadyCult Coliforms 100 Presence/Absence Test.
- 9) Membrane Filter Technique using Chromocult Coliform ~~Doliform~~ Agar.
- 10) Colitag® Test.

- g) As an option to the method set forth in subsection (f)(3) of this Section, a supplier with a total coliform-positive, MUG-negative, MMO-MUG test may further analyze the culture for the presence of E. coli by transferring a 0.1 ml, 28-hour MMO-MUG culture to EC medium + MUG with a pipet. The formulation and incubation conditions of the EC medium + MUG, and observation of the results, are described in subsection (f)(1) of this Section.
- h) This subsection corresponds with 40 CFR 141.21(f)(8), a central listing of all documents incorporated by reference into the federal microbiological analytical methods. The corresponding Illinois incorporations by reference are located at Section 611.102. This statement maintains structural parity with USEPA regulations.

BOARD NOTE: Derived from 40 CFR 141.21(f) (2003)~~(2002)~~.

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

Section 611.532 Unfiltered PWSs

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A supplier that uses a surface water source and does not provide filtration treatment must monitor, unless the Agency has determined, pursuant to Section 611.211, that filtration is required. If the Agency determines that filtration is required, it must specify alternative monitoring requirements, as appropriate, until filtration is in place. A supplier that uses a groundwater source under the direct influence of surface water and which does not provide filtration treatment must monitor within six months after the Agency has determined, pursuant to Section 611.212, that the groundwater source is under the direct influence of surface water unless the Agency has determined that filtration is required, in which case the Agency must specify alternative monitoring requirements, as appropriate, until filtration is in place.

- a) Fecal coliform or total coliform density measurements as required by Section 611.231(a) must be performed on representative source water samples immediately prior to the first or only point of disinfectant application. The supplier must sample for fecal or total coliforms at the minimum frequency specified in Table B of this Part each week the supplier serves water to the public. Also, one fecal or total coliform density measurement must be made every day the supplier serves water to the public and the turbidity of the source water exceeds 1 NTU (these samples count towards the weekly coliform sampling requirement) unless the Agency determines that the supplier, for logistical reasons outside the supplier's control cannot have the sample analyzed within 30 hours of collection.
- b) Turbidity measurements as required by Section 611.231(b) must be performed on representative grab samples of source water immediately prior to the first or only point of disinfectant application every four hours (or more frequently) that the supplier serves water to the public. A supplier may substitute continuous turbidity monitoring for grab sample monitoring if it validates the continuous measurement for accuracy on a regular basis using a protocol approved by a SEP issued pursuant to Section 611.110.
- c) The total inactivation ratio for each day that the supplier is in operation must be determined based on the $CT_{99,9}$ values in Appendix B of this Part, as appropriate. The parameters necessary to determine the total inactivation ratio must be monitored as follows:
 - 1) The temperature of the disinfected water must be measured at least once per day at each RDC sampling point.
 - 2) If the supplier uses chlorine, the pH of the disinfected water must be measured at least once per day at each chlorine RDC sampling point.

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- 3) The disinfectant contact times ("T") must be determined for each day during peak hourly flow.
 - 4) The RDCs ("C") of the water before or at the first customer must be measured each day during peak hourly flow.
 - 5) If a supplier uses a disinfectant other than chlorine, the supplier may monitor by other methods approved pursuant to Section 611.241(a)(1) and (a)(2).
- d) The total inactivation ratio must be calculated as follows:
- 1) If the supplier uses only one point of disinfectant application, the supplier may determine the total inactivation ratio based on either of the following two methods:
 - A) One inactivation ratio ($A_i = CT_{\text{calc}}/CT_{99.9}$) is determined before or at the first customer during peak hourly flow and, if the A_i is greater than 1.0, the 99.9 percent *Giardia lamblia* inactivation requirement has been achieved; or
 - B) Successive A_i values, representing sequential inactivation ratios, are determined between the point of disinfectant application and a point before or at the first customer during peak hourly flow. Under this alternative, the following method must be used to calculate the total inactivation ratio:
 - i) Determine the following, for each sequence:
$$A_i = CT_{\text{calc}}/CT_{99.9}$$
 - ii) Add the A_i values together, as follows:
$$B = \sum(A_i)$$
 - iii) If B is greater than 1.0, the 99.9 percent *Giardia lamblia* inactivation requirement has been achieved.
 - 2) If the supplier uses more than one point of disinfectant application before or at the first customer, the supplier must determine the CT value of each

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disinfection sequence immediately prior to the next point of disinfectant application during peak hourly flow. The A_i value of each sequence and B must be calculated using the method in subsection (d)(1)(B) of this Section to determine if the supplier is in compliance with Section 611.241.

- 3) Although not required, the total percent inactivation (PI) for a supplier with one or more points of RDC monitoring may be calculated as follows:

$$PI = 100 - \frac{100}{10^{3B}}$$

- e) The RDC of the water entering the distribution system must be monitored continuously, and the lowest value must be recorded each day, except that if there is a failure in the continuous monitoring equipment, grab sampling every four hours may be conducted in lieu of continuous monitoring, but for no more than five working days following the failure of the equipment, and suppliers serving 3,300 or fewer persons may take grab samples in lieu of providing continuous monitoring on an ongoing basis at the frequencies prescribed in Table C of this Part. If at any time the RDC falls below 0.2 mg/l in a system using grab sampling in lieu of continuous monitoring, the supplier must take a grab sample every four hours until the RDC is equal to or greater than 0.2 mg/l.
- f) Points of measurement.
- 1) The RDC must be measured at least at the same points in the distribution system and at the same time as total coliforms are sampled, as specified in Subpart L of this Section, except that the Agency must allow a supplier that uses both a surface water source or a groundwater source under direct influence of surface water, and a groundwater source to take disinfectant residual samples at points other than the total coliform sampling points if the Agency determines, by a SEP issued pursuant to Section 611.110, that such points are more representative of treated (disinfected) water quality within the distribution system. HPC may be measured in lieu of RDC.
- 2) If the Agency determines, pursuant to Section 611.213, that a supplier has no means for having a sample analyzed for HPC, measured as specified in subsection (a) of this Section, the requirements of subsection (f)(1) of this Section do not apply to that supplier.

BOARD NOTE: Derived from 40 CFR 141.74(b) (2003)(2002).

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

Section 611.533 Filtered PWSs

A supplier that uses a surface water source or a groundwater source under the influence of surface water and provides filtration treatment must monitor in accordance with this Section.

- a) Turbidity measurements as required by Section 611.250 must be performed on representative samples of the PWS's filtered water every four hours (or more frequently) that the supplier serves water to the public. A supplier may substitute continuous turbidity monitoring for grab sample monitoring if it validates the continuous measurement for accuracy on a regular basis using a protocol approved by a SEP issued pursuant to Section 611.110. For any suppliers using slow sand filtration or filtration treatment other than conventional treatment, direct filtration, or diatomaceous earth filtration, the Agency shall, by special exception permit condition, reduce the sampling frequency to once per day if it determines that less frequent monitoring is sufficient to indicate effective filtration performance. For suppliers serving 500 or fewer persons, the Agency shall, by a SEP issued pursuant to Section 611.110, reduce the turbidity sampling frequency to once per day, regardless of the type of filtration treatment used, if the Agency determines that less frequent monitoring is sufficient to indicate effective filtration performance.
- b) RDC entering distribution system.
 - 1) Suppliers serving more than 3300 persons. The RDC of the water entering the distribution system must be monitored continuously, and the lowest value must be recorded each day, except that, if there is a failure in the continuous monitoring equipment, grab sampling every four hours may be conducted in lieu of continuous monitoring, but for no more than five working days following the failure of the equipment.
 - 2) Suppliers serving 3,300 or fewer persons may take grab samples in lieu of providing continuous monitoring on an ongoing basis at the frequencies each day prescribed in Table C. If at any time the RDC falls below 0.2 mg/l in a system using grab sampling in lieu of continuous monitoring, the supplier must take a grab sample every four hours until RDC is equal to or greater than 0.2 mg/l.

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- c) Points of measurement.
- 1) The RDC must be measured at least at the same points in the distribution system and at the same time as total coliforms are sampled, as specified in [Sections 611.521 through 611.527-et seq.](#), except that the Agency must allow a supplier that uses both a surface water source or a groundwater source under direct influence of surface water, and a groundwater source, to take RDC samples at points other than the total coliform sampling points if the Agency determines that such points are more representative of treated (disinfected) water quality within the distribution system. HPC₂ [measured as specified in Section 611.531\(a\)](#), may be measured in lieu of RDC.
 - 2) Subsection (c)(1) [of this Section](#) does not apply if the Agency determines, pursuant to Section 611.213(c), that a system has no means for having a sample analyzed for HPC [by a certified laboratory under the requisite time and temperature conditions specified by Section 611.531\(a\) and that the supplier is providing adequate disinfection in the distribution system.](#)

BOARD NOTE: Derived from 40 CFR 141.74(c) [\(2003\)](#)~~(2002)~~.

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

SUBPART Q: RADIOLOGICAL MONITORING AND ANALYTICAL REQUIREMENTS

Section 611.720 Analytical Methods

- a) The methods specified below, incorporated by reference in Section 611.102, are to be used to determine compliance with Section 611.330, except in cases where alternative methods have been approved in accordance with Section 611.480.
- 1) Gross Alpha and Beta.
 - A) Standard Methods.
 - i) Method 302, 13th ed.; or
 - ii) Method 7110 B, 17th, 18th, 19th, or 20th ed.;
 - B) USEPA Interim Radiochemical Methods: page 1;

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- C) USEPA Radioactivity Methods: Method 900.0;
 - D) USEPA Radiochemical Analyses: page 1;
 - E) USEPA Radiochemistry Methods: Method 00-01; or
 - F) USGS Methods: Method R-1120-76.
- 2) Gross Alpha.
- A) Standard Methods, 18th, 19th, or 20th ed.: Method 7110 C; or
 - B) USEPA Radiochemistry Methods: Method 00-02.
- 3) Radium-226.
- A) ASTM Methods.
 - i) Method D2460-90 ; or
 - ii) Method D3454-97;
 - B) New York Radium Method;
 - C) Standard Methods.
 - i) Method 304, 13th ed.;
 - ii) Method 305, 13th ed.;
 - iii) Method 7500-Ra B, 17th, 18th, 19th, or 20th ed.; or
 - iv) Method 7500-Ra C, 17th, 18th, 19th, or 20th ed.;
 - D) USDOE Methods: Method Ra-04;
 - E) USEPA Interim Radiochemical Methods: pages 13 and 16;
 - F) USEPA Radioactivity Methods: Methods 903.0, 903.1;

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- G) USEPA Radiochemical Analyses: page 19;
- H) USEPA Radiochemistry Methods: Methods Ra-03, Ra-04; or
- I) USGS Methods.
 - i) Method R-1140-76; or
 - ii) Method R-1141-76.

4) Radium-228.

- A) Standard Methods, 17th, 18th, 19th, or 20th ed.: Method 7500-Ra D;
- B) New York Radium Method;
- C) USEPA Interim Radiochemical Methods: page 24;
- D) USEPA Radioactivity Methods: Method 904.0 ;
- E) USEPA Radiochemical Analyses: page 19;
- F) USEPA Radiochemistry Methods: Method Ra-05;
- G) USGS Methods: Method R-1142-76; or
- H) New Jersey Radium Method.

5) Uranium.

- A) Standard Methods, 17th, 18th, 19th, or 20th ed.: Method 7500-U C;
- B) Standard Methods, 20th ed.: Method 3125;
- CB) ASTM Methods.
 - i) Method D2907-97;
 - ii) Method D3972-97; ~~or~~

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iii) Method D5174-97; or

iv) Method D5673-03;

DE) USEPA Radioactivity Methods: Methods 908.0, 908.1;

E) USEPA Environmental Metals Methods: Method 200.8;

FD) USEPA Radiochemical Analyses: page 33;

GE) USEPA Radiochemistry Methods: Method 00-07;

HF) USDOE Methods: Method U-02 or U-04; or

IG) USGS Methods.

i) Method R-1180-76;

ii) Method R-1181-76; or

iii) Method R-1182-76.

BOARD NOTE: If uranium (U) is determined by mass, a conversion factor of 0.67 pCi/ μ g of uranium must be used. This conversion factor is based on the 1:1 activity ratio of ^{234}U and ^{238}U that is characteristic of naturally occurring uranium.

6) Radioactive Cesium.

A) ASTM Methods.

i) Method D2459-72; or

ii) Method D3649-91;

B) Standard Methods.

i) Method 7120, 19th or 20th ed.; or

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- ii) Method 7500-Cs B, 17th, 18th, 19th, or 20th ed.;
- C) USDOE Methods: Method 4.5.2.3;
- D) USEPA Interim Radiochemical Methods: page 4;
- E) USEPA Radioactivity Methods: Methods 901.0, 901.1;
- F) USEPA Radiochemical Analyses: page 92; or
- G) USGS Methods.
 - i) Method R-1110-76; or
 - ii) Method R-1111-76.
- 7) Radioactive Iodine.
 - A) ASTM Methods.
 - i) D3649-91; or
 - ii) D4785-93;
 - B) Standard Methods.
 - i) Method 7120, 19th or 20th ed.;
 - ii) Method 7500-I B, 17th, 18th, 19th, or 20th ed.;
 - iii) Method 7500-I C, 17th, 18th, 19th, or 20th ed.; or
 - iv) Method 7500-I D, 17th, 18th, 19th, or 20th ed.;
 - C) USDOE Methods: Method 4.5.2.3;
 - D) USEPA Interim Radiochemical Methods: pages 6, 9;
 - E) USEPA Radiochemical Analyses: page 92; or

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- F) USEPA Radioactivity Methods: Methods 901.1, 902.0.
- 8) Radioactive Strontium-89 & 90.
 - A) Standard Methods.
 - i) Method 303, 13th ed.; or
 - ii) Method 7500-Sr B, 17th, 18th, 19th, or 20th ed.;
 - B) USDOE Methods.
 - i) Method Sr-01; or
 - ii) Method Sr-02;
 - C) USEPA Interim Radiochemical Methods: page 29;
 - D) USEPA Radioactivity Methods: Method 905.0;
 - E) USEPA Radiochemical Analyses: page 65;
 - F) USEPA Radiochemistry Methods: Method Sr-04; or
 - G) USGS Methods: Method R-1160-76.
- 9) Tritium.
 - A) ASTM Methods: Method D4107-91;
 - B) Standard Methods.
 - i) Method 306, 13th ed.; or
 - ii) Method 7500-3H B, 17th, 18th, 19th, or 20th ed.;
 - C) USEPA Interim Radiochemical Methods: page 34;
 - D) USEPA Radioactivity Methods: Method 906.0;

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- E) USEPA Radiochemical Analyses: page 87;
 - F) USEPA Radiochemistry Methods: Method H-02; or
 - G) USGS Methods: Method R-1171-76.
- 10) Gamma Emitters.
- A) ASTM Methods.
 - i) Method D3649-91; or
 - ii) Method D4785-93;
 - B) Standard Methods.
 - i) Method 7120, 19th or 20th ed.;
 - ii) Method 7500-Cs B, 17th, 18th, 19th, or 20th ed.; or
 - iii) Method 7500-I B, 17th, 18th, 19th, or 20th ed.;
 - C) USDOE Method: Method Ga-01-R;
 - D) USEPA Radioactivity Methods: Methods 901.0, 901.1, or 902.0;
 - E) USEPA Radiochemical Analyses: page 92; or
 - F) USGS Methods: Method R-1110-76.
- b) When the identification and measurement of radionuclides other than those listed in subsection (a) of this Section are required, the following methods, incorporated by reference in Section 611.102, are to be used, except in cases where alternative methods have been approved in accordance with Section 611.480:
- 1) "Procedures for Radiochemical Analysis of Nuclear Reactor Aqueous Solutions," available from NTIS.
 - 2) HASL Procedure Manual, HASL 300, available from ERDA Health and Safety Laboratory.

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- c) For the purpose of monitoring radioactivity concentrations in drinking water, the required sensitivity of the radioanalysis is defined in terms of a detection limit. The detection limit must be that concentration which can be counted with a precision of plus or minus 100 percent at the 95 percent confidence level (1.96σ , where σ is the standard deviation of the net counting rate of the sample).

- 1) To determine compliance with Section 611.330(b), (c), and (e), the detection limit must not exceed the concentrations set forth in the following table:

Contaminant	Detection Limit
Gross alpha particle activity	3 pCi/ℓ
Radium-226	1 pCi/ℓ
Radium-228	1 pCi/ℓ
Uranium	1 μ g/ℓ None

BOARD NOTE: Derived from 40 CFR 141.25(c) Table B ~~(2003)(2002)~~.

- 2) To determine compliance with Section 611.330(d), the detection limits must not exceed the concentrations listed in the following table:

Radionuclide	Detection Limit
Tritium	1,000 pCi/ℓ
Strontium-89	10 pCi/ℓ
Strontium-90	2 pCi/ℓ
Iodine-131	1 pCi/ℓ
Cesium-134	10 pCi/ℓ
Gross beta	4 pCi/ℓ
Other radionuclides	$1/_{10}$ of applicable limit

BOARD NOTE: Derived from 40 CFR 141.25(c) Table C ~~(2003)(2002)~~.

- d) To judge compliance with the MCLs listed in Section 611.330, averages of data must be used and must be rounded to the same number of significant figures as the MCL for the substance in question.

BOARD NOTE: Derived from 40 CFR 141.25 ~~(2003)(2002)~~.

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

Section 611.732 Beta Particle and Photon Radioactivity

Monitoring and compliance requirements for manmade radioactivity. To determine compliance with the maximum contaminant levels in Section 611.330(d) for beta particle and photon radioactivity, a supplier must monitor at a frequency as follows:

- a) Effective December 8, 2003, a CWS supplier (either a surface water or groundwater supplier) designated by the Agency, by a SEP issued pursuant to Section 611.110, as vulnerable must sample for beta particle and photon radioactivity. A supplier must collect quarterly samples for beta emitters and annual samples for tritium and strontium-90 at each entry point to the distribution system (hereafter called a sampling point), beginning within one quarter after being notified by the Agency. A supplier already designated by the Agency must continue to sample until the Agency reviews and either reaffirms or removes the designation, by a SEP issued pursuant to Section 611.110.
 - 1) If the gross beta particle activity minus the naturally occurring potassium-40 beta particle activity at a sampling point has a running annual average (computed quarterly) less than or equal to 50 pCi/l (screening level), the Agency may reduce the frequency of monitoring at that sampling point to once every three years. A supplier must collect all samples required in subsection (a) of this Section during the reduced monitoring period.
 - 2) For a supplier in the vicinity of a nuclear facility, the Agency may allow the CWS supplier to utilize environmental surveillance data collected by the nuclear facility in lieu of monitoring at the supplier's entry points, where the Agency determines if such data is applicable to a particular water system, by a SEP issued pursuant to Section 611.110. In the event that there is a release from a nuclear facility, a supplier that is using surveillance data must begin monitoring at the community water supplier's entry points in accordance with subsection (b)(1) of this Section.
- b) Effective December 8, 2003, a CWS supplier (either a surface water or groundwater supplier) designated by the Agency, by a SEP issued pursuant to Section 611.110, as utilizing waters contaminated by effluents from nuclear facilities must sample for beta particle and photon radioactivity. A supplier must collect quarterly samples for beta emitters and iodine-131 and annual samples for tritium and strontium-90 at each entry point to the distribution system (hereafter

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called a sampling point), beginning within one quarter after being notified by the Agency. A supplier already designated by the Agency as a supplier using waters contaminated by effluents from nuclear facilities must continue to sample until the Agency reviews and either reaffirms or removes the designation, by a SEP issued pursuant to Section 611.110.

- 1) Quarterly monitoring for gross beta particle activity must be based on the analysis of monthly samples or the analysis of a composite of three monthly samples.

BOARD NOTE: In corresponding 40 CFR 141.26(b)(2)(i), USEPA recommends the use of a composite of three monthly samples.

- 2) For iodine-131, a composite of five consecutive daily samples must be analyzed once each quarter. The Agency may, by a SEP issued pursuant to Section 611.110, order more frequent monitoring for iodine-131 where it is identified in the finished water.
- 3) Annual monitoring for strontium-90 and tritium must be conducted by means of the analysis of a composite of four consecutive quarterly samples or analysis of four quarterly samples.

BOARD NOTE: In corresponding 40 CFR 141.26(b)(2)(iii), USEPA recommends the analysis of four consecutive quarterly samples.

- 4) If the gross beta particle activity minus the naturally occurring potassium-40 beta particle activity at a sampling point has a running annual average (computed quarterly) less than or equal to 15 pCi/l, the Agency may, by a SEP issued pursuant to Section 611.110, reduce the frequency of monitoring at that sampling point to once every three years. The supplier must collect the same type of samples required in subsection (b) of this Section during the reduced monitoring period.
- 5) For a supplier in the vicinity of a nuclear facility, the Agency may allow the CWS to utilize environmental surveillance data collected by the nuclear facility in lieu of monitoring at the system's entry points, where the Agency determines, by a SEP issued pursuant to Section 611.110, that such data is applicable to the particular water system. In the event that there is a release from a nuclear facility, a supplier that uses such surveillance data must begin monitoring at the CWS's entry points in

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accordance with subsection (b) of this Section.

- c) Effective December 8, 2003, a CWS supplier designated by the Agency to monitor for beta particle and photon radioactivity can not apply to the Agency for a waiver from the monitoring frequencies specified in subsection (a) or (b) of this Section.
- d) Effective December 8, 2003, a CWS supplier may analyze for naturally occurring potassium-40 beta particle activity from the same or equivalent sample used for the gross beta particle activity analysis. A supplier is allowed to subtract the potassium-40 beta particle activity value from the total gross beta particle activity value to determine if the screening level is exceeded. The potassium-40 beta particle activity must be calculated by multiplying elemental potassium concentrations (in mg/ℓ) by a factor of 0.82.
- e) Effective December 8, 2003, if the gross beta particle activity minus the naturally occurring potassium-40 beta particle activity exceeds the appropriate screening level, an analysis of the sample must be performed to identify the major radioactive constituents present in the sample and the appropriate doses must be calculated and summed to determine compliance with Section 611.330(d)(1), using the formula in Section 611.330(d)(2). Doses must also be calculated and combined for measured levels of tritium and strontium to determine compliance.
- f) Effective December 8, 2003, a supplier must monitor monthly at the sampling points that exceeds the maximum contaminant level in Section 611.330(d) beginning the month after the exceedence occurs. A supplier must continue monthly monitoring until the supplier has established, by a rolling average of three monthly samples, that the MCL is being met. A supplier that establishes that the MCL is being met must return to quarterly monitoring until it meets the requirements set forth in subsection (a)(1)(a)(2) or (b)(4)(b)(1) of this Section.
- g) Until December 8, 2003, CWSs using surface water sources and serving more than 100,000 persons and such other CWSs as the Agency, by a SEP issued pursuant to Section 611.110, requires must monitor for compliance with Section 611.331 by analysis of a composite of four consecutive quarterly samples or analysis of four quarterly samples. Compliance with Section 611.331 is assumed without further analysis if the average annual concentration of gross beta particle activity is less than 50 pCi/ℓ and if the average annual concentrations of tritium and strontium-90 are less than those listed in Section 611.331, provided that if both radionuclides are present the sum of their annual dose equivalents to bone

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marrow must not exceed 4 millirem/year.

- 1) If the gross beta particle activity exceeds 50 pCi/ℓ, an analysis of the sample must be performed to identify the major radioactive constituents present and the appropriate organ and total body doses must be calculated to determine compliance with Section 611.331.
 - 2) If the MCLs are exceeded, the Agency shall, by a SEP issued pursuant to Section 611.110, require the supplier to conduct additional monitoring to determine the concentration of man-made radioactivity in principal watersheds.
 - 3) The Agency shall, pursuant to subsection (j) of this Section, by a SEP issued pursuant to Section 611.110, require suppliers of water utilizing only groundwater to monitor for man-made radioactivity.
- h) Until December 8, 2003, CWS suppliers must monitor at least every four years following the procedure in subsection (g) of this Section.
- i) Until December 8, 2003, the Agency must, by a SEP issued pursuant to Section 611.110, require any CWS supplier utilizing waters contaminated by effluents from nuclear facilities to initiate quarterly monitoring for gross beta particle and iodine-131 radioactivity and annual monitoring for strontium-90 and tritium.
- 1) Quarterly monitoring for gross beta particle activity must be based on the analysis of monthly samples or the analysis of a composite of three monthly samples. If the gross beta particle activity in a sample exceeds 15 pCi/ℓ, the same or an equivalent sample must be analyzed for strontium-89 and cesium-134. If the gross beta particle activity exceeds 50 pCi/ℓ, an analysis of the sample must be performed to identify the major radioactive constituents present and the appropriate organ and total body doses must be calculated to determine compliance with Section 611.331.
 - 2) For iodine-131, a composite of five consecutive daily samples must be analyzed once each quarter. The Agency shall, by a SEP issued pursuant to Section 611.110, require more frequent monitoring when iodine-131 is identified in the finished water.
 - 3) The Agency shall, by a SEP issued pursuant to Section 611.110, require annual monitoring for strontium-90 and tritium by means of the analysis

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of a composite of four consecutive quarterly samples or analysis of four quarterly samples.

- 4) The Agency shall, by a SEP issued pursuant to Section 611.110, allow the substitution of environmental surveillance data taken in conjunction with a nuclear facility for direct monitoring of manmade radioactivity by the supplier where the Agency determines such data is applicable to the CWS.
- j) Until December 8, 2003, if the average annual MCL for man-made radioactivity set forth in Section 611.331 is exceeded, the CWS supplier must give notice to the Agency and to the public as required by Subpart T. Monitoring at monthly intervals must be continued until the concentration no longer exceeds the MCL or until a monitoring schedule as a condition to a variance, adjusted standard, or enforcement action becomes effective.

BOARD NOTE: Subsections (a) through (f) derive from 40 CFR 141.26(b) (2003).

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

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

Section 611.953 Disinfection Profile

- a) **Applicability.** A disinfection profile is a graphical representation of a system's level of *Giardia lamblia* or virus inactivation measured during the course of a year. A Subpart B community or non-transient non-community water system that serves fewer than 10,000 persons must develop a disinfection profile unless the Agency, by a SEP issued pursuant to Section 611.110, determines that a profile is unnecessary. The Agency may approve the use of a more representative data set for disinfection profiling than the data set required under subsections (c) through (g) of this Section.
- b) **Determination that a disinfection profile is not necessary.** The Agency may only determine that a disinfection profile is not necessary if the system's TTHM and HAA5 levels are below 0.064 mg/l and 0.048 mg/l, respectively. To determine these levels, TTHM and HAA5 samples must have been collected after January 1, 1998, during the month with the warmest water temperature, and at the point of maximum residence time in the distribution system. The Agency may approve

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the use of a different data set to determine these levels if it determines that the data set is representative TTHM and HAA5 data.

- c) Development of a disinfection profile. A disinfection profile consists of the following three steps:
- 1) First, the supplier must collect data for several parameters from the plant, as discussed in subsection (d) of this Section, over the course of 12 months. If the supplier serves between 500 and 9,999 persons it must have begun to collect data no later than July 1, 2003. If the supplier serves fewer than 500 persons, it must begin to collect data no later than January 1, 2004.
 - 2) Second, the supplier must use this data to calculate weekly log inactivation as discussed in subsections (e) and (f) of this Section; and
 - 3) Third, the supplier must use these weekly log inactivations to develop a disinfection profile as specified in subsection (g) of this Section.
- d) Data required for a disinfection profile. A supplier must monitor the following parameters to determine the total log inactivation using the analytical methods in Section 611.231, once per week on the same calendar day, over 12 consecutive months:
- 1) The temperature of the disinfected water at each residual disinfectant concentration sampling point during peak hourly flow;
 - 2) If a supplier uses chlorine, the pH of the disinfected water at each residual disinfectant concentration sampling point during peak hourly flow;
 - 3) The disinfectant contact times ("T") during peak hourly flow; and
 - 4) The residual disinfectant concentrations ("C") of the water before or at the first customer and prior to each additional point of disinfection during peak hourly flow.
- e) Calculations based on the data collected. The tables in Appendix B of this Part must be used to determine the appropriate CT_{99.9} value. The supplier must calculate the total inactivation ratio as follows, and multiply the value by 3.0 to determine log inactivation of *Giardia lamblia*:

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

BOARD NOTE: Derived from 40 CFR 141.530 through 141.536 ~~(2003)~~(2002).

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

Section 611.956 Individual Filter Turbidity Requirements

- a) **Applicability.** A Subpart B system supplier that serves fewer than 10,000 persons and utilizing conventional filtration or direct filtration must conduct continuous monitoring of turbidity for each individual filter in a supplier's system. The following requirements apply to continuous turbidity monitoring:
- 1) Monitoring must be conducted using an approved method in Section 611.231;
 - 2) Calibration of turbidimeters must be conducted using procedures specified by the manufacturer;
 - 3) Results of turbidity monitoring must be recorded at least every 15 minutes;
 - 4) Monthly reporting must be completed according to Section 611.957(a); and
 - 5) Records must be maintained according to Section 611.957(b).
- b) **Failure of turbidity monitoring equipment.** If there is a failure in the continuous turbidity monitoring equipment, the supplier must conduct grab sampling every four hours in lieu of continuous monitoring until the turbidimeter is back on-line. The supplier has 14 days to resume continuous monitoring before a violation is incurred.
- c) **Special requirements for systems with two or fewer filters.** If a supplier's system only consists of two or fewer filters, the supplier may conduct continuous monitoring of combined filter effluent turbidity in lieu of individual filter effluent turbidity monitoring. Continuous monitoring must meet the same requirements set forth in subsections (a)(1) through (a)(4) and (b) of this Section.
- d) **Follow-up action.** Follow-up action is required according to the following requirements:
- 1) If the turbidity of an individual filter (or the turbidity of combined filter effluent (CFE) for a system with two filters that monitor CFE in lieu of

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individual filters) exceeds 1.0 NTU in two consecutive recordings 15 minutes apart, the supplier must report to the Agency by the 10th of the following month and include the filter numbers, corresponding dates, turbidity values that exceeded 1.0 NTU, and the cause (if known) for the exceedences.

- 2) If a supplier was required to report to the Agency for three months in a row and turbidity exceeded 1.0 NTU in two consecutive recordings 15 minutes apart at the same filter (or CFE for systems with two filters that monitor CFE in lieu of individual filters), the supplier must conduct a self-assessment of the filters within 14 days of the day on which the filter exceeded 1.0 NTU in two consecutive measurements for the third straight month, unless a CPE, as specified in subsection (d)(3) of this Section, was required. A supplier that has a system with two filters that monitor CFE in lieu of individual filters must conduct a self assessment on both filters.
~~The self assessment must consist of at least the following components: assessment of filter performance, development of a filter profile, identification and prioritization of factors limiting filter performance, assessment of the applicability of corrections, and preparation of a filter self assessment report. If a self assessment is required, the date that it was triggered and the date that it was completed.~~
 - 3) If a supplier was required to report to the Agency for two months in a row and turbidity exceeded 2.0 NTU in two consecutive recordings 15 minutes apart at the same filter (or CFE for systems with two filters that monitor CFE in lieu of individual filters), the supplier must arrange to have a comprehensive performance evaluation (CPE) conducted by the Agency or a third party approved by the Agency not later than 60 days following the day the filter exceeded 2.0 NTU in two consecutive measurements for the second straight month. If a CPE has been completed by the Agency or a third party approved by the Agency within the 12 prior months or the system and Agency are jointly participating in an ongoing comprehensive technical assistance (CTA) project at the system, a new CPE is not required. If conducted, a CPE must be completed and submitted to the Agency no later than 120 days following the day the filter exceeded 2.0 NTU in two consecutive measurements for the second straight month.
- e) Special individual filter monitoring for a lime-softening system. If a supplier's system utilizes lime softening, the supplier may apply to the Agency for alternative turbidity exceedence levels for the levels specified in subsection (d) of

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this Section. The supplier must be able to demonstrate to the Agency that higher turbidity levels are due to lime carryover only, and not due to degraded filter performance.

| BOARD NOTE: Derived from 40 CFR 141.560 through 141.564 ~~(2002)~~ (2003).

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

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

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

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

I. Violations of National Primary Drinking Water Regulations (NPDWR):³

A. Microbiological Contaminants

1. Total coliform	2	611.325(a)	3	611.521-611.525
2. Fecal coliform/E. coli	1	611.325(b)	⁴ 1, 3	611.525
3. Turbidity MCL	2	611.320(a)	3	611.560
4. Turbidity MCL (average of two days' samples greater than 5 NTU)	⁵ 2, 1	611.320(b)	3	611.560
5. Turbidity (for TT violations resulting from a single exceedence of maximum allowable turbidity level)	⁶ 2, 1	611.231(b), 611.233(b)(1), 611.250(a)(2), 611.250(b)(2), 611.250(c)(2), 611.250(d), 611.743(a)(2), 611.743(b), 611.955(b)(2)	3	611.531(a), 611.532(b), 611.533(a), 611.744, 611.956(a)(1)- (a)(3), 611.956(b)
6. Surface Water Treatment Rule violations, other than violations resulting from single exceedence of max. allowable turbidity level (TT)	2	611.211, 611.213, 611.220, 611.230- 611.233, 611.240- 611.242, 611.250	3	611.531- 611.533

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7. Interim Enhanced Surface Water Treatment Rule violations, other than violations resulting from single exceedence of max. turbidity level (TT)	2	⁷ 611.740-611.743, 611.950-611.955	3	611.742, 611.744, 611.953, 611.954, 611.956
8. Filter Backwash Recycling Rule violations	2	611.276(c)	3	611.276(b), (d)
9. Long Term 1 Enhanced Surface Water Treatment Rule violations	2	611.950-611.955	3	611.953, 611.954, 611.956

B. Inorganic Chemicals (IOCs)

1. Antimony	2	611.301(b)	3	611.600, 611.601, 611.603
2. Arsenic	2	¹⁰ 611.301(b)	3	⁹ 611.601, 611.612(a), 611.612(b)
3. Asbestos (fibers greater than 10 µm)	2	611.301(b)	3	611.600, 611.601, 611.602
4. Barium	2	611.301(b)	3	611.600, 611.601, 611.603
5. Beryllium	2	611.301(b)	3	611.600, 611.601, 611.603
6. Cadmium	2	611.301(b)	3	611.600, 611.601, 611.603
7. Chromium (total)	2	611.301(b)	3	611.600, 611.601, 611.603
8. Cyanide	2	611.301(b)	3	611.600, 611.601, 611.603
9. Fluoride	2	611.301(b)	3	611.600, 611.601, 611.603

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10. Mercury (inorganic)	2	611.301(b)	3	611.600, 611.601, 611.603
11. Nitrate	1	611.301(b)	¹⁰ 1, 3	611.600, 611.601, 611.604, 611.606
12. Nitrite	1	611.301(b)	¹⁰ 1, 3	611.600, 611.601, 611.605, 611.606
13. Total Nitrate and Nitrite	1	611.301(b)	3	611.600, 611.601
14. Selenium	2	611.301(b)	3	611.600, 611.601, 611.603
15. Thallium	2	611.301(b)	3	611.600, 611.601, 611.603

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

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

1. 2,4-D	2	611.310(c)	3	611.648
2. 2,4,5-TP (silvex)	2	611.310(c)	3	611.648
3. Alachlor	2	611.310(c)	3	611.648
4. Atrazine	2	611.310(c)	3	611.648
5. Benzo(a)pyrene (PAHs)	2	611.310(c)	3	611.648
6. Carbofuran	2	611.310(c)	3	611.648
7. Chlordane	2	611.310(c)	3	611.648
8. Dalapon	2	611.310(c)	3	611.648
9. Di(2-ethylhexyl)adipate	2	611.310(c)	3	611.648
10. Di(2-ethylhexyl)phthalate	2	611.310(c)	3	611.648
11. Dibromochloropropane (DBCP)	2	611.310(c)	3	611.648
12. Dinoseb	2	611.310(c)	3	611.648
13. Dioxin (2,3,7,8-TCDD)	2	611.310(c)	3	611.648

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14. Diquat	2	611.310(c)	3	611.648
15. Endothall	2	611.310(c)	3	611.648
16. Endrin	2	611.310(c)	3	611.648
17. Ethylene dibromide	2	611.310(c)	3	611.648
18. Glyphosate	2	611.310(c)	3	611.648
19. Heptachlor	2	611.310(c)	3	611.648
20. Heptachlor epoxide	2	611.310(c)	3	611.648
21. Hexachlorobenzene	2	611.310(c)	3	611.648
22. Hexachlorocyclopentadiene	2	611.310(c)	3	611.648
23. Lindane	2	611.310(c)	3	611.648
24. Methoxychlor	2	611.310(c)	3	611.648
25. Oxamyl (Vydate)	2	611.310(c)	3	611.648
26. Pentachlorophenol	2	611.310(c)	3	611.648
27. Picloram	2	611.310(c)	3	611.648
28. Polychlorinated biphenyls (PCBs)	2	611.310(c)	3	611.648
29. Simazine	2	611.310(c)	3	611.648
30. Toxaphene	2	611.310(c)	3	611.648

E. Volatile Organic Chemicals (VOCs)

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

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18. 1,1,2-Trichloroethane	2	611.310(a)	3	611.646
19. Trichloroethylene	2	611.310(a)	3	611.646
20. Vinyl chloride	2	611.310(a)	3	611.646
21. Xylenes (total)	2	611.310(a)	3	611.646

F. Radioactive Contaminants

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

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

1. Total trihalomethanes (TTHMs)	2	611.312(a)	3	611.382(a)-(b)
2. Haloacetic Acids (HAA5)	2	611.312(a)	3	611.382(a)-(b)
3. Bromate	2	611.312(a)	3	611.382(a)-(b)
4. Chlorite	2	611.312(a)	3	611.382(a)-(b)
5. Chlorine (MRDL)	2	611.313(a)	3	611.382(a), (c)
6. Chloramine (MRDL)	2	611.313(a)	3	611.382(a), (c)
7. Chlorine dioxide (MRDL), where any two consecutive daily samples at entrance to distribution system only are above MRDL	2	611.313(a), 611.383(c)(3)	2 ¹⁵ , 3	611.382(a), (c), 611.383(c)(2)
8. Chlorine dioxide (MRDL), where samples in distribution system the next day are also above MRDL	¹⁶ 1	611.313(a), 611.383(c)(3)	1	611.382(a), (c), 611.383(c)(2)
9. Control of DBP precursors – TOC (TT)	2	611.385(a)-(b)	3	611.382(a), (d)

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10. Benchmarking and disinfection profiling	N/A	N/A	3	611.742, 611.953, 611.954
11. Development of monitoring plan	N/A	N/A	3	611.382(f)

H. Other Treatment Techniques

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

II. Unregulated Contaminant Monitoring:¹⁷

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

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

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

IV. Other Situations Requiring Public Notification.

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

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F. Other situations as determined by the Agency by a SEP issued pursuant to Section 611.110	1, 2, 3	N/A	N/A	N/A
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Appendix G – Endnotes

1. Violations and other situations not listed in this table (e.g., ~~reporting violations and~~ failure to prepare Consumer Confidence Reports) do not require notice, unless otherwise determined by the Agency by a SEP issued pursuant to Section 611.110. The Agency may, by a SEP issued pursuant to Section 611.110, further require a more stringent public notice tier (e.g., Tier 1 instead of Tier 2 or Tier 2 instead of Tier 3) for specific violations and situations listed in this Appendix, as authorized under Sections 611.902(a) and 611.903(a).
2. Definition of the abbreviations used: "MCL" means maximum contaminant level, "MRDL" means maximum residual disinfectant level, and "TT" means treatment technique.
3. The term "violations of National Primary Drinking Water Regulations (NPDWR)" is used here to include violations of MCL, MRDL, treatment technique, monitoring, and testing procedure requirements.
4. Failure to test for fecal coliform or E. coli is a Tier 1 violation if testing is not done after any repeat sample tests positive for coliform. All other total coliform monitoring and testing procedure violations are Tier 3 violations.
5. A supplier that violates the turbidity MCL of 5 NTU based on an average of measurements over two consecutive days must consult with the Agency within 24 hours after learning of the violation. Based on this consultation, the Agency may subsequently decide to issue a SEP pursuant to Section 611.110 that elevates the violation to a Tier 1 violation. If a supplier is unable to make contact with the Agency in the 24-hour period, the violation is automatically elevated to a Tier 1 violation.
6. A supplier with a treatment technique violation involving a single exceedence of a maximum turbidity limit under the Surface Water Treatment Rule (SWTR), the Interim Enhanced Surface Water Treatment Rule (IESWTR), or the Long Term 1 Enhanced Surface Water Treatment Rule are required to consult with the Agency within 24 hours after learning of the violation. Based on this consultation, the Agency may subsequently decide to issue a SEP pursuant to Section 611.110 that elevates the violation to a Tier 1 violation. If a supplier is unable to make contact with the Agency in the 24-hour period, the violation is automatically elevated to a Tier 1 violation.

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7. The Surface Water Treatment Rule (SWTR) remains in effect for a supplier serving at least 10,000 persons ; the Interim Enhanced Surface Water Treatment Rule adds additional requirements and does not in many cases supercede the SWTR.

8. The arsenic MCL citations are effective January 23, 2006. Until then, the citations are Sections 611.330(b) and 611.612(c).

9. The arsenic Tier 3 violation MCL citations are effective January 23, 2006. Until then, the citations are Sections 611.100, 611.101, and 611.612.

10. Failure to take a confirmation sample within 24 hours for nitrate or nitrite after an initial sample exceeds the MCL is a Tier 1 violation. Other monitoring violations for nitrate are Tier 3.

11. This endnote 11 corresponds with the endnote to the table in Appendix A to Subpart Q of 40 CFR 141 (2003), which stated a past effective date. This statement maintains structural consistency with the federal regulations.

12. This endnote 12 corresponds with the endnote to the table in Appendix A to Subpart Q of 40 CFR 141 (2003), which stated a past effective date. This statement maintains structural consistency with the federal regulations.

13. A Subpart B community or non-transient non-community system supplier must comply with new DBP MCLs, disinfectant MRDLs, and related monitoring requirements . A Subpart B transient non-community system supplier serving 10,000 or more persons that uses chlorine dioxide as a disinfectant or oxidant or a Subpart B transient non-community system supplier that serves fewer than 10,000 persons, which uses only groundwater not under the direct influence of surface water, and which uses chlorine dioxide as a disinfectant or oxidant must comply with the chlorine dioxide MRDL.

14. This endnote 14 corresponds with the endnote to the table in Appendix A to Subpart Q of 40 CFR 141 (2003), which stated a past effective date. This statement maintains structural consistency with the federal regulations.

15. Failure to monitor for chlorine dioxide at the entrance to the distribution system the day after exceeding the MRDL at the entrance to the distribution system is a Tier 2 violation.

16. If any daily sample taken at the entrance to the distribution system exceeds the MRDL for chlorine dioxide and one or more samples taken in the distribution system the next day exceed the MRDL, Tier 1 notification is required. A failure to take the required samples in the

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distribution system after the MRDL is exceeded at the entry point also triggers Tier 1 notification.

17. Some water suppliers must monitor for certain unregulated contaminants listed in Section 611.510.

18. This citation refers to sections 1415 and 1416 of the federal Safe Drinking Water Act. sections 1415 and 1416 require that "a schedule prescribed...for a public water system granted relief equivalent to a SDWA section 1415 variance or a section 1416 exemption must require compliance by the system...."

19. In addition to sections 1415 and 1416 of the federal Safe Drinking Water Act, 40 CFR 142.307 specifies the items and schedule milestones that must be included in relief equivalent to a SDWA section 1415 small system variance. In granting any form of relief from an NPDWR, the Board will consider all applicable federal requirements for and limitations on the State's ability to grant relief consistent with federal law.

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

BOARD NOTE: Derived from Appendix A to Subpart Q to 40 CFR 141 (2003).

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

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

Contaminant	MCLG ¹ mg/ℓ	MCL ² mg/ℓ	Standard health effects language for public notification
National Primary Drinking Water Regulations (NPDWR):			
A. Microbiological Contaminants			
1a. Total coliform	Zero	See footnote 3	Coliforms are bacteria that are naturally present in the environment and are used as an indicator that other, potentially-harmful, bacteria may be present. Coliforms were found in more samples than allowed and this was a warning of potential problems.
1b. Fecal coliform/E. coli	Zero	Zero	Fecal coliforms and E. coli are bacteria whose presence indicates that the water may be contaminated with human or animal wastes. Microbes in these wastes can cause short-term effects, such as diarrhea, cramps, nausea, headaches, or other symptoms. They may pose a special health risk for infants, young children, some of the elderly, and people with severely compromised immune systems.
2a. Turbidity (MCL) ⁴	None	1 NTU ⁵ /5 NTU	Turbidity has no health effects. However, turbidity can interfere with disinfection and provide a medium for microbial growth. Turbidity may indicate the presence of disease-causing organisms. These organisms include bacteria, viruses, and parasites that can cause symptoms such as nausea, cramps, diarrhea, and associated headaches.

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2b. Turbidity (SWTR TT)	None	TT ⁷	Turbidity has no health effects. However, ⁶ turbidity can interfere with disinfection and provide a medium for microbial growth. Turbidity may indicate the presence of disease-causing organisms. These organisms include bacteria, viruses, and parasites that can cause symptoms such as nausea, cramps, diarrhea, and associated headaches.
2c. Turbidity (IESWTR TT and LT1ESWTR TT)	None	TT	Turbidity has no health effects. However, ⁸ turbidity can interfere with disinfection and provide a medium for microbial growth. Turbidity may indicate the presence of disease-causing organisms. These organisms include bacteria, viruses, and parasites that can cause symptoms such as nausea, cramps, diarrhea, and associated headaches.
B. Surface Water Treatment Rule (SWTR), Interim Enhanced Surface Water Treatment Rule (IESWTR), Long Term 1 Enhanced Surface Water Treatment Rule (LT1ESWTR), and Filter Backwash Recycling Rule (FBRR) violations:			
3. Giardia lamblia (SWTR/IESWTR/LT1ESWTR)	Zero	TT ¹⁰	Inadequately treated water may contain disease-causing organisms. These organisms include bacteria, viruses, and parasites that can cause symptoms such as nausea, cramps, diarrhea, and associated headaches.
4. Viruses (SWTR/IESWTR/LT1ESWTR)			Inadequately treated water may contain disease-causing organisms. These organisms include bacteria, viruses, and parasites that can cause symptoms such as nausea, cramps, diarrhea, and associated headaches.

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5. Heterotrophic plate count (HPC) bacteria ⁹ (SWTR/IESWTR/ LT1ESWTR)			Inadequately treated water may contain disease-causing organisms. These organisms include bacteria, viruses, and parasites that can cause symptoms such as nausea, cramps, diarrhea, and associated headaches.
6. Legionella (SWTR/IESWTR/ LT1ESWTR)			Inadequately treated water may contain disease-causing organisms. These organisms include bacteria, viruses, and parasites that can cause symptoms such as nausea, cramps, diarrhea, and associated headaches.
7. Cryptosporidium (IESWTR/FBRR/ LT1ESWTR)			Inadequately treated water may contain disease-causing organisms. These organisms include bacteria, viruses, and parasites that can cause symptoms such as nausea, cramps, diarrhea, and associated headaches.
C. Inorganic Chemicals (IOCs)			
8. Antimony	0.006	0.006	Some people who drink water containing antimony well in excess of the MCL over many years could experience increases in blood cholesterol and decreases in blood sugar.
9. Arsenic ¹¹	0	0.010	Some people who drink water containing arsenic in excess of the MCL over many years could experience skin damage or problems with their circulatory system, and may have an increased risk of getting cancer.
10. Asbestos (10 µm)	7 MFL ¹²	7 MFL	Some people who drink water containing asbestos in excess of the MCL over many years may have an increased risk of developing benign intestinal polyps.

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11. Barium	2	2	Some people who drink water containing barium in excess of the MCL over many years could experience an increase in their blood pressure.
12. Beryllium	0.004	0.004	Some people who drink water containing beryllium well in excess of the MCL over many years could develop intestinal lesions.
13. Cadmium	0.005	0.005	Some people who drink water containing cadmium in excess of the MCL over many years could experience kidney damage.
14. Chromium (total)	0.1	0.1	Some people who use water containing chromium well in excess of the MCL over many years could experience allergic dermatitis.
15. Cyanide	0.2	0.2	Some people who drink water containing cyanide well in excess of the MCL over many years could experience nerve damage or problems with their thyroid.
16. Fluoride	4.0	4.0	Some people who drink water containing fluoride in excess of the MCL over many years could get bone disease, including pain and tenderness of the bones. Fluoride in drinking water at half the MCL or more may cause mottling of children's teeth, usually in children less than nine years old. Mottling, also known as dental fluorosis, may include brown staining or pitting of the teeth, and occurs only in developing teeth before they erupt from the gums.

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17. Mercury (inorganic)	0.002	0.002	Some people who drink water containing inorganic mercury well in excess of the MCL over many years could experience kidney damage.
18. Nitrate	10	10	Infants below the age of six months who drink water containing nitrate in excess of the MCL could become seriously ill and, if untreated, may die. Symptoms include shortness of breath and blue baby syndrome.
19. Nitrite	1	1	Infants below the age of six months who drink water containing nitrite in excess of the MCL could become seriously ill and, if untreated, may die. Symptoms include shortness of breath and blue baby syndrome.
20. Total Nitrate and Nitrite	10	10	Infants below the age of six months who drink water containing nitrate and nitrite in excess of the MCL could become seriously ill and, if untreated, may die. Symptoms include shortness of breath and blue baby syndrome.
21. Selenium	0.05	0.05	Selenium is an essential nutrient. However, some people who drink water containing selenium in excess of the MCL over many years could experience hair or fingernail losses, numbness in fingers or toes, or problems with their circulation.
22. Thallium	0.0005	0.002	Some people who drink water containing thallium in excess of the MCL over many years could experience hair loss, changes in their blood, or problems with their kidneys, intestines, or liver.

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D. Lead and Copper Rule			
23. Lead	Zero	TT ¹³	Infants and children who drink water containing lead in excess of the action level could experience delays in their physical or mental development. Children could show slight deficits in attention span and learning abilities. Adults who drink this water over many years could develop kidney problems or high blood pressure.
24. Copper	1.3	TT ¹⁴	Copper is an essential nutrient, but some people who drink water containing copper in excess of the action level over a relatively short amount of time could experience gastrointestinal distress. Some people who drink water containing copper in excess of the action level over many years could suffer liver or kidney damage. People with Wilson's Disease should consult their personal doctor.
E. Synthetic Organic Chemicals (SOCs)			
25. 2,4-D	0.07	0.07	Some people who drink water containing the weed killer 2,4-D well in excess of the MCL over many years could experience problems with their kidneys, liver, or adrenal glands.
26. 2,4,5-TP (silvex)	0.05	0.05	Some people who drink water containing silvex in excess of the MCL over many years could experience liver problems.

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27. Alachlor	Zero	0.002	Some people who drink water containing alachlor in excess of the MCL over many years could have problems with their eyes, liver, kidneys, or spleen, or experience anemia, and may have an increased risk of getting cancer.
28. Atrazine	0.003	0.003	Some people who drink water containing atrazine well in excess of the MCL over many years could experience problems with their cardiovascular system or reproductive difficulties.
29. Benzo(a)pyrene (PAHs).	Zero	0.0002	Some people who drink water containing benzo(a)pyrene in excess of the MCL over many years may experience reproductive difficulties and may have an increased risk of getting cancer.
30. Carbofuran	0.04	0.04	Some people who drink water containing carbofuran in excess of the MCL over many years could experience problems with their blood, or nervous or reproductive systems.
31. Chlordane	Zero	0.002	Some people who drink water containing chlordane in excess of the MCL over many years could experience problems with their liver or nervous system, and may have an increased risk of getting cancer.
32. Dalapon	0.2	0.2	Some people who drink water containing dalapon well in excess of the MCL over many years could experience minor kidney changes.

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33. Di(2-ethylhexyl)adipate	0.4	0.4	Some people who drink water containing di(2-ethylhexyl)adipate well in excess of the MCL over many years could experience toxic effects, such as weight loss, liver enlargement, or possible reproductive difficulties.
34. Di(2-ethylhexyl)-phthalate	Zero	0.006	Some people who drink water containing di(2-ethylhexyl)-phthalate well in excess of the MCL over many years may have problems with their liver or experience reproductive difficulties, and they may have an increased risk of getting cancer.
35. Dibromochloropropane (DBCP)	Zero	0.0002	Some people who drink water containing DBCP in excess of the MCL over many years could experience reproductive difficulties and may have an increased risk of getting cancer.
36. Dinoseb	0.007	0.007	Some people who drink water containing dinoseb well in excess of the MCL over many years could experience reproductive difficulties.
37. Dioxin (2,3,7,8-TCDD)	Zero	3×10^{-8}	Some people who drink water containing dioxin in excess of the MCL over many years could experience reproductive difficulties and may have an increased risk of getting cancer.
38. Diquat	0.02	0.02	Some people who drink water containing diquat in excess of the MCL over many years could get cataracts.

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39. Endothall	0.1	0.1	Some people who drink water containing endothall in excess of the MCL over many years could experience problems with their stomach or intestines.
40. Endrin	0.002	0.002	Some people who drink water containing endrin in excess of the MCL over many years could experience liver problems.
41. Ethylene dibromide	Zero	0.00005	Some people who drink water containing ethylene dibromide in excess of the MCL over many years could experience problems with their liver, stomach, reproductive system, or kidneys, and may have an increased risk of getting cancer.
42. Glyphosate	0.7	0.7	Some people who drink water containing glyphosate in excess of the MCL over many years could experience problems with their kidneys or reproductive difficulties.
43. Heptachlor	Zero	0.0004	Some people who drink water containing heptachlor in excess of the MCL over many years could experience liver damage and may have an increased risk of getting cancer.
44. Heptachlor epoxide	Zero	0.0002	Some people who drink water containing heptachlor epoxide in excess of the MCL over many years could experience liver damage, and may have an increased risk of getting cancer.

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45. Hexachlorobenzene	Zero	0.001	Some people who drink water containing hexachlorobenzene in excess of the MCL over many years could experience problems with their liver or kidneys, or adverse reproductive effects, and may have an increased risk of getting cancer.
46. Hexachlorocyclopentadiene	0.05	0.05	Some people who drink water containing hexachlorocyclopentadiene well in excess of the MCL over many years could experience problems with their kidneys or stomach.
47. Lindane	0.0002	0.0002	Some people who drink water containing lindane in excess of the MCL over many years could experience problems with their kidneys or liver.
48. Methoxychlor	0.04	0.04	Some people who drink water containing methoxychlor in excess of the MCL over many years could experience reproductive difficulties.
49. Oxamyl (Vydate)	0.2	0.2	Some people who drink water containing oxamyl in excess of the MCL over many years could experience slight nervous system effects.
50. Pentachlorophenol	Zero	0.001	Some people who drink water containing pentachlorophenol in excess of the MCL over many years could experience problems with their liver or kidneys, and may have an increased risk of getting cancer.

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51. Picloram	0.5	0.5	Some people who drink water containing picloram in excess of the MCL over many years could experience problems with their liver.
52. Polychlorinated biphenyls (PCBs)	Zero	0.0005	Some people who drink water containing PCBs in excess of the MCL over many years could experience changes in their skin, problems with their thymus gland, immune deficiencies, or reproductive or nervous system difficulties, and may have an increased risk of getting cancer.
53. Simazine	0.004	0.004	Some people who drink water containing simazine in excess of the MCL over many years could experience problems with their blood.
54. Toxaphene	Zero	0.003	Some people who drink water containing toxaphene in excess of the MCL over many years could have problems with their kidneys, liver, or thyroid, and may have an increased risk of getting cancer.
F. Volatile Organic Chemicals (VOCs)			
55. Benzene	Zero	0.005	Some people who drink water containing benzene in excess of the MCL over many years could experience anemia or a decrease in blood platelets, and may have an increased risk of getting cancer.
56. Carbon tetrachloride	Zero	0.005	Some people who drink water containing carbon tetrachloride in excess of the MCL over many years could experience problems with their liver and may have an increased risk of getting cancer.

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57. Chlorobenzene (monochlorobenzene)	0.1	0.1	Some people who drink water containing chlorobenzene in excess of the MCL over many years could experience problems with their liver or kidneys.
58. o-Dichlorobenzene	0.6	0.6	Some people who drink water containing o-dichlorobenzene well in excess of the MCL over many years could experience problems with their liver, kidneys, or circulatory systems.
59. p-Dichlorobenzene	0.075	0.075	Some people who drink water containing p-dichlorobenzene in excess of the MCL over many years could experience anemia, damage to their liver, kidneys, or spleen, or changes in their blood.
60. 1,2-Dichloroethane	Zero	0.005	Some people who drink water containing 1,2-dichloroethane in excess of the MCL over many years may have an increased risk of getting cancer.
61. 1,1-Dichloroethylene	0.007	0.007	Some people who drink water containing 1,1-dichloroethylene in excess of the MCL over many years could experience problems with their liver.
62. cis-1,2-Dichloroethylene	0.07	0.07	Some people who drink water containing cis-1,2-dichloroethylene in excess of the MCL over many years could experience problems with their liver.
63. trans-1,2-Dichloroethylene	0.1	0.1	Some people who drink water containing trans-1,2-dichloroethylene well in excess of the MCL over many years could experience problems with their liver.

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64. Dichloromethane	Zero	0.005	Some people who drink water containing dichloromethane in excess of the MCL over many years could have liver problems and may have an increased risk of getting cancer.
65. 1,2-Dichloropropane	Zero	0.005	Some people who drink water containing 1,2-dichloropropane in excess of the MCL over many years may have an increased risk of getting cancer.
66. Ethylbenzene	0.7	0.7	Some people who drink water containing ethylbenzene well in excess of the MCL over many years could experience problems with their liver or kidneys.
67. Styrene	0.1	0.1	Some people who drink water containing styrene well in excess of the MCL over many years could have problems with their liver, kidneys, or circulatory system.
68. Tetrachloroethylene	Zero	0.005	Some people who drink water containing tetrachloroethylene in excess of the MCL over many years could have problems with their liver, and may have an increased risk of getting cancer.
69. Toluene	1	1	Some people who drink water containing toluene well in excess of the MCL over many years could have problems with their nervous system, kidneys, or liver.
70. 1,2,4-Trichlorobenzene	0.07	0.07	Some people who drink water containing 1,2,4-trichlorobenzene well in excess of the MCL over many years could experience changes in their adrenal glands.

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71. 1,1,1-Trichloroethane	0.2	0.2	Some people who drink water containing 1,1,1-trichloroethane in excess of the MCL over many years could experience problems with their liver, nervous system, or circulatory system.
72. 1,1,2-Trichloroethane	0.003	0.005	Some people who drink water containing 1,1,2-trichloroethane well in excess of the MCL over many years could have problems with their liver, kidneys, or immune systems.
73. Trichloroethylene	Zero	0.005	Some people who drink water containing trichloroethylene in excess of the MCL over many years could experience problems with their liver and may have an increased risk of getting cancer.
74. Vinyl chloride	Zero	0.002	Some people who drink water containing vinyl chloride in excess of the MCL over many years may have an increased risk of getting cancer.
75. Xylenes (total)	10	10	Some people who drink water containing xylenes in excess of the MCL over many years could experience damage to their nervous system.
G. Radioactive Contaminants			
76. Beta/photon emitters	Zero	4 mrem/yr ¹⁵	Certain minerals are radioactive and may emit forms of radiation known as photons and beta radiation. Some people who drink water containing beta and photon emitters in excess of the MCL over many years may have an increased risk of getting cancer.

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77. Alpha emitters	Zero	15 pCi/ℓ ¹⁶	Certain minerals are radioactive and may emit a form of radiation known as alpha radiation. Some people who drink water containing alpha emitters in excess of the MCL over many years may have an increased risk of getting cancer.
78. Combined radium (226 & 228)	Zero	5 pCi/ℓ	Some people who drink water containing radium 226 or 228 in excess of the MCL over many years may have an increased risk of getting cancer.
79. Uranium	Zero	30 µg/ℓ	Some people who drink water containing uranium in excess of the MCL over many years may have an increased risk of getting cancer and kidney toxicity.
H. Disinfection Byproducts (DBPs), Byproduct Precursors, and Disinfectant Residuals: Where disinfection is used in the treatment of drinking water, disinfectants combine with organic and inorganic matter present in water to form chemicals called disinfection byproducts (DBPs). USEPA sets standards for controlling the levels of disinfectants and DBPs in drinking water, including trihalomethanes (THMs) and haloacetic acids (HAA5) ¹⁸			
80. Total trihalomethanes (TTHMs)	N/A	0.080 ²⁰	Some people who drink water containing trihalomethanes in excess of the MCL over many years may experience problems with their liver, kidneys, or central nervous system, and may have an increased risk of getting cancer.
81. Haloacetic Acids (HAA5)	N/A	0.060 ²¹	Some people who drink water containing haloacetic acids in excess of the MCL over many years may have an increased risk of getting cancer.
82. Bromate	Zero	0.010	Some people who drink water containing bromate in excess of the MCL over many years may have an increased risk of getting cancer.

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83. Chlorite	0.08	1.0	Some infants and young children who drink water containing chlorite in excess of the MCL could experience nervous system effects. Similar effects may occur in fetuses of pregnant women who drink water containing chlorite in excess of the MCL. Some people may experience anemia.
84. Chlorine	4 (MRDLG) ²²	4.0 (MRDL) ²³	Some people who use water containing chlorine well in excess of the MRDL could experience irritating effects to their eyes and nose. Some people who drink water containing chlorine well in excess of the MRDL could experience stomach discomfort.
85. Chloramines	4 (MRDLG)	4.0 (MRDL)	Some people who use water containing chloramines well in excess of the MRDL could experience irritating effects to their eyes and nose. Some people who drink water containing chloramines well in excess of the MRDL could experience stomach discomfort or anemia.

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

NOTICE OF PROPOSED AMENDMENTS

86a. Chlorine dioxide, where one or more distribution system samples are above the MRDL	0.8 (MRDLG)	0.8 (MRDL)	Some infants and young children who drink water containing chlorine dioxide in excess of the MRDL could experience nervous system effects. Similar effects may occur in fetuses of pregnant women who drink water containing chlorine dioxide in excess of the MRDL. Some people may experience anemia. Add for public notification only: The chlorine dioxide violations reported today include exceedences of the USEPA standard within the distribution system that delivers water to consumers. Violations of the chlorine dioxide standard within the distribution system may harm human health based on short-term exposures. Certain groups, including fetuses, infants, and young children, may be especially susceptible to nervous system effects from excessive chlorine dioxide exposure.
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POLLUTION CONTROL BOARD

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87. Control of DBP precursors (TOC)	None	TT	Total organic carbon (TOC) has no health effects. However, total organic carbon provides a medium for the formation of disinfection byproducts. These byproducts include trihalomethanes (THMs) and haloacetic acids (HAAs). Drinking water containing these byproducts in excess of the MCL may lead to adverse health effects, liver or kidney problems, or nervous system effects, and may lead to an increased risk of getting cancer.
I. Other Treatment Techniques:			
88. Acrylamide	Zero	TT	Some people who drink water containing high levels of acrylamide over a long period of time could have problems with their nervous system or blood, and may have an increased risk of getting cancer.
89. Epichlorohydrin	Zero	TT	Some people who drink water containing high levels of epichlorohydrin over a long period of time could experience stomach problems, and may have an increased risk of getting cancer.

Appendix H – Endnotes

1. "MCLG" means maximum contaminant level goal.
2. "MCL" means maximum contaminant level.
3. For a water supplier analyzing at least 40 samples per month, no more than 5.0 percent of the monthly samples may be positive for total coliforms. For a supplier analyzing fewer than 40 samples per month, no more than one sample per month may be positive for total coliforms.

POLLUTION CONTROL BOARD

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4. There are various regulations that set turbidity standards for different types of systems, including Section 611.320, the 1989 Surface Water Treatment Rule ([SWTR](#)), the 1998 Interim Enhanced Surface Water Treatment Rule ([IESWTR](#)), and the 2002 Long Term 1 Enhanced Surface Water Treatment Rule ([LT1ESWTR](#)). The MCL for the monthly turbidity average is 1 NTU; the MCL for the 2-day average is 5 NTU for a supplier that is required to filter but has not yet installed filtration (Section 611.320).

5. "NTU" means nephelometric turbidity unit.

6. There are various regulations that set turbidity standards for different types of systems, including Section 611.320, the 1989 ~~Surface Water Treatment Rule (SWTR)~~, the 1998 ~~Interim Enhanced Surface Water Treatment Rule (IESWTR)~~, and the 2002 ~~LT1ESWTR Long Term 1 Enhanced Surface Water Treatment Rule~~. A supplier subject to the ~~SWTR Surface Water Treatment Rule~~ (both filtered and unfiltered) may not exceed 5 NTU. In addition, in filtered systems, 95 percent of samples each month must not exceed 0.5 NTU in systems using conventional or direct filtration and must not exceed 1 NTU in systems using slow sand or diatomaceous earth filtration or other filtration technologies approved by the Agency.

7. "TT" means treatment technique.

8. There are various regulations that set turbidity standards for different types of systems, including Section 611.320, the 1989 ~~Surface Water Treatment Rule (SWTR)~~, the 1998 ~~Interim Enhanced Surface Water Treatment Rule (IESWTR)~~, and the 2002 ~~LT1ESWTR Long Term 1 Enhanced Surface Water Treatment Rule~~. For a supplier subject to the IESWTR (systems serving at least 10,000 people, using surface water or groundwater under the direct influence of surface water), that use conventional filtration or direct filtration, the turbidity level of a system's combined filter effluent may not exceed 0.3 NTU in at least 95 percent of monthly measurements, and the turbidity level of a system's combined filter effluent must not exceed 1 NTU at any time. A supplier subject to the IESWTR using technologies other than conventional, direct, slow sand, or diatomaceous earth filtration must meet turbidity limits set by the Agency. For a supplier subject to the LT1ESWTR (a supplier that serves fewer than 10,000 people, using surface water or groundwater under the direct influence of surface water) that uses conventional filtration or direct filtration, after January 1, 2005, the turbidity level of the supplier's combined filter effluent may not exceed 0.3 NTU in at least 95 percent of monthly measurements, and the turbidity level of the supplier's combined filter effluent must not exceed 1 NTU at any time. A supplier subject to the LT1ESWTR using technologies other than conventional, direct, slow sand, or diatomaceous earth filtration must meet turbidity limits set by the Agency.

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

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

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

12. Millions of fibers per liter.

13. Action Level = 0.015 mg/ℓ.

14. Action Level = 1.3 mg/ℓ.

15. Millirems per year.

16. Picocuries per liter.

17. This endnote 17 corresponds with the endnote to the table in Appendix B to Subpart Q of 40 CFR 141 (2003), which stated a past effective date. This statement maintains structural consistency with the federal regulations.

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

19. This endnote 19 corresponds with the endnote to the table in Appendix B to Subpart Q of 40 CFR 141 (2003), which expired by its own terms on January 1, 2004. This statement maintains structural consistency with the federal regulations.

POLLUTION CONTROL BOARD

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

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

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

23. "MRDL" means maximum residual disinfectant level.

BOARD NOTE: Derived from Appendix B to Subpart Q to 40 CFR 141 (2003).

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

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Specialized Health Care Delivery Systems
- 2) Code Citation: 89 Ill. Adm. Code 146
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
146.200	Amendment
146.205	Amendment
146.210	Amendment
146.215	Amendment
146.220	Amendment
146.225	Amendment
146.230	Amendment
146.235	Amendment
146.240	Amendment
146.245	Amendment
146.250	Amendment
146.255	Amendment
146.260	Amendment
146.265	Amendment
146.270	Amendment
146.275	Amendment
146.280	Amendment
146.295	New Section
146.300	New Section
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]
- 5) Complete Description of the Subjects and Issues Involved: This rulemaking strengthens the health and safety aspects of regulations pertaining to Supportive Living Facilities (SLFs) by requiring providers to comply with the most recent Illinois Accessibility Code, the Life Safety Code, and the Tuberculosis Code, and clarifying what medication services must be provided by licensed nurses. Section 146.280, Termination or Suspension of SLF Provider Agreement, is being revised to enhance the Department's enforcement efforts through increased sanctions for severe violations involving non-compliance on previously cited issues. Also, two new Sections are being added concerning requirements for each SLF to have an emergency contingency plan, and waivers that may be granted by the Department concerning specific provisions of the SLF rules under certain circumstances.
- 6) Will these proposed amendments replace any emergency amendments currently in effect?
No

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

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

<u>Section Numbers</u>	<u>Proposed Action</u>	<u>Illinois Register Citation</u>
146.225	Amendment	August 27, 2004 (28 Ill. Reg. 12069)
146.255	Amendment	August 27, 2004 (28 Ill. Reg. 12069)

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

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

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

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

- 12) Initial Regulatory Flexibility Analysis:

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

- A) Types of small businesses, small municipalities and not-for-profit corporations affected: Supportive Living Facilities
 - 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 is identical to the text of the Emergency Amendments that appears in this issue of the *Illinois Register* on page 14214:

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Income Tax
- 2) Code Citation: 86 Ill. Adm. Code 100
- 3) Section Number: 100.9900 Proposed Action:
New Section
- 4) Statutory Authority: The Tax Shelter Voluntary Compliance Law [35 ILCS Act 20]
- 5) A Complete Description of the Subjects and Issues Involved: The Tax Shelter Voluntary Compliance Law, enacted by Public Act 93-840 (July 30, 2004) creates the Voluntary Compliance Program, a special amnesty program for taxpayers who have participated in tax shelters if they file amended returns reversing the effects of the tax shelters and pay the resulting tax. This rulemaking prescribes the procedures for participating in the Voluntary Compliance Program and explains the consequences of participation and failure to participate.
- 6) Will this rulemaking replace an emergency rulemaking currently in effect? Yes
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this rulemaking contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? Yes

<u>Section Numbers</u>	<u>Proposed Action</u>	<u>IL Register Citation</u>
100.9030	New Section	28 Ill. Reg. 4091, 03/05/04
100.9040	New Section	28 Ill. Reg. 4091, 03/05/04
100.9050	New Section	28 Ill. Reg. 4091, 03/05/04
100.9060	New Section	28 Ill. Reg. 4091, 03/05/04
100.9700	Amendment	28 Ill. Reg. 4509, 03/12/04
100.2185	New Section	28 Ill. Reg. 9225, 07/09/04
100.2196	New Section	28 Ill. Reg. 12778, 09/17/04

- 10) Statement of Statewide Policy Objective: This rulemaking does not create a State mandate, nor does it modify any existing State mandates.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to submit comments on this proposed rulemaking may submit them in writing by no later than 45 days after publication of this notice to:

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

Paul Caselton
Deputy General Counsel - Income Tax
Illinois Department of Revenue
Legal Services Office
101 West Jefferson
Springfield, Illinois 62794
Phone: (217) 782-7055

- 12) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: Any small business that participated in a tax shelter that reduced its Illinois income tax liability may benefit from the guidance provided in this rulemaking. Small municipalities and not-for-profit corporations are not affected.
 - B) Reporting, bookkeeping or other procedures required for compliance: Participation in the Voluntary Compliance Program will require filing amended Illinois income tax return along with a special form needed to make an election provided by the Tax Shelter Voluntary Compliance Act.
 - C) Types of professional skills necessary for compliance: No new skills will be required.
- 13) Regulatory Agenda on which this rulemaking was summarized: July 2004

The full text of the Proposed Amendment is identical to the text of the Emergency Amendment on page 14271 of this issue of the Illinois Register.

ILLINOIS COMMUNITY COLLEGE BOARD

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Administration of the Illinois Public Community College Act
- 2) Code Citation: 23 Ill. Adm. Code 1501
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
1501.201	Amendment
1501.406	Amendment
1501.501	Amendment
1501.503	Amendment
1501.510	Amendment
1501.602	Amendment
1501.603	Amendment
1501.607	Amendment
- 4) Statutory Authority: 110 ILCS 805/2-12
- 5) Effective Date of Amendments: October 18, 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 materials incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: April 23, 2004; 17 IL Reg. 6207
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version:

In Section 1501.201, in the 1st January 31st bulletpoint, strike "(i)" and add "(j)" and in the 3rd, strike "(h)" and add "(i)".

In the 6th October 15th bulletpoint in Section 1501.201, strike "(f)" and add "(g)"; in the 7th, change "(f)" to "(g)"; and in the 8th, strike "(g)" and add "(h)".

In Section 1501.603(f), delete the second sentence: "Where capital projects involve the Capital Development Board (CDB), then the CDB Design and Construction Manual shall be applied in the design and construction of faculties".

ILLINOIS COMMUNITY COLLEGE BOARD

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In Section 1501.603(f)(2), delete "most current version of the".

In Section 1501.603(f)(2)(A), (B) and (C), change the text to read as follows:

"A) All incorporations by reference refer to the standards on the date specified and do not include any additions or deletions subsequent to the date specified.

i) International Uniform Building Code (International Conference of Building Officials, Whittier, California, 1988) or BOCA Basic/National Building Code, 1987 Edition (Building Officials and Code Administrators International, Inc., 2003 Edition (International Code Council, 4051 W. Flossmoor Rd., Country Club Hills, Illinois 60478-5795).

ii) ~~B)~~ International BOCA Basic/National Mechanical Code, 1987 Edition (Building Officials and Code Administrators International, Inc., 2003 Edition (International Code Council, 4051 W. Flossmoor Rd., Country Club Hills, Illinois 60478-5795).

iii) ~~C)~~ National Electrical Code, NFPA 70, 2002 Edition (National Fire Protection Association, 1 Batterymarch Park, Quincy, Massachusetts 02169-7471, 1988).

iv) National Fire Protection Association 101, Life Safety Code, 2003 Edition (National Fire Protection Association, 1 Batterymarch Park, Quincy, Massachusetts 02169-7471).

v) ASHRAE Standard 90.1-2001, Energy Standard for Buildings Except Low-Rise Residential Buildings, 2001 Edition (American Society of Heating, Refrigeration, Air Conditioning Engineers, 1791 Tullie Circle, Atlanta, Georgia 30329).

B) Illinois administrative rules that are referenced in this Part are:

i) ~~D)~~ Illinois Plumbing Code (77 Ill. Adm. Code 890).

ii) ~~E)~~ Illinois Accessibility Code (71 Ill. Adm. Code 400).

iii) ~~F)~~ Fire Prevention and Safety (41 Ill. Adm. Code 100).

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- G) ~~National Fire Protection Association 101 Life Safety Code (National Fire Protection Association, Quincy, Massachusetts, 1988).~~
- H) ~~ASHRAE 90-80 Energy Conservation in New Building Design (American Society of Heating, Refrigeration, Air Conditioning Engineers, Atlanta, Georgia, 1980).~~

C) ~~H~~ Any local building codes that may be more restrictive ~~than then~~ the codes listed above."

In Section 1501.601(f)(3), add "State of" before "Illinois", change "Illinois Building Commission" to "Capital Development Board (CDB)", and change "Illinois Building Commission" to "CDB".

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? Yes

<u>Section Numbers</u>	<u>Proposed Action</u>	<u>Illinois Register Citation</u>
1501.501	Amendment	September 10, 2004 (37 Ill. Reg. 12501)
1501.507	Amendment	September 10, 2004 (37 Ill. Reg. 12501)

- 15) Summary and Purpose of amendments:

Sections 1501.201, 1501.406, 1501.501, 1501.503, 1501.510, 1501.602, and 1501.607 – Modifications to existing reporting requirements are proposed to reflect recent changes to help meet external reporting needs and/or limit the reporting burden on college officials.

Section 1501.603 – Modifications to existing references are proposed to ensure construction is in compliance with current construction standards.

- 16) Information and questions regarding these adopted amendments shall be directed to:

Cherie VanMeter
 Administrative Aide
 Illinois Community College Board
 401 East Capitol Avenue
 Springfield, Illinois 62701-1711

ILLINOIS COMMUNITY COLLEGE BOARD

NOTICE OF ADOPTED AMENDMENTS

217/ 785-0053

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

ILLINOIS COMMUNITY COLLEGE BOARD

NOTICE OF ADOPTED 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
1501.304	Statewide and Regional Planning

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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 <u>Initiatives Initiative</u> Grants
1501.520	Lincoln's Challenge Scholarship Grants
1501.521	Technology Enhancement Grants
1501.522	Deferred Maintenance Grants (Repealed)
1501.523	Foundation Matching Grants

ILLINOIS COMMUNITY COLLEGE BOARD

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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 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,

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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. 14092, effective October 15, 2004.

SUBPART B: LOCAL DISTRICT ADMINISTRATION

Section 1501.201 Reporting Requirements

Complete and accurate reports shall be submitted by the district/college to the ICCB in accordance with ICCB requirements and on forms provided by the ICCB, where applicable.

Listed below is the schedule of due dates indicating when items from the community colleges are due at the Illinois Community College Board Office:

- | | |
|------------|--|
| January 1 | <ul style="list-style-type: none"> • construction project status reports (see Section 1501.607(a)) |
| January 31 | <ul style="list-style-type: none"> • certificate of tax levy (see Section 1501.510(j)(+)) • <u>construction project status reports (see Section 1501.607(a))</u> • fiscal year-to-date unaudited uniform financial reporting system data (see |

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Section 1501.510(~~i~~)(~~h~~)

- February 15 • spring semester enrollment survey (see Section 1501.406(a))
- May 30 • occupational follow-up study data for specified curricula (FS) (see Section 1501.406(c))
- July 1 • Resource Allocation and Management Plan (RAMP/CC) (see Section 1501.510(b))
- application for recognition for specified colleges (see Section 1501.202(d))
- ~~annual noncredit course enrollment survey (see Section 1501.406(e))~~
- July 31 • fiscal year-to-date unaudited uniform financial reporting system data (see Section 1501.510(a))
- August 1 • program review report (see Section 1501.303(d))
- program review listing (see Section 1501.303(d))
- annual student enrollment and completion data (see Section 1501.406(a))
- square footage and acreage (facility information) (see Section 1501.510(c))
- special initiative grants report (see Section 1501.519(d))
- annual report of Student Identification information (see Section 1501.406(g))
- September 1 • unit cost data (see Section 1501.510(d))
- budget survey (see Section 1501.510(e))
- facilities data (see Section 1501.510(f) and 1501.607(c))
- ~~application for recognition for specified colleges (see Section 1501.202(d))~~
- ~~underrepresented groups report (see Sections 1501.406(d)–)~~
- October 1 • fall enrollment survey (see Section 1501.406(b))
- fall enrollment data (see Section 1501.406(a))
- October 15 • faculty, staff and salary data (see Section 1501.308(a))
- external audit (see Section 1501.503(a))
- special initiative grants audit (see Section 1501.503(a))
- fiscal year budget (see Section 1501.504)
- certificate of chargeback (see Section 1501.503(a))
- annual fiscal year audited uniform financial reporting system data (see Section 1501.510(~~g~~)(~~f~~))
- audit/fiscal year audited uniform financial reporting system data reconciliation statement (see Section 1501.510(g))

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- audit /unit cost reconciliation statement (see [Sections ~~Section 1501.503\(c\)~~ and 1501.510\(h\)\(g\)](#))
 - unexpended special initiative grant funds (see Section 1501.519(e))
- November 1 • [annual report on summer graduates \(for IPEDS GRS\) \(see Section 1501.406\(f\)\)](#)
- December 1 • annual financial statements and notice of publication (see Section 1501.506)
- [underrepresented groups report \(see Section 1501.406\(d\)\)](#)
- 30 days after the end of each term – ~~course resource data and~~ credit hour claims (see Section 1501.606(b) and Section 1501.507(a))
- ~~60 days after the end of the fall term—inventory of facilities (see Section 1501.606(c))~~

(Source: Amended at 28 Ill. Reg. 14092, effective October 15, 2004)

SUBPART D: STUDENTS

Section 1501.406 Reporting Requirements

Each college shall submit the items listed below in a format prescribed by the ICCB and according to the schedules indicated.

- a) Basic characteristics, including sex, date of birth, ethnic classification, and instructional area of enrollment, of each student enrolled in all courses offered for credit during each term within the following schedule:
 - 1) Students enrolled as of the end of the regular registration during the fall term shall be reported on or before October 1 of that year.
 - 2) Students enrolled and/or completing a certificate or degree program during the fiscal year shall be reported on or before August 1.
- b) Student headcount and full-time equivalent enrollments as of the end of regular registration for fall and spring/winter terms within the following schedule:
 - 1) Fall Term: On or before October 1
 - 2) Winter Quarter: On or before February 15

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3) Spring Semester On or before February 15

- c) Colleges shall conduct a follow-up study of all students who completed specified occupational/career curricula during the previous fiscal year and shall report the results of this study on or before May 30 of that year in a format prescribed by the ICCB. Curricula to be included in the study will be specified in the ICCB Occupational Follow-up Study Manual.
- d) An annual report on underrepresented groups submitted on or before December 1~~September 1~~.
- e) An annual ~~report on~~ community education and community service data submission (N1)~~activities submitted~~ on or before July 15~~1~~.
- f) An annual report on summer graduates (for the Integrated Postsecondary Educational Data System Graduation Rate Survey) submitted on or before November 1.
- g) An annual report of Student Identification information submitted on or before September 1.

(Source: Amended at 28 Ill. Reg. 14092, effective October 15, 2004)

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.

Attendance at Mid-Term. A student is "in attendance at 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,

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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.

Residency – Applicability – Verification of Status. As part of verification that its credit hours are eligible to receive ICCB grants, each community college district shall submit its ~~adopt a~~ process for verifying the residency status of its students to and shall file a description of this process with the ICCB each year with its certification of credit hours in accordance with 110 ILCS 805/2-16.02 as part of the annual external audit 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

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residency of students.

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

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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. 14092, effective October 15, 2004)

Section 1501.503 Audits

a) External Audits.

- 1) ~~Two~~Three copies of the annual external audit shall be submitted to the ICCB on or before October 15, following the close of the fiscal year. If the audit cannot be completed by this date, the district may submit a request for extension of time to the President/CEO before October 1, following the close of the fiscal year. This request shall be accompanied by an explanation of the circumstances which cause the report to be delayed, along with an estimated date for submission.
- 2) Each audit report shall contain financial statements composed of the funds established in Section 1501.511, a comment on internal control, a comment on basis of accounting, uniform financial statements prepared using the modified accrual basis of accounting, a certificate of chargeback verification and a State grant compliance section which shall include a schedule of enrollment data, a verification of enrollment data, a description of the process for verifying residency status, a schedule of the district equalized assessed valuation, schedules for the restricted/special initiative grants distributed by the ICCB and received by the district in the manner and format established by the ICCB, and a schedule of federal financial assistance and related reports as prescribed by the federal Office of Management and Budget.

Each ICCB restricted or special initiatives grant shall verify that grant funds received by the district were expended in the manner designated by the ICCB. The ICCB shall designate allowable expenditures for each of the restricted or special initiatives grants to include, but not be limited to, salary and benefits, contractual services, materials, instructional and office equipment, staff development, and travel. The external audit shall include

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an auditor's report on compliance with State requirements (available upon request), along with a balance sheet and a statement of revenues and expenditures based upon an understanding of the purpose of the grant, allowable expenditures, expenditure limitations, grant administrative standards, and transfer of funds, if applicable.

- b) Confirmation of ICCB Grants. For the purposes of confirming district records, each district shall provide a copy of the ICCB allocation of grants to its request that its external auditor request from the ICCB a report of grants received by the district during the fiscal year. Each district shall notify its independent external auditing firm of this information and requirement and will instruct that firm to make any requests for confirmation directly to the ICCB. ~~request the request using the format prescribed by the Board.~~
- c) Upon completion of the external audit, the district shall reconcile its audited expenditures to previously submitted unit cost data. The reconciliation shall be submitted on forms provided by the ICCB.
- d) Upon completion of the external audit, the district shall reconcile its audited expenditures to the fiscal year audited uniform financial reporting system data. The reconciliation shall be submitted on forms provided by the ICCB.

(Source: Amended at 28 Ill. Reg. 14092, effective October 15, 2004)

Section 1501.510 Reporting Requirements

Each college shall submit the items listed below in a format prescribed by the ICCB and according to the schedules indicated.

- a) Fiscal year-to-date unaudited uniform financial reporting system data by July 31 for the period July 1 - June 30 of the previous fiscal year.
- b) Resource allocation and management plan (RAMP) data by July 1 of each year.
- c) Construction in progress Square footage and acreage (facility information) by are due August 1 of each fiscal year.
- d) Unit cost data in a format prescribed by the ICCB for the previous fiscal year by September 1 following the end of that fiscal year.
- e) A survey of local budget and tax extensions and collections by September 1 of

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each year.

- f) F3, F6, B3, and R3 facilities data submission to report existing space in use for educational purposes at the end of the fiscal year (June 30) by September 1 following the end of the fiscal year.
- gf) Annual fiscal year audited uniform financial reporting system data and an audit/fiscal year audited uniform financial reporting system data reconciliation statement by October 15 following the end of the previous fiscal year.
- hg) ~~An~~ Audit/Unit Cost Reconciliation StatementsStatement by October 15 of each year.
- ih) Fiscal year-to-date unaudited uniform financial reporting system data by January 31 for the period July 1-December 31.
- ji) Certificate of Tax Levy by January 31 of each year.

(Source: Amended at 28 Ill. Reg. 14092, effective October 15, 2004)

SUBPART F: CAPITAL PROJECTS

Section 1501.602 Approval of Capital Projects

- a) Notwithstanding any provision to the contrary (see subsection (b) and Section 1501.604(b)), requests for approval of capital projects shall be submitted to the ICCB on the forms prescribed by the ICCB.
- b) A project requiring the expenditure of state or local funds for purchase, construction, remodeling, or rehabilitation of physical facilities at a primary or secondary site shall have prior ICCB approval except the following:
 - 1) locally funded projects that meet the definition of a maintenance project as defined in Section 1501.601, or
 - 2) locally funded projects that result in no change in room use, or
 - 3) locally funded projects for which the total estimated cost is less than \$250,000.
- c) An updated~~A~~ District Site and Construction Master Plan shall be filed with the

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ICCB by July 1 of the year in which the district undergoes its recognition evaluation ~~January 1, 1991~~. The purpose of the plan is to apprise the ICCB of possible primary site new construction and secondary site acquisition/construction plans for the next ~~five~~^{three} years throughout the district. The plan should be updated, as needed, to ensure that any project submitted for approval has been reflected in the district plan on file with the ICCB at least two months prior to submission of the project. Any primary site new construction or secondary site acquisition/construction projects must be reflected in the plan in order to receive consideration for approval. The plan, at a minimum, shall consist of a map of the district showing the location of all facilities owned by the district or leased for a period exceeding five years and a narrative describing the district's:

- 1) Current permanent facilities where additions are planned.
 - 2) General plans for future site acquisition or acquisition/construction of permanent facilities either on the primary site or secondary sites. The location may be identified in terms of the general geographic area within the district.
 - 3) Proposed schedule for acquiring additional sites, constructing additions to existing facilities, or acquiring/constructing new permanent facilities.
 - 4) The intended use of all proposed site acquisitions and facility acquisition/construction.
- d) The authority to approve locally funded projects is delegated to the President/CEO of the ICCB, who shall in turn report such actions to the ICCB.

(Source: Amended at 28 Ill. Reg. 14092, effective October 15, 2004)

Section 1501.603 State Funded Capital Projects

- a) Projects Eligible to Receive State Funds. State funds may be requested for capital projects, both those to be purchased and those to be constructed, as defined herein. The funds shall be requested prior to construction and may include or consist of architectural and engineering fees associated with the project. Such projects shall consist of:
 - 1) Buildings, Additions, and/or Structures (including fixed equipment). Types of buildings that may be included are:

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- A) Administration and student personnel services facilities.
 - B) Central utility facilities.
 - C) Classrooms.
 - D) Fine and applied arts classrooms and laboratories.
 - E) Libraries.
 - F) Occupational, technical, and semi-technical laboratories, shops, and classrooms.
 - G) Other structures used for the operation and maintenance of the campus.
 - H) Physical education instructional facilities.
 - I) Science laboratories and related science facilities.
 - J) Student areas appropriate to the needs of a commuter institution, including food services, lounge areas, study areas, storage lockers, child care facilities, and facilities for student activities such as newspaper editing and student government.
- 2) Land.
 - 3) Movable Equipment.
 - 4) Utilities (those beyond a five foot perimeter of buildings).
 - 5) Remodeling or Rehabilitation of Existing Facilities. Such projects include provision for:
 - A) Access for handicapped students.
 - B) Emergency repairs (including construction defects/deficiencies).
 - C) Energy conservation.
 - D) Programmatic changes.

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- 6) Site Improvements.
 - A) Clearance.
 - B) Drainage.
 - C) Earth movement.
 - D) Finish grading, seeding, landscaping.
 - E) Other work required to make land usable as a building site.
 - F) Parking.
 - G) Streets and walkways.
 - 7) Planning. A building project may be divided into sub-projects with planning funds (architect or engineering fees) requested for one fiscal year and construction funds requested in a subsequent year.
- b) Application Criteria for New Construction Projects at the Primary Site. In order for capital projects for new construction to be considered for state funding, the following requirements shall be met:
- 1) The information required under Section 1501.510(a) shall have been submitted.
 - 2) Certification of local board approval of the ~~projects~~ project(s) requested shall be provided.
 - 3) Certification shall be provided that funds or credits are available to provide the local share of the cost of the ~~projects~~ project(s) in accordance with Articles IIIA and V of the Act.
 - 4) Certification shall be provided that a suitable construction site is available. Suitability is determined through a site feasibility study and a Capital Development Board technical evaluation. The feasibility study shall address, at a minimum, the following:
 - A) The location of the site in relation to geography and population of

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the entire district and in relation to sites of the district's other colleges.

- B) The impact on the surrounding environment, including the effect of increased traffic flow.
 - C) Accessibility to the site by existing and planned highways and/or streets.
 - D) Cost of development of the site in relation to topography, soil condition, and utilities.
 - E) Size of the proposed site in relation to projected student population (as determined by census data) and land cost.
 - F) The number, location, and characteristics (type of terrain, geography, roadway access, and suitability of the site for building purposes) of alternative sites considered.
 - G) The location of the site in relation to existing institutions of higher education.
- 5) Requests for site acquisition shall include a local board of trustees authorization to purchase the site, a copy of the feasibility study, a local Board of Trustees resolution that local funds are available, a copy of the Capital Development Board evaluation, three appraisals of the property, and a written request for ICCB approval in addition to the information requested in the Resource Allocation and Management Plan/Community Colleges (RAMP/CC).
- 6) Evidence of need for the space requested shall be provided either on a general enrollment basis as specified in subsection (e)(4)(C) of this Section or a specific program need basis as specified in subsection (e)(4)(D) of this Section.
- 7) The project shall be within the mission of a community college as set forth in Section 1-2(e) of the Act.
- c) Application Criteria for Remodeling and Rehabilitation Projects. Projects to remodel and rehabilitate a facility shall require submittal of the following:

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- 1) An application on forms prescribed by the ICCB.
 - 2) Certification of local board approval of the projects project(s) requested.
 - 3) Certification that funds or credits are available to provide the local share of the projects project(s) in accordance with Articles IIA and V of the Act.
 - 4) A summary detailing the effects of the remodeling on space usage (classrooms, laboratories, offices...).
 - 5) A justification statement regarding the need to remodel.
- d) Application Criteria for Secondary Site Projects. Projects for the acquisition/construction of a new site and/or structure for purposes other than a primary site facility and projects for acquisition of sites and/or structures adjacent to the primary site shall require submittal of the following:
- 1) A resolution by the local board of trustees stating that:
 - A) Local funds or credits are available to provide the local share of the projects project(s) in accordance with Articles IIA and V of the Act.
 - B) The programs offered have been approved by the ICCB and Illinois Board of Higher Education (IBHE) or approval of these stated programs by those boards is pending.
 - 2) Copies of at least two appraisals of the property.
 - 3) Verification that the condition of the facility is not a threat to public safety. This shall include tests of structural integrity, asbestos, toxic materials, underground storage tanks, and other hazardous conditions. (Findings regarding the existence of these hazards shall not preclude the procurement of the site/structure but the knowledge of the hazardous condition and any costs incurred in correcting the condition shall be incorporated into the total cost of procuring the facility.)
 - 4) Identification of the location of the site and its relationship to the main campus, community college facilities in contiguous districts, and other higher education facilities in contiguous districts.

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- 5) Identification of all estimated costs associated with the purchase and any subsequent construction and/or rehabilitation of the site/structure.
- e) Project Priority Criteria. All projects must meet requirements as stated in 110 ILCS 805/5-3 and 5-4. Capital project priorities will be established within the categories named in subsection (a) of this Section according to the following criteria:
- 1) New Facilities: The acquisition of buildings/ additions/structures through construction of new facilities or purchase of existing facilities. Includes planning, qualifying fixed and moveable equipment as necessary to support the new facility, land acquisition required for the facility, and any site improvements or utility work necessary to support the facility. All requests for new facilities must meet the criteria specified in either subsection (b) of this Section for new construction at a primary site or subsection (d) of this Section for secondary site projects.

Each of the following criteria will be considered in establishing priorities for new facilities:

- A) Type of space to be constructed (in priority order):
- i) Instructional, study, office and student areas (all weighted equally):
- Instructional space, including basic classrooms, lecture halls, seminar rooms and other rooms used primarily for scheduled instruction, both credit and noncredit. These rooms may contain multimedia or telecommunications equipment. Space utilized as classroom service, i.e., projection rooms, telecommunication control booths, closets, etc., are included (FICM Codes 110-115). Instructional space also includes laboratory facilities, both class and open, used for instructional purposes and service areas that serve as an extension of the activities of the laboratory (FICM Codes 210-255).
 - Study areas, including all library facilities, any rooms or areas used by individuals at their convenience, general learning labs, and any service

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areas necessary to support the activities of these rooms (FICM Codes 410-455).

- Office facilities that provide work areas to support the academic, administrative, and service functions of the colleges. Also includes rooms such as student counseling rooms and testing areas, staff conference rooms, file rooms, and break rooms (FICM Codes 310-355).
 - Student service areas include general use facilities such as child care facilities (FICM Codes 640 and 645), food service facilities (FICM Codes 630 and 635), lounge facilities (FICM Codes 650 and 655), merchandise areas such as bookstores, student supply stores, or ticket outlet services (FICM Codes 660 and 665), and rooms utilized for recreation and amusement (FICM Codes 670 and 675). Meeting rooms used by the institution or the general public for a variety of nonclass meetings also are included (FICM Codes 680 and 685).
- ii) Support areas, including central administrative computer and telecommunications rooms, maintenance shops, garages, warehouses, and storage facilities (FICM Codes 710-765).
 - iii) Assembly areas, including theaters, auditoriums, arenas, exhibition rooms, and concert halls, used primarily for general presentations or performances. Includes areas that serve as an extension of the activities in that facility. (FICM Codes 610-625)
 - iv) Physical education areas used for physical education instructional programs and intercollegiate and recreational activities. Includes areas such as gymnasias, athletic courts, swimming pools, and other special use athletic facilities. (FICM Codes 520, 523, and 525) (Does not include specific classrooms more appropriately classified under FICM Code series 100.)

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- v) Special use facilities not included elsewhere, such as armory, armory services, media production services, clinics, etc. (FICM Codes 510, 515, and 530-590).
- B) Core Campus Considerations. Priorities will be assigned to colleges that do not have adequate core campus components in place. A core campus generally consists of classrooms, laboratories, student services, day care, learning resources/library, business and industry training services and facilities to support high enrollment programmatic areas.
- C) Space Criteria/Considerations.
- i) Utilization of Existing Space. Priorities will be assigned so that the higher utilization rate generated by weekly instructional hours for credit and noncredit courses offered at permanent locations owned by the college (college holds title, lease purchase, or purchasing contract for deed), the higher the priority that will be assigned. Instructional hours are defined as those enrollments generated by students taking credit and noncredit courses.
 - ii) Space per Student. Requests for space will be assigned priorities so that the less existing permanent space per student available at facilities owned by the college (college holds title, lease purchase, or contract for deed), the higher the priority assigned to the project.
- D) Program Considerations. ~~Consideration Considerations~~ will be given to the need for special facilities based on the programs to be housed in the requested facilities. Priorities will be assigned so that the greater the need for special facilities, the higher the priority. Criteria evaluated for need will include (not in priority order), but not be limited to:
- i) Documented need as evidenced by the college's accountability and productivity reviews.
 - ii) Labor market demand for completers of the program (as indicated by current manpower data).

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- iii) Unavailability of special facilities needed for the program.
 - iv) Other special needs or measures as described in the program justification statement submitted by the college with the project request.
- 2) Remodeling or Rehabilitation of Existing Facilities. Remodeling or rehabilitation projects will be evaluated on structural ~~consideration~~ considerations and/or programmatic considerations, and core campus considerations, if applicable to project. Requests for remodeling or rehabilitation projects must meet the criteria specified in subsection (c) of this Section. The following criteria will establish the order of remodeling/rehabilitation projects:
- A) Structural Considerations (in priority order).
 - i) Those projects that will reduce physical health and safety hazards to the student body and staff (e.g., structural defects/deficiencies, handicapped modifications).
 - ii) Overall condition of space and/or other structural integrity considerations.
 - iii) Those projects that will result in financial and/or natural resource savings (e.g., energy conservation).
 - iv) Those projects that will result in the development of more efficient utilization of existing space.
 - B) Program Considerations. Consideration will be given to the need for remodeling or rehabilitation of facilities based on the programs to be housed in the facilities. Priorities will be assigned so that the greater the need for remodeling or rehabilitation, the higher the priority. Criteria evaluated for need will include (not in priority order), but not be limited to:
 - i) Documented need as evidenced by the college's accountability and productivity reviews.
 - ii) Labor market demand for completers of the program (as indicated by current manpower data).

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- iii) Unavailability of special facilities needed for the program.
 - iv) Other special needs or measures as described in the program justification statement submitted by the college with the project request.
- C) Core Campus Considerations. Priorities will be assigned to colleges that demonstrate the need for remodeling or rehabilitation of existing core campus components due to either structural integrity issues or increased demand for services. A core campus generally consists of classrooms, laboratories, student services, day care, learning resources/library, business and industry training services and facilities to support high enrollment programmatic areas.
- 3) Land. ~~Requests Request~~ for State funds for land purchases not related to new facilities acquisition will be evaluated based on the need to support existing campus facilities and services. Requests must meet applicable criteria specified in subsection (b) of this Section for land purchases at the primary site or subsection (d) of this Section for secondary site projects.
- 4) Utilities. Utilities projects (beyond a five foot perimeter of buildings) not related to new facility acquisition will be evaluated based on the need to support existing campus facilities and services.
- 5) Site Improvements. Site improvements not related to new facilities acquisition will be evaluated in conjunction with the facilities to which they relate and other demonstrated need.
- 6) Additional consideration may be given to the priority ranking of a project if it had previous ICCB approval for planning or construction.
- f) Construction Standards. The ~~following~~ standards listed in this subsection shall be applied in the design and construction of facilities.
- 1) Building Efficiency. Campus-wide building efficiency should be at least 70 percent. However, individual buildings may be below this level if they are high-rise (four or more floors), include a large number of small classrooms and/or labs, or if a large portion of the building is designed for custodial or mechanical purposes to serve the entire campus.

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- 2) Facilities Codes. All construction, remodeling, and rehabilitation of facilities shall be in compliance with the most current version of the following standards:
- A) All incorporations by reference refer to the standards on the date specified and do not include any additions or deletions subsequent to the date specified:
- iA) ~~International Uniform~~ Building Code, 2003 Edition (International Code Council, 4051 W. Flossmoor Rd., ~~International Conference of Building Officials, Whittier, California, 1988~~) or ~~BOCA Basic/National Building Code, 1987 Edition (Building Officials and Code Administrators International, Inc., Country Club Hills, Illinois 60478-5795).~~
- iiB) ~~InternationalBOCA Basic/National~~ Mechanical Code, 2003 Edition (International Code Council, 4051 W. Flossmoor Rd., ~~1987 Edition (Building Officials and Code Administrators International, Inc., Country Club Hills, Illinois 60478-5795).~~
- iiiC) National Electrical Code, ~~NFPA 70, 2002 Edition~~ (National Fire Protection Association, ~~1 Batterymarch Park, Quincy, Massachusetts 02169-7471, 1988~~).
- iv) ~~National Fire Protection Association 101, Life Safety Code, 2003 Edition (National Fire Protection Association, 1 Batterymarch Park, Quincy, Massachusetts 02169-7471).~~
- v) ~~ASHRAE Standard 90.1-2001, Energy Standard for Buildings Except Low-Rise Residential Buildings, 2001 Edition (American Society of Heating, Refrigeration, Air Conditioning Engineers, 1791 Tullie Circle, Atlanta, Georgia 30329).~~
- B) Illinois administrative rules that are referenced in this Part are:
- i)D) Illinois Plumbing Code (77 Ill. Adm. Code 890).

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- ~~iiE)~~ Illinois Accessibility Code (71 Ill. Adm. Code 400).
- ~~iiiF)~~ Fire Prevention and Safety (41 Ill. Adm. Code 100).
- ~~G)~~ ~~National Fire Protection Association 101 Life Safety Code (National Fire Protection Association, Quincy, Massachusetts, 1988).~~
- ~~H)~~ ~~ASHRAE 90-80 Energy Conservation in New Building Design (American Society of Heating, Refrigeration, Air Conditioning Engineers, Atlanta, Georgia, 1980).~~
- ~~C)~~ Any local building codes that may be more restrictive ~~than then~~ the codes listed above.

- 3) State of Illinois Building Related Requirements. To assist the architect in determining which codes might be applicable to a project, the Capital Development Board (CDB) Division of Building Codes and Regulations has assembled a Directory of Illinois Building Related Requirements that lists all the statutory requirements relative to State construction. It also includes a table of primary codes/standards/specifications for State of Illinois building requirements. This directory is available on the CDB website (www.ibc.state.il.us) or by calling (217)557-7500.

(Source: Amended at 28 Ill. Reg. 14092, effective October 15, 2004)

Section 1501.607 Reporting Requirements

Each college shall submit the items listed below in a format prescribed by the ICCB and according to the schedules indicated:

- a) Progress reports (as of December 31) of all construction projects by January 31 of each year.
- b) Course resource data (S6 and S7) showing the facilities used by each course offered for credit during the fall term within ~~thirty (30)~~ days after the end of the term. Facility identifiers, building identifiers, and room identifiers reported in the course resource data should match identifiers that will be reported in the F3, F6, B3, and R3 records at the end of the current fiscal year.
- c) An inventory of its facilities and an update of this inventory annually by

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September 1 immediately following the end of the fiscal year. Such facilities data (F3, F6, B3, and R3 records) shall be submitted in the format designated by the ICCB and shall represent existing facilities in service at June 30 of the fiscal year just ended. ~~as of the fall term within sixty (60) days after the end of the fall term.~~

(Source: Amended at 28 Ill. Reg. 14092, effective October 15, 2004)

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- 1) Heading of the Part: Hospice Programs
- 2) Code Citation: 77 Ill. Adm. Code 280
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
280.1000	Amended
280.1020	Amended
280.2000	Amended
- 4) Statutory Authority: Hospice Program Licensing Act [210 ILCS 60]
- 5) Effective date of amendments: October 15, 2004
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain any incorporations by reference? No
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the Department's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: March 26, 2004; 28 Ill. Reg. 5188
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Difference between proposal and final version:

The following changes were made in response to comments received during the First Notice or public comment period:

In Section 280.1000, definition of "Hospice Residence", the sentence beginning with "A building . . ." was indented to the next level; the sentence beginning with "The number . . ." was stricken.

In addition, various typographical, grammatical and form changes were made in response to the comments from JCAR.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No

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- 14) Are there any other amendments pending on this Part? No
- 15) Summary and purpose of rulemaking: These amendments are being adopted in response to P.A. 93-319, which amended the Hospice Licensing Act to change the definition of terminally ill and to revise the requirements for the holder of the license. The administrator of the hospice program will no longer be required to be affiliated with a home health agency.
- 16) Information and questions regarding these adopted amendments shall be directed to:

Susan Meister
Division of Legal Services
Department of Public Health
535 West Jefferson, Fifth Floor
Springfield, Illinois 62761

217/782-2043
e-mail: rules@idph.state.il.us

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

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER b: HOSPITAL AND AMBULATORY CARE FACILITIES

PART 280
HOSPICE PROGRAMS

SUBPART A: LICENSURE

Section	
280.1000	Definitions
280.1010	Incorporated and Referenced Materials
280.1020	Licensure Procedures
280.1030	Statement of Ownership
280.1040	Inspections and Investigations
280.1050	Notice of Violation and Plan of Correction
280.1060	Adverse Licensure Actions

SUBPART B: HOSPICE SERVICES

Section	
280.2000	Hospice Service Plan
280.2010	Hospice Services
280.2020	Administrator
280.2030	Policies and Procedures
280.2040	Personnel Policies
280.2045	Initial Health Evaluation for Employees
280.2050	Patient Rights
280.2060	Clinical Records
280.2070	Medical Director and Physician Services
280.2080	Hospice Program Care
280.2090	Quality Assurance Plan/Utilization Review
280.3000	Research or Experimental Programs

SUBPART C: INPATIENT CARE

Section	
280.4000	Inpatient Care Facilities
280.4010	Licensure of Hospice Residences
280.4015	Hospice Residence Application and Approval Review Criteria

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- 280.4020 Hospice Residence Admission and Discharge
280.4030 Hospice Residence Nursing Care and Assistance in Activities of Daily Living
280.4040 Hospice Residence Operational Requirements

AUTHORITY: Implementing and authorized by the Hospice Program Licensing Act [210 ILCS 60].

SOURCE: Adopted at 2 Ill. Reg. 31, p. 77, effective August 2, 1978; emergency amendment at 3 Ill. Reg. 38, p. 314, effective September 7, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 40, p. 153, effective October 6, 1979; emergency amendment at 4 Ill. Reg. 18, p. 129, effective April 21, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 40, p. 56, effective September 23, 1980; emergency amendment at 6 Ill. Reg. 5855, effective April 28, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 11006, effective August 30, 1982; amended at 7 Ill. Reg. 13665, effective October 4, 1983; codified at 8 Ill. Reg. 16829; amended at 9 Ill. Reg. 4836, effective April 1, 1985; amended at 14 Ill. Reg. 2382, effective February 15, 1990; amended at 15 Ill. Reg. 5376, effective May 1, 1991; amended at 18 Ill. Reg. 2414, effective January 22, 1994; emergency amendments at 20 Ill. Reg. 467, effective January 1, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 10003, effective July 15, 1996; Part repealed and new Part adopted at 22 Ill. Reg. 10625, effective June 1, 1998; emergency amendment at 23 Ill. Reg. 6913, effective June 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 13232, effective October 20, 1999; amended at 28 Ill. Reg. 14121, effective October 15, 2004.

SUBPART A: LICENSURE

Section 280.1000 Definitions

Act – the Hospice Program Licensing Act [210 ILCS 60].

Bereavement – the period of time during which the hospice patient's family experiences and adjusts to the death of the hospice patient. (Section 3(a) of the Act)

Counselor – a person who has earned at a minimum a bachelor's degree in counseling, psychology, or social work from an accredited college or university and who has one year of counseling experience in a health care setting; or a religious professional (clergy, religious or theologically trained lay person) who has a combination of documented formal training in pastoral counseling and supervised counseling experience in a health care or clinical setting. The total of academic and supervised work experience must equal at least five years. Any person employed as a "counselor" in an Illinois Licensed Hospice Program prior

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to September 1, 1985 may continue to serve in that capacity at that agency only, even though he or she may not meet the qualifications for "counselor" as set forth in this Part.

Department – the Illinois Department of Public Health. (Section 3(b) of the Act)

Director – the Director of the Illinois Department of Public Health or designee. (Section 3(c) of the Act)

Full Hospice – a coordinated program of home and inpatient care providing directly, or through agreement, palliative and supportive medical, health and other services to terminally ill patients and their families. (Section 3(d) of the Act) In this Part, the use of the phrase "full hospice" applies only to full hospice programs. The use of "volunteer hospice" applies only to volunteer hospice programs. The use of "hospice" or "hospice programs" applies to both full hospice programs and volunteer hospice programs.

Geographic Service Areas – the counties, cities, census track, etc., that the hospice identifies in the license application as required in Section 280.1020(a)(10)(b)(11) of this Part.

Governing Body – the policy-making authority, whether an individual or a group, that exercises general direction over the affairs of a hospice program and establishes policies concerning its operation and the welfare of the individuals it serves.

Home Health Agency – an agency licensed under the Home Health Licensing Act [210 ILCS 55].

Hospice Aide – a person who provides assistance with meals, dressing, movement, bathing or other personal needs or maintenance. Hospice aides must meet the requirements for Home Health Aides in 77 Ill. Adm. Code 245.70 and 245.72 or Nursing Assistants in 77 Ill. Adm. Code 300.660 and 300.661.

Hospice Care Team – an interdisciplinary working unit composed of but not limited to a physician, a nurse, a social worker, a pastoral or other counselor, and trained volunteers. (Section 3(e) of the Act)

Hospice Patient – a terminally ill person receiving hospice services. (Section 3(f) of the Act)

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Hospice Patient's Family – a hospice patient's immediate family consisting of a spouse, sibling, child, parent, significant other and those individuals designated as such by the patient for the purposes of the Act. (Section 3(g) of the Act)

Hospice Residence –

~~A~~ home, apartment building, or similar building providing living quarters:

that is owned or operated by a person licensed to operate as a full hospice; and

at which hospice services are provided to facility residents.

A building that is licensed under the Hospital Licensing Act or the Nursing Home Care Act is not a hospice residence. (Section 3(g-1) of the Act)

~~The number of licensed hospice residences shall not exceed 12. (Section 9(e-9) of the Act)~~

Hospice Service Plan – a plan detailing the specific hospice services offered by a full or volunteer hospice, and the administrative and direct care personnel responsible for those services. The plan shall include but not be limited to those items specified in Section 280.2000 of this Part. (Section 3(j) of the Act)

Hospice Services – palliative and supportive care provided to a hospice patient and his or her family to meet the special need arising out of the physical, emotional, spiritual and social stresses which are experienced during the final stages of illness and during dying and bereavement. (Section 3(h) of the Act)

Hospital – a location licensed under the Hospital Licensing Act [210 ILCS 85].

Long-Term Care Facility – a location licensed under the Nursing Home Care Act [210 ILCS 45].

Multiple Hospice Location – a location or site from which the hospice program provides non-residential nursing, social, pastoral/counseling, bereavement or dietary services within a portion of the total geographic area served by the hospice program. The multiple hospice location is part of the hospice program and is

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located sufficiently close to share administration, supervision and services in a manner that renders it unnecessary for the multiple hospice location to independently require a hospice license. Multiple hospice locations are not hospice residences and shall not provide inpatient care. *Should inpatient care be required it shall be provided in a hospital, skilled nursing facility or a hospice residence.* (Section 3(d) of the Act)

Not-for-Profit Agency – any hospice program that is operated: by a not-for-profit corporation incorporated under, or qualified as a foreign corporation under, the General Not For Profit Corporation Act of 1986 [805 ILCS 105]; or, by a county pursuant to Division 5-22 of the Counties Code [55 ILCS 5]; or, pursuant to a trust or endowment established for nonprofit, charitable purposes.

Nurse – a registered nurse or a licensed practical nurse as defined in the Nursing and Advanced Practice Nursing Act [225 ILCS 65].

Palliative Care – treatment to provide for the reduction or abatement of pain and other troubling symptoms, rather than treatment aimed at investigation and intervention for the purpose of cure or inappropriate prolongation of life.
(Section 3(i) of the Act)

Patient's Representative – an individual who has been authorized under the Health Care Surrogate Act [755 ILCS 40] to terminate medical care or to elect or revoke the election of hospice care on behalf of a terminally ill individual who is mentally or physically incapacitated. This may include a legal guardian.

Physician – any person licensed to practice medicine in all its branches as provided in the Medical Practice Act of 1987 [225 ILCS 60].

Research or Experimental Programs – use of patients receiving services in the systematic study, observation, or evaluation of factors related to the prevention, assessment, treatment, and understanding of an illness. This involves all behavioral and medical experimental research that involves human beings as experimental subjects.

Significant Others – friends and associates who provide physical, emotional, spiritual or financial support to the patient.

Social Worker – a person who is a licensed social worker or a licensed clinical social worker under the Clinical Social Work and Social Work Practice Act [225

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ILCS 20] and has one year of social work experience in a health care setting. An exception to the one-year experience requirement may be allowed upon approval by the Department of Public Health. The Department's decision to grant an exception will be based on, but not be limited to, the hospice's efforts to employ a social worker who meets this requirement.

Staff – paid employees of a hospice, individuals working under contractual agreements, and volunteers.

Terminally Ill – a medical prognosis by a physician that a patient has an anticipated life expectancy of one year ~~6 months~~ or less. (Section 3(k) of the Act)

Volunteer – a person who offers his or her services to a hospice without compensation. Reimbursement for a volunteer's expenses in providing hospice service shall not be considered compensation. (Section 3(l) of the Act)

Volunteer Hospice – a program which provides hospice services to patients regardless of their ability to pay, with emphasis on the utilization of volunteers to provide services, under the administration of a not-for-profit agency. This does not prohibit the employment of staff. (Section 3(m) of the Act) In this Part, the use of the phrase "full hospice" applies only to full hospice programs. The use of "volunteer hospice" applies only to volunteer hospice programs. The use of "hospice" or "hospice programs" applies to both full hospice programs and volunteer hospice programs.

Workstation – an office provided for an employee's convenience and not identified in advertising or used for providing hospice services.

(Source: Amended at 28 Ill. Reg. 14121, effective October 15, 2004)

Section 280.1020 Licensure Procedures

- a) ~~The Department shall issue a hospice license only to a licensed home health agency, hospital, nursing home (long term care facility) or not for profit agency. (Section 4(e) of the Act)~~
- ab) An application for an initial license or a renewal license to operate as a full or volunteer hospice shall be in writing on forms provided by the Department. (Section 5 of the Act) The application shall be made under oath and shall contain the following information:

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- 1) The name, address, and telephone number of the hospice program location.
- 2) The type of hospice, i.e., volunteer or full hospice. If the program is a volunteer hospice, a listing of provided services.
- 3) If multiple hospice locations are used, the address and phone number of the central office and the address and phone number of each multiple hospice location.
- 4) ~~If the hospice program is not a not for profit agency, the type of primary license, i.e., hospital, long term care facility, or home health agency, held by the full hospice.~~
- 45) A statement of ownership in accordance with Section 280.1030 of this Part.
- 56) The name and address of the registered agent or other individual authorized to receive Service of Process for the hospice program.
- 67) The name of the person under whose management or supervision the ~~program~~facility will be operated.
- 78) A listing of professional staff including their name, title, license or registration number, whether they are full or part time, and whether they are paid or volunteer employees.
- 89) Number of volunteers and (approximate) total combined volunteer hours of care and service per week.
- 940) Source of income.
- 1044) A designation of the proposed geographic area to be served by the hospice.
- 1142) Hospice census report for the fiscal year (for renewals only).
- 1243) A listing of outside contractors.

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- 1314) A copy of the annual hospice service plan.
- 1415) A copy of the current annual budget and financial audit for the current fiscal year.
- 1516) If the central office is used by patients and the public, a certification from the local fire authority or State Fire Marshal that the location meets fire and safety ordinances and laws.
- be) An application for licensure as a full hospice shall be accompanied by a fee of \$100. An application for a volunteer hospice shall be accompanied by a fee of \$25.
- cd) Upon receipt and review of a complete application for licensure, the Department shall conduct an inspection to determine compliance with the Act and this Part.
- de) If the hospice program is found to be in substantial compliance with the Act and this Part, the Department shall issue a license for a period of one year.
- 1) ~~The license shall not be transferable; it is issued to the licensee and for the specific location; and~~
- 2) ~~The license shall become automatically void and shall be returned to the Department if a full hospice's hospital, long-term care facility or home health agency license is revoked, nonrenewed, relinquished, denied, forfeited or suspended.~~
- ef) An application for license renewal shall be filed with the Department 60 days prior to the expiration of the license, on forms provided by the Department.
- 1) The renewal application shall comply with the requirements of subsections (a), ~~(b)~~(1)-~~(67)~~ and (1011), and (b)(e) of this Section.
- 2) Pursuant to Section 10-65 of the Illinois Administrative Procedure Act [5 ILCS 100/10-65], licensees who are individuals are subject to denial of renewal of licensure if the individual is more than 30 days delinquent in complying with a child support order.
- 3) Upon receipt and review of a complete application for license renewal, the Department may conduct a survey. The Department's decision to conduct

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a survey will be based on, but not be limited to, compliance history, changes in key personnel, complaints and the length of time since the last survey. The Department shall renew the license in accordance with subsection ~~(d)~~(e) of this Section.

- ~~fg)~~ The licensee shall report changes in the information on the application to the Department within ten days after the change. The following changes need not be reported: number of volunteers and total hours; sources of income for the fiscal year; hospice census report numbers; staff changes for other than program supervisors.
- ~~gh)~~ *The hospice program license shall be displayed in a conspicuous place inside the hospice program office. (Section 4(e) of the Act)*
- ~~hi)~~ *The license shall be valid only in the possession of the hospice to which it was originally issued and shall not be transferred or assigned to any other person, agency, or corporation. (Section 4(c) of the Act)*~~The license shall be valid only for the hospice program, persons and location named in the application and shall not be assignable.~~ This subsection does not prohibit the use of workstations throughout the geographic service areas.

(Source: Amended at 28 Ill. Reg. 14121, effective October 15, 2004)

SUBPART B: HOSPICE SERVICES

Section 280.2000 Hospice Service Plan

Each hospice program shall develop an annual hospice service plan detailing the specific hospice services offered, and the administrative and direct care personnel responsible for those services. The hospice service plan shall include but not be limited to:

- a) *Identification of the person or persons administratively responsible for the program, ~~and the affiliation, if any, of such person or persons with a licensed home health agency, hospital or nursing home.~~*
- b) *The estimated average monthly patient census.*
- c) *The proposed geographic area the hospice will serve.*
- d) *A listing of those hospice services provided directly by the hospice, and those*

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hospice services provided indirectly through a contractual agreement.

- e) *The names and qualifications of those persons or entities under contract to provide indirect hospice services.*
- f) *The name and qualifications of those persons providing direct hospice services, with the exception of volunteers.*
- g) *A description of how the hospice plans to utilize volunteers in the provision of hospice services.*
- h) *A description of the program's clinical record-keeping system for the licensed hospice program location and any multiple hospice locations. (Section 3(j) of the Act)*

(Source: Amended at 28 Ill. Reg. 14121, effective October 15, 2004)

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- 1) Heading of the Part: Health Care Worker Background Check Code
- 2) Code Citation: 77 Ill. Adm. Code 955
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
955.100	New Section
955.110	New Section
955.120	New Section
955.130	New Section
955.140	New Section
955.150	New Section
955.160	New Section
955.170	New Section
955.180	New Section
955.190	New Section
955.200	New Section
955.210	New Section
955.220	New Section
955.230	New Section
955.240	New Section
955.250	New Section
955.260	New Section
955.270	New Section
955.280	New Section
955.290	New Section
- 4) Statutory Authority: Health Care Worker Background Check Act [225 ILCS 46]
- 5) Effective date of rulemaking: October 15, 2004
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain any incorporations by reference? No
- 9) A copy of the adopted amendments, including any material incorporated by reference, is on file in the Department's principal office and is available for public inspection.
- 9) Notices of Proposal was Published in Illinois Register: February 20, 2004; 28 Ill. Reg. 2968
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No

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11) Difference between proposal and final version:

No changes were made in response to comments received during the First Notice or public comment period.

The following changes were made in response to comments and suggestions of JCAR:

In Section 955.110, the statutory citations were deleted in the list of "owners or licenses" in the definition of "Health care employer".

In addition, various typographical, grammatical and form changes were made in response to the comments from JCAR.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes13) Will this rulemaking replace an emergency rulemaking currently in effect? No14) Are there any amendments pending on this Part? No15) Summary and purpose of the rulemaking:

This new Part implements the Health Care Worker Background Check Act [225 ILCS 46]. Rules implementing this Act are currently in the licensing rules for each of the entities defined as "health care employers" in the Act. New "disqualifying" crimes have been added pursuant to P.A. 93-224, which became effective January 1, 2004. The rules include definitions; a list of referenced statutes; the exceptions provided in the Act; the prohibition against employment and a list of disqualifying offenses, including those added by P.A. 93-224; requirements concerning fingerprint and non-fingerprint background checks; procedures and requirements for criminal history record checks after January 1, 2004; requirements for notification to applicants or employees; requirements for submission of criminal history records check results to the Nurse Aide Registry; recordkeeping requirements; a description of the application for a waiver and a list of other materials that must be submitted; procedures for Department review of waiver applications; and statutory provisions concerning an offer of permanent employment, additional convictions subsequent to employment, employment pending a waiver decision, and issuance of back pay. Two new provisions have been added that are not in any of the existing rules. Health care employers will be required to establish a policy concerning employment of individuals whose criminal history record checks indicate

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convictions for offenses that are not disqualifying. The employer will also be required to develop a policy concerning employment of individuals who have been granted waivers.

- 16) Information and questions regarding these adopted rules shall be directed to:

Susan Meister
Division of Legal Services
Department of Public Health
535 West Jefferson, Fifth Floor
Springfield, Illinois 62761

217/782-2043
e-mail: rules@idph.state.il.us

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

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED RULES

TITLE 77: PUBLIC HEALTH

CHAPTER I: DEPARTMENT OF PUBLIC HEALTH

SUBCHAPTER u: MISCELLANEOUS PROGRAMS AND SERVICES

PART 955

HEALTH CARE WORKER BACKGROUND CHECK CODE

Section	
955.100	Applicability
955.110	Definitions
955.120	Referenced Materials
955.130	Exceptions
955.140	Policy Defining Direct Care
955.150	Employment Prohibition
955.160	Disqualifying Offenses
955.170	Non-Fingerprint-Based UCIA Criminal History Records Check
955.180	Criminal History Records Checks after January 1, 2004
955.190	Notification to Applicant or Employee
955.200	Submission of Criminal History Records Check Results to Nurse Aide Registry
955.210	Offer of Permanent Employment
955.220	Health Care Employer Files
955.230	Invalid Non-Fingerprint-Based Records Check
955.240	Fingerprint-Based UCIA Criminal History Records Check
955.250	Additional Conviction
955.260	Application for Waiver
955.270	Department Review of Waiver Application
955.280	Employment Pending Waiver
955.290	Recovery of Back Pay

AUTHORITY: Implementing and authorized by the Health Care Worker Background Check Act [225 ILCS 46].

SOURCE: Adopted at 28 Ill. Reg. 14133, effective October 15, 2004.

Section 955.100 Applicability

This Part *applies to all individuals employed or retained by a health care employer as home health care aides, nurse aides, personal care assistants, private duty nurse aides, or day training personnel, or an individual working in any similar health-related occupation where he or she provides direct care* (e.g., resident attendants, child care/habilitation aides/developmental disabilities aides, and psychiatric rehabilitation services aides). (Section 10 of the Act)

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Section 955.110 Definitions

The following terms have the meaning ascribed to them whenever the term is used in this Part:

"Act" – the Health Care Worker Background Check Act [225 ILCS 46].

"Applicant" – an individual seeking employment with a health care employer who has received a bona fide conditional offer of employment. (Section 15 of the Act)

"Conditional offer of employment" – a bona fide offer of employment by a health care employer to an applicant, which is contingent upon the receipt of a report from the Department of State Police indicating that the applicant does not have a record of conviction of any of the criminal offenses enumerated in Section 25 of the Act and Section 955.160 of this Part. (Section 15 of the Act)

"Department" – the Illinois Department of Public Health.

"Direct care" – the provision of nursing care or assistance with feeding, dressing, movement, bathing, toileting, or other personal needs. (Section 15 of the Act)

"Director" – the Director of the Department of Public Health.

"Disqualifying offense" – an offense listed in Section 25 of the Act and Section 955.160 of this Part.

"Health care employer":

the owner or licensee of any of the following:

a community living facility, as defined in the Community Living Facilities Licensing Act;

a life care facility, as defined in the Life Care Facilities Act;

a long-term care facility, as defined in the Nursing Home Care Act;

a home health agency, as defined in the Home Health Agency Licensing Act;

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a full hospice, as defined in the Hospice Program Licensing Act;

a hospital, as defined in the Hospital Licensing Act;

an establishment licensed under the Assisted Living and Shared Housing Act;

the University of Illinois Hospital, Chicago;

programs listed by the Emergency Medical Services (EMS) Systems Act as Freestanding Emergency Centers; or

locations licensed under the Alternative Health Care Delivery Act. (Section 15 of the Act)

"Initiate" – the obtaining of the authorization for a record check from a student, applicant, or employee. (Section 15 of the Act)

"Nurse Aide Registry" – the Nurse Aide Registry maintained by the Department of Public Health pursuant to Section 3-206.01 of the Nursing Home Care Act.

"UCIA criminal history records check" – a check of criminal history information conducted by the Department of State Police in accordance with the Uniform Conviction Information Act (UCIA) [20 ILCS 2635].

Section 955.120 Referenced Materials

The following State of Illinois statutes are referenced in this Part:

- a) Community Living Facilities Licensing Act [210 ILCS 35]
- b) Life Care Facilities Act [210 ILCS 40]
- c) Nursing Home Care Act [210 ILCS 45]
- d) Home Health Agency Licensing Act [210 ILCS 55]
- e) Hospice Program Licensing Act [210 ILCS 60]
- f) Hospital Licensing Act [210 ILCS 85]

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- g) Assisted Living and Shared Housing Act [210 ILCS 9]
- h) Emergency Medical Services Systems (EMS) Act [210 ILCS 50]
- i) Alternative Health Care Delivery Act [210 ILCS 3]
- j) Criminal Code of 1961 [720 ILCS 5]
- k) Uniform Conviction Information Act [20 ILCS 2635]
- l) Illinois Credit Card and Debit Card Act [720 ILCS 250]
- m) Cannabis Control Act [720 ILCS 550]
- n) Wrongs to Children Act [720 ILCS 150]
- o) Illinois Controlled Substances Act [720 ILCS 570]
- p) Nursing and Advanced Practice Nursing Act [225 ILCS 65]

Section 955.130 Exceptions

The Act and this Part shall not apply to:

- a) *An individual who is licensed by the Department of Professional Regulation or the Department of Public Health under another law of this State (e.g., registered nurses, licensed practical nurses, respiratory therapists, and emergency medical technicians);*
- b) *An individual employed or retained by a health care employer for whom a criminal background check is required by another law of this State; or*
- c) *A student in a licensed health care field, including, but not limited to, a student nurse, a physical therapy student, or a respiratory care student, unless he or she is employed by a health care employer in a position with duties involving direct care for residents, clients, or patients. (Section 20 of the Act)*

Section 955.140 Policy Defining Direct Care

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For purposes of the Act and this Part, the health care employer shall establish a policy defining which employees provide direct care. In making this determination, the health care employer shall consider the following:

- a) The employee's assigned job responsibilities as set forth in the employee's job description;
- b) Whether the employee is required to or has the opportunity to be alone with residents, patients, or clients to provide *nursing care* or to assist *with feeding, dressing, movement, bathing, toileting or other personal needs* (Section 15 of the Act), with the exception of infrequent or unusual occasions; and
- c) Whether the employee's responsibilities include physical contact with residents, patients, or clients, for example to provide therapy or to draw blood.

Section 955.150 Employment Prohibition

- a) A health care employer shall not *knowingly hire, employ, or retain any individual in a position with duties involving direct care for clients, patients, or residents if that person has been convicted of committing or attempting to commit one or more of the offenses listed in Section 25 of the Act and Section 955.160 of this Part, unless the applicant, employee, or employer obtains a waiver pursuant to this Part.* (Section 25(a) of the Act)
- b) *A health care employer shall not hire, employ, or retain any individual in a position with duties involving direct care of clients, patients, or residents if the health care employer becomes aware that the individual has been convicted in another state of committing or attempting to commit an offense that has the same or similar elements as an offense listed in Section 955.160 of this Part as verified by court records, records from a State agency (e.g., Department of Corrections records), or an FBI criminal history record check. This shall not be construed to mean that a health care employer has an obligation to conduct a criminal history records check in other states in which an employee has resided.* (Section 25(b) of the Act)

Section 955.160 Disqualifying Offenses

The following offenses are disqualifying under the Act and this Part. Offenses marked with an asterisk (*) were added to the Act effective January 1, 2004:

- a) Violations under the Criminal Code of 1961:

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- 1) Solicitation of murder, solicitation of murder for hire [720 ILCS 5/8-1.1 and 8-1.2] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 8-1.1 and 8-1.2);
- 2) Murder, homicide, manslaughter or concealment of a homicidal death [720 ILCS 5/9-1, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.1, 9-3.2, and 9-3.3] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 9-1, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.1, 9-3.2, and 9-3.3; Ill. Rev. Stat. 1985, ch. 38, par. 9-1.1; Ill. Rev. Stat. 1961, ch. 38, pars. 3, 236, 358, 360, 361, 362, 363, 364, 364a, 365, 370, 373, 373a, 417, and 474);
- 3) Kidnaping or child abduction [720 ILCS 5/10-1, 10-2, 10-5, and 10-7] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 10-1, 10-2, 10-5, and 10-7; Ill. Rev. Stat. 1985, ch. 38, par. 10-6; Ill. Rev. Stat. 1961, ch. 38, pars. 384 to 386);
- 4) Unlawful restraint or forcible detention [720 ILCS 5/10-3, 10-3.1, and 10-4] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 10-3, 10-3.1, and 10-4; Ill. Rev. Stat. 1961, ch. 38, pars. 252, 252.1, and 252.4);
- 5) Indecent solicitation of a child, sexual exploitation of a child, exploitation of a child, child pornography [720 ILCS 5/11-6, 11-9.1, 11-19.2, and 11-20.1] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 11-6, 11-19.2, and 11-20.1; Ill. Rev. Stat. 1983, ch. 38, par. 11-20a; Ill. Rev. Stat. 1961, ch. 38, pars. 103 and 104);
- 6) Assault; aggravated assault; battery; battery of an unborn child; domestic battery; aggravated domestic battery*; aggravated battery; heinous battery; aggravated battery with a firearm; aggravated battery with a machine gun or a firearm equipped with a silencer*; aggravated battery of a child; aggravated battery of an unborn child; aggravated battery of a senior citizen; or drug-induced infliction of great bodily harm [720 ILCS 5/12-1, 12-2, 12-3, 12-3.1, 12-3.2, 12-3.3*, 12-4, 12-4.1, 12-4.2, 12-4.2-5*, 12-4.3, 12-4.4, 12-4.6, and 12-4.7] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 12-1, 12-2, 12-3, 12-3.1, 12-3.2, 12-4, 12-4.1, 12-4.2, 12-4.3, 12-4.4, 12-4.6, and 12-4.7; Ill. Rev. Stat. 1985, ch. 38, par. 9-1.1; Ill. Rev. Stat. 1961, ch. 38, pars. 55, 56, and 56a to 60b);
- 7) Tampering with food, drugs, or cosmetics [720 ILCS 5/12-4.5] (formerly Ill. Rev. Stat. 1991, ch. 38, par. 12-4.5).

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- 8) Aggravated stalking [720 ILCS 5/12-7.4] (formerly Ill. Rev. Stat. 1991, ch. 38, par. 12-7.4);
- 9) Home invasion [720 ILCS 5/12-11] (formerly Ill. Rev. Stat. 1991, ch. 38, par. 12-11);
- 10) Criminal sexual assault; aggravated criminal sexual assault; predatory criminal sexual assault of a child; criminal sexual abuse; aggravated criminal sexual abuse [720 ILCS 5/12-13, 12-14, 12-14.1, 12-15, and 12-16] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 11-1, 11-2, 11-3, 11-4, 11-5, 12-13, 12-14, 12-15, and 12-16; Ill. Rev. Stat. 1985, ch. 38, pars. 11-1, 11-4, and 11-4.1; Ill. Rev. Stat. 1961, ch. 38, pars. 109, 141, 142, 490, and 491);
- 11) Abuse and gross neglect of a long-term care facility resident [720 ILCS 5/12-19] (formerly Ill. Rev. Stat. 1991, ch. 38, par. 12-19);
- 12) Criminal abuse or neglect of an elderly or disabled person [720 ILCS 5/12-21] (formerly Ill. Rev. Stat. 1991, ch. 38, par. 12-21);
- 13) Endangering the life or health of a child [720 ILCS 5/12-21.6] (formerly Ill. Rev. Stat. 1991, ch. 23, par. 2354; Ill. Rev. Stat. 1961, ch. 38, par. 95);
- 14) Ritual mutilation, ritualized abuse of a child [720 ILCS 5/12-32 and 12-33] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 12-32 and 12-33);
- 15) Theft; theft of lost or mislaid property*; retail theft; financial identity theft*; aggravated financial identity theft* [720 ILCS 5/16-1, 16-2*, 16A-3, 16G-15*, and 16G-20*] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 16-1, 16-2, and 16A-3; Ill. Rev. Stat. 1961, ch. 38, pars. 62, 207 to 218, 240 to 244, 246, 253, 254.1, 258, 262, 262a, 273, 290, 291, 301a, 354, 387 to 388b, 389, 393 to 400, 404a to 404c, 438, 492 to 496);
- 16) Financial exploitation of an elderly person or a person with a disability [720 ILCS 5/16-1.3] (formerly Ill. Rev. Stat. 1991, ch. 38, par. 16-1.3);
- 17) Forgery [720 ILCS 5/17-3] (formerly Ill. Rev. Stat. 1991, ch. 38, par. 17-3; Ill. Rev. Stat. 1961, ch. 38, pars. 151 and 277 to 286);
- 18) Robbery, armed robbery, aggravated robbery [720 ILCS 5/18-1, 18-2, and 18-5] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 18-1 and 18-2);

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- 19) Vehicular hijacking, aggravated vehicular hijacking [720 ILCS 5/18-3 and 18-4];
 - 20) Burglary, residential burglary [720 ILCS 5/19-1 and 19-3] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 19-1 and 19-3; Ill. Rev. Stat. 1961, ch. 38, pars. 84 to 86, 88, and 501);
 - 21) Criminal trespass to a residence [720 ILCS 5/19-4] (formerly Ill. Rev. Stat. 1991, ch. 38, par. 19-4);
 - 22) Arson, aggravated arson, residential arson* [720 ILCS 5/20-1, 20-1.1, and 20-1.2*] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 20-1 and 20-1.1; Ill. Rev. Stat. 1961, ch. 38, pars. 48 to 53 and 236 to 238);
 - 23) Unlawful use of weapons, unlawful use or possession of weapons by felons or persons in the custody of Department of Corrections facilities*; aggravated discharge of a firearm; aggravated discharge of a machine gun or a firearm equipped with a silencer; reckless discharge of a firearm; aggravated unlawful use of a weapon*; unlawful discharge of firearm projectiles*; unlawful sale or delivery of firearms on the premises of any school* [720 ILCS 5/24-1, 24-1.1*, 24-1.2, 24-1.2-5*, 24-1.5, 24-1.6*, 24-3.2*, and 24-3.3*] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 24-1, 24-1.1, 24-1.2, 24-1.2-5, 24-1.5, 24-1.6, 24-3.2, and 24-3.3; Ill. Rev. Stat. 1961, ch. 38, pars. 152, 152a, 155, 155a to 158b, 414a to 414c, 414e, and 414g);
 - 24) Armed violence [720 ILCS 5/33A-2] (formerly Ill. Rev. Stat. 1991, ch. 38, par. 33A-2).
- b) Violations under the Wrongs to Children Act:
- 1) Endangering life or health of a child [720 ILCS 150/4] (formerly Ill. Rev. Stat. 1991, ch. 23, par. 2354);
 - 2) Permitting sexual abuse of a child* [720 ILCS 150/5.1*] (formerly Ill. Rev. Stat. 1991, ch. 23, par. 2355.1).
- c) Violations under the Illinois Credit Card and Debit Card Act:

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- 1) Receiving a stolen credit or debit card* [720 ILCS 250/4*] (formerly Ill. Rev. Stat 1991, ch. 17, par. 5917);
 - 2) Receiving a lost or mislaid card* [720 ILCS 250/5*] (formerly Ill. Rev. State. 1991, ch. 17, par. 5918);
 - 3) Sale or purchase of card without user's consent* [720 ILCS 250/6] (formerly Ill. Rev. Stat. 1991, ch. 17, par. 5919);
 - 4) Prohibited use of a credit card* [720 ILCS 250/8*] (formerly Ill. Rev. Stat. 1991, ch. 17, par. 5921);
 - 5) Fraudulent use of electronic transmission* [720 ILCS 250/17.02*] (formerly Ill. Rev. Stat. 1991, ch. 17, par. 5930.2).
- d) Violation under the Criminal Jurisprudence Act: Cruelty to children (formerly Ill. Rev. Stat. 1991, ch. 23, par. 2368).
- e) Violations under the Cannabis Control Act: Manufacture, delivery, or trafficking of cannabis; delivery of cannabis on school grounds or delivery to person under 18; violation by person under 18; calculated criminal cannabis conspiracy [720 ILCS 550/5, 5.1, 5.2, 7, and 9] (formerly Ill. Rev. Stat. 1991, ch. 56½, pars. 705, 705.1, 705.2, 707, and 709).
- f) Violations under the Illinois Controlled Substances Act: manufacture, delivery or trafficking of controlled substances, calculated criminal drug conspiracy [720 ILCS 570/401, 401.1, 404, 405, 405.1, 407, and 407.1] (formerly Ill. Rev. Stat. 1991, ch. 56½, pars. 1401, 1401.1, 1404, 1405, 1405.1, 1407, and 1407.1).
- g) Violation under the Nursing and Advanced Practice Nursing Act: practice of nursing without a license* [225 ILCS 65/10-5*] (formerly Ill. Rev. Stat. 1991, ch. 111, par. 3506).

Section 955.170 Non-Fingerprint-Based UCIA Criminal History Records Check

- a) *A health care employer who makes a conditional offer of employment to an applicant who is not exempt under Section 955.130 of this Part, for a position with duties that involve direct care for clients, patients, or residents, shall check the Nurse Aide Registry for the date of the applicant's last UCIA criminal history record check. If it has been more than 12 months since the records check, the*

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employer shall initiate or have initiated on its behalf a UCIA criminal history record check for that applicant. (Section 30(b) and (c) of the Act)

- b) The health care employer *shall transmit all necessary information and fees to the Illinois State Police within 10 working days after receipt of the authorization* for a record check. (Section 15 of the Act)
- c) The health care employer may accept the results of an authentic UCIA criminal history record check that has been conducted within the last 12 months rather than initiating a check as required in subsection (a) of this Section.
- d) *The request for a UCIA criminal history record check shall be made as prescribed by the Department of State Police. (Section 30(e) of the Act)*
- e) A health care employer *may conditionally employ an applicant to provide direct care for up to three months pending the results of a UCIA criminal history record check. (Section 30(g) of the Act)*
- f) The health care employer shall inform *the applicant or employee of his or her right to obtain a copy of the criminal records report from the health care employer, challenge the accuracy of the report, and request a waiver in accordance with this Part. (Section 30(f) of the Act)*
- g) *The health care employer shall send a copy of the results of the record check to the Nurse Aide Registry for an individual employed as a nurse aide. (Section 30(b) of the Act)*
- h) The health care employer shall develop policies concerning employment of individuals whose criminal history records checks indicate convictions for offenses that are not disqualifying.

Section 955.180 Criminal History Records Checks after January 1, 2004

- a) *A UCIA criminal history record check need not be redone for health care employees who have been continuously employed by a health care employer prior to and since January 1, 2004; however, nothing in this Section prohibits a health care employer from initiating a criminal history record check for these employees. (Section 25(a-1) of the Act)*
- b) A criminal history record check shall be initiated for any direct care employee employed after January 1, 2004, in accordance with Section 30 of the Act.

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- c) If a background check is initiated in accordance with subsection (a), *a health care employer is not required to retain an individual in a position with direct care for clients, patients, or residents who has been convicted of committing or attempting to commit one or more of the following offenses* (Section 25(a-1) of the Act):
- 1) Aggravated domestic battery [720 ILCS 5/12-3.3];
 - 2) Aggravated battery with a machine gun or a firearm equipped with a silencer [720 ILCS 5/12-4.2-5];
 - 3) Theft of lost or mislaid property [720 ILCS 5/16-2];
 - 4) Financial identity theft [720 ILCS 5/16G-15];
 - 5) Aggravated financial identity theft [720 ILCS 5/16G-20];
 - 6) Residential arson [720 ILCS 5/20-1.2];
 - 7) Unlawful use or possession of weapons by felons or persons in custody of Department of Corrections facilities [720 ILCS 5/24-1.1];
 - 8) Aggravated discharge of a machine gun or a firearm equipped with a silencer [720 ILCS 5/24-1.2-5];
 - 9) Aggravated unlawful use of a weapon [720 ILCS 5/24-1.6];
 - 10) Unlawful discharge of firearm projectiles [720 ILCS 5/24-3.2];
 - 11) Unlawful sale or delivery of firearms on the premises of any school [720 ILCS 5/24-3.3];
 - 12) Receiving a stolen credit card or debit card [720 ILCS 250/4];
 - 13) Receiving a lost or mislaid credit or debit card [720 ILCS 250/5];
 - 14) Sale or purchase of a credit or debit card without user's consent [720 ILCS 250/6];
 - 15) Prohibited use of a credit card [720 ILCS 250/8];

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- 16) Fraudulent use of electronic transmission [720 ILCS 250/17.02];
- 17) Permitting the sexual abuse of a child [720 ILCS 150/5.1];
- 18) Practice of nursing without a license [225 ILCS 65/10-5].

Section 955.190 Notification to Applicant or Employee

The applicant or employee must be notified of the following whenever a non-fingerprint-based UCIA criminal history record check is made (Section 30(f) of the Act):

- a) *That the health care employer shall request or have requested on its behalf a non-fingerprint-based UCIA criminal history record check pursuant to the Act. (Section 30(f) of the Act)*
- b) *That the applicant or employee has a right to obtain a copy of the criminal records report from the health care employer, challenge the accuracy and completeness of the report, and request a waiver in accordance with this Part. (Section 30(f) of the Act)*
- c) *That the applicant, if hired conditionally, may be terminated if the non-fingerprint-based criminal records report indicates that the applicant has a record of conviction of any of the criminal offenses enumerated in Section 955.160 of this Part unless the applicant's identity is validated and it is determined that the applicant or employee does not have a disqualifying criminal history record based on a fingerprint-based records check pursuant to Section 955.220 of this Part. (Section 30(f) of the Act)*
- d) *That the applicant, if not hired conditionally, shall not be hired if the non-fingerprint-based criminal records report indicates that the applicant has a record of conviction of any of the criminal offenses enumerated in Section 955.160 of this Part unless the applicant's record is cleared based on a fingerprint-based records check pursuant to Section 955.240 of this Part. (Section 30(f) of the Act)*
- e) *That the employee may be terminated if the criminal records report indicates that the employee has a record of conviction of any of the criminal offenses enumerated in Section 955.160 of this Part unless the employee's record is cleared based on a fingerprint-based records check pursuant to Section 955.240 of this Part. (Section 30(f) of the Act)*

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Section 955.200 Submission of Criminal History Records Check Results to Nurse Aide Registry

The health care employer must send a copy of the results of the UCIA criminal history record check to the State Nurse Aide Registry for those individuals who are on the Registry. (Section 30(b) of the Act) The facility shall include the individual's Social Security number on the criminal history record check results.

- a) For a criminal history records check that does not indicate a conviction, the Department will accept the original criminal history records check result or copy of the original criminal history records check result that is received from the Illinois State Police. The health care employer, or designee, may submit a rewritten summary of the criminal history records check result if:
 - 1) All of the elements (name, race, sex, and date of birth) used for the non-fingerprint search are listed in the identical form as they were submitted to the Illinois State police.
 - 2) There is a statement that the criminal history records check is the result of a criminal history records check performed in accordance with the Uniform Conviction Information Act; and
 - 3) The health care employer's name and, if applicable, the designee conducting the inquiry, including the designee's address and phone number, are listed.
- b) For criminal history records checks that indicate a conviction, a copy of the original or the original criminal history records check result shall be provided to the Department.
- c) For purposes of authentication, printed documents shall not contain additional hand-written information. Documents that are entirely hand written shall be written by one person.

Section 955.210 Offer of Permanent Employment

- a) *A health care employer is not obligated to employ or offer permanent employment to an applicant, or to retain an employee who is granted a waiver. (Section 40(f) of the Act)*

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- b) The health care employer shall develop policies concerning employment of individuals who have been granted waivers.

Section 955.220 Health Care Employer Files

- a) *The health care employer shall retain on file for a period of 5 years records of criminal records requests for all employees. The health care employer shall retain the results of the UCIA criminal history records check and waiver, if appropriate, for the duration of the individual's employment. The files shall be subject to inspection by the Department. A fine of \$500 shall be imposed for failure to maintain these records. (Section 50 of the Act)*
- b) The health care employer shall maintain a copy of the employee's criminal history records check results and waiver, if applicable, in the employee's personnel file or other secure location accessible to the Department.

Section 955.230 Invalid Non-Fingerprint-Based Records Check

- a) *If the individual challenges the results of the non-fingerprint check, the employer may continue to employ the individual in a direct care position, pending positive verification in accordance with subsection (b), if the individual presents convincing evidence to the employer that the non-fingerprint check is invalid and if there is a good faith belief on the part of the employer that the individual did not commit a disqualifying offense. (Section 40(d) of the Act) Such evidence may include, but not be limited to:*
- 1) certified court records;
 - 2) written verification from the State's Attorney's office that prosecuted the conviction at issue;
 - 3) written verification of employment during the time period during which the crime was committed or during the incarceration period stated in the report; or
 - 4) documentation from a local law enforcement agency that the individual was not convicted of a disqualifying crime.
- b) *If the individual challenges the results of the non-fingerprint check, his or her identity shall be validated by a fingerprint-based records check in accordance with Section 955.240 of this Part. (Section 40(d) of the Act)*

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Section 955.240 Fingerprint-Based UCIA Criminal History Records Check

An applicant or employee whose non-fingerprint-based UCIA criminal history record check indicates a conviction for committing or attempting to commit one or more of the offenses listed in Section 955.160 of this Part may request that the health care employer or its designee commence a fingerprint-based UCIA criminal records check by submitting any necessary fees and information in a form and manner prescribed by the Department of State Police. (Section 35 of the Act)

Section 955.250 Additional Conviction

A health care employer having actual knowledge from a source other than a non-fingerprint check that an employee has been convicted of committing or attempting to commit one of the offenses enumerated in Section 25 of the Act and Section 955.160 of this Part must initiate a fingerprint-based background check within 10 working days after acquiring that knowledge. The health care employer may continue to employ that individual in a direct care position, may reassign that individual to a non-direct care position, or may suspend the individual until the results of the fingerprint-based background check are received. (Section 30(d) of the Act)

Section 955.260 Application for Waiver

An applicant, employee, or employer may request a waiver of the prohibition against employment by submitting an application on forms provided by the Department. The application shall include the following:

- a) A completed Waiver Application for Health Care Worker;
- b) An explanation of the circumstances of each conviction;
- c) If the use of alcohol or other drugs was involved in the offense, proof of completion of a rehabilitation program;
- d) A recent employment reference and at least one character reference;
- e) Copies of any significant accomplishments since the conviction;
- f) A work history;
- g) Information concerning convictions in other states;

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- h) Information concerning convictions by the federal government;
- i) Information concerning certification as a nurse aide in other states;
- j) One of the following:
 - 1) A completed *fingerprint-based UCIA records check* card and *the fee for a fingerprint-based UCIA criminal records check*, which the Department will forward to the Department of State Police; or
 - 2) Information concerning completion of electronic fingerprinting; or
 - 3) *The results of a fingerprint-based UCIA criminal records check* completed within the previous three months. (Section 40 of the Act)

Section 955.270 Department Review of Waiver Application

- a) The Department will consider an application for a waiver upon receipt of a complete application in accordance with Section 955.260 of this Part and upon receipt of the results of a UCIA fingerprint-based criminal history records check.
- b) A application for a waiver shall be denied unless the applicant meets the following requirements and submits documentation thereof with the waiver application:
 - 1) Except in the instance of payment of court-imposed fines or restitutions in which the applicant is adhering to a payment schedule, the applicant shall have met all obligations to the court and under terms of parole (i.e., probation has been successfully completed); and
 - 2) The applicant shall have satisfactorily completed a drug and/or alcohol recovery program, if drugs and/or alcohol were involved in the offense.
- c) The Department *may grant a waiver based on mitigating circumstances, which may include:*
 - 1) *The age of the individual when the crime was committed;*
 - 2) *The circumstances surrounding the crime;*
 - 3) *The length of time since the conviction;*

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- 4) *The applicant's or employee's criminal history since the conviction;*
 - 5) *The applicant's or employee's work history;*
 - 6) *The applicant's or employee's current employment references;*
 - 7) *The applicant's or employee's character references;*
 - 8) *Nurse Aide Registry records; and*
 - 9) *Other evidence demonstrating the ability of the applicant or employee to perform the employment responsibilities competently and evidence that the applicant or employee does not pose a threat to the health or safety of residents, which may include, but is not limited to, the applicant's or employee's participation in anger management or domestic violence prevention programs; the applicant's or employee's status on nurse aide registries in other states; the applicant's or employee's criminal history in other states; or the applicant's or employee's successful completion of all outstanding obligations or responsibilities imposed by or to the court. (Section 40(b) of the Act)*
- d) Waivers will not be granted to individuals who have not met the following time frames. "Disqualifying" refers to offenses listed in Section 955.220 of this Part.
- 1) Single disqualifying misdemeanor conviction – no earlier than one year after the conviction date;
 - 2) Two to three disqualifying misdemeanor convictions – no earlier than three years after the most recent conviction date;
 - 3) More than three disqualifying misdemeanor convictions – no earlier than five years after the most recent conviction date;
 - 4) Single disqualifying felony convictions – no earlier than three years after the conviction date;
 - 5) Two to three disqualifying felony convictions – no earlier than five years after the most recent conviction date;

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- 6) More than three disqualifying felony convictions – no earlier than ten years after the most recent conviction date.
- e) Waivers will not be granted to individuals who have been convicted of committing or attempting to commit one or more of the following offenses:
- 1) Solicitation of murder, solicitation of murder for hire [720 ILCS 5/8-1.1 and 8-1.2];
 - 2) Murder, drug induced homicide, involuntary manslaughter and reckless homicide, intentional homicide of an unborn child, voluntary manslaughter of an unborn child, involuntary manslaughter and reckless homicide of an unborn child, or concealment of a homicidal death [720 ILCS 5/9-1, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.1, 9-3.2, and 9-3.3];
 - 3) Kidnaping or aggravated kidnaping [720 ILCS 5/10-1 and 10-2];
 - 4) Indecent solicitation of a child, sexual exploitation of a child, exploitation of a child, child pornography [720 ILCS 5/11-6, 11-9.1, 11-19.2, and 11-20.1];
 - 5) Aggravated domestic battery, aggravated battery, heinous battery, aggravated battery with a firearm, aggravated battery with a machine gun, aggravated battery of a child, aggravated battery of an unborn child, aggravated battery of a senior citizen, or drug induced infliction of great bodily harm [720 ILCS 5/12-3.3, 12-4, 12-4.1, 12-4.2, 12-4.2-5, 12-4.3, 12-4.4, 12-4.6, and 12-4.7];
 - 6) Criminal sexual assault or aggravated criminal sexual assault [720 ILCS 5/12-13, 12-14, and 12-14.1];
 - 7) Criminal sexual abuse, aggravated criminal sexual abuse or predatory criminal sexual assault of a child [720 ILCS 5/12-15 and 12-16];
 - 8) Abuse and gross neglect of a long-term care facility resident [720 ILCS 5/12-19];
 - 9) Criminal abuse or neglect of an elderly or disabled person [720 ILCS 5/12-21];

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- 10) Financial exploitation of an elderly person or a person with a disability [720 ILCS 5/16-1.3];
 - 11) Armed robbery [720 ILCS 5/18-2];
 - 12) Aggravated vehicular hijacking [720 ILCS 5/18-4]; and
 - 13) Aggravated robbery [720 ILCS 5/18-5].
- f) The Director of Public Health may grant a waiver to an individual who does not meet the requirements of subsection (b), (d), or (e) of this Section, *based on mitigating circumstances* (see subsection (c) of this Section). (Section 40b of the Act)

Section 955.280 Employment Pending Waiver

An individual shall not be employed in a direct care position from the time that the employer receives the results of a non-fingerprint check containing disqualifying conditions until the time that the individual receives a waiver from the Department. (Section 40(d) of the Act)

Section 955.290 Recovery of Back Pay

If a health care worker is suspended from employment based on the results of a criminal background check conducted under the Act and this Part and the results prompting the suspension are subsequently found to be inaccurate, the health care worker is entitled to recover back pay from his or her health care employer for the suspension period provided that the employer is the cause of the inaccuracy. (Section 55 of the Act)

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- 1) Heading of the Part: Real Estate Transfer Tax
- 2) Code Citation: 86 Ill. Adm. Code 120
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
120.5	Amendment
120.10	Amendment
120.20	Amendment
- 4) Statutory Authority: 35 ILCS 200/Art.31
- 5) Effective Date of Amendments: October 13, 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 in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: 28 Ill. Reg. 7608, June 4, 2004
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Differences between proposal and final version: The only changes made were the ones agreed upon with JCAR. The changes made were grammar and punctuation or technical. No substantive changes were made.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? Yes
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendments:

Section 120.5:

Language is added to explain changes in the reporting requirements for taxable and exempt transactions plus the use of the new Form PTAX-203-B under the Real Estate

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Transfer Tax Law as a result of Public Act 93-657. The State transfer tax will now be imposed on the privilege of transferring either title to real estate or a beneficial interest in real property located in Illinois, regardless of whether a document is recorded. Payment will be required at the time of recordation or within three business days after a transfer is effected.

Section 120.10:

Obsolete or redundant information is stricken and language is added to clarify procedures for revenue stamp sales to counties.

Section 120.20:

Language is added to provide legal and technical interpretations regarding taxable and exempt transactions. Information is included to explain the new concept relating to the aggregation of related transfers for the purpose of determining whether there has been a transfer of a controlling interest in a real estate entity (a type of beneficial interest transfer now taxable under the Real Estate Transfer Tax Law as a result of Public Act 93-657). A series of examples is provided addressing common issues relating to the reporting of full actual consideration for real estate or a beneficial interest in real property and calculating the applicable state transfer tax.

- 16) Information and questions regarding these adopted amendments shall be directed to:

Karen A. Kloppe
Associate Counsel – Property Tax
Legal Services Office
Illinois Department of Revenue
101 West Jefferson
Springfield, Illinois 62794

Phone: (217) 557-0286

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

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TITLE 86: REVENUE
CHAPTER I: DEPARTMENT OF REVENUEPART 120
REAL ESTATE TRANSFER TAX

Section

120.5	Transfer Declaration and Supplemental Information
120.10	<u>Procedures for Revenue Stamp Sales to Counties</u> Procedure
120.20	<u>Legal and Technical</u> Interpretations

AUTHORITY: Implementing and authorized by the Real Estate Transfer Tax Law [35 ILCS 200/Art. 31].

SOURCE: Filed and effective August 26, 1971; codified at 8 Ill. Reg. 11465; amended at 9 Ill. Reg. 7938, effective May 14, 1985; amended at 18 Ill. Reg. 12849, effective August 9, 1994; amended by emergency rulemaking at 23 Ill. Reg. 14765, effective December 9, 1999, for a maximum of 150 days; emergency expired May 6, 2000; amended at 24 Ill. Reg. 8607, effective June 9, 2000; emergency amendment at 28 Ill. Reg. 7608, effective June 1, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 14155, effective October 13, 2004.

Section 120.5 Transfer Declaration and Supplemental Information

- a) Prior to June 1, 2004, at~~At~~ the time a deed or trust document is presented for recordation or registration, a transfer declaration and supplemental information, if applicable, shall be prepared as required by the Department in a manner consistent with the requirements of subsection ~~(c)~~~~(b)~~ and submitted to the recorder of deeds or registrar of titles of the county in which the property is situated, under Section 31-25 of the Property Tax Code [35 ILCS 200/31-25]. No transfer declaration or supplemental information is required to be prepared and submitted to the recorder of deeds or registrar of titles if the transfer qualifies for an exemption under subsection (a), (b) (but only for transfers in which the Administrator of Veterans' Affairs of the United States is the grantee pursuant to a foreclosure proceeding), (c), (d), (e), (f), (g), (h), (i), (j), or (l) of Section 31-45 of the Property Tax Code [35 ILCS 200/31-45(a)-(j), or (l)], but a notation of exempt status must appear on the face of the deed or trust document. If the transfer qualifies for an exemption under subsection (b) (for all transfers except those in which the Administrator of Veterans' Affairs of the United States is the grantee pursuant to a foreclosure proceeding), (k), or (m) of Section 31-45 of the Property Tax Code [35 ILCS 200/31-45(b), (k), or (m)], a transfer declaration and

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supplemental information, if applicable, shall be prepared and submitted to the recorder of deeds or registrar of titles.

- b) On and after June 1, 2004, at the time a deed or document relating to the transfer of a taxable beneficial interest under Article 31 of the Property Tax Code [35 ILCS 200/Art. 31] is presented for recordation or registration, or within three business days after a transfer is effected in the event a transferring document is not presented for recordation or registration, a transfer declaration and supplemental information, if applicable, shall be prepared as required by the Department in a manner consistent with the requirements of subsection (c) and submitted to the recorder or registrar of titles of the county in which the property is situated, under Section 31-25 of the Property Tax Code [35 ILCS 200/31-25]. However, preparation of a second transfer declaration or supplemental information shall not be required in the event any such unrecorded transferring document is subsequently presented for recordation or registration unless the transferor cannot prove prior payment of the tax for the transaction. No transfer declaration or supplemental information is required to be prepared and submitted to the recorder of deeds or registrar of titles if the transfer qualifies for an exemption under subsection (a), (b) (but only for transfers in which the Administrator of Veterans' Affairs of the United States is the grantee pursuant to a foreclosure proceeding), (c), (d), (e), (f), (g), (h), (i), (j), or (l) of Section 31-45 of the Property Tax Code [35 ILCS 200/31-45(a)-(j), or (l)], but a notation of exempt status must appear on the face of the transferring document. If the transfer qualifies for an exemption under subsection (b) (for all transfers except those in which the Administrator of Veterans' Affairs of the United States is the grantee pursuant to a foreclosure proceeding), (k), or (m) of Section 31-45 or Section 31-46 of the Property Tax Code [35 ILCS 200/31-45(b), (k), or (m) or 31-46], a transfer declaration and supplemental information, if applicable, shall be prepared and submitted to the recorder of deeds or registrar of titles.
- cb) A transfer declaration and supplemental information shall be prepared using paper versions of forms or electronically-produced paper versions thereof approved by the Department as follows:
- 1) Preparation procedures:
 - A) Paper versions of forms shall be available at the office of the recorder of deeds or registrar of titles in every county. These forms shall be supplied by the Department to the recorder of deeds and registrar of titles.

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- B) All applicable questions on the forms shall be answered completely and the forms shall be signed by the ~~transferee~~buyer and ~~transferor~~seller, or their agents, and the preparer.
- C) If a transfer declaration and all supplemental information, if applicable, is not prepared and submitted, or is prepared and submitted without all applicable questions being answered completely and the transfer declaration being properly signed, the recorder of deeds or registrar of titles shall not ~~sell Revenue Stamps or~~ record or register the ~~transferring document~~ deed or trust document.
- 2) Transfer declarations:
- A) For transfers prior to January 1, 2000, if a transfer declaration was prepared prior to January 1, 2000, Form No. PTAX-203, Real Estate Transfer Declaration (a four-page document with a green first page and with a (R-4/94) designation in the lower left corner of the first page), or the appropriate predecessor version in effect at the time of transfer, shall be prepared and submitted.
- B) For transfers prior to January 1, 2000, if a transfer declaration was not prepared prior to January 1, 2000, Form No. PTAX-203, Illinois Real Estate Transfer Declaration (a white two-page document with a (R-8/99) designation in the lower left corner of the first page), or the appropriate succeeding version in effect at the time of transfer, shall be prepared and submitted.
- C) For transfers on and after January 1, 2000, Form No. PTAX-203, Illinois Real Estate Transfer Declaration (a white two-page document with a (R-8/99) designation in the lower left corner of the first page), or the appropriate succeeding version in effect at the time of transfer, shall be prepared and submitted.
- D) If multiple deeds or trust documents are used to transfer real estate or beneficial interests in real property, a transfer declaration shall be prepared and submitted for each ~~transferring document~~ deed or trust document reflecting the particular interest being transferred by each deed or trust document.

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- E) If a transfer affects an interest in the real estate that being transferred is located in more than one county, separate transfer declarations shall be prepared and submitted in each county. Each transfer declaration shall list the prorated full actual consideration for the particular interest in that portion of the real estate being transferred in the county. The proration is to be made in such a manner so that the total of the prorated full actual consideration listed on each transfer declaration equals the full actual consideration for the transfer all real estate being transferred.
- F) If there is an exchange of real estate, a separate transfer declaration shall be prepared and submitted for each transferring document.
- G) For purposes of this Section, "transfer" means execution of the transferring deed or trust document.
- 3) Supplemental information:
- A) For transfers prior to January 1, 2000, if a transfer declaration was prepared prior to January 1, 2000, "supplemental information" includes, if applicable, an extended legal description accompanying Form No. PTAX-203, Real Estate Transfer Declaration (a four-page document with a green first page and with a (R-4/94) designation in the lower left corner of the first page), or the appropriate predecessor version in effect at the time of transfer.
- B) For transfers on and after January 1, 2000 and prior to June 1, 2004 if a transfer declaration was prepared prior to June 1, 2004, and transfers prior to January 1, 2000 if a transfer declaration was not prepared prior to January 1, 2000, "supplemental information" includes, if applicable, an extended legal description, an itemized list of personal property, a finance schedule for sales occurring during a period in which the Department is required to adjust sales prices for seller paid points and prevailing cost of cash under Section 17-10 of the Property Tax Code, and Form No. PTAX-203-A, Illinois Real Estate Transfer Declaration Supplemental Form A. Supplemental information shall accompany Form No. PTAX-203, Illinois Real Estate Transfer Declaration (a white two-page document with a (R-8/99) designation in the lower left corner

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of the first page), or the appropriate succeeding version in effect at the time of transfer.

- C) For transfers on and after June 1, 2004, and transfers on and after January 1, 2000 and prior to June 1, 2004 if a transfer declaration was not prepared prior to June 1, 2004, "supplemental information" includes, if applicable, an extended legal description, an itemized list of personal property, a finance schedule for sales occurring during a period in which the Department is required to adjust sales prices for seller paid points and prevailing cost of cash under Section 17-10 of the Property Tax Code, Form No. PTAX-203-A, Illinois Real Estate Transfer Declaration Supplemental Form A, and Form No. PTAX-203-B, Illinois Real Estate Transfer Declaration Supplemental Form B. Supplemental information shall accompany Form No. PTAX-203, Illinois Real Estate Transfer Declaration (a white two-page document with a (R-7/00) designation in the lower left corner of the first page), or the appropriate succeeding version in effect at the time of transfer.
- D)E) Form No. PTAX-203-A, Illinois Real Estate Transfer Declaration Supplemental Form A (a white one-page document with a (N-9/99) designation in the lower left corner of the first page), or the appropriate succeeding version in effect at the time of transfer, shall be prepared and submitted if the transfer involves nonresidential property for which the full actual consideration is over \$1 million. In this context only, nonresidential property includes all property except: vacant land or lots, residences and apartment buildings of 6 units or fewer (e.g., single family, condominium, townhome, or duplex), mobile home residences, and farmland.
- E) Form No. PTAX-203-B, Illinois Real Estate Transfer Declaration Supplemental Form B (a white one-page document with a (N-5/04) designation in the lower left corner of the first page), or the appropriate succeeding version in effect at the time of transfer, shall be prepared and submitted if the transfer involves the lessee interest in a ground lease (including any interest of the lessee in the related improvements) that provides for a term of 30 or more years when all options to renew or extend are included, whether or not any portion of the term has expired, or the indirect interest in real

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property as reflected by a controlling interest in a real estate entity, or any other type of interest with the right to use or occupy real property or the right to receive income from real property under Section 120.20(a)(2)(D).

- 4) Electronically-produced forms:
- A) For transfers on and after January 1, 2000, electronically-produced versions of forms may be prepared on the internet Web site of the Department and printed on the preparer's printer. Forms submitted to the recorder of deeds or registrar of titles using this technology must conform to the content, edit, format, and reproduction specifications of the Department.
 - B) For transfers on and after January 1, 2000, electronically-produced versions of forms may be prepared from other software programs for which the Department has tested and approved the output and printed on the preparer's printer. Forms submitted to the recorder of deeds or registrar of titles using this technology for which the Department has tested and approved the output must conform to the content, edit, format, and reproduction specifications of the Department. Electronically-produced versions of forms shall not be submitted to the recorder of deeds or registrar of titles if, without prior written approval of the Department, the software programs used to produce the forms have been revised in any manner since the time the Department tested and approved the output.
- de) Forms for the transfer declaration and supplemental information, as well as specifications and output testing requirements for electronically-produced versions, may be revised by the Department in its discretion.
- ed) The Department may enter into a written agreement with the governing authority of a county to authorize the chief county assessment officer to electronically transmit data from the transfer declarations and supplemental information, if applicable, to the Department as required by Sections 31-30 and 31-70 of the Property Tax Code [35 ILCS 200/31-30 and 31-70]. Entry into such an agreement by the Department is contingent upon the use of compatible computer transmission methods and software by a county, the accuracy of the formatted electronic data from the transfer declarations and any supplemental information,

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and the adequacy of resources at the Department. The chief county assessment officer shall continue to submit the paper versions of the transfer declarations and any supplemental information until such time as the Department determines in its discretion that submission in this manner is no longer necessary.

(Source: Amended at 28 Ill. Reg. 14155, effective October 13, 2004)

Section 120.10 Procedures for Revenue Stamp Sales to Counties~~Procedure~~

- a) The Department of Revenue shall issue Revenue Stamps resembling postage-type stamps in the denominations of \$0.25 to \$50,000.~~00.~~
- b) Recorders of ~~deeds and registrars of titles~~Deeds and Registrars of Titles are hereby authorized to dispense Revenue Stamps by single stamp imprints produced by approved stamping machines. Meter settings for stamping machines shall be set by the Department of Revenue.
- c) Sales of postage-type stamps will be conducted at the Department of Revenue in Springfield only. Meter and metered settings for single stamp imprints produced by approved stamping machines will be conducted at the Department of Revenue's distribution centers in Chicago, Springfield, and District Offices, and Springfield. Only metered settings for single stamp imprints will be sold through District Offices. All stamps shall be coded according to counties.
- d) The Department of Revenue provides two options for purchasing Revenue Stamps:
 - 1) Option 1 – State Tax Only:

Option 1 represents State tax only. Revenue Stamps and meter settings are purchased at full value and affixed at the rate of \$.50 per \$500 value or fraction thereof.
 - 2) Option 2 – State/County Tax:

Option 2 represents payment of State and county tax. Revenue Stamps and meter settings are purchased at 66²/₃% of face value and affixed at the rate of \$.75 per \$500 value or fraction thereof. Revenue Stamps are coded with the county name. On and after June 1, 2004, the recorder shall write or stamp in indelible ink or perforate using a machine or punch to mark

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Revenue Stamps or any transferring document that is recorded so as to denote any instances in which a transfer is not subject to the county tax.

3) Any county wishing to change from the option it originally selected must request approval from the Department of Revenue at least 30 days prior to the desired effective date of the change.

ed) Purchases of postage-type stamps and ~~meter~~~~metered~~ settings for single stamp imprints shall be made on an order-invoice form prescribed by the Department of Revenue, Illinois Department of Revenue Order Invoice Form RLG-1 which shall be signed by an authorized county official.

fe) ~~The order-invoice form~~~~All Order Invoice Forms for stamps or metered settings~~ shall be accompanied by an official ~~check~~~~checks~~ ~~that~~~~which~~ shall be signed by an authorized county ~~official~~~~officials~~ and ~~that~~~~which~~ shall be in full payment of the invoice amount.

gf) ~~Credit or refunds may be given by the Recorders of Deeds or the Registrars of Titles to their purchasers on Illinois Department of Revenue Form RLG-3 for stamps proven to have been mistakenly used or mutilated. The Form shall be signed by the authorized county official and shall be used as credit at the time of stamp purchases or metered settings. 1)A claim form prescribed by the Department of Revenue~~~~Form RLG-3~~ shall ~~also~~ be used by the recorder of deeds or the registrar of titles to request for claim for credit for Revenue Stamps~~stamps~~ ~~that~~~~which~~ can be proven to have been mistakenly issued or mutilated or that otherwise result from a stamping machine malfunction by the Recorders of Deeds or the Registrars of Titles, and shall be used as credit at the time of stamp purchases or ~~meter~~~~metered~~ settings.

h)2) ~~The credit claim form~~~~All claims for credit~~ and required proof must accompany the order-invoice form~~Order Invoice Form RLG-1~~ if credit is to be allowed.

g) ~~Revenue stamps, in the required amount, must be purchased from authorized officers, or their representatives, of the county where the deed is to be filed for recordation.~~

h) ~~In the event that property transferred is located in more than one county, the declaration of value form (P.T.A.B. 203) provided by the Department of Revenue shall indicate the proration of the property within each county to determine the required amount of revenue stamps to be purchased from each~~

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~~county. The division is to be made in such manner so that the total equals the full consideration. The revenue stamps for each county will be determined on the proration.~~

- i) ~~When the owner of any land conveys an interest in real estate (such as mining rights or royalty) by deed, the deed shall have the required amount of revenue stamps affixed thereto.~~
- j) ~~Declarations are not required to accompany deeds where there is an actual exchange of real estate. Revenue Stamps shall, however, be affixed to the deed for any difference in money paid or for the value of any personal property which is in addition to such real estate exchange.~~
- ik) ~~All forms~~Forms RLG-1, RLG-3, RLG-4 and other forms which may be issued pursuant to this Part~~these Rules~~ may be obtained from the ~~Illinois~~ Department of Revenue distribution center in Springfield.

(Source: Amended at 28 Ill. Reg. 14155, effective October 13, 2004)

Section 120.20 Legal and Technical Interpretations

- a) Taxable Transactions.
 - 1) Transfers of title to real estate located in Illinois are subject to the provisions of the Real Estate Transfer Tax Law [35 ILCS 200/Art. 31](Law).
 - 2) Transfers of a beneficial interest in real property located in Illinois are subject to the provisions of the Law, including:
 - A) the beneficial interest in an Illinois land trust;
 - B) the lessee interest in a ground lease (including any interest of the lessee in the related improvements) that provides for a term of 30 or more years when all options to renew or extend are included, whether or not any portion of the term has expired;
 - C) the indirect interest in real property as reflected by a controlling interest in a real estate entity;

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- i) EXAMPLE 1: Shareholder A and Shareholder B together own all 100 shares of the outstanding stock of Corporation X. Shareholder A owns 90 shares and Shareholder B owns 10 shares. Corporation X owns 60 percent of the stock of Corporation Y. Corporation Y's sole asset is real property in Illinois. Shareholder A transfers all of the stock in Corporation X to Shareholder B. There has been a transfer of a controlling interest in a real estate entity (e.g., the 90 percent interest in Corporation X multiplied by the 60 percent interest in Corporation Y equals the 54 percent interest Shareholder A had in Corporation Y);
- ii) EXAMPLE 2: Shareholder A and Shareholder B together own all 100 shares of the outstanding stock of Corporation X. Shareholder A owns 90 shares and Shareholder B owns 10 shares. Corporation X owns 50 percent of the stock of Corporation Y. Corporation Y's sole asset is real property in Illinois. Shareholder A transfers all of the stock in Corporation X to Shareholder B. There has not been a transfer of a controlling interest in a real estate entity (e.g., the 90 percent interest in Corporation X multiplied by the 50 percent interest in Corporation Y equals the 45 percent interest Shareholder A had in Corporation Y); and
- D) any other type of interest with the right to use or occupy real property, or the right to receive income from real property such as air rights, air space rights, cooperative housing rights, condominium rights, development rights, easements, mining rights, royalty interests, timber rights, and timeshare rights.
- 3) All such transfers are presumed taxable unless the person liable for the payment of the tax qualifies for an exemption and makes such a notation on the transferring document filed with the county.
- b) Full Actual Consideration.
 - 1) The full actual consideration for a transfer or aggregated transfers shall be stated in the transfer declaration. It is the total sale price or amount actually paid (or required to be paid) for the real estate or beneficial

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interest in real property, whether paid in money or otherwise, including personal property, real property, services, or other item of value.

2) Full actual consideration includes:

A) the amount of any indebtedness or other obligation (such as liens or judgments) that is cancelled, discharged, or otherwise released in connection with the transfer;

B) the amount of any mortgages, regardless of whether the underlying indebtedness is assumed or taken subject to by the transferee; and

C) the amount of any back real estate taxes or other taxes paid by the transferee.

3) Full actual consideration does not include any amount credited against the sale price or refunded for improvements or repairs.

c) Tax.

1) Although the full actual consideration is stated in the transfer declaration, the tax is based on the net consideration after allowed deductions.

2) Deductions will be allowed for the following amounts only if substantiated in the transferring document or other supplemental information submitted by the parties:

A) the amount of personal property transferred to the transferee;

B) the amount of other real estate transferred to the transferor in an actual (simultaneous) exchange between the same parties;

C) the amount of any mortgage remaining outstanding at the time of transfer unless the parties delay its discharge with the intent to avoid or underpay this tax;

D) the amount of corporate franchise tax actually paid under the Business Corporation Act of 1983 as a result of a transfer of a controlling interest in a real estate entity; and

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- E) the amount of State transfer taxes paid for any prior transfer of an aggregated interest for a controlling interest transfer under subsection (d)(4).
- 3) Allowed deductions will not be included when computing the value of Revenue Stamps to be sold or affixed to the transferring document:
- A) EXAMPLE 1: Party A sells real estate to Party B for \$100,000. Included in the sale from Party A to Party B are various items of personal property valued at \$5,000. The transfer declaration should report \$100,000 as the full actual consideration for this transfer, but the value of the personal property should be taken as a deduction resulting in a net consideration of \$95,000 for computing the tax.
- B) EXAMPLE 2: Party A pledges real estate as security for a \$25,000 mortgage loan. Party A pays back \$10,000 on the principle and then transfers title to Party B. Party B pays \$15,000 to Party A and assumes responsibility for completing the remaining mortgage payments. The transfer declaration should report \$30,000 as the full actual consideration for this transfer, but the \$15,000 outstanding balance of the mortgage should be taken as a deduction resulting in a net consideration of \$15,000 for computing the tax.
- C) EXAMPLE 3: Party A pledges real estate as security for a mortgage loan. Party A transfers title to Party B and waits one week before paying off the mortgage so as to avoid payment of the tax. This debt is not an outstanding mortgage and should not be taken as a deduction in computing the tax.
- 4) Additional tax shall be due at the time any subsequent payment is made if part of the full actual consideration for a transfer of a controlling interest in a real estate entity is contingent upon the occurrence of a future event or the attainment of a future level of financial performance.
- d) Aggregation of Related Transfers.

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- 1) Unless made pursuant to contracts executed prior to June 1, 2004, related transfers will be aggregated for the purpose of determining whether there has been a transfer of a controlling interest in a real estate entity.
- 2) Related transfers include:
 - A) multiple transfers of interests in the same real estate entity that occur within a rolling 24-month period by the same transferor. EXAMPLE: Shareholder A owns 100 percent of Corporation X. Its sole asset is real property in Illinois. Shareholder A transfers a 40 percent interest to Party B and a 20 percent interest to Party C within the same year;
 - B) multiple transfers of interests in the same real estate entity that occur within a rolling 24-month period by different transferors who act in concert as a result of common ownership. EXAMPLE: A parent corporation and a wholly-owned subsidiary that is acting under the direction of the parent each transfer on the same day a 30% interest in another entity that owns real estate located in Illinois. The two corporations have acted in concert because the parent controls the actions of the subsidiary as a result of common ownership; and
 - C) multiple transfers of interests in the same real estate entity that occur within a rolling 24-month period by different transferors who act in concert as a result of a common purpose in structuring and executing the transfers, including instances when sales agreements contain mutual terms or other agreements bind the transferors to a particular course of action with respect to the transfer. EXAMPLE: Partnership X is composed of Partners A and B. Each has a 50 percent partnership interest. Partnership X owns real estate located in Illinois. In July of 2004, Partner A and Partner B together decide to raise more capital by selling a percentage of their respective partnership interests. In October 2004, Partner A and Partner B each transfer a 15 percent partnership interest to Party C. In January 2005, Partner A and Partner B each transfer a 20 percent partnership interest to Party D. The partners have acted in concert because there is a common purpose for the transfers.

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- 3) The full actual consideration for each of the related transfers will also be aggregated on the transfer declaration in determining the proportional tax liability of any transferor in a controlling interest transfer:
 - A) EXAMPLE 1: Shareholder A will owe tax on the full actual consideration for the aggregated transfer of the 60 percent interest in the first of the immediately preceding examples.
 - B) EXAMPLE 2: The parent corporation and the wholly-owned subsidiary will each owe tax on the full actual consideration for the aggregated transfer of their respective 30 percent interests in the second of the immediately preceding examples.
 - C) EXAMPLE 3: Partner A and Partner B will each owe tax on the full actual consideration for the aggregated transfer of their respective 15 percent and 20 percent interests in the third of the immediately preceding examples.
- 4) The tax is due if there is a subsequent transfer of an additional interest after the tax has already been paid on a controlling interest transfer. EXAMPLE: If an additional 10 percent interest is subsequently transferred in Example 1, then Shareholder A will owe tax on the full actual consideration for only the subsequent transfer of a 10 percent interest.
- e) Exemptions.
 - 1) A controlling interest transfer that is accomplished by a transferring document other than a deed or trust document does not qualify for any of the exemptions under 35 ILCS 200/31-45.
 - 2) A transfer that is accomplished by a deed or trust document made by, from, or between the United State of America, the State of Illinois, or any of their respective agencies, instrumentalities, or political subdivisions qualifies for the exemption under 35 ILCS 200/31-45(b).
 - 3) A transfer that is accomplished by a deed or trust document made by a foreign government that is a treaty participant to the Vienna Convention

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- on Consular Relations qualifies for the exemption under 35 ILCS 200/31-45(b).
- 4) An entity is considered a governmental body so as to qualify for the exemption under 35 ILCS 200/31-45(b) if it was created to carry out a public function by a federal, state, or local unit of government.
 - 5) A sheriff's deed does not qualify for the governmental exemption under 35 ILCS 200/31-45(b) unless the underlying transfer relates to property or interests acquired by or from any governmental body, or property or interests transferred between governmental bodies.
 - 6) An organization is organized and operated exclusively for charitable, religious or educational purposes so as to qualify for the exemption under 35 ILCS 200/31-45(b) if such a determination has previously been made by the Department of Revenue (as evidenced by the issuance of a sales tax exemption letter or a property tax exemption certificate) or by a court of competent jurisdiction.
 - 7) A transfer that is accomplished by a deed or trust document as a gift qualifies for the exemption under 35 ILCS 200/31-45(e).
 - 8) A transfer that is accomplished by a deed or trust document so as to effect a change of identity or form of organization or ownership does not qualify for the exemption under 35 ILCS 200/31-45(e) if the full actual consideration for the transfer amounts to \$100 or more. EXAMPLE: Party A transfers real estate valued at \$100,000 to a partnership in exchange for a 30% interest in the partnership's assets. The partnership's assets are valued at \$300,000 after this transfer. The full actual consideration for the transfer, Party A's \$90,000 partnership interest, exceeds the \$100 threshold so it does not qualify for the exemption under 35 ILCS 200/31-45(e).
 - 9) A transfer that is accomplished by a deed or trust document does not qualify for the exemption under 35 ILCS 200/31-45(g) unless the transfer previously qualified for the exemption under 35 ILCS 200/31-45(c).
 - 10) A transfer that is accomplished by a deed or trust document made by a parent corporation to a subsidiary corporation does not qualify for the exemption under 35 ILCS 200/31-45(j).

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- 11) A transfer that is accomplished by an actual (simultaneous) exchange of deeds or trust documents between the same parties qualifies for the exemption under 35 ILCS 200/31-45(k). EXAMPLE: Party A and Party B each transfer title to real estate to the other party in a simultaneous exchange on the same date. Party A's real estate is valued at \$50,000. Party B's real estate is valued at \$55,000. The transfer is exempt from the tax except for the money difference or money's worth paid from one party to the other under 35 ILCS 200/31-45(k). The transfer declaration for the transfer from Party A to Party B should report \$50,000 as the full actual consideration for the transfer, but the value of Party B's property should be taken as a deduction resulting in a net consideration of \$0 in computing the tax. Party A must add an exemption notation on the transferring document that is filed with the county. The transfer declaration for the transfer from Party B to Party A should report \$55,000 as the full actual consideration for the transfer, but the value of Party A's property should be taken as a deduction resulting in a net consideration of \$5,000 in computing the tax. Party B must add an exemption notation and affix the appropriate amount of Revenue Stamps on the transferring document that is filed with the county.
- 12) A deferred exchange that is accomplished by a deed or trust document does not qualify for the exemption under 35 ILCS 200/31-45(k). EXAMPLE: Party A and Party B each transfer title to real estate to the other party in a deferred exchange on different dates. Party A's real estate is valued at \$50,000. Party B's real estate is valued at \$55,000. The transfer declaration for the transfer from Party A to Party B should report \$50,000 as the full actual consideration for the transfer. The transfer declaration for the transfer from Party B to Party A should report \$55,000 as the full actual consideration for the transfer. No deduction should be taken in computing the tax on either transfer declaration because deferred exchanges do not qualify for the exemption under 35 ILCS 200/31-45(k).
- 13) A deferred ("Starker") exchange that is accomplished by a deed or trust document does not qualify for the exemption under 35 ILCS 200/31-45(k) even if it is exempt for federal tax purposes under Section 1031 of the Internal Revenue Code (26 USC 1031). EXAMPLE: Party A transfers title to real estate valued at \$50,000 to Party B. Party B does not transfer any real estate to Party A in the transaction. The transfer declaration for the transfer from Party A to Party B should report \$50,000 as the full

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actual consideration for the transfer. Party C subsequently transfers title to real estate valued at \$75,000 to Party A. The transfer declaration for the transfer from Party C to Party A should report \$75,000 as the full actual consideration for the transfer. No deduction should be taken in computing the tax on either transfer declaration because property is not being simultaneously exchanged in either transaction so as to qualify for the exemption under 35 ILCS 200/31-45(k).

14) A sheriff's deed does not qualify for the exemption under 35 ILCS 200/31-45(l) unless it appears on the face of the deed that the grantee is the holder of a mortgage or an assignee pursuant to either a mortgage foreclosure proceeding or a transfer in lieu of foreclosure.

15) A real estate entity must be liable and have actually paid corporate franchise taxes under the Business Corporation Act of 1983 as a result of a controlling interest transfer in order to claim the exemption under 35 ILCS 200/31-46.

~~Although the full consideration to be stated in the declaration of value form must include the amount of all outstanding obligations assumed at the time of transfer (such as mortgages, liens or judgments), the obligations assumed will not be included, however, in computing the value of revenue stamps to be affixed to the deed. For the purpose of the Act, any debt of the Seller which is taken over by the Purchaser is an assumed obligation.~~

b) ~~Deeds for real estate exchanged for personal property are subject to the provisions of the Act.~~

e) ~~For purposes of the Act, an organization is not organized and operated exclusively for charitable, religious or educational purposes unless it has previously been determined by the Department of Revenue or by a court of competent jurisdiction to be organized for said purposes.~~

f) Forms.

Instructions covering forms issued pursuant to [this Part](#) ~~these Rules~~ and not in contravention [of this Part](#) ~~hereof~~, are incorporated herein and shall have the same force and effect as [this Part](#) ~~these Rules~~.

(Source: Amended at 28 Ill. Reg. 14155, effective October 13, 2004)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF EMERGENCY AMENDMENTS

- 1) Heading of the Part: Pay Plan
- 2) Code Citation: 80 Ill. Adm. Code 310
- 3)

<u>Section Numbers:</u>	<u>Emergency Action:</u>
310.Appendix A, Table D	Amend
310.Appendix A, Table E	Amend
310.Appendix A, Table F	Amend
- 4) Statutory Authority: Authorized by Sections 8 and 8a of the Personnel Code [20 ILCS 415/8 and 20 ILCS 415/8a].
- 5) Effective Date of Amendments: October 15, 2004
- 6) If this emergency amendment is to expire before the end of the 150-day period, please specify the date on which it is to expire: Not applicable.
- 7) Date filed with the Index Department: October 15, 2004
- 8) This and other Pay Plan amendments are on file and available in the Division of Technical Services of the Bureau of Personnel.
- 9) Reason for Emergency: The errant salary rates require correcting for proper payment of employees' State service.
- 10) A complete Description of the Subjects and Issues Involved: Section 310.Appendix A, Table D is amended to reflect properly calculated pay rates negotiated in the Teamsters' Local #726 (Cook County) HR-001 Agreement, signed August 12, 2004.

Section 310.Appendix A, Table E is amended to reflect all represented classification titles and properly calculated pay rates negotiated in the Teamsters' Local #330 (Fox Valley) Agreement, signed September 8, 2004.

Section 310.Appendix A, Table F is amended to reflect all represented classification titles and properly calculated pay rates negotiated in the Teamsters' Local #25 (Downstate) RC-019 Agreement, signed August 10, 2004.
- 11) Are there any proposed amendments to this Part pending? Yes

<u>Section Numbers</u>	<u>Proposed Action</u>	<u>Ill. Reg. Citation</u>
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DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF EMERGENCY AMENDMENTS

<u>Section Numbers</u>	<u>Proposed Action</u>	<u>Ill. Reg. Citation</u>
310.110	Amend	28 Ill. Reg. 11532, 8/13/04 (Corrected at 28 Ill. Reg. 12728, 9/10/04)
310.130	Amend	28 Ill. Reg. 11532, 8/13/04 (Corrected at 28 Ill. Reg. 12728, 9/10/04)
310.530	Amend	28 Ill. Reg. 11532, 8/13/04 (Corrected at 28 Ill. Reg. 12728, 9/10/04)
310.540	Amend	28 Ill. Reg. 11532, 8/13/04 (Corrected at 28 Ill. Reg. 12728, 9/10/04)
310.Appendix B	Amend	28 Ill. Reg. 11532, 8/13/04 (Corrected at 28 Ill. Reg. 12728, 9/10/04)
310.Appendix C	Amend	28 Ill. Reg. 11532, 8/13/04 (Corrected at 28 Ill. Reg. 12728, 9/10/04)
310.Appendix D	Amend	28 Ill. Reg. 11532, 8/13/04 (Corrected at 28 Ill. Reg. 12728, 9/10/04)
310.Appendix G	Amend	28 Ill. Reg. 11532, 8/13/04 (Corrected at 28 Ill. Reg. 12728, 9/10/04)

12) Statement of Statewide Policy Objectives: These amendments to the Pay Plan affect only the employees subject to the Personnel Code and do not set out any guidelines that affect local or other jurisdictions in the State.

13) Information and questions regarding these amendments shall be directed to:

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

14) Does this amendment require the review of the Procurement Policy Board as specified in Section 5-25 of the Illinois Procurement Code? [30 ILCS 500/5-25] No

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

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF EMERGENCY 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
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 EMERGENCY 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
 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) (Repealed)
 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)
 | EMERGENCY
 310.TABLE E RC-020 (Teamsters Local #330)
 | EMERGENCY
 310.TABLE F RC-019 (Teamsters Local #25)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF EMERGENCY AMENDMENTS

EMERGENCY

310.TABLE G	RC-045 (Automotive Mechanics, IFPE)
310.TABLE H	RC-006 (Corrections Employees, AFSCME)
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,

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1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 5704, effective April 16, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 7290, effective May 11, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 11299, effective June 25, 1984; emergency amendment at 8 Ill. Reg. 12616, effective July 1, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 15007, effective August 6, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 15367, effective August 13, 1984; emergency amendment at 8 Ill. 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,

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effective May 23, 1988; emergency amendment at 12 Ill. Reg. 11778, effective July 1, 1988, for a maximum of 150 days; emergency amendment at 12 Ill. Reg. 12895, effective July 18, 1988, for a maximum of 150 days; preemptory amendment at 12 Ill. Reg. 13306, effective July 27, 1988; corrected at 12 Ill. Reg. 13359; amended at 12 Ill. Reg. 14630, effective September 6, 1988; amended at 12 Ill. Reg. 20449, effective November 28, 1988; preemptory amendment at 12 Ill. Reg. 20584, effective November 28, 1988; preemptory amendment at 13 Ill. Reg. 8080, 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

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February 2, 1993; amended at 17 Ill. Reg. 6441, effective April 8, 1993; emergency amendment at 17 Ill. Reg. 12900, effective July 22, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 13409, effective July 29, 1993; emergency amendment at 17 Ill. Reg. 13789, effective August 9, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 14666, effective August 26, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 19103, effective October 25, 1993; emergency amendment at 17 Ill. Reg. 21858, effective December 1, 1993, for 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; peremptory 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; peremptory 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; peremptory 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; peremptory amendment at 19 Ill. Reg. 2481, effective February 17, 1995; peremptory amendment at 19 Ill. Reg. 3073, effective February 17, 1995; amended at 19 Ill. Reg. 3456, effective March 7, 1995; peremptory amendment at 19 Ill. Reg. 5145, effective March 14, 1995; amended at 19 Ill. Reg. 6452, effective May 2, 1995; peremptory 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; peremptory amendment at 19 Ill. Reg. 13979, effective September 19, 1995; peremptory 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; peremptory amendment at 20 Ill. Reg. 6334, effective April 22, 1996; peremptory 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; peremptory amendment at 20 Ill. Reg. 13408, effective September 24, 1996; amended at 20 Ill. Reg. 15018, effective November 7, 1996; peremptory 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; peremptory amendment at 21 Ill. Reg. 14267, effective

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF EMERGENCY AMENDMENTS

October 14, 1997; preemptory amendment at 21 Ill. Reg. 14589, effective October 15, 1997; preemptory amendment at 21 Ill. Reg. 15030, effective November 10, 1997; amended at 21 Ill. Reg. 16344, effective December 9, 1997; preemptory amendment at 21 Ill. Reg. 16465, effective December 4, 1997; preemptory amendment at 21 Ill. Reg. 17167, effective December 9, 1997; preemptory amendment at 22 Ill. Reg. 1593, effective December 22, 1997; amended at 22 Ill. Reg. 2580, effective January 14, 1998; preemptory amendment at 22 Ill. Reg. 4326, effective 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

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF EMERGENCY AMENDMENTS

June 14, 2001; emergency amendment at 25 Ill. Reg. 9336, effective July 3, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 9846, effective July 23, 2001; amended at 25 Ill. Reg. 12087, effective September 6, 2001; amended at 25 Ill. Reg. 15560, effective November 20, 2001; 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. 12585, effective August 27, 2004; peremptory amendment at 28 Ill. Reg. 13011, effective September 8, 2004; peremptory amendment at 28 Ill. Reg. 13247, effective September 20, 2004; peremptory amendment at 28 Ill. Reg. 13656, effective September 27, 2004; emergency amendment at 28 Ill. Reg. 14174, effective October 15, 2004, for a maximum of 150 days.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF EMERGENCY AMENDMENTS

Section 310.APPENDIX A Negotiated Rates of Pay**Section 310.TABLE D HR-001 (Teamsters Local #726)****EMERGENCY**

- A) Department of Transportation – Division of Highways – Emergency Patrol – Northeast Region (Cook)

	Effective July 1, 2004		Effective on employee's anniversary date between July 1 and December 31, 2004	
	Mo.	Hr.	Mo.	Hr.
Highway Maintainer	4255.00	24.45	4255.00	24.45
(New Hire 7/1/99-6/30/00)	4026.00	23.14	4255.00	24.45
(New Hire 7/1/00-6/30/01)	4026.00	23.14	4255.00	24.45
(New Hire 7/1/01-6/30/02)	3823.00	21.97	4018.00	23.09
(New Hire 7/1/02-6/30/03)	3605.00	20.72	3808.00	21.89
(New Hire 7/1/03-6/30/04)	3369.00	19.36	3580.00	20.57
(New Hire 7/1/04-6/30/05)	3369.00	19.36	3369.00	19.36
Highway Maintenance Lead Worker	4384.00	25.20	4384.00	25.20
Highway Maintenance Lead Worker (Lead Lead Worker)	4434.00	25.48	4434.00	25.48
Maintenance Worker	4199.00	24.13	4199.00	24.13
	Effective January 1, 2005 for employees with an anniversary date between July 1 and December 31		Effective January 1, 2005 for employees with an anniversary date between January 1 and June 30	
	Mo.	Hr.	Mo.	Hr.
Highway Maintainer	4372.00	25.13	4372.00	25.13
(New Hire 7/1/99-6/30/00)	4372.00	25.13	4372.00	25.13
(New Hire 7/1/00-6/30/01)	4372.00	25.13	4372.00	25.13
(New Hire 7/1/01-6/30/02)	4128.00	23.72	3928.00	22.57
(New Hire 7/1/02-6/30/03)	3913.00	22.49	3704.00	21.29
(New Hire 7/1/03-6/30/04)	3678.00	21.14	3462.00	19.90
(New Hire 7/1/04-6/30/05)	3462.00	19.90	3462.00	19.90
Highway Maintenance Lead Worker	4505.00	25.89	4505.00	25.89
Highway Maintenance Lead Worker	4556.00	26.18	4556.00	26.18

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF EMERGENCY AMENDMENTS

(Lead Lead Worker) Maintenance Worker	4283.00	24.61	4283.00	24.61
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Effective on employee's
anniversary date
between January 1 and
June 30, 2005

	Mo.	Hr.		
Highway Maintainer	4372.00	25.13		
(New Hire 7/1/99-6/30/00)	4372.00	25.13		
(New Hire 7/1/00-6/30/01)	4372.00	25.13		
(New Hire 7/1/01-6/30/02)	4128.00	23.72		
(New Hire 7/1/02-6/30/03)	3913.00	22.49		
(New Hire 7/1/03-6/30/04)	3678.00	21.14		
(New Hire 7/1/04-6/30/05)	3462.00	19.90		
Highway Maintenance Lead Worker	4505.00	25.89		
Highway Maintenance Lead Worker (Lead Lead Worker)	4556.00	26.18		
Maintenance Worker	4283.00	24.61		

B) Department of Transportation – Division of Highways – Northeast Region (Cook)

	Effective July 1, 2004		Effective on employee's anniversary date between July 1 and December 31, 2004	
	Mo.	Hr.	Mo.	Hr.
Heavy Construction Equipment Operator	4254.00	24.45	4254.00	24.45
Heavy Construction Equipment Operator (Bridge Crew)	4323.60	24.85	4323.60	24.85
Highway Maintainer	4155.00	23.88	4155.00	23.88
(New Hire 7/1/99-6/30/00)	3931.00	22.59	4155.00	23.88
(New Hire 7/1/00-6/30/01)	3931.00	22.59	4155.00	23.88
(New Hire 7/1/01-6/30/02)	3733.00	21.45	3923.00	22.55
(New Hire 7/1/02-6/30/03)	3520.00	20.23	3718.00	21.37
(New Hire 7/1/03-6/30/04)	3289.00	18.90	3495.00	20.09
(New Hire 7/1/04-6/30/05)	3289.00	18.90	3289.00	18.90
Highway Maintainer (Bridge Crew)	4224.60	24.28	4224.60	24.28

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF EMERGENCY AMENDMENTS

(New Hire 7/1/99-6/30/00)	3995.68	22.96	4224.60	24.28
(New Hire 7/1/00-6/30/01)	3995.68	22.96	4224.60	24.28
(New Hire 7/1/01-6/30/02)	3796.48	21.82	3990.48	22.93
(New Hire 7/1/02-6/30/03)	3579.08	20.57	3780.08	21.72
(New Hire 7/1/03-6/30/04)	3344.48	19.22	3554.48	20.43
(New Hire 7/1/04-6/30/05)	3344.48	19.22	3344.48	19.22
Highway Maintainer (Drill Rig)	4254.00	24.45	4254.00	24.45
(New Hire 7/1/99-6/30/00)	4025.00	23.13	4254.00	24.45
(New Hire 7/1/00-6/30/01)	4025.00	23.13	4254.00	24.45
(New Hire 7/1/01-6/30/02)	3822.00	21.97	4016.00	23.08
			4017.00	23.09
(New Hire 7/1/02-6/30/03)	3604.00	20.71	3805.00	21.87
			3806.00	
(New Hire 7/1/03-6/30/04)	3368.00	19.36	3578.00	20.56
			3579.00	20.57
(New Hire 7/1/04-6/30/05)	3368.00	19.36	3368.00	19.36
Highway Maintainer (Tractor Mower)	4155.00	23.88	4155.00	23.88
(New Hire 7/1/99-6/30/00)	3931.00	22.59	4155.00	23.88
(New Hire 7/1/00-6/30/01)	3931.00	22.59	4155.00	23.88
(New Hire 7/1/01-6/30/02)	3733.00	21.45	3923.00	22.55
(New Hire 7/1/02-6/30/03)	3520.00	20.23	3718.00	21.37
(New Hire 7/1/03-6/30/04)	3289.00	18.90	3495.00	20.09
(New Hire 7/1/04-6/30/05)	3289.00	18.90	3289.00	18.90
Highway Maintainer (Seasonal)	3154.00	18.13	3154.00	18.13
Highway Maintenance Lead Worker	4284.00	24.62	4284.00	24.62
Highway Maintenance Lead Worker (Bridge Crew)	4353.60	25.02	4353.60	25.02
Highway Maintenance Lead Worker (Lead Lead Worker)	4334.00	24.91	4334.00	24.91
Highway Maintenance Lead Worker (Lead Lead Worker – Bridge Crew)	4403.60	25.31	4403.60	25.31
Laborer (Maintenance)	4063.00	23.35	4063.00	23.35
Maintenance Worker	4099.00	23.56	4099.00	23.56

Effective January 1,
2005 for employees
with an anniversary date
between July 1 and
December 31

Mo.

Hr.

Effective January 1,
2005 for employees
with an anniversary
date between January 1
and June 30

Mo.

Hr.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF EMERGENCY AMENDMENTS

Heavy Construction Equipment Operator	4371.00	25.12	4371.00	25.12
Heavy Construction Equipment Operator (Bridge Crew)	4442.00	25.53	4442.00	25.53
Highway Maintainer	4269.00	24.53	4269.00	24.53
(New Hire 7/1/99-6/30/00)	4269.00	24.53	4269.00	24.53
(New Hire 7/1/00-6/30/01)	4269.00	24.53	4269.00	24.53
(New Hire 7/1/01-6/30/02)	4031.00	23.17	3836.00	22.05
(New Hire 7/1/02-6/30/03)	3820.00	21.95	3617.00	20.79
(New Hire 7/1/03-6/30/04)	3591.00	20.64	3379.00	19.42
(New Hire 7/1/04-6/30/05)	3379.00	19.42	3379.00	19.42
Highway Maintainer (Bridge Crew)	4340.78	24.95	4340.78	24.95
(New Hire 7/1/99-6/30/00)	4340.78	24.95	4340.78	24.95
(New Hire 7/1/00-6/30/01)	4340.78	24.95	4340.78	24.95
(New Hire 7/1/01-6/30/02)	4100.22	23.56	3900.88	22.42
(New Hire 7/1/02-6/30/03)	3884.03	22.32	3677.50	21.14
(New Hire 7/1/03-6/30/04)	3652.23	20.99	3436.45	19.75
(New Hire 7/1/04-6/30/05)	3436.45	19.75	3436.45	19.75
Highway Maintainer (Drill Rig)	4371.00	25.12	4371.00	25.12
(New Hire 7/1/99-6/30/00)	4371.00	25.12	4371.00	25.12
(New Hire 7/1/00-6/30/01)	4371.00	25.12	4371.00	25.12
(New Hire 7/1/01-6/30/02)	4126.00	23.71	3927.00	22.57
(New Hire 7/1/02-6/30/03)	3910.00	22.47	3703.00	21.28
(New Hire 7/1/03-6/30/04)	3676.00	21.13	3676.00	19.89
(New Hire 7/1/04-6/30/05)	3461.00	19.89	3461.00	19.89
Highway Maintainer (Tractor Mower)	4269.00	24.53	4269.00	24.53
(New Hire 7/1/99-6/30/00)	4269.00	24.53	4269.00	24.53
(New Hire 7/1/00-6/30/01)	4269.00	24.53	4269.00	24.53
(New Hire 7/1/01-6/30/02)	4031.00	23.17	3836.00	22.50
(New Hire 7/1/02-6/30/03)	3820.00	21.95	3617.00	20.79
(New Hire 7/1/03-6/30/04)	3591.00	20.64	3379.00	19.42
(New Hire 7/1/04-6/30/05)	3379.00	19.42	3379.00	19.42
Highway Maintainer (Seasonal)	3154.00	18.13	3154.00	18.13
Highway Maintenance Lead Worker	4402.00	25.30	4402.00	25.30
Highway Maintenance Lead Worker (Bridge Crew)	4473.00	25.71	4473.00	25.71
Highway Maintenance Lead Worker (Lead Lead Worker)	4453.00	25.59	4453.00	25.59
Highway Maintenance Lead Worker	4524.70	26.00	4524.70	26.00

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF EMERGENCY AMENDMENTS

(Lead Lead Worker – Bridge Crew)	4525.00	26.01	4525.00	26.01
Laborer (Maintenance)	4144.00	23.82	4144.00	23.82
Maintenance Worker	4181.00	24.03	4181.00	24.03

Effective on employee's
anniversary date
between January 1 and
June 30, 2005

	Mo.	Hr.
Heavy Construction Equipment Operator	4371.00	25.12
Heavy Construction Equipment Operator (Bridge Crew)	4442.00 <u>4442.50</u>	25.53
Highway Maintainer	4269.00	24.53
(New Hire 7/1/99-6/30/00)	4269.00	24.53
(New Hire 7/1/00-6/30/01)	4269.00	24.53
(New Hire 7/1/01-6/30/02)	4031.00	23.17
(New Hire 7/1/02-6/30/03)	3820.00	21.95
(New Hire 7/1/03-6/30/04)	3591.00	20.64
(New Hire 7/1/04-6/30/05)	3379.00	19.42
Highway Maintainer (Bridge Crew)	4340.78	24.95
(New Hire 7/1/99-6/30/00)	4340.78	24.95
(New Hire 7/1/00-6/30/01)	4340.78	24.95
(New Hire 7/1/01-6/30/02)	4100.22	23.56
(New Hire 7/1/02-6/30/03)	3884.03	22.32
(New Hire 7/1/03-6/30/04)	3652.23	20.99
(New Hire 7/1/04-6/30/05)	3436.45	19.75
Highway Maintainer (Drill Rig)	4371.00	25.12
(New Hire 7/1/99-6/30/00)	4371.00	25.12
(New Hire 7/1/00-6/30/01)	4371.00	25.12
(New Hire 7/1/01-6/30/02)	4126.00	23.71
(New Hire 7/1/02-6/30/03)	3910.00	22.47
(New Hire 7/1/03-6/30/04)	3677.00 <u>3676.00</u>	21.13
(New Hire 7/1/04-6/30/05)	3461.00	19.89
Highway Maintainer (Tractor Mower)	4269.00	24.53
(New Hire 7/1/99-6/30/00)	4269.00	24.53
(New Hire 7/1/00-6/30/01)	4269.00	24.53
(New Hire 7/1/01-6/30/02)	4031.00	23.17
(New Hire 7/1/02-6/30/03)	3820.00	21.95

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF EMERGENCY AMENDMENTS

(New Hire 7/1/03-6/30/04)	3591.00	20.64
(New Hire 7/1/04-6/30/05)	3379.00	19.42
Highway Maintainer (Seasonal)	3154.00	18.13
Highway Maintenance Lead Worker	4402.00	25.30
Highway Maintenance Lead Worker (Bridge Crew)	4473.00 <u>4473.32</u>	25.71
Highway Maintenance Lead Worker (Lead Lead Worker)	4453.00	25.59
Highway Maintenance Lead Worker (Lead Lead Worker – Bridge Crew)	4525.00 <u>4524.70</u>	26.01 <u>26.00</u>
Laborer (Maintenance)	4144.00	23.82
Maintenance Worker	4181.00	24.03

C) Departments of Human Services, Public Health, and Employment Security – Northeast Region (Cook)

	<u>July 1, 2004</u>		<u>January 1, 2005</u>	
	Mo.	Hr.	Mo.	Hr.
Maintenance Equipment Operator	4155.00	23.88	4238.00	24.36
Maintenance Equipment Operator (Dispatcher)	4329.00	24.88	4416.00	25.38
Maintenance Worker	4008.00	23.03	4088.00	23.49

D) Departments of Central Management Services, Children and Family Services, Public Aid, and Human Services – Northeast Region (Cook)

	<u>July 1, 2004</u>		<u>January 1, 2005</u>	
	Mo.	Hr.	Mo.	Hr.
Grounds Supervisor	4041.00	23.22	4122.00	23.69
Grounds Supervisor (Chicago- Read)	4208.00	24.18	4292.00	24.67
Grounds Supervisor (Supervising Tractor Trailer Drivers)	4435.00	25.49	4524.00	26.00
Maintenance Equipment Operator	4155.00	23.88	4238.00	24.36
Maintenance Equipment Operator (Tractor Trailer – Dept. of Human Services)	4181.00 <u>4181.10</u>	24.03	4265.00 <u>4264.10</u>	24.51
Maintenance Worker	4008.00	23.03	4088.00	23.49
Maintenance Worker (Chicago- Read)	4155.00	23.88	4238.00	24.36

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF EMERGENCY AMENDMENTS

E) ~~Department~~Departments of Central Management Services

	July 1, 2004		January 1, 2005	
	Mo.	Hr.	Mo.	Hr.
Building Services Service Worker	2472.96	14.21	2522.42	14.50
	2428.96	13.96	2477.54	14.24
Elevator Operator	2535.59	14.57	2586.30	14.86
	2491.59	14.32	2541.42	14.61
Elevator Operator-Assistant Starter	2574.74	14.80	2626.23	15.09
	2530.74	14.54	2581.35	14.84
Elevator Operator-Starter	2594.32	14.91	2646.21	15.21
	2550.32	14.66	2601.33	14.95
Maintenance Equipment Operator	4155.00	23.88	4238.00	24.36
Maintenance Worker	4008.00	23.03	4088.00	23.49

(Source: Amended by emergency rulemaking at 28 Ill. Reg. 14174, effective October 15, 2004, for a maximum of 150 days)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF EMERGENCY AMENDMENTS

Section 310.APPENDIX A Negotiated Rates of Pay**Section 310.TABLE E RC-020 (Teamsters Local #330)****EMERGENCY**

- A) Departments of Children and Family Services, Employment Security, and Human Services (Counties of DuPage, Kane, Kankakee, Kendall, Lake, McHenry and Will)

	July 1, 2004		January 1, 2005	
	Mo.	Hr.	Mo.	Hr.
Maintenance Equipment Operator	4155.00	23.88	4238.00	24.36

- B) Department of Transportation – Division of Highways (Counties of DuPage, Kane, Kankakee, Kendall, Lake, McHenry and Will)

	Effective July 1, 2004		Effective on employee's anniversary date between July 1 and December 31, 2004	
	Mo.	Hr.	Mo.	Hr.
Bridge Mechanic	4188.00	24.07	4188.00	24.07
Bridge Tender	3987.00	22.91	3987.00	22.91
Highway Maintenance Lead Worker	4284.00	24.62	4284.00	24.62
Highway Maintenance Lead Worker (Bridge Crew)	4353.60	25.02	4353.60	25.02
Highway Maintenance Lead Worker (Lead Lead Worker)	4334.00	24.91	4334.00	24.91
Highway Maintainer	4155.00	23.88	4155.00	23.88
(New Hire 7/1/99-6/30/00)	3931.00	22.59	4155.00	23.88
(New Hire 7/1/00-6/30/01)	3931.00	22.59	4155.00	23.88
(New Hire 7/1/01-6/30/02)	3733.00	21.45	3923.00	22.55
(New Hire 7/1/02-6/30/03)	3520.00	20.23	3718.00	21.37
(New Hire 7/1/03-6/30/04)	3289.00	18.90	3495.00	20.09
(New Hire 7/1/04-6/30/05)	3289.00	18.90	3289.00	18.90
Highway Maintainer (Bridge Crew)	4224.60	24.28	4224.60	24.28
(New Hire 7/1/99-6/30/00)	3995.68	22.96	4224.60	24.28
(New Hire 7/1/00-6/30/01)	3995.68	22.96	4224.60	24.28
(New Hire 7/1/01-6/30/02)	3796.48	21.82	3990.48	22.93
(New Hire 7/1/02-6/30/03)	3579.08	20.57	3780.08	21.72

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF EMERGENCY AMENDMENTS

(New Hire 7/1/03-6/30/04)	3344.48	19.22	3554.48	20.43
(New Hire 7/1/04-6/30/05)	3344.48	19.22	3344.48	19.22
Highway Maintainer (Drill Rig)	4254.00	24.45	4254.00	24.45
(New Hire 7/1/99-6/30/00)	4025.00	23.13	4254.00	24.45
(New Hire 7/1/00-6/30/01)	4025.00	23.13	4254.00	24.45
(New Hire 7/1/01-6/30/02)	3822.00	21.97	4016.00	23.08
(New Hire 7/1/02-6/30/03)	3604.00	20.71	3805.00	21.87
(New Hire 7/1/03-6/30/04)	3368.00	19.36	3578.00	20.56
(New Hire 7/1/04-6/30/05)	3368.00	19.36	3368.00	19.36
Highway Maintainer (Seasonal)	3154.00	18.13	3154.00	18.13
Janitor I	3862.00	22.20	3862.00	22.20
Janitor II	3893.00	22.37	3893.00	22.37
Laborer Maintenance Lead Worker	4119.00	23.67	4119.00	23.67
Laborer (Maintenance)	4063.00	23.35	4063.00	23.35
Maintenance Worker	4099.00	23.56	4099.00	23.56
Power Shovel Operator (Maintenance)	4254.00	24.45	4254.00	24.45
Power Shovel Operator (Maintenance) (Bridge Crew)	4323.60	24.85	4323.60	24.85
Security Guard I	3889.00	22.35	3889.00	22.35
Security Guard II	3937.00	22.63	3937.00	22.63
Silk Screen Operator	4259.00	24.48	4259.00	24.48

Effective January 1,
2005 for employees
with an anniversary
date between July 1 and
December 31

Effective January 1,
2005 for employees
with an anniversary
date between January 1
and June 30

	Mo.	Hr.	Mo.	Hr.
Bridge Mechanic	4303.00	24.73	4303.00	24.73
Bridge Tender	4067.00	23.37	4067.00	23.37
Highway Maintenance Lead Worker	4402.00	25.30	4402.00	25.30
Highway Maintenance Lead Worker (Bridge Crew)	4473.00	25.71	4473.00	25.71
Highway Maintenance Lead Worker (Lead Lead Worker)	4453.00	25.59	4453.00	25.59
Highway Maintainer	4269.00	24.53	4269.00	24.53
(New Hire 7/1/99-6/30/00)	4269.00	24.53	4269.00	24.53
(New Hire 7/1/00-6/30/01)	4269.00	24.53	4269.00	24.53
(New Hire 7/1/01-6/30/02)	4031.00	23.17	3836.00	22.05

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF EMERGENCY AMENDMENTS

(New Hire 7/1/02-6/30/03)	3820.00	21.95	3617.00	20.79
(New Hire 7/1/03-6/30/04)	3591.00	20.64	3379.00	19.42
(New Hire 7/1/04-6/30/05)	3379.00	19.42	3379.00	19.42
Highway Maintainer (Bridge Crew)	4340.78	24.95	4340.78	24.95
(New Hire 7/1/99-6/30/00)	4340.78	24.95	4340.78	24.95
(New Hire 7/1/00-6/30/01)	4340.78	24.95	4340.78	24.95
(New Hire 7/1/01-6/30/02)	4100.22	23.56	3900.88	22.42
(New Hire 7/1/02-6/30/03)	3884.03	22.32	3677.50	21.14
(New Hire 7/1/03-6/30/04)	3652.23	20.99	3436.45	19.75
(New Hire 7/1/04-6/30/05)	3436.45	19.75	3436.45	19.75
Highway Maintainer (Drill Rig)	4371.00	25.12	4371.00	25.12
(New Hire 7/1/99-6/30/00)	4371.00	25.12	4371.00	25.12
(New Hire 7/1/00-6/30/01)	4371.00	25.12	4371.00	25.12
(New Hire 7/1/01-6/30/02)	4126.00	23.71	3927.00	22.57
(New Hire 7/1/02-6/30/03)	3910.00	22.47	3703.00	21.28
(New Hire 7/1/03-6/30/04)	3676.00	21.13	3461.00	19.89
	3677.00			
(New Hire 7/1/04-6/30/05)	3461.00	19.89	3461.00	19.89
Highway Maintainer (Seasonal)	3154.00	18.13	3154.00	18.13
Janitor I	3939.00	22.64	3939.00	22.64
Janitor II	3971.00	22.82	3971.00	22.82
Laborer Maintenance Lead Worker	4201.00	24.14	4201.00	24.14
Laborer (Maintenance)	4144.00	23.82	4144.00	23.82
Maintenance Worker	4181.00	24.03	4181.00	24.03
Power Shovel Operator (Maintenance)	4371.00	25.12	4371.00	25.12
Power Shovel Operator (Maintenance) (Bridge Crew)	4442.50	25.53	4442.50	25.53
	4442.00		4442.00	
Security Guard I	3967.00	22.80	3967.00	22.80
Security Guard II	4016.00	23.08	4016.00	23.08
Silk Screen Operator	4344.00	24.97	4344.00	24.97

Effective on employee's anniversary date between January 1 and June 30, 2005

	Mo.	Hr.
Bridge Mechanic	4303.00	24.73
Bridge Tender	4067.00	23.37
Highway Maintenance Lead Worker	4402.00	25.30

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF EMERGENCY AMENDMENTS

Highway Maintenance Lead Worker (Bridge Crew)	4473.00 <u>4473.32</u>	25.71
Highway Maintenance Lead Worker (Lead Lead Worker)	4453.00	25.59
Highway Maintainer (New Hire 7/1/99-6/30/00)	4269.00	24.53
(New Hire 7/1/00-6/30/01)	4269.00	24.53
(New Hire 7/1/01-6/30/02)	4031.00	23.17
(New Hire 7/1/02-6/30/03)	3820.00	21.95
(New Hire 7/1/03-6/30/04)	3591.00	20.64
(New Hire 7/1/04-6/30/05)	3379.00	19.42
Highway Maintainer (Bridge Crew) (New Hire 7/1/99-6/30/00)	4340.78	24.95
(New Hire 7/1/00-6/30/01)	4340.78	24.95
(New Hire 7/1/01-6/30/02)	4100.22	23.56
(New Hire 7/1/02-6/30/03)	3884.03	22.32
(New Hire 7/1/03-6/30/04)	3652.23	20.99
(New Hire 7/1/04-6/30/05)	3436.45	19.75
Highway Maintainer (Drill Rig) (New Hire 7/1/99-6/30/00)	4371.00	25.12
(New Hire 7/1/00-6/30/01)	4371.00	25.12
(New Hire 7/1/01-6/30/02)	4126.00	23.71
(New Hire 7/1/02-6/30/03)	3910.00	22.47
(New Hire 7/1/03-6/30/04)	3677.00 <u>3676.00</u>	21.13
(New Hire 7/1/04-6/30/05)	3461.00	19.89
Highway Maintainer (Seasonal)	3154.00	18.13
Janitor I	3939.00	22.64
Janitor II	3971.00	22.82
Laborer Maintenance Lead Worker	4201.00	24.14
Laborer (Maintenance)	4144.00	23.82
Maintenance Worker	4181.00	24.03
Power Shovel Operator (Maintenance)	4371.00	25.12
Power Shovel Operator (Maintenance) (Bridge Crew)	4442.00 <u>4442.50</u>	25.53
Security Guard I	3967.00	22.80
Security Guard II	4016.00	23.08
Silk Screen Operator	4344.00	24.97

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF EMERGENCY AMENDMENTS

- C) Department of Central Management Services – Division of Vehicles (Counties of DuPage, Kane, Kankakee, Kendall, Lake, McHenry and Will)

	<u>July 1, 2004</u>		<u>January 1, 2005</u>	
	Mo.	Hr.	Mo.	Hr.
Janitor I	3862.00	22.20	3939.00	22.64
Janitor II	3893.00	22.37	3971.00	22.82
Maintenance Equipment Operator (all divisions)	4155.00	23.88	4238.00	24.36
Maintenance Worker	4099.00	23.56	4181.00	24.03
Security Guard I	3889.00	22.35	3967.00	22.80
Security Guard II	3937.00	22.63	4016.00	23.08

- D) Department of Corrections (Counties of DuPage, Kane, Kankakee, Kendall, Lake, McHenry and Will) (Alternative Pension Formula)

	<u>July 1, 2004</u>		<u>January 1, 2005</u>	
	Mo.	Hr.	Mo.	Hr.
Maintenance Equipment Operator	4254.00	24.45	4339.00	24.94

(Source: Amended by emergency rulemaking at 28 Ill. Reg. 14174, effective October 15, 2004, for a maximum of 150 days)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF EMERGENCY AMENDMENTS

Section 310.APPENDIX A Negotiated Rates of Pay**Section 310.TABLE F RC-019 (Teamsters Local #25)****EMERGENCY**

- A) Department of Transportation – Division of Highways – Downstate (All Counties Other Than Cook, DuPage, Kane, Kankakee, Kendall, Lake, McHenry and Will)

	Effective July 1, 2004		Effective on employee's anniversary date between July 1 and December 31, 2004	
	Mo.	Hr.	Mo.	Hr.
Bridge Mechanic	4188.00	24.07	4188.00	24.07
Bridge Tender	3987.00	22.91	3987.00	22.91
Deck Hand	4060.00	23.33	4060.00	23.33
Ferry Operator I	4284.00	24.62	4284.00	24.62
Ferry Operator II	4334.00	24.91	4334.00	24.91
Highway Maintenance Lead Worker	4284.00	24.62	4284.00	24.62
Highway Maintenance Lead Worker (Bridge Crew)	4353.00	25.02	4353.00	25.02
Highway Maintenance Lead Worker (Lead Lead Worker)	4334.00	24.91	4334.00	24.91
Highway Maintainer	4155.00	23.88	4155.00	23.88
(New Hire 7/1/99-6/30/00)	3931.00	22.59	4155.00	23.88
(New Hire 7/1/00-6/30/01)	3931.00	22.59	4155.00	23.88
(New Hire 7/1/01-6/30/02)	3733.00	21.45	3923.00	22.55
(New Hire 7/1/02-6/30/03)	3520.00	20.23	3718.00	21.37
(New Hire 7/1/03-6/30/04)	3289.00	18.90	3495.00	20.09
(New Hire 7/1/04-6/30/05)	3289.00	18.90	3289.00	18.90
Highway Maintainer (Bridge Crew)	4224.60	24.28	4224.60	24.28
(New Hire 7/1/99-6/30/00)	3995.68	22.96	4224.60	24.28
(New Hire 7/1/00-6/30/01)	3995.68	22.96	4224.60	24.28
(New Hire 7/1/01-6/30/02)	3796.48	21.82	3990.48	22.93
(New Hire 7/1/02-6/30/03)	3579.08	20.57	3780.08	21.72
(New Hire 7/1/03-6/30/04)	3344.48	19.22	3554.48	20.43
(New Hire 7/1/04-6/30/05)	3344.48	19.22	3344.48	19.22

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF EMERGENCY AMENDMENTS

Highway Maintainer (Drill Rig)	4254.00	24.45	4254.00	24.45
(New Hire 7/1/99-6/30/00)	4025.00	23.13	4254.00	24.45
(New Hire 7/1/00-6/30/01)	4025.00	23.13	4254.00	24.45
(New Hire 7/1/01-6/30/02)	3822.00	21.97	4016.00	23.08
(New Hire 7/1/02-6/30/03)	3604.00	20.71	3805.00	21.87
(New Hire 7/1/03-6/30/04)	3368.00	19.36	3578.00	20.56
(New Hire 7/1/04-6/30/05)	3368.00	19.36	3368.00	19.36
Highway Maintainer (Seasonal)	3154.00	18.13	3154.00	18.13
Janitor I (including Office of Administration)	3862.00	22.20	3862.00	22.20
Janitor II (including Office of Administration)	3893.00	22.37	3893.00	22.37
Laborer (Maintenance)	4063.00	23.35	4063.00	23.35
Laborer Maintenance Lead Worker	4119.00	23.67	4119.00	23.67
<u>Maintenance Equipment Operator (All Divisions)</u>	<u>4155.00</u>	<u>23.88</u>	<u>4155.00</u>	<u>23.88</u>
Maintenance Worker (including Including Office of Administration)	4099.00	23.56	4099.00	23.56
Power Shovel Operator (Maintenance)	4254.00	24.45	4254.00	24.45
Power Shovel Operator (Maintenance) (Bridge Crew)	4323.60	24.85	4323.60	24.85
Security Guard I (including Office of Administration)	3889.00	22.35	3889.00	22.35
Security Guard II (including Office of Administration)	3937.00	22.63	3937.00	22.63
Silk Screen Operator	4259.00	24.48	4259.00	24.48
	Effective January 1, 2005 for employees with an anniversary date between July 1 and December 31		Effective January 1, 2005 for employees with an anniversary date between January 1 and June 30	
	Mo.	Hr.	Mo.	Hr.
Bridge Mechanic	4303.00	24.73	4303.00	24.73
Bridge Tender	4067.00	23.37	4067.00	23.37
Deck Hand	4141.00	23.80	4141.00	23.80
Ferry Operator I	4370.00	25.11	4370.00	25.11
Ferry Operator II	4421.00	25.41	4421.00	25.41

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF EMERGENCY AMENDMENTS

Highway Maintenance Lead Worker	4402.00	25.30	4402.00	25.30
Highway Maintenance Lead Worker (Bridge Crew)	4473.32 4473.00	25.71	4473.32 4473.00	25.71
Highway Maintenance Lead Worker (Lead Lead Worker)	4453.00	25.59	4453.00	25.59
Highway Maintainer (New Hire 7/1/99-6/30/00)	4269.00	24.53	4269.00	24.53
(New Hire 7/1/00-6/30/01)	4269.00	24.53	4269.00	24.53
(New Hire 7/1/01-6/30/02)	4031.00	23.17	3836.00	22.05
(New Hire 7/1/02-6/30/03)	3820.00	21.95	3617.00	20.79
(New Hire 7/1/03-6/30/04)	3591.00	20.64	3379.00	19.42
(New Hire 7/1/04-6/30/05)	3379.00	19.42	3379.00	19.42
Highway Maintainer (Bridge Crew) (New Hire 7/1/99-6/30/00)	4340.78	24.95	4340.78	24.95
(New Hire 7/1/00-6/30/01)	4340.78	24.95	4340.78	24.95
(New Hire 7/1/01-6/30/02)	4100.22	23.56	3900.88	22.42
(New Hire 7/1/02-6/30/03)	3884.03	22.32	3677.50	21.14
(New Hire 7/1/03-6/30/04)	3652.23	20.99	3436.45	19.75
(New Hire 7/1/04-6/30/05)	3436.45	19.75	3436.45	19.75
Highway Maintainer (Drill Rig) (New Hire 7/1/99-6/30/00)	4371.00	25.12	4371.00	25.12
(New Hire 7/1/00-6/30/01)	4371.00	25.12	4371.00	25.12
(New Hire 7/1/01-6/30/02)	4126.00	23.71	3927.00	22.57
(New Hire 7/1/02-6/30/03)	3910.00	22.47	3703.00	21.28
(New Hire 7/1/03-6/30/04)	3676.00 3677.00	21.13	3461.00	19.89
(New Hire 7/1/04-6/30/05)	3461.00	19.89	3461.00	19.89
Highway Maintainer (Seasonal)	3154.00	18.13	3154.00	18.13
Janitor I (including Office of Administration)	3939.00	22.64	3939.00	22.64
Janitor II (including Office of Administration)	3971.00	22.82	3971.00	22.82
Laborer (Maintenance)	4144.00	23.82	4144.00	23.82
Laborer Maintenance Lead Worker	4201.00	24.14	4201.00	24.14
<u>Maintenance Equipment Operator (All Divisions)</u>	<u>4238.00</u>	<u>24.36</u>	<u>4238.00</u>	<u>24.36</u>
Maintenance Worker (including <u>Including</u> Office of Administration)	4181.00	24.03	4181.00	24.03

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF EMERGENCY AMENDMENTS

Power Shovel Operator (Maintenance)	4371.00	25.12	4371.00	25.12
Power Shovel Operator (Maintenance) (Bridge Crew)	4442.50 4442.00	25.53	4442.50 4442.00	25.53
Security Guard I (including Office of Administration)	3967.00	22.80	3967.00	22.80
Security Guard II (including Office of Administration)	4016.00	23.08	4016.00	23.08
Silk Screen Operator	4344.00	24.97	4344.00	24.97

Effective on employee's
anniversary date between
January 1 and June 30, 2005

	Mo.	Hr.
Bridge Mechanic	4303.00	24.73
Bridge Tender	4067.00	23.37
Deck Hand	4141.00	23.80
Ferry Operator I	4370.00	25.11
Ferry Operator II	4421.00	25.41
Highway Maintenance Lead Worker	4402.00	25.30
Highway Maintenance Lead Worker (Bridge Crew)	4473.32 4473.00	25.71
Highway Maintenance Lead Worker (Lead Lead Worker)	4453.00	25.59
Highway Maintainer	4269.00	24.53
(New Hire 7/1/99-6/30/00)	4269.00	24.53
(New Hire 7/1/00-6/30/01)	4269.00	24.53
(New Hire 7/1/01-6/30/02)	4031.00	23.17
(New Hire 7/1/02-6/30/03)	3820.00	21.95
(New Hire 7/1/03-6/30/04)	3591.00	20.64
(New Hire 7/1/04-6/30/05)	3379.00	19.42
Highway Maintainer (Bridge Crew)	4340.78	24.95
(New Hire 7/1/99-6/30/00)	4340.78	24.95
(New Hire 7/1/00-6/30/01)	4340.78	24.95
(New Hire 7/1/01-6/30/02)	4100.22	23.56
(New Hire 7/1/02-6/30/03)	3884.03	22.32
(New Hire 7/1/03-6/30/04)	3652.23	20.99
(New Hire 7/1/04-6/30/05)	3436.45	19.75
Highway Maintainer (Drill Rig)	4371.00	25.12
(New Hire 7/1/99-6/30/00)	4371.00	25.12
(New Hire 7/1/00-6/30/01)	4371.00	25.12

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF EMERGENCY AMENDMENTS

(New Hire 7/1/01-6/30/02)	4126.00	23.71
(New Hire 7/1/02-6/30/03)	3910.00	22.47
(New Hire 7/1/03-6/30/04)	3676.00	21.13
	3677.00	
(New Hire 7/1/04-6/30/05)	3461.00	19.89
Highway Maintainer (Seasonal)	3154.00	18.13
Janitor I (including Office of Administration)	3939.00	22.64
Janitor II (including Office of Administration)	3971.00	22.82
Laborer (Maintenance)	4144.00	23.82
Laborer Maintenance Lead Worker	4201.00	24.14
<u>Maintenance Equipment Operator (All Divisions)</u>	<u>4238.00</u>	<u>24.36</u>
Maintenance Worker (including Including Office of Administration)	4181.00	24.03
Power Shovel Operator (Maintenance)	4371.00	25.12
Power Shovel Operator (Maintenance) (Bridg Crew)	4442.50	25.53
	4442.00	
Security Guard I (including Office of Administration)	3967.00	22.80
Security Guard II (including Office of Administration)	4016.00	23.08
Silk Screen Operator	4344.00	24.97

B) Department of Central Management Services – Division of Vehicles – Downstate (All Counties Other Than Cook, DuPage, Kane, Kankakee, Kendall, Lake, McHenry and Will)

	July 1, 2004		January 1, 2005	
	Mo.	Hr.	Mo.	Hr.
Janitor I	3862.00	22.20	3939.00	22.64
Janitor II	3893.00	22.37	3971.00	22.82
Maintenance Equipment Operator (all divisions)	4155.00	23.88	4238.00	24.36
Maintenance Worker	4099.00	23.56	4181.00	24.03
Security Guard I	3889.00	22.35	3967.00	22.80
Security Guard II	3937.00	22.63	4016.00	23.08

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF EMERGENCY AMENDMENTS

C) Department of Human Services – Lincoln Developmental Center

	<u>July 1, 2004</u>		<u>January 1, 2005</u>	
	Mo.	Hr.	Mo.	Hr.
Laborer (Maintenance)	4063.00	23.35	4144.00	23.82

D) Departments of Children and Family Services, Employment Security, Human Services, Public Aid, State Police, Veterans' Affairs – Downstate (All Counties Other Than Cook, DuPage, Kane, Kankakee, Kendall, Lake, McHenry and Will)

	<u>July 1, 2004</u>		<u>January 1, 2005</u>	
	Mo.	Hr.	Mo.	Hr.
Maintenance Equipment Operator	4155.00	23.88	4238.00	24.36

E) Department of Corrections (All Counties Other Than Cook, DuPage, Kane, Kankakee, Kendall, Lake, McHenry and Will)

	<u>July 1, 2004</u>		<u>January 1, 2005</u>	
	Mo.	Hr.	Mo.	Hr.
Maintenance Equipment Operator	4254.00	24.45	4339.00	24.94

F) Department of Transportation – Division of Highways – Emergency Patrol – District #8

	<u>Effective July 1, 2004</u>		<u>Effective on employee's anniversary date between July 1 and December 31, 2004</u>	
	Mo.	Hr.	Mo.	Hr.
Highway Maintainer	4255.00	24.45	4255.00	24.45
(New Hire 7/1/99-6/30/00)	4026.00	23.14	4255.00	24.45
(New Hire 7/1/00-6/30/01)	4026.00	23.14	4255.00	24.45
(New Hire 7/1/01-6/30/02)	3823.00	21.97	4018.00	23.09
(New Hire 7/1/02-6/30/03)	3605.00	20.72	3808.00	21.89
(New Hire 7/1/03-6/30/04)	3369.00	19.36	3580.00	20.57
(New Hire 7/1/04-6/30/05)	3369.00	19.36	3369.00	19.36
Highway Maintenance Lead Worker	4384.00	25.20	4384.00	25.20
Highway Maintenance Lead Worker (Lead Lead Worker)	4409.00	25.34	4409.00	25.34

Effective January 1, 2005Effective January 1,

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF EMERGENCY AMENDMENTS

	for employees with an anniversary date between July 1 and December 31		2005 for employees with an anniversary date between January 1 and June 30	
	Mo.	Hr.	Mo.	Hr.
Highway Maintainer	4372.00	25.13	4372.00	25.13
(New Hire 7/1/99-6/30/00)	4372.00	25.13	4372.00	25.13
(New Hire 7/1/00-6/30/01)	4372.00	25.13	4372.00	25.13
(New Hire 7/1/01-6/30/02)	4128.00	23.72	3928.00	22.57
(New Hire 7/1/02-6/30/03)	3913.00	22.49	3704.00	21.29
(New Hire 7/1/03-6/30/04)	3678.00	21.14	3462.00	19.90
(New Hire 7/1/04-6/30/05)	3462.00	19.90	3462.00	19.90
Highway Maintenance Lead Worker	4505.00	25.89	4505.00	25.89
Highway Maintenance Lead Worker (Lead Lead Worker)	4530.00	26.03	4530.00	26.03

Effective on employee's
anniversary date between
January 1 and June 30, 2005

	Mo.	Hr.
	Highway Maintainer	4372.00
(New Hire 7/1/99-6/30/00)	4372.00	25.13
(New Hire 7/1/00-6/30/01)	4372.00	25.13
(New Hire 7/1/01-6/30/02)	4128.00	23.72
(New Hire 7/1/02-6/30/03)	3913.00	22.49
(New Hire 7/1/03-6/30/04)	3678.00	21.14
(New Hire 7/1/04-6/30/05)	3462.00	19.90
Highway Maintenance Lead Worker	4505.00	25.89
Highway Maintenance Lead Worker (Lead Lead Worker)	4530.00	26.03

G) Department of Natural Resources

	July 1, 2004		January 1, 2005	
	Mo.	Hr.	Mo.	Hr.
Power Shovel Operator (Maintenance)	4254.00	24.45	4339.00	24.94

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF EMERGENCY AMENDMENTS

(Source: Amended by emergency rulemaking at 28 Ill. Reg. 14174, effective October 15, 2004, for a maximum of 150 days)

DEPARTMENT OF LABOR

NOTICE OF EMERGENCY AMENDMENTS

- 1) Heading of the Part: Prevailing Wage Hearing Procedures
- 2) Code Citation: 56 Ill. Adm. Code 100
- 3)

<u>Section Numbers:</u>	<u>Emergency Action:</u>
100.5	Amend
100.22	Amend
100.24	Amend
100.60	Amend
100.120	Amend
- 4) Statutory Authority: Public Act 93-16 and Public Act 93-38.
- 5) Effective Date: October 18, 2004
- 6) If this emergency rulemaking is to expire before the end of the 150-day period, please specify the date on which it is to expire: Not applicable
- 7) Date Filed with the Index Department: October 18, 2004
- 8) A copy of the emergency amendment is on file in the agency's principal office and is available for public inspection.
- 9) Reason for Emergency: New legislation, Public Act 93-16, effective January 1, 2004 and Public Act 93-38, effective June 1, 2004.
- 10) A Complete Description of the Subjects and Issues Involved: The Prevailing Wage Act was amended to provide that a violation can be issued for failure of a contractor or subcontractor to: furnish a sworn statement that their records are accurate, insert into each subcontract or lower tiered subcontract and project specifications a written stipulation that not less than the prevailing rate of wages be paid, post at a location on the project site the prevailing wage rates for each craft and employee, and strengthen the record keeping requirements to include actual hourly wages paid in each pay period to each employee and the hours worked each day in each work week, and starting and ending times of work for each employee. Statutory citations are updated in this amendment to reflect current citation format.
- 11) Are there any proposed amendments to this Part pending? Yes, a proposed amendment has been filed concurrently with this emergency amendment.

DEPARTMENT OF LABOR

NOTICE OF EMERGENCY AMENDMENTS

- 12) Statement of Statewide Policy Objectives: The debarment rules apply to contractors and subcontractors subject to the Act. The rules define the process by which contractors and subcontractors are debarred. This rulemaking does not require a local government to establish, expand or modify its activities in such a way as to necessitate any additional expenditures from local revenues.
- 13) Information and questions regarding these rules shall be directed to:

Valerie A. Puccini
Assistant General Counsel
Illinois Department of Labor
160 N. LaSalle Street, C-1300
Chicago IL 60601
(312) 793-7838

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

DEPARTMENT OF LABOR

NOTICE OF EMERGENCY AMENDMENTS

TITLE 56: LABOR AND EMPLOYMENT
CHAPTER I: DEPARTMENT OF LABOR
SUBCHAPTER a: GENERAL ADMINISTRATIVE RULESPART 100
PREVAILING WAGE HEARING PROCEDURES

Section

100.5 Applicability

[EMERGENCY](#)

100.10 Policy

100.20 Applicability (Renumbered)

100.22 Definitions

[EMERGENCY](#)

100.24 Notice of Violation

[EMERGENCY](#)

100.26 Initiation of Hearing

100.30 Notice of Hearing

100.40 Intervention

100.50 Postponement or Continuance of Hearing

100.60 Hearing Examiner; Power and Duties

[EMERGENCY](#)

100.70 Pre-Hearing Conference

100.80 Consent Findings and Rules or Orders

100.90 Discovery

100.100 Hearing

100.110 Hearing Examiner's Decision

100.120 Judicial Review

[EMERGENCY](#)

AUTHORITY: Implementing and authorized by Section 11a of the Prevailing Wage Act [820 ILCS 130/11a] (see PA 93-16 and PA 93-38).

SOURCE: Adopted at 8 Ill. Reg. 1586, effective January 20, 1984; emergency amendments at 14 Ill. Reg. 1026, effective January 1, 1990, for a maximum of 150 days; emergency expired May 31, 1990; amended at 14 Ill. Reg. 13608, effective August 9, 1990; emergency amendment at 28 Ill. Reg. 14204, effective October 18, 2004, for a maximum of 150 days.

Section 100.5 Applicability[EMERGENCY](#)

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NOTICE OF EMERGENCY AMENDMENTS

This Part shall apply to all hearings conducted by this Department of Labor under Section 11a of ~~the Prevailing Wage Act [820 ILCS 130]"AN ACT regulating wages of laborers, mechanics, and other workers employed in any public works by the State, county, city or any public body or any political subdivision or by any one under contract for public works"~~ (the Act) ~~(Ill. Rev. Stat. 1987, ch. 48, par. 39s-11a as amended by P.A. 86-693 and P.A. 86-799 both effective January 1, 1990)~~ for purposes of debarring a contractor or subcontractor from contracting for public works as defined in the Act for a two year period. Such debarment is automatic after the contractor or subcontractor has received notice of a second violation of the Act, unless within 10 working days of receipt of the notice of a second violation he requests a hearing in writing in accordance with these rules.

(Source: Amended by emergency rulemaking at 28 Ill. Reg. 14204, effective October 18, 2004, for a maximum of 150 days)

Section 100.22 Definitions**EMERGENCY**

- a) "Violation" means a written determination by the Department that a contractor or subcontractor has: failed or refused to pay the prevailing wage to one or more laborers, workers, or mechanics under a single contract or subcontract as required by Section 3 of the Act; failed to keep accurate records as required by Section 5 of the Act; produced falsified records or records not in compliance with the provisions of subsection (d) of this Section to the Department for inspection, as prohibited by Section 6 of the Act; refused to submit records to the Department in response to a subpoena issued in accordance with Section 10 of the Act; ~~or~~ refused access to the Department for inspection of records at any reasonable hours as required by Section 5 of the Act (regular business hours of the contractor or subcontractor or by mutual agreement between the Department and contractor or subcontractor); failed to furnish a sworn statement of the accuracy of its records in accordance with Section 10 of the Act; or failed to insert into each subcontract or lower tiered subcontract and into the project specifications for each subcontract or lower tiered subcontract a written stipulation that not less than the prevailing rate of wages be paid as required by Section 4 of the Act. A violation also means a written determination by the Department that a contractor or construction manager failed to post at a location on the project site of the public works the prevailing wage rates as required by Section 4 of the Act.
- b) "Second violation" is a violation as defined in subsection (a) which has occurred within two years of a previous violation.

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- c) "Prevailing hourly rate of wages" means the hourly cash wages plus fringe benefits for health and welfare, insurance, vacations and pensions paid most frequently (numerically most occurring), in the county in which the public works is performed, to employees engaged on public works, as determined by the public body awarding the contract or the most recent revision as determined by the Department of Labor effective prior to the date when the contract was let for bids or, if not let for bids, when executed; and all revisions by the Illinois Department of Labor when effected.
- d) "Accurate records" means the names, addresses, telephone numbers and social security numbers of all employees engaged in a public works project; each employee's classification for the type of work actually performed on the public works project; the hours worked each day in each work week by each employee, including any overtime hours; the hourly rate of pay for straight time hours worked; the hourly rate of pay for overtime hours worked; the hourly rate paid for fringe benefits, including pension, health and welfare and vacations, and a designation of whether such fringe benefits were paid into a fund or paid directly to the employee; each employee's gross weekly wage, withholdings and net weekly wage; and the starting and ending times of work for each employee.
- e) "Determination" means the decision by the Director or his/her designee to issue a Notice of Violation to a contractor or subcontractor because the Act has been violated. Each specific finding listed in the Notice of Violation is a separate "Determination" that the Act has been violated.
- f) "Notice of Violation" means the formal written notice to a contractor or subcontractor that the Department has made a determination(s) that the contractor or subcontractor has violated the Act.
- g) "Employee", for purposes of the Act and this Part, means laborers, mechanics and other workers employed in any public works, as defined and covered under the Act, by anyone under contracts for public works.
- h) "Construction manager" includes, but is not limited to, the contractor, subcontractor or anyone overseeing any project covered by the Act for purposes of the posting requirement.
- i) "Employer", for purposes of the Act and this Part, means contractors and subcontractors who perform public works projects subject to the Act.

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(Source: Amended by emergency rulemaking at 28 Ill. Reg. 14204, effective October 18, 2004, for a maximum of 150 days)

Section 100.24 Notice of Violation**EMERGENCY**

- a) Upon receipt of a report of an inspection, survey or evaluation of a complaint against an employer, the Director or his/her designee shall review the findings contained in the investigative file to determine whether the findings constitute a violation or violations of which the contractor or subcontractor must be given notice. All information, evidence and observations made during an audit, investigation or survey shall be considered and shall constitute the basis for the Department's determination that the Act has been violated and that a Notice of Violation shall be issued. The Notice of Violation shall list the specific determination(s) that a contractor or subcontractor has violated the Act.
- b) The Notice of Violation shall state the amount of monies estimated due by the Department to be in controversy based on findings contained in the investigation file.
- c) In making a determination where a contractor or subcontractor has failed to allow the Director or his/her deputies or agents access to accurate payroll records, the Director shall rely on the information contained in the investigative file and shall assess a separate violation for each day worked by each worker on the subject project. Each determination of a separate violation under Section Five of the Act shall be listed in the Notice of Violation.
- d) In deciding whether the findings warrant a determination that the Act has been violated and require the issuance of a notice of violation, the Director or his/her designee shall base his/her decision on the following factors:
 - 1) The severity of the violations. The Director or his/her designee will consider the following:
 - A) Whether the contractor or subcontractor is charged with violating the Act on at least (2)/two separate occasions.
 - B) The activity or conduct complained of violates the requirements of the statute and was not merely a technical, non-substantive error.

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- 2) The frequency and duration of the present violation(s) as well as that of findings in previous investigations and the contractor or subcontractor's general inspection history. The Director or his/her designee may consider whether the same or similar findings, relating to the prior violations of the Act, has been the result of prior investigations; and whether the contractor or subcontractor has allowed the conditions or violations to continue or recur.
- 3) The amount of wages determined to be in controversy (the difference between the amount actually paid and the required prevailing wage for that type of work). The Director or his/her designee may consider the amount of money in controversy for the cited violation(s).
- 4) Whether the contractor or subcontractor has made and kept, for a period of not less than 3 years, true and accurate records of the name, address, telephone number when available, social security number and occupation of all laborers, workers, and mechanics employed by them in connection with public works and whether those records show the actual hourly wages paid in each pay period to each employee and the hours worked each day in each work week by each employee, as well as starting and ending times of work for each employee ~~kept or caused to be kept an accurate record showing names and occupations of all laborers, workers and showing the actual hourly wages paid to each of such persons, which record shall be open at all reasonable hours to the inspection of the public body awarding the contract, its officers and agents, and to the Director of Labor and his/her deputies and agents.~~
- 5) The failure of a contractor or subcontractor to allow the Department reasonable access to their payroll records.
- 6) Whether the contractor or subcontractor furnished a sworn statement of the accuracy of its records pursuant to Section 10 of the Act.
- 7) Whether the contractor or subcontractor inserted into each subcontract or lower tiered subcontract and into the project specifications for each subcontract or lower tiered subcontract a written stipulation that not less than the prevailing rate of wages shall be paid to all laborers, workers, and mechanics performing work under the contract for public works.

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8) [Whether the contractor or construction manager to whom a contract for public works is awarded posted, at a location on the project site of the public works that is easily accessible to the employees engaged on the project, the prevailing wage rates for each craft or type of laborer, worker and mechanic needed to execute the contract or project or work to be performed.](#)

- e) The notices of the first and second violations shall be sent by the Department by certified mail, deposited in the United States mail, postage prepaid, addressed to the last known address of the person(s), partnership(s), association(s), or corporation(s) involved. Said notices shall contain a reference to the specific Sections of the Act or this Part alleged to have been violated; identify the particular public works project involved; the conduct complained of; an identification as to first or second notice and a statement of remedies available to the contractor or subcontractor and Department.

(Source: Amended by emergency rulemaking at 28 Ill. Reg. 14204, effective October 18, 2004, for a maximum of 150 days)

Section 100.60 Hearing Examiner; Power and Duties**EMERGENCY**

- a) Powers: A Hearing Examiner designated to preside over a hearing shall have all powers necessary and appropriate to conduct a fair, full and impartial hearing, including the following:
- 1) To administer oaths and affirmations;
 - 2) To rule upon offers of proof and receive relevant evidence;
 - 3) To exercise the power of the Director and issue subpoenas under any statute;
 - 4) To provide for discovery and to determine its scope;
 - 5) To regulate the course of the hearing and the conduct of the parties and their counsel therein;
 - 6) To consider and rule upon procedural requests;

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- 7) To hold conferences for the settlement or simplification of the issues;
 - 8) To examine witnesses and direct witnesses to testify, limit the number of times any witness may testify, limit repetition or cumulative testimony and set reasonable limits on the amount of time each witness may testify;
 - 9) To make or cause to be made an inspection of the employment or place of employment involved;
 - 10) To make decisions in accordance with the Illinois Prevailing Wage Act, this Part, and the Illinois Administrative Procedure Act [\[5 ILCS 100\]](#)~~([Ill. Rev. Stat. 1991, ch. 127, par. 1001-1 et seq.](#))~~.
- b) Ex Parte Consultations: Except in the disposition of matters which are authorized by law to be entertained or disposed of on an ex parte basis, no agency member, or employee or Hearing Examiner shall, after notice of hearing pursuant to this part, communicate directly or indirectly in connection with any issue of fact with any person or party or in connection with any other issue with any party or his representative except upon notice and opportunity for all parties to participate. However, an agency member may communicate with other members of the agency, and an agency member or Hearing Examiner may have the aid and advice of one or more personal assistants.
- c) Disqualification:
- 1) When a Hearing Examiner deems himself/herself unqualified to preside over a particular hearing, he/she shall withdraw therefrom by notice on the record directed to the Director of Labor.
 - 2) Any party who deems a Hearing Examiner, for any reason, to be unqualified to preside or to continue to preside over a particular hearing may file with the Director of Labor a motion to disqualify and remove the Hearing Examiner; and such motion to be supported by affidavits setting forth the alleged grounds for disqualification. The Director of Labor shall rule on the motion.
- d) Contumacious Conduct – Failure of or Refusal to Appear or Obey the Rulings of a Presiding Hearing Examiner:
- 1) Contumacious conduct at any hearing before the Hearing Examiner shall

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be grounds for sanctions to be imposed by the Hearing Examiner.

- 2) If a witness or a party refuses to answer a question after being directed to do so or refuses to obey an order to provide or permit discovery, the Hearing Examiner shall render a decision based upon the information available.
- e) Referral to Illinois Supreme Court Rules: On any procedural question not regulated by this Part, the Illinois Prevailing Wage Act and the Illinois Administrative Procedure Act, a Hearing Examiner may be guided to the extent practicable by any pertinent provisions of the Illinois Supreme Court Rules.

(Source: Amended by emergency rulemaking at 28 Ill. Reg. 14204, effective October 18, 2004, for a maximum of 150 days)

Section 100.120 Judicial Review**EMERGENCY**

- a) If the proceedings to review judicially the final determination of the Department of Labor are not instituted as hereafter provided, such determination shall be final and binding upon publication in the Illinois Register.
- b) The provisions of the Administrative Review Law [\[735 ILCS 5/Art. III\]](#)~~(Ill. Rev. Stat. 1987, ch. 110, pars. 3-101 et seq.)~~, and all amendments and modifications thereof, and the rules adopted pursuant thereto, shall apply to and govern all proceedings for the judicial review of final "administrative decisions" of the Department of Labor hereunder. The term administrative decision is defined as in Section 3-101 of said Administrative Review Law.

(Source: Amended by emergency rulemaking at 28 Ill. Reg. 14204, effective October 18, 2004, for a maximum of 150 days)

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENTS

- 1) Heading of the Part: Specialized Health Care Delivery Systems
- 2) Code Citation: 89 Ill. Adm. Code 146
- 3)

<u>Section Numbers:</u>	<u>Emergency Action:</u>
146.200	Amendment
146.205	Amendment
146.210	Amendment
146.215	Amendment
146.220	Amendment
146.225	Amendment
146.230	Amendment
146.235	Amendment
146.240	Amendment
146.245	Amendment
146.250	Amendment
146.255	Amendment
146.260	Amendment
146.265	Amendment
146.270	Amendment
146.275	Amendment
146.280	Amendment
146.295	New Section
146.300	New Section
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]
- 5) Effective Date: October 18, 2004
- 6) If this emergency amendment is to expire before the end of the 150-day period, please specify the date on which it is to expire: Not Applicable
- 7) Date Filed with the Index Department: October 18, 2004
- 8) A copy of the emergency amendments, including any materials incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Reason for Emergency: This emergency rulemaking is necessary to strengthen the health and safety aspects of regulations that impact upon Supportive Living Facilities (SLFs). Under these changes, SLF providers must comply with the most recent Illinois

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Accessibility Code, Life Safety Code, and the Tuberculosis Code. Immediate implementation of this rulemaking is required to protect the health, safety and welfare of those who reside in Supportive Living Facilities.

10) Complete Description of the Subjects and Issues Involved: This rulemaking strengthens the health and safety aspects of regulations pertaining to Supportive Living Facilities (SLFs) by requiring providers to comply with the most recent Illinois Accessibility Code, the Life Safety Code, and the Tuberculosis Code, and clarifying what medication services must be provided by licensed nurses. Section 146.280, Termination or Suspension of SLF Provider Agreement, is being revised to enhance the Department's enforcement efforts through increased sanctions for severe violations involving non-compliance on previously cited issues. Also, two new Sections are being added concerning requirements for each SLF to have an emergency contingency plan, and waivers that may be granted by the Department concerning specific provisions of the SLF rules under certain circumstances.

11) Are there any other amendments pending on this Part? Yes

<u>Section Numbers:</u>	<u>Proposed Action</u>	<u>Illinois Register Citation</u>
146.225	Amendment	August 27, 2004 (28 Ill. Reg. 12069)
146.255	Amendment	August 27, 2004 (28 Ill. Reg. 12069)

12) Statement of Statewide Policy Objectives: These emergency amendments neither create nor expand any State mandate affecting units of local government.

13) Information and questions regarding these amendments shall be directed to:

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

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

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER d: MEDICAL PROGRAMS

PART 146
SPECIALIZED HEALTH CARE DELIVERY SYSTEMS

SUBPART A: AMBULATORY SURGICAL TREATMENT CENTERS

Section	
146.100	General Description
146.105	Definitions
146.110	Participation Requirements
146.115	Records and Data Reporting Requirements
146.125	Covered Ambulatory Surgical Treatment Center Services
146.130	Reimbursement for Services

SUBPART B: SUPPORTIVE LIVING FACILITIES

Section	
146.200	General Description
EMERGENCY	
146.205	Definitions
EMERGENCY	
146.210	Structural Requirements
EMERGENCY	
146.215	SLF Participation Requirements
EMERGENCY	
146.220	Resident Participation Requirements
EMERGENCY	
146.225	Reimbursement for Medicaid Residents
EMERGENCY	
146.230	Services
EMERGENCY	
146.235	Staffing
EMERGENCY	
146.240	Resident Contract
EMERGENCY	
146.245	Assessment and Service Plan and Quarterly Evaluation
EMERGENCY	

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- 146.250 Resident Rights
[EMERGENCY](#)
- 146.255 Discharge
[EMERGENCY](#)
- 146.260 Grievance Procedure
[EMERGENCY](#)
- 146.265 Records [and Reporting](#) Requirements
[EMERGENCY](#)
- 146.270 Quality Assurance Plan
[EMERGENCY](#)
- 146.275 Monitoring
[EMERGENCY](#)
- 146.280 Termination or Suspension of SLF Provider Agreement
[EMERGENCY](#)
- 146.285 Voluntary Surrender of Certification
- 146.290 Geographic Groups
- [146.295](#) [Emergency Contingency Plan](#)
[EMERGENCY](#)
- [146.300](#) [Waivers](#)
[EMERGENCY](#)

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

SOURCE: Old Part repealed at 14 Ill. Reg. 13800, effective August 15, 1990; new Part adopted at 20 Ill. Reg. 4419, effective February 29, 1996; emergency amendment at 21 Ill. Reg. 13875, effective October 1, 1997, for a maximum of 150 days; amended at 22 Ill. Reg. 4430, effective February 27, 1998; emergency amendment at 22 Ill. Reg. 13146, effective July 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 19914, effective October 30, 1998; amended at 23 Ill. Reg. 5819, effective April 30, 1999; emergency amendment at 23 Ill. Reg. 8256, effective July 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 13663, effective November 1, 1999; amended at 24 Ill. Reg. 8353, effective June 1, 2000; emergency amendment at 26 Ill. Reg. 14882, effective October 1, 2002, for a maximum of 150 days; amended at 27 Ill. Reg. 2176, effective February 1, 2003; emergency amendment at 27 Ill. Reg. 10854, effective July 1, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 18671, effective November 26, 2003; emergency amendment at 28 Ill. Reg. 12218, effective August 11, 2004, for a maximum of 150 days; emergency amendment at 28 Ill. Reg. 14214, effective October 18, 2004, for a maximum of 150 days.

SUBPART B: SUPPORTIVE LIVING FACILITIES

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENTS

Section 146.200 General Description**EMERGENCY**

- a) The Public Aid Code [305 ILCS 5/5-5.01a] calls for a demonstration project to determine the viability of supportive living facilities (SLFs) that seek to promote independence, dignity, respect and well-being for residents in the most cost effective manner. When submitting an application for participation in the Supportive Living Program, each SLFSLFs shall designate which population it will serve, either:
- 1) persons with a disability who are age-22 to 64 years of age; and over or
 - 2) persons who are age-65 years of age and over who meet the requirements described in Section 146.220.
- b) An SLF is a residential setting in Illinois that provides or coordinates flexible personal care services, 24 hour supervision and assistance (scheduled and unscheduled), activities, and health related services with a service program and physical environment designed to minimize the need for residents to move within or from the setting to accommodate changing needs and preferences; has an organizational mission, service programs and a physical environment designed to maximize residents' dignity, autonomy, privacy and independence; and encourages family and community involvement.

(Source: Amended by emergency rulemaking at 28 Ill. Reg. 14214, effective October 18, 2004, for a maximum of 150 days)

Section 146.205 Definitions**EMERGENCY**

For purposes of this Part, the following terms shall be defined as follows:

"Activities of Daily Living" means eating, bathing, dressing, transferring, toileting, walking and grooming.

~~"Assessment" means either the federally mandated assessment instrument commonly referred to as minimum data set (MDS) or the Department designated resident assessment instrument designed for use in SLFs.~~

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"Bank Nursing Facility Beds" means SLF providers that choose to participate by converting a distinct part of a nursing facility shall be allowed to retain the Certificate of Need for nursing beds that were converted.

"Complaint" means a phone call, letter or personal contact to the Department from a resident, family member or resident representative expressing a concern related to the health, safety or well-being of one or more SLF residents.

"Comprehensive Resident Assessment Instrument" or "RAI" means the Department designated resident assessment instrument designed for use in SLFs.

"Contract" means the written agreement between an SLF and the Department to provide all services set forth in this Subpart B.

"Department" means the Illinois Department of Public Aid.

"Direct Care Staff" means staff which provide professional nursing services, assistance with activities of daily living or other personal needs or maintenance, or general supervision and oversight of the physical and mental well-being of an individual.

"Distinct Part" means a separate building or an entire wing or other physically identifiable space of an existing nursing facility licensed under the Nursing Home Care Act or the Hospital Licensing Act that is operated as an SLF distinguishably from the rest of the facility. The distinct part of a nursing facility will not be subject to provisions of the Nursing Home Care Act. The distinct part of a hospital will continues to be subject to provisions of the Hospital Licensing Act while complying with provisions of this Subpart B. DistinctA distinct part does not include the conversion of an entire nursing facility or hospital.

"Follow-up Care" means the response to, and documentation of, the service plan which is discussed with, and agreed to by, the resident and/or the resident's designee. It may include physician referrals, revision of the service plan to incorporate nursing services, health promotion counseling and teaching self care in meeting health needs.

"Freestanding Facility" means a separate building that is not part of an existing nursing facility or hospital. Freestanding facility includes new construction, an existing building or facilities include conversion of an entire nursing facility or hospital into an SLF.

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"Licensed Nurse" means a person whose services are paid for by the SLF and who is licensed as a registered nurse, registered professional nurse, practical nurse or licensed practical nurse under the Nursing and Advanced Practice Nursing Act [225 ILCS 65].

"Medicaid" means the Department's Medical Assistance Program.

"Medicaid Resident" means a person with a disability (as determined by the Social Security Administration) age 22 years and over, or a person who is age 65 years and over who has been determined eligible for Medicaid payment for SLF services. Eligibility for a person residing in an SLF shall be determined in accordance with 89 Ill. Adm. Code 120.10 and 120.61 (excluding subsection (f) of Section 120.61). Provisions for property transfers as described at 89 Ill. Adm. Code 120.387 shall apply to a person residing in an SLF. Provisions for the prevention of spousal impoverishment as described at 89 Ill. Adm. Code 120.379 shall apply to a person residing in an SLF.

"Medical Assistance Program" means the program administered under Article V of the Illinois Public Aid Code [305 ILCS 5/Art. V] or successor programs and Title XIX of the Social Security Act (42 USC 1396) and related federal and State rules and regulations.

["Personal Allowance" means the \\$90 minimum protected monthly amount that is retained by Medicaid-eligible residents for their personal use.](#)

"Rehabilitated Nursing Facility" means the conversion of a distinct part of an existing nursing facility [into an SLF](#).

"Related Parties" means affiliates of [an](#)the SLF; entities for which investments are accounted for by the equity method by the entire enterprise; trusts for the benefit of employees, such as pensions and profit-sharing trusts that are managed by or under the trusteeship of management; any general partner; management of the SLF; members of the immediate families of principal owners of the SLF or its management; and other parties with which the SLF may deal if one party controls or can significantly influence management or operating policies of the other to an extent that one of the transacting parties might be prevented from fully pursuing its own separate interests. An entity or person shall be deemed by the Department to be a related party if it can significantly influence management or operating policies of the transacting parties or if it has an ownership interest in one of the

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transacting parties and can significantly influence the other to an extent that one or more of the transacting parties might be prevented from fully pursuing its own separate interests.

"Resident" means a person living in an SLF, including Medicaid residents as defined in this Section, ~~and as well as~~ individuals who are not eligible for Medicaid payment for SLF services.

"Room and Board" means the housing, utilities and meals provided under the resident contract. Unless otherwise specified in the resident contract, room and board does not include phone or cable charges.

"Services" means the personal and health care related services provided by ~~an~~the SLF pursuant to Section 146.230.

"Service Plan" means the written plan of care on the Department designated form that is developed for each resident by a licensed nurse with input from the resident, or his or her designated representative, based upon the annual comprehensive resident assessment or quarterly evaluation. ~~assessment and shall be completed within seven days after completion of the assessment.~~

"SLF" or "Supportive Living Facility" means a residential setting that meets the requirements of this Subpart B. in Illinois that: provides or coordinates flexible personal care services, 24 hour supervision and assistance (scheduled and unscheduled), activities, and health related services with a service program and physical environment designed to minimize the need for residents to move within or from the setting to accommodate changing needs and preferences; has an organizational mission, service programs and a physical environment designed to maximize residents' dignity, autonomy, privacy and independence; and encourages family and community involvement.

"SSI" means Supplemental Security Income under Title XVI of the Social Security Act.

"Subcontractor" means any person who assumes any duties and responsibilities from ~~an~~the SLF for the performance of SLF services pursuant to Section 146.230.

(Source: Amended by emergency rulemaking at 28 Ill. Reg. 14214, effective October 18, 2004, for a maximum of 150 days)

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Section 146.210 Structural Requirements**EMERGENCY**

- a) Building Construction
- 1) ~~An~~The SLF's architectural plans shall conform to the current State building codes for the respective building type, local Fire and Life Safety Standards for health care occupancy or the ~~2000~~1997 National Fire Protection Association Life Safety Code (NFPA) 101, Chapter 22, Residential Board and Care Occupancies or local building codes if more stringent.
 - 2) ~~An~~Each SLF shall meet accessibility standards ~~of as related to~~ the Americans with Disabilities Act of 1990. If the facility is subject to the requirements of the Illinois Accessibility Code (71 Ill. Adm. Code 400), it shall be deemed residential or multi-story housing for determining the requirements under that Code.
 - 3) An SLF shall not have any apartments below grade level.
 - 4) ~~All~~ freestanding ~~facilities~~sites consisting of two or more stories with 75 or fewer units shall have a minimum of one elevator available for resident use. ~~All~~ freestanding ~~facilities~~sites consisting of two or more stories with 76 or more units shall have a minimum of two elevators available for resident use.
- b) Heating and Air Conditioning
- 1) All residential apartments shall have individually controlled systems to maintain comfortable temperatures.
 - 2) Buildings shall provide a heating and air conditioning system in public areas to maintain comfortable temperatures.
- c) Illumination
- Illumination systems shall be installed and maintained to ensure sufficient lighting for general lighting, reading, night lighting for corridors, stairwells and emergency situations. There shall be adequate illumination for outdoor areas.
- d) Resident Apartments General Requirements – Freestanding FacilitySites

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- 1) Each single occupancy SLF apartment shall have ~~no fewer than~~ at least 300 square feet of living space, including closets and the bathroom.
- 2) Each double occupancy SLF apartment shall have no ~~fewer~~ less than 450 square feet of living space, including closets and the bathroom.
- 3) Each apartment shall be equipped at a minimum with:
 - A) A door that locks from the inside;
 - B) A full bathroom as defined in this Section;
 - C) An emergency call system ~~as provided in~~ pursuant to Section 146.230(~~ma~~);
 - D) Heating and cooling controls;
 - ~~E) An individual mailbox which shall be located inside the building;~~
 - EF) Wiring for private telephone lines;
 - FG) Access to cable television, satellite dish or master antenna receives at least ten channels; ~~and~~
 - GH) A sink, microwave oven or stove, and refrigerator with a separate freezer compartment; ~~and~~.
 - H) A separate bedroom for each unrelated occupant for SLFs approved for participation on or after October 18, 2004.
- 4) An SLF shall have individual locked mailboxes located inside the building for each apartment.
- ~~4) Each SLF shall have a master key to each apartment to be used only in case of an emergency.~~
- 5) Each freestanding SLF shall consist of one building housing at least ten but no more than 150 apartments.

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- e) Resident Apartments General Requirements – Rehabilitated Nursing Facilities
- 1) Any nursing facility rehabilitating a portion of the facility to conform with SLF requirements shall convert a distinct part of existing facility space.
 - 2) Each single occupancy SLF apartment shall have no fewer than~~at least~~ 160 square feet of living space, including closets and the bathroom.
 - 32) Each double occupancy SLF apartment shall ~~not~~ have no fewer~~less~~ than 320 square feet of living space, including closets and the bathroom.
 - 43) Each apartment shall be equipped at a minimum with:
 - A) A door that locks from the inside;
 - B) A full bathroom as defined in this Section that may be between and shared by the adjoining apartment;
 - C) An emergency call system as provided in~~pursuant to~~ Section 146.230(ma);
 - D) Heating and cooling controls;
 - E) ~~An individual mailbox which shall be located inside the building;~~
 - EF) Wiring for private telephone lines;
 - FG) Access to cable television, satellite dish or master antenna that receives at least ten channels; and
 - GH) A sink, microwave oven or stove, and refrigerator with a separate freezer compartment.
 - ~~4)~~ ~~Each SLF shall have a master key to each apartment to be used only in case of an emergency.~~
 - 5) An SLF shall have individual locked mailboxes located inside the building for each apartment.
 - 65) Each rehabilitated nursing facility shall consist of a distinct part of an

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existing facility housing at least ten apartments but no more than 150 apartments.

f) Apartment Bathrooms

1) Each bathroom shall be equipped with:

- A) A toilet with ~~surrounding~~ grab bars sufficient to meet the needs of the resident;
- B) A sink;
- C) A bathtub and/or shower stall with ~~surrounding~~ grab bars sufficient to meet the needs of the resident;
- D) Hot and cold running water with faucets that meet all marking standards ~~underfor~~ residential building codes; and
- E) An emergency call system pursuant to Section 146.230(~~mn~~).

2) Each bathroom shall be a separate room and shall be designed to provide privacy.

~~3) The SLF shall have at least one common bathing room which contains a bathtub and a roll-in shower which is wheelchair accessible to allow a five foot turning radius or utilize the American National Standards Institute T-shape or Y-shape, both of which have a non-skid surface, transfer seat and grab bars. Each bathing room shall have door locks to ensure privacy.~~

g) Closet Space

1) Each apartment shall have minimum closet space of 90 cubic feet, or minimum floor dimensions of no less than 72 inches wide and ~~2430~~ inches deep for each resident of the apartment.

2) Each closet shall be equipped with a door.

h) Doors

1) All doors in residential apartments, including entrance doors, shall be

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wheelchair accessible.

- 2) Entrance doors to apartments shall have locking devices that are accessible to the outside.
 - 3) Entrance doors to residential apartments shall open onto a public corridor.
 - 4) Entrance doors to each apartment shall be equipped with an "eye-view".
- i) Windows
All apartment windows shall be of transparent glass (except bathrooms) and large enough to permit viewing to the outside of the building. Apartments shall have at least one window with a sill height that permits viewing from a seated position.
- j) Common Areas
- 1) AnThe SLF shall have a minimum of two common areas that provide residents with space for socialization. The dining room may be used as one of the common areas.
 - 2) All common areas shall be accessible for wheelchair use and shall be designed and furnished to meet resident needs.
 - 3) Common areas shall be available for resident use at any time, provided such use does not disturb the health, safety, and well-being of other residents. Access to private or public outdoor recreation areas shall be available to all residents.
 - 4) No less than one common area shall have ice for resident use at no charge.
 - 5) The SLF shall have at least one common bathing room which contains a toilet with grab bars sufficient to meet the needs of the residents, bathtub and a roll-in shower which is wheelchair accessible to allow a five foot turning radius or utilize the American National Standards Institute T-shape or Y-shape, both of which have a non-skid surface, transfer seat and grab bars. Each bathing room shall have door locks to ensure privacy.
- k) Public Restrooms
- 1) There shall be at least one public restroom that is handicapped accessible.

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- 2) All public restrooms shall be clean.
 - 3) All public restrooms shall contain toilet tissue, waste receptacles and hand drying means that cannot be reused. Soap shall be provided in a manner that minimizes contamination.
- l) Public Telephone
No less than one common area shall have a~~There shall be an~~ handicapped accessible ~~pay~~ telephone ~~in a common area~~ that allows residents and others to conduct private conversations.
- m) Social and Recreational Areas
- 1) Handicapped accessible~~Accessible~~ public areas shall be provided for residents' social and recreational use.
 - 2) Social and recreational areas in rehabilitated nursing facilities shall be separate from those of the nursing facility. Rehabilitated nursing facilities may use the SLF dining room as a social and recreational area.
- n) Kitchens
- 1) SLF kitchens in rehabilitated nursing facilities may be shared with the nursing facility.
 - 2) Food shall be prepared on-site in a full service kitchen. The food shall be freshly prepared each day and served in a central dining area.
 - 3) In addition to~~Notwithstanding~~ requirements found in any local health or food preparation ordinances, the SLF shall have a kitchen that provides:
 - A) Storage for non-perishable foods and perishable foods;
 - B) Food preparation areas with cleanable surfaces;
 - C) Capacity for resident food distribution at the appropriate temperature;
 - D) Kitchenware washing space as necessary to meet food service

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needs;

- E) Hand washing areas separate from food washing areas; and
 - F) An areaArea to store and clean garbage cans and carts; and
 - G) Self-dispensing ice-making capability.
- o) Dining Areas
- 1) The SLF shall have handicapped accessible dining space to accommodate residents.
 - 2) The dining area in rehabilitated nursing facilities shall be separate from the dining area of the nursing facility.
- p) Laundry Rooms
- 1) Laundry rooms for residents'~~resident~~ use:
 - A) In addition to laundry services provided under Section 146.230, at least one accessible washer and dryer shall be provided for resident use at no cost. The SLF~~resident~~ shall be responsible for providing the cost of all detergent and fabric softener at no cost to the residents~~softeners~~.
 - B) There shall be a sink for hand washing separate from sinks used for laundry rinsing in the laundry area.
 - C) Each laundry room shall contain~~There shall be~~ an emergency call system as provided in~~pursuant to~~ Section 146.230(mn) in each laundry room available for resident use.
 - 2) Laundry rooms for SLFs:
 - A) For laundry done on-site by SLF staff.~~If laundry is done on-site,~~ the laundry equipment shall be located in a separate room from that of the laundry room used by the residents.
 - B) The SLF shall have space for laundry soiled with body secretions

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to be processed separately from other soiled linens and laundry.

- C) There shall be two sinks, onea sink for hand washing that is separate from a sink that is to besinks used for laundry rinsing in the laundry area.
- q) Housekeeping and Maintenance Areas
There shall be at least one lockable janitor closet in the building. All janitor closets shall have a source of hot and cold running water. Rehabilitated nursing facilities may use the same janitor closet as the nursing facility.
- r) Smoking Areas
If smoking is permitted, it shall be restricted to areas equipped with ventilation to maintain non-smoking areas smoke-free, or to indoor areas that are separate from other common areas. These areas shall be in compliance with the Illinois Clean Indoor Air Act [410 ILCS 80].
- s) Water Services
- 1) The building water supply shall be taken from a water system that is constructed, protected, operated and maintained in conformance with State and local regulations.
 - 2) Water temperatures in the central kitchen and laundry used for sanitizing shall meet the standards of the local and State health departments.
 - 3) Hot and cold running water with adequate water pressure shall be maintained.
 - 4) Drinking water shall be accessible to residents at all times in no fewer than one common areaareas and all residential apartments.
- t) Waste Removal
- 1) Liquid wastes shall be collected, stored, and disposed of in accordance with State building and health regulations. Those liquid wastes resulting from compacting shall be disposed of as sewage.
 - 2) Sewage disposal shall be operated in compliance with State and local building and health department regulations.

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- 3) Solid waste containers for use inside and outside shall be insect-proof, rodent-proof, fire-proof, non-absorbent and water-tight containers with tight fitting lids.
- 4) Indoor garbage containers shall be cleaned frequently enough to minimize the transmission of infection and attraction ~~of~~by insects and rodents.
- 5) Garbage from the public areas of the building shall be collected daily, and garbage from the residential apartments shall be collected as needed. All garbage shall be held in ~~approved~~ receptacles outside the building for removal on a regular schedule. Garbage and trash shall be disposed of in accordance with local ordinances.

(Source: Amended by emergency rulemaking at 28 Ill. Reg. 14214, effective October 18, 2004, for a maximum of 150 days)

Section 146.215 SLF Participation Requirements**EMERGENCY**

- a) Facilities or distinct parts of facilities which are ~~certified~~selected as SLFs and are in good standing with provisions contained in this Subpart B are exempt from the provisions of the Nursing Home Care Act [210 ILCS 45], ~~and~~ the Illinois Health Facilities Planning Act [20 ILCS 3960] and the Assisted Living and Shared Housing Act [210 ILCS 9]. Nursing facilities rehabilitating a portion of the facility to conform with this Subpart B shall be allowed to retain their Certificate of Need for the~~bank their~~ nursing facility beds that were converted until the conclusion of the project or until the facility wishes to withdraw from the project and convert the SLF beds back to NF beds.
- b) An SLF does not include:
 - 1) A home, institution, or other place operated by the federal government or agency thereof, or by the State of Illinois;
 - 2) A "long term care facility" licensed by the Nursing Home Care Act or Hospital Licensing Act. However, a nursing facility licensed under the aforementioned Acts can convert a distinct part to an SLF. ~~If the nursing facility elects to convert a distinct part, the facility retains the Certificate of Need for nursing beds that were converted;~~

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- 3) Any "facility for child care" as defined in the Child Care Act of 1969 [225 ILCS 10];
 - 4) Any "Community Living Facility" as defined in the Community Living Facilities Licensing Act [210 ILCS 35];
 - 5) Any "community residential alternative" as defined in the Community Residential Alternatives Licensing Act [405 ILCS 30];
 - 6) Any nursing home or sanitarium operated solely by and for persons who rely exclusively upon treatment by spiritual means through prayer, in accordance with the creed of any well recognized church or religious denomination;
 - 7) Any facility licensed by the Department of Human Services as a "community-integrated living arrangement" as defined in the Community Integrated Living Arrangements Licensure and Certification Act [210 ILCS 135];
 - 8) Any "Supportive Residence" licensed under the Supportive Residences Licensing Act [210 ILCS 65];
 - 9) Any freestanding ~~Freestanding~~ hospice facility ~~facilities~~ [210 ILCS 60]; ~~or~~
 - 10) Any ~~A~~ "life care facility" as defined in the Life Care Facilities Act [210 ILCS 40]; ~~or~~
 - 11) Any "assisted living and shared housing establishment" licensed under the Assisted Living and Shared Housing Act [210 ILCS 9].
- c) In order to participate in the Supportive Living Program, an SLF must be certified by the Department. Certification application forms may be obtained by contacting the Department. To become certified, an SLF shall:
- 1) Submit an application to proceed toward certification.
 - A) Except in the case of a rehabilitated nursing facility, the Department shall only accept applications for sites where all apartments are devoted to SLF residents. ~~Except as provided in~~

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~~subsection (c)(1)(B) of this Section, applications shall be accepted on a first come, first served basis.~~

- ~~B) The Department shall evaluate each accurate and complete application according to factors including, but not limited to, geographic distribution, waiver limits, market feasibility, the needs of the population being served, ~~and~~ the compliance histories of other facilities owned or operated in the State of Illinois by the applicant or a related party, community support from local government, environmental issues, operational experience with assisted living and financial stability. Applications that are found to be incomplete or inaccurate shall ~~not be evaluated and will be~~ returned to the applicant for completion and/or correction and must be resubmitted before the Department will evaluate them with an explanation of the deficiencies. Such applications may be corrected and resubmitted to the Department for evaluation. The Department shall notify the applicant in writing that the application has been approved ~~or the reasons for its denial~~.~~
- ~~B) Providers holding contracts with the Department for the Supportive Living Program prior to the implementation of the certification provisions of this subsection (c) shall submit applications for the Department's records. Accurate and complete applications shall be approved upon receipt of the application and of proof of site control.~~
- C) The Department may withdraw approval of any application if the SLF fails to become operational (i.e., ready to admit residents) within 24 months after the Department's approval of the application. Prior to the operational deadline, the applicant may make a written request, including documentation justifying the need for an extension, that the Department grant an extension to the ~~operational~~24 months deadline. A request for an extension shall not exceed 12 months from the original operational deadline. Written documentation justifying an extension must accompany the request. The Department, in its sole discretion, may grant an extension ~~to the operational deadline in its sole discretion prior to expiration of the 24 months~~. The Department shall not grant more than one extension to an approved SLF applicant where construction has not begun.

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- D) At any time prior to or subsequent to certification, the applicant shall report to the Department in writing any change to the application, as soon as such change becomes known to the applicant.
- 2) Submit for approval sealed architectural plans, and any changes in those plans. For buildings that will be newly constructed or renovated, the sealed architectural plans shall be submitted prior to construction. [A statement shall be included on the sealed architectural plans that indicates that the plans comply with the applicable structural requirements outlined in Section 146.210.](#)
- 3) Submit for approval prior to use a model of every type of resident contract [to be](#) used by the SLF.
- 4) Pass an on-site review, conducted by the Department, which includes review of:
- A) Documentation that demonstrates physical plant, health and sanitation, and food preparation compliance with local and county ordinances and regulations, compliance with current Fire and Life Safety standards for health care occupancy or the [2000+997](#) National Fire Protection Association Life Safety Code (NFPA) 101, Chapter 22, Residential Board and Care Occupancies, [compliance with](#) State building codes for the respective building type and [compliance with](#) Section 146.210.
- B) Grievance procedures.
- C) Quality assurance policy and procedures established in accordance with Section 146.270.
- [D\) Emergency Contingency Plan as defined in Section 146.295.](#)
- 5) [Enroll to participate in the Medical Assistance Program in accordance with 89 Ill. Adm. Code 140.11 and execute a Medicaid provider agreement with the Department.](#)
- d) ~~The SLF shall execute a Medicaid provider agreement with the Department.~~

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- de) The SLF shall ~~be willing to~~ accept the SSI rate (less ~~the \$90 for~~ personal allowance) for room and board for Medicaid residents. If the private and Medicaid rates are different, the SLF shall ~~be willing to~~ reserve not less than 25 percent of its apartments for Medicaid residents. Those facilities ~~that willing to~~ set a commensurate rate for both private pay and Medicaid residents are not required to reserve apartments for Medicaid residents but must ~~be willing to~~ accept Medicaid residents on a first come, first served basis.
- ef) SLF certification is not transferable or applicable to any location, provider, management agent or ownership other than that indicated on the Medicaid provider agreement.
- 1) ~~An SLF~~The Department shall notify the Department no fewer than be notified 60 days prior to a change of ownership or management. Change of ownership means a change of five percent or more.
 - 2) The Department has the right to terminate ~~the its~~ provider agreement with ~~an the~~ SLF if ~~a the~~ change of ownership involves a barred Medicaid provider.
 - 3) The new owner ownership shall comply with the applicable certification requirements found in subsection (c) of this Section ~~146.215~~.
 - 4) The Department shall conduct an on-site certification review no not later than at the date time of the next annual certification review or within three months after the effective date of the change of ownership, whichever is earlier.
 - 5) SLF certification shall be deemed to extend to ~~a the~~ new owner until the Department separately certifies the SLF under the approved new owner.
- fg) The ~~certificate~~certification issued by the Department shall include:
- 1) Name and address of the SLF;
 - 2) Maximum number of residents to be served at any time; and
 - 3) Number of apartments certified in the SLF.

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- ~~gh~~) Providers certified ~~as an~~for SLF shall not operate or maintain SLF housing and services in combination with a home health, home care, nursing home, hospital, residential care setting, congregate care setting or other type of residence or service agency unless those settings and services are licensed, maintained and operated as separate and distinct entities.
- ~~hi~~) At least annually, the Department shall conduct an on-site review to ensure that the SLF is in compliance with the requirements of certification, which ~~includes~~~~include~~ review of:
- 1) Items listed in subsection (c)(4) of this Section.
 - 2) ~~Comprehensive Resident Assessments, service plans~~~~Assessment, service plan~~ and the provision of services ~~required under~~~~identified in~~ Section 146.230 ~~to ensure that resident needs are met.~~
 - 3) ~~Staff~~~~Patterns to ensure that the SLF has on-site staff~~ sufficient in number to meet the needs of residents. Staff shall demonstrate capacity, within their job responsibilities, to provide covered services and perform tasks.
 - 4) Compliance with resident contracts and the Department's provider agreement.
 - 5) Protection of individual ~~resident~~ rights and ~~a resident's~~ involvement directing his or her own care.
 - 6) Resident satisfaction surveys ~~as defined in Section 146.270. The SLF shall conduct an annual resident satisfaction survey that shall be available for review by the Department. The resident satisfaction survey shall include, but not be limited to, whether the:~~
 - A) ~~Residents have the opportunity to provide input into development and implementation of existing SLF policies and procedures;~~
 - B) ~~Existing SLF policies and procedures are clear to residents;~~
 - C) ~~Residents have access to existing SLF policies and procedures;~~
 - D) ~~Residents have a degree of control over personal lifestyle preferences;~~

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- ~~E)~~ ~~Residents have access to common areas;~~
- ~~F)~~ ~~Residents are satisfied with surroundings as "home-like"; and~~
- ~~G)~~ ~~Residents have the opportunity to exercise personal lifestyle preferences and direct services according to personal preferences (for example, meal choices and refusal of services).~~
- ~~ij)~~ The SLF shall comply with all applicable enrollment and participation requirements set forth in Department rules, including, but not limited to, conditions identified in 89 Ill. Adm. Code 140.11 and 140.12.
- ~~jk)~~ The SLF shall comply with the Americans with Disabilities Act of 1990.
- ~~kl)~~ The SLF shall submit to the Department all marketing materials prior to their use. If the Department does not notify the SLF of approval or disapproval of submitted materials within 30 days after submission, the SLF may begin to use those materials. The Department reserves the right to disapprove any materials or require changes at any time, provided that any such changes are consistent with, or required by, applicable law.
- ~~l)~~ The SLF shall ensure that limited English speaking residents have meaningful and equal access to benefits and services. Steps to ensure access may include, but are not limited to:
 - 1) hiring bi-lingual staff;
 - 2) hiring staff interpreters;
 - 3) contracting for interpreter services;
 - 4) engaging community volunteers;
 - 5) contracting with a telephone interpreter service.
- ~~m)~~ The SLF shall encourage families of residents with impairments that limit the resident's decision-making ability to arrange to have a responsible party or guardian represent the resident's interests. The SLF shall provide all residents with information about advance directives, including the Durable Power of

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Attorney for Health Care, Statement of Illinois Law on Advance Directives, Living Will, Declaration for Mental Health Treatment and Do Not Resuscitate Order. The SLF shall maintain in a resident's file any of these documents authorized by the resident.

(Source: Amended by emergency rulemaking at 28 Ill. Reg. 14214, effective October 18, 2004, for a maximum of 150 days)

Section 146.220 Resident Participation Requirements**EMERGENCY**

- a) The SLF may admit or retain ~~Medicaid~~ residents whose needs can be met through the services described in Section 146.230. These persons would typically have a score of 29-47 on the Determination of Need (DON) and need assistance in one or more activities of daily living. These persons must meet ~~all of~~ the following criteria prior to admission to an SLF:
- 1) Be age 22 years or over with a disability (as determined by the Social Security Administration) or elderly (age 65 years or over); ~~and~~.
 - 2) Be screened by the Department and found to be in need of nursing facility level of care and that SLF placement is appropriate to meet the needs of the individual. Private pay individuals may choose to be admitted into an SLF when the screening assessment does not justify nursing facility level of care; and. Persons transferring from a nursing facility to an SLF must be screened prior to admission to an SLF and found to be in need of nursing facility level of care.
 - 3) Be without a primary or secondary diagnosis of developmental disability or ~~serious persistent/chronic~~ mental illness. (Developmental disability is defined as a disability which is attributable to mental retardation or a related condition.) The developmental disability or mental illness must be determined by a qualified Department of Human Services screening agent.
 - 4) ~~Be certified by a physician as requiring the level of care provided in a supportive living facility.~~
 - 5) ~~Have income no less than the current maximum allowable amount of Supplemental Security Income (SSI) for a single person. An individual sharing an apartment may qualify for SLF services if that individual has~~

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~~income equal to or greater than the individual's share of the SSI rate for a married couple.~~

- b) ~~All private pay individuals seeking admission to an SLF shall be screened by the Department. Private pay individuals who choose to be admitted into an SLF when the screening assessment does not justify nursing facility level of care need not be denied access to the SLF.~~ Private pay residents seeking to convert to Medicaid while residing in an SLF shall be screened by the Department using the DON prior to the point of conversion ~~by the Department~~ and must be found to be in need of nursing facility level of care before Medicaid payment may be authorized.
- c) ~~Each prospective resident shall have a tuberculin skin test in accordance with the Control of Tuberculosis Code (77 Ill. Adm. Code 696). The test must be completed no more than 90 days prior to the date of admission to the SLF or the test must be commenced no more than seven days after admission to the SLF. All individuals seeking admission to an SLF shall have documentation of a tuberculosis test administered in the three months prior to admission that indicates the absence of active tuberculosis.~~
- d) ~~The SLF shall encourage families of residents with impairments that limit the resident's decision making ability to arrange to have a responsible party or guardian represent the resident's interests. All residents shall be presented information by the SLF about advance directives including the Durable Power of Attorney for Health Care.~~
- de) A Medicaid resident of an SLF ~~shall not~~ participate in the Department on Aging's Community Care Program or the Department of Human Services' Home Services Program.

(Source: Amended by emergency rulemaking at 28 Ill. Reg. 14214, effective October 18, 2004, for a maximum of 150 days)

Section 146.225 Reimbursement for Medicaid Residents**EMERGENCY**

SLFs shall accept the reimbursement provided in this Section as payment in full for all services provided to Medicaid residents.

- a) The Department shall establish its portion of the reimbursement for Medicaid residents by calculating 60 percent of the weighted average (weighted by

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Medicaid patient days) nursing facility rates for the geographic grouping as defined in Section 146.290. Each SLF shall be paid 60 percent of the weighted average nursing facility geographic group rate, based upon the nursing facility geographic group in which it is located. The rates paid to SLFs shall be reviewed annually, and adjusted, if necessary, on October 1 to assure that the rates coincide with 60 percent of weighted average nursing facility geographic group rates. Effective October 1, 2002, SLF rates shall remain at a minimum of the rate in effect as of September 30, 2002.

- b) The payment rate received by the SLF from the Department for services, with the exception of meals, provided in accordance with Section 146.230 shall constitute the full and complete charge for services rendered. Additional payment, other than patient credits authorized by the Department, may not be accepted. Meals are included in the room and board amount paid by the resident.
- c) Single Occupancy: Each Medicaid resident of an SLF shall be allotted [a minimum of](#) \$90 per month as a deduction from his or her income as a protected amount for personal use. The SLF may charge each Medicaid resident no more than the current SSI rate for a single individual less [a minimum of](#) \$90 for room and board charges. Any income remaining after deduction of the protected [minimum of](#) \$90 and room and board charges shall be applied first towards medical expenses not covered under the Department's Medical Assistance Program. Any income remaining after that shall be applied to the charges for SLF services paid by the Department.
- d) Double Occupancy: In the event a Medicaid eligible resident chooses to share an apartment, the Medicaid resident of an SLF shall be allotted [a minimum of](#) \$90 per month as a deduction from his or her income as a protected amount for personal use. The SLF may charge each Medicaid resident no more than the resident's share of the current SSI rate for a couple less [a minimum of](#) \$90 for room and board charges. The room and board rate for two Medicaid eligible individuals sharing an apartment cannot exceed the SSI rate for a married couple even if the two individuals sharing an apartment are unrelated. Any income of an individual remaining after deduction of the protected [minimum of](#) \$90 and room and board charges shall be applied first towards that individual's medical expenses not covered under the Department's Medical Assistance Program. Any income of an individual remaining after that shall be applied to that individual's charges for SLF services paid by the Department. If one, or both, of the individuals sharing an apartment is not Medicaid eligible, the SLF may negotiate its own rate with the non-Medicaid individual or individuals.

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- e) The room and board charge for Medicaid residents shall only be increased when the SSI amount is increased. Any room and board charge increase shall not exceed the amount of the SSI increase.
- f) The Department shall not reimburse an SLF for services while a resident is temporarily absent from an SLF. An SLF continues to be responsible for notifying the Department of a resident's temporary absence from the SLF. The resident remains responsible for room and board charges during any temporary absence.

(Source: Amended by emergency rulemaking at 28 Ill. Reg. 14214, effective October 18, 2004, for a maximum of 150 days)

Section 146.230 Services**EMERGENCY**

- a) An SLF must combine housing, personal and health related services in response to the individual needs of residents who need help in activities of daily living. Supportive services shall be available 24 hours per day to meet scheduled and unscheduled needs in a way that promotes resident self-direction and participation in decisions that emphasize independence, individuality, privacy, dignity and autonomy in a residential setting.
- b) Nursing Services
 - 1) The SLF shall provide for a comprehensive resident an-assessment and service plan for each SLF resident as required under pursuant to Section 146.245, initially and annually thereafter, for each SLF resident.
 - 2) When a resident is temporarily-unable to administer his or her own medications, a licensed nurse shall administer the medicationsthe medications shall be administered by a licensed nurse.
 - 3) Nursing services shall include medication set-up (such as preparing weekly pill caddies with that week's medication) and follow-up care, and shall be that is conducted by a licensed nurse.
 - 4) Other nursing services include episodic and intermittent health promotion or disease prevention counseling and teaching self-care in meeting routine

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and special health care needs that can be done by other staff under the supervision of a registered nurse.

- 5) All nursing services shall be provided in accordance with the Illinois Nursing Act of 1987 [225 ILCS 65].

c) Personal Care

- 1) The SLF shall provide personal care services for residents, including but not limited to assistance with bathing, eating, dressing, personal hygiene, grooming, toileting, ambulation and transfer.
- ~~2) Upon request by the resident, the SLF shall assist in making medical appointments and arranging for transportation to and from the source of medical treatment (payment for medical transportation shall be made in accordance with 89 Ill. Adm. Code 140.490 through 140.492).~~
- 23) Personal care services shall be delivered by certified nursing assistants who meet the qualifications described in Section 146.235(f)(1).

d) Medication Oversight and Assistance in Self-Administration

- 1) The SLF shall provide the following:
 - ~~A1)~~ Reminding the resident to take his or her medications;
 - ~~B2)~~ Taking medication from where it is stored in the apartment and handing it to the resident when requested to do so by the resident;
 - ~~C3)~~ Opening or uncapping medication containers for physically impaired residents; and
 - ~~D4)~~ Assisting physically impaired residents in the removal of the medication from the container and assisting the resident in consuming or applying the medication when requested to do so by the resident (i.e., placing a dose in a container and placing the container to the mouth of the resident).
- 2) The services identified in subsection (d)(1)(D) shall only be delivered by a licensed nurse.

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e) Meals

- 1) The SLF shall provide three meals per day, or two meals per day (noon and evening meals) and a breakfast bar. The meals shall include therapeutic diets as ordered by a physician. The daily food allowance for each resident shall meet the basic food pattern for a general diet for an adult following the recommendations of the Food and Nutrition Board, National Research Council.
- 2) The SLF shall make available beverages, including coffee, fruit juice and snack foods, at no cost to the residents. ~~This may be accomplished through the use of vending machines.~~
- 3) The SLF shall offer the same menu options ~~shall be offered~~ to all residents regardless of payment source except for ~~unless there are~~ therapeutic diets ordered by a physician.
- 4) The SLF shall keep all ~~All~~ menus served ~~shall be kept~~ on file for not less than four months.
- 5) The SLF shall maintain on the premises supplies ~~Supplies~~ of staple foods for a minimum of a one week period and of perishable foods for a minimum of a two day period ~~shall be maintained on the premises.~~ Supplies shall be appropriate to meet the requirements of the menu.
- 6) The SLF shall keep records ~~Records~~ of all food purchased ~~shall be kept~~ on file for not less than 18 months.
- 7) The SLF shall store, prepare, distribute and serve food in a manner to protect against contaminants and spoilage and to insure the preparation and serving of food at safe and palatable temperatures.
- 8) The SLF shall provide and maintain clean and sanitary central kitchen and dining areas. The SLF shall ensure a sanitary and adequate supply of eating and drinking utensils and pots and pans for preparing food in the central kitchen and dining areas.
- 9) The SLF shall provide residents ~~Residents shall be provided~~ with written information about menu plans. Menu cycles shall not be repeated within a

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one week time frame. There shall be an established mechanism for residents to provide input into the selection and preparation of food.

- 10) The SLF shall allow residents to~~Residents may~~ obtain, prepare and store food in residential apartments if doing so does not represent a health or safety hazard to others.
- 11) The SLF shall provide residents~~Each resident shall be provided~~ with meal service in their apartments~~his or her apartment~~ as a time limited service during periods of documented illness.

f) Laundry

- 1) If requested by a resident, the SLF shall provide laundry services at no charge to the resident~~Laundry service shall be provided by the SLF if requested by a resident.~~
- 2) The SLF shall provide for the appropriate handling, cleaning, and storage of routine personal laundry, laundry soiled with body secretions and all other laundry. This includes all detergent and fabric softeners required to perform normal routine laundry service at no cost to the resident.
- 3) The SLF shall provide on-site laundry equipment for resident use in accordance with Section 146.210.
- 4) Laundry service does not include dry cleaning services.

g) Housekeeping

- 1) The SLF shall provide for general housekeeping services at least weekly (house cleaning, laundry, bed making, changing of linens, dusting and vacuuming).
- 2) The SLF shall take into account individual habits and lifestyle preferences when providing all housekeeping services in residential apartments.~~All housekeeping services provided in residential apartments shall take into account individual habits and lifestyle preferences.~~
- 3) The SLF shall maintain all public areas~~All public areas shall be maintained~~ in a clean and orderly condition.

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- 4) The SLF shall maintain all common bathing rooms ~~All bathing rooms shall be maintained~~ in a clean and orderly condition.
- h) Maintenance
- 1) The SLF shall maintain all residential apartments ~~Residential apartments shall be maintained~~ in good repair.
 - 2) The SLF shall keep the building and grounds ~~The building and grounds shall be maintained~~ clean and free of hazards, with all systems maintained in good working order.
- i) Social and Recreational Programming
- 1) The SLF shall facilitate the involvement of individual and community volunteer activities with and for residents.
 - 2) The SLF shall provide programs at least twice weekly, which include on-site programs as well as off-site trips, allowing for social and recreational programs for the residents. Transportation shall be provided by the SLF for scheduled activities off-site.
 - 3) The SLF shall provide access to opportunities for scheduled and unscheduled individual and group socialization within the SLF and in the larger community.
 - 4) The SLF shall make available to each resident information about community resources and make community integration part of the SLF's recreational, socialization and vocational activities.
- j) Ancillary Services
- 1) The SLF shall provide transportation for scheduled group shopping and other community and social activities.
 - 2) The SLF shall assist a resident in obtaining needed and preferred services offered outside the SLF at his or her request. Upon request by a resident, the SLF shall assist in making medical appointments and arranging for transportation to and from the source of medical treatment (payment for

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medical transportation shall be made in accordance with 89 Ill. Adm. Code 140.490 through 140.492).

- 3) The SLF shall provide shopping assistance when a resident is temporarily unable to shop. ~~When a resident is temporarily unable to shop, the SLF shall provide shopping assistance.~~

k) 24 Hour Response/Security Staff

- 1) The SLF shall have response/security staff awake and ~~Response/security staff shall be~~ available on the premises 24 hours a day to respond to scheduled or unpredictable needs and emergency calls from residents. Staff shall possess certification in emergency resuscitation. The SLF shall provide one staff person for facilities with ten to 75 apartments, and a second staff person for facilities with 76 to 150 apartments.

- 2) The SLF shall provide security ~~Security shall be provided~~ 24 hours a day, including and shall include lockable entrances (accessibility controlled by SLF staff for security purposes during overnight hours) and on-site personnel. All residents shall have 24 hour access.

- 3) Rehabilitated nursing facilities ~~participating in SLF~~ shall have separate staff on-site in the SLF.

l) Health Promotion and Exercise Programming

- 1) The SLF shall offer and encourage the use of health promotion and exercise programs for its residents.
- 2) The SLF shall develop programs to be held not less frequently than three times per week geared toward promoting better health and fitness of the residents. These programs are in addition to the social and recreational programming described in this Section.

m) Emergency Call System

- 1) The SLF shall ensure that at ~~At~~ least two electronic devices are ~~shall be~~ available in each apartment to enable the resident to secure help in an emergency. A device shall be located in each bathroom and each bedroom.

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- 2) ~~The SLF shall have electronic devices~~Electronic devices shall be available in each common area, each public restroom, each common bathing room and each resident laundry room ~~for resident use~~ to enable residents to secure help in an emergency.

- n) Daily Check
The SLF shall implement a system to check on the welfare of each resident daily.

(Source: Amended by emergency rulemaking at 28 Ill. Reg. 14214, effective October 18, 2004, for a maximum of 150 days)

Section 146.235 Staffing**EMERGENCY**

- a) The SLF shall ~~have ensure that~~ a manager or a qualified designee present shall be at the SLF during normal business hours plus whenever necessary to ensure attention to the management and administration of the resident contracts. Staff shall have access to the manager or the manager's designee at all times. The manager shall designate a qualified individual capable of acting in an emergency during his or her absence from the SLF.
- b) The manager shall have at least five years experience in providing health care services to adults with disabilities or the elderly population either in an assisted living program, inpatient hospital, long term care setting, adult day care or in a Department approved health related field. The manager shall also have at least two years of ~~progressive~~ management experience.
- c) The SLF shall have licensed~~Licensed~~ and certified staff sufficient in number to meet the needs of the population being served~~residents in conjunction with the contractual agreements shall be provided.~~
- d) Nursing facility staff may be utilized in a rehabilitated nursing facility but may not be on duty in both the nursing facility and SLF at the same time.
- e) Staff Training. All staff training materials shall be available for review by the Department. If required by the Department, the SLF shall make changes in the training materials.

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- 1) The SLF shall provide staff and subcontractors who provide direct care with:
 - A) training that takes place no later than 30 days after beginning employment and semi-annual training in areas related to their employment; and
 - B) training that covers crisis intervention, prevention and notification of abuse and neglect, behavior intervention, negotiated risk and encouraging independence (these subjects shall be trained as part of staff orientation and at least annually thereafter); and
 - C) documented training performed by qualified individuals in their area or areas of responsibility; and
 - D) training geared toward the manner in which services are to be performed; and
 - E) training that includes techniques for working with persons with disabilities and the elderly populations; and
 - F) in the case of an SLF serving persons with disabilities, disability specific sensitivity training conducted by an outside entity familiar with working with persons with disabilities. The training shall occur for all staff initially prior to certification, at staff orientation for new staff, and at least annually thereafter.
 - 2) In the case of subcontractors, training by the SLF is not required if the SLF can document that similar training is being provided through the subcontractor's employer.
- e) ~~Staff and subcontractors shall receive documented training by qualified individuals in their area or areas of responsibility. Training shall be geared toward the manner in which services are to be performed and include techniques for working with persons with disabilities and the elderly populations. This training may have occurred prior to employment with the SLF or may occur after employment begins. In any case, the training shall take place no later than 30 days after beginning employment with the SLF. Staff shall be provided with and the SLF shall provide evidence of semi-annual training in areas related to their employment. All training materials shall be available for review by the~~

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Department.

- f) The SLF shall employ certified nursing assistants as follows~~who are at least 18 years of age and comply with the following:~~
- 1) Qualifications:
Must be 18 years of age or older and have successfully completed,~~or be enrolled in and actively pursuing completion of,~~ no later than 120 days after employment a nursing assistant training course or a Department of Public Health approved equivalent training and competency evaluation.
 - 2) Job responsibilities shall include, but not be limited to:
 - A) Follow and help carry out a resident's written service plan;
 - B) Provide personal care services for residents, including but not limited to bathing, eating, dressing, personal hygiene, grooming, toileting, ambulation and assistance with transfer;
 - C) Observe the resident's functioning, maintain written records of the observations and report any changes to the licensed nurse; and
 - D) Attend initial training, in-service training sessions and staff conferences.
- g) The~~At a minimum, the~~ SLF shall employ or contract with a dietitian~~who shall come on-site at least twice per quarter for a period of not less than a cumulative total of eight hours.~~ The dietitian shall comply with the following:
- 1) The dietitian ~~shall be is a person who is a~~ licensed underdietitian as provided in the Dietetic and Nutrition Services Practice Act [225 ILCS 30].
 - 2) Job responsibilities shall include, but not be limited to, consultation and training in all food service procedures such as menu planning and review, food preparation, food storage, food service, safety, sanitation and management of therapeutic diets.
 - 3) The dietitian shall come on-site at least twice per quarter for a period of not less than a cumulative total of eight hours.

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- h) The SLF shall employ a minimum of one cook who shall have at least one year of experience in commercial food preparation.
- i) Twenty-four hour response staff shall be at least 18 years of age and possess at leastwith a high school diploma or a GED. Response staff shall be certified~~possess certification~~ in emergency resuscitation. The staff shall respond to scheduled or unpredictable needs and emergency calls from residents.
- j) Nurses on staff, or subcontracted ~~for~~, shall be licensed by the State of Illinois and shall be responsible for nursing services set forth in Section 146.230.
- k) The SLF shall designate a trained staff person to be responsible for planning and directing social and recreational activities. This person shall be at least 18 years of age and possess at leastwith a high school diploma or a GED.
- l) The SLF shall ensure thatAll certified nursing assistants undergo~~shall have~~ a criminal history background check that conforms to the Health Care Worker Background Check Act [225 ILCS 46]. No SLF shall knowingly hire, employ or retain any individual in a position, with duties involving direct care for residents, who has been convicted of committing or attempting to commit one or more of the offenses defined under the Health Care Worker Background Check Act unless that individual has obtained a waiver issued by the Department of Public Health. An SLF may conditionally employ an applicant to provide direct care for up to three months pending the results of the criminal history record check.
- m) Each employee shall have a tuberculin skin test in accordance with the Control of Tuberculosis Code (77 Ill. Adm. Code 696). The test must be completed no more than 90 days prior to the date of initial employment in the SLF or the test must be commenced no more than seven days after the date of initial employment in the SLF.

(Source: Amended by emergency rulemaking at 28 Ill. Reg. 14214, effective October 18, 2004, for a maximum of 150 days)

Section 146.240 Resident Contract**EMERGENCY**

- a) The SLF shall have a signed contract with each resident which specifies the terms of his or her agreement.

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- b) The resident contract shall include, but not be limited to, the following:
- 1) Information regarding SLF services the resident will receive that are covered under Medicaid;
 - 2) Arrangements for payment;
 - 3) A grievance procedure that meets the requirements of Section 146.260;
 - 4) The SLF's agreement to comply with applicable federal, State and local laws and regulations;
 - 5) The conditions under which the resident contract may be terminated by either party;
 - 6) Rules for conduct and behavior of the staff, management and the resident; and
 - 7) A list of the resident rights as stated in Section 146.250.
- c) The resident contract may include the agreement of the SLF to provide, for a fee, additional services such as barber or beauty services, sundries for personal consumption and other amenities.
- d) The resident contract shall be for a term not to exceed one year and may be renewable upon the agreement of both parties.
- e) The resident contract shall ~~allow~~ address arrangements where two individuals wish to share an apartment even if one of the two individuals is not eligible for SLF services. The individuals may be related or unrelated. In the event of one resident's death or discharge, the resident contract shall include provisions that offer the remaining resident who is not receiving SLF services the option to be released from the contract immediately, if desired by the resident, or to remain in the SLF until the expiration of the resident contract as long as he or she remains in compliance with the terms of the resident contract.
- f) The SLF shall ensure that all SLF materials, including the resident contract, shall be in a language appropriate to the resident population, [as required in Section 146.215\(m\)](#).

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(Source: Amended by emergency rulemaking at 28 Ill. Reg. 14214, effective October 18, 2004, for a maximum of 150 days)

Section 146.245 Assessment and Service Plan and Quarterly Evaluation**EMERGENCY**

- a) Interview: The SLF shall conduct a standardized interview geared toward the resident's service needs at or before the time of occupancy.
- b)a) Initial Assessment: The SLF provider shall conduct a standardized interview geared toward the resident's service needs at or before the time of occupancy. The SLF shall complete an initial assessment and service plan within 24 hours after admission that identifies potential immediate problems. The SLF shall complete a comprehensive assessment within 14 days after admission and annually thereafter. Each assessment shall be completed by, or co-signed by, a registered nurse.
- c) Comprehensive Resident Assessment: The SLF shall complete a Comprehensive Resident Assessment Investment (RAI) within 14 days after admission and annually thereafter. Each RAI shall be completed by, or co-signed by, a registered nurse.
- d)b) Service Plan: Within seven days after completion of the RAI comprehensive assessment, a written service plan shall be developed by, or co-signed by, a registered nurse, with input from the resident and his or her designated representative. This includes coordination and inclusion of services being delivered to a resident by an outside entity. The service plan shall include a description of expected outcomes, approaches, frequency and duration of services provided and whether the services will be provided by licensed or unlicensed staff. The service plan shall document any services recommended by the SLF that are refused by the resident. The service plan shall be reviewed and updated in conjunction with the quarterly evaluation or as dictated by changes in resident needs or preferences.
- e)e) Quarterly Evaluation: A quarterly evaluation of the health status of each resident using a Department designated form or the MDS quarterly shall be completed by, or co-signed by, a registered nurse.
- f)d) The SLF shall have procedures in place to alert the resident, his or her physician and his or her designated representative, ~~as designated~~, when a change in a

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resident's mental or physical status is observed by staff. Except in life-threatening situations, such reporting shall be within 24 hours after the observation. Serious or life-threatening situations should be reported to the physician and the resident's designated representative immediately. The SLF staff shall be responsible for reporting only those changes that should be apparent to observers familiar with the conditions of older persons and persons with disabilities.

(Source: Amended by emergency rulemaking at 28 Ill. Reg. 14214, effective October 18, 2004, for a maximum of 150 days)

Section 146.250 Resident Rights**EMERGENCY**

- a) Residents shall be afforded all rights guaranteed under the Constitutions of the United States and the State of Illinois, federal, State and local statutes and the Department's administrative rules.
- b) Residents shall be informed of all rights in conjunction with any contracted housing and services.
- c) Each resident shall have the right to:
 - 1) Be free from mental, emotional, social, and physical abuse and neglect and exploitation;
 - 2) All housing and services for which he or she has contracted and paid;
 - 3) Have his or her records kept confidential and released only with his or her consent or in accordance with applicable law;
 - 4) Have access to his or her records with 48 hours notice (excluding weekends and holidays);
 - 5) Have his or her privacy respected;
 - 6) Refuse to receive or participate in any service or activity once the potential consequences of such refusal have been explained to the resident and a negotiated risk agreement has been reached between the resident, his or her designated representative and the service provider, so long as others are not harmed by the refusal;

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- 7) Arrange and receive non-Medicaid covered services not available from the contracted SLF service provider at the resident's expense so long as the resident does not violate conditions specified in the resident contract;
- 8) Remain in the SLF, forgoing recommended or needed services from the SLF or available from others. A resident electing to remain without recommended or needed services shall acknowledge that the decision was made against the advice of the SLF, family or health care professional and shall indemnify the SLF from any liability resulting from adverse outcomes specifically associated with the decision to forgo recommended service. The SLF shall retain the right to advise a resident that the right to remain in place is restricted, as explicitly stated in the resident contract. Such indemnity agreements shall be specific to the assumed risk negotiated and do not waive general obligations of providers;
- 9) Be free of physical restraints unless required during an emergency;
- 10) Control his or her time, space, and lifestyle to the extent the health, safety and well-being of others are not disturbed;
- 11) Consume alcohol and use tobacco in accordance with SLF policy specified in the resident contract and any applicable statutes;
- 12) Have visitors of his or her choice to the extent the health, safety and well-being of others are not disturbed and the provisions of the resident contracts are upheld;
- 13) Have roommates only by resident choice;
- 14) Be treated at all times with courtesy, respect and full recognition of personal dignity and individuality;
- 15) Make and act upon decisions (except those decisions delegated to a legal guardian) so long as the health, safety and well-being of others are not endangered by his or her actions;
- 16) Participate in the development, implementation and review of his or her service plans;

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- 17) Maintain personal possessions to the extent they do not pose a danger to the health, safety and well-being of the resident and others;
- 18) Store and prepare food in his or her apartment to the extent the health, safety and well-being of the resident and others is not endangered and provisions of the resident contract are not violated;
- 19) Designate or accept a representative to act on his or her behalf;
- 20) Not be required to purchase additional services that are not part of the resident contract; and
- 21) Not be charged for additional services unless prior written notice is given to the resident of the amount of the charge.

(Source: Amended by emergency rulemaking at 28 Ill. Reg. 14214, effective October 18, 2004, for a maximum of 150 days)

Section 146.255 Discharge**EMERGENCY**

- a) If a resident does not meet the terms for occupancy as stated in the resident contract, the SLF shall not commence involuntary discharge until the SLF has discussed the reasons for involuntary discharge with the resident and his or her designated representative. Documentation of the discussion shall be placed in the resident's record.
- b) The SLF shall provide a resident with a 30-day written notice of proposed involuntary discharge unless such a delay might jeopardize the health, safety, and well-being of the resident or others. A copy of the notice required by this subsection (b) shall be placed in the resident's record and a copy shall be transmitted to the resident and the resident's designated representative. The notice shall be on a form prescribed by the Department and shall contain all of the following:
 - 1) The stated reason for the proposed discharge;
 - 2) The effective date of the proposed discharge;
 - 3) A statement in not less than 14-point type, that reads: "You have a right to

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appeal the SLF's decision to discharge you. You may file a request for a hearing with the Department within ten days after receiving this notice. If you request a hearing, you will not be discharged during that time unless you are unsafe to yourself or others. If the decision following the hearing is not in your favor, you will not be discharged prior to the tenth day after receipt of the Department's hearing decision unless you are unsafe to yourself or others. A form to appeal the SLF's decision and to request a hearing is attached. If you have any questions, call the Department at the telephone number listed below.";

- 4) A hearing request form, together with a postage paid, preaddressed envelope to the Department; and
 - 5) The name, address, and telephone number of the person charged with the responsibility of supervising the discharge.
- c) The SLF shall prepare plans to ensure safe and orderly involuntary discharge and protect resident health, safety, welfare and rights.
- d) A resident may be involuntarily discharged only if one or more of the following occurs:
- 1) He or she poses an immediate threat to self or others.
 - 2) He or she needs mental health services to prevent harm to self or others.
 - 3) He or she has breached the conditions of the resident contract.
 - 4) The SLF has had its certification terminated, suspended, not renewed, or has voluntarily surrendered its certification.
 - 5) The SLF cannot meet the resident's needs with available support services.
 - 6) The resident has received proper notice of failure to pay from the SLF. The resident shall have the right to make **full** payment up to the date that the discharge is to be made and then shall have the right to remain in the SLF. This subsection (d)(6) does not apply to Medicaid residents when the failure to pay relates to the Medicaid payment.
 - 7) The resident exceeds the SLF's policy for what constitutes a temporary

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absence from the SLF.

- e) The notice required under subsection (b) of this Section shall not apply in any of the following instances:
 - 1) When an emergency discharge is mandated by the resident's health care or mental health needs and is in accord with the written orders and medical justification of the attending physician.
 - 2) When the discharge is mandated to ensure the physical safety of the resident and other residents as documented in the resident record.
- f) If the resident submits a request for hearing under subsection (b) of this Section, the involuntary discharge shall be stayed pending a hearing or appeal of the decision, unless a condition which would have allowed discharge in less than 30 days as described under subsections (e)(1) and (2) of this Section develops in the interim.
- g) In determining whether an involuntary discharge is justified, the burden of proof in the hearing rests with the entity requesting the discharge.
- h) If the Department determines that an involuntary discharge is justified under subsection (d) of this Section, the resident shall not be required to leave the SLF before the tenth day after receipt of the Department's hearing decision unless a condition which would have allowed discharge as described under subsections (e)(1) and (2) of this Section develops in the interim.
- i) The SLF shall offer relocation assistance to residents involuntarily discharged under this Section, including information on available alternative placements. A resident or his or her designated representative shall be involved in planning the discharge and shall choose among the available alternative placements. Where an emergency makes prior resident involvement impossible, the SLF may arrange for a temporary placement until a final placement can be arranged. The SLF may offer assistance in relocating from a temporary to a final placement.
- j) When a resident discharges on a voluntary basis, he or she shall provide the SLF with 30 days written notice of intent to discharge, except where a delay would jeopardize the health, safety, and well-being of the resident or others.
- k) The Department may discharge any resident from an SLF when any of the

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following conditions exist:

- 1) The Department has terminated or suspended the SLF certification.
 - 2) The SLF is closing or surrendering its certification and arrangement for relocation of the resident has not been made at least 30 days prior to closure or surrender.
 - 3) The Department determines that an emergency exists which requires immediate discharge of the resident.
- l) In cases of discharge under subsection (d) or (k) of this Section, the resident is no longer bound by the resident contract.

(Source: Amended by emergency rulemaking at 28 Ill. Reg. 14214, effective October 18, 2004, for a maximum of 150 days)

Section 146.260 Grievance Procedure**EMERGENCY**

- a) ~~An~~The SLF shall establish a grievance procedure for reviewing grievances registered by, or on behalf of, ~~all~~ residents. ~~Each resident~~~~All residents~~ shall be informed that a grievance procedure exists.
- b) Records shall be maintained and made available to the Department on all written grievances and the ~~SLF's~~ response ~~to~~ and disposition of ~~each grievance~~~~such grievances by the SLF~~.

(Source: Amended by emergency rulemaking at 28 Ill. Reg. 14214, effective October 18, 2004, for a maximum of 150 days)

Section 146.265 Records and Reporting Requirements**EMERGENCY**

- a) ~~An~~~~Each~~ SLF shall develop and maintain confidential written ~~resident~~ records ~~regarding each resident~~, which shall include, but are not limited to:
 - 1) ~~The Comprehensive Resident~~ Assessment;
 - 2) ~~The resident~~~~Resident~~ contract;

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- 3) ~~The service~~Service plan;
 - 4) Progress notes that shall be used to document any significant involvement with the resident and results of and changes in the service plan; and
 - 5) ~~The resident~~Resident satisfaction survey.
- b) ~~An~~Each SLF shall develop and maintain confidential written personnel records that shall include, but are not limited to:
- 1) Job description;
 - 2) Educational preparation and work experience;
 - 3) Current licensure or certification, if applicable;
 - 4) Documentation of annual performance evaluation;
 - 5) Documentation that employee has received personnel policies and procedures;
 - 6) Documentation of on-going staff training; ~~and~~
 - 7) Documentation of a tuberculosis test administered in accordance with Section 146.235(m); and annually which indicates the absence of active tuberculosis.
 - 8) Results from the health care worker background check conducted in accordance with Section 146.235(l).
- c) The SLF shall generate and submit~~be responsible for generating and submitting~~ to the Department the following reports in a format and medium designated by the Department and with the frequencies as specified:
- 1) Personnel Report, which shall be due upon certification~~initially~~ and semi-annually thereafter. ~~The report shall contain a list of all SLF staff listing the names, titles, salaries, and total hours worked during the semi-annual period. This listing shall include the services to be performed and services outside of the service package.~~

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- 2) Resident Identification Report, which shall be due monthly. ~~The report shall be in two parts, one for Medicaid residents and one for private pay residents. Each part shall contain an alphabetical list of residents residing in the SLF, including their names, case identification and recipient numbers for Medicaid residents or Department designated identifying numbers for private pay residents, dates of admission and dates of discharge.~~
- 3) Utilization Data Report, which shall be due quarterly. ~~The report shall be in two parts, one for Medicaid residents and one for private pay residents. Each part shall be organized alphabetically by resident and include a listing of all services provided to residents. For each resident, data shall include case identification and recipient numbers for Medicaid residents or Department designated identifying numbers for private pay residents, dates of service, service codes and units of service. Services reported for each resident shall be grouped by those services which were delivered by the SLF and those delivered by subcontractors.~~
- 4) Health Care Related Subcontractors and Manager Report, which shall be due upon certification~~initially~~ and as changes occur thereafter.
- 5) Cost Reports, Financial Statements, which shall be submitted at any time upon request by the Department or when a significant change occurs in the SLF's financial status/solvency, and annually not later than 90 days after the end of the SLF's fiscal year. One extension up to 30 days shall be granted for circumstances that will not allow a cost report to be properly completed before the due date of the report. The written extension must be submitted to the Department's Bureau of Long Term Care prior to the original due date. Each enrolled SLF shall file an annual report with the Department in accordance with the following requirements:~~due annually.~~
 - A) All schedules contained in the cost report must be completed with the exception of those schedules specified in the cost report instructions as optional.
 - B) The cost report is not complete until all required schedules are filed and all inquiries to the provider are satisfactorily resolved.

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- C) If the cost report is prepared by other than the facility's manager or officer, the certification must be signed by the preparer as well as the officer or manager. The preparer's declaration is based upon all information of which the preparer has any knowledge.
- D) All financial data contained in the cost report must be accounted for on the accrual basis of accounting.
- E) Copies of all independent audits and reviews performed on the SLF by certified public accounting firms shall be provided to the Department with the cost report.
- 6) Cost Report for Change of Ownership. The new owner or lessee must file a cost report nine months after acquisition (covering the first six months of operation). A change of ownership is dated from the closing of the sale or from the date of the oldest lease agreement between the present incumbents of a lease. The facility must also file a cost report within 90 days after the close of its first complete fiscal year. A change of corporate stock ownership does not constitute a change of ownership.
- 7) Cost Report for New Facility. A full cost report must be filed within nine months after opening the facility (covering at least the first six months of operation). The facility must also file a cost report within 90 days after the close of its first complete fiscal year.
- d) No funds shall be expended by the Department for the maintenance of any resident in an SLF which has failed to file an annual cost report.
- e)d) An SLF shall retain ~~Retention of~~ all records ~~shall be~~ in accordance with provisions of 89 Ill. Adm. Code 140.28, ~~the Federal Privacy Act (5 U.S.C. Section 552a), the Freedom of Information Act [5 ILCS 140], the Comptroller Act [30 ILCS 505] and the State Public Records Act [5 ILCS 160].~~ The SLF shall provide the Department or its designee with access to financial and other records which pertain to covered services. The SLF shall keep ~~separate~~ fiscal records in accordance with acceptable accounting procedures.

(Source: Amended by emergency rulemaking at 28 Ill. Reg. 14214, effective October 18, 2004, for a maximum of 150 days)

Section 146.270 Quality Assurance Plan

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Each SLF shall be responsible for establishing an effective, internal quality assurance plan that encompasses oversight and monitoring, peer review, utilization review, resident satisfaction and ongoing quality improvement and implementation of any corrective action plans that address improved quality services. The quality assurance plan shall include:

- a) Documentation of results of, and SLF responses to, the annual resident satisfaction survey that shall include, but not be limited to, whether the: Results of the resident satisfaction survey identified in Section 146.215 and responses to resident concerns.
 - 1) Residents have the opportunity to provide input into development and implementation of existing SLF policies and procedures;
 - 2) Existing SLF policies and procedures are clear to residents;
 - 3) Residents have access to existing SLF policies and procedures;
 - 4) Residents have a degree of control over personal lifestyle preferences;
 - 5) Residents have access to common areas;
 - 6) Residents are satisfied with surroundings as "home-like"; and
 - 7) Residents have the opportunity to exercise personal lifestyle preferences and direct services according to personal preferences (for example, meal choices and refusal of services).
- b) Evaluation of care and services pursuant to accepted standards and practices and the service needs of the resident population.
- c) Tracking of improvements based on care outcomes such as changes in activities of daily living, resident response to services and other indicators of service quality listed in subsection (d)(a)(4) of this Section.
- d) A system of indicators of service quality that measuremeasuring:
 - 1) Quality of services provided;

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- 2) Resident rating of the services, including food service;
 - 3) Cleanliness and furnishings of the common area;
 - 4) Service availability;
 - 5) Adequacy of service provision and coordination;
 - 6) Provision of safe environment, including emergency contingency plans that are in accordance with Section 146.295;
 - 7) Socialization activities; and
 - 8) Resident autonomy, which includes, but is not limited to:
 - A) Protection of resident rights;
 - B) Provision of appropriate oversight for vulnerable residents; and
 - C) Resident exercise of personal autonomy and choice.
- e) Procedures for preventing, detecting and reporting resident neglect and abuse.
- f) ~~Objectives~~Development of objectives for improving service quality, including the service quality indicators and measures to determine when objectives have been~~are~~ met.
- g) ~~Ongoing~~Evidence of ongoing quality improvements resulting from~~as a result of~~ the quality review data.
- h) A committee formed to organize and proceed with the required reviews for both the health care professionals and social service providers of the SLF staff or to serve in a contractual relationship with the SLF. Committee duties~~which~~ shall include:
- 1) A regular schedule for review, and
 - 2) A system to evaluate the process and methods by which care is given by specific providers in accordance with the service plan developed by the SLF licensed nursing staff and approved by the resident.

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(Source: Amended by emergency rulemaking at 28 Ill. Reg. 14214, effective October 18, 2004, for a maximum of 150 days)

Section 146.275 Monitoring**EMERGENCY**

- a) Monitoring and ~~any~~ oversight of the SLF shall be conducted by the Department or its designee.
- b) Designated Department staff shall coordinate the program, provide technical assistance and monitor compliance no less often than annually ~~according to the items identified in Section 146.215(d)(3)~~.
- c) The Department shall investigate all complaints within seven days after receipt from a resident, a resident's designated representative or others expressing concern related to the health and safety of the residents. The Department ~~may reserves the right to~~ conduct a full certification review or to make referrals to other appropriate entities for additional action if the results of a complaint investigation indicate the need to do so.
- d) An SLF shall not restrict or hamper access by Department designated staff to the building, residents or designated records required to conduct routine or periodic reviews or investigations. A resident may limit access to his or her private dwelling space to ~~Department designated staff~~ inspectors, except for reviews regarding suspected violations or situations that may pose a threat to the resident's or others' health, safety or well-being. A resident may also elect to limit access to himself or herself and his or her records, except as required as a condition of payment for housing and services by a third party.

(Source: Amended by emergency rulemaking at 28 Ill. Reg. 14214, effective October 18, 2004, for a maximum of 150 days)

Section 146.280 Termination or Suspension of SLF Provider Agreement**EMERGENCY**

- a) The Department may terminate or suspend or not renew the provider agreement subject to the provisions of 89 Ill. Adm. Code 140.16.
- b) In the event that an SLF is found to be out of compliance with certification

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requirements during an on-site certification review or complaint investigation, the following procedure shall be used:

- 1) The Department shall mail a written notice to the SLF within ten days after the conclusion of the on-site review giving the SLF 30 days to correct the non-compliance issue or issues unless the non-compliance involves immediate jeopardy to the health and safety of residents.
- 2) For non-compliance involving immediate jeopardy, the Department shall provide a written notice to the SLF within five days after the conclusion of the on-site review giving the SLF ten days to correct the non-compliance issue or issues. The immediate jeopardy must be corrected within ten days after the date of receipt of the notice. No extension of the ten day period shall be granted.
- 3) The SLF shall mail a written notice to the Department within 30 days after the date of the Departmental notice of non-compliance notifying the Department that the non-compliance issue or issues are corrected or requesting an extension of the 30 day period to a specific date with any explanation or documentation necessary to justify the extension.
- 4) The Department shall mail a written decision to the SLF within ten days after receipt of the request to extend the 30 day correction period.
- 5) The Department shall conduct the first follow-up review within ten days after the conclusion of the ten day immediate jeopardy correction period or within 30 days after the SLF notice date for other non-compliance issues.
- 6) In cases of immediate jeopardy, if the first follow-up review continues to show immediate jeopardy, the Department shall take action to suspend or terminate the provider agreement according to 89 Ill. Adm. Code 104.208, Notice of Intent to Terminate, Suspend or Not Renew Provider Agreement. In cases of immediate jeopardy, where the first follow-up review shows that the immediate jeopardy has been abated, but other non-compliance issues exist, the facility shall be granted a further 30 day period to correct the non-compliance issues.
- 7) If the first 30 day follow-up review continues to show non-compliance, the facility shall be granted a second 30 day period to correct the non-

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compliance issues.

- 8) The SLF shall have 30 days to correct any new non-compliance issues cited during a follow-up survey.
 - 9) The SLF shall be required to submit a written notice identified in subsection (b)(3) of this Section prior to the Department conducting a second or any subsequent follow-up survey.
 - 10) If the second follow-up review continues to show non-compliance with previously cited issues, the Department shall take action to apply one or more of the following sanctions at the Department's sole discretion, depending on the severity of the non-compliance: suspend or terminate the provider agreement according to 89 Ill. Adm. Code 104.208, Notice of Intent to Terminate, Suspend, or Not Renew Provider Agreement.
 - A) placing a hold on new private pay and Medicaid admissions;
 - B) withholding Medicaid payments; and
 - C) suspension or termination of the Medicaid provider agreement.
- c) In the event the Department does not impose a sanction to withhold Medicaid payments pursuant to subsection (b)(10)(B) of this Section, the The Department will continue to make payments during the pendency of the administrative proceedings set forth in subsection (b) of this Section until a final administrative decision terminating or suspending the provider agreement is issued, for services rendered to Medicaid residents residing in the SLF on the date of the Department's notice sent pursuant to subsection (b)(10) of this Section. If a final administrative decision terminating or suspending the provider agreement is issued, payments for such services rendered to such persons will cease as of the date the decision is issued, and shall recommence only if and when the SLF is recertified as being in compliance with program requirements.
- d) In the event the Department does not initially impose a hold on private pay and Medicaid admissions pursuant to subsection (b)(10)(A) of this Section, the The SLF shall not admit any new residents after receipt of the notice sent pursuant to subsection (b)(10) of this Section. New admissions may recommence only if and when the SLF has been recertified as being in compliance with program requirements.

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(Source: Amended by emergency rulemaking at 28 Ill. Reg. 14214, effective October 18, 2004, for a maximum of 150 days)

Section 146.295 Emergency Contingency Plan**EMERGENCY**

For the purpose of this Section, "emergency" means an event, as a result of a mechanical failure or natural force such as water, wind, fire or loss of electrical power, that poses a threat to the safety and welfare of residents, personnel, and others present in the SLF.

- a) Each SLF shall have a written plan, which shall be part of the SLF's Quality Assurance Plan, for protection of all persons in the event of an emergency, for keeping persons in place, for evacuating persons to areas of refuge, and for evacuating persons from the building when necessary. The plan shall:
- 1) address the physical and cognitive needs of residents and include special staff response, including the procedures needed to ensure the safety of any resident. The plan shall be amended or revised whenever any resident with unusual needs is admitted;
 - 2) provide for the temporary relocation of residents for any emergency requiring relocation;
 - 3) provide for the movement of residents to safe locations within the SLF in the event of a tornado warning or severe thunder storm warning issued by the National Weather Service;
 - 4) provide for the health, safety, welfare and comfort of all residents when the heat index/apparent temperature, as established by the National Oceanic and Atmospheric Administration, inside the residents' living, dining, activities, or sleeping areas of the SLF exceeds a heat index/apparent temperature of 90°F;
 - 5) address power outages; and
 - 6) include contingencies in the event of flooding, if located on a flood plain.
- b) All personnel employed on the premises shall be instructed in the emergency contingency plan and the use of fire extinguishers.

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- c) A diagram of emergency evacuation route(s) shall be posted in at least all corridors and common areas and all personnel employed on the premises shall be aware of the route.
- d) There shall be a means of notification to the SLF when the National Weather Service issues a tornado warning covering the area in which the SLF is located. The notification mechanism must be other than commercial radio or television. Notification measures include being within range of local tornado warning sirens, an operable National Oceanic and Atmospheric Administration weather radio in the SLF, or arrangements with local public safety agencies (police, fire, ESDA) to be notified if a warning is issued.
- e) Each resident shall be oriented to the emergency plans within ten days after the resident's admission. Orientation shall include assisting residents in identifying and using emergency exits. Documentation of the orientation shall be signed and dated by the resident or the resident's representative.
- f) The SLF shall conduct at least two drills per year.
- g) The SLF shall evaluate the effectiveness of emergency plans, procedures and training.
- h) Drills shall include residents, SLF personnel, and other persons in the SLF.
- i) Drills shall include making a general announcement throughout the SLF that a drill is being conducted or sounding an emergency alarm. Drills may be announced in advance to residents.
- j) Drills shall involve the actual evacuation of residents to an assembly point as specified in the emergency plan and shall provide residents with experience using various means of escape. Those residents who cannot meaningfully assist in their own evacuation or who have special health problems shall not be required to participate in the drill.
- k) A written evaluation of each drill shall be submitted to the SLF manager and the Quality Assurance Committee and shall be maintained for one year from the date of the drill. The evaluation shall include the date and time of the drill, names of employees participating in the drill, and identification of any residents who received assistance for evacuation.

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- 1) Upon the occurrence of any emergency requiring hospital service, police, fire department or coroner, the SLF manager or designee must provide a preliminary report to the Department by fax within 24 hours after the occurrence. This preliminary report shall include, at a minimum:
 - 1) name and location of the SLF;
 - 2) type of emergency;
 - 3) number of injuries or deaths to residents;
 - 4) number of units not usable due to the occurrence;
 - 5) estimate of the extent of damages to the SLF;
 - 6) type of assistance needed, if any;
 - 7) location of displaced residents, if any; and
 - 8) other State or local agencies notified about the problem.

(Source: Amended by emergency rulemaking at 28 Ill. Reg. 14214, effective October 18, 2004, for a maximum of 150 days)

Section 146.300 Waivers
EMERGENCY

- a) The Department may grant a waiver from specified provisions of this Subpart B if the applicant or SLF can demonstrate that an alternative is available to ensure the residents' health, safety and welfare.
- b) An applicant or SLF shall submit a written request for a waiver that includes:
 - 1) The applicant's or SLF's name and address;
 - 2) The specific Section of this Part for which the applicant or SLF is requesting a waiver;

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- 3) The reason or reasons why an applicant or SLF is not able to comply with the requirements;
 - 4) An alternative, if applicable, that ensures that the health, safety and welfare of residents are protected; and
 - 5) The duration of the waiver.
- c) The Department shall evaluate a request for a waiver as follows:
- 1) Review the written request;
 - 2) Verify the submitted documentation;
 - 3) If the requested waiver involves a physical plant requirement, inspect the SLF; and
 - 4) If applicable, discuss the waiver with the SLF's owner, manager or manager's designee, residents or representatives, or any individual the Department determines is necessary to evaluate the request.
- d) The Department shall provide a written notice of approval or denial to the applicant or SLF within 90 days after receipt of the request for a waiver. The Department's decision to approve or deny a waiver of any provision of this Part is final and is not subject to administrative or judicial review.
- e) The Department shall withdraw an approved waiver if:
- 1) An SLF does not comply with the conditions of the waiver as approved by the Department;
 - 2) The Department determines that the health, safety or welfare of residents is not protected by the waiver;
 - 3) The condition of the physical plant has deteriorated or its use substantially changed so that the basis upon which the waiver was issued is no longer applicable;
 - 4) The SLF is renovated or remodeled in such a way as to permit compliance;

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5) The Department determines the waiver would render the SLF noncompliant with other regulations or codes (i.e., local, State or federal requirements).

f) The Department may limit the time period that a waiver is in effect.

(Source: Amended by emergency rulemaking at 28 Ill. Reg. 14214, effective October 18, 2004, for a maximum of 150 days)

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- 1) Heading of the Part: Income Tax
- 2) Code Citation: 86 Ill. Adm. Code 100
- 3) Section Number: 100.9900 Emergency Action:
New Section
- 4) Statutory Authority: The Tax Shelter Voluntary Compliance Law [35 ILCS Act 20]
- 5) Effective Date of Emergency Amendment: October 18, 2004
- 6) If this Emergency Amendment is to expire before the end of the 150-day period, please specify the date on which it is to expire: These amendments will not expire before the end of the 150-day period.
- 7) Date filed with the Index Department: October 18, 2004
- 8) A copy of the emergency amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Reason for Emergency: The Tax Shelter Voluntary Compliance Law, enacted by Public Act 93-840 (July 30, 2004) creates the Voluntary Compliance Program, a special amnesty program for taxpayers who have participated in tax shelters if they file amended returns reversing the effects of the tax shelters and pay the resulting tax during the period of October 15, 2004 through January 31, 2005. Timely regulatory guidance for taxpayers wishing to participate could not be promulgated except by emergency rulemaking.
- 10) A Complete Description of the Subjects and Issues Involved: This rulemaking prescribes the procedures for participating in the Voluntary Compliance Program and explains the consequences of participation and failure to participate.
- 11) Are there any proposed amendments to this Part pending? Yes

<u>Section Numbers</u>	<u>Proposed Action</u>	<u>Illinois Register Citation</u>
100.9030	New Section	28 Ill. Reg. 4091, 03/05/04
100.9040	New Section	28 Ill. Reg. 4091, 03/05/04
100.9050	New Section	28 Ill. Reg. 4091, 03/05/04
100.9060	New Section	28 Ill. Reg. 4091, 03/05/04
100.9700	Amendment	28 Ill. Reg. 4509, 03/12/04
100.2185	New Section	28 Ill. Reg. 9225, 07/09/04

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100.2196 New Section 28 Ill. Reg. 12778, 09/17/04

- 12) Statement of Statewide Policy Objective: This rulemaking neither imposes a State mandate, nor modifies an existing mandate.
- 13) Information and questions regarding this emergency amendment shall be directed to:

Paul Caselton
Deputy General Counsel - Income Tax
Illinois Department of Revenue
Legal Services Office
101 West Jefferson
Springfield, Illinois 62794
Phone: (217) 782-7055

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

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NOTICE OF EMERGENCY AMENDMENT

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

SUBPART A: TAX IMPOSED

Section

- 100.2000 Introduction
100.2050 Net Income (IITA Section 202)

SUBPART B: CREDITS

Section

- 100.2100 Replacement Tax Investment Credit Prior to January 1, 1994 (IITA 201(e))
100.2101 Replacement Tax Investment Credit (IITA 201(e))
100.2110 Investment Credit; Enterprise Zone (IITA 201(f))
100.2120 Jobs Tax Credit; Enterprise Zone and Foreign Trade Zone or Sub-Zone (IITA 201(g))
100.2130 Investment Credit; High Impact Business (IITA 201(h))
100.2140 Credit Against Income Tax for Replacement Tax (IITA 201(i))
100.2150 Training Expense Credit (IITA 201(j))
100.2160 Research and Development Credit (IITA 201(k))
100.2163 Environmental Remediation Credit (IITA 201(l))
100.2165 Education Expense Credit (IITA 201(m))
100.2170 Tax Credits for Coal Research and Coal Utilization Equipment (IITA 206)
100.2180 Credit for Residential Real Property Taxes (IITA 208)
100.2190 Tax Credit for Affordable Housing Donations (IITA Section 214)
100.2195 Dependent Care Assistance Program Tax Credit (IITA 210)
100.2197 Foreign Tax Credit (IITA Section 601(b)(3))
100.2198 Economic Development for a Growing Economy Credit (IITA 211)
100.2199 Illinois Earned Income Tax Credit (IITA 212)

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

Section

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

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- 202) – Scope
- 100.2210 Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group (IITA Section 202) – Definitions
- 100.2220 Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group. (IITA Section 202) – Current Net Operating Losses: Offsets Between Members
- 100.2230 Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group. (IITA Section 202) – Carrybacks and Carryforwards
- 100.2240 Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group: (IITA Section 202) – Effect of Combined Net Operating Loss in Computing Illinois Base Income
- 100.2250 Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group: (IITA Section 202) – Deadline for Filing Claims Based on Net Operating Losses Carried Back From a Combined Apportionment Year

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

Section

- 100.2300 Illinois Net Loss Deduction for Losses Occurring On or After December 31, 1986 (IITA 207)
- 100.2310 Computation of the Illinois Net Loss Deduction for Losses Occurring On or After December 31, 1986 (IITA 207)
- 100.2320 Determination of the Amount of Illinois Net Loss for Losses Occurring On or After December 31, 1986
- 100.2330 Illinois Net Loss Carrybacks and Net Loss Carryovers for Losses Occurring On or After December 31, 1986
- 100.2340 Illinois Net Losses and Illinois Net Loss Deductions for Losses Occurring On or After December 31, 1986, of Corporations that are Members of a Unitary Business Group: Separate Unitary Versus Combined Unitary Returns
- 100.2350 Illinois Net Losses and Illinois Net Loss Deductions, for Losses Occurring On or After December 31, 1986, of Corporations that are Members of a Unitary Business Group: Changes in Membership

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

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Section	
100.2410	Net Operating Loss Carryovers for Individuals, and Capital Loss and Other Carryovers for All Taxpayers (IITA Section 203)
100.2470	Subtraction of Amounts Exempt from Taxation by Virtue of Illinois Law, the Illinois or U.S. Constitutions, or by Reason of U.S. Treaties or Statutes (IITA Sections 203(a)(2)(N), 203(b)(2)(J), 203(c)(2)(K) and 203(d)(2)(G))
100.2480	Enterprise Zone Dividend Subtraction (IITA Sections 203(a)(2)(J), 203(b)(2)(K), 203(c)(2)(M) and 203(d)(2)(K))
100.2490	Foreign Trade Zone/High Impact Business Dividend Subtraction (IITA Sections 203(a)(2)(K), 203(b)(2)(L), 203(c)(2)(O), 203(d)(2)(M))

SUBPART F: BASE INCOME OF INDIVIDUALS

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

SUBPART G: BASE INCOME OF TRUSTS AND ESTATES

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

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

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

SUBPART J: COMPENSATION

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

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

Section

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

SUBPART L: BUSINESS INCOME OF PERSONS OTHER THAN RESIDENTS

Section

- 100.3300 Allocation and Apportionment of Base Income (IITA Section 304)
- 100.3310 Business Income of Persons Other Than Residents (IITA Section 304) – In General
- 100.3320 Business Income of Persons Other Than Residents (IITA Section 304) – Apportionment (Repealed)
- 100.3330 Business Income of Persons Other Than Residents (IITA Section 304) – Allocation
- 100.3340 Business Income of Persons Other Than Residents (IITA Section 304)
- 100.3350 Property Factor (IITA Section 304)
- 100.3360 Payroll Factor (IITA Section 304)
- 100.3370 Sales Factor (IITA Section 304)
- 100.3380 Special Rules (IITA Section 304)
- 100.3390 Petitions for Alternative Allocation or Apportionment (IITA Section 304(f))
- 100.3400 Apportionment of Business Income of Financial Organizations (IITA Section 304(c))
- 100.3500 Allocation and Apportionment of Base Income by Nonresident Partners

SUBPART M: ACCOUNTING

Section

- 100.4500 Carryovers of Tax Attributes (IITA Section 405)

SUBPART N: TIME AND PLACE FOR FILING RETURNS

Section

- 100.5000 Time for Filing Returns: Individuals (IITA Section 505)
- 100.5010 Place for Filing Returns: All Taxpayers (IITA Section 505)
- 100.5020 Extensions of Time for Filing Returns: All Taxpayers (IITA Section 505)

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- 100.5030 Taxpayer's Notification to the Department of Certain Federal Changes Arising in Federal Consolidated Return Years, and Arising in Certain Loss Carryback Years (IITA Section 506)
- 100.5040 Innocent Spouses
- 100.5050 Frivolous Returns

SUBPART O: COMPOSITE RETURNS

Section

- 100.5100 Composite Returns: Eligibility
- 100.5110 Composite Returns: Responsibilities of Authorized Agent
- 100.5120 Composite Returns: Individual Liability
- 100.5130 Composite Returns: Required forms and computation of Income
- 100.5140 Composite Returns: Estimated Payments
- 100.5150 Composite Returns: Tax, Penalties and Interest
- 100.5160 Composite Returns: Credits for Resident Individuals
- 100.5170 Composite Returns: Definition of a "Lloyd's Plan of Operation"

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- 100.5200 Filing of Combined Returns
- 100.5201 Definitions and Miscellaneous Provisions Relating to Combined Returns
- 100.5205 Election to File a Combined Return
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- 100.5215 Filing of Separate Unitary Returns
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- 100.5230 Combined Estimated Tax Payments
- 100.5240 Claims for Credit of Overpayments
- 100.5250 Liability for Combined Tax, Penalty and Interest
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- 100.5265 Common Taxable Year
- 100.5270 Computation of Combined Net Income and Tax
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- 100.7000 Requirement of Withholding (IITA Section 701)
- 100.7010 Compensation Paid in this State (IITA Section 701)

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100.7020	Transacting Business Within this State (IITA Section 701)
100.7030	Payments to Residents (IITA Section 701)
100.7040	Employer Registration (IITA Section 701)
100.7050	Computation of Amount Withheld (IITA Section 702)
100.7060	Additional Withholding (IITA Section 701)
100.7070	Voluntary Withholding (IITA Section 701)
100.7080	Correction of Underwithholding or Overwithholding (IITA Section 701)
100.7090	Reciprocal Agreement (IITA Section 701)
100.7095	Cross References

SUBPART R: AMOUNT EXEMPT FROM WITHHOLDING

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

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Section
100.9500 Access to Books and Records (IITA Section 913)
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100.9510 Taxpayer Representation and Practice Requirements
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SUBPART AA: JUDICIAL REVIEW

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100.9600 Administrative Review Law (IITA Section 1201)

SUBPART BB: DEFINITIONS

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

SUBPART CC: LETTER RULING PROCEDURES

Section

100.9800	Letter Ruling Procedures
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SUBPART DD: MISCELLANEOUSSection100.9900 Tax Shelter Voluntary Compliance ProgramEMERGENCY

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

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

SOURCE: Filed July 14, 1971, effective July 24, 1971; amended at 2 Ill. Reg. 49, p. 84, effective November 29, 1978; amended at 5 Ill. Reg. 813, effective January 7, 1981; amended at 5 Ill. Reg. 4617, effective April 14, 1981; amended at 5 Ill. Reg. 4624, effective April 14, 1981; amended at 5 Ill. Reg. 5537, effective May 7, 1981; amended at 5 Ill. Reg. 5705, effective May 20, 1981; amended at 5 Ill. Reg. 5883, effective May 20, 1981; amended at 5 Ill. Reg. 6843, effective June 16, 1981; amended at 5 Ill. Reg. 13244, effective November 13, 1981; amended at 5 Ill. Reg. 13724, effective November 30, 1981; amended at 6 Ill. Reg. 579, effective December 29, 1981; amended at 6 Ill. Reg. 9701, effective July 26, 1982; amended at 7 Ill. Reg. 399, effective December 28, 1982; amended at 8 Ill. Reg. 6184, effective April 24, 1984; codified at 8 Ill. Reg. 19574; amended at 9 Ill. Reg. 16986, effective October 21, 1985; amended at 9 Ill. Reg. 685, effective December 31, 1985; amended at 10 Ill. Reg. 7913, effective April 28, 1986; amended at 10 Ill. Reg. 19512, effective November 3, 1986; amended at 10 Ill. Reg. 21941, effective December 15, 1986; amended at 11 Ill. Reg. 831, effective December 24, 1986; amended at 11 Ill. Reg. 2450, effective January 20, 1987; amended at 11 Ill. Reg. 12410,

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effective July 8, 1987; amended at 11 Ill. Reg. 17782, effective October 16, 1987; amended at 12 Ill. Reg. 4865, effective February 25, 1988; amended at 12 Ill. Reg. 6748, effective March 25, 1988; amended at 12 Ill. Reg. 11766, effective July 1, 1988; amended at 12 Ill. Reg. 14307, effective August 29, 1988; amended at 13 Ill. Reg. 8917, effective May 30, 1989; amended at 13 Ill. Reg. 10952, effective June 26, 1989; amended at 14 Ill. Reg. 4558, effective March 8, 1990; amended at 14 Ill. Reg. 6810, effective April 19, 1990; amended at 14 Ill. Reg. 10082, effective June 7, 1990; amended at 14 Ill. Reg. 16012, effective September 17, 1990; emergency amendment at 17 Ill. Reg. 473, effective December 22, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 8869, effective June 2, 1993; amended at 17 Ill. Reg. 13776, effective August 9, 1993; recodified at 17 Ill. Reg. 14189; amended at 17 Ill. Reg. 19632, effective November 1, 1993; amended at 17 Ill. Reg. 19966, effective November 9, 1993; amended at 18 Ill. Reg. 1510, effective January 13, 1994; amended at 18 Ill. Reg. 2494, effective January 28, 1994; amended at 18 Ill. Reg. 7768, effective May 4, 1994; amended at 19 Ill. Reg. 1839, effective February 6, 1995; amended at 19 Ill. Reg. 5824, effective March 31, 1995; emergency amendment at 20 Ill. Reg. 1616, effective January 9, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 6981, effective May 7, 1996; amended at 20 Ill. Reg. 10706, effective July 29, 1996; amended at 20 Ill. Reg. 13365, effective September 27, 1996; amended at 20 Ill. Reg. 14617, effective October 29, 1996; amended at 21 Ill. Reg. 958, effective January 6, 1997; emergency amendment at 21 Ill. Reg. 2969, effective February 24, 1997, for a maximum of 150 days; emergency expired July 24, 1997; amended at 22 Ill. Reg. 2234, effective January 9, 1998; amended at 22 Ill. Reg. 19033, effective October 1, 1998; amended at 22 Ill. Reg. 21623, effective December 15, 1998; amended at 23 Ill. Reg. 3808, effective March 11, 1999; amended at 24 Ill. Reg. 10593, effective July 7, 2000; amended at 24 Ill. Reg. 12068, effective July 26, 2000; emergency amendment at 24 Ill. Reg. 17585, effective November 17, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 18731, effective December 11, 2000; amended at 25 Ill. Reg. 4640, effective March 15, 2001; amended at 25 Ill. Reg. 4929, effective March 23, 2001; amended at 25 Ill. Reg. 5374, effective April 2, 2001; amended at 25 Ill. Reg. 6687, effective May 9, 2001; amended at 25 Ill. Reg. 7250, effective May 25, 2001; amended at 25 Ill. Reg. 8333, effective June 22, 2001; amended at 26 Ill. Reg. 192, effective December 20, 2001; amended at 26 Ill. Reg. 1274, effective January 15, 2002; amended at 26 Ill. Reg. 9854, effective June 20, 2002; amended at 26 Ill. Reg. 13237, effective August 23, 2002; amended at 26 Ill. Reg. 15304, effective October 9, 2002; amended at 26 Ill. Reg. 17250, effective November 18, 2002; amended at 27 Ill. Reg. 13536, effective July 28, 2003; amended at 27 Ill. Reg. 18225, effective November 17, 2003; emergency amendment at 27 Ill. Reg. 18464, effective November 20, 2003, for a maximum of 150 days; amended at 28 Ill. Reg. 1378, effective January 12, 2004; amended at 28 Ill. Reg. 5694, effective March 17, 2004; amended at 28 Ill. Reg. 7125, effective April 29, 2004; amended at 28 Ill. Reg. 8881, effective June 11, 2004; emergency amendment at 28 Ill. Reg. 14271, effective October 18, 2004, for a maximum of 150 days.

SUBPART DD: MISCELLANEOUS

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Section 100.9900 Tax Shelter Voluntary Compliance Program
EMERGENCY

- a) Section 35-5(a) of the Tax Shelter Voluntary Compliance Law (Public Act 93-0840) provides that the Department shall establish and administer a tax shelter Voluntary Compliance Program as provided in this Section for eligible taxpayers subject to tax under the Illinois Income Tax Act. The tax shelter voluntary compliance program shall be conducted from October 15, 2004 to January 31, 2005 and shall apply to tax liabilities under Section 201 of the Illinois Income Tax Act attributable to the use of tax avoidance transactions for taxable years beginning before January 1, 2004. The Voluntary Compliance Program provides for abatement of penalties that would otherwise be imposed on underpayment or underreporting of Illinois income tax liabilities attributable to participation in tax shelters. The Tax Shelter Voluntary Compliance Law directs the Department to adopt rules, issue forms and instructions, and take such other actions as it deems necessary to implement the provisions of the Voluntary Compliance Program.
- b) Definitions. For purposes of this Section:
- 1) Tax Avoidance Transaction. Section 35-10 of Public Act 93-0840 provides that "tax avoidance transaction" means any plan or arrangement devised for the principal purpose of avoiding federal income tax. Tax avoidance transactions include, but are not limited to, "listed transactions" as defined in Treasury Regulations Section 1.6011-4(b)(2).
- 2) Eligible Liability. "Eligible Liability" means the excess, if any, of:
- A) the Illinois income tax liability for a taxable year properly computed without allowing the net tax benefits of any tax avoidance transaction over; or
- B) the Illinois income tax liability for that taxable year properly computed allowing the tax benefits of any tax avoidance transactions in which the taxpayer participated.

The Illinois income tax liabilities under subsection (b)(2)(A) shall be computed without allowing the net tax benefits of any tax avoidance transaction for the taxable year at issue, whether or not such benefits are ultimately determined to be allowable and without allowing any benefits

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in the taxable year at issue that result from tax avoidance transactions in which the taxpayer participated in other tax years, such as, for example, by increasing any Illinois net loss or credit available to carry over into the taxable year at issue.

3) Voluntary Compliance Program Period. The "Voluntary Compliance Program Period" is October 15, 2004 through January 31, 2005, inclusive.

c) Participation in the Voluntary Compliance Program. Participation in the Voluntary Compliance Program is made separately for each taxable year. In order to participate in the Voluntary Compliance Program for a taxable year, a taxpayer must, during the Voluntary Compliance Program Period:

1) File Form VCP-1, Voluntary Compliance Participation Agreement, with an amended return reporting Illinois net income and tax for the taxable year, computed without regard to any tax avoidance transactions affecting Illinois net income for that taxable year.

A) Any taxpayer who, as a result of participating in a tax avoidance transaction, determined that it had no Illinois income tax liability for a taxable year therefore chose not to file a return for that taxable year may participate in the Voluntary Compliance Program by filing an original return for that taxable year and reporting its Illinois net income and tax for the taxable year, computed without regard to any tax avoidance transactions affecting Illinois net income or tax for that taxable year.

B) A trust, estate, exempt organization, partnership or Subchapter S corporation shall file a Form IL-843, Amended Return or Notice of Change in Income, with a revised return in the proper form.

C) A partnership or Subchapter S corporation may file a composite return for that taxable year on behalf of any partners or shareholders eligible to be included in a composite return.

D) No return filed outside the Voluntary Compliance Program Period will qualify for relief under this Section. An unprocessable return filed during the Voluntary Compliance Program Period will qualify for relief under this Section only if a processable return is filed

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within 30 days after the Department has issued a notice to that taxpayer that the return filed was unprocessable.

- E) Failure to correct an underreporting of tax that is not the result of participation in a tax avoidance transaction shall not preclude relief under this Section.
- 2) Pay the full amount of the Eligible Liability, plus interest on the Eligible Liability.
- A) Failure to pay any penalty or to pay any liability (or interest on such liability) other than the Eligible Liability shall not preclude relief under this Section.
- B) If the Eligible Liability was eligible for amnesty under the Tax Delinquency Amnesty Act, interest that must be paid under this subsection (c)(2) shall be computed at 200% of the rate that would otherwise have been imposed under UPIA Section 3-2, as provided in UPIA Section 3-2(d).
- C) In the case of a taxpayer who makes a good faith attempt to compute the correct amount of interest due on the Eligible Liability, attaches to its amended return a schedule showing its computation of interest due on the Eligible Liability, and pays the amount so shown during the Voluntary Compliance Program Period, failure to pay the full amount of interest due shall not preclude relief under this Section if the full amount of interest determined by the Department to be due on the Eligible Liability is paid within 30 days after the Department has issued a Notice and Demand for the unpaid amount.
- D) No payment made under protest under Section 2a.1 of the State Officers and Employees Money Disposition Act [30 ILCS 230/2a.1] shall be considered a payment made during the Voluntary Compliance Program Period under this subsection (c)(2).
- 3) Make the election to participate under Voluntary Compliance without Appeal or Voluntary Compliance with Appeal.

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- A) The election shall be made by checking the appropriate box on the Form VCP-1, Voluntary Compliance Participation Agreement.
 - B) Once made, the election may not be revoked.
 - C) A separate election shall be made for each taxable year for which the taxpayer chooses to participate in the Voluntary Compliance program.
 - D) No relief shall be allowed to any taxpayer for any taxable year for which the taxpayer fails to properly make the election in accordance with this [subsection \(c\)\(3\)](#).
- d) Effect of Electing Voluntary Compliance without Appeal. If a taxpayer properly elects Voluntary Compliance without Appeal:
- 1) No claim for refund or credit shall be allowed with respect to the Eligible Liability. The taxpayer's rights to claim a refund or credit for other amounts paid that are not attributable to the tax avoidance transaction shall not be affected by this election.
 - 2) The following penalties that are otherwise applicable to the Eligible Liability for such taxable year shall be abated:
 - A) The negligence penalty imposed under IITA Section 1002(a), including any doubling of the penalty under UPIA Section 3-5(d).
 - B) The fraud penalty imposed under IITA Section 1002(b), including any doubling of the penalty under UPIA Section 3-6(c).
 - C) The penalty for underpayment of tax imposed under IITA Section 1005(a), including any doubling of that penalty under UPIA Section 3-3(i).
 - D) The reportable transaction penalty imposed under IITA Section 1005(b).
 - E) The 100% interest penalty imposed under IITA Section 1005(c).

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- F) The underreporting penalty imposed under UPIA Section 3-3(b-15)(2).
- G) In the case of an Eligible Liability reported on an original return filed during the Voluntary Compliance Program Period, the penalty for failure to pay estimated tax imposed by IITA Section 804(a), including any doubling of that penalty under UPIA Section 3-3(i).
- H) Because the Voluntary Compliance Program Period will expire before the date the first disclosure of participation in a reportable transaction could be due under IITA Section 501(b), filing of an amended return during the Voluntary Compliance Program Period reversing the tax benefits of a reportable transaction will avoid penalty under IITA Section 1001(b) for failure to disclose a reportable transaction.

None of the penalties listed in this subsection (d)(2) shall be abated under the Voluntary Compliance Program to the extent imposed with respect to a liability assessed prior to October 15, 2004. No other penalties (including, but not limited to, any penalties for late payment of tax or underpayment of tax resulting from any underpayment other than the Eligible Liability) are abated or avoided merely by participation in the Voluntary Compliance Program. However, participation in the Voluntary Compliance Program will not affect any right the taxpayer would otherwise have to abatement of penalties or to contest the imposition of penalties.

- 3) The Department shall not seek civil or criminal prosecution against the taxpayer for such taxable year with respect to tax avoidance transactions, except as otherwise provided in Tax Shelter Voluntary Compliance Law.
- 4) A claim for a refund of the Eligible Liability by a taxpayer who has elected Voluntary Compliance without Appeal shall be denied, but filing such claim will not disqualify the taxpayer from participation in the Voluntary Compliance Program.
- e) Effect of Electing Voluntary Compliance with Appeal. If a taxpayer properly elects Voluntary Compliance with Appeal:

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1) Any otherwise-allowable claim for refund or credit shall be allowed with respect to the Eligible Liability, provided that, notwithstanding IITA Section 909(e), the taxpayer may not file a written protest until after either of the following:

A) the date the Department issues a notice of denial; or

B) the earlier of:

i) the date which is 180 days after the date of a final determination by the Internal Revenue Service with respect to the transactions at issue;

ii) the date that is three years after the date the claim for refund was filed; or

iii) the date that is one year after full payment of all tax, including penalty and interest.

Participation in the Voluntary Compliance Program with Appeal shall not affect any right the taxpayer otherwise has to claim a refund or credit or protest the denial of such claim for any amount paid other than the Eligible Liability.

2) The following penalties for the taxable year that are otherwise applicable to the Eligible Liability for such taxable year shall be abated:

A) The reportable transaction penalty imposed under IITA Section 1005(b).

B) The 100% interest penalty imposed under IITA Section 1005(c).

C) Because the Voluntary Compliance Program Period will expire before the date the first disclosure of participation in a reportable transaction could be due under IITA Section 501(b), filing of an amended return during the Voluntary Compliance Program Period reversing the tax benefits of a reportable transaction will avoid penalty under IITA Section 1001(b) for failure to disclose a reportable transaction.

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Neither of the penalties listed in this subsection (e)(2) shall be abated under the Voluntary Compliance Program to the extent imposed with respect to a liability assessed prior to October 15, 2004. No other penalties are abated or avoided merely by participation in the Voluntary Compliance Program. However, participation in the Voluntary Compliance Program will not affect any right the taxpayer would otherwise have to abatement of penalties or to contest the imposition of penalties.

- 3) The Department shall not seek civil or criminal prosecution against the taxpayer for such taxable year with respect to tax avoidance transactions, except as otherwise provided in the Tax Shelter Voluntary Compliance Law.
- f) Failure to Comply with All Requirements for Participation in the Voluntary Compliance Program. If the Department determines that a taxpayer who has been granted relief under this Section has failed to comply with all requirements of this Section, any penalties that had been abated shall be deemed assessed as of January 31, 2005, and shall be immediately due and collectible, provided that nothing in this subsection shall preclude abatement of a penalty for reasonable cause, if otherwise applicable, or deprive the taxpayer of any process otherwise available for seeking abatement of an assessed penalty.
- g) Participation in the Voluntary Compliance Program shall not be considered evidence that the taxpayer in fact engaged in a tax avoidance transaction.

(Source: Added by emergency rulemaking at 28 Ill. Reg. 14271, effective October 18, 2004, for a maximum of 150 days)

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 October 13, 2004 through October 18, 2004 and have been scheduled for review by the Committee at its November 9, 2004 meeting in Springfield. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rulemaking should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield IL 62706.

<u>Second Notice Expires</u>	<u>Agency and Rule</u>	<u>Start Of First Notice</u>	<u>JCAR Meeting</u>
11/26/04	<u>Department of Financial and Professional Regulation-Division of Professional Regulation, Professional Counselor and Clinical Professional Counselor Licensing Act (68 Ill. Adm. Code 1375)</u>	8/13/04 28 Ill. Reg. 11484	11/9/04
11/26/04	<u>Department of Financial and Professional Regulation-Division of Professional Regulation, Clinical Social Work and Social Work Practice Act (68 Ill. Adm. Code 1470)</u>	8/13/04 28 Ill. Reg. 11514	11/9/04
11/27/04	<u>Department of Agriculture, Weights and Measures Act (8 Ill. Adm. Code 600)</u>	6/25/04 28 Ill. Reg. 8809	11/9/04
11/27/04	<u>Teachers' Retirement System of the State of Illinois, The Administration and Operation of the Teachers' Retirement System (80 Ill. Adm. Code 1650)</u>	8/6/04 28 Ill. Reg. 11082	11/9/04
12/1/04	<u>Secretary of State, Procedures and Standards (92 Ill. Adm. Code 1001)</u>	9/3/04 28 Ill. Reg. 12410	11/9/04

ILLINOIS BOARD OF HIGHER EDUCATION

NOTICE OF WITHDRAWAL TO MEET THE OBJECTION OF THE JOINT COMMITTEE
ON ADMINISTRATIVE RULES

- 1) Heading of the Part: Health Services Education Grants Act
- 2) Code Citation: 23 Ill. Adm. Code 1020
- 3)

<u>Section Numbers</u> :	<u>Action</u> :
1020.10	Amendment
1020.30	Amendment
1020.40	Amendment
1020.50	Amendment
1020.60	Amendment
1020.70	Amendment
- 4) Date Notice of Proposed Amendments Published in the Register: 1/2/04; 28 Ill. Reg. 284
- 5) Date JCAR Statement of Objection and Filing Prohibition Published in the Register:
7/30/04; 28 Ill. Reg. 10794
- 6) Summary of Action Taken by the Agency: The Board of Higher Education withdraws its proposed amendments to the rules implementing the Health Services Education Grants Act, effective immediately.

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

DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

Heading of the Part: Brownfields Site Restoration Program

Code Citation: 35 Ill. Adm. Code 1740

Section Numbers: 1740.10 1740.20
 1740.30 1740.40
 1740.50 1740.60
 1740.70 1740.80

Date Originally Published in the Illinois Register: 2/20/04
 28 Ill. Reg. 2927

At its meeting on October 12, 2004, the Joint Committee on Administrative Rules considered the above cited rulemaking and recommended that, when statute establishes a specific deadline for the proposal or adoption of rules, the Department of Commerce and Economic Opportunity adhere to those deadlines. In this instance, PA 92-715 specifically required DCEO to propose rules within 6 months after the effective date of the statute. DCEO did not propose this rulemaking until 2/20/04, approximately 19 months after the effective date of the Act.

The agency should respond to this Recommendation in writing within 90 days after receipt of this Statement. Failure to respond will constitute refusal to accede to the Committee's Recommendation. The agency's response will be placed on the JCAR agenda for further consideration.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

STATEMENT OF RECOMMENDATION TO
EMERGENCY RULEMAKING

ILLINOIS STUDENT ASSISTANCE COMMISSION

Heading of the Part: Illinois Veteran Grant (IVG) Program

Code Citation: 23 Ill. Adm. Code 2733

Section Numbers: 2733.20

Date Originally Published in the Illinois Register: 9/17/04
28 Ill. Reg. 12932

At its meeting on October 12, 2004, the Joint Committee on Administrative Rules recommended that ISAC amend its companion proposed rules titled Illinois Veteran Grant (IVG) Program (23 Ill. Adm. Code 2733; 28 Ill. Reg. 12816) for clarity and specifically to define key terms, to more clearly state eligibility standards, and to use updated, specific and statutorily consistent terminology. JCAR further recommended that ISAC similarly work with the General Assembly to update and clarify the underlying statute for the Illinois Veteran Grant [110 ILCS 947/40].

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

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

ILLINOIS COMMERCE COMMISSION

Heading of the Part: Employee Walkways in Railroad Yards

Code Citation: 92 Ill. Adm. Code 1546

Section Numbers: 1546.10 1546.20 1546.110
 1546.120 1546.130 1546.140
 1546.150

Date Originally Published in the Illinois Register: 9/10/04
 28 Ill. Reg. 12722

At its meeting on October 12, 2004, the Joint Committee on Administrative Rules recommended that the Commerce Commission amend its companion proposed rules titled Employee Walkways in Railroad Yards (92 Ill. Adm. Code 1546; 28 Ill. Reg. 12533) to delete the language allowing the Part to be waived upon a showing that compliance will impose an undue hardship on the rail carrier. The Commercial Transportation Law [625 ILCS 5/18c-7403] permits ICC to waive any safety requirements under the Safety Requirements for Rail Carriers Article only if continued adherence is not required for the safety of railroad employees or the public. The hardship imposed on rail carriers does not meet that condition nor does PA 93-791 incorporate such language.

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

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

DEPARTMENT OF STATE POLICE

Heading of the Part: Evidence Disposal Procedures

Code Citation: 20 Ill. Adm. Code 1226

Section Numbers: 1226.10 1226.20
 1226.30 1226.40
 1226.50

Date Originally Published in the Illinois Register: 6/25/04
28 Ill. Reg. 8837

At its meeting on October 12, 2004, JCAR objected to the Department of State Police's rulemaking titled Evidence Disposal Procedures (20 Ill. Adm. Code 1226; 28 Ill. Reg. 8837) because of several technical and policy issues that the rulemaking does not fully address. The Department has indicated a desire to withdraw this rulemaking to allow further deliberation and consultation with the law enforcement, legal and judicial communities. JCAR additionally recommends that, because of the current lack of clear, comprehensive, published standards governing the destruction of evidence, the Department aggressively pursue further statutory guidance and develop and propose appropriate rules for this purpose and report its plans to JCAR within six months.

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

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLYNOTICE OF FAILURE TO REMEDY RECOMMENDATION

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

- 1) Heading of Part: Infertility Coverage
- 2) Code Citation: 50 Ill. Adm. Code 2015
- 3)

<u>Section Numbers</u> :	<u>Action</u> :
2015.20	Amendment
2015.30	Amendment
2015.35	New Section
2015.40	Repeal
2015.43	New Section
2015.45	New Section
2015.50	Amendment
- 4) Notice of Proposal published in Illinois Register: 27 Ill. Reg. 14751 – September 19, 2003
- 5) Date JCAR issued Statement of Recommendation: August 10, 2004
- 6) Summary of Action taken by the Agency: Refusal
- 7) JCAR Action: At its August 10, 2004 meeting, JCAR recommended that the Department of Financial and Professional Regulation-Division of Insurance pursue legislation to obtain specific legislative authorization for its policy of mandating medical coverage for oocyte donors who are not covered by the insurance policy. As currently constituted, the statute mandates coverage for insureds only, not third parties. In its refusal, DFPR-DOI declined to seek the recommended specific statutory authority, relying on its interpretation of legislative intent. While JCAR may or may not agree with DOI's interpretation, the point of the Recommendation was to avoid the need for the administrative agency to have to make that interpretation by seeking a clarification within the statute itself. JCAR re-enforces its Recommendation and voted to issue this Notice of Failure to Remedy.

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

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 Central Home Mortgage Corp., MB.0005275 of Lincolnwood, Illinois, a licensee under the Act, for violating the terms of the Act and the rules and regulations adopted thereunder, effective October 7, 2004. For further reference link to: <http://www.obre.state.il.us/>

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

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 New Source Funding, Inc., MB.0005059 of Chicago, Illinois, a licensee under the Act, for violating the terms of the Act and the rules and regulations adopted thereunder, effective October 7, 2004. For further reference link to: <http://www.obre.state.il.us/>

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

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 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 October 7, 2004. For further reference link to: <http://www.obre.state.il.us/>

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

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 \$500.00 against Worth Funding Incorporated, MB.0006303 of Irvine, California, a licensee under the Act, for violating the terms of the Act and the rules and regulations adopted thereunder, effective October 7, 2004. For further reference link to: <http://www.obre.state.il.us/>

PROCLAMATIONS

2004-297**High Tech Week**

WHEREAS, in the last several years, the technology industry has been a major factor in reinvigorating our nation's economy; and

WHEREAS, in 2006, Chicago will host the Biotechnology Industry Organization's International Biotechnology Meeting and Exposition, which will provide attendees information on a variety of topics, from gene technology to pharmaceutical development; and

WHEREAS, KPMG LLP, a leading provider of assurance, tax and legal, and advisory services, works with companies to provide sound and valuable business advice, helping them to manage their business risks. Since 1984, KPMG has held the Illinois High Tech Awards in an effort to honor local role models whom others can turn to for inspiration; and

WHEREAS, the ultimate goal of the High Tech Awards is to create a broad-based network to foster growth of local high technology businesses:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim November 22-26, 2004 as HIGH TECH WEEK in Illinois, and encourage all citizens to recognize the brilliance and vision of these local heroes of the technology industry.

Issued by the Governor October 8, 2004.

Filed by the Secretary of State October 12, 2004.

2004-298**Action for Children Day**

WHEREAS, in 1969, the Day Care Crisis Council, most recently known as the Day Care Action Council of Illinois and now as Action for Children, started as a small volunteer-based organization to advocate for quality improvements in child care centers and support the growing number of women entering this country's workforce; and

WHEREAS, now, 35 years since its inception, Action for Children assists over 200,000 Illinois families and children, and 63,000 child care professionals each year; and

WHEREAS, Action for Children works successfully to build capacity at the grassroots level by empowering those directly affected by public policy decisions to advocate for their rights, and to speak out on behalf of Illinois' low-income working families and their children; and

WHEREAS, Action for Children creates a common voice and vision for advancing high quality and accessible programs that foster the development, health and well-being of all Illinois children; and

WHEREAS, by advocating for systems of early learning that are responsive to the needs of families and children, working to empower people to get involved in making meaningful changes in the public arena, and promoting quality improvement and best practices for child care providers, programs and policymakers, Action for Children works diligently each day to improve the state of child care in Illinois; and

PROCLAMATIONS

WHEREAS, above all, Action for Children supports Illinois parents in making the best choices for the well-being of their children and families; and

WHEREAS, my administration proudly joins Action for Children in accomplishing their important goals. Since the beginning of my administration in 2003, we have worked hard to improve the quality of life and enhance opportunities for young people in the years to come. Fine organizations such as Action for Children are instrumental in that ongoing mission:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim Monday, October 18, 2004 as ACTION FOR CHILDREN DAY in Illinois, and encourage all citizens to recognize the hard work that this fine organization puts forth on behalf of children and families in this State.

Issued by the Governor October 14, 2004.

Filed by the Secretary of State October 15, 2004.

2004-299
Veterans Day

WHEREAS, as citizens of the United States of America, we are deeply indebted to our veterans, who have courageously defended this country throughout its history, in times of war and peace; and

WHEREAS, the work that our veterans have put forth in helping to keep our country safe and free, as well as spreading democracy to other nations throughout the world, should be recognized, remembered and appreciated by everyone; and

WHEREAS, there are over 975,000 veterans living in Illinois today. With that in mind, the Illinois Department of Veterans Affairs exists to serving the needs of our State's loyal soldiers of the past, as well as the needs of their families and loved ones; and

WHEREAS, in 1954, President Dwight D. Eisenhower changed November 11, from Armistice Day, a remembrance of those who fought in World War I, to Veterans Day, so that the day would serve to remember the veterans of all American wars; and

WHEREAS, both our State and our nation will forever be proud and grateful for the great sacrifices that our nation's veterans have made for their country. Veterans Day is an excellent opportunity to celebrate all the past achievements of these brave men and women:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim November 11, 2004 as VETERANS DAY in Illinois, and encourage all citizens to remember those who have fought to keep America safe and free.

Issued by the Governor October 14, 2004.

Filed by the Secretary of State October 15, 2004.

2004-300
National Family Week

WHEREAS, the importance of family cannot be overstated in our society. A community that is actively participating in bringing our families together through love, giving and

PROCLAMATIONS

appreciation gives a hope to our society that encourages citizens to understand that family is one of the central elements of human life; and

WHEREAS, each year, the Thanksgiving holiday is a special time to rejoice and reflect upon what family means to us. During this holiday, we acknowledge the value of connections between family members and our community as a whole; and

WHEREAS, all must strive to continue strengthening the connections that create the everlasting bonds between families; and

WHEREAS, with the aid of family focused organizations throughout the state, such as the Child Care Association of Illinois, and State agencies such as the Illinois Department of Children and Family Services (DCFS), citizens can learn how to enrich those bonds that ultimately define a family, helping to generate a better future for Illinois:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim November 21-27, 2004 as NATIONAL FAMILY WEEK in Illinois, and encourage all citizens to join in recognizing the importance of establishing and maintaining strong bonds among family members.

Issued by the Governor October 14, 2004.

Filed by the Secretary of State October 15, 2004.

2004-301**Chronic Obstructive Pulmonary Disease Month**

WHEREAS, Chronic Obstructive Pulmonary Disease (COPD) encompasses a group of lung diseases that cause blockages to airflow and breathing-related problems in people. These diseases include chronic bronchitis, emphysema, and some extreme cases of asthma; and

WHEREAS, COPD has a variety of causes, but the primary source for developing the disease is cigarette smoking. Most COPD patients are smokers or former smokers, however, breathing other irritants on a regular basis such as pollution or chemicals can also contribute to developing the disease; and

WHEREAS, COPD causes the airways to lose their elasticity and become swollen, as well as erode the walls of air sacs. All of these symptoms combined lead to less air getting in and out of the lungs and therefore, getting less oxygen to the body; and

WHEREAS, according to the National Heart, Lung, and Blood Institute, COPD is the fourth leading cause of death in the United States. In 2001 alone, there were over 12.1 million diagnosed cases of COPD in adults over the age of 25; and

WHEREAS, there is no treatment for COPD. Damage done to the airways is irreversible, however early detection may alter the course of the disease. Avoiding tobacco smoke and air pollution is the most important thing a COPD patient can do to lessen their symptoms; and

WHEREAS, there are many organizations working to bring COPD into the forefront of people's minds. In addition, each year, the month of November is used to promote awareness of the disease. Over the course of this month, efforts are put forth in this State, and throughout the country, to educate the public about COPD:

PROCLAMATIONS

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim November 2004 as CHRONIC OBSTRUCTIVE PULMONARY DISEASE MONTH in Illinois, and encourage all citizens to make themselves aware of the dangers of this deadly, but often overlooked disease.

Issued by the Governor October 14, 2004.

Filed by the Secretary of State October 15, 2004.

2004-302**Paralegal Association Day**

WHEREAS, paralegals provide significant legal support for many organizations, including law firms, corporate legal departments, and government offices; and

WHEREAS, to meet the increasing demands for legal services in the United States, the skilled work of paralegals will grow in importance and contribution to the running of American organizations and the execution of American law. According to the United States Bureau of Labor Statistics, the paralegal profession will see greater than average growth through the year 2012; and

WHEREAS, the Illinois Paralegal Association – one of the oldest and largest organizations supporting paralegals in the State – will be celebrating its 32nd Anniversary this year; and

WHEREAS, the purpose of the Illinois Paralegal Association is to promote communication among members of the paralegal profession, the legal community, and civic and professional organizations; to encourage and provide for the continuing education of paralegals; and, to advance the paralegal profession in the United States:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim November 11, 2004 as PARALEGAL ASSOCIATION DAY in Illinois, and encourage citizens and organizations to recognize the efforts and contributions of paralegals to our State and our communities.

Issued by the Governor October 14, 2004.

Filed by the Secretary of State October 15, 2004.

2004-303**Christian County Coal Miners Day**

WHEREAS, the coal industry has been an important component of the Illinois economy over the years. Starting in the late 1800s, young men across the State would become miners as soon as they could begin working; and

WHEREAS, in Christian County, Illinois, the Herrin Coal Seam provided the most coal to be mined and was in many ways the lifeblood of the County's industry; and

WHEREAS, there are approximately 17 mines in Christian County. The impact of this important industry over the years has been invaluable and its effects have been felt by all the communities of Christian County; and

PROCLAMATIONS

WHEREAS, the Christian County Coal Mine Museum was established so that the traditions and dedication of coal miners in the community may never be forgotten:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim October 19, 2004 as CHRISTIAN COUNTY COAL MINERS DAY in Illinois, and encourage all citizens to learn more about this key historical industry in Illinois.

Issued by the Governor October 14, 2004.

Filed by the Secretary of State October 15, 2004.

2004-303 (Revised)**Christian County Coal Miners Day**

WHEREAS, the coal industry has been an important component of the Illinois economy over the years. Starting in the late 1800s, young men across the State would become miners as soon as they could begin working; and

WHEREAS, in Christian County, Illinois, the Herrin Coal Seam provided the most coal to be mined and was in many ways the lifeblood of the County's industry; and

WHEREAS, over the years, Christian County coal miners have worked in approximately different mines. The impact of this important industry over the years has been invaluable and its effects have been felt by all the communities of Christian County; and

WHEREAS, the Christian County Coal Mine Museum was established so that the traditions and dedication of coal miners in the community may never be forgotten:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim October 19, 2004 as CHRISTIAN COUNTY COAL MINERS DAY in Illinois, and encourage all citizens to learn more about this key historical industry in Illinois.

Issued by the Governor October 14, 2004.

Filed by the Secretary of State October 15, 2004.

2004-304**Good Bear Day**

WHEREAS, Good Bears of the World (GBW) is a non-profit organization that provides teddy bears to children and seniors where love, solace, and comfort are needed. Annually, GBW donates more than 20,000 teddy bears to victims of natural disasters, domestic violence, illness, and tragedy. Recent recipients include victims of the Oklahoma City Bombing, the recent Florida hurricanes, and the attacks of September 11, 2001; and

WHEREAS, gestures of kindness and caring break down interpersonal barriers, foster friendship and communication, and enhance the well-being of the individual and society; and

WHEREAS, the teddy bear, named after the 26th President of the United States, Theodore Roosevelt, symbolizes these notions of goodness and integrity that exist in the hearts and minds of Americans; and

PROCLAMATIONS

WHEREAS, Good Bear Day seeks to continue GBW's thirty-five year tradition of bringing love and joy to children and elders who are in need, and increase awareness of its presence and contributions to the community:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim October 27, 2004 as **GOOD BEAR DAY** in Illinois, and encourage citizens to join in celebrating President Theodore Roosevelt's birthday, and honoring Good Bears of the World for the joy that they provide to numerous people each year.

Issued by the Governor October 14, 2004.

Filed by the Secretary of State October 15, 2004.

2004-305**Prematurity Awareness Day**

WHEREAS, in the United States of America, more than 470,000 babies are born prematurely each year. In Illinois, there are in excess of 22,000 pre-term births annually, constituting more than 12 percent of all annual births in the State. This number has increased nearly 27 percent over the past two decades; and

WHEREAS, pre-term births are currently the leading cause of death for American newborns, and premature babies that survive often develop serious lifelong health problems; and

WHEREAS, the March of Dimes, a national organization dedicated to funding cutting-edge research and innovative programs to save babies from birth defects, launched a \$75 million, five-year campaign in January 2003 aimed at increasing awareness and reducing the number of pre-term births by 15 percent; and

WHEREAS, the national office of the March of Dimes, an organization dedicated to funding research and innovative programs to save babies from birth defects, premature birth and low birth weight, has declared Tuesday, November 16, 2004 as Prematurity Awareness Day in the United States; and

WHEREAS, as part of this awareness campaign, the Illinois Department of Human Services, the Chicago Department of Public Health, and the Cook County Bureau of Health Services are partnering with the Illinois Chapter of March of Dimes to promote awareness of prematurity as a serious health issue facing many families in our communities across the State:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim November 16, 2004 as **PREMATURITY AWARENESS DAY** in Illinois, and encourage all citizens to help decrease the amount of pre-term births in our State by developing awareness of this serious health issue.

Issued by the Governor October 14, 2004.

Filed by the Secretary of State October 15, 2004.

2004-306**Children's Book Week**

PROCLAMATIONS

WHEREAS, reading is the cornerstone of education, allowing individuals to pursue an endless world of information and knowledge; and

WHEREAS, the love of books and reading, passed from generation to generation, peer to peer, teacher to student, is a lifelong treasure that unveils the many possibilities and opportunities that exist within our society; and

WHEREAS, children across the State of Illinois, and throughout the country, can continually develop their young minds by putting forth conscious efforts to develop and maintain regular reading habits; and

WHEREAS, my administration is committed to spreading the value of reading to children all throughout this State. In January of this year, we announced a plan to place reading specialists in Illinois schools to enhance reading comprehension among our youth. In addition, just this past summer, First Lady, Patti Blagojevich launched a summer reading initiative where thousands of books were distributed to low-income families in Illinois to help improve literacy and encourage interest in reading; and

WHEREAS, there are many resources throughout this State, including libraries, schools and bookstores, which help to introduce young people to authors, books, and reading. The 85th Annual Children's Book Week is an opportunity to celebrate those many opportunities throughout Illinois:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim November 15 – November 21, 2004 as CHILDREN'S BOOK WEEK in Illinois, and encourage all citizens to recognize the importance of developing good reading skills at a young age.

Issued by the Governor October 14, 2004.

Filed by the Secretary of State October 15, 2004.

2004-307**National Creutzfeldt-Jakob Disease Awareness Week**

WHEREAS, Creutzfeldt-Jakob Disease (CJD) is a rare, fatal brain disease that causes rapid, progressive dementia and other neuromuscular disturbances; and

WHEREAS, according to the CJD Foundation, doctors do not know the cause of the disease in about 85 percent of the cases; and

WHEREAS, one out of a million people are affected by CJD, and more people whose deaths are misdiagnosed and/or unreported may have died as a result of CJD; and

WHEREAS, the Centers for Disease Control and Prevention reports that an estimated 13 percent of deaths attributed to Alzheimer's are actually caused by CJD; and

WHEREAS, families and friends, as well as those who suffer from CJD, have formed CJD Aware! to provide resources for those affected by the disease; and

WHEREAS, the motto of CJD Aware! is "sharing information to find a cure." By serving as a comprehensive resource on all issues regarding CJD, they are instrumental in creating awareness of this disease among citizens across the country:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim November 7 – November 13, 2004 as NATIONAL CREUTZFELDT-JAKOB DISEASE

PROCLAMATIONS

AWARENESS WEEK in Illinois, and encourage all citizens to become educated about this disease, as well as aid and support those who are affected by it.

Issued by the Governor October 14, 2004.

Filed by the Secretary of State October 15, 2004.

2004-308**Hospice Month Honoring Veterans of Illinois**

WHEREAS, throughout our history, millions of citizens have honorably served the United States in one or more of our four military branches. Currently, among those who have served, there are over 9 million veterans who are age 65 or older; and

WHEREAS, Illinois is one of only seven states in the union boasting more than one million residents that are military veterans. In addition, an estimated 63 percent of the total male 65 and older population in Illinois are veterans; and

WHEREAS, as these aging veterans begin contemplating their own mortalities, many of them develop a desire to spend their final days in a compassionate atmosphere where they can receive professional medical services, along with pain and symptom control and emotional and spiritual support; and

WHEREAS, developed as a means to create an environment where individuals could "die with dignity", the hospice program was first introduced to this country in the 1960's, and America's first hospice was established in Bradford, Connecticut in 1974. Hospice has since become widely utilized by families all throughout the country who want their loved ones to be comfortable and content in the days and weeks leading up to their deaths; and

WHEREAS, the Department of Veteran Affairs and the Illinois Hospice & Palliative Care Organization (IL – HPCO) have partnered together to provide education to veterans regarding end-of-life issues, and present hospice as a viable option for them and their families:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim November 2004 as HOSPICE MONTH HONORING VETERANS OF ILLINOIS, and encourage all citizens to use this month as an opportunity to become aware of the hospice services that are available to our brave American veterans, and to all the people of this great country.

Issued by the Governor October 14, 2004.

Filed by the Secretary of State October 15, 2004.

2004-309**Lupus Awareness Month**

WHEREAS, Lupus is a chronic, inflammatory, autoimmune disease that mainly affects women of childbearing age. Its symptoms range from unexplained fever, swollen joints and skin rashes, to severe damage of the kidneys, lungs, or central nervous system; and

WHEREAS, an estimated 1.5 million Americans have a form of lupus, and millions more are indirectly affected by the physical, social, and economic impact of the disease; and

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WHEREAS, the Lupus Foundation of America (LFA) is a non-profit group whose mission is to improve the diagnosis and treatment of lupus, support individuals and families affected by the disease, increase awareness of lupus among health professionals and the public, and find the cause and eventual cure for the disease. LFA has fifty chapters and two-hundred and twenty support groups in thirty-two states; and

WHEREAS, public funding for lupus research and patient services is critically important, and heavily depends upon general knowledge of the presence and effects of the disease:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby declare October 2004 as LUPUS AWARENESS MONTH in Illinois, and encourage all citizens to recognize the impact of lupus on our society and the need to work toward a cure.

Issued by the Governor October 15, 2004.

Filed by the Secretary of State October 15, 2004.

ILLINOIS ADMINISTRATIVE CODE

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