

2006

ILLINOIS

REGISTER

RULES
OF GOVERNMENTAL
AGENCIES



Volume 30 Issue 52
December 29, 2006
Pages 19577-19876

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

Printed on recycled paper

PUBLISHED BY JESSE WHITE • SECRETARY OF STATE

TABLE OF CONTENTS

December 29, 2006 Volume 30, Issue 52

PROPOSED RULES

CENTRAL MANAGEMENT SERVICES

Standard Procurement

44 Ill. Adm. Code 119577

STATE POLICE, ILLINOIS

Methamphetamine Manufacturer Registry Act

20 Ill. Adm. Code 128419592

Testing of Breath, Blood and Urine for Alcohol, other Drugs, and Intoxicating Compounds

20 Ill. Adm. Code 128619597

ADOPTED RULES

DRYCLEANER ENVIRONMENTAL RESPONSE TRUST FUND COUNCIL OF ILLINOIS

Public Information

2 Ill. Adm. Code 310019615

General Program

35 Ill. Adm. Code 150019631

FINANCIAL AND PROFESSIONAL REGULATION, DEPARTMENT OF

Illinois Dental Practice Act

68 Ill. Adm. Code 122019656

Genetic Counselor Licensing Act

68 Ill. Adm. Code 125119717

STATE POLICE MERIT BOARD, ILLINOIS

Procedures of the Department of State Police Merit Board

80 Ill. Adm. Code 15019727

NOTICE OF AGENCY RESPONSE TO JOINT COMMITTEE ON ADMINISTRATIVE RULES RECOMMENDATION TO PROPOSED RULEMAKING

FINANCIAL AND PROFESSIONAL REGULATION, DEPARTMENT OF

Illinois Dental Practice Act

68 Ill. Adm. Code 122019734

JOINT COMMITTEE ON ADMINISTRATIVE RULES STATEMENT OF OBJECTION TO EMERGENCY RULEMAKING

COMMERCE AND ECONOMIC OPPORTUNITY, DEPARTMENT OF

River Edge Redevelopment Zone Program

14 Ill. Adm. Code 52419735

JOINT COMMITTEE ON ADMINISTRATIVE RULES STATEMENT OF RECOMMENDATION TO PROPOSED RULEMAKING

ENVIRONMENTAL PROTECTION AGENCY

Procedures for Operation of the Non-Hazardous Solid Waste Fee System

35 Ill. Adm. Code 85819736

OTHER INFORMATION REQUIRED BY LAW TO BE PUBLISHED IN THE ILLINOIS REGISTER

FINANCIAL AND PROFESSIONAL REGULATION, DEPARTMENT OF	
6 Notices of Fines Imposed Under the Residential Mortgage	
License Act of 1987.....	19737
REGULATORY AGENDA	
CENTRAL MANAGEMENT SERVICES	
Conditions of Employment	
80 Ill. Adm. Code 303	19743
NATURAL RESOURCES, DEPARTMENT OF	
Rulemaking and Organization	
2 Ill. Adm. Code 825	19747
POLLUTION CONTROL BOARD	
General Rules	
35 Ill. Adm. Code 101	19787
RACING BOARD, ILLINOIS	
Medication	
11 Ill. Adm. Code 603	19855
STATE POLICE, ILLINOIS	
Americans With Disabilities Act Grievance Procedure	
20 Ill. Adm. Code 825	19858
WORKERS' COMPENSATION COMMISSION, ILLINOIS	
Pre-Arbitration	
50 Ill. Adm. Code 7040	19867
SECOND NOTICES RECEIVED	
JOINT COMMITTEE ON ADMINISTRATIVE RULES	
Second Notices Received.....	19871
EXECUTIVE ORDERS AND PROCLAMATIONS	
PROCLAMATIONS	
National Guard Day	
2006-410	19873
Montessori Education Week	
2006-411	19873
Korean American Day	
2006-412	19874
Human Rights Week	
2006-413	19875

Editor's Note: This is a reminder that January 3, 2007 is the final day to submit your agency's Regulatory Agenda for the January – June 2007 filing period.

INTRODUCTION

The Illinois Register is the official state document for publishing public notice of rulemaking activity initiated by State governmental agencies. The table of contents is arranged categorically by rulemaking activity and alphabetically by agency within each category.

Rulemaking activity consists of proposed or adopted new rules; amendments to or repealers of existing rules; and rules promulgated by emergency or peremptory action. Executive Orders and Proclamations issued by the Governor; notices of public information required by State Statute; and activities (meeting agendas; Statements of Objection or Recommendation, etc.) of the Joint Committee on Administrative Rules (JCAR), a legislative oversight committee which monitors the rulemaking activities of State Agencies; is also published in the Register.

The Register is a weekly update of the Illinois Administrative Code (a compilation of the rules adopted by State agencies). The most recent edition of the Code, along with the Register, comprise the most current accounting of State agencies' rulemakings.

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

2006 REGISTER SCHEDULE VOLUME #30

<u>Issue #</u>	<u>Rules Due Date</u>	<u>Date of Issue</u>
1	December 27, 2005	January 6, 2006
2	January 3, 2006	January 13, 2006
3	January 9, 2006	January 20, 2006
4	January 17, 2006	January 27, 2006
5	January 23, 2006	February 3, 2006
6	January 30, 2006	February 10, 2006
7	February 6, 2006	February 17, 2006
8	February 14, 2006	February 24, 2006
9	February 21, 2006	March 3, 2006
10	February 27, 2006	March 10, 2006
11	March 6, 2006	March 17, 2006
12	March 13, 2006	March 24, 2006
13	March 20, 2006	March 31, 2006
14	March 27, 2006	April 7, 2006
15	April 3, 2006	April 14, 2006
16	April 10, 2006	April 21, 2006
17	April 17, 2006	April 28, 2006
18	April 24, 2006	May 5, 2006
19	May 1, 2006	May 12, 2006
20	May 8, 2006	May 19, 2006
21	May 15, 2006	May 26, 2006
22	May 22, 2006	June 2, 2006
23	May 30, 2006	June 9, 2006
24	June 5, 2006	June 16, 2006

<u>Issue #</u>	<u>Rules Due Date</u>	<u>Date of Issue</u>
25	June 12, 2006	June 23, 2006
26	June 19, 2006	June 30, 2006
27	June 26, 2006	July 7, 2006
28	July 3, 2006	July 14, 2006
29	July 10, 2006	July 21, 2006
30	July 17, 2006	July 28, 2006
31	July 24, 2006	August 4, 2006
32	July 31, 2006	August 11, 2006
33	August 7, 2006	August 18, 2006
34	August 14, 2006	August 25, 2006
35	August 21, 2006	September 1, 2006
36	August 28, 2006	September 8, 2006
37	September 5, 2006	September 15, 2006
38	September 11, 2006	September 22, 2006
39	September 18, 2006	September 29, 2006
40	September 25, 2006	October 6, 2006
41	October 2, 2006	October 13, 2006
42	October 10, 2006	October 20, 2006
43	October 16, 2006	October 27, 2006
44	October 23, 2006	November 3, 2006
45	October 30, 2006	November 13, 2006
46	November 6, 2006	November 17, 2006
47	November 13, 2006	November 27, 2006
48	November 20, 2006	December 1, 2006
49	November 27, 2006	December 8, 2006
50	December 4, 2006	December 15, 2006
51	December 11, 2006	December 22, 2006
52	December 18, 2006	December 29, 2006

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Standard Procurement
- 2) Code Citation: 44 Ill. Adm. Code 1
- 3) Section Number: 1.2036 Proposed Action: Amendment
- 4) Statutory Authority: Implementing and authorized by the Illinois Procurement Code [30 ILCS 500/25-15 (b)]
- 5) A Complete Description of the Subjects and Issues Involved: The proposed amendment provides for CMS, in certain instances, to avail themselves of advantageous procurements conducted by, and in accordance with the rules of, other states and other governmental entities.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: These proposed amendments neither create nor expand any State mandate on units of local government, school districts or community college districts.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may submit written comments within 45 days after the date of publication to:

Gina Wilson
Illinois Department of Central Management Services
720 Stratton Office Building
Springfield Illinois 62706

217/785-1793

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENT

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: Small businesses in Illinois who supply goods and/or services will be affected because through the participation of the State in cooperative purchasing, small businesses in Illinois will have new markets opened up to them through exposure to additional business opportunities in other states, whose procurements will be published in the Illinois Bulletin. Additionally, the State will be able to avail themselves more easily of contracts that Illinois vendors may have entered into with other states or governmental entities. Small municipalities and not for profit corporations will be affected because they already have the ability under the Governmental Joint Purchasing Act to participate in State procurements and this process may produce additional procurements in which they may wish to participate.
 - B) Reporting, bookkeeping or other procedures required for compliance: Reporting and recordkeeping requirements will be similar to or less than those currently in effect for other procurements. To the extent another state or governmental body takes the lead in a procurement, this will lessen the administrative burden for Illinois.
 - C) Types of professional skills necessary for compliance: None additional. Current staff that performs related functions in this area will be utilized.
- 14) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the two most recent regulatory agendas because: it was not anticipated.

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

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENT

TITLE 44: GOVERNMENT CONTRACTS, PROCUREMENT
AND PROPERTY MANAGEMENT

SUBTITLE A: PROCUREMENT AND CONTRACT PROVISIONS

CHAPTER I: DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

PART 1

STANDARD PROCUREMENT

SUBPART A: GENERAL

Section

- 1.1 Title
- 1.5 Policy
- 1.8 Purpose and Implementation of This Part
- 1.10 Application
- 1.15 Definition of Terms Used in This Part
- 1.25 Property Rights
- 1.30 Constitutional Officers, and Legislative and Judicial Branches

SUBPART B: PROCUREMENT RULES

Section

- 1.525 Rules

SUBPART C: PROCUREMENT AUTHORITY

Section

- 1.1005 Exercise of Procurement Authority
- 1.1010 Appointment of State Purchasing Officer
- 1.1030 Associate Procurement Officers
- 1.1040 Central Procurement Authority of the CPO
- 1.1050 Procurement Authority of the SPO; Limitations
- 1.1060 Delegation
- 1.1070 Toll Highway Authority
- 1.1075 Department of Natural Resources
- 1.1080 Illinois Mathematics and Science Academy

SUBPART D: PUBLICIZING PROCUREMENT ACTIONS

Section

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENT

- 1.1510 Illinois Procurement Bulletin
- 1.1525 Bulletin Content
- 1.1550 Official State Newspaper
- 1.1560 Supplemental Notice
- 1.1570 Error in Notice
- 1.1580 Direct Solicitation
- 1.1590 Retention of Bulletin Information

SUBPART E: SOURCE SELECTION AND CONTRACT FORMATION

- Section
- 1.2005 General Provisions
- 1.2010 Competitive Sealed Bidding
- 1.2012 Multi-Step Sealed Bidding
- 1.2015 Competitive Sealed Proposals
- 1.2020 Small Purchases
- 1.2025 Sole Economically Feasible Source Procurement
- 1.2030 Emergency Procurements
- 1.2035 Competitive Selection Procedures for Professional and Artistic Services
- 1.2036 Other Methods of Source Selection
- 1.2037 Tie Bids and Proposals
- 1.2038 Mistakes
- 1.2040 Cancellation of Solicitations; Rejection of Bids or Proposals

SUBPART F: SUPPLIERS, PREQUALIFICATION AND RESPONSIBILITY

- Section
- 1.2043 Suppliers
- 1.2044 Vendor List/Required Use
- 1.2045 Prequalification
- 1.2046 Responsibility

SUBPART G: BID, PROPOSAL AND PERFORMANCE SECURITY

- Section
- 1.2047 Security Requirements

SUBPART H: SPECIFICATIONS AND SAMPLES

Section

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENT

1.2050 Specifications and Samples

SUBPART I: CONTRACT TYPE

Section
1.2055 Types of Contracts

SUBPART J: DURATION OF CONTRACTS

Section
1.2060 Duration of Contracts – General

SUBPART K: CONTRACT MATTERS

Section
1.2560 Prevailing Wage
1.2570 Equal Employment Opportunity; Affirmative Action
1.2575 Subcontractors

SUBPART L: CONTRACT PRICING

Section
1.2800 All Costs Included

SUBPART M: CONSTRUCTION AND
CONSTRUCTION RELATED PROFESSIONAL SERVICES

Section
1.3005 Construction and Construction Related Professional Services

SUBPART N: REAL PROPERTY LEASES AND CAPITAL IMPROVEMENT LEASES

Section
1.4005 Real Property Leases and Capital Improvement Leases

SUBPART O: PREFERENCES

Section
1.4505 Procurement Preferences
1.4510 Resident Bidder Preference

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENT

- 1.4530 Correctional Industries
- 1.4535 Sheltered Workshops for the Disabled
- 1.4540 Gas Mileage
- 1.4545 Small Business
- 1.4570 Contracting with Businesses Owned and Controlled by Minorities, Females and Persons with Disabilities
- 1.4575 Domestic Products

SUBPART P: ETHICS

- Section
- 1.5013 Conflicts of Interest
- 1.5015 Negotiations for Future Employment
- 1.5020 Exemptions
- 1.5030 Revolving Door
- 1.5035 Disclosure of Financial Interests and Potential Conflicts of Interest

SUBPART Q: CONCESSIONS

- Section
- 1.5310 Concessions

SUBPART R: COMPLAINTS, PROTESTS AND REMEDIES

- Section
- 1.5510 Complaints Against Vendors
- 1.5520 Suspension
- 1.5530 Resolution of Contract Controversies
- 1.5540 Violation of Law or Rule
- 1.5550 Protests

SUBPART S: SUPPLY MANAGEMENT AND DISPOSITIONS

- Section
- 1.6010 Supply Management and Dispositions

SUBPART T: GOVERNMENTAL JOINT PURCHASING

- Section
- 1.6500 General

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENT

- 1.6510 No Agency Relationship
- 1.6520 Obligations of Participating Governmental Units
- 1.6530 Centralized Contracts – Estimated Quantities
- 1.6535 Centralized Contracts – Definite Quantities

SUBPART U: MISCELLANEOUS PROVISIONS OF GENERAL APPLICABILITY

- Section
- 1.7000 Severability
 - 1.7010 Government Furnished Property
 - 1.7015 Inspections
 - 1.7020 Records and Audits
 - 1.7025 Written Determinations
 - 1.7030 No Waiver of Sovereign Immunity

AUTHORITY: The Illinois Procurement Code [30 ILCS 500].

SOURCE: Adopted at 7 Ill. Reg. 100, effective December 17, 1982; amended at 7 Ill. Reg. 13481, effective October 4, 1983; amended at 7 Ill. Reg. 13844, effective October 12, 1983; codified at 8 Ill. Reg. 14941; Sections 1.2210, 1.2220, 1.2230, 1.2240 recodified to Section 1.2210 at 9 Ill. Reg. 6118; amended at 10 Ill. Reg. 923, effective January 2, 1986; amended at 10 Ill. Reg. 18707, effective October 22, 1986; amended at 11 Ill. Reg. 7225, effective April 6, 1987; amended at 11 Ill. Reg. 7595, effective April 14, 1987; amended at 13 Ill. Reg. 17804, effective November 7, 1989; emergency amendment at 16 Ill. Reg. 13118, effective August 7, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 600, effective January 5, 1993; amended at 17 Ill. Reg. 14576, effective August 27, 1993; amended at 20 Ill. Reg. 9015, effective July 1, 1996; old Part repealed by emergency rulemaking at 22 Ill. Reg. 12632, effective July 1, 1998, for a maximum of 150 days, and new Part adopted by emergency rulemaking at 22 Ill. Reg. 12726, effective July 1, 1998, for a maximum of 150 days; old Part repealed and new Part adopted at 22 Ill. Reg. 20875, effective November 25, 1998; emergency amendment at 23 Ill. Reg. 2812, effective February 16, 1999, for a maximum of 150 days; emergency expired on July 15, 1999; emergency amendment at 23 Ill. Reg. 5869, effective April 29, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 7075, effective June 7, 1999; amended at 24 Ill. Reg. 1900, effective January 21, 2000; amended at 26 Ill. Reg. 13189, effective August 23, 2002; emergency amendment at 29 Ill. Reg. 20540, effective December 2, 2005, for a maximum of 150 days; emergency amendment repealed by emergency rulemaking at 30 Ill. Reg. 5673, effective March 7, 2006, for the balance of the 150 days; amended at 30 Ill. Reg. 138, effective December 22, 2005; amended at 30 Ill. Reg. 13378, effective July 25, 2006; amended at 30 Ill. Reg. 17305, effective October 20, 2006; amended at 30 Ill. Reg. 18635, effective November 17, 2006; amended at 31 Ill. Reg. _____, effective _____.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENT

SUBPART E: SOURCE SELECTION AND CONTRACT FORMATION

Section 1.2036 Other Methods of Source Selection

- a) Split Award
 - 1) An award of a definite quantity requirement may be split between bidders or offerors. Each portion shall be for a definite quantity and the sum of the portions shall be the total definite quantity required. A split award may be used only when award to more than one bidder or offeror for different amounts of the same item are necessary to obtain the total quantity or the required delivery.
 - 2) The Procurement Officer shall make a written determination setting forth the reasons for the split award, which determination shall be made a part of the procurement file.
- b) Multiple Award
 - 1) General Conditions
 - A) A multiple award is an award of an indefinite quantity contract to more than one bidder or offeror when the State is obligated to order all of its actual requirements from those vendors.
 - B) A multiple award may be made when award to two or more bidders or offerors for similar products is necessary for adequate delivery, service, or product compatibility. Any multiple award shall be made in accordance with the provisions of Section 1.2010 (Competitive Sealed Bidding), Section 1.2015 (Competitive Sealed Proposals), Section 1.2020 (Small Purchases), and Section 1.2030 (Emergency Procurements), as applicable. Awards shall not be made for the purpose of simply dividing the business or to select products or suppliers to allow for user preference unrelated to utility or economy. Any such awards shall be limited to the least number of suppliers necessary to meet the valid requirements of State agencies.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENT

- C) The State shall reserve the right to take bids separately if a particular quantity requirement arises that exceeds its normal requirement or an amount specified in the contract.
 - D) If a multiple award is anticipated, the solicitation shall state this fact as well as the criteria for award.
 - E) In a multiple award situation, one vendor may be designated as the primary recipient of orders. The other awardees may receive orders in the event the primary vendor is unable to deliver or for other reasons as determined by the Procurement Officer.
- 2) Multiple Award with Set Rate
- A) Notwithstanding anything to the contrary in this Part, the Chief Procurement Officer, but not a designee, may, on a case-by-case basis, authorize the Department of Central Management Services to issue a competitive solicitation and to enter into contracts with multiple vendors under a process that provides for prequalification, agreement to perform at a set rate, and final selection based on random and equitable distribution of work among qualified vendors.
 - B) The Chief Procurement Officer may authorize use of this source selection procedure upon a determination in writing that use of the methods of source selection set forth in Article 20 of the Illinois Procurement Code is either not practicable or advantageous because, for example, the program needs of State agencies cannot reasonably be met within the normal procurement timeframes, or that the type and variety of State agency needs are such that a single award will not assure the needed availability or diversity of vendors.
 - C) This authorization shall be limited to contracts for information technology services. No other categories of supplies or services may be acquired using this method of source selection unless this subsection (b)(2) is amended.
 - D) Vendors shall be prequalified once per fiscal year, or as often as necessary, through use of a competitive sealed proposal. The

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENT

minimum qualifications (including performance standards and agreement to provide services at a set rate determined by the State), any desirable additional qualifications, and the method of obtaining and setting rates shall be stated in the solicitation advertised in the Illinois Procurement Bulletin. Those vendors meeting minimum qualifications shall be offered non-exclusive indefinite quantity master contracts against which a procuring agency may later place one or more orders on an as needed basis in accordance with the vendor selection procedure set forth in subsection (b)(2)(G). Implementing Article 45 of the Code and subsection (b)(2)(G) of this Section, the solicitation shall contain a provision alerting vendors that the random selection process used to meet a specific using agency's needs may be limited to those master contract holders who qualify as small businesses.

- E) The Department shall establish the set rate by one of the following methods. The lowest rate identified will not necessarily be the set rate, but will be a consideration in determining the set rate.
- i) Set in the solicitation the rate that vendors must agree to bill. In general, this rate shall be the lowest rate at which a sufficient number of vendors are ready, willing and able to meet the State's needs. The solicitation shall show the Department has conducted sufficient research (such as reviewing past State contract rates, reference to GSA or other governmental contract rates, or private sector rates determined by internal or industry expert surveys) that the public can have confidence the rate provides overall advantage to the State.
 - ii) Require as part of the solicitation that vendors submit rates (prices), including disclosable rates, and inform them the Department will use this rate information and additional rate information received through use of the best and final process, from other contracts and from research to establish the set rate that vendors must bill.
- F) Vendors not willing to agree to bill at the set rate may be rejected or may have their contracts restricted to use in special circumstances approved by the Chief Procurement Officer.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENT

- G) Using agency needs will be met by the Department selecting a master contract holder on a random basis. If the using agency determines that it has specific programmatic needs that require additional qualifications (e.g., specialized programming knowledge or specific educational requirements) or conditions (e.g., geographic limitations) or State policy considerations (e.g., promotion of small business), such that random vendor selection from among all master contract holders would not meet its needs, the using agency may submit an alternate selection request to the Chief Procurement Officer. This request shall set forth all reasons, including the additional qualifications or conditions, why a random vendor selection would not reasonably meet the needs of the agency, or the policy of the State. If at least 3 of the master contract holders meet those additional qualifications or conditions, the Department shall conduct a random selection limited to that subset of the master contract holders. If the using agency's request does not show a need for additional qualifications or if there are not 3 master contract holders with the needed qualifications, the using agency may not utilize the method of source selection set forth in this Section.
- H) In order to ensure the continued availability of the set of master contract holders, all potential orders shall be monitored by the Department to ensure the equitable distribution of work and that no single vendor has an unwarranted disproportionate share of the available work. The Department shall, to avoid a disproportionate distribution of work, remove a vendor from consideration for a period of time sufficient to minimize dollar value discrepancies among vendors. In addition, any vendor so removed may be reinstated for consideration to meet a particular using agency's need if only 3 or fewer otherwise eligible vendors are available to meet the using agency's need.
- I) The Department shall conduct the random selection using a drawing, mechanical device or software driven selection. The specific process used by the Department shall ensure that final selection is influenced only by chance, after taking into consideration, as applicable and as allowed in this Part, the policy

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENT

of equitable distribution, use of small businesses, and specific requests from agencies to meet special needs.

- J) It shall be the affirmative obligation of each vendor with a master contract to update information provided to the State regarding its continued ability to provide the contracted service. Master contracts may provide that vendors who cannot perform the required services when contacted and who have not provided the updated information may be taken out of consideration for orders for a period of time, including until the next prequalification.
 - K) The procurement file shall contain justification for the selection of the master contract vendors and each selection to meet the particular need of a using agency including the determination in subsection (b)(2)(B) of this Section; the research papers, reports, contract rates and internal or industry expert surveys, "additional rate information" and identification of "other contracts and research" in subsections (b)(2)(E)(i) and (ii); the alternate selection documents required by subsection (b)(2)(G), the 3 or more master contract holders for the alternate random selection in subsection (b)(2)(G) and updated information required of contractors pursuant to subsection (b)(2)(J). The Department shall publish the names of the vendors selected to receive master contracts and the name of each vendor selected to receive an order to meet the using agency's particular need.
- c) Term and Condition Contracts
- 1) A term and condition contract contains agreed contractual terms and conditions established for the convenience of the parties to be used in conjunction with a subsequent procurement and processed in accordance with the requirements of the Code and this Part. A term and condition contract is not a procurement. It creates no obligation on the part of the State to procure from the vendor nor does it create an authorization for a State agency to order based on that term and condition contract, except as provided in subsection (c)(2).
 - 2) Orders may be placed against term and condition contracts without use of any prescribed method of source selection for convenience of processing sole source, emergency or small procurements. Agencies with reasonably

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENT

defined repetitive small needs that, over the course of a fiscal year, are likely to exceed the small purchase amount set in Section 20-20 of the Code and this Part should consider a competitive method of source selection to contract for those repetitive needs.

- d) **Auction**
Purchases may be made at auction in accordance with the procedural requirements applicable to the particular auction. Notice and competition is not required and the amount payable shall be the amount bid and accepted plus any required buyer's premium.
- e) **Non-governmental Joint Purchase**
 - 1) The CPO may enter into (or authorize one or more SPOs to enter into) an agreement with a person not eligible for the Governmental Joint Purchasing Act for the joint procurement of anything covered by the Code. Any method of source selection may be used and may be modified or adapted to meet the needs of the non-State entity.
 - 2) The primary use of this provision shall be to accommodate mutual relationships between the State and not-for-profit groups whose purpose is to conduct programs adjunct to those of the State agency that is party to the contract.
- f) **Federal Requirements**
The Procurement Officer for any State agency receiving federal aid funds, grants or loans or otherwise subject to federal entity requirements may conduct procurements in accordance with federal requirements that are necessary to receive or maintain those federal aid funds, grants or loans or to remain in compliance with federal requirements.
- g) **Foreign Country Procurement**
Procurements to meet the needs of State agency offices located in foreign countries shall comply with the Code and this Part whenever practicable. The SPO shall maintain a record of such action.
- h) **Donations**
 - 1) When a procurement will have the majority of funding from a donation, the terms of which donation require use of particular procurement or

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENT

contracting procedures, the Procurement Officer may follow those procedures, but shall follow the Code and this Part whenever practicable.

- 2) Donations may be acknowledged by the donee agency in a manner appropriate to the type of donation and the program activity associated with the donation. Acknowledgment may include, but need not be limited to, public announcement at the event or in donee agency publications, and inviting the donor to attend the program activity associated with the donation.

i) Government Contracts

Notwithstanding anything to the contrary in this Part, the Chief Procurement Officer, but not a designee, may on a case-by-case basis authorize the Department of Central Management Services to procure supplies or services under any contract let by any governmental entity or consortium of governmental entities pursuant to competitive procedures. At least 14 days prior to entering into a contract, the Department shall publish in the Bulletin a notice of intent to enter into the contract. The notice shall contain a description of the item to be procured, the name of the governmental entity or consortium of governmental entities under which the contract is held, the intended contractor, a statement as to why contracting this way is more advantageous to the State than using one of the other methods of source selection, and the financial advantage associated with the contract. If a challenge to this action is received by noon on the 14th day after publication, the Department shall treat it as a protest in accordance with Section 1.5550 of this Part. Any contract resulting from this procedure shall, to the extent practicable, include all contract provisions normally required in a contract let pursuant to the Code or this Part.

j) Cooperative Purchasing

Notwithstanding anything to the contrary in this Part, the Chief Procurement Officer, but not a designee, may on a case-by-case basis authorize the Department of Central Management services to enter into 1 or more agreements with other state governmental entities or consortium of other state governmental entities for the purpose of jointly procuring supplies or services. The Department may act as lead state following substantially all of the requirements of the Code and this Part, with other states being allowed to utilize the contract established by the Department. The Department may also act as a participant in a procurement conducted by another state that follows the competitive procurement procedures applicable to that state. When acting as a participant, the Department shall publish a notice of procurement opportunity in the Bulletin informing the

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENT

interested parties of the State's intent to participate and instructing them on how to obtain bid information. After award by the other state, the Department shall publish in the Bulletin a notice that the contract may be used by State agencies as instructed by the Department. Prior to utilizing a contract as a participant, the Department shall, to the extent practicable, include all contract provisions normally required in a contract let pursuant to the Code and this Part.

(Source: Amended at 31 Ill. Reg. _____, effective _____)

DEPARTMENT OF STATE POLICE

NOTICE OF PROPOSED RULES

- 1) Heading of the Part: Methamphetamine Manufacturer Registry Act
- 2) Code Citation: 20 Ill. Adm. Code 1284
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
1284.10	New Section
1284.20	New Section
1284.30	New Section
- 4) Statutory Authority: Implementing and authorized by Section 10 of the Methamphetamine Manufacturer Registry Act [730 ILCS 180/10] and authorized by 2605-15 of the Civil Administrative Code of Illinois [20 ILCS 2605/2605-15]
- 5) A Complete Description of the Subjects and Issues Involved: The purpose of this Part is to provide requirements and procedures for the registration of persons convicted of a violation of Section 15 of the Methamphetamine Control and Community Protection Act.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: These rules will not require a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Within 45 days after the publication of this Notice, any interested person may submit comments, data, views or argument regarding the proposed rules. The submissions must be in writing and directed to:

Mr. Keith Jensen
Chief Legal Counsel
Illinois State Police

DEPARTMENT OF STATE POLICE

NOTICE OF PROPOSED RULES

124 East Adams Street, Room 102
Post Office Box 19461
Springfield Illinois 62794-9461

217/782-7658

- 13) 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
- 14) Regulatory Agenda which this rulemaking was summarized: This rulemaking was not included in either of the 2 most recent regulatory agendas because: The proposed rules are needed in order to comply with Public Act 94-831, and the agency was not aware of the Act until after publication of the agendas.

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

DEPARTMENT OF STATE POLICE

NOTICE OF PROPOSED RULES

TITLE 20: CORRECTIONS, CRIMINAL JUSTICE, AND LAW ENFORCEMENT
CHAPTER II: DEPARTMENT OF STATE POLICEPART 1284
METHAMPHETAMINE MANUFACTURER REGISTRY ACT

Section

1284.10	Introduction
1284.20	Definitions
1284.30	Procedures

AUTHORITY: Implementing and authorized by Section 10 of the Methamphetamine Manufacturer Registry Act [730 ILCS 180/10] and authorized by Section 2605-15 of the Civil Administrative Code of Illinois [20 ILCS 2605/2605-15].

SOURCE: Adopted at 31 Ill. Reg. _____, effective _____.

Section 1284.10 Introduction

The purpose of this Part is to provide requirements and procedures for the registration of persons convicted of a violation of Section 15 of the Methamphetamine Control and Community Protection Act [720 ILCS 646/15].

Section 1284.20 Definitions

"Department" means the Department of State Police.

"Offender" means a person who has been convicted of any violation of Section 15 of the Methamphetamine Control and Community Protection Act.

"Registry" means the Methamphetamine Manufacturer Database established and maintained by the Department of State Police for the purpose of identifying methamphetamine manufacturers and making that information available to law enforcement and the general public.

Section 1284.30 Procedures

- a) The following data shall be reported for inclusion in the registry:
 - 1) offender's name

DEPARTMENT OF STATE POLICE

NOTICE OF PROPOSED RULES

- 2) offender's date of birth
 - 3) offenses committed
 - 4) date of conviction
 - 5) county of conviction
- b) **Accuracy of Data Included in the Registry**
The Department will ensure the registry accurately reflects the information provided on a timely basis by the circuit clerks and the Department of Corrections. The registry will reflect changes such as the reversal of a conviction. Names of offenders will be removed pursuant to a certified copy of a court order requiring the sealing or expungement of any records.
- c) **Access to Data Contained in the Registry**
The information contained in the registry will be available to law enforcement authorities and the general public. The data can be accessed via the Internet through a hyperlink entitled "Methamphetamine Manufacturer Information" on the Department of State Police homepage.
- d) **Report of Data for Inclusion in the Registry**
- 1) On a monthly basis, as part of their normal disposition reporting process, the circuit clerk of each county shall forward a copy of the judgment for all persons convicted in the previous month of an offense of participation in methamphetamine manufacturing as defined in 720 ILCS 646/15.
 - 2) As part of their normal information-sharing process, the Illinois Department of Corrections shall forward a list of all persons who are incarcerated or on mandatory supervised release for a conviction of participation in methamphetamine manufacturing as defined in 720 ILCS 646/15.
- e) **Removal of Data from the Registry**
- 1) The circuit clerk shall notify the Department of State Police of a reversal of a qualifying conviction for persons convicted of the offense of participation in methamphetamine manufacturing as defined in 720 ILCS

DEPARTMENT OF STATE POLICE

NOTICE OF PROPOSED RULES

646/15. Upon receipt of such notification, and if there are no other qualifying convictions, the Department of State Police will remove the name of the person whose conviction has been reversed from the registry. Removal will occur within 90 days after notification.

- 2) Upon receipt of a certified copy of a court order requiring the sealing or expungement of a specific charge that qualified the individual for the registry, and if there are no other qualifying charges, the Department of State Police will remove the name of the person identified in the court order from the registry.

DEPARTMENT OF STATE POLICE

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Testing of Breath, Blood and Urine for Alcohol, Other Drugs, and Intoxicating Compounds
- 2) Code Citation: 20 Ill. Adm. Code 1286
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
1286.10	Amendment
1286.60	Amendment
1286.70	Amendment
1286.75	New Section
1286.100	Amendment
1286.200	Amendment
1286.210	Amendment
1286.240	Amendment
1286.260	Amendment
1286.300	Amendment
1286.320	Amendment
1286.330	Amendment
- 4) Statutory Authority: Authorized by Section 2605-15 of the Civil Administrative Code of Illinois [20 ILCS 2605/2605-15]. Implementing and authorized by Section 6-106.1a of the Illinois Vehicle Code [625 ILCS 5/6-106.1a]. Implementing and authorized by Section 11-501.2 of the Illinois Vehicle Code [625 ILCS 5/11-501.2]. Implementing Section 11-501.5 of the Illinois Vehicle Code [625 ILCS 5/11-501.5]. Implementing Section 11-501.6 of the Illinois Vehicle Code [625 ILCS 5/11-501.6]. Implementing and authorized by Section 11-501.8 of the Illinois Vehicle Code [625 ILCS 5/11-501.8]. Implementing Section 5-7.5 of the Snowmobile Registration and Safety Act [625 ILCS 40/5-7.5]. Implementing Section 5-16b of the Boat Registration and Safety Act [625 ILCS 45/5-16b]. Implementing and authorized by Section 6-1 of the Boat Registration and Safety Act [625 ILCS 45/6-1]
- 5) A Complete Description of the Subjects and Issues Involved: Amendments are being proposed in order to update procedures and policies relating to the testing of breath, blood and urine for alcohol, drugs, and intoxicating compounds.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: The National Highway Traffic Safety Administration (NHTSA) list of conforming breath testing products was consulted.
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No

DEPARTMENT OF STATE POLICE

NOTICE OF PROPOSED AMENDMENTS

- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: These rules will not require a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Within 45 days after the publication of this Notice, any interested person may submit comments, data, views or argument regarding the proposed amendments. The submissions must be in writing and directed to:
- Mr. Keith Jensen
Chief Legal Counsel
Illinois State Police
124 East Adams Street, Room 102
Post Office Box 19461
Springfield, Illinois 62794-9461
- 217/782-7658
- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: Municipal police agencies are affected.
- B) Reporting, bookkeeping or other procedures required for compliance: Police departments are required to maintain records of breath alcohol tests performed. Police departments are also required to periodically check the accuracy of their PBTs.
- C) Types of professional skills necessary for compliance: Individuals must obtain a license with respect to particular aspects of testing procedures.
- 14) Regulatory Agenda on which this rulemaking was summarized: January 2006

DEPARTMENT OF STATE POLICE

NOTICE OF PROPOSED AMENDMENTS

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

DEPARTMENT OF STATE POLICE

NOTICE OF PROPOSED AMENDMENTS

TITLE 20: CORRECTIONS, CRIMINAL JUSTICE, AND LAW ENFORCEMENT
CHAPTER II: DEPARTMENT OF STATE POLICEPART 1286
TESTING OF BREATH, BLOOD AND URINE
FOR ALCOHOL, OTHER DRUGS, AND INTOXICATING COMPOUNDS

SUBPART A: GENERAL PROVISIONS

Section	
1286.10	Definitions
1286.20	Grievances
1286.30	Additional Testing
1286.40	Conversion of a Blood Serum or Blood Plasma Alcohol Concentration to a Whole Blood Equivalent
1286.50	Passive Sensors
1286.60	Department Notification
1286.70	Maintenance of Records for Approved Evidentiary Instruments
1286.75	Subpoena Procedure for Evidentiary Instruments
1286.80	Approved Evidentiary Instrument and Logbook Availability
1286.90	Reporting Laboratory Results

SUBPART B: APPROVAL PROCEDURES FOR PERSONS AND
LABORATORIES TO PERFORM SPECIFIC FUNCTIONS

Section	
1286.100	Licensing BAOs
1286.110	Renewal of BAO License
1286.120	Revocation and Denial of BAO License
1286.130	Authorization of BATs
1286.140	Revocation and Denial of BAT Authorization
1286.150	Accrediting BAIs
1286.160	Revocation and Denial of BAI Accreditation
1286.170	Certification of Laboratories and Laboratory Technicians
1286.180	Revocation and Denial of Laboratory Certification

SUBPART C: EQUIPMENT

Section	
1286.200	Equipment Approval and Accuracy

DEPARTMENT OF STATE POLICE

NOTICE OF PROPOSED AMENDMENTS

- 1286.210 Evidentiary Instrument Approval
- 1286.220 Checking Approved Evidentiary Instruments for Accuracy
- 1286.230 Checking Approved Evidentiary Instruments for Continued Accuracy
- 1286.240 PBT Approval
- 1286.250 Checking Approved PBTs for Accuracy
- 1286.260 Operation of PBTs

SUBPART D: SAMPLING PROCEDURES

Section

- 1286.300 General Sampling Protocol
- 1286.310 Approved Evidentiary Instrument Operation
- 1286.320 Blood Collection for Determining the Presence of Alcohol, Other Drugs or Intoxicating Compounds
- 1286.330 Urine Collection for Determining the Presence of Alcohol, Other Drugs or Intoxicating Compounds
- 1286.340 Urine Collection for Determining the Concentration of Urine Alcohol (Repealed)
- 1286.350 Operation of PBTs (Repealed)

AUTHORITY: Authorized by Section 2605-15 of the Civil Administrative Code of Illinois [20 ILCS 2605/2605-15]. Implementing and authorized by Section 6-106.1a of the Illinois Vehicle Code [625 ILCS 5/6-106.1a]. Implementing and authorized by Section 11-501.2 of the Illinois Vehicle Code [625 ILCS 5/11-501.2]. Implementing Section 11-501.5 of the Illinois Vehicle Code [625 ILCS 5/11-501.5]. Implementing Section 11-501.6 of the Illinois Vehicle Code [625 ILCS 5/11-501.6]. Implementing and authorized by Section 11-501.8 of the Illinois Vehicle Code [625 ILCS 5/11-501.8]. Implementing Section 5-7.5 of the Snowmobile Registration and Safety Act [625 ILCS 40/5-7.5]. Implementing Section 5-16b of the Boat Registration and Safety Act [625 ILCS 45/5-16b]. Implementing and authorized by Section 6-1 of the Boat Registration and Safety Act [625 ILCS 45/6-1].

SOURCE: Adopted by emergency rulemaking at 25 Ill. Reg. 239, effective January 1, 2001, for a maximum of 150 days; adopted at 25 Ill. Reg. 3023, effective February 1, 2001; amended at 28 Ill. Reg. 10017, effective June 30, 2004; amended at 31 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL PROVISIONS

Section 1286.10 Definitions

"Accredited Law Enforcement Training Academy" means a police training

DEPARTMENT OF STATE POLICE

NOTICE OF PROPOSED AMENDMENTS

organization that is recognized by the Illinois Law Enforcement Training Standards Board and is accredited by Commission on Accreditation for Law Enforcement Agencies (CALEA), 10302 Eaton Place, Suite 100, Fairfax VA 22030-2215.

"Accuracy Check Record" means the data recorded in a logbook or stored in memory when an accuracy check is performed on an approved evidentiary instrument. Accuracy test records will include at least the type of instrument, instrument serial number, test date, reference sample value, and the readings of the two accuracy check tests. Certification check and standard check are synonyms for accuracy check.

"Agency" means a Municipal, Park District, County, State, Federal law enforcement agency or Circuit Court Probation Department involved in the use of approved evidentiary instruments or PBTs.

"Alcohol" means ethanol (commonly referred to as grain alcohol), ethyl alcohol, alcoholic beverage, alcoholic liquor, isopropanol~~isopropyl~~ or methanol.

"Alcohol Concentration" means weight in grams of alcohol in a specified volume of blood, breath, or urine.

"Approved Evidentiary Instrument" means an instrument approved for use by the Department to obtain a BrAC pursuant to a breath test as described under Section 6-106.1a of the Illinois Vehicle Code [625 ILCS 5/6-106.1a], Section 11-501 of the Illinois Vehicle Code [625 ILCS 5/11-501], Section 11-501.1 of the Illinois Vehicle Code [625 ILCS 5/11-501.1], Section 11-501.2 of the Illinois Vehicle Code [625 ILCS 5/11-501.2], Section 11-501.6 of the Illinois Vehicle Code [625 ILCS 5/11-501.6], Section 11-501.8 of the Illinois Vehicle Code [625 ILCS 5/11-501.8], and Sections that cross-reference Section 11-501.2 of the Illinois Vehicle Code [625 ILCS 5/11-501.2].

"Approved PBT" means an instrument approved for use by the Department either to obtain a BrAC pursuant to a preliminary breath screening test as described under Section 11-501.5 of the Illinois Vehicle Code [625 ILCS 5/11-501.5], Section 5-7.5 of the Snowmobile Registration and Safety Act [625 ILCS 40/5-16b], Section 5-16b of the Boat Registration and Safety Act [625 ILCS 45/5-16b], and Sections that cross-reference Section 11-501.5 of the Illinois Vehicle Code [625 ILCS 5/11-501.5] or to obtain a BrAC pursuant to a breath test as described under Section 11-501.6 of the Illinois Vehicle Code [625 ILCS 5/11-501.6], and

DEPARTMENT OF STATE POLICE

NOTICE OF PROPOSED AMENDMENTS

Section 11-501.8 of the Illinois Vehicle Code [625 ILCS 5/11-501.8].

"Blood Alcohol Concentration" or "BAC" means grams of alcohol per 100 milliliters of whole blood (Section 11-501.2(a)(5) of the Illinois Vehicle Code [625 ILCS 5/11-501.2(a)(5)]).

"Breath Alcohol Concentration" or "BrAC" means *grams of alcohol per 210 liters of breath* (Section 11-501.2(a)(5) of the Illinois Vehicle Code [625 ILCS 5/11-501.2(a)(5)]).

"Breakdown" means a malfunction that affects the analytical performance of the instrument or its ability to quantitate a BrAC.

"Breath Analysis Instructor" or "BAI" means an individual who is accredited by the Department to instruct breath analysis instrument operations and to train and administer licensing examinations to BAOs.

"Breath Analysis Operator" or "BAO" means an individual licensed by the Department to operate approved evidentiary instruments and to create subject test records. BAOs can print local reports, perform basic maintenance (i.e., replace a fuse), and make minor adjustments (i.e., correct the date/time).

"Breath Analysis Reading" means the numeric value of the first two digits to the right of the decimal point of a BrAC analysis as displayed, printed, or recorded by an instrument.

"Breath Analysis Technician" or "BAT" means an individual who is authorized by the Department to conduct re-certification classes for BAOs and to administer that examination, to install, examine, certify, repair, maintain, check the accuracy of approved evidentiary instruments, and create accuracy check records and service records.

"Central Repository" means the collection and maintenance by the Department of business records, maintained by an agency in the normal course of business, of subject test records, [quick tests](#), accuracy check records, [calibrations](#), and service records.

"Certified Paramedic" means an individual licensed by the Illinois Department of Public Health as an Emergency Medical Technician (Intermediate) or Emergency Medical Technician (Paramedic) acting under the direction of a licensed

DEPARTMENT OF STATE POLICE

NOTICE OF PROPOSED AMENDMENTS

physician as a phlebotomist.

"Department" means the Illinois Department of State Police.

"Director" means the Director of State Police.

"Foreign Substance" means any substance not in the subject's body when a 20-minute observation period is commenced, excluding a substance introduced due to normal breathing.

"Ingested" means eaten, chewed, swallowed or consumed by mouth in any other manner; inhaled, sniffed, snorted, sprayed, or introduced into the breathing passages in any other manner; injected or introduced into the body in any manner.

"Instrument" means any item or combination of items of equipment used to quantitate a breath analysis reading.

"Internal Memory" means the digital storage medium that is part of an approved evidentiary instrument that registers subject test records, accuracy check records, and service records.

"License" means a permit issued as evidence by the Department to an individual as proof of his or her authority and competence as a BAO, BAT, BAI, or PBT-E.

"Logbook" means a business record, maintained by the agency in the normal course of business, of subject test records and accuracy check records.

"Malfunction" means failure of an instrument to function properly.

"NHTSA's List" means the Conforming Products List of Evidential Breath Measuring Instruments produced by the National Highway Traffic Safety Administration, United States Department of Transportation.

~~"Other Qualified Person" means a person trained and employed by a licensed medical facility or affiliate acting under the direction of a licensed physician, as a phlebotomist, regardless of job title.~~

"Passive Sensor" means a unit that monitors ambient air for the presence of alcohol for an investigative purpose.

DEPARTMENT OF STATE POLICE

NOTICE OF PROPOSED AMENDMENTS

"Phlebotomist" means a person trained to collect blood from another individual through venipuncture.

"Preliminary Breath Test Device" or "PBT" means a portable device used to quantitate a breath analysis reading.

"Preliminary Breath Test Examiner" or "PBT-E" means a BAO who is authorized by the Department to perform accuracy checks on preliminary breath test devices.

"Reference Sample" means either a solution for use in a breath simulator, commonly referred to as a wet bath simulator, or a dry gas mixture, commonly referred to as a dry gas evidential standard (DGES), for the purpose of instrument certification, accuracy checks, and/or calibration.

"Service Record" means ~~information concerning an instrument breakdown~~the data recorded by a BAT or in the instrument when an approved evidentiary instrument is checked for accuracy. Service records will include at least the type of instrument, instrument serial number, date of service, ~~time of service,~~ service issue reported, service issue found, probable cause of service issue, corrective action taken, and BAT. Service records do not include information such as a bill for repairs of an approved evidentiary instrument or documentation included with an instrument returned from the manufacturer, other than that which can be recorded in instrument memory or the central repository (i.e., a document such as a bill for repairs of an approved evidentiary instrument is not a service record).

"Subject Test Record" means the data recorded by a BAO in the logbook or printed out and stored by the instrument in memory when a subject is tested with an approved evidentiary instrument. Subject test records will include at least the type of instrument, instrument serial number, name of individual tested, test date, breath analysis reading, and BAO. Subject Test Records do not include information other than that which can be recorded in instrument memory or the central repository.

"Urine Alcohol Concentration" or "UAC" means *the number of grams of alcohol per 67 milliliters of urine* (Section 6-500(2)(C) of the Illinois Vehicle Code [625 ILCS 5/6-500(2)(C)]).

"Whole Blood Equivalent" means the conversion of a blood serum or blood plasma alcohol concentration to an approximate BAC.

DEPARTMENT OF STATE POLICE

NOTICE OF PROPOSED AMENDMENTS

(Source: Amended at 31 Ill. Reg. _____, effective _____)

Section 1286.60 Department Notification

- a) Agencies shall notify the Department:
 - 1) If an approved evidentiary instrument needs service.
 - 2) If the agency receives an approved evidentiary instrument or PBT from an entity other than the manufacturer.
 - 3) If an agency returns the evidentiary instrument to the manufacturer for repairs, the service report shall be submitted to the Department.
- b) BAOs shall notify the Department:
 - 1) If the BAO leaves the employment of the agency that employed the BAO.
 - 2) If the BAO changes his or her name.
- c) Certified laboratories shall notify the Department of any change in accreditation status.
- d) Any manufacturer who sells an approved evidentiary instrument or a PBT to an agency in Illinois shall notify the Department of all such sales, listing the name of the agency, the date, the make, and serial number of the instrument.

(Source: Amended at 31 Ill. Reg. _____, effective _____)

Section 1286.70 Maintenance of Records for Approved Evidentiary Instruments

Subject test records, accuracy check records, and service records will be maintained for and/or by each approved evidentiary instrument.

- a) Subject test records and accuracy check records may be maintained in a logbook and/or the instrument's memory.
- b) Logbook entries will be made in the logbook as contemporaneous as reasonably practicable to the time the procedure was performed.

DEPARTMENT OF STATE POLICE

NOTICE OF PROPOSED AMENDMENTS

- c) Service records will be maintained by the Alcohol and Substance Testing Section or may be maintained in the instrument's memory. Malfunctions that are not breakdowns (non-analytical failures such as battery expiration, incorrect time/date, printer problems, keyboard replacement, breath hose replacement, etc.) will not be documented.
- d) Only instruments equipped with sufficient internal memory to store 100 subject test records and that can download stored information to the central repository may keep the test records in the memory of the instrument.
- e) All records removed from the internal memory of an instrument shall be erased and downloaded if possible and practicable, to the central repository.
- f) The central repository will maintain instrument records for not less than five years from the date downloaded.

(Source: Amended at 31 Ill. Reg. _____, effective _____)

Section 1286.75 Subpoena Procedure for Evidentiary Instruments

- a) Subpoena requests for accuracy checks, subject tests, quick tests, calibrations, and maintenance/repair records will be responded to as quickly as possible. If the response cannot be provided within the timeframe requested, the requesting party shall be notified by telephone. If further information is needed to determine the material requested, the requesting party shall be contacted by telephone to obtain this information and the subpoena response completed.
- b) The timeframe for the information provided in response to a subpoena request for accuracy checks, subject tests, quick tests, calibrations, and maintenance/repair records shall be from 60 days prior to the subject's arrest date through 60 days following the arrest date.

(Source: Added at 31 Ill. Reg. _____, effective _____)

SUBPART B: APPROVAL PROCEDURES FOR PERSONS AND
LABORATORIES TO PERFORM SPECIFIC FUNCTIONS**Section 1286.100 Licensing BAOs**

The Director or his/her designee is authorized to license persons to be BAOs subject to the

DEPARTMENT OF STATE POLICE

NOTICE OF PROPOSED AMENDMENTS

requirements of this Section. BAOs are licensed to perform all appropriate BAO functions described in this Part. Only licensed BAOs may operate evidential breath testing instruments.

- a) To be eligible to be a BAO, the individual must be employed by an agency or an accredited law enforcement training academy. BAO candidates, including those who have previously been licensed as a BAO in another state, must successfully attend the course and pass the written and proficiency examination or successfully complete a computer-based training (CBT) course.
- b) Under the direction and control of a BAI, BAO candidates must:
 - 1) Complete a training curriculum approved by the Department that includes a minimum of 28 hours of instruction, which includes the following:
 - A) Presentation and discussion of the psychological, physiological, and pharmacological effects of alcohol in the human body;
 - B) Demonstration and discussion of instruments and the analytical processes used to measure BrAC;
 - C) Practical application and demonstration in the use of an approved evidentiary instrument; and
 - D) Discussion of current DUI issues, the administrative rules, and case law.
 - 2) Pass the following:
 - A) The standardized written examination for Breath Analysis Operator provided by the Department with a minimum score of 70 percent.
 - B) A proficiency examination where the candidate operates approved evidentiary instruments.
- c) A license shall be valid for a period of three years from the printed date of issuance. If the license is not renewed as provided for in Section 1286.110, it shall expire three years from the printed date of issuance.
- d) Licensing classes will be held in locations approved by the Department based

DEPARTMENT OF STATE POLICE

NOTICE OF PROPOSED AMENDMENTS

upon appropriate lighting, space, heating, and air conditioning conditions.

(Source: Amended at 31 Ill. Reg. _____, effective _____)

SUBPART C: EQUIPMENT

Section 1286.200 Equipment Approval and Accuracy

The procedures contained in this Subpart are the only procedures for establishing the accuracy of breath testing instruments. A rebuttable presumption exists that an instrument was accurate at the particular time a subject test was performed when the following four conditions are met.

- a) The instrument was approved under this Subpart at the time of the subject test.
- b) The performance of the instrument was within the accuracy tolerance described in this Subpart according to the last accuracy check or verification (whichever is later) prior to the subject test.
- c) No accuracy check has been performed subsequent to the subject test or the performance of the instrument on the next accuracy check after the subject test was within the accuracy tolerance described in this Subpart.
- d) Accuracy checks have been done in a timely manner, meaning not more than 62 days have passed since the last accuracy check prior to the subject test.
 - 1) ~~Not more than 62 days have passed since the last accuracy check prior to the subject test; or~~
 - 2) ~~The period of time between the last accuracy check prior to the next subject test, and the accuracy check after the subject test, is not more than 62 days.~~

(Source: Amended at 31 Ill. Reg. _____, effective _____)

Section 1286.210 Evidentiary Instrument Approval

Approved evidentiary instruments shall print and display a breath analysis reading. Approved evidentiary instruments can print and display two or three digits to the right of the decimal point. Whether the approved evidentiary instrument prints and displays two or three digits to the right of the decimal point, the breath analysis reading consists of the first two digits to the right of the

DEPARTMENT OF STATE POLICE

NOTICE OF PROPOSED AMENDMENTS

decimal point.

- a) The Department shall only approve evidentiary instruments enumerated in NHTSA's list. The Department approves the following instruments for obtaining breath analysis readings:
 - ~~1) Intoxilyzer 5000, Series 64 and 66 only, manufactured by CMI, Inc.~~
 - ~~1)2) Intoximeters EC-IR, manufactured by Intoximeters, Inc.~~
 - ~~2)3) RBT IV, in conjunction with a printer, manufactured by Intoximeters, Inc.~~
 - ~~3) Intoximeters EC-IR II, manufactured by Intoximeters, Inc.~~
 - ~~4) Intoxilyzer 8000, manufactured by CMI, Inc.~~
- b) Should an instrument in subsection (a) be removed from NHTSA's list, the instrument will remain an approved evidentiary instrument under this Part for a period of 18 months subsequent to removal or until this Section is amended.
- c) The Department may temporarily approve additional evidential instrumentation from NHTSA's list after conducting a program suitability evaluation. The Department shall maintain a list of evidentiary instruments temporarily approved for breath testing in addition to those provided in subsection (a). Evidentiary instruments may be temporarily approved for a maximum period of 18 months. The list of temporarily approved evidentiary instruments, if any, shall be available to the public.

(Source: Amended at 31 Ill. Reg. _____, effective _____)

Section 1286.240 PBT Approval

PBTs shall display a breath analysis reading. PBTs can display two or three digits to the right of the decimal point. Whether the PBT displays two or three digits to the right of the decimal point, the breath analysis reading consists of the first two digits to the right of the decimal point.

- a) The Department shall only approve PBTs enumerated in NHTSA's list. The Department approves the following PBTs for obtaining breath analysis readings:
 - 1) S-D2, manufactured by CMI, Inc.

DEPARTMENT OF STATE POLICE

NOTICE OF PROPOSED AMENDMENTS

- 2) Alcosensor III, manufactured by Intoximeters, Inc.
- 3) Alcosensor III (Enhanced with serial numbers above 1,200,000), manufactured by Intoximeters, Inc.
- 4) Alcosensor IV, manufactured by Intoximeters, Inc.
- 5) S-D5, manufactured by CMI, Inc.
- 6) Alcosensor FST, manufactured by Intoximeters, Inc.

- b) The Department may temporarily approve additional PBTs from NHTSA's list after conducting a program suitability evaluation. The Department shall maintain a list of PBTs temporarily approved for screening instrument testing in addition to those provided above. PBTs may be temporarily approved for a maximum period of 18 months. The list of temporarily approved PBTs, if any, shall be available to the public.

(Source: Amended at 31 Ill. Reg. _____, effective _____)

Section 1286.260 Operation of PBTs

The following procedures shall be used to obtain a breath sample to determine a subject's BrAC with an approved PBT:

- a) Each test shall be performed according to an operational procedure programmed into the instrument.
- b) A test shall consist of only one breath analysis reading, based on the PBT's internal operational calculations.
 - 1) A complete and valid breath analysis reading is denoted by ata least one air blank, one subject breath test reading, and no breakdown message.
 - 2) Messages such as "No Go", "Void", etc., are not breakdowns or malfunctions. These messages indicate the subject's failure to adequately complete the test.

DEPARTMENT OF STATE POLICE

NOTICE OF PROPOSED AMENDMENTS

- c) A subject who submits an insufficient sample or otherwise fails to adequately complete the test or tests may be asked to submit to an additional test or tests.

(Source: Amended at 31 Ill. Reg. _____, effective _____)

SUBPART D: SAMPLING PROCEDURES

Section 1286.300 General Sampling Protocol

The arresting officer has discretion to determine whether a subject will be required to submit a breath, blood, and/or urine sample for testing.

- a) If the subject has been in a vehicle crash and must be treated or is currently being treated by a physician licensed to practice medicine for injuries sustained in the crash, the arresting officer will consult with the treating physician to determine ~~when~~how best to test the subject without unreasonably jeopardizing the subject's treatment.
- b) The arresting officer or BAO shall deem a subject who fails to submit to a requested test or additional testing to have refused testing.
- c) When a subject has submitted an insufficient sample or otherwise failed to adequately complete a requested test or tests, the arresting officer or BAO has discretion to determine if the subject:
- 1) has refused testing; or
 - 2) will be required to undergo additional testing.
- d) The procedures contained in this Subpart are the only procedures required to obtain a valid breath, blood, and/or urine sample. There are no additional sampling procedures.

(Source: Amended at 31 Ill. Reg. _____, effective _____)

Section 1286.320 Blood Collection for Determining the Presence of Alcohol, Other Drugs or Intoxicating Compounds

The following procedures shall be used to obtain a blood sample from a subject to determine the alcohol concentration, or presence of other drugs or intoxicating compounds:

DEPARTMENT OF STATE POLICE

NOTICE OF PROPOSED AMENDMENTS

- a) The blood sample shall be collected in the presence of the arresting officer, another law enforcement officer, or an agency employee who can authenticate the sample.
- b) *The blood sample shall be collected by a licensed physician, registered nurse, trained phlebotomist ~~acting under the direction of a licensed physician~~, or certified paramedic (Section 11-501.2(a) of the Illinois Vehicle Code).*
- c) A disinfectant that does not contain alcohol shall be used to clean the skin where a sample is to be collected.
- d) Officers shall use DUI kits provided by the Department, if possible. If kits are not available, officers may submit two standard grey top vacuum tubes. (Pursuant to generally accepted industry standards, grey top vacuum tubes contain an anticoagulant and preservative.)
- e) The individual tubes shall be labeled with the name of the subject and the date of the withdrawal and treated as biohazard evidence.
- f) The blood samples shall be delivered as soon as practicable to a laboratory certified by the Department (see Section 1286.170).
- g) The testing laboratory shall maintain any remaining sample for a period of six months after testing unless otherwise directed by the submitting agency or the appropriate prosecuting authority.

(Source: Amended at 31 Ill. Reg. _____, effective _____)

Section 1286.330 Urine Collection for Determining the Presence of Alcohol, Other Drugs or Intoxicating Compounds

UAC testing is not a preferred method of determining the amount of alcohol in a subject and the feasibility of other testing procedures should be explored before deciding UAC testing for alcohol concentration. Urine is the preferred method for drug confirmation. The following procedures shall be used to obtain a urine sample from a subject to determine the presence of alcohol, other drugs or intoxicating compounds:

- a) A sample of urine shall be collected in a manner to preserve the dignity of the individual and to ensure the integrity of the sample.

DEPARTMENT OF STATE POLICE

NOTICE OF PROPOSED AMENDMENTS

- b) A urine sample may be collected by the arresting officer, another law enforcement officer, ~~or~~ an agency employee, or a hospital nurse who can authenticate the sample. The officer, ~~or~~ agency employee, or nurse shall be of the same sex as the subject undergoing testing.
- c) A urine sample of approximately 60 ml should be collected.
- d) Urine sample shall be collected in clean, dry containers.
- e) No preservatives shall be used. The containers shall be closed.
- f) The containers shall be labeled with the name of the subject and the date of the collection.
- g) The urine samples shall be delivered as soon as practicable to a laboratory certified by the Department.
- h) The testing laboratory shall maintain any remaining sample for a period of six months after testing unless otherwise directed by the submitting agency or the appropriate prosecuting authority.

(Source: Amended at 31 Ill. Reg. _____, effective _____)

DRYCLEANER ENVIRONMENTAL RESPONSE TRUST FUND
COUNCIL OF ILLINOIS

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Public Information
- 2) Code Citation: 2 Ill. Adm. Code 3100
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
3100.30	Amendment
3100.50	Amendment
3100.APPENDIX B, ILLUSTRATION A	Amendment
3100.APPENDIX B, ILLUSTRATION B	Amendment
3100.APPENDIX B, ILLUSTRATION C	Amendment
3100.APPENDIX B, ILLUSTRATION D	Amendment
3100.APPENDIX B, ILLUSTRATION E	Amendment
3100.APPENDIX B, ILLUSTRATION F	Amendment
- 4) Statutory Authority: 415 ILCS 135/20(a)
- 5) Effective Date of Amendments: December 12, 2006
- 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 available in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in the Illinois Register: September 8, 2006; 30 Ill. Reg. 14395
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Differences between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? No agreements were necessary.
- 13) Will this rulemaking replace any emergency rulemakings currently in effect? No
- 14) Are there any amendments pending to this Part? No

DRYCLEANER ENVIRONMENTAL RESPONSE TRUST FUND
COUNCIL OF ILLINOIS

NOTICE OF ADOPTED AMENDMENTS

- 15) Summary and Purpose of Amendments: This rulemaking reflects the Council's new mailing address.
- 16) Information and questions regarding these adopted amendments shall be directed to:

H. Patrick Eriksen
Administrator
Drycleaner Environmental Response Trust Fund Council of Illinois
PO Box 480
Bensenville, IL 60106-480

630/741-0022

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

DRYCLEANER ENVIRONMENTAL RESPONSE TRUST FUND
COUNCIL OF ILLINOIS

NOTICE OF ADOPTED AMENDMENTS

TITLE 2: GOVERNMENTAL ORGANIZATION
SUBTITLE E: MISCELLANEOUS STATE AGENCIES
CHAPTER LXI: DRYCLEANER ENVIRONMENTAL RESPONSE
TRUST FUND COUNCIL OF ILLINOIS

PART 3100
PUBLIC INFORMATION

Section

3100.10	Introduction
3100.20	Definitions
3100.30	Procedures for Requesting Public Records
3100.40	Procedures for Council Response to Requests for Public Records
3100.50	Procedures for Appeal of a Denial
3100.60	Procedures for Providing Public Records to Requesters
3100.APPENDIX A	Fee Schedule for Duplication of Public Records
3100.APPENDIX B	Public Records Requests
3100.ILLUSTRATION A	Request for Public Records
3100.ILLUSTRATION B	Approval of Request for Public Records
3100.ILLUSTRATION C	Partial Approval of Request
3100.ILLUSTRATION D	Extension of Time for Disclosure
3100.ILLUSTRATION E	Denial of Request
3100.ILLUSTRATION F	Chairperson's Response to Appeal

AUTHORITY: Implementing the Freedom of Information Act [5 ILCS 140] and authorized by Section 20(a) of the Drycleaner Environmental Response Trust Fund Act [415 ILCS 135/20(a)].

SOURCE: Emergency rule adopted at 24 Ill. Reg. 325, effective January 1, 2000, for a maximum of 150 days; emergency expired May 29, 2000; adopted at 24 Ill. Reg. 10183, effective June 26, 2000; amended at 30 Ill. Reg. 19615, effective December 12, 2006.

Section 3100.30 Procedures for Requesting Public Records

- a) Person to Whom Requests are Submitted
Requests for inspection or copying of public records shall be submitted to the Freedom of Information Officer of the Council. Requests shall be submitted to the following address:

Administrator

DRYCLEANER ENVIRONMENTAL RESPONSE TRUST FUND
COUNCIL OF ILLINOIS

NOTICE OF ADOPTED AMENDMENTS

Drycleaner Environmental Response Trust Fund Council of
Illinois
P.O. Box 4807380
Bensenville, Illinois 60106

- b) Form and Content of Requests
- 1) Requests must be made in accordance with FOIA. Requests may be submitted on FOIA request forms available from the Council.
 - 2) The requester shall provide the following information in a request for inspection or copying of public records:
 - A) The requester's full name, address and telephone number;
 - B) A brief description of the public records sought, being as specific as possible;
 - C) Whether the request is for inspection of public records, copies of public records, or both.

(Source: Amended at 30 Ill. Reg. 19615, effective December 12, 2006)

Section 3100.50 Procedures for Appeal of a Denial

- a) Appeal of a Denial
- 1) A requester whose request has been denied by the Freedom of Information Officer may appeal the denial to the Chairperson of the Council. The notice of appeal shall be filed in writing within 14 working days after receipt of the denial and sent to:

Chairperson
Drycleaner Environmental Response Trust Fund Council of
Illinois
P.O. Box 4807380
Bensenville, Illinois 60106
 - 2) The notice of appeal shall include a copy of the original request, a copy of

DRYCLEANER ENVIRONMENTAL RESPONSE TRUST FUND
COUNCIL OF ILLINOIS

NOTICE OF ADOPTED AMENDMENTS

the denial received by the requester, and a statement of the reasons why the appeal should be granted.

- b) Chairperson's Response to Appeal
The Chairperson shall respond to an appeal within 7 working days after receiving notice. The Chairperson shall either affirm the denial or provide access to the requested public records.

(Source: Amended at 30 Ill. Reg. 19615, effective December 12, 2006)

DRYCLEANER ENVIRONMENTAL RESPONSE TRUST FUND
COUNCIL OF ILLINOIS

NOTICE OF ADOPTED AMENDMENTS

Section 3100.APPENDIX B Public Records Requests

Section 3100.ILLUSTRATION A Request for Public Records

DRYCLEANER ENVIRONMENTAL RESPONSE TRUST FUND
COUNCIL OF ILLINOIS

P.O. Box ~~4807380~~
Bensenville, IL 60106

TO: Administrator
Drycleaner Environmental Response
Trust Fund Council of Illinois
P.O. Box ~~4807380~~
Bensenville, Illinois 60106

FROM: _____
Name

Address

Telephone Number

DESCRIPTION OF REQUESTED RECORDS:

Please indicate if you wish to inspect the above captioned records or wish a copy of them:

- Inspection Copy Both

Do you wish to have copies certified? _____

FOR OFFICE USE ONLY

DRYCLEANER ENVIRONMENTAL RESPONSE TRUST FUND
COUNCIL OF ILLINOIS

NOTICE OF ADOPTED AMENDMENTS

Date Received

Date Response Due

Notations re: Oral Communications or Other Items

(Source: Amended at 30 Ill. Reg. 19615, effective December 12, 2006)

DRYCLEANER ENVIRONMENTAL RESPONSE TRUST FUND
COUNCIL OF ILLINOIS

NOTICE OF ADOPTED AMENDMENTS

Section 3100.APPENDIX B Public Records Requests

Section 3100.ILLUSTRATION B Approval of Request for Public Records

DRYCLEANER ENVIRONMENTAL RESPONSE TRUST FUND
COUNCIL OF ILLINOIS

P.O. Box 4807380
Bensenville, Illinois 60106

APPROVAL OF REQUEST FOR PUBLIC RECORDS

TO: _____
Name

Address

Telephone Number

FROM: Administrator
Drycleaner Environmental Response
Trust Fund Council of Illinois
P.O. Box 4807380
Bensenville, Illinois 60106

DESCRIPTION OF REQUESTED RECORDS:

Your request dated _____ for the above captioned records has been approved.

- The documents you requested are enclosed.
- The documents will be made available upon payment of the copying costs in the amount of _____.
- You may inspect the records at _____ on _____ Date

FOIA Officer

Date

DRYCLEANER ENVIRONMENTAL RESPONSE TRUST FUND
COUNCIL OF ILLINOIS

NOTICE OF ADOPTED AMENDMENTS

(Source: Amended at 30 Ill. Reg. 19615, effective December 12, 2006)

DRYCLEANER ENVIRONMENTAL RESPONSE TRUST FUND
COUNCIL OF ILLINOIS

NOTICE OF ADOPTED AMENDMENTS

Section 3100.APPENDIX B Public Records Requests

Section 3100.ILLUSTRATION C Partial Approval of Request

DRYCLEANER ENVIRONMENTAL RESPONSE TRUST FUND
COUNCIL OF ILLINOIS

P.O. Box 4807380
Bensenville, Illinois 60106

PARTIAL APPROVAL OF REQUEST

TO: _____
Name

Address

Telephone Number

FROM: Administrator
Drycleaner Environmental
Response Trust Fund Council
of Illinois
P.O. Box 4807380
Bensenville, Illinois 60106

Pursuant to your written request of _____, enclosed you will find copies of the records you have requested. Please note that pursuant to Section 8 of the Freedom of Information Act, certain material originally contained in these records has been deleted because the material is exempt material under Section 7 of the Act.

FOIA Officer

Date

(Source: Amended at 30 Ill. Reg. 19615, effective December 12, 2006)

DRYCLEANER ENVIRONMENTAL RESPONSE TRUST FUND
COUNCIL OF ILLINOIS

NOTICE OF ADOPTED AMENDMENTS

Section 3100.APPENDIX B Public Records Requests

Section 3100.ILLUSTRATION D Extension of Time for Disclosure

DRYCLEANER ENVIRONMENTAL RESPONSE TRUST FUND
COUNCIL OF ILLINOIS
P.O. Box ~~4807380~~
Bensenville, IL 60106

EXTENSION OF TIME FOR DISCLOSURE

TO: _____
Name

Address

Telephone Number

FROM: Administrator
Drycleaner Environmental
Response Trust Fund Council
of Illinois
P.O. Box ~~4807380~~
Bensenville, Illinois 60106

We have been unable to fill you recent request for inspection or copying of public records of _____ for the reasons checked below:
Date

- The requested records are stored in another location.
- The request requires the collection of a large number of records.
- The request is categorical in nature and requires an extensive search. We have failed to locate the requested records in our initial attempt and the search is continuing.
- The requested records require examination by a competent person in order to determine which, if any, are exempt under Section 7 of the Act.
- It would unduly burden or interfere with the operations of the Council to fill the request within the initial 7 working days.
- There is a need for consultation with another public body that has a substantial interest in the determination or in the subject matter of the request.

The records you have requested will be available to you by _____ (a date within 14 working days after receipt of the request) or we will make a decision denying your request by that date.

DRYCLEANER ENVIRONMENTAL RESPONSE TRUST FUND
COUNCIL OF ILLINOIS

NOTICE OF ADOPTED AMENDMENTS

FOIA Officer

Date

|
(Source: Amended at 30 Ill. Reg. 19615, effective December 12, 2006)

DRYCLEANER ENVIRONMENTAL RESPONSE TRUST FUND
COUNCIL OF ILLINOIS

NOTICE OF ADOPTED AMENDMENTS

Section 3100.APPENDIX B Public Records Requests

Section 3100.ILLUSTRATION E Denial of Request

DRYCLEANER ENVIRONMENTAL RESPONSE TRUST FUND
COUNCIL OF ILLINOIS
P.O. Box ~~4807380~~
Bensenville, IL 60106

DENIAL OF REQUEST

TO: _____
Name

Address

Telephone Number

FROM: Administrator
Drycleaner Environmental
Response Trust Fund Council
of Illinois
P.O. Box ~~4807380~~
Bensenville, Illinois 60106

You are hereby notified that your request for the disclosure of:

is hereby denied and the reason for the denial is as follows:

(reason for denial, stating the basis in FOIA)

The person or persons making this decision to deny and their title or titles are set forth below:

Name _____ Official Title _____

DRYCLEANER ENVIRONMENTAL RESPONSE TRUST FUND
COUNCIL OF ILLINOIS

NOTICE OF ADOPTED AMENDMENTS

You are hereby further notified that you have the right to appeal this decision to the Chairperson of the Drycleaner Environmental Response Trust Fund Council of Illinois who, under the Illinois Freedom of Information Act, will make a decision either to affirm the denial of disclosure or to allow disclosure within 7 working days after you file a notice of appeal. Such letter or request should be filed within 14 days after your receipt of this letter. If the decision to deny your request for disclosure was made by the Chairperson of the Drycleaner Environmental Response Trust Fund Council of Illinois, you have the right to appeal the decision of the Chairperson to the Circuit Court for the county where the Council has its principal office or where you reside, under Section 11 of the Freedom of Information Act.

FOIA Officer

Date

(Source: Amended at 30 Ill. Reg. 19615, effective December 12, 2006)

DRYCLEANER ENVIRONMENTAL RESPONSE TRUST FUND
COUNCIL OF ILLINOIS

NOTICE OF ADOPTED AMENDMENTS

Section 3100.APPENDIX B Public Records Requests

Section 3100.ILLUSTRATION F Chairperson's Response to Appeal

DRYCLEANER ENVIRONMENTAL RESPONSE TRUST FUND
COUNCIL OF ILLINOIS

P.O. Box ~~4807380~~
Bensenville, IL 60106

CHAIRPERSON'S RESPONSE TO APPEAL

TO: _____
Name

Address

Telephone Number

FROM: Chairperson
Drycleaner Environmental Response
Trust Fund Council of Illinois
P.O. Box ~~4807380~~
Bensenville, IL 60106

DESCRIPTION OF REQUESTED RECORDS:

Noted below is the action I have taken on your appeal from the denial of your request for the above-captioned records:

- I hereby approve your appeal to the following extent and for the following reasons:
- I affirm the denial of your request made by the Freedom of Information Officer.

You are entitled to judicial review of any denial pursuant to Section 11 of the Freedom of Information Act.

DRYCLEANER ENVIRONMENTAL RESPONSE TRUST FUND
COUNCIL OF ILLINOIS

NOTICE OF ADOPTED AMENDMENTS

Chairperson

Date

(Source: Amended at 30 Ill. Reg. 19615, effective December 12, 2006)

DRYCLEANER ENVIRONMENTAL RESPONSE TRUST FUND
COUNCIL OF ILLINOIS

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: General Program
- 2) Code Citation: 35 Ill. Adm. Code 1500
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
1500.30	Amendment
1500.40	Amendment
- 4) Statutory Authority: 415 ILCS 135/20(a)
- 5) Effective Date of Amendments: December 12, 2006
- 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 is on file with the Third Party Administrator of the Drycleaner Council's office located at 1000 Tower Lane, Suite 140, Bensenville, Illinois and is available for public inspection.
- 9) Notice of Proposal Published in the Illinois Register: September 8, 2006; 30 Ill. Reg. 14411
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? No agreements were necessary.
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any amendments pending to this Part? Yes

<u>Section Numbers:</u>	<u>Proposed Action:</u>	<u>Ill. Reg. Citation:</u>
1500.40	Amendment	30 Ill. Reg. 18801; 12/8/06
1500.55	Amendment	30 Ill. Reg. 18801; 12/8/06

DRYCLEANER ENVIRONMENTAL RESPONSE TRUST FUND
COUNCIL OF ILLINOIS

NOTICE OF ADOPTED AMENDMENTS

- 15) Summary and Purpose of Amendments: This rulemaking increases the license fees for all licensing categories and increases the remedial program remedial action cost deductible.
- 16) Information and questions regarding this adopted rulemaking shall be directed to:

H. Patrick Eriksen
Administrator
Drycleaner Environmental Response Trust Fund Council of Illinois
PO Box 480
Bensenville IL 60106-480

630/741-0022

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

DRYCLEANER ENVIRONMENTAL RESPONSE TRUST FUND
COUNCIL OF ILLINOIS

NOTICE OF ADOPTED AMENDMENTS

TITLE 35: DRYCLEANER ENVIRONMENTAL RESPONSE
TRUST FUND COUNCIL OF ILLINOIS
SUBTITLE N: DRYCLEANING
CHAPTER V: DRYCLEANER ENVIRONMENTAL RESPONSE
TRUST FUND COUNCIL OF ILLINOIS

PART 1500
GENERAL PROGRAM

Section

1500.10	General
1500.20	Definitions
1500.30	Drycleaning Facility License
1500.40	Drycleaner Remedial Account
1500.50	Drycleaner Facility Insurance Account
1500.55	Drycleaning Solvent Tax
1500.60	Appeals
1500.70	Forms

AUTHORITY: Implementing and authorized by the Drycleaner Environmental Response Trust Fund Act [415 ILCS 135/20].

SOURCE: Emergency rule adopted at 24 Ill. Reg. 307, effective January 1, 2000, for a maximum of 150 days; emergency expired May 29, 2000; adopted at 24 Ill. Reg. 10162, effective June 26, 2000; amended at 28 Ill. Reg. 9051, effective June 21, 2004; amended at 30 Ill. Reg. 7939, effective April 13, 2006; amended at 30 Ill. Reg. 19631, effective December 12, 2006.

Section 1500.30 Drycleaning Facility License

- a) *On and after January 1, 1998, every active drycleaning facility must obtain a license from the Council. No person shall operate a drycleaning facility in this State without a license issued by the Council for that facility. (Section 60(a) of the Act)*
- b) *The Council shall issue initial and annual renewal licenses to an active drycleaning facility upon an applicant's submission of a completed application prescribed by the Council (see Section 1500.60(a)) and proof of payment of the required fee to the Department of Revenue (Section 60(b) of the Act) by submittal*

DRYCLEANER ENVIRONMENTAL RESPONSE TRUST FUND
COUNCIL OF ILLINOIS

NOTICE OF ADOPTED AMENDMENTS

of the DS-3 Form (prescribed by the Department of Revenue) subject to the following:

- 1) The annual license period is January 1 through December 31.
- 2) The license fee and the DS-3 Form must be submitted to the Department of Revenue 60 days prior to issuance of a license.
- 3) The Department of Revenue will return the applicant's copy of the DS-3 Form to confirm receipt of the appropriate license fee.
- 4) The original DS-3 Form returned from the Department of Revenue must be submitted to the Council with the license application or renewal application. Applications submitted without the original DS-3 Form will be returned to the applicant.
- 5) Upon receipt of a properly completed license application and an original DS-3 Form indicating the appropriate license fee has been received by the Department of Revenue, the Council will process the license application.
- 6) License fees are non-refundable.
- 7) Any drycleaning facility that begins operation on or after January 1, 2000 must obtain a license prior to operating the facility.

c) *On or after January 1, ~~2007~~2004, the required annual fee for a license is as follows:*

- 1) *~~\$1,500~~\$500 for a facility that uses:*
 - A) *50 gallons or less of chlorine-based or green drycleaning solvents annually; or*
 - B) *250 or less gallons annually of hydrocarbon-based solvents in a drycleaning machine equipped with a solvent reclaimer; or*
 - C) *500 gallons or less annually of hydrocarbon-based drycleaning solvents in a drycleaning machine without a solvent reclaimer.*
(Section 60(c)(1) of the Act)

DRYCLEANER ENVIRONMENTAL RESPONSE TRUST FUND
COUNCIL OF ILLINOIS

NOTICE OF ADOPTED AMENDMENTS

- 2) ~~\$2,250~~\$1,000 for a facility that uses:
- A) *more than 50 gallons but not more than 100 gallons of chlorine-based or green drycleaning solvents annually; or*
 - B) *more than 250 gallons but not more than 500 gallons annually of hydrocarbon-based solvents in a drycleaning machine equipped with a solvent reclaimer; or*
 - C) *more than 500 gallons but not more than 1,000 gallons annually of hydrocarbon-based drycleaning solvents in a drycleaning machine without a solvent reclaimer. (Section 60(c)(2) of the Act)*
- 3) ~~\$3,000~~\$1,500 for a facility that uses:
- A) *more than 100 gallons but not more than 150 gallons of chlorine-based or green drycleaning solvents annually; or*
 - B) *more than 500 gallons but not more than 750 gallons annually of hydrocarbon-based solvents in a drycleaning machine equipped with a solvent reclaimer; or*
 - C) *more than 1,000 gallons but not more than 1,500 gallons annually of hydrocarbon-based drycleaning solvents in a drycleaning machine without a solvent reclaimer. (Section 60(c)(3) of the Act)*
- 4) ~~\$3,750~~\$2,000 for a facility that uses:
- A) *more than 150 gallons but not more than 200 gallons of chlorine-based or green drycleaning solvents annually; or*
 - B) *more than 750 gallons but not more than 1,000 gallons annually of hydrocarbon-based solvents in a drycleaning machine equipped with a solvent reclaimer; or*
 - C) *more than 1,500 gallons but not more than 2,000 gallons annually of hydrocarbon-based drycleaning solvents in a drycleaning machine without a solvent reclaimer. (Section 60(c)(4) of the Act)*

DRYCLEANER ENVIRONMENTAL RESPONSE TRUST FUND
COUNCIL OF ILLINOIS

NOTICE OF ADOPTED AMENDMENTS

- 5) ~~\$4,500~~\$2,500 for a facility that uses:
- A) *more than 200 gallons but not more than 250 gallons of chlorine-based or green drycleaning solvents annually; or*
 - B) *more than 1,000 gallons but not more than 1,250 gallons annually of hydrocarbon-based solvents in a drycleaning machine equipped with a solvent reclaimer; or*
 - C) *more than 2,000 gallons but not more than 2,500 gallons annually of hydrocarbon-based drycleaning solvents in a drycleaning machine without a solvent reclaimer. (Section 60(c)(5) of the Act)*
- 6) ~~\$5,000~~\$3,000 for a facility that uses:
- A) *more than 250 gallons but not more than 300 gallons of chlorine-based or green drycleaning solvents annually; or*
 - B) *more than 1,250 gallons but not more than 1,500 gallons annually of hydrocarbon-based solvents in a drycleaning machine equipped with a solvent reclaimer; or*
 - C) *more than 2,500 gallons but not more than 3,000 gallons annually of hydrocarbon-based drycleaning solvents in a drycleaning machine without a solvent reclaimer. (Section 60(c)(6) of the Act)*
- 7) ~~\$5,000~~\$3,000 for a facility that uses:
- A) *more than 300 gallons but not more than 350 gallons of chlorine-based or green drycleaning solvents annually; or*
 - B) *more than 1,500 gallons but not more than 1,750 gallons annually of hydrocarbon-based solvents in a drycleaning machine equipped with a solvent reclaimer; or*
 - C) *more than 3,000 gallons but not more than 3,500 gallons annually of hydrocarbon-based drycleaning solvents in a drycleaning machine without a solvent reclaimer. (Section 60(c)(7) of the Act)*

DRYCLEANER ENVIRONMENTAL RESPONSE TRUST FUND
COUNCIL OF ILLINOIS

NOTICE OF ADOPTED AMENDMENTS

- 8) ~~\$5,000~~\$4,000 for a facility that uses:
- A) *more than 350 gallons but not more than 400 gallons of chlorine-based or green drycleaning solvents annually; or*
 - B) *more than 1,750 gallons but not more than 2,000 gallons annually of hydrocarbon-based solvents in a drycleaning machine equipped with a solvent reclaimer; or*
 - C) *more than 3,500 gallons but not more than 4,000 gallons annually of hydrocarbon-based drycleaning solvents in a drycleaning machine without a solvent reclaimer. (Section 60(c)(8) of the Act)*
- 9) ~~\$5,000~~\$4,500 for a facility that uses:
- A) *more than 400 gallons but not more than 450 gallons of chlorine-based or green drycleaning solvents annually; or*
 - B) *more than 2,000 gallons but not more than 2,250 gallons annually of hydrocarbon-based solvents in a drycleaning machine equipped with a solvent reclaimer; or*
 - C) *more than 4,000 gallons but not more than 4,500 gallons annually of hydrocarbon-based drycleaning solvents in a drycleaning machine without a solvent reclaimer. (Section 60(c)(9) of the Act)*
- 10) ~~\$5,000~~\$4,500 for a facility that uses:
- A) *more than 450 gallons but not more than 500 gallons of chlorine-based or green drycleaning solvents annually; or*
 - B) *more than 2,250 gallons but not more than 2,500 gallons annually of hydrocarbon-based solvents used in a drycleaning machine equipped with a solvent reclaimer; or*
 - C) *more than 4,500 gallons but not more than 5,000 gallons annually of hydrocarbon-based drycleaning solvents in a drycleaning machine without a solvent reclaimer. (Section 60(c)(10) of the*

DRYCLEANER ENVIRONMENTAL RESPONSE TRUST FUND
COUNCIL OF ILLINOIS

NOTICE OF ADOPTED AMENDMENTS

Act)

- 11) ~~\$5,000~~\$4,500 for a facility that uses:
- A) *more than 500 gallons but not more than 550 gallons of chlorine-based or green drycleaning solvents annually; or*
 - B) *more than 2,500 gallons but not more than 2,750 gallons annually of hydrocarbon-based solvents in a drycleaning machine equipped with a solvent reclaimer; or*
 - C) *more than 5,000 gallons but not more than 5,500 gallons annually of hydrocarbon-based drycleaning solvents in a drycleaning machine without a solvent reclaimer. (Section 60(c)(11) of the Act)*
- 12) ~~\$5,000~~\$4,500 for a facility that uses:
- A) *more than 550 gallons but not more than 600 gallons of chlorine-based or green drycleaning solvents annually; or*
 - B) *more than 2,750 gallons but not more than 3,000 gallons annually of hydrocarbon-based solvents in a drycleaning machine equipped with a solvent reclaimer; or*
 - C) *more than 5,500 gallons but not more than 6,000 gallons annually of hydrocarbon-based drycleaning solvents in a drycleaning machine without a solvent reclaimer. (Section 60(c)(12) of the Act)*
- 13) ~~\$5,000~~\$4,500 for a facility that uses:
- A) *more than 600 gallons of chlorine-based or green drycleaning solvents annually; or*
 - B) *more than 3,000 gallons but not more than 3,250 gallons annually of hydrocarbon-based solvents in a drycleaning machine equipped with a solvent reclaimer; or*

DRYCLEANER ENVIRONMENTAL RESPONSE TRUST FUND
COUNCIL OF ILLINOIS

NOTICE OF ADOPTED AMENDMENTS

- C) *more than 6,000 gallons of hydrocarbon-based drycleaning solvents annually in a drycleaning machine without a solvent reclaimer. (Section 60(c)(13) of the Act)*
- 14) ~~\$5,000~~*\$4,500* for a facility that uses:
- A) *more than 3,250 gallons but not more than 3,500 gallons annually of hydrocarbon-based solvents in a drycleaning machine with a solvent reclaimer. (Section 60(c)(14) of the Act)*
- B) *more than 3,500 gallons but not more than 3,750 gallons annually of hydrocarbon-based solvents used in a drycleaning machine equipped with a solvent reclaimer. (Section 60(c)(15) of the Act)*
- C) *more than 3,750 gallons but not more than 4,000 gallons annually of hydrocarbon-based solvents in a drycleaning machine equipped with a solvent reclaimer. (Section 60(c)(16) of the Act)*
- 15) ~~\$5,000~~*\$4,500* for a facility that uses more than 4,000 gallons annually of hydrocarbon-based solvents in a drycleaning machine equipped with a solvent reclaimer. (Section 60(c)(17) of the Act)
- 16) If an applicant submits a license application to operate a facility beginning during a license year, the license fee for the first year shall be prorated as follows:
- A) For a license with an effective date on or after January 1 and before April 1, 100% of the fee is required.
- B) For a license with an effective date on or after April 1 and before July 1, 75% of the fee is required.
- C) For a license with an effective date on or after July 1 and before October 1, 50% of the fee is required.
- D) For a license with an effective date on or after October 1 and before January 1 of the following year, 25% of the fee is required.
- d) *For purposes of this Section, the quantity of drycleaning solvents used annually*

DRYCLEANER ENVIRONMENTAL RESPONSE TRUST FUND
COUNCIL OF ILLINOIS

NOTICE OF ADOPTED AMENDMENTS

shall be determined as follows:

- 1) *In the case of an initial applicant, the quantity of drycleaning solvents that the applicant estimates will be used during his or her initial license year. A fee assessed under this subsection (d)(1) is subject to audited adjustment for that year; or*
- 2) *In the case of a renewal applicant, the quantity of drycleaning solvents actually used in the preceding license year. (Section 60(c) of the Act) If the amount of drycleaning solvents actually used in the preceding license year cannot be readily calculated, the quantity of drycleaning solvents purchased in the preceding year shall be used to determine the annual license fee. The method used to determine the initial renewal license fee must be used for all subsequent license renewals.*
- 3) In the case of an applicant who uses both chlorine-based and hydrocarbon-based solvents, the quantity of drycleaning solvents used annually shall be determined as follows:
 - A) using a multiplier of 10 for chlorine-based drycleaning solvents to determine an equivalent value based upon one gallon of chlorine-based drycleaning solvents having an equivalent value of 10 gallons of hydrocarbon-based drycleaning solvents for facilities not using a drycleaning machine equipped with a solvent reclaimer.
 - B) using a multiplier of 5 for chlorine-based drycleaning solvents to determine an equivalent value based upon one gallon of chlorine-based drycleaning solvents having an equivalent value of 5 gallons of hydrocarbon-based drycleaning solvents for facilities using a drycleaning machine equipped with a solvent reclaimer.
- 4) In the case of an applicant who uses hydrocarbon-based solvents at a facility that has both drycleaning machines with and without a solvent reclaimer, the total usage will be determined by applying the number of drycleaning machines with a solvent reclaimer to the total number of drycleaning machines at the facility to arrive at a percentage of drycleaning machines with a solvent reclaimer. This percentage will be applied to the total gallons of hydrocarbon-based solvent used and

DRYCLEANER ENVIRONMENTAL RESPONSE TRUST FUND
COUNCIL OF ILLINOIS

NOTICE OF ADOPTED AMENDMENTS

multiplied by a factor of 2 to convert the gallonage to the equivalent of a drycleaning machine without a solvent reclaimer.

- e) *The Council may adjust licensing fees annually based on the change in the published Consumer Price Index – All Urban Consumers, U.S. city average, all items (CPI-U) for the 12 months preceding the month the Council adjusts the licensing fee or as otherwise determined by the Council. (Section 60(c) of the Act)*
- f) *A license issued under this Section shall expire one year after the date of issuance and may be renewed on reapplication to the Council and submission of proof of payment of the appropriate fee to the Department of Revenue in accordance with subsections (b) and (c). At least 30 days before payment of a renewal licensing fee is due, the Council shall attempt to:*
- 1) *notify the operator of each licensed drycleaning facility concerning the requirements of this Section; and*
 - 2) *submit a license fee payment form to the licensed operator of each drycleaning facility. (Section 60(d) of the Act)*
- g) *An operator of a drycleaning facility who is required to pay a license fee under the Act and fails to pay the license fee when the fee is due may be assessed a penalty of \$5 for each day after the license fee is due and until the license fee is paid. (Section 60(g) of the Act) Penalties totaling \$1,000 or more may be paid in 12 equal monthly installments upon execution by the drycleaner operator of a Council presented agreement. The Council may waive the late payment penalty, taking into consideration the following:*
- 1) For calendar years 1998, 1999, and 2000, if the drycleaner owner/operator did not receive one of the initial license notification mailings sent by the Illinois Department of Revenue or the Fund during the period of 1997 through 1999;
 - 2) If additional license fees are owed due to the incorrect calculation of the annual solvent usage or purchase information and the understatement of the solvent volume was not significant, and the additional license fee is paid in a reasonable time frame; or

DRYCLEANER ENVIRONMENTAL RESPONSE TRUST FUND
COUNCIL OF ILLINOIS

NOTICE OF ADOPTED AMENDMENTS

- 3) Other reasonable factors.
- h) A license can be transferred from the drycleaning facility operator to a new operator of the same drycleaning facility upon completion of a license transfer form prescribed by the Council and signed by the license holder and transferee. If the drycleaning facility has an active insurance policy issued by the Council, the license can only be transferred if the insurance policy is also transferred.
- i) If a drycleaning facility operator terminates the operation of a licensed drycleaning facility at a specific location, the operator can be re-licensed for a new drycleaning facility location without payment of an additional license fee provided the existing drycleaning facility license is terminated.

(Source: Amended at 30 Ill. Reg. 19631, effective December 12, 2006)

Section 1500.40 Drycleaner Remedial Account

The Council shall have the authority *to provide reimbursement to eligible claimants for remedial action associated with the release of drycleaning solvents from the claimant's drycleaning facility.* (Section 40(a) of the Act)

- a) *The following claimants are eligible for reimbursement from the remedial action account:*
 - 1) *The owner or operator of an inactive drycleaning facility who was also the owner or operator of that drycleaning facility when it was an active drycleaning facility.*
 - 2) *The owner or operator of an active drycleaning facility which is licensed by the Council under the Drycleaner Environmental Response Trust Fund Act at the time of application for remedial action benefits.* (Section 40(b) of the Act)
- b) To be eligible for reimbursement, a claimant must demonstrate that drycleaning solvent contaminated soil, groundwater or both exceeds Illinois Environmental Protection Agency (Agency) tiered approach to corrective action objectives and all of the following:
 - 1) *The source of the release is from the claimant's drycleaning facility.*

DRYCLEANER ENVIRONMENTAL RESPONSE TRUST FUND
COUNCIL OF ILLINOIS

NOTICE OF ADOPTED AMENDMENTS

(Section 40(c)(1) of the Act)

- 2) *At the time the release was discovered, the claimant and the drycleaning facility were in compliance with all the Agency reporting and technical operating requirements.* (Section 40(c)(2) of the Act)
- 3) *The claimant reported the release in a timely manner to the Agency in accordance with the Illinois Emergency Planning and Community Right to Know Act [430 ILCS 100].* (Section 40(c)(3) of the Act)
- 4) *The claimant has not filed for bankruptcy on or after the date of the discovery of the release.* (Section 40(c)(4) of the Act)
- 5) *The release must have been discovered on or after July 1, 1997 and before July 1, 2006.* (Section 40(c)(7) of the Act)
- 6) *The claimant must submit a completed application form as provided by the Council (see Section 1500.70(c)) by June 30, 2005.* (Section 40(d) of the Act)
- 7) *If the claim is for reimbursement of remedial action expenses at an active drycleaning facility, the claimant must demonstrate continuous financial assurance for environmental liability coverage in the amount of at least \$500,000 beginning the date of award of benefits under the Act or July 1, 2000, whichever is earlier. An uninsured drycleaning facility that has filed an application for insurance with the Fund by January 1, 2004, obtained insurance through that application, and maintained that insurance coverage continuously shall be considered to have conformed with the requirements of this subsection (b)(7). To conform with this requirement, the applicant must pay the equivalent of the total premiums due for the period beginning June 30, 2000 through the date of application plus a 20% penalty of the total premiums due for that period and the claimant must provide to the Council proof of implementation and maintenance of the following pollution prevention measures:* (Section 40(c)(5) and (6) of the Act)
 - A) *Management of all drycleaning solvent wastes in accordance with applicable State waste management laws and rules in accordance with the Environmental Protection Act [415 ILCS 5] and 35 Ill.*

DRYCLEANER ENVIRONMENTAL RESPONSE TRUST FUND
COUNCIL OF ILLINOIS

NOTICE OF ADOPTED AMENDMENTS

Adm. Code 722. (Section 40(c)(5)(A) of the Act)

- B) *A prohibition on the discharge of wastewater from drycleaning machines or of drycleaning solvent from drycleaning operations to a sanitary sewer or septic tank or to the surface or to groundwater. (Section 40(c)(5)(B) of the Act)*
- C) *Installation of a containment dike or other containment structure around each machine which is capable of containing a capacity of 110 percent of the drycleaning solvent in the largest tank or vessel in the machine for any leak, spill, or release of drycleaning solvent from that machine.*
- D) *Installation of a containment dike or other containment structure around each item of equipment or drycleaning area in which any drycleaning solvent is utilized, which shall be capable of containing a capacity of 100 percent of the drycleaning solvent capacity of each item of equipment or area for any leak, spill, or release of drycleaning solvent from that item. (Section 40(c)(5)(C)(I))*
- E) *Installation of a containment dike or other containment structure around each portable waste container in which any drycleaning solvent is utilized, which shall be capable of containing a capacity of 100 percent of the drycleaning solvent capacity of the largest portable waste container, or at least 10 percent of the total volume of the portable waste containers stored within the containment device, whichever is greater, for any leak, spill, or release of drycleaning solvent from that item. The portable waste container and containment dike should be located within the drycleaning facility. If the portable waste container is not located within the drycleaning facility, then the portable waste container and the containment device must be located in a structure designed to prevent unauthorized access and prevent exposure to natural elements and provide safety to human health and the environment. (Section 40(c)(5)(C)(I) of the Act)*
- F) *Petroleum underground storage tank systems that are upgraded in accordance with USEPA upgrade standards pursuant to 40 CFR*

DRYCLEANER ENVIRONMENTAL RESPONSE TRUST FUND
COUNCIL OF ILLINOIS

NOTICE OF ADOPTED AMENDMENTS

280 (1998) for the tanks and related piping systems and use a leak detection system approved by USEPA or the Agency are exempt from this secondary containment requirement. (Section 40(c)(5)(C)(I) of the Act)

- G) All diked floor surfaces on which a drycleaning solvent may leak, spill or otherwise be released must be sealed or otherwise rendered impervious to drycleaning solvents. (Section 40(c)(5)(C)(II) of the Act)
- H) Chlorine-based drycleaning solvents shall be delivered to the drycleaning facility by means of closed, direct-coupled delivery and vapor recovery systems. (Section 40(c)(5)(D) of the Act)
- I) All petroleum based drycleaning solvents shall be delivered to the drycleaning facility by means of a direct-coupled delivery system with proper vent lines for receiving the product.
- c) Subject to Fund limitations, eligibility requirements, prioritization and reimbursement limitations, the Council may reimburse up to but not to exceed \$300,000 per active drycleaning facility and \$50,000 per inactive drycleaning facility. (Section 40(f)(1) of the Act)
- d) An eligible claimant submitting a claim for an active drycleaning facility is responsible for the first \$5,000 of eligible focused site investigation costs and for the first ~~\$15,000~~~~\$10,000~~ of eligible remedial action costs incurred in connection with the release from the drycleaning facility and is only eligible for reimbursement for costs that exceed those amounts, subject to any other limitations of the Act. An eligible claimant submitting a claim for an active drycleaning facility is responsible for the first \$5,000 of eligible focused site investigation costs and for the first \$10,000 of eligible remedial action costs incurred in connection with the release from the drycleaning facility if the focused site investigation is completed and accepted by the Agency and a remedial action plan has been prepared and submitted to the Agency by January 1, 2008, and is only eligible for reimbursement for costs that exceed those amounts subject to any other limitations of the Act. (Section 40(e)(1) of the Act)
- e) An eligible claimant submitting a claim for an inactive drycleaning facility is responsible for the first \$10,000 of eligible focused site investigation costs and for

DRYCLEANER ENVIRONMENTAL RESPONSE TRUST FUND
COUNCIL OF ILLINOIS

NOTICE OF ADOPTED AMENDMENTS

the first ~~\$15,000~~^{\$10,000} of eligible remedial action costs incurred in connection with the release from that drycleaning facility, and is only eligible for reimbursement for costs that exceed those amounts, subject to any other limitations of the Act. An eligible claimant submitting a claim for an inactive drycleaning facility is responsible for the first \$10,000 of eligible focused site investigation costs and for the first \$10,000 of eligible remedial action costs incurred in connection with the release from that drycleaning facility if the focused site investigation is completed and accepted by the Agency and a remedial action plan has been prepared and submitted to the Agency by January 1, 2008, and is only eligible for reimbursement for costs that exceed those amounts subject to any other limitations of the Act. (Section 40(e)(2) of the Act)

- f) For the purpose of claimant reimbursement, eligible expenses are limited subject to the following:
- 1) For remedial action activities that occurred on or after July 1, 1999, only those costs that are pre-approved by the Council are eligible for reimbursement unless an emergency exists. In the case of an emergency, the Council may reimburse reasonable expenses for remediation services required to mitigate the emergency conditions.
 - 2) For remedial action activities that occurred prior to July 1, 1999, the Council may reimburse costs that the Council determines were reasonable and necessary.
 - 3) To be pre-approved for reimbursement, remedial action activities must be required under the site remediation program. Only services required to obtain a no further remediation letter for the drycleaning solvent of concern, based upon continued land use as a drycleaning facility, are reimbursable.
 - 4) *A contract in which one of the parties to the contract is a claimant, for goods or services that may be payable or reimbursable from the Council, is void and unenforceable unless and until the Council has found that the contract terms are within the range of usual and customary rates for similar or equivalent goods or services within this State and has found that the goods or services are necessary for the claimant to comply with Council standards or with the site remediation program. (Section 40(f)(2) of the Act)*

DRYCLEANER ENVIRONMENTAL RESPONSE TRUST FUND
COUNCIL OF ILLINOIS

NOTICE OF ADOPTED AMENDMENTS

- 5) *The Council may require a claimant to obtain and submit 3 bids and may require that the bids contain specific terms and conditions consistent with the requirements of the site remediation program and the site specific characteristics of the drycleaning facility for which budget approval is requested. Approval of a bid will be both price and scope specific. (Section 40(f)(4) of the Act)*
- 6) *If a claimant has pollution liability insurance coverage other than coverage provided by the insurance account under the Act, that coverage shall be primary. Reimbursement from the remedial account shall be limited to the deductible amounts under the primary coverage and the amount that exceeds the policy limits of the primary coverage, subject to the deductible amounts of the Act. If there is a dispute between the claimant and the primary insurance provider, reimbursement from the remedial action account may be made to the claimant after the claimant assigns all of his or her interests in the insurance coverage to the Council. (Section 40(f)(9) of the Act)*
- 7) Reimbursement of any amount from the Fund for remedial action shall be subject to the Council acquiring by subrogation the rights of any claimant or other person to recover the costs of remedial action for which the Fund has compensated the claimant.
- 8) If, for any reason, the Council determines that an excess payment has been paid from the Fund, the Council may take steps to collect the excess amount.
- 9) *Cost recovery; enforcement.*
 - A) *The Council may seek recovery from a potentially responsible party liable for a release that is the subject of a remedial action and for which the Fund has expended moneys for remedial action. The amount of recovery sought by the Council shall be equal to all moneys expended by the Fund for and in connection with the remediation, including but not limited to reasonable attorneys' fees and costs of litigation expended by the Fund in connection with the release. (Section 50(a) of the Act)*

DRYCLEANER ENVIRONMENTAL RESPONSE TRUST FUND
COUNCIL OF ILLINOIS

NOTICE OF ADOPTED AMENDMENTS

- B) *Except as provided in subsections (f)(9)(C) and (D):*
- i) *The Council shall not seek recovery for expenses in connection with remedial action for a release from a claimant eligible for reimbursement except for any unpaid portion of the deductible. (Section 50(b)(1) of the Act)*
 - ii) *A claimant's liability for a release for which coverage is admitted under the insurance account shall not exceed the amount of the deductible, subject to the limits of insurance coverage. (Section 50(b)(2) of the Act)*
- C) *Notwithstanding subsection (f)(9)(B), the liability of a claimant to the Fund shall be the total costs of remedial action incurred by the Fund, as specified in subsection (f)(9)(A), if the claimant has not complied with the Environmental Protection Act [415 ILCS 5] and its rules or with the Act and its rules. (Section 50(c) of the Act)*
- D) *Notwithstanding subsection (f)(9)(B), the liability of a claimant to the Fund shall be the total costs of remedial action incurred by the Fund, as specified in subsection (f)(9)(A), if the claimant received reimbursement from the Fund through misrepresentation or fraud, and the claimant shall be liable for the amount of the reimbursement. (Section 50(d) of the Act)*
- E) *Upon reimbursement by the Fund for remedial action under the Act, the rights of the claimant to recover payment from a potentially responsible party are assumed by the Council to the extent the remedial action was paid by the Fund. A claimant is precluded from receiving double compensation for the same injury. A claimant may elect to permit the Council to pursue the claimant's cause of action for an injury not compensated by the Fund against a potentially responsible party, provided the Attorney General or his or her designee determines the representation would not be a conflict of interest. (Section 50(e) of the Act)*
- F) *This subsection (f)(9) does not preclude, limit, or in any way affect any of the provisions of or causes of action pursuant to Section*

DRYCLEANER ENVIRONMENTAL RESPONSE TRUST FUND
COUNCIL OF ILLINOIS

NOTICE OF ADOPTED AMENDMENTS

22.2 of the Environmental Protection Act [415 ILCS 5/22.2].
(Section 50(f) of the Act)

- 10) Upon receipt of a signed, written request from the claimant and verification that the applicable deductibles have been paid by the claimant, the Council will directly pay to the primary service provider the amount of reimbursement due the claimant from the Fund for remedial action activities. The claimant must submit to the Fund a copy of cancelled checks supporting that the applicable deductibles have been paid, along with a signed, written statement from the primary service provider verifying the applicable deductibles have been paid. This request will remain in effect until:
 - A) it is rescinded in writing by the claimant; or
 - B) the Fund has reimbursed the maximum benefit allowed; or
 - C) the claim is closed and the Fund has reimbursed the total amount approved for remedial action activities performed at the facility.

- 11) Upon enrollment in the Agency's site remediation program and receipt of a signed, written request from the claimant, the Fund may pay the Agency directly, on eligible claims, the cost incurred by the Agency in its oversight of the drycleaning facility with respect to which the claimant obtained a No Further Remediation letter. This request will remain in effect until:
 - A) the Fund has reimbursed the maximum benefit allowed; or
 - B) the claim is no longer eligible for benefits from the Fund; or
 - C) the facility has completed the project with the Agency and all related oversight costs have been paid in full to the Agency.

- g) Prioritization based upon Fund limitations.
 - 1) The liability of the Fund is further limited by the monies made available to the Fund, and no remedy shall be provided that would require the Fund to exceed its then current funding limitations to satisfy an award or that

DRYCLEANER ENVIRONMENTAL RESPONSE TRUST FUND
COUNCIL OF ILLINOIS

NOTICE OF ADOPTED AMENDMENTS

would restrict the availability of monies for higher priority sites. *The Council may prioritize the expenditure of funds from the remedial action account whenever it determines that there are not sufficient funds to settle all current claims. In prioritizing, the Council may consider the following:*

- A) *The degree to which human health is affected by the exposure posed by the release (Section 25(c)(1) of the Act);*
- B) *The reduction of risk to human health derived from remedial action compared to the cost of the remedial action (Section 25(c)(2) of the Act);*
- C) *The present and planned uses of the impacted property (Section 25(c)(3) of the Act).*

- 2) If the Council determines that there are not sufficient funds to settle all current claims and that prioritization is necessary, the Council will provide notice to all eligible claimants of the need for prioritization and the prioritization schedule. The Council may designate cash reserves to pay for focused site investigations performed through June 30, 2006 and to pay for unknown remediation costs associated with claims that have been prioritized. The initial claim prioritization will include all eligible claims as of the prioritization date set by the Council. Subsequent claim prioritizations will include all eligible claims as of the prioritization date set by the Council, excluding all claims that have previously been prioritized. All claims in the initial prioritization must be funded before conducting subsequent prioritizations. This funding methodology will apply to all subsequent prioritizations.
- 3) The prioritization schedule is as follows:
 - A) First priority will be the abatement of emergency conditions that present an immediate threat to human health and safety, such as explosive vapors in basements or utility conduits and migration of free products into the water supply line or to the off site property.
 - B) Second priority will be the drycleaning facilities located in a township without a groundwater ordinance and when the drycleaning solvent contamination of soil and groundwater of such

DRYCLEANER ENVIRONMENTAL RESPONSE TRUST FUND
COUNCIL OF ILLINOIS

NOTICE OF ADOPTED AMENDMENTS

facilities is likely to cause an immediate adverse effect on human health by contaminating potable water resources.

- C) Third priority will be the drycleaning facilities with drycleaning solvent contaminants of soil and groundwater where migration of these contaminants to neighboring properties seems imminent or immediate, which can result in more costly and complicated remediations in the future.
- D) Fourth priority will be drycleaning facilities at which soil and/or groundwater contamination is at concentration higher than soil saturation limits of drycleaning solvents, according to TACO regulations of the Agency. Active remediation is required to address free product drycleaning solvent contamination.
- E) Fifth priority will be the drycleaning facilities in which soil and/or groundwater contamination is higher than the TACO Tier II level but less than the TACO soil saturation limit. Active remediation may be required or a No Further Remediation letter may be achieved through installation of an engineering barrier and/or through the use of institutional controls.
- F) When the Council determines it necessary to prioritize the claims, each individual claim will be ranked using the following numerical ranking system:

$$\text{Ranking Score} = (S1 \times 20) + (S2 \times 10) + (S3 \times 8) \\ + (S4 \times 6) + (S5 \times 4) + (S6 \times 2)$$

Where:

- S1 = Emergency condition
S2 = Potable water resources contamination
S3 = Migration of contaminants through groundwater or through soil/rock fractures to the neighboring properties
S4 = Facilities with free product solvents

DRYCLEANER ENVIRONMENTAL RESPONSE TRUST FUND
COUNCIL OF ILLINOIS

NOTICE OF ADOPTED AMENDMENTS

- S5 = Facilities with higher than the TACO Tier II level of solvent contamination
- S6 = Facilities with less than the TACO Tier II level of solvent contamination

i) Emergency condition (S1)

Toxic fumes or explosion possibility, i.e., free product migration, etc.

Points: 5

ii) Potable water resources contamination (S2)

Imminent or immediate risk to public water resources such as public wells, rivers, and surface water reservoirs and lakes

Distance	Points
Within 500 feet	5
Within ¼ mile	4
Within ½ mile	3
Within 1 mile	2
Within 1½ miles	1

iii) Migration of contaminants with groundwater or through soil/rock fractures to the neighboring properties (S3)

Time period for the migration of contaminants to the neighboring property given seepage velocity of groundwater and size and location of contamination plume

Time	Points
Within 6 months	5
Within 1 year	4
Within 1½ years	3

DRYCLEANER ENVIRONMENTAL RESPONSE TRUST FUND
COUNCIL OF ILLINOIS

NOTICE OF ADOPTED AMENDMENTS

Within 2 years	2
Within 2½ years	1

iv) Facilities with free product solvents (S4)

The soil at the facility is contaminated with drycleaning solvent higher than TACO soil saturation limits (i.e., PCE > 240 ppm and TCE > 1300 ppm) and/or free product was discovered in on-site wells

Groundwater Ordinance	Points
Rejected or not available	5
Only approved by the township	4
Approved by the Agency and township	3

v) Facilities with higher than the TACO Tier II level of solvent contamination (S5)

Facilities with higher than the TACO Tier II level of solvent contamination but less than soil saturation limits

Groundwater Ordinance	Points
Rejected or not available	5
Only approved by the township	4
Approved by the Agency and township	3

vi) Facilities with less than the TACO Tier II level of solvent contamination (S6)

Facilities with higher than the TACO Tier I level but less than Tier II level of solvent contamination (i.e., Tier I for PCE & TCE ≥ 300 ppb for Class I and 60 ppb for Class II)

Groundwater Ordinance	Points
Rejected or not available	5

DRYCLEANER ENVIRONMENTAL RESPONSE TRUST FUND
COUNCIL OF ILLINOIS

NOTICE OF ADOPTED AMENDMENTS

Only approved by the township	4
Approved by the Agency and township	3

- G) The highest ranked claims will receive priority funding, subject to an analysis of the claimant's ability to pay for remediation costs that are anticipated to exceed the Fund's maximum benefit cap.
- 4) Ability to Pay Remediation Costs
- A) The final step in the prioritization process is to analyze each claimant's ability to pay for remedial action costs that are anticipated to exceed the Fund's maximum benefit cap for the facility. This analysis will be done at the completion of the remedial action plan or, in the case of substantial soil and groundwater contamination, at the completion of the focused site investigation.
- B) If it is apparent that the cost of remedial action will exceed the benefits available to an eligible drycleaning facility, the Administrator will contact the claimant and ask that the claimant respond in writing as to whether it has the financial resources and is willing to expend those resources to remediate the facility.
- C) If the claimant states that it chooses to remediate the facility, the following mechanisms would be deemed acceptable in order to ensure that the claimant has the necessary resources to complete the remedial action once the Fund's maximum benefits have been expended:
- i) Escrow 100% of the estimated remedial action costs that will exceed the Fund's remedial benefit cap. Cash or cash equivalents, such as a certificate of deposit, marketable bonds, etc., would be acceptable for escrow; or
 - ii) A letter of credit from a federally insured financial institution for 100% of the estimated remedial action costs that will exceed the Fund's remedial benefit cap; or

DRYCLEANER ENVIRONMENTAL RESPONSE TRUST FUND
COUNCIL OF ILLINOIS

NOTICE OF ADOPTED AMENDMENTS

- iii) Personal or corporate guarantees for 100% of the estimated cleanup costs that will exceed the Fund's remedial benefit cap. The guarantees would need to be collateralized by liquid assets.
- D) Any eligible claimant who determines that it has neither the financial resources nor the desire to spend its resources on remediation of the facility will be moved to a new and separate prioritization pool. Funding for these claims will only be made available once the cleanups have been completed on all of the other eligible claims that do not exercise these funding limitations.
- 5) Once a claim has been prioritized, it cannot be removed from the prioritized listing unless the claim becomes ineligible for benefits from the Fund or the claimant refuses to remediate the facility in a timely manner.
- 6) If the claimant does not obtain and submit to the Council cost proposals for beginning the remedial action process within 120 days after being notified that his/her remedial claim has been prioritized for funding, the claim will be removed from the prioritization list and the next highest ranked claim will be added to the list. Any claim removed from the prioritization list due to non-timely remedial action by the claimant will be included in the next prioritization pool.
- h) Remedial claim benefits for a specific drycleaning facility can be transferred to a successor drycleaning facility operator or owner upon execution of a remedial benefits transfer form prescribed by the Council and signed by the original claimant and the successor claimant and approved by the Council.

(Source: Amended at 30 Ill. Reg. 19631, effective December 12, 2006)

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Illinois Dental Practice Act
- 2) Code Citation: 68 Ill. Adm. Code 1220
- 3)

<u>Section Numbers</u> :	<u>Adopted Action</u> :
1220.100	Amendment
1220.120	Amendment
1220.140	Amendment
1220.155	Amendment
1220.156	Amendment
1220.160	Amendment
1220.170	Amendment
1220.200	Amendment
1220.220	Amendment
1220.240	Amendment
1220.245	Amendment
1220.260	Amendment
1220.270	Amendment
1220.310	Amendment
1220.320	Amendment
1220.335	Amendment
1220.350	Amendment
1220.360	Amendment
1220.380	Amendment
1220.400	Amendment
1220.405	Amendment
1220.406	New Section
1220.410	Amendment
1220.415	Amendment
1220.421	Amendment
1220.425	Amendment
1220.440	Amendment
1220.441	Amendment
1220.510	Amendment
1220.520	Amendment
1220.525	Amendment
1220.560	Amendment
- 4) Statutory Authority: Illinois Dental Practice Act [225 ILCS 25]

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

- 5) Effective Date of Amendments: December 18, 2006
- 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) Date Notice of Proposal Published in Illinois Register: July 28, 2006; 30 Ill. Reg. 12633
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Differences between proposal and final version: Additional language was added to Section 1220.406 to clarify how a dentist or dental hygienist may be determined to be impaired.
- 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 amendments currently in effect? No. A companion emergency rulemaking, effective 7/18/06 and published at 30 Ill. Reg. 12999 expired on 12/14/06.
- 14) Are there any Amendments pending on this Part? No
- 15) Summary and Purpose of Amendments: Public Act 94-409 is the sunset reauthorization of the Illinois Dental Practice Act; this rulemaking implements its various provisions. Various sections are being amended to reflect the change from a 2-year to a 3-year license. Section 1220.410 is amended to provide for the endorsement of dental specialty licenses. Section 1220.406 is added to implement a program for care, counseling or treatment of impaired dentists and dental hygienists. Section 1220.100 is amended to provide dentists educated outside the United States or Canada an alternative to the requirement that they complete 2 years of clinical training at an American or Canadian dental school. The rulemaking also makes numerous non-substantive changes, including changing references throughout the entire Part from "Department" to "Division" to reflect the consolidation of agencies into the Department of Financial and Professional Regulation and the creation of the Division of Professional Regulation.
- 16) Information and questions regarding these adopted amendments part shall be directed to:

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

Department of Financial and Professional Regulation
Attention: Barb Smith
320 West Washington, 3rd Floor
Springfield, Illinois 62786

217/785-0813 Fax #: 217/557-4451

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

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

TITLE 68: PROFESSIONS AND OCCUPATIONS

CHAPTER VII: DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

PART 1220

ILLINOIS DENTAL PRACTICE ACT

SUBPART A: DENTIST

Section

1220.100	Application for Licensure
1220.110	Application for Examination (Repealed)
1220.120	Dental Examinations
1220.130	System of Retaking the Clinical Sections of the Examination (Repealed)
1220.140	Minimum Standards for an Approved Program in Dentistry
1220.150	Licensure (Repealed)
1220.155	Restricted Faculty Licenses
1220.156	Temporary Training License
1220.160	Restoration
1220.170	Renewal

SUBPART B: DENTAL HYGIENIST

Section

1220.200	Application for Licensure
1220.210	Application for Examination (Repealed)
1220.220	Dental Hygiene Examination
1220.230	System of Grading (Repealed)
1220.231	System of Retaking the Clinical Examination (Repealed)
1220.240	Prescribed Duties for Dental Hygienists
1220.245	Prescribed Duties of Dental Assistants
1220.250	Approved Programs of Dental Hygiene
1220.260	Restoration
1220.270	Renewal

SUBPART C: DENTAL SPECIALIST

Section

1220.310	Applications
1220.320	Examination

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

1220.330	System of Grading (Repealed)
1220.335	American Board Diplomates
1220.340	Specialty Listing (Repealed)
1220.350	Restoration
1220.360	Renewal

SUBPART D: GENERAL

Section

1220.380	Definitions
1220.400	Reportable Diseases and Conditions
1220.405	Reporting of Adverse Occurrences
1220.406	Impaired Dentist and Dental Hygienist Program of Care, Counseling or Treatment
1220.410	Endorsement
1220.415	Fees
1220.421	Advertising
1220.425	Referral Services
1220.431	Employment by Corporation (Repealed)
1220.435	Renewals (Repealed)
1220.440	Continuing Education
1220.441	Granting Variances

SUBPART E: ANESTHESIA PERMITS

Section

1220.500	Definitions
1220.505	Anxiolysis in the Dental Office Setting
1220.510	Conscious Sedation in the Dental Office Setting
1220.520	Deep Sedation and General Anesthesia in the Dental Office Setting
1220.525	Renewal
1220.530	Anesthesia Review Panel (Repealed)
1220.540	Approved Programs in Anesthesiology
1220.550	Reporting of Adverse Occurrences (Repealed)
1220.560	Restoration of Permits

1220.APPENDIX A	Pre-clinical Restorative Dentistry Sub-section (Repealed)
1220.APPENDIX B	Dental Assistant Permitted Procedures (Repealed)
1220.APPENDIX C	Dental Hygienist Permitted Procedures (Repealed)
1220.APPENDIX D	Characteristics of Levels of Anesthesia

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

AUTHORITY: Implementing the Illinois Dental Practice Act [225 ILCS 25] and authorized by Section 2105-15(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/2105-15(7)].

SOURCE: Rules and Regulations for the Administration and Enforcement of the Provisions of the Illinois Dental Practice Act, effective August 16, 1967; amended at 3 Ill. Reg. 16, p. 21, effective April 21, 1979; amended at 3 Ill. Reg. 42, p. 266, effective October 3, 1979; codified at 5 Ill. Reg. 11028; emergency amendment at 6 Ill. Reg. 916, effective January 6, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 4174, effective May 24, 1982; amended at 6 Ill. Reg. 7448, effective June 15, 1982; emergency amendment at 7 Ill. Reg. 8952, effective July 15, 1983, for a maximum of 150 days; emergency expired December 12, 1983; amended at 8 Ill. Reg. 15610, effective August 15, 1984; amended at 10 Ill. Reg. 20725, effective December 1, 1986; transferred from Chapter I, 68 Ill. Adm. Code 220 (Department of Registration and Education) to Chapter VII, 68 Ill. Adm. Code 1220 (Department of Professional Regulation) pursuant to P.A. 85-225, effective January 1, 1988, at 12 Ill. Reg. 2926; amended at 13 Ill. Reg. 4191, effective March 16, 1989; amended at 13 Ill. Reg. 15043, effective September 11, 1989; amended at 17 Ill. Reg. 1559, effective January 25, 1993; emergency amendment at 17 Ill. Reg. 8309, effective May 21, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 15890, effective September 21, 1993; amended at 17 Ill. Reg. 21492, effective December 1, 1993; amended at 19 Ill. Reg. 6606, effective April 28, 1995; amended at 21 Ill. Reg. 378, effective December 20, 1996; emergency amendment at 22 Ill. Reg. 2332, effective January 8, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 10574, effective June 1, 1998; amended at 22 Ill. Reg. 14880, effective July 29, 1998; amended at 23 Ill. Reg. 7294, effective June 10, 1999; amended at 24 Ill. Reg. 13992, effective August 31, 2000; amended at 25 Ill. Reg. 10901, effective August 13, 2001; amended at 26 Ill. Reg. 18286, effective December 13, 2002; amended at 30 Ill. Reg. 8574, effective April 20, 2006; emergency amendment at 30 Ill. Reg. 12999, effective July 18, 2006, for a maximum of 150 days; emergency expired December 14, 2006; amended at 30 Ill. Reg. 19656, effective December 18, 2006.

SUBPART A: DENTIST

Section 1220.100 Application for Licensure

An applicant for a license to practice dentistry in Illinois shall file an application on forms supplied by the Department of Financial and Professional Regulation-Division of Professional Regulation (~~Division the Department~~) that~~which~~ shall include:

- a) ~~A complete work history indicating all employment since graduation from dental school.~~ b) For graduates from a dental college or school in the United States or Canada, certification of successful completion of 60 semester hours or its equivalent of college pre-dental education, and graduation from a dental program

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

specified in Section 1220.140.

- ~~b)e)~~ For graduates from a dental college or school outside of the United States or Canada:
- 1) Certification of graduation from a dental college or school; and
 - 2) Clinical Training ~~Certification that the applicant was authorized to practice in the jurisdiction in which the applicant completed dental school; 3)~~
 - A) Certification from an approved dental college or school in the United States or Canada that the applicant has completed a minimum of 2 years of clinical training at the school in which the applicant met the same level of scientific knowledge and clinical competence as all graduates from that school or college. The 2 years of clinical training shall consist of:
 - iA) 2850 clock hours completed in 2 academic years for full-time applicants; or
 - iiB) 2850 clock hours completed in 4 years with a minimum of 700 hours per year for part-time applicants; or
 - B) In the alternative, certification, from the program director of an accredited advanced dental education program approved by the Division, of completion of no less than 2 academic years may be substituted for the 2 academic years of general dental clinical training.
 - 4) ~~Certification from an Illinois dental college or school approved clinical program that the applicant has completed the program and was enrolled for not less than one year prior to January 1, 1993.~~
- d) The required fee set forth in Section 1220.415(a)(1) of this Part.
- e) Proof of successful completion of the Theoretical examination given by the Joint Commission on National Dental Examinations. In order to be successful, a grade of at least 75 is required. The National Board Certificate must be mailed to the Division ~~Department~~ by the Joint Commission.

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

- f) Proof of successful completion of an examination set forth in Section 1220.120(a).
- g) Certification, on forms provided by the ~~Division~~Department, from the state in which an applicant was originally licensed and is currently licensed, if applicable, stating:
 - 1) The time during which the applicant was licensed in that state, including the date of the original issuance of the license; and
 - 2) Whether the file on the applicant contains any record of disciplinary actions taken or pending.

(Source: Amended at 30 Ill. Reg. 19656, effective December 18, 2006)

Section 1220.120 Dental Examinations

- a) The ~~Department of Financial and Professional Regulation-Division of Professional Regulation (Division)~~, upon recommendation of the Board of Dentistry (Board), shall accept the American Dental Licensing Examination (ADLEX) developed by the American Board of Dental Examiners, Inc. (ADEX) for licensure. The passing score accepted by the Division shall be the passing score established ~~by the testing entity in the American Dental Licensing Examination Candidate's Manual (American Board of Dental Examiners, Inc., 207 East Ohio St. #379, Chicago, Illinois 60611 (2006)), no later amendments or editions included.~~ Dental licensure candidates can view and download a copy of the Candidate's Manual online at www.nerb.org/manual.htm or www.crds.org/dental.htm.
- b) The Division, upon recommendation from the Board, shall also accept the following examinations for licensure if administered and passed in their entirety prior to October 1, 2006:
 - 1) Central Regional Dental Testing Service (CRDTS) and North East Regional Board (NERB) Combined Regional Examination (CORE) with a passing score of 75. Beginning July 1, 1998, the passing score accepted by the Division shall be the passing score established by the testing entity;
 - 2) The North East Regional Board (NERB) with a passing score of 75 or better on each part. Beginning July 1, 1998, the passing score accepted by

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

the Division shall be the passing score established by the testing entity;

- 3) The Central Regional Dental Testing Service (CRDTS) Examination taken after January 1, 1988, with a passing score of 75 or better on each part of the examination prior to May 1993. Beginning in May 1993, a passing score of 70 or better on each part of the examination shall be accepted for licensure. Beginning July 1, 1998, the passing score accepted by the Division shall be the passing score established by the testing entity. Beginning July 1, 2002, the passing score on the examination shall be 75;
 - 4) The Southern Regional Testing Agency, Inc. (SRTA) Examination taken after January 1, 1991, with a passing score of 75% or better on each section of the examination. Beginning July 1, 1998, the passing score accepted by the Division shall be the passing score established by the testing entity; or
 - 5) The Western Regional Examination Boards (WREB) Examination taken after May 1, 1998, with a passing score as established by the testing entity.
- c) Retake requirements shall be that of the testing entity.
 - d) The applicant shall have the examination scores submitted to the Division directly from the reporting entity.
 - e) The Division will accept only examinations that have been completed in the 5 years prior to submission of the application, if never licensed in another jurisdiction.

(Source: Amended at 30 Ill. Reg. 19656, effective December 18, 2006)

Section 1220.140 Minimum Standards for an Approved Program-in Dentistry

A dental program shall meet the following requirements:

- a) The curriculum must include at least ~~4~~four academic years of instruction or its equivalent.
- b) Biomedical, Behavioral, and Clinical Science instruction must be integrated and of sufficient depth, scope, timeliness, quality and emphasis to ensure achievement of the curriculum's defined competencies.

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

- c) The stated goals of the dental education program must include the preparation of graduates who possess the knowledge and values to begin the practice of general dentistry.
- d) A graduate shall be competent in:
 - 1) Providing oral health care within the scope of general dentistry for all age groups, as well as the medically compromised patient.
 - 2) Functioning in the community and practice environment.
- e) The curriculum must include the following areas of instruction:
 - Ethics
 - Critical thinking
 - Professional and community involvement
 - Patient management
 - History and examination
 - Diagnosis
 - Treatment planning
 - Emergency care
 - Prevention and maintenance
 - Oral medicine
 - Therapeutics/pharmacology
 - Periodontal therapy
 - Endodontic therapy

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

Surgical therapy

Occlusal therapy

Orthodontic therapy

Restorative/prosthetic therapy

Office management

Personnel management

- f) Graduates must be competent in providing appropriate life support measures for medical emergencies that may be encountered in dental practice.
- g) In determining whether a program should be approved, the ~~Division~~Department shall take into consideration but not be bound by accreditation by the Commission on Dental Accreditation of the American Dental Association.
- h) The ~~Division~~Department, upon the recommendation of the Board, has determined that all of the dental programs accredited by the Commission on Dental Accreditation of the American Dental Association as of ~~July 2006~~January 2002, meet the minimum curriculum criteria set forth in this Section and are, therefore, approved.

(Source: Amended at 30 Ill. Reg. 19656, effective December 18, 2006)

Section 1220.155 Restricted Faculty Licenses

- a) Pursuant to Section 11(d) of the Act, the ~~Division~~Department shall issue a Restricted Faculty License to an individual who files an application, on forms provided by the ~~Division~~Department, ~~that~~which includes:
- 1) ~~A complete work history since graduation from a dental program;~~
 - 2) Certification of licensure from the jurisdiction of original licensure and current licensure;
 - A) The time during which the applicant was licensed in that jurisdiction, including the date of the original license;

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

B) Whether the files of the jurisdiction contain any record of disciplinary action taken or pending;

~~2)3)~~ A certification, on forms provided by the ~~Division~~Department, signed by the Dean of the school or hospital administrator, indicating:

A) The name and address of the dental school or hospital;

B) The beginning and ending date of the appointment;

C) The nature of and the need for the educational service that will be provided by the applicant;

~~3)4)~~ The required fee set forth in Section 1220.415(a)(7).

b) The restricted ~~faculty~~faculty license shall be valid for ~~32~~ years from the date of issuance and may be renewed in accordance with subsection (e).

c) The holder of a restricted faculty license may perform acts as may be required by his or her teaching of dentistry and may practice general dentistry or in his/her area of specialty, but only in a clinic or office affiliated with the dental school.

d) Any restricted faculty license issued to a faculty member shall be terminated immediately and automatically without any further action by the ~~Division~~Department if the holder ceases to be a faculty member at an approved dental school or hospital in this State.

e) Application for renewal of a restricted faculty license shall be made on forms supplied by the ~~Division~~Department at least 60 days prior to expiration of the license. The application shall include:

1) Certification from the Dean of a dental program or the administrator of the hospital indicating the term of the renewal contract, not to exceed ~~3~~two years from the date of the original expiration date;

2) Certification from the jurisdiction of current licensure indicating the current status of the license; and

3) The fee set forth in Section 1220.415(b).

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

(Source: Amended at 30 Ill. Reg. 19656, effective December 18, 2006)

Section 1220.156 Temporary Training License

- a) A person seeking a Temporary Training License in Illinois pursuant to Section 11(c) of the Act shall file an application, on forms provided by the ~~Division~~Department, ~~that~~which includes:
- 1) ~~A complete work history since graduation from dental school;~~ 2) Certification of graduation and/or transcripts from a dental school or program;
 - 2)3) Certification signed by the Dean/hospital administrator of the specialty or residency program indicating the name of the specialty/residency program, the name and address of the dental school/hospital/institution in which the applicant will be located and the beginning and ending dates of the training;
 - 3)4) Certification of licensure in another jurisdiction in which the applicant is currently licensed, stating, if applicable:
 - A) The time during which the applicant was licensed in that jurisdiction, including the date of original issuance of the license;
 - B) A description of the licensure examination in that jurisdiction;
 - C) Whether the file on the applicant contains a record of any disciplinary actions taken or pending;
 - 4)5) The required fee set forth in Section 1220.415(a)(8).
- b) The Temporary Training License will be issued for the duration of the residency or specialty training and may be extended as set forth in subsection (c) ~~below~~.
- c) The holder of a Temporary Training License may request in writing an extension of a temporary license and pay a \$20 processing fee ~~that~~which covers the cost of printing a new temporary license. The Temporary Training License may be extended in the following circumstances:
- 1) Proof of continuance of a residency/specialty training program;

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

- 2) Serving full-time in the Armed Forces; or
- 3) An incapacitating illness as documented by a currently licensed physician.
- d) A Temporary Training License may be transferred from one program to another only upon the return of the temporary license and receipt by the ~~Division~~Department of a new application that contains a ~~work history~~ certificate of acceptance that the resident will be accepted or appointed to a specialty/residency position and the temporary license fee.
- e) The holder of a Temporary Training License may only perform such acts as may be prescribed and incidental to the training in the designated facility and may not engage in the practice of dentistry in Illinois.

(Source: Amended at 30 Ill. Reg. 19656, effective December 18, 2006)

Section 1220.160 Restoration

- a) A licensee seeking restoration of a dental license after it has expired or has been placed on inactive status for less than 5 years shall have the license restored by submitting proof of 32 hours of continuing education in accordance with Section 1220.440 completed within 2 years prior to the restoration application and payment of \$20 plus all lapsed renewal fees. Individuals restoring a license from inactive status shall only be required to pay the current renewal fee.
- b) A licensee seeking restoration of a dental license after it has expired or has been placed on inactive status for 5 years or more shall file an application, on forms supplied by the ~~Division~~Department, together with proof of 32 hours of continuing education in accordance with Section 1220.440 completed within 2 years prior to the restoration application and the fees required by Section 21 of the Act. Individuals restoring a license from inactive status shall only be required to pay the current renewal fee. The licensee shall also submit either:
 - 1) Certification of lawful active practice in another jurisdiction for 3 of the last 5 years. Such certification shall include a statement from the appropriate board or licensing authority in the other jurisdiction that the licensee was authorized to practice during the term of said active practice;
or

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

- 2) An affidavit attesting to military service as provided in Section 16 of the Act. If an applicant applies for restoration of a license within 2 years of termination of such service, he/she shall have the license restored without paying any lapsed renewal or restoration fees.
- c) If the licensee has not maintained an active practice in another jurisdiction for over 5 years, he/she shall be required to take and pass an examination set forth in Section 1220.120.

(Source: Amended at 30 Ill. Reg. 19656, effective December 18, 2006)

Section 1220.170 Renewal

- a) ~~Beginning with the September 30, 2006 renewal, every~~Every dental license issued under the Act shall expire on September 30 ~~every 3 years of each even-numbered year.~~ The holder of a license may renew the license during the month preceding the expiration date thereof by paying the fee required in Section 21 of the Act and certifying to fulfillment of 32 hours of continuing education pursuant to Section 1220.440.
- b) It is the responsibility of each licensee to notify the ~~Division~~Department of any change of address. Failure to receive a renewal form from the ~~Division~~Department shall not constitute an excuse for failure to pay the renewal fee ~~or to renew and renewal of~~ one's license.
- c) Practicing or offering to practice on a license ~~that~~which has expired shall be considered unlicensed activity and shall be grounds for discipline pursuant to Section 23 of the Act.

(Source: Amended at 30 Ill. Reg. 19656, effective December 18, 2006)

SUBPART B: DENTAL HYGIENIST

Section 1220.200 Application for Licensure

An applicant for licensure as a dental hygienist shall file an application, on forms supplied by the ~~Division~~Department, ~~that~~which shall include:

- a) Certification of successful completion of 2 academic years of credit from a dental hygiene program approved by the Commission on Dental Accreditation of the

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

American Dental Association;

- b) Proof that the applicant has passed the National Dental Hygienist Board Examination given by the Joint Commission on National Dental Examinations and has been issued a National Board Certificate, mailed to the ~~Division~~Department by the Joint Commission. In order to be successful, a grade of at least 75 is required;
- c) Proof of successful completion of an examination pursuant to Section 1220.220(a) received directly from the testing entity;
- d) ~~A complete work history since graduation from a dental hygiene program;~~ e) A current certification in cardiopulmonary resuscitation from the American Red Cross, the American Heart Association or an equivalent agency or a statement from a licensed physician indicating that the applicant is physically disabled and unable to obtain certification;
- e)f) Certification, on forms provided by the ~~Division~~Department, from the state in which an applicant was originally licensed and is currently licensed, if applicable, stating:
 - 1) The time during which the applicant was licensed in that state, including the date of the original issuance of the license; and
 - 2) Whether the file on the applicant contains any record of disciplinary actions taken or pending;
- f)g) The required fee set forth in Section 1220.415(a)(3).

(Source: Amended at 30 Ill. Reg. 19656, effective December 18, 2006)

Section 1220.220 Dental Hygiene Examination

- a) The Division, upon recommendation of the Board, shall accept the American Dental Licensing Examination (ADLEX) developed by the American Board of Dental Examiners, Inc. (ADEX) for licensure. The passing score accepted by the Division shall be the passing score established ~~by the testing entity in the American Dental Licensing Examination Candidate's Manual (American Board of Dental Examiner's, Inc., 207 East Ohio St. #379, Chicago, Illinois 60611 (2006)); no later amendments or editions included.~~ Dental hygiene licensure candidates

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

can view and download a copy of the Candidate's Manual online at www.nerb.org/manual.htm or www.crdts.org/dental.htm.

- b) The Division, upon recommendation from the Board, shall also accept the following examinations for licensure if administered and passed in their entirety prior to October 1, 2006:
- 1) The North East Regional Board (NERB) with a passing score of 75 or better on each part of the examination. Beginning July 1, 1998, the passing score accepted by the Division shall be the passing score established by the testing entity;
 - 2) The Central Regional Dental Testing Service (CRDTS) Examination after January 1, 1988, with a passing score of 75 prior to May 1993. Beginning in May 1993 a passing score of 70 or better on each part of the examination shall be accepted for licensure. Beginning July 1, 1998, the passing score accepted by the Division shall be the passing score established by the testing entity. Beginning July 1, 2002, the passing score on the examination shall be 75;
 - 3) The Southern Regional Testing Agency, Inc. (SRTA) Examination after January 1, 1991, with a passing score of 75% or better on each part of the examination. Beginning July 1, 1998, the passing score accepted by the Division shall be the passing score established by the testing entity; or
 - 4) The Western Regional Examination Boards (WREB) Examination taken after May 1, 1998, with a passing score as established by the testing entity.
- c) Retake requirements shall be that of the testing entity.
- d) The applicant shall have examination scores submitted to the Division directly from the reporting entity.
- e) The Division will only accept examinations that have been completed in the 5 years prior to submission of the application, if never licensed in another jurisdiction.

(Source: Amended at 30 Ill. Reg. 19656, effective December 18, 2006)

Section 1220.240 Prescribed Duties of Dental Hygienists

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

- a) Dental hygienists may perform the operative procedure of dental hygiene, consisting of oral prophylaxis procedures.
- b) Dental hygienists may perform dental health education functions and may record case histories and oral conditions observed.
- c) Dental hygienists may perform all procedures that may be performed by an appropriately trained dental assistant.
- d) Dental hygienists shall not perform those procedures ~~that~~ which constitute the practice of dentistry as described in the Illinois Dental Practice Act. Hygienists may not perform procedures that require the professional judgment and skill of a dentist. Such prohibited procedures include, but shall not be limited to, the following:
 - 1) Making denture adjustments.
 - 2) Condensing or carving amalgam restorations.
 - 3) Placing and finishing composite restorations.
 - 4) Taking final impressions for the fabrication of prosthetic appliances, crowns, bridges, inlays, onlays or other restorative or replacement dentistry.
 - 5) Permanently cementing permanent crowns or bridges.
 - 6) Permanently re-cementing permanent crowns or bridges that have come loose.
- e) Dental hygienists may administer and monitor nitrous oxide under the following conditions:
 - 1) The dental hygienist functions under the supervision of the dentist who remains in the facility;
 - 2) The dental hygienist may administer (start the flow of) nitrous oxide to the patient and control the induction of the gas, so that the patient is at a level of analgesia not anesthesia;

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

- 3) The dental hygienist may remove the patient from nitrous oxide when the hygiene procedures have been completed; and
 - 4) The dental hygienist is responsible for obtaining proof of certification, validating completion of a 12 hour course relative to nitrous oxide analgesia and submitting certification to the dentist. Such course shall have been completed no earlier than December 31, 1994. A dental hygienist who completed the 12 hour course shall complete an additional 2 hour course in nitrous oxide analgesia administration. The dental hygienist, who has not completed the 12 hour course, shall complete an approved course of 14 hours relative to the administration and monitoring of nitrous oxide analgesia and submit certification of successful completion to the dentist. Such course shall have been completed no earlier than January 1, 1998. An individual who graduated from an approved dental hygiene program after January 1, 1998 that contained nitrous oxide analgesia administration and monitoring in the curriculum shall not be required to complete the 14 hour course upon proof to the dentist of the required curriculum. Proof of nitrous oxide analgesia education shall be made available to the ~~Division~~Department upon request. The required hours shall include both didactic and clinical components and be given by a continuing education sponsor approved pursuant to Section 1220.440 or a dental hygiene program approved by the ~~Division~~Department pursuant to Section 1220.250.
- f) Dental hygienists may administer local anesthetics under the following conditions:
- 1) The dental hygienist functions under the supervision of the dentist who remains in the facility.
 - 2) The dental hygienist is responsible for obtaining proof of certification, indicating successful completion of a 32 hour course that contains 24 hours of lecture and 8 hours of clinical training relative to the administration of local anesthetics and submitting certification to the dentist. An individual who graduated from an approved dental hygiene program after January 1, 1999 that contained administration of local anesthetics in the curriculum shall not be required to complete the 32 hour course upon proof to the dentist of the required curriculum. Proof of completion of education shall be made available to the

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

~~Division~~Department upon request. The required hours shall include both didactic and clinical components and be given by a continuing education sponsor approved pursuant to Section 1220.440 or a dental or a dental hygiene program approved by the ~~Division~~Department pursuant to Section 1220.250. The course shall contain at a minimum the following topics:

- A) Patient preevaluation, which includes dental and medical health history (e.g., drug interactions/anxiety/pain and a physical evaluation);
 - B) Pharmacology (e.g., drugs/types, vasoconstrictors, dosages, toxicity);
 - C) Recordkeeping;
 - D) Anatomy/Neuroanatomy/Physiology;
 - E) Armamentarium;
 - F) Techniques that include adjunctive use of topical anesthetics, mandibular block and infiltration;
 - G) Complications;
 - H) Post-operative instructions; and
 - I) Clinical experience that includes combining techniques for quadrant anesthesia and practical use of different techniques in all areas of oral cavity.
- 3) A dental hygienist who was licensed in another state and was authorized to administer local anesthesia in that jurisdiction will not be required to complete an additional course. Proof shall be submitted to the dentist and shall be made available to the ~~Division~~Department upon request.
- g) The licensed dentist need not be present in the facility for a dental hygienist to perform the procedures set forth in this Section (except for the administration and monitoring of nitrous oxide and the administration of injectable local anesthetics, which must be done under the ~~direct~~direction and supervision of a dentist as outlined in subsection (e)(1)) on persons who reside in a long-term care facility

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

licensed by the State of Illinois or a mental health or developmental disability facility operated by the Department of ~~Human Services Mental Health and Developmental Disabilities~~ hospital or other similar institution and are unable to travel to a dental office because of illness or infirmity. The dentist shall personally examine and diagnose the patient and determine which services are necessary to be performed, which shall be contained in a written order to the hygienist. ~~The Such~~ order must be implemented within 90 days ~~after~~of its issuance and an updated medical history and oral inspection must be performed by the hygienist immediately prior to beginning the procedures to ensure that the patient's health has not changed in any manner to warrant a re-examination by the dentist.

- h) All intraoral procedures performed by a dental auxiliary, except those provided for in subsections (b) and (g), must be examined by the supervising dentist prior to the dismissal of the patient from the facility that day.

(Source: Amended at 30 Ill. Reg. 19656, effective December 18, 2006)

Section 1220.245 Prescribed Duties of Dental Assistants

- a) "Dental Assistant" means an appropriately trained person who, under the supervision of a dentist, provides dental services or procedures as authorized by Section 17 of the Illinois Dental Practice Act or as prescribed by this Part. "Appropriately trained" means a person who:
- 1) Has completed formal training as a condition for administering a specific service or procedure as required by the Illinois Dental Practice Act or this Part; and
 - 2) Is considered, for all other authorized or prescribed services or procedures, by the supervising dentist to be competent to render such service or procedure as a result of on-the-job training.
- b) Provided that a dental assistant is appropriately trained pursuant to this Section and is acting under the supervision and full responsibility of a dentist, a dental assistant may perform any dental service or procedure except the following:
- 1) Any and all diagnosis of or prescription for treatment of disease, pain, deformity, deficiency, injury or physical condition of the human teeth or jaws, or adjacent structures.

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

- 2) Removal of, restoration of, or addition to the hard or soft tissues of the oral cavity. For purposes of this Section, coronal polishing and acid etching of a tooth surface are not considered removal of hard or soft tissues.
- 3) Any and all correction of malformation of teeth or of the jaws.
- 4) Administration of anesthetics except for topical anesthetics and monitoring of nitrous oxide as specified in this Section.
- 5) Removal of calculus from teeth.
- 6) Taking of final impressions for the fabricating of prosthetic appliances, crowns, bridges, inlays, onlays, or other restorative or replacement dentistry.
- 7) The operative procedure of dental hygiene consisting of oral prophylactic procedures except for coronal polishing as specified in this Section.
- 8) Making denture adjustments.
- 9) Condensing or carving amalgam restorations.
- 10) Placing and finishing composite restorations.
- 11) Permanently cementing permanent crowns or bridges.
- 12) Permanently re-cementing permanent crowns or bridges that have come loose.
- 13) Placement of any chemotherapeutic agent for the management of periodontal disease.
- 14) Applying cavity bases.
- 15) Cementing bands and/or bonding brackets.
- 16) Performing supragingival or subgingival scaling.

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

- 17) Performing pulp vitality tests.
- c) A dental assistant, who is at least 18 years of age and has 1000 hours of clinical dental assisting experience or has graduated from a dental assistant program accredited by the Commission on Dental Accreditation of the American Dental Association, or is a currently certified dental assistant as designated by the Dental Assisting National Board, Inc., may perform the following services and procedures, but only under the following terms and conditions:
 - 1) Monitoring nitrous oxide, provided:
 - A) The dental assistant has completed an approved course of 12 hours relative to nitrous oxide analgesia and has submitted certification to the dentist of valid completion of such course. Such course shall have been completed no earlier than January 1, 1998. Proof shall be made available to the ~~Division~~Department upon request. The required hours shall include both didactic and clinical components and have been designed by an educational institution such as a dental school, dental hygiene or dental association program or by an approved CE sponsor and include areas of anatomy, physiology, pharmacology and dental emergencies. Courses being offered by CE sponsors approved pursuant to Section 1220.440(b)(2)(N) must be preapproved by the ~~Division~~Department prior to their initial offering and must meet the requirements set forth in this subsection (c)(1). In addition to the required hours, the assistant must be currently certified in CPR;
 - B) The dental assistant is functioning under the supervision of the dentist who remains in the facility;
 - C) Only a dentist or dental hygienist qualified pursuant to Section 1220.240(e) shall administer (start the flow of) nitrous oxide to the patient and control the induction of the gas so that the patient is at a level of analgesia, not anesthesia;
 - D) Only a dentist or dental hygienist qualified pursuant to Section 1220.240(e) shall remove the patient from nitrous oxide when the dentist or dental hygienist has completed the procedures on the patient.

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

- 2) Coronal polishing, provided:
 - A) The dental assistant has completed an approved course of 6 hours relative to coronal polishing and has submitted certification of successful completion to the dentist. Such course shall have been completed no earlier than January 1, 1998. Proof shall be made available to the ~~Division~~Department upon request. The required hours shall include a minimum of 4 hours of didactic study in areas of anatomy, physiology, pharmacology and dental emergencies and 2 hours of clinical instruction and have been provided by an educational institution such as a dental school, dental hygiene or dental assistant program or by an approved CE sponsor. Courses being offered by CE sponsors approved pursuant to Section 1220.440(b)(2)(N) must be preapproved by the ~~Division~~Department prior to their initial offering and must meet the requirements set forth in this subsection (c)(2). The assistant must pass an examination in the didactic portion of the course and the clinical portion must contain experience on human subjects;
 - B) Coronal polishing shall be limited to polishing the clinical crown of the tooth and existing restoration, supragingivally;
 - C) Coronal polishing shall be limited to the use of slow speed rotary instruments using a rubber cup and/or brush polishing method. The use of air polish by dental assistants is not permitted; and
 - D) A dentist shall be limited to supervising ~~4~~four dental assistants at any one time for the task of coronal polishing.
- 3) Pit and fissure sealant application, provided:
 - A) The dental assistant has completed a course of at least 2 hours of didactic study and 2 hours of clinical instruction;
 - B) Prior to being permitted to place sealants in accord with this Section, the supervising dentist has personally observed the dental assistant successful place 6 pit and fissure sealants;
 - C) The supervising dentist must document that the training has been completed; and

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

- D) The supervising dentist is responsible for examining the patient prior to and following the placement of sealants by a dental assistant.
- d) An individual who graduated from an approved dental assisting program after January 1, 1999 that contained monitoring of nitrous oxide, coronal polishing, and sealant application in the curriculum shall not be required to complete an additional course or courses in these areas as prescribed in this Section upon proof to the dentist of having successfully completed the required curriculum.
- e) All intraoral procedures performed by a dental assistant must be examined by the supervising dentist prior to the dismissal of the patient from the facility that day.

(Source: Amended at 30 Ill. Reg. 19656, effective December 18, 2006)

Section 1220.260 Restoration

- a) A licensee seeking restoration of a dental hygienist license after it has expired or been placed on inactive status for less than 5 years shall have the license restored by submitting proof of 24 hours of continuing education pursuant to Section 1220.440 within 2 years prior to application for restoration, proof of certification in cardiopulmonary resuscitation or a statement from a licensed physician indicating that the applicant is physically disabled and unable to obtain certification and payment of ~~\$20~~\$10 plus all lapsed renewal fees, but not to exceed \$85. Individuals restoring a license from inactive status shall only be required to pay the current renewal fee.
- b) A licensee seeking restoration of a dental hygienist license after it has expired or been placed on inactive status for 5 years or more shall file an application, on forms supplied by the ~~Division~~Department, together with the fees required by Section 21 of the Act, proof of 24 hours of continuing education pursuant to Section 1220.440 within 2 years prior to application for restoration and proof of certification in cardiopulmonary resuscitation or a statement from a licensed physician indicating that the applicant is physically disabled and unable to obtain certification. Individuals restoring a license from inactive status shall only be required to pay the current renewal fee. The licensee shall also submit either:
- 1) Certification of lawful active practice in another jurisdiction for at least 3 of the last 5 years. The certification shall include a statement from the

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

appropriate board or licensing authority in the other jurisdiction that the licensee was authorized to practice during the term of said active practice;
or

- 2) An affidavit attesting to military service as provided in Section 16 of the Act. If an applicant applies for restoration of a license within 2 years of termination of such service, he/she shall have the license restored without paying any lapsed renewal or restoration fees.
- c) If the licensee has not maintained an active practice in another jurisdiction for over 5 years, he/she shall be required to take and pass the clinical examination as provided in Section 1220.220 ~~or take and pass the NERB, CRDTS, SRTA or WREB examination.~~

(Source: Amended at 30 Ill. Reg. 19656, effective December 18, 2006)

Section 1220.270 Renewal

- a) ~~Beginning with the September 30, 2006 renewal, every~~Every dental hygienist license issued under the Act shall expire on September 30 ~~every 3 years of each even numbered year.~~ The holder of a license may renew the license during the month preceding the expiration date by:
 - 1) certifying on the application to completion of 24 hours of continuing education pursuant to Section 1220.440 of this Part;
 - 2) certifying to current certification in cardiopulmonary resuscitation or a statement from a licensed physician indicating that the applicant is physically disabled and unable to obtain certification; and
 - 3) submitting the fee required in Section 21 of the Act.
- b) It is the responsibility of each licensee to notify the ~~Division~~Department of any change of address. Failure to receive a renewal form from the ~~Division~~Department shall not constitute an excuse for failure to pay the renewal fee ~~or to renew and renewal of~~ one's license.
- c) Practicing or offering to practice on a license ~~that which~~ has expired shall be considered unlicensed activity and shall be grounds for discipline pursuant to Section 23 of the Act.

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

(Source: Amended at 30 Ill. Reg. 19656, effective December 18, 2006)

SUBPART C: DENTAL SPECIALIST

Section 1220.310 Applications

- a) An applicant for examination for licensure as a dental specialist must be currently licensed as a dentist in Illinois and must file an application at least 60 days prior to date of examination. The application shall include the following:
 - 1) Certification of completion of dental specialty training in accordance with subsection (b) ~~below~~;
 - 2) ~~A complete work history since graduation from dental school;~~ 3) The fee required in Section 1220.415(a)(2) of this Part.
- b) To further qualify for examination as a specialist in Endodontics, Pediatric Dentistry, Prosthodontics, Periodontics, Oral and Maxillofacial Radiology, or Orthodontics and Dentofacial Orthopedics, the applicant must submit, in addition to the requirements of subsection (a) ~~above~~, records, certified by the director of the program, showing that the applicant has successfully completed a course of study of not less than 2 academic years in a program approved by the Division~~Department~~, in the dental specialty he/she proposes to practice.
- c) To further qualify for examination as a specialist in Oral and Maxillofacial Surgery, the applicant must submit, in addition to the requirements of subsection (a) ~~above~~, the following:
 - 1) The Oral and Maxillofacial Surgery application must contain evidence that the applicant has successfully completed a 4 year (48 months) period of training in oral and maxillofacial surgery in a school and/or hospital approved by the Division~~Department~~. A minimum of 30 months shall be in clinical oral and maxillofacial surgery. ~~Preceptor training program (training not conducted in an approved school and/or hospital program) is not recognized in satisfaction of any part of the 4 year requirement.~~ The schedule shall include 24 months of full-time hospital training in an acceptable oral and maxillofacial surgery residency program. Not less than 4 months of this period must be devoted to training in anesthesiology.

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

- 2) Certified records are required from the Dean of the dental school or the head of the Oral and Maxillofacial Surgery Department of the hospital or clinic in which the oral and maxillofacial surgery training took place. The records must attest to the individual's successful completion of the program.
- d) After July 1, 1994, periodontic specialty programs shall be 3 consecutive academic years with a minimum of 30 months of instruction. At least 2 consecutive years of clinical education must take place in a single educational setting. Applicants who completed periodontic specialty training prior to July 1, 1994, shall have successfully completed a course of study of not less than 2 academic years in a program approved by the ~~Division~~Department.
- e) For the purpose of approving dental specialty education programs, the ~~Division~~Department shall apply the standards used by the American Dental Association as approved by its Commission on Dental Accreditation specified in the "Requirements for Advanced Specialty Education Programs", approved July 1, 1994, which are ~~herein~~incorporated by reference in this Part and include no later amendments.
- f) The provisions of this Section shall apply to all applicants upon adoption without regard to where an applicant is in the application process.

(Source: Amended at 30 Ill. Reg. 19656, effective December 18, 2006)

Section 1220.320 Examination

- a) Examination for dental specialist licensure shall be held at least once each year and be conducted in the following specialties:
- Endodontics
- Oral and Maxillofacial Surgery
- Orthodontics and Dentofacial Orthopedics
- Pediatric Dentistry
- Periodontics

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

Prosthodontics

Oral and Maxillofacial Radiology

- b) The examination for dental specialty licensure shall contain 2 parts in the specialty for which the applicant is applying and consist of a:
 - 1) Clinical Examination; and a
 - 2) Presentation of Case Histories and Oral Examination.
- c) The Clinical is a written examination thatwhich shall test the applicant's knowledge in the subjects thatwhich constitute the science and art of the specialty for which the applicant is applying.
- d) The Presentation of Case Histories and Oral Examination shall be evidence of the applicant's skill in his specialty. Applicants are required to submit case histories as specified in the candidate examination information packet received from the DivisionDepartment, or its designated testing service, prior to examination. Case histories shall be representative of the treatment situations encountered in the specialty for which the applicant is applying, and shall be cases in which the applicant had primary responsibility and control over the treatment method.
- e) Applicants for dental specialist licensure shall have passed the Examination for dental specialist licensure in the specialty for which he is applying within the 3 years prior to licensure. The 3 years shall be computed from the date of the successful examination.
- f) The written clinical part of the examination shall be waived for applicants who have passed the theoretical written portion of the American Board Examination in the specialty for which they are applying.
- g) An applicant must score a grade of 75 or better in each part of the dental specialist licensure examination.
- h) An applicant will not be required to retake any part of the dental specialty examination on which a score of 75 or more was received.
- i) The provisions of this Section shall apply to all applicants upon adoption without regard to where an applicant is in the application process.

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

(Source: Amended at 30 Ill. Reg. 19656, effective December 18, 2006)

Section 1220.335 American Board Diplomates

- a) An applicant for dental specialist licensure as a specialist in Endodontics, Pediatric Dentistry, Periodontics, Prosthodontics, Orthodontics and Dentofacial Orthopedics, Oral Maxillofacial Radiology or Oral and Maxillofacial Surgery who is also certified as an American Board Diplomate in the specialty for which application for licensure is made shall not be required to take the examination for dental specialist licensure as provided for in Section 1220.320 of this Part.
- b) American Board Diplomates applying for dental specialist licensure shall meet the requirements for specialty licensure set forth in Section 1220.310, with the exception of the examination, and shall additionally submit evidence of certification as an American Board Diplomate at time of application for licensure.

(Source: Amended at 30 Ill. Reg. 19656, effective December 18, 2006)

Section 1220.350 Restoration

- a) A licensee seeking restoration of a specialty license after it has expired for less than 5 years shall have the license restored upon payment of \$20~~\$10~~ plus all lapsed renewal fees. Individuals restoring a license from inactive status shall not be required to pay lapsed renewal fees. In order to restore a specialty license the applicant shall have an active dental license.
- b) A licensee seeking restoration of a license after it has expired or been placed on inactive status for 5 years or more shall file an application, on forms supplied by the Division~~Department~~, together with the fees required by Section 21 of the Act. Individuals reactivating a license from inactive status shall only be required to pay the current renewal fee. The registrant shall also submit either:
 - 1) Certification of lawful active practice in another jurisdiction for 3 of the last 5 years. Such certification shall include a statement from the appropriate board or licensing authority in the other jurisdiction that the licensee was authorized to practice during the term of said active practice; or
 - 2) An affidavit attesting to military service as provided in Section 16 of the

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

Act. If an applicant applies for restoration of his license within 2 years of termination of such service, he shall have his license restored without paying any lapsed renewal or restoration fees.

- c) If the licensee has not maintained an active practice in another jurisdiction for over 5 years, he/she shall be required to take and pass the clinical examination as provided in Section 1220.320.

(Source: Amended at 30 Ill. Reg. 19656, effective December 18, 2006)

Section 1220.360 Renewal

- a) Beginning with the September 30, 2006 renewal, everyEvery dental specialty license issued under the Act shall expire on September 30 every 3 years of each even-numbered year. The holder of a license may renew the license during the month preceding the expiration date thereof by paying the required fee in Section 21 of the Act.
- b) No specialty license shall be renewed if the dental license is expired, revoked, suspended or otherwise subject to discipline under Section 23 of the Act.
- c) It is the responsibility of each licensee to notify the Division~~Department~~ of any change of address. Failure to receive a renewal form from the Division~~Department~~ shall not constitute an excuse for failure to pay the renewal fee or to renew~~and renewal of~~ one's license.

(Source: Amended at 30 Ill. Reg. 19656, effective December 18, 2006)

SUBPART D: GENERAL

Section 1220.380 Definitions

"Act" means the Illinois Dental Practice Act.

"Board" means the State Board of Dentistry.

"Dentistry" means the evaluation, diagnosis, prevention and/or treatment (nonsurgical or surgical), or related procedures of diseases, disorders and/or conditions of the oral cavity, maxillofacial area and/or the adjacent and associated structures and their impact on the human body provided by a dentist, within the

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

scope of his/her education, training and experience in accordance with the ethics of the profession and applicable laws.

"Department" means the Illinois Department of Financial and Professional Regulation.

"Director" means the Director of the Division~~Department~~ of Professional Regulation with the authority delegated by the Secretary.

"Division" means the Department of Financial and Professional Regulation-Division of Professional Regulation.

"Secretary" means the Secretary of the Department of Financial and Professional Regulation.

(Source: Amended at 30 Ill. Reg. 19656, effective December 18, 2006)

Section 1220.400 Reportable Diseases and Conditions

Whenever a dentist or dental hygienist becomes aware that a patient has or may have a contagious, infectious and communicable disease ~~that~~which is dangerous to the public health, such information shall be reported to the Illinois Department of Public Health in accordance with the rules of the Department of Public Health (77 Ill. Adm. Code 690). Whenever a dentist or dental hygienist continues the active practice of dentistry or dental hygiene while knowingly having an infectious, communicable, or contagious disease as defined in 77 Ill. Adm. Code 690, he or she may be subject to disciplinary action by the Division.

(Source: Amended at 30 Ill. Reg. 19656, effective December 18, 2006)

Section 1220.405 Reporting of Adverse Occurrences

a) "Adverse occurrence" shall be defined for the purposes of this Section as:

- 1) The death of a patient within 24 hours after the administration of a dental procedure; or
- 2) The permanent organic brain dysfunction of a patient that first occurs within 24 hours after the administration of a dental procedure; or
- 3) The in-patient hospitalization of a patient for physical injury within 24

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

hours after the administration of a dental procedure.

- b) A dentist shall report to the ~~Division~~Department within 72 hours each adverse occurrence that involves the death of a patient.
- c) A dentist shall report to the ~~Division~~Department within 30 days each adverse occurrence that involves the permanent organic brain dysfunction or hospitalization of a patient.
- d) The adverse occurrence report shall be in writing and shall include:
 - 1) The dentist's name and license number;
 - 2) The date and time of the occurrence;
 - 3) The facility where the occurrence took place;
 - 4) The name of the patient;
 - 5) The dental procedure involved;
 - 6) The type and dosage of sedation or anesthesia utilized in the procedure; and
 - 7) The circumstances involved in such occurrence.
- e) Upon receipt of any such report, the ~~Division~~Department shall ~~investigate~~make such investigation pursuant to Section 25 of the Act and 68 Ill. Adm. Code 1110.
- f) The adverse occurrence report is required by the ~~Division~~Department to assist in its mission of protecting the public. The filing of such report by a dentist shall not constitute an admission by the dentist of any wrongdoing, malpractice, error or omission in treatment or even an admission that the death, organic brain dysfunction or hospitalization is related to the dental procedure or its administration. A dentist shall be responsible for filing an adverse occurrence report only for those adverse occurrences of which he/she has knowledge or should reasonably have been expected to have knowledge. In the event that a dentist does not have knowledge or cannot reasonably be expected to have knowledge, but subsequently obtains actual knowledge of an adverse occurrence, then such dentist shall file an adverse occurrence report within 72 hours after

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

obtaining knowledge of the death of a patient or within 30 days after obtaining knowledge of the permanent organic brain dysfunction or hospitalization of a patient.

- g) Failure to provide such a report to the ~~Division~~Department shall be grounds for discipline. (See 225 ILCS 25/23.)

(Source: Amended at 30 Ill. Reg. 19656, effective December 18, 2006)

Section 1220.406 Impaired Dentist and Dental Hygienist Program of Care, Counseling or Treatment

- a) Section 5.5 of the Act requires the Division to establish a program of care, counseling or treatment for impaired dentists.
- b) Definitions
- 1) "Impaired dentist" or "impaired dental hygienist" means a dentist or dental hygienist who is unable to practice with reasonable skill and safety because of a physical or mental disability as evidenced by a written determination or written consent based on clinical evidence, including deterioration through the aging process, loss of motor skills, abuse of drugs or alcohol, or a psychiatric disorder, of sufficient degree to diminish the person's ability to deliver competent patient care. (Section 4 of the Act). A dentist or dental hygienist may be determined to be impaired:
- A) by signing a written consent with the Department declaring the nature of the impairment; or
- B) upon the determination of a qualified health care professional; or
- C) upon the determination of a qualified health care professional who has performed an examination of the dentist or dental hygienist pursuant to Section 23b of the Act.
- 2) "Program of care, counseling, or treatment" means a written schedule of organized treatment care, counseling, activities, or education satisfactory to the Board, designed for the purpose of restoring an impaired person to a

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

condition whereby the impaired person can practice with reasonable skill and safety of sufficient degree to deliver competent patient care.

c) Program of Care, Counseling or Treatment

- 1) A dentist or dental hygienist who has been determined by a qualified health care professional to be impaired shall enter into an agreement with the Division in which the dentist or dental hygienist agrees to participate in a program designed to provide care, counseling and treatment specifically for health care professionals and that has been approved by the Division. The agreement may include, but not be limited to, the length of the program, the status of the licensee while in a treatment program, and a termination clause whereby both parties may, by separate agreement in writing, terminate the agreement at any time.
- 2) All progress reports of treatment and participation in a treatment program shall be sent to the Division every 60 days. A relapse or non-compliance with the treatment program shall be reported to the Division immediately. All reports shall be signed by a licensed physician, clinical psychologist, licensed clinical social worker, or licensed clinical professional counselor or other substance abuse professional approved by the Division.
- 3) An impaired dentist or dental hygienist shall continue in an after care program until he or she is released upon successful completion of the structured treatment program.
- 4) If a dentist or dental hygienist is being treated for alcohol or drug abuse:
 - A) The person shall submit progress reports from any sponsors in Narcotics Anonymous or Alcoholics Anonymous or other after care programs to the Division on a quarterly basis.
 - B) The person shall submit to random drug and alcohol screenings and the results shall be submitted to the Division by the treatment program. The impaired dentist or dental hygienist is responsible for the cost of the reports. The Division shall be notified immediately by the treatment program if the person fails to submit to the random drug and alcohol screenings.

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

- d) All reports required shall be submitted to the Dental Coordinator, Division of Professional Regulation, Illinois Department of Financial and Professional Regulation, 100 West Randolph Street, Suite 9-300, Chicago, Illinois 60601.
- e) The contents of any report shall be strictly confidential and shall be exempt from public disclosure. The reports shall be reviewed only by the following:
- 1) The Board of Dentistry.
 - 2) Designated Department attorneys.
 - 3) Administrative personnel assigned to open mail containing reports and to process and distribute the reports to authorized persons, and to communicate with senders of reports.
 - 4) The individual who is the subject of the report, his/her attorney or his/her authorized representative.
 - 5) The Division's Dental Coordinator.
- f) The reports shall also be admissible as evidence at any hearing arising from any charge by the Division that the impaired individual failed to comply with any terms and conditions of any agreement with the Division or otherwise violated the Dental Practice Act during the period an agreement is in effect.
- g) The reports may also be handled or processed by other designated persons in a limited manner necessary to implement reports required under the Act or this Section by computer, word processing equipment or other mechanical means. The data record shall be limited to the name and address of the originator of the report, the date the initial report was received, the date of the most recent report and the professional license number of the subject of the report.
- h) Upon determination by the Board that a report on an impaired person is no longer required for review and consideration, the Board shall notify the maker of the reports to cease sending the reports. The Board's determination shall be based on, but not be limited to: the type of impairment and the type of rehabilitation program, length of supervision, occurrence of any relapses, and present status of the dentist's or dental hygienist's license.

(Source: Added at 30 Ill. Reg. 19656, effective December 18, 2006)

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

Section 1220.410 Endorsement

- a) A person seeking licensure in Illinois as a dentist, a dental specialist or ~~as~~ a dental hygienist who is so licensed in another state or territory and has been lawfully practicing for at least 3 of the last 5 years prior to application in Illinois, may be granted licensure in Illinois upon proof that the requirements for licensure in the other jurisdiction are at least equal to the requirements in Illinois.
- b) An applicant for a dental license shall file an application for licensure on forms provided by the Division~~Department~~, that~~which~~ shall include:
- 1) Certification of licensure in the original jurisdiction and from any jurisdiction where the applicant has been practicing within the last 5 years, stating:
 - A) The time during which the applicant was licensed in that jurisdiction, including the date of the original issuance of the license;
 - B) Whether the files of the jurisdiction contain any record of any disciplinary action taken or pending;
 - 2) The applicant's National Board of Dentistry Examination scores, which must be forwarded to the Division~~Department~~ from the Joint Commission on National Dental Examinations;
 - 3) Certification of successful completion of 60 semester hours or its equivalent of college level pre-dental education and graduation from a course of instruction in a dental school that~~which~~ meets the minimum education standards of the Division~~Department~~ specified in Section 1220.140;
 - 4) After May 21, 1993, for dental applicants who graduated from a dental college or school outside of the United States or Canada:
 - A) Certification of graduation from a dental college or school;
 - B) Certification that the applicant was authorized to practice in the jurisdiction in which the applicant attended dental school; and

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

- C) Certification from an approved dental college or school in the United States or Canada that the applicant has completed a minimum of 2 years of clinical training at the school in which the applicant met the same level of scientific knowledge and clinical competence as all graduates from that school or college. The 2 years of clinical training shall consist of:
- i) 2850 clock hours completed in 2 academic years for full-time applicants; or
 - ii) 2850 clock hours completed in 4 years with a minimum of 700 hours per year for part-time applicants;
- 5) Verification of employment;
- 6) ~~A complete work history indicating all employment in the last 5 years;~~ 7) The fee required under Section 1220.415 of this Part.
- c) An applicant for a dental hygienist license shall file an application for licensure on forms provided by the ~~Division~~Department, ~~that~~which shall include:
- 1) Certification of licensure in the original jurisdiction and from any jurisdiction where the applicant has been practicing within the last 5 years, stating:
 - A) The time during which the applicant was licensed in that jurisdiction, including the date of the original issuance of the license;
 - B) Whether the files of the jurisdiction contain any record of any disciplinary action taken or pending;
 - 2) The applicant's National Dental Hygienist Board Examination scores, which must be forwarded to the ~~Division~~Department from the Joint Commission on National Dental Examinations;
 - 3) Certification of 2 academic years of credit in an approved school of dental hygiene that meets the minimum education standards of the ~~Division~~Department specified in Section 1220.250;

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

- 4) Verification of employment;
 - 5) ~~A complete work history indicating all employment in the last 5 years; and~~
~~6) The fee required under Section 1220.415 of this Part.~~
- d) An applicant for a dental specialty license shall already hold an Illinois license to practice general dentistry or shall file an application for a license to practice general dentistry, as specified in subsection (b) together with the application for a dental specialty license. The application for a dental specialty license shall be filed on forms provided by the Division, which shall include:
- 1) Certification of licensure in the original jurisdiction and from any jurisdiction, where the applicant has been practicing 3 of the last 5 years, stating:
 - A) The time during which the applicant was licensed in that jurisdiction, including the date of the original issuance of the license;
 - B) Whether the files of the jurisdiction contain any record of any disciplinary action taken or pending;
 - 2) The applicant shall submit evidence of one of the following:
 - A) Proof of admittance as an American Board Diplomate in the specialty for which application for licensure is made; or
 - B) Proof of passage of the examination specified in Section 1220.320 or one substantially equivalent;
 - 3) Certification of completion of dental specialty training in accordance with Section 1220.310 in the specialty for which application for licensure is made;
 - 4) Verification of employment;
 - 5) The fee required by Section 1220.415. The Department shall accept the examinations set forth in Section 1220.120 or 1220.220 or an equivalent examination as approved by the Board for dental licensure.

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

- e) Applicants who have not actively practiced in 3 of the last 5 years may be required to complete additional testing, training, or remedial education as the Board may deem necessary in order to establish the applicant's present capacity to practice dentistry.

(Source: Amended at 30 Ill. Reg. 19656, effective December 18, 2006)

Section 1220.415 Fees

The following fees shall be paid to the Department and are not refundable:

- a) Application Fees.
- 1) The fee for application for initial license as a dentist is \$250.
 - 2) The fee for application as a dental specialist is \$300.
 - 3) The fee for application as a dental hygienist is \$100.
 - 4) Applicants for any examination shall be required to pay, either to the Department or to the designated testing service, a fee covering the cost of determining an applicant's eligibility and providing the examination. Failure to appear for the examination on the scheduled date, at the time and place specified, after the applicant's application for examination has been received and acknowledged by the Division~~Department~~ or the designated testing service, shall result in the forfeiture of the examination fee.
 - 5) The fee for application for a dentist licensed under the laws of another jurisdiction is \$750.
 - 6) The fee for application for a dental sedation permit is \$300.
 - 7) The fee for application for a restricted faculty license is \$250.
 - 8) The fee for application for a temporary training license is \$150.
 - 9) The fee for application as a continuing education sponsor is \$1,000.

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

b) Renewal Fees.

- 1) The fee for the renewal of a license as a dentist is ~~\$300~~\$200 (\$100 per year), pursuant to Section 21 of the Act.
- 2) The fee for the renewal of a license as a dental specialist is ~~\$300~~\$200 (\$100 per year), pursuant to Section 21 of the Act.
- 3) The fee for the renewal of a license as a dental hygienist is ~~\$150~~\$100 (\$50 per year), pursuant to Section 21 of the Act.
- 4) The fee for the renewal of a sedation permit is ~~\$300~~\$200 (\$100 per year).
- 5) The fee for the renewal of a license as a continuing education sponsor is \$700.
- 6) The fee for the renewal of a restricted faculty license is \$150.

c) General Fees.

- 1) The fee for the restoration of a license other than from inactive status is \$20 plus payment of all lapsed renewal fees.
- 2) The fee for the issuance of a duplicate license, for the issuance of a replacement license, for a license ~~that~~which has been lost or destroyed or for the issuance of a license with a change of name or address other than during the renewal period is \$20. No fee is required for name and address changes on ~~Division~~Department records when no duplicate license is issued.
- 3) The fee for a certification of a licensee's record for any purpose is \$20.
- 4) The fee to have the scoring of an examination administered by the ~~Division~~Department reviewed and verified is \$20 plus any fees charged by the applicable testing service.
- 5) The fee for a wall certificate showing licensure shall be the actual cost of producing such certificate.
- 6) The fee for a roster of persons licensed in this State under the Dental

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

Practice Act shall be the actual cost of producing such a roster.

(Source: Amended at 30 Ill. Reg. 19656, effective December 18, 2006)

Section 1220.421 Advertising

- a) Persons licensed to practice dentistry in the State of Illinois may advertise in any medium or other form of public communication in a manner thatwhich is truthful, and thatwhich is not fraudulent, deceptive, inherently misleading or proven to be misleading in practice. Such advertising shall contain all information necessary to make the communication not misleading and shall not contain any false or misleading statement or otherwise operate to deceive.
- b) Information thatwhich may be contained in such advertising includes:
 - 1) Dentist's name, address, office hours, and telephone number;
 - 2) Schools attended;
 - 3) Announcement of the opening of, change of, or return to practice;
 - 4) *Announcement of additions to or deletions from professional dental staff;*
(Section 45 of the Act)
 - 5) Dentist's hospital affiliationsaffiliation(s);
 - 6) Any specialty licenses held, Board certification, professional society memberships and any limitations or concentrations of practice;
 - 7) Credit arrangements and/or acceptance of Medicare/Medicaid patients;
 - 8) Foreign language ability;
 - 9) Usual and customary fees for routine professional services thatwhich must include a statement that fees may be adjusted due to complications or unforeseen circumstances unless the fees do not vary under any circumstances;
 - 10) Description of offices in which dentist practices, e.g., accessibility to the handicapped, laboratory facilities on the premises, convenience of

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

parking; and

- 11) *Other information about the dentist, the dentist's practice, or the types of practice in which the dentist will accept employment, which a reasonable person might regard as relevant in determining whether to seek the dentist's services.* (Section 45 of the Act)

- c) If an advertisement is communicated to the public over television or radio, it shall be prerecorded and approved for broadcast by the dentist, and a recording of the actual transmission, including videotape, shall be retained by the dentist for a period of at least ~~3~~^{three (3)} years. Upon a written request from the ~~Division~~^{Department}, a dentist shall provide the ~~Division~~^{Department} with a copy of any such advertisement within ~~7~~^{seven} working days ~~after~~^{after} receipt of the request. (e.g., upon initiation of any investigation, receipt of a complaint, inquiry from the public, etc.).

- d) Information ~~that~~^{which} may be untruthful, fraudulent, deceptive, inherently misleading, or ~~that~~^{which} has proven to be misleading in practice includes that which:
- 1) Contains a misrepresentation of fact or omits a material fact required to prevent deception;
 - 2) Guarantees favorable results or creates false or unjustified expectations of favorable results;
 - 3) Takes advantage of the potential client's fears, anxieties, vanities, or other emotions;
 - 4) Contains testimonials and/or exaggerations pertaining to the quality of dental care;
 - 5) Describes as available products or services ~~that~~^{which} are not permitted by the laws of this State and/or applicable Federal laws; and
 - 6) Advertises professional services ~~that~~^{which} the dentist is not licensed to render.

- e) A dentist may incorporate as a professional service corporation under a fictitious or an assumed name; however, all advertisements for dental services to be

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

performed by members or employees of the corporation must comply with the following conditions:

- 1) A dentist licensed and practicing in Illinois shall be designated at each practice location for the corporation who shall assume responsibility for all advertising in Illinois.
 - 2) The name, office address and office phone number of the designated ~~dentists~~dentist(s) shall appear in all advertising for the corporation.
 - 3) The ~~names~~name(s) of the ~~owners~~owner(s) of the corporation, if other than the designated ~~dentists~~dentist(s), shall appear in all advertising for the corporation.
 - 4) A list of all dentists employed by the corporation who perform dental services shall be prominently displayed at the location where they practice.
 - 5) If the corporation offers to practice both general dentistry and any licensed specialty, all advertising for the specialty shall include the name of the licensed dental ~~specialists~~specialist(s) who performs the specialty services.
- f) When words relating to specialty practice are used in an advertisement, the advertisement must not imply that the dentist offering those services is licensed as a specialist unless he holds a specialty license issued by the ~~Division~~Department. Words that cannot be used by a dentist unless licensed in that specialty are Endodontist, Pedodontist, Pediatric Dentist, Periodontist, Prosthodontist, Orthodontist, Oral and Maxillofacial ~~Radiologist, Surgeon~~ or Oral and Maxillofacial Surgeon. Terms such as "Specialist", "Practice Limited To" or "Limited To Specialty Of", with the name of such branch of dentistry practiced as a specialty, (Endodontics, Pedodontics (Pediatric ~~Denistry~~Dentist), Periodontics, Prosthodontics, Orthodontics, Oral and Maxillofacial Radiology and Oral and Maxillofacial Surgery) shall be prima facie evidence that such dentist is holding himself out to the public as a specialist. A general dentist who advertises, in any media, using words or phrases customarily used by a specialist, except those prohibited above, but who does not hold a specialty license, shall include in such advertisement a prominent disclaimer that he is licensed only as a general dentist.
- g) Any advertisements offering the availability of those recognized dental specialties specified in Section 1220.320 of this Part, or offering the availability of some

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

other "specialty" practice not specifically recognized by the ~~Division~~Department shall contain a prominent disclaimer in the form of a statement setting forth the ~~specialties~~specialty(ies) in which the dentist is licensed in Illinois and/or a statement that the dentist is licensed to practice as a general dentist in Illinois.

- h) Advertising shall not use language suggesting a dental specialty ~~that~~which is not specified in Section 1220.320 of this Part unless it contains the disclaimer required in subsection (g), ~~above~~. Examples of language requiring disclaimer: family dentistry, cosmetic dentistry, restorative dentistry, preventive dentistry, hospital dentistry, implant dentistry, TMJ, cranio mandibular dentistry.

(Source: Amended at 30 Ill. Reg. 19656, effective December 18, 2006)

Section 1220.425 Referral Services

- a) The practice of dentistry in the State of Illinois affects the public health, safety and welfare, and consequently regulation and control of the various aspects of dental practice is in the public interest. The offering to refer dental patients and the operation of a dental referral service is considered to be a matter of public interest.
- b) If a dental referral service receives compensation or anything of value from dentists in exchange for making referrals, it must disclose in its advertisements and communications to the public that it is compensated. Failure to disclose in accordance with this ~~Section~~rule shall be considered fee-splitting in violation of Section 23 of the Dental Practice Act.
- c) If a person requesting a referral is expected to pay the referral service, there must be full disclosure of such fees at the time of the initial inquiry to the person using the service.
- d) A referral service may only make referrals to licensed dentists or dental specialists who have consented in writing to accept referrals from that referral service.
- e) A referral service shall not represent that it is able to practice dentistry as defined in Section 17 of the Dental Practice Act or practice dentistry, furnish dental advice or services, diagnose or treat conditions of the teeth, gums, or jaw, remove stains or calculus from teeth, or furnish, construct or repair dentures, bridges or other appliances or substitutes for natural teeth unless the referral service is operated by a licensed dentist. Any referral service operated by a licensed dentist

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

~~thatwhich~~ refers services to that dentist's own dental practice or a dental practice ~~thatwhich~~ he is in any way affiliated with shall disclose these facts at the time of such referral. Failure to comply with this provision shall be considered a violation of Section 8 of the Dental Practice Act.

- f) This Section shall not apply to dentists who refer a patient for treatment or consultation to another dentist or dental specialist in the course of their dental practice.

(Source: Amended at 30 Ill. Reg. 19656, effective December 18, 2006)

Section 1220.440 Continuing Education

a) Continuing Education Hours Requirements

- 1) Beginning with the September 30, ~~2009~~1994, renewal and every renewal thereafter, each person who applies for renewal of a license as a dentist shall have completed ~~4832~~ hours of continuing education (CE) relevant to the practice of dentistry during the prerenewal period.
- 2) Beginning with the September 30, ~~2009~~1994, renewal and every renewal thereafter, each person who applies for renewal of a license as a dental hygienist shall have completed ~~3224~~ hours of CE relevant to the practice of dental hygiene during the prerenewal period.
- 3) A prerenewal period is the ~~3624~~ months preceding September 30 of ~~the year of the renewal~~~~each even-numbered year~~.
- 4) A renewal applicant is not required to comply with CE requirements for the first renewal following the original issuance of a dental or dental hygienist license.
- 5) Continuing education is not required to renew a dental specialty license. The holder of a dental specialty license is, however, required to complete ~~4832~~ hours to renew the dental license.
- 6) Dentists or dental hygienist licensed in Illinois but residing in other states shall comply with the CE requirements set forth in this Section.
- 7) Continuing education credit for hours used to satisfy the CE requirements

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

of another state may be applied to fulfillment of the CE requirements of the State of Illinois.

- b) Approved Continuing Education/Continuing Education Sponsors
- 1) All CE courses shall be relevant to the treatment and care of patients and shall be:
 - A) Clinical courses in dentistry and dental hygiene; or
 - B) Nonclinical subjects that relate to the skills necessary to provide dental or dental hygiene services and are supportive of clinical services (i.e., patient management, legal and ethical responsibilities, stress management). Courses not acceptable for the purpose of this definition include, but are not limited to, estate planning, financial planning, investments and personal health.
 - 2) CE credit may be earned for verifiable attendance at or participation in any courses ~~that~~which meet the requirements of subsection (b)(1) ~~above~~ given by one of the following sponsors:
 - A) American Dental Association and National Dental Association, its constituent and component/branch associations and the American Dental Association Continuing Education Recognition Programs;
 - B) American Dental Hygienist's Association and National Dental Hygienist's Association, its constituent and component/branch associations;
 - C) Dental programs approved by the ~~Division~~Department as meeting minimum standards for an approved curriculum in dentistry under Section 1220.140 and dental hygiene programs approved under Section 1220.250 of this Part;
 - D) Organizations of specialties recognized by the American Dental Association and its constituent and component/branch associations, such as, but not limited to:
 - i) Oral and Maxillofacial Surgery

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

- ii) Endodontics
 - iii) Pediatric Dentistry
 - iv) Prosthodontics
 - v) Orthodontics
 - vi) Periodontology;
 - vii) Oral and Maxillofacial Radiology
- E) Academy of General Dentistry, its constituent and component/branch associations and approved sponsors;
 - F) American Dental Society of Anesthesiology and its constituent and component/branch associations;
 - G) Community colleges with an approved dental hygiene program if offered under the auspices of the dental hygiene program;
 - H) A college or university accredited by an agency approved by the U.S. Office of Education or a community college approved by the Illinois Community College Board;
 - I) A hospital ~~that~~which has been accredited by the Joint Commission on Accreditation of Healthcare Organizations;
 - J) The American Heart Association and the American Cancer Society;
 - K) A medical school ~~that~~which is accredited by the American Medical ~~Association's~~Associations's Liaison Committee for Medical Education;
 - L) American Medical Association (AMA), specialty medical associations/organizations, the Accreditation Council on Continuing Medical Education;
 - M) Federal and State government agencies (i.e., dental division,

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

military dental division, Veterans' Administration, etc.); or

- N) A person, firm or association approved by the ~~Division~~Department in accordance with subsection (c)-below.
- 3) CE credit may be earned for completion of an individual study course (correspondence, audio or video course) sponsored by an approved sponsor. Such courses shall include a test ~~that~~which the licensee must pass to obtain credit. No more than 50% of the required CE credit hours during a prerenewal period may be acquired through correspondence courses.
- 4) CE credit may be earned from teleconferencing courses with a moderator present given by an Illinois approved sponsor.
- 5) CE credit may be earned from courses leading to an advanced degree or specialty in dental or dental hygiene. Such courses shall be allotted CE credit at the rate of 15 CE hours for each semester hour and 10 CE hours for each quarter hour of school credit awarded.
- 6) CE credit may be earned as an instructor of continuing education courses given by approved sponsors. Credit will be applied for every hour taught and only for the first presentation of the program (i.e., credit shall not be allowed for repetitious presentations). No more than 50% of the required CE credit hours during a prerenewal period may be acquired through teaching continuing education courses.
- 7) CE credit may be earned for presenting volunteer community oral health education programs. Credit will be applied for each hour of presentation documented by the program director. No more than 2 hours of the required CE credit hours during a prerenewal period may be acquired through presentation of volunteer community oral health education programs.
- 8) Hours for CPR recertification shall not be counted toward meeting CE requirements for dental hygienists.
- 9) Continuing education hours required by a disciplinary order shall not be used to satisfy the continuing education requirements for license renewal.
- 10) If a renewal applicant will be earning or has earned CE hours in another

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

jurisdiction, but is not licensed in that jurisdiction and the course is not presented by an Illinois approved sponsor, the applicant shall submit an individual program approval request form, along with a \$20 processing fee, to have the program reviewed. The Board shall review and recommend approval or disapproval of the program using the criteria set forth in subsection (b)(1) of this Section. Applicants may seek individual program approval prior to participation in the course or program. All individual program approval requests shall be submitted prior to the expiration date of the license.

- c) Sponsor Application ~~Pursuant~~^{pursuant} to Subsection (b)(2)(M)
 - 1) Entities seeking approval as CE sponsors pursuant to subsection (b)(2)(M) ~~above~~ shall file an application, on forms supplied by the ~~Division~~^{Department}, along with the fee set forth in Section 1220.415(a)(9). The applicant shall certify on the application the following:
 - A) That all programs offered by the sponsor for CE credit will comply with the criteria in subsection (b)(1) and all other criteria in this Section;
 - B) That the sponsor will be responsible for providing a certificate of attendance and will maintain attendance records for at least 5 years. The certificate of attendance shall contain:
 - i) The name and address of the sponsor;
 - ii) The name, address and license number of the participant;
 - iii) A brief statement of the subject matter;
 - iv) The number of hours attended in each program;
 - v) An indication of whether the program fulfills CE requirements for dentist, dental hygienist or both;
 - vi) The date and place of the program; and
 - vii) The signature of the sponsor;

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

- C) That, upon request by the ~~Division~~Department, the sponsor will submit evidence (e.g., certificate of attendance or course materials) as is necessary to establish compliance with this Section. Evidence shall be required when the ~~Division~~Department has reason to believe that there is not full compliance with this Part and that the information is necessary to ensure compliance.
- 2) To maintain approval as a sponsor, each sponsor shall submit to the ~~Division~~Department by September 30 of each even-numbered year a renewal application, the fee set forth in Section 1220.415(b)(5) and a list of courses and programs offered within the last 24 months. The list shall include a brief description, location, date and time of each course given.
- 3) The sponsor shall be responsible for ensuring that any dentist or dental hygienist who will be performing some type of procedure as a part of a continuing education course shall have a current license in Illinois or another jurisdiction.
- d) Certification of Compliance ~~with~~With CE Requirements
- 1) Each renewal applicant shall certify, on the renewal application, to full compliance with the CE requirements set forth in subsection (a), ~~above~~.
- 2) The ~~Division~~Department may require additional evidence (e.g., certificate of attendance, transcripts, proof of registration) demonstrating compliance with the CE requirements. It is the responsibility of each renewal applicant to retain or otherwise produce evidence of such compliance. The evidence shall be retained for at least 5 years following the renewal period in which the CE was taken.
- 3) The ~~Division~~Department may conduct random audits to verify compliance with CE requirements.
- 4) When there is evidence of a lack of compliance with CE requirements, an applicant shall be notified in writing and may request a hearing before the Board. The ~~Division~~Department may recommend that steps be taken to begin the formal disciplinary proceedings as required by Section 10-65 of the Illinois Administrative Procedure Act [5 ILCS 100/10-65].

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

e) Waiver of CE Requirements

- 1) Any renewal applicant seeking renewal of the license or certificate without having fully complied with these CE requirements shall file with the DivisionDepartment a renewal application, a statement setting forth the facts concerning such noncompliance, a request for waiver of the CE requirements on the basis of such facts and, if desired, a request for an interview before the Board. If the DivisionDepartment finds from such statement or any other evidence submitted, that good cause has been shown for granting a waiver of the CE requirements, or any part thereof, the DivisionDepartment shall waive enforcement of such requirements for the renewal period for which the applicant has applied.
- 2) Good cause shall be defined as an inability to devote sufficient hours to fulfilling the CE requirements during the applicable prerenewal period because of:
 - A) Full-time service in the armed forces of the United States of America during a substantial part of such period;
 - B) An incapacitating illness documented by a licensed physician;
 - C) Undue hardship (e.g., prolonged hospitalization, being disabled and unable to practice dentistry or dental hygiene on a temporary basis);
 - D) Being retired from practice and not performing any dental or dental hygiene services (if a dentist or dental hygienist wishes to still practice occasionally, he/she shall be required to fulfill the requirements of continuing education as he/she is actively functioning in a professional capacity, albeit infrequently); or
 - E) Being disabled and unable to practice dentistry or dental hygiene.
- 3) If an interview is requested at the time the request for ~~such~~ waiver is filed with the DivisionDepartment, the renewal applicant shall be given at least 20 days written notice of the date, time and place of ~~the~~~~such~~ interview by certified mail, return receipt requested.

(Source: Amended at 30 Ill. Reg. 19656, effective December 18, 2006)

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

Section 1220.441 Granting Variances

- a) The Director may grant variances from ~~this Part~~~~these rules~~ in individual cases ~~when~~~~where~~ he ~~or she~~ finds that:
- 1) the provision from which the variance is granted is not statutorily mandated;
 - 2) no party will be injured by the granting of the variance; and
 - 3) the rule from which the variance is granted would, in the particular case, be unreasonable or unnecessarily burdensome.
- b) The Director shall notify the ~~Board~~~~Examining Committee~~ of the granting of ~~the~~~~such~~ variance, and the reasons ~~for granting the variance~~~~therefor~~, at the next meeting of the ~~Board~~~~Committee~~.

(Source: Amended at 30 Ill. Reg. 19656, effective December 18, 2006)

SUBPART E: ANESTHESIA PERMITS

Section 1220.510 Conscious Sedation in the Dental Office Setting

- a) Conscious sedation includes the prescription or administration of pharmacologic agents to be used for the purposes of conscious sedation. Conscious sedation must be administered by an individual qualified under this Section. (See Appendix D for characteristics of levels of anesthesia.)
- b) A licensed dentist seeking a Permit A for conscious sedation; administration privileges shall file an application with the ~~Division~~~~Department~~, on forms provided by the ~~Division~~~~Department~~, ~~that~~~~which~~ includes:
- 1) Certification of completion of an anesthesiology training program that meets the requirements set forth in Section 1220.540(a);
 - 2) A signed affidavit certifying that the dentist will practice in a facility properly equipped in accordance with subsection ~~(h)~~~~(g)~~ of this Section for the administration of conscious sedation and staffed with a supervised team that consists of a minimum of 2 individuals per patient, in addition to

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

the dentist, capable of assisting with procedures, problems and emergencies incident to the administration of such sedation (e.g., Basic Life Support (BLS)); and

- 3) The required fee set forth in Section 21 of the Act.
- c) Dentists who have a current valid permit for conscious sedation issued by the Division~~Department~~ shall be permitted to administer without additional application.
- d) Dentists who need to obtain a permit will be required to complete the required training and apply for the permit by December 1, 2003.
- e) Upon review and recommendation of the Board in accordance with the standards set forth in this Section, the Division~~Department~~ will:
 - 1) Issue a conscious sedation permit (Permit A).
 - 2) Re-issue a conscious sedation permit to Permit A holders who attest to completing continuing education.
- f) Licensees qualified to administer deep sedation (Permit B) pursuant to Section 1220.520 may administer conscious sedation without a Permit A.
- g) If the accuracy, relevance or sufficiency of any submitted documentation is questioned by the Division~~Department~~ or the Board, because of discrepancies or conflicts in information, needing further clarification, and/or missing information, additional documentation may be required and/or an on-site evaluation of the facilities, equipment and personnel may be conducted by the Division~~Department~~.
- h) A properly equipped facility shall include at minimum:
 - 1) Sphygmomanometer and stethoscope;
 - 2) An oxygen delivery system with full face masks and connectors that is capable of delivering oxygen to the patient under positive pressure, with a backup system;
 - 3) Emergency drugs and equipment appropriate to the medications administered;

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

- 4) Suction equipment;
 - 5) An emergency back-up lighting system that will permit the completion of any operation underway; and
 - 6) A pulse oximeter.
- i) The following records shall be kept during the administration of conscious sedation:
- 1) Medical history of the patient and consent for administration of anesthesia prior to the performance of any procedure;
 - 2) Preoperative, intraoperative, and pre-discharge monitoring of blood pressure, pulse, respiration and oxygen saturation;
 - 3) Drugs and dosages of these drugs used during the operative procedure, including the identification of the person administering drugs and times of their administration over the course of the procedure.
- j) A licensed dentist shall hold Permit A in order to perform dentistry while a licensed certified nurse anesthetist administers conscious sedation. A nurse anesthetist for purposes of this Section is a licensed certified nurse anesthetist who holds a license as an advanced practice nurse under the Illinois Nursing and Advanced Practice Nursing Act [225 ILCS 65]. The dentist shall enter into a written practice agreement with the nurse anesthetist in accordance with Section 15-25 of the Illinois Nursing and Advanced Practice Nursing Act and 68 Ill. Adm. Code 1305.
- k) Proof of 4 hours of continuing education in sedation techniques, including medications and recognition and management of complications and emergencies, is required for renewal of Permit A.
- l) A treating dentist does not need to hold Permit A to perform dentistry when another dentist, who holds Permit A or Permit B, or a physician assists the treating dentist by administering conscious sedation. Physician for purposes of this Section means a physician who is licensed to practice medicine in all of its branches under the Medical Practice Act [225 ILCS 60] and is authorized to provide anesthesia services in a licensed hospital or licensed ambulatory surgical

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

treatment center or is an anesthesiologist. The treating dentist shall be prepared to provide affidavits to the following if requested by the ~~Division~~Department:

- 1) Proof of Basic Life Support (BLS) training;
- 2) That the facility used for sedation meets the criteria of subsection (g) of this Section;
- 3) That the dentist shall staff the facility with a supervised team that includes a minimum of 2 individuals (in addition to the provider sedating) per patient capable of assisting with procedures, problems and emergencies incident to the administration of such sedation (e.g., BLS). In addition, the dentist shall report adverse occurrences to the ~~Division~~Department as set forth in Section 1220.405 and accept the responsibility to verify the certification and licensure of any licensed provider present during the conscious sedation of a patient who is receiving dental care.

(Source: Amended at 30 Ill. Reg. 19656, effective December 18, 2006)

Section 1220.520 Deep Sedation and General Anesthesia in the Dental Office Setting

Deep sedation and general anesthesia must be administered by an individual qualified under this Section. (See Appendix D for characteristics of levels of anesthesia.)

- a) A licensed dentist seeking a permit to administer deep sedation or general anesthesia shall make application to the ~~Division~~Department, on forms provided by the ~~Division~~Department, ~~that~~which shall include:
 - 1) Certification of meeting one or more of the following:
 - A) Completion of a minimum of 2 years of advanced training in anesthesiology or related academic subjects, or its equivalent, beyond the pre-doctoral level, in a training program as outlined in Part 2 of Teaching the Comprehensive Control of Pain and Anxiety in an Advanced Education Program, published by the American Dental Association, Council on Dental Education, dated ~~December 2002~~July 1993.
 - B) Be a diplomate of the American Board of Oral and Maxillofacial Surgery, ~~or be eligible for examination by the American Board of~~

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

~~Oral and Maxillofacial Surgery pursuant to the July 1, 1989, standards.~~

- C) Has a specialty license in oral and maxillofacial surgery issued by the ~~Division~~Department.
 - D) Has a current valid permit for deep sedation or general anesthesia administration issued by the ~~Division~~Department;
- 2) A signed affidavit certifying that the dentist will practice in a facility properly equipped in accordance with subsection (d) of this Section for the administration of deep sedation and general anesthesia staffed with a supervised team that includes a minimum of 2 individuals, in addition to the dentist, capable of assisting with procedures, problems and emergencies incident to the administration of such sedation (e.g., BLS); and
- 3) The required fee set forth in Section 1220.415.
- b) Upon review and recommendation of the Board in accordance with the standards set forth in this Section, the ~~Division~~Department will issue a deep sedation or general anesthesia permit (Permit B).
 - c) If the accuracy, relevance or sufficiency of any submitted documentation is questioned by the ~~Division~~Department or the Board because of discrepancies or conflicts in information needing further clarification, and/or missing information, additional documentation may be required and/or an on-site evaluation of the facilities, equipment and personnel may be conducted by the ~~Division~~Department or a member of the Board's Advisory Panel.
 - d) Each facility where deep sedation or general anesthesia is administered shall be equipped with equipment specified in Section 1220.510(g) as well as the following:
 - 1) Laryngoscope complete with selection of blades and spare batteries and bulbs in sizes appropriate to the patient population being served;
 - 2) Endotracheal tubes and connectors and face masks in sizes appropriate for the patient population being served and a device capable of delivering positive pressure ventilation;

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

- 3) Tonsillar or pharyngeal suction tips adaptable to all office outlets;
 - 4) Nasal and oral airways in sizes appropriate to the patient population being served;
 - 5) Device for monitoring temperature (e.g., temperature strips, thermometer);
 - 6) Electrocardioscope and defibrillator;
 - 7) Pulse oximeter;
 - 8) Equipment for the establishment of an intravenous infusion;
 - 9) Emergency drugs and equipment appropriate to the medications administered;
 - 10) An operating table or an operating chair that permits appropriate access to the patient and provides a firm platform for the management of cardiopulmonary resuscitation;
 - 11) A recovery area that has available oxygen, lighting, suction and electrical outlets. The patient should remain in the recovery area until the individual retains the ability to independently and consciously maintain an airway and respond appropriately to physical stimulation and verbal command. The recovery area may be the operating theatre; and
 - 12) An emergency back-up lighting system that will permit the completion of any operation underway.
- e) The following records shall be kept when administering deep sedation and general anesthesia:
- 1) Medical history and patient evaluation prior to the performance of any procedure;
 - 2) Preoperative, intraoperative, and pre-discharge monitoring of blood pressure, pulse, respiration and oxygen saturation;
 - 3) EKG monitoring during the entire procedure;

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

- 4) Drugs and dosages of agents used during the operative procedure, including nitrous oxide and oxygen, and including identification of the person administering drugs and times of their administration over the course of the procedure.

Documentation of the anesthetic encounter will be consistent with currently accepted standards of anesthetic practice.

- f) The dentist who holds Permit B shall report adverse occurrences to the ~~Division~~Department and the Board as required by Section 1220.405.
- g) A licensed dentist shall hold Permit B in order to perform dentistry while a licensed certified nurse anesthetist administers deep sedation or general anesthesia. A nurse anesthetist for purposes of this Section is a licensed certified nurse anesthetist who holds a license as an advanced practice nurse-under the Illinois Nursing and Advanced Practice Nursing Act [225 ILCS 65]. The dentist shall enter into a written practice agreement with the nurse anesthetist in accordance with Section 15-25 of the Illinois Nursing and Advanced Practice Nursing Act and 68 Ill. Adm. Code 1305.
- h) Proof of 4 hours of continuing education in sedation techniques, including medications and recognition and management of complications and emergencies, is required for renewal of Permit B.
- i) A treating-dentist does not need to hold Permit B to perform dentistry when another dentist, who holds Permit B, or a physician assists the treating dentist by administering deep sedation or general anesthesia. Physician for purposes of this Section means a physician who is licensed to practice medicine in all of its branches under the Medical Practice Act of 1987 [225 ILCS 60] and is authorized to provide anesthesia services in a licensed hospital or licensed ambulatory surgical treatment center or is an anesthesiologist. The dentist shall be prepared to provide affidavits attesting to the following if requested by the ~~Division~~Department:
- 1) BLS training;
 - 2) That the facility used is equipped as specified in subsection (d) of this Section;

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

- 3) That staffing of the deep sedation or general anesthesia is with a supervised team that consists of a minimum of 2 individuals per patient, in addition to the dentist, capable of handling procedures, problems and emergencies incident to the administration of such sedation (e.g., BLS). In addition, the dentist shall report severe adverse occurrences to the ~~Division~~Department as set forth in Section 1220.405 and accept the responsibility for verifying certification and licensure of any licensed provider present during the deep sedation or general anesthesia of a patient receiving dental care.

(Source: Amended at 30 Ill. Reg. 19656, effective December 18, 2006)

Section 1220.525 Renewal

- a) ~~Beginning with the September 30, 2006 renewal, every~~Every anesthesia permit issued under the Act shall expire on September 30 ~~every 3 years of each even numbered year~~. The holder of a permit may renew the permit during the month preceding the expiration date ~~hereof~~ by paying the required fee in Section ~~1220.41521(a)(5) and (b)(4) of the Act~~ and completing 4 hours of continuing education as required in ~~Section 1220.510(k) or 1220.520(h)~~Section 1220.515(k) and 1220.520(i).
- b) No anesthesia permit shall be renewed if the dental license of the permit holder is expired, revoked, suspended or otherwise subject to discipline under Section 23 of the Act.
- c) It is the responsibility of each licensee to notify the ~~Division~~Department of any change of address. Failure to receive a renewal form from the ~~Division~~Department shall not constitute an excuse for failure to pay the renewal fee or to renew one's license.

(Source: Amended at 30 Ill. Reg. 19656, effective December 18, 2006)

Section 1220.560 Restoration of Permits

- a) A licensee seeking restoration of a permit after it has expired for 5 years or less shall have the permit restored upon payment of \$20 plus ~~the current~~all-lapsed renewal ~~fee~~fees.
- b) A licensee seeking restoration of a permit after it has expired for more than 5

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

years shall file an application, on forms supplied by the ~~Division~~Department, together with the fees required by Section ~~1220.41521~~of the Act. The licensee shall also submit:

- 1) Sworn evidence of lawful active practice in another jurisdiction. Such evidence shall include a statement from the appropriate board or licensing authority in the other jurisdiction that the licensee was authorized to practice during the term of said active practice; or
- 2) An affidavit attesting to military service as provided in Section 16 of the Act. If an applicant applies for restoration of the permit within 2 years after termination of such service, he/she shall have the permit restored without paying any lapsed renewal or restoration fees; or
- 3) For Permit A restoration, proof of the training set forth in Section 1220.540(a) taken 2 years prior to application; or
- 4) For Permit B restoration, proof of the training set forth in Section 1220.540(b) taken 2 years prior to application.

(Source: Amended at 30 Ill. Reg. 19656, effective December 18, 2006)

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED RULES

- 1) Heading of the Part: Genetic Counselor Licensing Act
- 2) Code Citation: 68 Ill. Adm. Code 1251
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
1251.10	New Section
1251.20	New Section
1251.30	New Section
1251.40	New Section
1251.50	New Section
1251.60	New Section
1251.70	New Section
1251.80	New Section
1251.90	New Section
1251.100	New Section
1251.110	New Section
- 4) Statutory Authority: Implementing the Genetic Counselor Licensing Act [225 ILCS 135]
- 5) Effective Date of Rules: December 18, 2006
- 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 rules, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Date Notice of Proposal Published in Illinois Register: May 12, 2006; 30 Ill. Reg. 8737
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version: In Section 1251.10, the definition of "Genetic Counselor" was added; in Section 1251.100, the Board of Medical Genetics was added as an approved CE provider. Under Restoration in Section 1251.80, subsection (c)(3) was added to include proof of passage of the certification examination for individuals who wish to restore their license after more than 5 years if they have not been in the military or have not been practicing in another state.

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED RULES

- 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 rules currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rules: Public Act 94-661, effective January 1, 2006, provides for genetic counselors to be licensed by the Department of Financial and Professional Regulation; this rulemaking implements the Act. These rules allow the Department to begin accepting and processing applications for licensure.

Section 1251.20 sets forth the application process and requirements for genetic counselors and Section 1251.40 provides the requirements for obtaining a temporary license. The rules also set forth the requirements for renewal of a license and under what circumstances the Department may grant variances to these rules. Fees for certification and renewal, as well as general processing fees, are set forth in Section 1251.70. Requirements for continuing education are provided in Section 1251.100.

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

Department of Financial and Professional Regulation
Division of Professional Regulation
Attention: Barb Smith
320 West Washington, 3rd Floor
Springfield, Illinois 62786

217/785-0813 Fax: 217/782-7645

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

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED RULES

TITLE 68: PROFESSIONS AND OCCUPATIONS

CHAPTER VII: DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

PART 1251

GENETIC COUNSELOR LICENSING ACT

Section

1251.10	Definitions
1251.20	Qualifications for Licensure
1251.30	Examination
1251.40	Temporary License
1251.50	Endorsement
1251.60	Renewals
1251.70	Fees
1251.80	Restoration
1251.90	Inactive Status
1251.100	Continuing Education
1251.110	Granting Variances

AUTHORITY: Implementing the Genetic Counselor Licensing Act [225 ILCS 135] and authorized by Section 2105-15(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/2105-15(7)].

SOURCE: Adopted at 30 Ill. Reg. 19717, effective December 18, 2006.

Section 1251.10 Definitions

"Act" means the Genetic Counselor Licensing Act [225 ILCS 135].

"Department" means the Department of Financial and Professional Regulation.

"Director" means the Director of the Division of Professional Regulation with the authority delegated by the Secretary.

"Division" means the Department of Financial and Professional Regulation-Division of Professional Regulation.

"Genetic Counselor" means a licensed professional who provides services, by referral only, to address the physical and psychological issues associated with the

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED RULES

occurrence, risk of occurrence, or recurrence of a genetic disorder, birth defect, disease, or potentially inherited or genetically influenced condition in an individual or family.

"Qualified Supervisor" means a physician licensed to practice medicine in all its branches or a licensed genetic counselor.

"Secretary" means the Secretary of the Department of Financial and Professional Regulation.

Section 1251.20 Qualifications for Licensure

An applicant for licensure as a genetic counselor shall file an application on forms provided by the Division that shall include:

- a) One of the following:
 - 1) Verification that the applicant has successfully completed a Master's degree in genetic counseling from an American Board of Genetic Counseling (ABGC) or an American Board of Medical Genetics (ABMG) accredited training program or an equivalent program approved by the ABGC or the ABMG;
 - 2) Verification that the applicant is a physician licensed to practice medicine in all of its branches; or
 - 3) Verification of a doctoral degree and successful completion of an ABMG accredited medical genetics training program or an equivalent program approved by the ABMG;
- b) Proof of passage of an examination provided by the American Board of Genetic Counseling or the American Board of Medical Genetics;
- c) Current certification from the American Board of Genetic Counseling or the American Board of Medical Genetics; and
- d) The required fee set forth in Section 1251.70.

Section 1251.30 Examination

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED RULES

- a) The examination for licensed genetic counselors shall be the certification examination given by the American Board of Genetic Counseling or the American Board of Medical Genetics.
- b) The passing score on the examination shall be the passing score of the testing entity.

Section 1251.40 Temporary License

- a) An applicant for a temporary license shall file an application on forms supplied by the Division, together with:
 - 1) One of the following:
 - A) Verification that the applicant has successfully completed a Master's degree in genetic counseling from an American Board of Genetic Counseling (ABGC) or an American Board of Medical Genetics (ABMG) accredited training program or an equivalent program approved by the ABGC or the ABMG;
 - B) Verification that he or she is a physician licensed to practice medicine in all of its branches; or
 - C) Verification of a doctoral degree and successful completion of an ABMG accredited medical genetics training program or an equivalent program approved by the ABMG;
 - 2) Verification of admission to the certifying examination administered by the ABGC or ABMG; and
 - 3) The required fee set forth in Section 1251.70.
- b) *The holder of a temporary license shall practice only under the supervision of a qualified supervisor. (Section 60 of the Act)*
- c) A temporary license shall expire 24 months from the date of issuance. A temporary license may only be renewed if the certifying examination administered by ABGC or ABMG is not given during that 24 month period. A temporary license shall automatically expire upon issuance of the Illinois license or upon notification that the applicant failed the exam.

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED RULES

- d) In the event the individual fails to take the next available examination or fails to successfully complete the next available examination for licensure set forth in Section 1251.30 of this Part, the temporary license shall be void and the individual must cease practicing; failure to do so shall be considered unlicensed practice and will subject the individual to discipline in accordance with Section 25 of the Act.

Section 1251.50 Endorsement

- a) An applicant for licensure as a genetic counselor who is licensed under the laws of another state shall file an application with the Division that shall include:
- 1) Documentation certifying that the applicant meets the education requirements set forth in Section 1251.20;
 - 2) Certification from the state or territory of original licensure and the state in which the applicant is currently licensed and practicing, if other than the original, stating the time the applicant was licensed in that state, whether the file on the applicant contains a record of any disciplinary actions taken or pending, and the applicant's license number;
 - 3) Proof of successful completion of the examination; and
 - 4) The required fee set forth in Section 1251.70.
- b) The Division shall examine each endorsement application to determine whether the requirements and examination in the jurisdiction at the date of licensing were substantially equivalent to the requirements and examination then in force in this State and whether the applicant has otherwise complied with the Act.
- c) The Division shall either issue a license by endorsement to the applicant or notify the applicant in writing of the reasons for the denial of the application.

Section 1251.60 Renewals

- a) The first renewal date for licensure under the Act shall be January 31, 2009. Thereafter, every license issued under the Act shall expire on January 31 of odd numbered years. The holder of the license may renew the license during the

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED RULES

month preceding the expiration date by paying the required fee and submitting proof of 30 hours of continuing education in accordance with Section 1251.100.

- b) It is the responsibility of each license holder to notify the Division of any change of address. Failure to receive a renewal form from the Division shall not constitute an excuse for failure to renewing the license.
- c) Practice on an expired license shall be considered the unlicensed practice of genetic counseling and will subject the individual to discipline or other penalties set forth in Section 95 of the Act.

Section 1251.70 Fees

The following fees shall be paid to the Division and are not refundable:

- a) Application Fees
 - 1) The fee for application for a license as a genetic counselor is \$150.
 - 2) The fee for a temporary license is \$50.
- b) Renewal Fees

The fee for the renewal of a license shall be calculated at the rate of \$75 per year.
- c) General Fees
 - 1) The fee for the restoration of a license other than from inactive status is \$20 plus payment of all lapsed renewal fees, not to exceed \$470.
 - 2) The fee for the issuance of a duplicate license, for the issuance of a replacement license for a license that has been lost or destroyed, or for the issuance of a license with a change of name or address, other than during the renewal period, is \$20. No fee is required for name and address changes on Division records when no duplicate license is issued.
 - 3) The fee for a certification of a licensee's record for any purpose is \$20.

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED RULES

- 4) The fee to have the scoring of an examination authorized by the Division reviewed and verified is \$20 plus any fees charged by the applicable testing service.
- 5) The fee for a wall certificate showing licensure shall be the actual cost of producing the certificate.
- 6) The fee for a roster of persons licensed as genetic counselors in this State shall be the actual cost of producing the roster.

Section 1251.80 Restoration

- a) A person seeking restoration of a license that has expired for 5 years or less shall have the license restored upon payment of all lapsed renewal fees and proof of 30 hours of continuing education.
- b) A person seeking restoration of a license that has been placed on inactive status for 5 years or less shall have the license restored upon payment of the current renewal fee and proof of 30 hours of continuing education.
- c) A person seeking restoration of a license after it has expired or been placed on inactive status for more than 5 years shall file an application, on forms supplied by the Division, the required fee and proof of 30 hours of continuing education completed within the 24 months preceding the date of application. The person shall also submit one of the following:
 - 1) Sworn evidence of active practice in another jurisdiction. The evidence shall include a statement from the appropriate board or licensing authority in the other jurisdiction that the registrant was authorized to practice during the term of active practice; or
 - 2) An affidavit attesting to military service as provided in Section 65 of the Act; or
 - 3) Proof of passage of the certification examination within the 24 months prior to applying for restoration.
- d) When the accuracy of any submitted documentation or the relevance or sufficiency of the course work or experience is questioned by the Division because of a lack of information, discrepancies or conflicts in information given

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED RULES

or a need for clarification, the applicant may be required to complete a specific period of evaluated genetic counseling work experience under the supervision of a qualified supervisor and may be required to demonstrate completion of continuing education requirements.

- e) Upon the recommendation of the Director, an applicant shall have the license restored or will be notified in writing of the reason for the denial of the application.

Section 1251.90 Inactive Status

- a) Licensed genetic counselors who notify the Division, on forms provided by the Division, may place their licenses on inactive status and shall be excused from renewing the license until they notify the Division in writing of the intention to resume active practice.
- b) Any licensed genetic counselor seeking restoration from inactive status shall do so in accordance with Section 1251.80 of this Part.
- c) Any licensed genetic counselor whose license is on inactive status shall not use the title "licensed genetic counselor" in the State of Illinois. Any person violating this subsection shall be considered to be practicing without a license and shall be subject to the disciplinary provisions set forth in Section 95 of the Act.

Section 1251.100 Continuing Education

- a) Continuing Education Hour Requirements
 - 1) Every renewal applicant shall complete 30 contact hours of continuing education (CE) relevant to the practice of genetic counseling during the prerenewal period. A prerenewal period is the 24 months preceding January 31 of each odd-numbered year.
 - 2) A renewal applicant is not required to comply with CE requirements for the first renewal following the original issuance of the license.
 - 3) Genetic Counselors licensed in Illinois but residing and practicing in other states must comply with the CE requirements set forth in this Section.
- b) Approved Continuing Education

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED RULES

- 1) All continuing education hours must be earned by verified attendance at, or participation in, a program that is offered by an approved continuing education sponsor who meets the requirements set forth in subsection (c) of this Section.
 - 2) Continuing education credit hours used to satisfy the CE requirements of another state may be submitted for approval for fulfillment of CE requirements of the State of Illinois.
 - 3) Credit shall not be given for courses taken in Illinois from unapproved sponsors.
- c) Approved continuing education sponsors and programs, as used in this Section, shall mean:
- 1) The American Counseling Association;
 - 2) The American Board of Genetic Counselors;
 - 3) The American Board of Medical Genetics; or
 - 4) Any other entity approved by the Division.

Section 1251.110 Granting Variances

The Director may grant variances from this Part in individual cases when he or she finds that:

- a) The provision from which the variance is granted is not statutorily mandated;
- b) No party will be injured by the granting of the variance; and
- c) The rule from which the variance is granted would, in the particular case, be unreasonable or unnecessarily burdensome.

DEPARTMENT OF STATE POLICE MERIT BOARD

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Procedures of the Department of State Police Merit Board
- 2) Code Citation: 80 Ill. Adm. Code 150
- 3) Section Numbers: Adopted Action:
150.540 Amendment
150.565 Amendment
150.680 Amendment
- 4) Statutory Authority: 20 ILCS 2610/13 and 2610/14
- 5) Effective date of Amendments: December 15, 2006
- 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) Date Notices of Proposal Published in Illinois Register: September 8, 2006; 30 Ill. Reg. 14448
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Differences between proposed and final version: Grammatical changes only.
- 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 rulemakings currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and purpose of Amendments:

Section 150.540 – This change will increase the amount of time the Board has to decide on hearing a Petition for Review.

DEPARTMENT OF STATE POLICE MERIT BOARD

NOTICE OF ADOPTED AMENDMENTS

Section 150.565 – This change will increase the amount of time the Board has to decide on hearing a Petition for Review.

Section 150.680 – This change will increase the amount of time the Board has to review hearing material and make a decision in the matter.

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

James E. Seiber, Executive Director
3180 Adloff Lane, Suite 100
Springfield, IL 62703

217/786-6240

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

DEPARTMENT OF STATE POLICE MERIT BOARD

NOTICE OF ADOPTED AMENDMENTS

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES
SUBTITLE A: MERIT EMPLOYMENT SYSTEMS
CHAPTER IV: DEPARTMENT OF STATE POLICE MERIT BOARD

PART 150
PROCEDURES OF THE DEPARTMENT OF STATE POLICE MERIT BOARD

SUBPART A: DEFINITIONS

Section
150.10 Definitions

SUBPART B: CERTIFICATION FOR APPOINTMENT

Section
150.210 Qualifications
150.220 Selection Procedures
150.230 Recertification
150.240 Probationary Period

SUBPART C: CLASSIFICATION OF RANKS

Section
150.310 Ranks
150.320 Interdivisional Transfers

SUBPART D: CERTIFICATION FOR PROMOTION

Section
150.410 Board Responsibilities
150.420 Eligibility
150.430 Procedures
150.440 Promotion Probationary Period (Repealed)

SUBPART E: DISCIPLINARY ACTION

Section
150.510 Merit Board Jurisdiction
150.520 Discipline Afforded the Deputy Director
150.530 Notification to Suspended Officer

DEPARTMENT OF STATE POLICE MERIT BOARD

NOTICE OF ADOPTED AMENDMENTS

150.540	Petition for Review
150.550	Form and Content of Petition for Review
150.560	Filing Procedures
150.565	Procedure for Processing Petition for Review
150.570	Director's Review
150.575	Discipline Afforded the Director
150.580	Complaint Procedures
150.585	Scheduling the Hearing
150.590	Notification to Officer

SUBPART F: HEARINGS

Section	
150.610	Board Docket
150.620	Hearing Officer
150.630	Pre-hearing Conferences
150.640	Motions
150.650	Subpoenas
150.655	Request for Witnesses or Documents
150.660	Evidence Depositions
150.665	Hearing Procedures
150.670	Continuances and Extensions of Time
150.675	Computation of Time
150.680	Decisions of the Board
150.685	Service and Form of Papers
150.APPENDIX A	Vision Standards (Repealed)
150.APPENDIX B	Physical Fitness Standards

AUTHORITY: Implementing Sections 3 through 14 and authorized by Section 8 of the State Police Act [20 ILCS 2610/3 through 14].

SOURCE: Emergency rule adopted at 2 Ill. Reg. 10, p. 206, effective February 24, 1978, for a maximum of 150 days; emergency amendment at 2 Ill. Reg. 32, p. 37, effective July 27, 1978, for a maximum of 150 days; emergency amendment at 2 Ill. Reg. 51, p. 100, effective December 7, 1978, for a maximum of 150 days; adopted at 2 Ill. Reg. 52, p. 422, effective December 25, 1978; amended at 3 Ill. Reg. 47, p. 86, effective November 12, 1979; emergency amendment at 4 Ill. Reg. 6, p. 284, effective February 1, 1980, for a maximum of 150 days; amended at 5 Ill. Reg. 2739, effective March 2, 1981; amended at 6 Ill. Reg. 10954, effective August 31, 1982; codified at 7 Ill. Reg. 9900; amended at 7 Ill. Reg. 15018, effective November 2, 1983;

DEPARTMENT OF STATE POLICE MERIT BOARD

NOTICE OF ADOPTED AMENDMENTS

emergency amendment at 8 Ill. Reg. 379, effective December 27, 1983, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 3038, effective February 23, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 7894, effective May 23, 1984; amended at 9 Ill. Reg. 3721, effective March 13, 1985; amended at 9 Ill. Reg. 14328, effective September 6, 1985; recodified from the Department of Law Enforcement Merit Board to the Department of State Police Merit Board pursuant to Executive Order 85-3, effective July 1, 1985, at 10 Ill. Reg. 3283; amended at 10 Ill. Reg. 17752, effective October 1, 1986; amended at 11 Ill. Reg. 7760, effective April 14, 1987; amended at 11 Ill. Reg. 18303, effective October 26, 1987; amended at 12 Ill. Reg. 1118, effective December 24, 1987; amended at 12 Ill. Reg. 10736, effective June 13, 1988; amended at 13 Ill. Reg. 5201, effective April 3, 1989; emergency amendment at 13 Ill. Reg. 16607, effective September 29, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 19592, effective December 1, 1989; amended at 14 Ill. Reg. 3679, effective February 23, 1990; amended at 15 Ill. Reg. 11007, effective July 15, 1991; amended at 16 Ill. Reg. 11835, effective July 13, 1992; emergency amendment at 16 Ill. Reg. 17372, effective October 29, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 9716, effective June 10, 1993; expedited correction at 17 Ill. Reg. 14684, effective June 10, 1993; amended at 17 Ill. Reg. 21079, effective November 22, 1993; amended at 19 Ill. Reg. 6679, effective May 1, 1995; amended at 19 Ill. Reg. 7970, effective June 1, 1995; amended at 20 Ill. Reg. 404, effective December 22, 1995; emergency amendment at 20 Ill. Reg. 8062, effective June 4, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 13663, effective October 3, 1996; amended at 20 Ill. Reg. 14640, effective October 25, 1996; amended at 21 Ill. Reg. 14262, effective October 17, 1997; amended at 22 Ill. Reg. 5092, effective February 26, 1998; amended 22 Ill. Reg. 18076, effective September 28, 1998; amended at 24 Ill. Reg. 1276, effective January 5, 2000; emergency amendment at 24 Ill. Reg. 16103, effective October 12, 2000, for a maximum of 150 days; emergency expired March 11, 2001; amended at 25 Ill. Reg. 10853, effective August 10, 2001; amended at 26 Ill. Reg. 9968, effective June 19, 2002; amended at 26 Ill. Reg. 14694, effective September 23, 2002; amended at 27 Ill. Reg. 19038, effective December 3, 2003; amended at 29 Ill. Reg. 6084, effective April 15, 2005; amended at 30 Ill. Reg. 10609, effective June 2, 2006; amended at 30 Ill. Reg. 19727, effective December 15, 2006.

SUBPART E: DISCIPLINARY ACTION

Section 150.540 Petition for Review

Any sworn ~~officer~~ ~~officers~~ so suspended shall have ~~ten~~(10) days after notice of suspension is received to petition the Board in writing, as set forth in Section 150.550, to review the suspension. A copy of the Petition shall be forwarded to the Director of the Department of State Police who shall then have ~~ten~~(10) days from the date of receipt to respond to the Board on the Petition. The Board shall, no later than ~~90~~~~thirty~~(30) days after the date of the request for review, set the written petition for hearing before the Board upon not less than ~~ten~~(10) days notice or, by

DEPARTMENT OF STATE POLICE MERIT BOARD

NOTICE OF ADOPTED AMENDMENTS

unanimous decision, dismiss the Petition if it has determined that there is no substantial basis for its review of the suspension.

(Source: Amended at 30 Ill. Reg. 19727, effective December 15, 2006)

Section 150.565 Procedure for Processing Petition for Review

Upon receipt of the Petition, the Merit Board will mail two copies ~~of the Petition~~ ~~hereof~~ to the petitioner's respective Deputy Director advising that party of the receipt of the Petition and setting forth the date, time, and place of hearing on ~~the said~~ Petition, which shall be not later than ~~90~~ ~~thirty (30)~~ days from the date of the request for review, and upon not less than ~~ten (10)~~ days notice. The Board will notify the petitioner and his/her attorney (if any) by certified mail, of the time and place of the hearing. Within five ~~(5)~~ working days after the Board accepts the Petition for Review, the Director shall deliver to the Board a copy of the Department's investigatory file relating to the Petition for Review. ~~The Said~~ investigatory file shall include all material in the Department's file relating to the investigation of this matter brought for review ~~that which~~ is subject to discovery. In the event any part of the investigatory file is not made available, the Department shall state its objection to production and the basis ~~for that objection~~ ~~therefor~~. The Board shall immediately make the investigatory file available to the officer and/or his or her attorney. The hearing will be conducted in accordance with Subpart F of this Part.

(Source: Amended at 30 Ill. Reg. 19727, effective December 15, 2006)

SUBPART F: HEARINGS

Section 150.680 Decisions of the Board

All decisions of the Board as to guilt or innocence will be announced within ~~90~~ ~~30~~ days after receipt of the Hearing Officer's proposal for decision, or within ~~90~~ ~~30~~ days after the Hearing Officer's response to the parties' comments or arguments, whichever is later, as outlined ~~in this Section~~ ~~below~~:

- a) After the hearing on a Complaint, the Board shall render a written decision outlining the findings of fact upon which the decision is based and mail it by either registered or certified mail, return receipt requested, to the officer charged. A copy of ~~the said~~ decision shall be mailed to the Director. The decision will find the officer guilty, if the charges are established by a preponderance of the evidence, or not guilty. If the Board finds the officer guilty of any or all of the accusations included in the Complaint, the Board will promptly order the officer's discharge, demotion, or a suspension for a period of not more than 180 days, or

DEPARTMENT OF STATE POLICE MERIT BOARD

NOTICE OF ADOPTED AMENDMENTS

recommend participation in a rehabilitative program, including but not limited to the State ~~Employee~~Employees Assistance Program, whichever in the opinion of the Board is most applicable. If the officer is found not guilty or has served a period of suspension greater than prescribed by the Board, the Board shall order that the officer receive compensation for the period involved. The award of compensation shall include interest at the rate of 7% per annum. This determination will be based on the final decision of the Board, the officer, and legal counsel after reviewing all pertinent information including, but not limited to, monies due to the ~~State~~state or to third parties involved in the charges, and income earned or received by the officer during the period involved. Officers are required to disclose any income earned or received (e.g., public assistance or unemployment compensation) during the period involved.

- b) After the hearing on a Petition for Review, the Board will render a written decision outlining the facts upon which the decision is based, and mail it by either registered or certified mail, return receipt requested, to the officer filing the Petition. A copy of ~~the said~~ decision shall be mailed to the Director. The decision will find the officer guilty, if the contents of the Notice of Suspension are established by a preponderance of the evidence, or not guilty. If the Board finds the officer guilty of any or all of the contents of the Notice of Suspension, the Board may sustain, reduce, or reverse the action of the Director or Deputy Director; and in the event of reversal or reduction, the Board shall order that the officer receive the pay for the appropriate period involved. The award of compensation shall include interest at the rate of 7% per annum. The Board may not increase the extent of disciplinary measures upon appeal of a suspension of up to 30 days. Such decision shall be supported by a statement of findings of fact. A copy of ~~the said~~ decision shall be mailed to the attorneys of record, the Director and the Deputy Director that initiated the action.
- c) The Director shall carry out the order of the Board, and if the accused officer refuses to abide by the order, the Director shall remove the officer ~~immediately forthwith~~.
- d) If the Board finds that a party has made allegations or denials without reasonable cause or has engaged in frivolous litigation for the purpose of delay or needless increase in the cost of litigation, it may order that party to pay the other party's reasonable expenses, including costs and reasonable attorney's fees.

(Source: Amended at 30 Ill. Reg. 19727, effective December 15, 2006)

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF AGENCY RESPONSE TO THE RECOMMENDATION OF THE JOINT
COMMITTEE ON ADMINISTRATIVE RULES

- 1) Heading of the Part: Illinois Dental Practice Act
- 2) Code Citation: 68 Ill. Adm. Code 1220
- 3) Section Numbers:

1220.100	1220.220	1220.350	1220.421
1220.120	1220.240	1220.360	1220.425
1220.140	1220.245	1220.380	1200.440
1220.155	1220.260	1220.400	1220.441
1220.156	1220.270	1220.405	1220.510
1220.160	1220.310	1220.406	1220.520
1220.170	1220.320	1220.410	1220.525
1220.200	1220.335	1220.415	1220.560
- 4) Date Notice of Proposed Amendments Published in the Illinois Register: 7/28/06; 30 Ill. Reg. 12633
- 5) Date JCAR Statement of Recommendation Published in the Register: 12/1/06; 30 Ill. Reg. 18790
- 6) Summary of Action Taken by the Agency: At its meeting on November 14, 2006, the Joint Committee on Administrative Rules considered the above cited rulemaking and recommended that, in the future, the Department of Financial and Professional Regulation act more promptly to implement statutory mandates, citing the time lapse in implementing Public Act 91-138 that required development of a program to treat impaired professionals. The Department agrees to act more promptly to implement statutory mandates.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

STATEMENT OF OBJECTION TO
EMERGENCY RULEMAKING

DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

Heading of the Part: River Edge Redevelopment Zone Program

Code Citation: 14 Ill. Adm. Code 524

Section Numbers: 524.240(a)(1) 524.410

Date Originally Published in the Illinois Register: 11/3/06
30 Ill. Reg. 17575

At its meeting on December 12, 2006, the Joint Committee on Administrative Rules objected to Sections 524.240(a)(1) and 524.410 of the Department of Commerce and Economic Opportunity's emergency rule titled River Edge Redevelopment Zone Program (14 Ill. Adm. Code 524; 30 Ill. Reg. 17575) because, in allowing a county to designate zones and to take action to decertify zones, the Department has exceeded its statutory authority.

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

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 Banking, of the State of Illinois has issued a fine of \$2,500 against Global Mortgage Company, Inc., No. MB.0003209 of Chicago, Illinois, a licensee under the Act, for violating the terms of the Act and the rules and regulations adopted thereunder, effective November 30, 2006. For further reference link to: www.idfpr.com

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 Banking, of the State of Illinois has issued a fine of \$4,000 against Express Funding Inc., No. MB6759512 of Schaumburg, Illinois, a licensee under the Act, for violating the terms of the Act and the rules and regulations adopted thereunder, effective November 30, 2006. For further reference link to: www.idfpr.com

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 Banking, of the State of Illinois has issued a fine of \$4,000 against A-Pan American Mortgage Group, LLC, No. MB.0004915 of Chicago, Illinois, a licensee under the Act, for violating the terms of the Act and the rules and regulations adopted thereunder, effective November 30, 2006. For further reference link to: www.idfpr.com

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 Banking, of the State of Illinois has issued a fine of \$10,000 against Maximum Mortgage Services, Inc., No. MB.0004485 of Hillside, Illinois, a licensee under the Act, for violating the terms of the Act and the rules and regulations adopted thereunder, effective November 30, 2006. For further reference link to: www.idfpr.com

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 Banking, of the State of Illinois has issued a fine of \$3,500 against Fidelity Mortgage Group, Inc., No. MB.0006039 of Manchester, MO, a licensee under the Act, for violating the terms of the Act and the rules and regulations adopted thereunder, effective November 30, 2006. For further reference link to: www.idfpr.com

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 Banking, of the State of Illinois has issued a fine of \$5,000 against American Dream Financial, No. MB6759373 of Glendale Heights, Illinois, a licensee under the Act, for violating the terms of the Act and the rules and regulations adopted thereunder, effective November 16, 2006. For further reference link to: www.idfpr.com

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

JANUARY 2007 REGULATORY AGENDA

a) Part(s) (Heading and Code Citation): Conditions of Employment (80 Ill. Adm. Code 303):

1) Rulemaking:

- A) Description: This rule will be amended to permit use of sick leave in ½ hour increments after the first full hour in any day. This change is intended to bring the Personnel Rule in conformance with the collective bargaining agreement.
- B) Statutory Authority: Implementing and authorized by the Personnel Code [20 ILCS 415]
- C) Scheduled meeting/hearing dates: Not Applicable
- D) Date agency anticipates First Notice: Not Yet Scheduled
- E) Affect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:
- Jeff Shuck
Deputy General Counsel of Personnel
CMS Legal Offices
720 Stratton Office Building
401 South Spring Street
Springfield, IL 62706
- 217/782-5778
- G) Related rulemakings and other pertinent information: Other Sections of this Part will be amended in the future as outlined in this agenda, but none relate directly to the substance of this rulemaking.

2) Rulemaking:

- A) Description: Personnel rules 303.149 and 332 will be revised to ensure consistency and to incorporate the term "workdays" to make the rules consistent with the AFSCME Collective Bargaining Agreement.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

JANUARY 2007 REGULATORY AGENDA

- B) Statutory Authority: Implementing and authorized by the Personnel Code [20 ILCS 415] and the Organ Donor Leave Act [5 ILCS 327]
- C) Scheduled meeting/hearing dates: Not Applicable
- D) Date agency anticipates First Notice: Not Yet Scheduled
- E) Affect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:
- Jeff Shuck
Deputy General Counsel of Personnel
CMS Legal Offices
720 Stratton Office Building
401 South Spring Street
Springfield, IL 62706
- 217/782-5778
- G) Related rulemakings and other pertinent information: Other Sections of this Part will be amended in the future as outlined in this agenda, but none relate directly to the substance of this rulemaking.

3) Rulemaking:

- A) Description: A new rule will be promulgated to interpret and effectuate the Family Military Leave Act, P.A. 94-589.
- B) Statutory Authority: Implementing and authorized by the Personnel Code [20 ILCS 415] and the Family Military Leave Act [820 ILCS 151].
- C) Scheduled meeting/hearing dates: Not Applicable
- D) Date agency anticipates First Notice: Not Yet Scheduled
- E) Affect on small businesses, small municipalities or not for profit corporations: None

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

JANUARY 2007 REGULATORY AGENDA

F) Agency contact person for information:

Jeff Shuck
Deputy General Counsel of Personnel
CMS Legal Offices
720 Stratton Office Building
401 South Spring Street
Springfield, IL 62706

217/782-5778

G) Related rulemakings and other pertinent information: Other Sections of this Part will be amended in the future as outlined in this agenda, but none relate directly to the substance of this rulemaking.b) Part(s) (Heading and Code Citation): Auto Liability (80 Ill. Adm. Code 3100):1) Rulemaking:

A) Description: Change to the statutory authority as well as clarification of the role of the recommendation options of the Special Auto Liability Committee.

B) Statutory Authority: 20 ILCS 405/405-105

C) Scheduled meeting/hearing dates: Not Applicable

D) Date agency anticipates First Notice: Not Yet Scheduled

E) Affect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:

Janice L. Bonneville
Bureau of Benefits
201 East Madison Street, Suite 3A
PO Box 19208
Springfield, IL 62794-9208

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

JANUARY 2007 REGULATORY AGENDA

217/785-8675

- G) Related rulemakings and other pertinent information: None

DEPARTMENT OF NATURAL RESOURCES

JANUARY 2007 REGULATORY AGENDA

- a) Part(s) (Heading and Code Citation): Rulemaking and Organization – 2 Ill. Adm. Code 825
- 1) Rulemaking:
- A) Description: Proposed amendments will update procedures for rulemaking and the organization structure.
- B) Statutory Authority: Implementing and authorized by Section 5-15 of the Illinois Administrative Procedure Act [5 ILCS 100/5-15].
- C) Scheduled meeting/hearing dates: None
- D) Date agency anticipates First Notice: May 2007
- E) Affect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:
- Jack Price
One Natural Resources Way
Springfield, IL 62702-1271

217/782-1809
- G) Related rulemakings and other pertinent information: None
- b) Part(s) (Heading and Code Citation): Freedom of Information – 2 Ill. Adm. Code 826
- 1) Rulemaking:
- A) Description: Update Exhibits to be consistent with text of rule.
- B) Statutory Authority: Implementing and authorized by the Freedom of Information Act [5 ILCS 140/1 et seq.].
- C) Scheduled meeting/hearing dates: None

DEPARTMENT OF NATURAL RESOURCES

JANUARY 2007 REGULATORY AGENDA

- D) Date agency anticipates First Notice: May 2007
- E) Affect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:
Jack Price
One Natural Resources Way
Springfield, IL 62702-1271

217/782-1809
- G) Related rulemakings and other pertinent information: None
- c) Part(s) (Heading and Code Citation): Competitive Tournament Fishing on State Owned and/or Leased Water Areas – 17 Ill. Adm. Code 115
- 1) Rulemaking:
- A) Description: Amendments are necessary to update sites.
- B) Statutory Authority: Implementing and authorized by Section 468 of the "State Parks Act" [20 ILCS 835/4] and Sections 1.5 and 2.1 of the Fish and Aquatic Life Code [515 ILCS 5/1-125 and 5-5].
- C) Scheduled meeting/hearing dates: None
- D) Date agency anticipates First Notice: March 2007
- E) Affect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:
Jack Price
One Natural Resources Way
Springfield, IL 62702-1271

217/782-1809

DEPARTMENT OF NATURAL RESOURCES

JANUARY 2007 REGULATORY AGENDA

- G) Related rulemakings and other pertinent information: None
- d) Part(s) (Heading and Code Citation): Camping on Department of Natural Resources Properties – 17 Ill. Adm. Code 130
- 1) Rulemaking:
- A) Description: Amendments are necessary to update the regulations for the 2007 camping season.
- B) Statutory Authority: Implementing and authorized by Sections 1 and 4(1) and (5) of the State Parks Act [20 ILCS 835/1 and 4(1) and (5)], and by Sections 63a23 and 63a28 of the Civil Administrative Code of Illinois [20 ILCS 805/63a23 and 63a28].
- C) Scheduled meeting/hearing dates: None
- D) Date agency anticipates First Notice: February 2007
- E) Affect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:
- Jack Price
One Natural Resources Way
Springfield, IL 62702-1271

217/782-1809
- G) Related rulemakings and other pertinent information: None
- e) Part(s) (Heading and Code Citation): Regulations Concerning Horse Barns at Sites Having Equestrian Use Areas – 17 Ill. Adm. Code 140
- 1) Rulemaking:
- A) Description: Amendments are necessary to update regulations for overnight barn stabling of horses at Department sites having equestrian use areas.

DEPARTMENT OF NATURAL RESOURCES

JANUARY 2007 REGULATORY AGENDA

- B) Statutory Authority: Implementing and authorized by Sections 1, 4, 4c and 6 of the "State Parks Act" [20 ILCS 835/1, 4, 4c and 6]; and by Section 5 of the State Parks Designation Act [20 ILCS 840/5].
- C) Scheduled meeting/hearing dates: None
- D) Date agency anticipates First Notice: March 2007
- E) Affect on small businesses, small municipalities or not for profit corporations: Will affect persons with concession contracts with DNR.
- F) Agency contact person for information:
- Jack Price
One Natural Resources Way
Springfield, IL 62702-1271

217/782-1809
- G) Related rulemakings and other pertinent information: None
- f) Part(s) (Heading and Code Citation): Regulations for the Letting of Concessions, Farm Leases, Sale of Buildings and Facilities, and Demolitions – 17 Ill. Adm. Code 150
- 1) Rulemaking:
- A) Description: Amendments to this Part are necessary to update regulations and selection criteria regarding concession leases, agricultural management leases, sale of buildings and facilities and demolitions.
- B) Statutory Authority: Implementing and authorized by Sections 63a6, 63a14, and 63a21 of the Civil Administrative Code of Illinois [20 ILCS 805/63a6,63a14, and 63a21].
- C) Scheduled meeting/hearing dates: None

DEPARTMENT OF NATURAL RESOURCES

JANUARY 2007 REGULATORY AGENDA

- D) Date agency anticipates First Notice: March 2007
- E) Affect on small businesses, small municipalities or not for profit corporations: Will affect persons with concession agreements, lease agreements or contracts with DNR.
- F) Agency contact person for information:

Jack Price
One Natural Resources Way
Springfield, IL 62702-1271

217/782-1809
- G) Related rulemakings and other pertinent information: None
- g) Part(s) (Heading and Code Citation): Hunting and Trapping Accidents – 17 Ill. Adm. Code 515
- 1) Rulemaking:
- A) Description: Amendments are necessary to update regulations for reporting hunting and trapping accidents to the Department.
- B) Statutory Authority: Implementing and authorized by Section 3.40 of the Wildlife Code [520 ILCS 5/3.40] and Section 63a37 of The Civil Administrative Code of Illinois [20 ILCS 805/63a37]
- C) Scheduled meeting/hearing dates: None
- D) Date agency anticipates First Notice: April 2007
- E) Affect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:

Jack Price
One Natural Resources Way

DEPARTMENT OF NATURAL RESOURCES

JANUARY 2007 REGULATORY AGENDA

Springfield, IL 62702-1271

217/782-1809

- G) Related rulemakings and other pertinent information: None
- h) Part(s) (Heading and Code Citation): Scientific Permits – 17 Ill. Adm. Code 520
- 1) Rulemaking:
- A) Description: These amendments are being proposed to update statutory citations and the Department's address.
- B) Statutory Authority: Implementing and authorized by Sections 1-120, 1-135 and 20-100 of the Fish and Aquatic Life Code [515 ILCS 5/1-120, 1-135, 20-100] and Sections 1.2, 1.3, 2.1, 2.4, 3.22 and 3.36 of the Wildlife Code [520 ILCS 5/1.2, 1.3, 2.1, 2.4, 3.22 and 3.26].
- C) Scheduled meeting/hearing dates: None
- D) Date agency anticipates First Notice: January 2007
- E) Affect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:
- Jack Price
One Natural Resources Way
Springfield, IL 62702-1271
- 217/782-1809
- G) Related rulemakings and other pertinent information: None
- i) Part(s) (Heading and Code Citation): Special Purpose Permits – 17 Ill. Adm. Code 522
- 1) Rulemaking:

DEPARTMENT OF NATURAL RESOURCES

JANUARY 2007 REGULATORY AGENDA

- A) Description: This new Part establishes regulations for wildlife rehabilitation special purpose permittees.
- B) Statutory Authority: Implementing and authorized by Sections 1-125, 5-5, 20-100 and 20-105 of the Fish and Aquatic Life Code [515 ILCS 5/1-125, 5-5, 20-100 and 20-105] and Sections 2.1, 3.22 and 3.36 of the Wildlife Code [520 ILCS 5/2.1, 3.22 and 3.36].
- C) Scheduled meeting/hearing dates: None
- D) Date agency anticipates First Notice: June 2007
- E) Affect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:

Jack Price
One Natural Resources Way
Springfield IL 62702-1271

217/782-1809
- G) Related rulemakings and other pertinent information: None
- j) Part(s) (Heading and Code Citation): Cock Pheasant, Hungarian Partridge, Bobwhite Quail and Rabbit Hunting – 17 Ill. Adm. Code 530
- 1) Rulemaking:
- A) Description: Amendments are necessary to update this Part for the 2007 hunting season.
- B) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.1, 2.2, 2.26, 2.27, 2.30, 2.33, 3.5, 3.27, 3.28 and 3.29 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.13, 2.1, 2.2, 2.6, 2.7, 2.27, 2.30, 2.33, 3.5, 3.27, 3.28 and 3.29].
- C) Scheduled meeting/hearing dates: None

DEPARTMENT OF NATURAL RESOURCES

JANUARY 2007 REGULATORY AGENDA

- D) Date agency anticipates First Notice: January 2007
- E) Affect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:
Jack Price
One Natural Resources Way
Springfield IL 62702-1271
217/782-1809
- G) Related rulemakings and other pertinent information: None
- k) Part(s) (Heading and Code Citation): Raccoon, Opossum, Striped Skunk, Red Fox, Gray Fox, Coyote and Woodchuck (Groundhog) Hunting – 17 Ill. Adm. Code 550
- 1) Rulemaking:
- A) Description: Amendments are necessary to update regulations for the 2007 hunting season.
- B) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.1, 2.2, 2.6, 2.7, 2.30, 2.33, 3.5, 3.27, 3.28 and 3.29 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.13, 2.1, 2.2, 2.6, 2.7, 2.30, 2.33, 3.5, 3.27, 3.28 and 3.29].
- C) Scheduled meeting/hearing dates: None
- D) Date agency anticipates First Notice: January 2007
- E) Affect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:
Jack Price

DEPARTMENT OF NATURAL RESOURCES

JANUARY 2007 REGULATORY AGENDA

One Natural Resources Way
Springfield IL 62702-1271

217/782-1809

G) Related rulemakings and other pertinent information: None

l) Part(s) (Heading and Code Citation): Raccoon, Opossum, Striped Skunk, Red Fox, Gray Fox, Coyote and Woodchuck (Groundhog) Trapping – 17 Ill. Adm. Code 570

1) Rulemaking:

A) Description: This Part is being amended to update regulations for the 2007 trapping season.

B) Statutory Authority: Implementing and authorized by Sections 1.2, 1.3, 2.30, 2.33 and 3.5 of the Wildlife Code [520 ILCS 5/1.2, 1.3, 2.30, 2.33 and 3.5].

C) Scheduled meeting/hearing dates: None

D) Date agency anticipates First Notice: March 2007

E) Affect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:

Jack Price
One Natural Resources Way
Springfield IL 62702-1271

217/782-1809

G) Related rulemakings and other pertinent information: None

m) Part(s) (Heading and Code Citation): Duck, Goose and Coot Hunting – 17 Ill. Adm. Code 590

DEPARTMENT OF NATURAL RESOURCES

JANUARY 2007 REGULATORY AGENDA

- 1) Rulemaking:
 - A) Description: This Part is being amended to update regulations for the 2007 season.
 - B) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.1, 2.2, 2.18, 2.19, 2.20, 2.23, 2.33, 3.5, 3.6, 3.7, 3.8 and 3.10 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.13, 2.1, 2.2, 2.18, 2.19, 2.20, 2.23, 2.33, 3.5 3.6, 3.7, 3.8 and 3.10], and Migratory Bird Hunting (50 CFR 20, effective September 26, 1990).
 - C) Scheduled meeting/hearing dates: None
 - D) Date agency anticipates First Notice: January 2007
 - E) Affect on small businesses, small municipalities or not for profit corporations: None
 - F) Agency contact person for information:

Jack Price
One Natural Resources Way
Springfield IL 62702-1271

217/782-1809
 - G) Related rulemakings and other pertinent information: None
- n) Part(s) (Heading and Code Citation): Disease Free Certification and Quarantine Provisions for Propagation, Release, Importation, Exportation and Transportation of Game Mammals, Game Birds or Exotic Wildlife – 17 Ill. Adm. Code 630
 - 1) Rulemaking:
 - A) Description: These amendments are being proposed to update statutory citations.

DEPARTMENT OF NATURAL RESOURCES

JANUARY 2007 REGULATORY AGENDA

- B) Statutory Authority: Implementing and authorized by Sections 1.10, 3.23, 3.25, 3.27, 3.34, and 3.36 of the Wildlife Code 520 ILCS 5/1.10, 3.23, 3.25, 3.27, 3.34 and 3.36].
- C) Scheduled meeting/hearing dates: None
- D) Date agency anticipates First Notice: January 2007
- E) Affect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:
- Jack Price
One Natural Resources Way
Springfield, IL 62702-1271
- 217/782-1809
- G) Related rulemakings and other pertinent information: None
- o) Part(s) (Heading and Code Citation): White-Tailed Deer Hunting By Use of Firearms – 17 Ill. Adm. Code 650
- 1) Rulemaking:
- A) Description: This Part will be amended to update the rule for the 2007 hunting season. Amendments include updating application/permit requirements, firearm requirements, Statewide regulations, sites open to hunting and site-specific information.
- B) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.24, 2.25, 2.26 and 3.36 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.13, 2.24, 2.25, 2.26 and 3.36].
- C) Scheduled meeting/hearing dates: None
- D) Date agency anticipates First Notice: March 2007

DEPARTMENT OF NATURAL RESOURCES

JANUARY 2007 REGULATORY AGENDA

- E) Affect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:
Jack Price, Legal Counsel
One Natural Resources Way
Springfield IL 62702-1271

217/782-1809
- G) Related rulemakings and other pertinent information: None
- p) Part(s) (Heading and Code Citation): White-Tailed Deer Hunting by Use of Muzzleloading Rifles – 17 Ill. Adm. Code 660
- 1) Rulemaking:
- A) Description: This Part will be amended to update the rule for the 2007 hunting season. Amendments include updating application/permit requirements, muzzleloading rifle requirements, Statewide regulations, sites open to hunting and site-specific information.
- B) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.24, 2.25, 2.26, 2.33 and 3.36 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.13, 2.24, 2.25, 2.26, 2.33 and 3.36].
- C) Scheduled meeting/hearing dates: None
- D) Date agency anticipates First Notice: March 2007
- E) Affect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:
Jack Price, Legal Counsel
One Natural Resources Way
Springfield IL 62702-1271

DEPARTMENT OF NATURAL RESOURCES

JANUARY 2007 REGULATORY AGENDA

217/782-1809

G) Related rulemakings and other pertinent information: Noneq) Part(s) (Heading and Code Citation): White-Tailed Deer Hunting by Use of Bow and Arrow – 17 Ill. Adm. Code 6701) Rulemaking:A) Description: This Part will be amended to update the rule for the 2007 hunting season. Amendments include updating open seasons and counties, sites and site-specific information, hunting regulations, permit requirements and harvest reporting requirements.B) Statutory Authority: Implementing and authorized by Sections 1.2, 1.3, 1.4, 2.1, 2.2, 2.24, 2.25, 2.26, 2.33 3.5 and 3.36 of the Wildlife Code [520 ILCS 5/1.2, 1.3, 1.4, 2.1, 2.2, 2.24, 2.25, 2.26, 2.33, 3.5 and 3.36].C) Scheduled meeting/hearing dates: NoneD) Date agency anticipates First Notice: March 2007E) Affect on small businesses, small municipalities or not for profit corporations: NoneF) Agency contact person for information:Jack Price, Legal Counsel
One Natural Resources Way
Springfield IL 62702-1271

217/782-1809

G) Related rulemakings and other pertinent information: Noner) Part(s) (Heading and Code Citation): White-Tailed Deer Hunting by Use of Handguns – 17 Ill. Adm. Code 680

DEPARTMENT OF NATURAL RESOURCES

JANUARY 2007 REGULATORY AGENDA

- 1) Rulemaking:
 - A) Description: This Part will be amended to update the rule for the 2007 hunting season. Amendments include updating Statewide requirements, permit requirements and hunting regulations.
 - B) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.24, 2.25, 2.26 and 3.36 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.13, 2.24, 2.25, 2.26 and 3.36].
 - C) Scheduled meeting/hearing dates: None
 - D) Date agency anticipates First Notice: March 2007
 - E) Affect on small businesses, small municipalities or not for profit corporations: None
 - F) Agency contact person for information:

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

217/782-1809
 - G) Related rulemakings and other pertinent information: None
- s) Part(s) (Heading and Code Citation): Youth Hunting Season – 17 Ill. Adm. Code 685
 - 1) Rulemaking:
 - A) Description: This Part will be amended to update the rule for the 2007 hunting season.
 - B) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 2.24, 2.25, 2.26 and 3.36 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 2.24, 2.25, 2.26 and 3.36].

DEPARTMENT OF NATURAL RESOURCES

JANUARY 2007 REGULATORY AGENDA

- C) Scheduled meeting/hearing dates: None
- D) Date agency anticipates First Notice: March 2007
- E) Affect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:

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

217/782-1809
- G) Related rulemakings and other pertinent information: None
- t) Part(s) (Heading and Code Citation): Squirrel Hunting – 17 Ill. Adm. Code 690
- 1) Rulemaking:
- A) Description: This Part is being amended to update regulations for the 2007 hunting season.
- B) Statutory Authority: Implementing and authorized by Sections 1.2, 1.3, 1.4, 2.1, 2.2, 2.28 and 3.5 of the Wildlife Code [520 ILCS 5/1.2, 1.3, 1.4, 2.1, 2.2, 2.28 and 3.5].
- C) Scheduled meeting/hearing dates: None
- D) Date agency anticipates First Notice: January 2007
- E) Affect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:

Jack Price
One Natural Resources Way
Springfield IL 62702-1271

DEPARTMENT OF NATURAL RESOURCES

JANUARY 2007 REGULATORY AGENDA

217/782-1809

G) Related rulemakings and other pertinent information: Noneu) Part(s) (Heading and Code Citation): The Taking of Wild Turkeys – Fall Gun Season – 17 Ill. Adm. Code 7151) Rulemaking:A) Description: This Part is being amended to update regulations for the 2007 hunting season.B) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 1.20, 2.9, 2.10 and 2.11 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.20, 2.9, 2.10 and 2.11].C) Scheduled meeting/hearing dates: NoneD) Date agency anticipates First Notice: January 2007E) Affect on small businesses, small municipalities or not for profit corporations: NoneF) Agency contact person for information:Jack Price
One Natural Resources Way
Springfield IL 62702-1271

217/782-1809

G) Related rulemakings and other pertinent information: Nonev) Part(s) (Heading and Code Citation): The Taking of Wild Turkeys – Fall Archery Season – 17 Ill. Adm. Code 7201) Rulemaking:

DEPARTMENT OF NATURAL RESOURCES

JANUARY 2007 REGULATORY AGENDA

- A) Description: This Part is being amended to update regulations for the 2007 hunting season.
- B) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 2.9, 2.10 and 2.11 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 2.9, 2.10 and 2.11].
- C) Scheduled meeting/hearing dates: None
- D) Date agency anticipates First Notice: January 2007
- E) Affect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:
- Jack Price
One Natural Resources Way
Springfield IL 62702-1271

217/782-1809
- G) Related rulemakings and other pertinent information: None
- w) Part(s) (Heading and Code Citation): Dove Hunting – 17 Ill. Adm. Code 730
- 1) Rulemaking:
- A) Description: This Part is being amended to update regulations for the 2007 hunting season.
- B) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 2.9, 2.10 and 2.11 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 2.9, 2.10 and 2.11].
- C) Scheduled meeting/hearing dates: None
- D) Date agency anticipates First Notice: January 2007

DEPARTMENT OF NATURAL RESOURCES

JANUARY 2007 REGULATORY AGENDA

- E) Affect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:

Jack Price
One Natural Resources Way
Springfield IL 62702-1271

217/782-1809
- G) Related rulemakings and other pertinent information: None
- x) Part(s) (Heading and Code Citation): Crow, Woodcock, Snipe, Rail and Teal Hunting – 17 Ill. Adm. Code 740
- 1) Rulemaking:
- A) Description: This Part is being amended to update regulations for the 2007 hunting season.
- B) Statutory Authority: Implementing and authorized by Sections 1.2, 1.3, 1.4, 2.1, 2.2, 2.18, 2.26, 2.33 and 3.5 of the Wildlife Code [520 ILCS 5/1.2, 1.3, 1.4, 2.1, 2.2, 2.18, 2.26, 2.33 and 3.5] and Migratory Bird Hunting (50 CFR 20, August 25, 1987).
- C) Scheduled meeting/hearing dates: None
- D) Date agency anticipates First Notice: February 2007
- E) Affect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:

Jack Price
One Natural Resources Way
Springfield IL 62702-1271

217/782-1809

DEPARTMENT OF NATURAL RESOURCES

JANUARY 2007 REGULATORY AGENDA

- G) Related rulemakings and other pertinent information: None
- y) Part(s) (Heading and Code Citation): Hunting Season for Game Breeding and Hunting Preserve Areas – 17 Ill. Adm. Code 745
- 1) Rulemaking:
- A) Description: This Part will be amended to update statutory citations and outdated language.
- B) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 2.1, 2.2, 3.27, 3.28, 3.29 and 3.30 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 2.1, 2.2, 3.27, 3.28 and 3.29].
- C) Scheduled meeting/hearing dates: None
- D) Date agency anticipates First Notice: March 2007
- E) Affect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:
- Jack Price
One Natural Resources Way
Springfield, IL 62702-1271

217/782-1809
- G) Related rulemakings and other pertinent information: None
- z) Part(s) (Heading and Code Citation): Commercial Fishing and Musseling in Certain Waters of the State – 17 Ill. Adm. Code 830
- 1) Rulemaking:
- A) Description: Amendments will be made to update regulations.

DEPARTMENT OF NATURAL RESOURCES

JANUARY 2007 REGULATORY AGENDA

- B) Statutory Authority: Implementing and authorized by Sections 1-60, 1-65, 1-120, 10-120, 15-35, 15-40, 20-35 and 25-5 of the Fish and Aquatic Life Code [515 ILCS 5/1-60, 1-65, 1-120, 10-120, 15-35, 15-40, 20-35 and 25-5].
 - C) Scheduled meeting/hearing dates: None
 - D) Date agency anticipates First Notice: February 2007
 - E) Affect on small businesses, small municipalities or not for profit corporations: None
 - F) Agency contact person for information:

Jack Price
One Natural Resources Way
Springfield, IL 62702-1271

217/782-1809
 - G) Related rulemakings and other pertinent information: None
- aa) Part(s) (Heading and Code Citation): Fish Salvage – 17 Ill. Adm. Code 860
- 1) Rulemaking:
 - A) Description: These amendments are being proposed to update the Stautatory Authority/Citations and outdated language.
 - B) Statutory Authority: Implementing and authorized by Sections 1-15, 1-20, 1-150, 5-5 and 25-5 of the Fish and Aquatic Life Code [515 ILCS 5/1-15, 1-20, 1-150, 5-5 an 25-5].
 - C) Scheduled meeting/hearing dates: None
 - D) Date agency anticipates First Notice: January 2007
 - E) Affect on small businesses, small municipalities or not for profit corporations: None

DEPARTMENT OF NATURAL RESOURCES

JANUARY 2007 REGULATORY AGENDA

- F) Agency contact person for information:
- Jack Price
One Natural Resources Way
Springfield, IL 62702-1271
- 217/782-1809
- G) Related rulemakings and other pertinent information: None
- bb) Part(s) (Heading and Code Citation): Fish Removal With Chemicals – 17 Ill. Adm. Code 890
- 1) Rulemaking:
- A) Description: These amendments are being proposed to update the Authority Note and statutory citations.
- B) Statutory Authority: Implementing and authorized by Sections 1-135, 1-150 and 5-5 of the Fish and Aquatic Life Code [515 ILCS 5/1-135, 1-150 and 5-5].
- C) Scheduled meeting/hearing dates: None
- D) Date agency anticipates First Notice: January 2007
- E) Affect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:
- Jack Price
One Natural Resources Way
Springfield, IL 62702-1271
- 217/782-1809
- G) Related rulemakings and other pertinent information: None

DEPARTMENT OF NATURAL RESOURCES

JANUARY 2007 REGULATORY AGENDA

- cc) Part(s) (Heading and Code Citation): Consultation Procedures for Assessing Impacts of Agency Actions on Endangered and Threatened Species and Natural Areas – 17 Ill. Adm. Code 1075
- 1) Rulemaking:
- A) Description: These amendments are being proposed to update statutory citations.
- B) Statutory Authority: Implementing and authorized by Section 11(b) of the Illinois Endangered Species Protection Act [520 ILCS 10/11] and Section 17 of the Illinois Natural Areas Preservation Act [525 ILCS 30/17].
- C) Scheduled meeting/hearing dates: None
- D) Date agency anticipates First Notice: May 2007
- E) Affect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:
- Jack Price
One Natural Resources Way
Springfield, IL 62702-1271

217/782-1809
- G) Related rulemakings and other pertinent information: None
- dd) Part(s) (Heading and Code Citation): Forestry Cost-Share Program – 17 Ill. Adm. Code 1536
- 1) Rulemaking:
- A) Description: These amendments are being proposed to update the Department's address.

DEPARTMENT OF NATURAL RESOURCES

JANUARY 2007 REGULATORY AGENDA

- B) Statutory Authority: Implementing and authorized by the Illinois Forestry Development Act [525 ILCS 15].
 - C) Scheduled meeting/hearing dates: None
 - D) Date agency anticipates First Notice: May 2007
 - E) Affect on small businesses, small municipalities or not for profit corporations: None
 - F) Agency contact person for information:

Jack Price
One Natural Resources Way
Springfield, IL 62702-1271

217/782-1809
 - G) Related rulemakings and other pertinent information: None
- ee) Part(s) (Heading and Code Citation): Forest Management Plan – 17 Ill. Adm. Code 1537
- 1) Rulemaking:
 - A) Description: These amendments are being proposed to update statutory citations and the Department's address.
 - B) Statutory Authority: Implementing and authorized by the Illinois Forestry Development Act [525 ILCS 15].
 - C) Scheduled meeting/hearing dates: None
 - D) Date agency anticipates First Notice: May 2007
 - E) Affect on small businesses, small municipalities or not for profit corporations: None
 - F) Agency contact person for information:

DEPARTMENT OF NATURAL RESOURCES

JANUARY 2007 REGULATORY AGENDA

Jack Price
One Natural Resources Way
Springfield, IL 62702-1271

217/782-1809

G) Related rulemakings and other pertinent information: None

ff) Part(s) (Heading and Code Citation): Seed Collection – 17 Ill. Adm. Code 1539

1) Rulemaking:

A) Description: These amendments are being proposed to update the name of the division administering this program.

B) Statutory Authority: Implementing and authorized by the State Forest Act [525 ILCS 40].

C) Scheduled meeting/hearing dates: None

D) Date agency anticipates First Notice: May 2007

E) Affect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:

Jack Price
One Natural Resources Way
Springfield, IL 62702-1271

217/782-1809

G) Related rulemakings and other pertinent information: None

gg) Part(s) (Heading and Code Citation): Distribution and Sale of Plant and Plant Materials – 17 Ill. Adm. Code 1540

1) Rulemaking:

DEPARTMENT OF NATURAL RESOURCES

JANUARY 2007 REGULATORY AGENDA

- A) Description: These amendments are being proposed to update statutory citations, the Department's address and the name of the division administering this program.
- B) Statutory Authority: Implementing and authorized by the State Forest Act [525 ILCS 40]; Section 1.12 of the Wildlife Code [520 ILCS 5/1.12]; and Sections 805-105 and 805-130 of the Civil Administrative Code of Illinois [20 ILCS 805/805-105 and 805/130]
- C) Scheduled meeting/hearing dates: None
- D) Date agency anticipates First Notice: May 2007
- E) Affect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:

Jack Price
One Natural Resources Way
Springfield, IL 62702-1271

217/782-1809
- G) Related rulemakings and other pertinent information: None
- hh) Part(s) (Heading and Code Citation): Sale of Forest Products – 17 Ill. Adm. Code 1545
- 1) Rulemaking:
- A) Description: These amendments are being proposed to update statutory citations, the Department's address and the name of the division administering the program.
- B) Statutory Authority: Implementing and authorized by the State Forest Act [525 ILCS 40].
- C) Scheduled meeting/hearing dates: None

DEPARTMENT OF NATURAL RESOURCES

JANUARY 2007 REGULATORY AGENDA

- D) Date agency anticipates First Notice: May 2007
- E) Affect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:

Jack Price
One Natural Resources Way
Springfield, IL 62702-1271

217/782-1809
- G) Related rulemakings and other pertinent information: None
- ii) Part(s) (Heading and Code Citation): Forest Fire Protection Districts Act – 17 Ill. Adm. Code 1560
- 1) Rulemaking:
- A) Description: These amendments are being proposed to update the Department's address and the name of the division administering this program.
- B) Statutory Authority: Implementing and authorized by the Forest Fire Protection District Act [425 ILCS 40].
- C) Scheduled meeting/hearing dates: None
- D) Date agency anticipates First Notice: May 2007
- E) Affect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:

Jack Price
One Natural Resources Way
Springfield, IL 62702-1271

DEPARTMENT OF NATURAL RESOURCES

JANUARY 2007 REGULATORY AGENDA

217/782-1809

G) Related rulemakings and other pertinent information: Nonejj) Part(s) (Heading and Code Citation): Falconry and the Captive Propagation of Raptors – 17 Ill. Adm. Code 15901) Rulemaking:A) Description: These amendments are being proposed to update regulations and to update the CFR citations.B) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 2.1, 2.2, 2.4, 2.6, 2.7, 2.13, 2.18, 2.20, 2.27, 2.28, 2.29, 2.30, 3.5 and 3.6 of the Wildlife Code [520 ILCS 1.3, 1.4, 2.1, 2.2, 2.4, 2.6, 2.7, 2.13, 2.18, 2.20, 2.27, 2.28, 2.29, 2.30, 3.5 and 3.6] and Section 5 of the Illinois Endangered Species Protection Act [520 ILCS 10/5].C) Scheduled meeting/hearing dates: NoneD) Date agency anticipates First Notice: April 2007E) Affect on small businesses, small municipalities or not for profit corporations: NoneF) Agency contact person for information:Jack Price
One Natural Resources Way
Springfield, IL 62702-1271

217/782-1809

G) Related rulemakings and other pertinent information: Nonekk) Part(s) (Heading and Code Citation): Exotic Weeds – 17 Ill. Adm. Code 15951) Rulemaking:

DEPARTMENT OF NATURAL RESOURCES

JANUARY 2007 REGULATORY AGENDA

- A) Description: This new rule will contain regulations pertaining to the purchase, sale, offer to sell, distribution and planting of certain plants designated as exotic weeds.
- B) Statutory Authority: Implementing and authorized by Section 15 of the Department of Natural Resources Law [20 ILCS 805/805-15] and Sections 3 and 4 of the Illinois Exotic Weed Act [525 ILCS 10/3 and 10/4].
- C) Scheduled meeting/hearing dates: None
- D) Date agency anticipates First Notice: March 2007
- E) Affect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:

Jack Price
One Natural Resources Way
Springfield, IL 62702-1271

217/782-1809
- G) Related rulemakings and other pertinent information: None
- II) Part(s) (Heading and Code Citation): Boat and Snowmobile Registration and Safety – 17 Ill. Adm. Code 2010
- 1) Rulemaking:
- A) Description: These amendments are being proposed to update the Department's address.
- B) Statutory Authority: Implementing and authorized by Sections 3-1, 3-2, 3-3, 4-1 and 9-1 of the Boat Registration and Safety Act [625 ILCS 45/3-1, 3-2, 3-3, 4-1 and 9-1] and the Snowmobile Registration and Safety Act [625 ILCS 40].

DEPARTMENT OF NATURAL RESOURCES

JANUARY 2007 REGULATORY AGENDA

- C) Scheduled meeting/hearing dates: None
- D) Date agency anticipates First Notice: April 2007
- E) Affect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:

Jack Price
One Natural Resources Way
Springfield, IL 62702-1271

217/782-1809
- G) Related rulemakings and other pertinent information: None
- mm) Part(s) (Heading and Code Citation): Designation of Restricted Waters in the State of Illinois – 17 Ill. Adm. Code 2030
- 1) Rulemaking:
- A) Description: Proposed amendments will update list of designated waters.
- B) Statutory Authority: Implementing and authorized by Section 5-7 and 5-12 of the boar Registration and Safety Act [625 ILCS 45/5-7 and 5-12].
- C) Scheduled meeting/hearing dates: None
- D) Date agency anticipates First Notice: February 2007
- E) Affect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:

Jack Price
One Natural Resources Way

DEPARTMENT OF NATURAL RESOURCES

JANUARY 2007 REGULATORY AGENDA

Springfield, IL 62702-1271

217/782-1809

G) Related rulemakings and other pertinent information: Nonenn) Part(s) (Heading and Code Citation): Consignment of Licenses, Stamps and Permits – 17 Ill. Adm. Code 25201) Rulemaking:A) Description: These amendments are being proposed to update the Department's address.B) Statutory Authority: Implementing and authorized by Sections 1.4, 3.1, 3.2, 3.37, 3.38 and 3.39 of the Wildlife Code [520 ILCS 5/1.4, 3.1, 3.2, 3.37, 3.38 and 3.39] and Sections 1-125, 20-6, 20-10, 20-30, 20-45, 20-55 and 20-120 of the Fish and Aquatic Life Code [515 ILCS 5/1-125, 20-6, 20-10, 20-30, 20-45, 20-55 and 20-120].C) Scheduled meeting/hearing dates: NoneD) Date agency anticipates First Notice: May 2007E) Affect on small businesses, small municipalities or not for profit corporations: NoneF) Agency contact person for information:Jack Price
One Natural Resources Way
Springfield, IL 62702-1271

217/782-1809

G) Related rulemakings and other pertinent information: Noneoo) Part(s) (Heading and Code Citation): Interstate Wildlife Violator Compact – 17 Ill. Adm. Code 2535

DEPARTMENT OF NATURAL RESOURCES

JANUARY 2007 REGULATORY AGENDA

- 1) Rulemaking:
 - A) Description: Proposed New Rule containing regulations for entering into interstate compacts concerning conservation law violators with one or more other states.
 - B) Statutory Authority: 20 ILCS 805/805-545
 - C) Scheduled meeting/hearing dates: None
 - D) Date agency anticipates First Notice: March 2007
 - E) Affect on small businesses, small municipalities or not for profit corporations: None
 - F) Agency contact person for information:

Jack Price
One Natural Resources Way
Springfield, IL 62702-1271

217/782-1809
 - G) Related rulemakings and other pertinent information: None
- pp) Part(s) (Heading and Code Citation): Relocation Assistance and Payments Program – 17 Ill. Adm. Code 2575
 - 1) Rulemaking:
 - A) Description: This Part is being amended to update regulations pertaining to relocation and reestablishment of persons, businesses, farm operations and nonprofit organizations displaced as a result of the acquisition of land for State conservation projects.
 - B) Statutory Authority: Implementing and authorized by Sections 1 through 5 of the Displaced Person Relocation Act [310 ILCS 40/1-5], Section 3 of the State Forest Act [525 ILCS 40/3], Section 2 of the State Parks Act [20 ILCS 835/2], Section 1.9 of the Wildlife

DEPARTMENT OF NATURAL RESOURCES

JANUARY 2007 REGULATORY AGENDA

Code [520 ILCS 5/1.9] and Section 7.05 of the Illinois Natural Areas Preservation Act [525 ILCS 30/7.05].

- C) Scheduled meeting/hearing dates: None
 - D) Date agency anticipates First Notice: May 2007
 - E) Affect on small businesses, small municipalities or not for profit corporations: None
 - F) Agency contact person for information:

Jack Price
One Natural Resources Way
Springfield, IL 62702-1271

217/782-1809
 - G) Related rulemakings and other pertinent information: None
- qq) Part(s) (Heading and Code Citation): Advertising in Department Publications – 17 Ill. Adm. Code 2650
- 1) Rulemaking:
 - A) Description: These amendments are being proposed to update the Statutory Authority and to update regulations.
 - B) Statutory Authority: Implementing and authorized by Section 805-430 of the Civil Administrative Code of Illinois [20 ILCS 805/805-430].
 - C) Scheduled meeting/hearing dates: None
 - D) Date agency anticipates First Notice: May 2007
 - E) Affect on small businesses, small municipalities or not for profit corporations: None
 - F) Agency contact person for information:

DEPARTMENT OF NATURAL RESOURCES

JANUARY 2007 REGULATORY AGENDA

Jack Price
One Natural Resources Way
Springfield, IL 62702-1271

217/782-1809

G) Related rulemakings and other pertinent information: None

rr) Part(s) (Heading and Code Citation): Illinois Snowmobile Grant Program – 17 Ill. Adm. Code 3010

1) Rulemaking:

A) Description: These amendments are being proposed to update requirements pertaining to retention of records.

B) Statutory Authority: Implementing and authorized by Sections 8-1 and 9-1 of the Snowmobile Registration and Safety Act [625 ILCS 40/8-1 and 9-1].

C) Scheduled meeting/hearing dates: None

D) Date agency anticipates First Notice: January 2007

E) Affect on small businesses, small municipalities or not for profit corporations: This amendment will specify how long grant recipients are required to keep records.

F) Agency contact person for information:

Jack Price
One Natural Resources Way
Springfield, IL 62702-1271

217/782-1809

G) Related rulemakings and other pertinent information: None

DEPARTMENT OF NATURAL RESOURCES

JANUARY 2007 REGULATORY AGENDA

- ss) Part(s) (Heading and Code Citation): Snowmobile Trail Establishment Fund Grant Program – 17 Ill. Adm. Code 3020
- 1) Rulemaking:
- A) Description: These amendments are being proposed to update requirements pertaining to retention of records.
- B) Statutory Authority: Implementing and authorized by Sections 9-1 and 9-2 of the Snowmobile Registration and Safety Act [625 ILCS 40/9-1 and 9-2].
- C) Scheduled meeting/hearing dates: None
- D) Date agency anticipates First Notice: January 2007
- E) Affect on small businesses, small municipalities or not for profit corporations: This amendment will specify how long grant recipients are required to keep records.
- F) Agency contact person for information:
- Jack Price
One Natural Resources Way
Springfield, IL 62702-1271
- 217/782-1809
- G) Related rulemakings and other pertinent information: None
- tt) Part(s) (Heading and Code Citation): Open Space Lands Acquisition and Development Grant Program – 17 Ill. Adm. Code 3025
- 1) Rulemaking:
- A) Description: These amendments are being proposed to update requirements pertaining to retention of records.
- B) Statutory Authority: Implementing and authorized by the Open Space Lands Acquisition and Development Act [525 ILCS 35].

DEPARTMENT OF NATURAL RESOURCES

JANUARY 2007 REGULATORY AGENDA

- C) Scheduled meeting/hearing dates: None
- D) Date agency anticipates First Notice: January 2007
- E) Affect on small businesses, small municipalities or not for profit corporations: This amendment will specify how long grant recipients are required to keep records.
- F) Agency contact person for information:
- Jack Price
One Natural Resources Way
Springfield, IL 62702-1271

217/782-1809
- G) Related rulemakings and other pertinent information: None
- uu) Part(s) (Heading and Code Citation): Land and Water Conservation Fund (LWCF) Grant Program – 17 Ill. Adm. Code 3030
- 1) Rulemaking:
- A) Description: These amendments are being proposed to update requirements pertaining to retention of records.
- B) Statutory Authority: Implementing and authorized by the Outdoor Recreation Resources Act [20 ILCS 860 and the Land and Water Conservation Fund Program (36 CFR 59 and 72).
- C) Scheduled meeting/hearing dates: None
- D) Date agency anticipates First Notice: January 2007
- E) Affect on small businesses, small municipalities or not for profit corporations: This amendment will specify how long grant recipients are required to keep records.
- F) Agency contact person for information:

DEPARTMENT OF NATURAL RESOURCES

JANUARY 2007 REGULATORY AGENDA

Jack Price
One Natural Resources Way
Springfield, IL 62702-1271

217/782-1809

G) Related rulemakings and other pertinent information: None

vv) Part(s) (Heading and Code Citation): Boat Access Area Development Program –
17 Ill. Adm. Code 3035

1) Rulemaking:

- A) Description: These amendments are being proposed to clarify maximum grant amounts, update program compliance requirements and update requirements pertaining to retention of records.
- B) Statutory Authority: Implementing and authorized by Section 805-325 of the Civil Administrative Code [20 ILCS 805/805-325] and Section 10-1 of the Boat Registration and Safety Act [625 ILCS 45/10-1].
- C) Scheduled meeting/hearing dates: None
- D) Date agency anticipates First Notice: January 2007
- E) Affect on small businesses, small municipalities or not for profit corporations: This amendment will specify how long grant recipients are required to keep records.
- F) Agency contact person for information:

Jack Price
One Natural Resources Way
Springfield, IL 62702-1271

217/782-1809

DEPARTMENT OF NATURAL RESOURCES

JANUARY 2007 REGULATORY AGENDA

G) Related rulemakings and other pertinent information: None

ww) Part(s) (Heading and Code Citation): Illinois Bicycle Path Grant Program – 17 Ill. Adm. Code 3040

1) Rulemaking:

A) Description: These amendments are being proposed to update requirements pertaining to retention of records.

B) Statutory Authority: Implementing and authorized by Section 805-70 of the Civil Administrative Code of Illinois [20 ILCS 805/805-70] and Section 2-119 of the Illinois Vehicle Code [625 ILCS 5/2-119].

C) Scheduled meeting/hearing dates: None

D) Date agency anticipates First Notice: January 2007

E) Affect on small businesses, small municipalities or not for profit corporations: This amendment will specify how long grant recipients are required to keep records.

F) Agency contact person for information:

Jack Price
One Natural Resources Way
Springfield, IL 62702-1271

217/782-1809

G) Related rulemakings and other pertinent information: None

xx) Part(s) (Heading and Code Citation): Open Land Trust Grant Program – 17 Ill. Adm. Code 3050

1) Rulemaking:

A) Description: These amendments are being proposed to update requirements pertaining to retention of records.

DEPARTMENT OF NATURAL RESOURCES

JANUARY 2007 REGULATORY AGENDA

- B) Statutory Authority: Implementing and authorized by the Open Land Trust Act [525 ILCS 33].
 - C) Scheduled meeting/hearing dates: None
 - D) Date agency anticipates First Notice: January 2007
 - E) Affect on small businesses, small municipalities or not for profit corporations: This amendment will specify how long grant recipients are required to keep records.
 - F) Agency contact person for information:

Jack Price
One Natural Resources Way
Springfield, IL 62702-1271

217/782-1809
 - G) Related rulemakings and other pertinent information: None
- yy) Part(s) (Heading and Code Citation): Special Wildlife Funds Grant Program – 17 Ill. Adm. Code 3060
- 1) Rulemaking:
 - A) Description: These amendments are being proposed to add a new Section pertaining to wildlife rehabilitation facilities and make additional minor changes to other programs to maintain consistency throughout the rule.
 - B) Statutory Authority: Implementing and authorized by Section 805-70 of the Civil Administrative Code [20 ILCS 805/805-70]; Sections 1.28, 1.29, 1.31 and 1.32 of the Wildlife Code [520 ILCS 5/1.28, 1.29, 1.31 and 1.32]; the Habitat Endowment Act [520 ILCS 25]; and the Illinois Non-Game Wildlife Protection Act [30 ILCS 155].
 - C) Scheduled meeting/hearing dates: None

DEPARTMENT OF NATURAL RESOURCES

JANUARY 2007 REGULATORY AGENDA

- D) Date agency anticipates First Notice: January 2007
- E) Affect on small businesses, small municipalities or not for profit corporations: This amendment will specify how long grant recipients are required to keep records.
- F) Agency contact person for information:

Jack Price
One Natural Resources Way
Springfield, IL 62702-1271

217/782-1809
- G) Related rulemakings and other pertinent information: None
- zz) Part(s) (Heading and Code Citation): Public Museum Grants Program – 17 Ill. Adm. Code 3200
- 1) Rulemaking:
- A) Description: Update regulations for administration of the public museum grant program.
- B) Statutory Authority: Implementing and authorized by Section 1-25(22) of the Department of Natural Resources Act [20 ILCS 801/1-25(22)].
- C) Scheduled meeting/hearing dates: None
- D) Date agency anticipates First Notice: May 2007
- E) Affect on small businesses, small municipalities or not for profit corporations: This amendment will only affect recipients of grants.
- F) Agency contact person for information:

Stanley Yonkauski
One Natural Resources Way

DEPARTMENT OF NATURAL RESOURCES

JANUARY 2007 REGULATORY AGENDA

Springfield, IL 62702-1271

217/782-1809

G) Related rulemakings and other pertinent information: Noneaaa) Part(s) (Heading and Code Citation): The Illinois Oil and Gas Act – 62 Ill. Adm. Code 2401) Rulemaking:A) Description: These amendments are being proposed to increase the amount for civil penalties for non-compliance with the rules, clarify who is required to be notified of administrative hearings by the Division of Oil and Gas, to require the GPS locations for new wells, and to clarify existing language in the rules.B) Statutory Authority: Implementing and authorized by Sections 6 and 8a of "The Illinois Oil and Gas Act" [225 ILCS 725/6 and 8a].C) Scheduled meeting/hearing dates: NoneD) Date agency anticipates First Notice: January 2007E) Affect on small businesses, small municipalities or not for profit corporations: Yes-will impact oil and gas operators.F) Agency contact person for information:Jack Price
One Natural Resources Way
Springfield, IL 62702-1271

217/782-1809

G) Related rulemakings and other pertinent information: None

POLLUTION CONTROL BOARD

JANUARY 2007 REGULATORY AGENDA

a) Parts (Headings and Code Citations):

GENERAL RULES (35 Ill. Adm. Code 101)
REGULATORY AND INFORMATIONAL HEARINGS AND PROCEEDINGS (35 Ill. Adm. Code 102)
ENFORCEMENT (35 Ill. Adm. Code 103)
REGULATORY RELIEF MECHANISMS (35 Ill. Adm. Code 104)
APPEALS OF FINAL DECISIONS OF STATE AGENCIES (35 Ill. Adm. Code 105)
PROCEEDINGS PURSUANT TO SPECIFIC RULES OR STATUTORY PROVISIONS (35 Ill. Adm. Code 106)
PETITION TO REVIEW POLLUTION CONTROL FACILITY SITING DECISIONS (35 Ill. Adm. Code 107)
ADMINISTRATIVE CITATIONS (35 Ill. Adm. Code 108)
TAX CERTIFICATIONS (35 Ill. Adm. Code 125)
IDENTIFICATION AND PROTECTION OF TRADE SECRETS AND OTHER NON-DISCLOSABLE INFORMATION (35 Ill. Adm. Code 130)

1) Rulemaking: R04-08A) Description:

The Board is preparing a rulemaking to amend its procedural regulations to allow for electronic filings in all Board proceedings through the Board's new "Clerk's Office On-Line" (COOL). The Board's new filing procedure will allow for electronic filings and payment of filing fees.

B) Statutory authority:

Implementing Sections 5, 7.1, 7.2, 26, 27, 28, 29, 31, 32, 33, 35, 36, 37, 38, 40, 40.1, 40.2, 41, and 58.7 of the Environmental Protection Act (Act) [415 ILCS 5/5, 7.1, 7.2, 26, 27, 28, 29, 31, 32, 33, 35, 36, 37, 38, 40, 40.1, 40.2, 41, and 58.7] and authorized by Sections 26 and 27 of the Act [415 ILCS 5/26 and 27].

C) Scheduled meeting/hearing dates:

None scheduled at this time. Section 28 of the Act does not require public hearings concerning procedural rules. While the Board does not currently plan to schedule hearings in this rulemaking, the Board would conduct

POLLUTION CONTROL BOARD

JANUARY 2007 REGULATORY AGENDA

such hearings if the level of public interest indicates that public hearings are desirable.

D) Date agency anticipates First Notice:

The Board anticipates First Notice publication of the proposed rules in the *Illinois Register* in the Spring or Summer 2007.

E) Effect on small business, small municipalities, or not-for-profit corporation:

There may be an effect on any small business, small municipality, or not-for-profit corporation that appears before the Board in any type of proceeding or which seeks to contact the Board for any reason, including to inspect and copy Board records. Proceedings before the Board include enforcement actions, rulemaking proceedings, variance proceedings, adjusted standard proceedings, site-specific rulemaking proceedings, permit appeals, pollution control facility siting appeals, and any other actions provided by law.

F) Agency contact person for information:

Address written comments concerning the substance of the rulemaking as follows:

Name: Dorothy Gunn, Clerk
Address: Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda as follows:

Name: Erin Conley, Rules Coordinator
Address: Pollution Control Board
1021 North Grand Avenue East
P.O. Box 19274
Springfield, Illinois 62794-9274
Telephone: 217-782-2471
Internet: conleye@ipcb.state.il.us

POLLUTION CONTROL BOARD

JANUARY 2007 REGULATORY AGENDA

G) Related rulemakings and other pertinent information:

No other presently anticipated proceedings would affect the text of Parts 101 through 130.

b) Part (Heading and Code Citation):

Definitions and General Provisions (35 Ill. Adm. Code 211)

1) Rulemaking: Docket number R07-10A) Description:

Section 9.1(e) of the Environmental Protection Act [415 ILCS 5/9.1(e)] mandates that the Board update the Illinois definition of volatile organic material (VOM) to reflect the additions made by the United States Environmental Protection Agency (USEPA) to the list of compounds exempt from regulation as ozone precursors. Those compounds are determined by USEPA to be exempt from regulation under the state implementation plan (SIP) for ozone in the federal "Recommended Policy on the Control of Volatile Organic Compounds" (Recommended Policy) due to their negligible photochemical reactivity. On February 3, 1992 (57 Fed. Reg. 3945), USEPA codified its definition of VOM at 40 CFR 51.100(s), which now embodies the former Recommended Policy. This codified definition now includes all the compounds and classes of compounds previously exempted in the former Recommended Policy. The Illinois definition of VOM is presently codified at 35 Ill. Adm. Code 211.7150.

The Board has reserved docket number R07-10 to accommodate any federal amendments to the 40 CFR 51.100(s) definition of VOM that USEPA may make in the period July 1, 2006 through December 31, 2006. At this time, the Board is not aware of any federal amendments to the federal definition of VOM that occurred during this update period.

The Board will verify the existence of any federal actions and the Board action required in response to each in coming weeks, by about mid-February 2006. The Board will then propose corresponding amendments to the Illinois definition of VOM using the identical-in-substance procedure or dismiss docket R07-10, as necessary and appropriate.

POLLUTION CONTROL BOARD

JANUARY 2007 REGULATORY AGENDA

Section 9.1(e) mandates that the Board complete amendments within one year of the date on which USEPA adopted the earliest action upon which the amendments are based. In docket R07-10, if the earliest federal amendments in the applicable period were assumed to have occurred on the first day of the update period, on July 1, 2006, the due date for Board adoption would be July 1, 2007.

B) Statutory authority:

Implementing and authorized by Sections 7.2, 9.1(e), and 27 of the Environmental Protection Act [415 ILCS 5/7.2, 9.1(e) & 27].

C) Scheduled meeting/hearing dates:

None scheduled at this time. The Board will vote to propose any amendments at an open meeting in accordance with requirements established by Sections 27 and 28 of the Act [415 ILCS 5/27 & 28]. The Board will then schedule and conduct at least one public hearing, as required by Section 118 of the federal Clean Air Act (42 USC § 7418) for amendment of the Illinois ozone SIP.

D) Date agency anticipates First Notice:

The Board cannot project an exact date for publication at this time. The Board expects to verify any federal actions by mid-February 2006, after which time the Board will propose any amendments to the Illinois definition of VOM that are necessary in response to the federal amendments that have occurred. If the due date for Board adoption of amendments in this docket were assumed to be July 1, 2007, for the purposes of illustration, the Board would vote to propose amendments and cause a Notice of Proposed Amendments to appear in the *Illinois Register* by early April 2007. This would be sufficiently in advance of the due date to allow the Board to accept public comments on the proposal for 45 days before acting to adopt any amendments. Alternatively, if no amendment to the Illinois definition is needed, the Board will promptly dismiss this reserved docket.

E) Effect on small business, small municipalities, or not-for-profit corporations:

POLLUTION CONTROL BOARD

JANUARY 2007 REGULATORY AGENDA

This rulemaking may affect any small business, small municipality, or not-for-profit corporation that engages in the emission of a chemical compound that is the subject of a proposed exemption or proposed deletion from the USEPA list of exempted compounds.

F) Agency contact person for information:

Address written comments concerning the substance of the rulemaking, noting docket number R07-10, as follows:

Name: Dorothy Gunn, Clerk
Address: Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda, noting docket number R07-10, as follows:

Name: Michael J. McCambridge, Attorney
Address: Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601
Telephone: 312-814-6924
Internet: mccambm@ipcb.state.il.us

G) Related rulemakings and other pertinent information:

No other presently known proceeding would affect provisions of Part 211.

Section 9.1(e) of the Environmental Protection Act [415 ILCS 5/9.1(e)] provides that Title VII of the Act and Section 5 of the Administrative Procedure Act (APA) [5 ILCS 100/5-35, 40] shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules. Rather, the Board will cause a Notice of Proposed Amendments to appear in the *Illinois Register*, and it will accept public comments on the proposal for 45 days after the date of publication.

c) Parts (Headings and Code Citations):

POLLUTION CONTROL BOARD

JANUARY 2007 REGULATORY AGENDA

PERMITS AND GENERAL PROVISIONS (35 Ill. Adm. Code 201.146)
DEFINITIONS AND GENERAL PROVISIONS (35 Ill. Adm. Code 211)
NITROGEN OXIDES EMISSIONS (35 Ill. Adm. Code 217, Subparts A and Q)

1) Rulemaking: No docket presently reserved.

A) Description:

The Illinois Environmental Protection Agency (Agency) is currently developing amendments for proposal to the Board to address Phase II of the United States Environmental Protection Agency's (USEPA's) nitrogen oxides (NO_x) State Implementation Plan (SIP) call. The (NO_x) SIP call required affected states, including Illinois, to regulate the NO_x emissions from large stationary internal combustion engines as required by the federal Clean Air Act (CAA). (69 Fed. Reg. 21604 (April 21, 2004)). This statewide proposal will also regulate NO_x emissions from smaller engines and turbines, as part of the State's obligation to meet NO_x reasonably available control technology requirements (RACT) for the new 8-hour ozone and PM_{2.5} National Ambient Air Quality Standard (NAAQS), reasonable further progress (RFP), and attainment demonstration requirements. In addition, the proposal will include conforming amendments for Part 201, concerning affected units that would be required to obtain operating permits and for Part 211, concerning applicable definitions.

B) Statutory authority:

Implementing and authorized by Sections 9.9, 10, 27 and 28.5 of the Illinois Environmental Protection Act [415 ILCS 5/ 9.9, 10, 27 and 28.5].

C) Scheduled meeting/hearing dates:

The Agency has stated that it anticipates submitting its rulemaking proposal to the Board in the Spring or Summer 2007. Once a proposal is filed, the Board will hold hearings on the schedule established in Section 27 of the Environmental Protection Act [415 ILCS 5/27] for rulemakings that are required under the federal CAA.

POLLUTION CONTROL BOARD

JANUARY 2007 REGULATORY AGENDA

D) Date agency anticipates First Notice:

An Agency submittal of a proposal to the Board would commence this proceeding, and the Agency has stated that it expects to file a proposal in the Spring or Summer 2007. After the filing of a proposal by the Agency, the Board will cause publication of a Notice of Proposed Amendments in the *Illinois Register*.

E) Effect on small business, small municipalities, or not-for-profit corporation:

Any small businesses, small municipalities, or not-for-profit corporations that own or operate an affected engine or turbine could be affected by the proposed amendments.

F) Agency contact person for information:

Address comments concerning the substance of the rulemaking to:

Name: Dorothy Gunn, Clerk
Address: Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda to:

Name: Erin Conley, Rules Coordinator
Address: 1021 North Grand Avenue East
P.O. Box 19274
Springfield, Illinois 62794-9274
Telephone: 217-782-2471
Internet: conleye@ipcb.state.il.us

G) Related rulemakings and other pertinent information:

For information regarding the Agency's development of this proposal, please contact the following Agency attorney:

Name: Rachel L. Doctors
Address: Illinois Environmental Protection Agency

POLLUTION CONTROL BOARD

JANUARY 2007 REGULATORY AGENDA

Division of Legal Counsel
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276

d) Parts (Headings and Code Citations):

DEFINITIONS AND GENERAL PROVISIONS (35 Ill. Adm. Code 211)
NITROGEN OXIDES EMISSIONS (35 Ill. Adm. Code 217)

1) Rulemaking: No docket presently reserved.A) Description:

The Illinois Environmental Protection Agency (Agency) is currently developing amendments for proposal to the Board to address part of the State's Clean Air Act obligations to meet nitrogen oxides (NO_x) reasonably available control technology requirements (RACT), reasonable further progress (RFP), and attainment demonstration requirements for the new 8-hour ozone and PM_{2.5} nonattainment areas. Illinois has two 8-hour ozone and PM_{2.5} nonattainment areas, greater Chicago and Metro-East/St. Louis. NO_x is one of the precursors to the formation of both ozone and PM_{2.5}. Control of NO_x emissions from the following types of units may be included in the proposal: ICI boilers less than 250 mmBtu, electric generating less than 25 megawatts, cement kilns, lime kilns, glass melting furnaces, iron and steel plants, and aluminum melting furnaces. In addition, the proposal includes conforming amendments for Part 211, concerning applicable definitions. The requirements are anticipated to apply statewide.

B) Statutory authority:

Implementing and authorized by Sections 10, 27 and 28.5 of the Illinois Environmental Protection Act [415 ILCS 5/10, 27 and 28.5].

C) Scheduled meeting/hearing dates:

POLLUTION CONTROL BOARD

JANUARY 2007 REGULATORY AGENDA

The Agency has stated that it anticipates submitting its rulemaking proposal to the Board in the Spring or Summer 2007. Once a proposal is filed, the Board will hold hearings on the schedule established in Section 27 of the Environmental Protection Act [415 ILCS 5/27] for rulemakings that are required under the federal CAA.

D) Date agency anticipates First Notice:

An Agency submittal of a proposal to the Board would commence this proceeding, and the Agency has stated that it expects to file a proposal in the Spring or Summer 2007. After the filing of a proposal by the Agency, the Board will cause publication of a Notice of Proposed Amendments in the *Illinois Register*.

E) Effect on small business, small municipalities, or not-for-profit corporation:

Any small businesses, small municipalities, or not-for-profit corporations that owns or operates an affected emission unit could be affected by the proposed amendments.

F) Agency contact person for information:

Address comments concerning the substance of the rulemaking to:

Name: Dorothy Gunn, Clerk
Address: Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda to:

Name: Erin Conley, Rules Coordinator
Address: 1021 North Grand Avenue East
P.O. Box 19274
Springfield, Illinois 62794-9274
Telephone: 217-782-2471
Internet: conleye@ipcb.state.il.us

G) Related rulemakings and other pertinent information:

POLLUTION CONTROL BOARD

JANUARY 2007 REGULATORY AGENDA

For information regarding the Agency's development of this proposal, please contact the following Agency attorney:

Name: Rachel L. Doctors
Address: Illinois Environmental Protection Agency
Division of Legal Counsel
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276

e) Parts (Headings and Code Citations):

Definitions and General Provisions (35 Ill. Adm. Code 211)
Organic Material Emission Standards and Limitations (35 Ill. Adm. Code 215)
Organic Material Emission Standards and Limitations for the Chicago Area (35 Ill. Adm. Code 218)
Organic Material Emission Standards and Limitations for the Metro East Area (35 Ill. Adm. Code 219)

1) Rulemaking: No docket presently reserved.

A) Description:

The Illinois Environmental Protection Agency (Agency) is currently developing amendments for proposal to the Board. The proposal will set forth state-wide regulations pertaining to volatile organic compounds (VOC) from consumer and commercial products. The proposal will establish VOC content limits for the various product categories.

B) Statutory authority:

Implementing Section 10 of the Act [415 ILCS 5/10] and authorized by Sections 27 and 28 of the Act [415 ILCS 5/27 & 5/28].

C) Scheduled meeting/hearing dates:

The Agency has stated that it anticipates filing a rulemaking proposal with the Board in the Spring or Summer 2007. No meetings or hearings are scheduled at this time. Once the proposal is filed, the Board will conduct

POLLUTION CONTROL BOARD

JANUARY 2007 REGULATORY AGENDA

public hearings in accordance with the requirements established by Sections 27 and 28 of the Act [415 ILCS 5/27 & 5/28].

D) Date agency anticipates First Notice:

An Agency submittal of a proposal to the Board would commence this proceeding, and the Agency has stated that it expects to file a proposal in the Spring or Summer 2007. After the filing of a proposal by the Agency, the Board will cause publication of a Notice of Proposed Amendments in the *Illinois Register*.

E) Effect on small business, small municipalities, or not-for-profit corporation:

This proposal may affect any small business, small municipality or not-for-profit corporation that produces the various categories of consumer and commercial products.

F) Agency contact person for information:

Address comments concerning the substance of the rulemaking to:

Name: Dorothy Gunn, Clerk
Address: Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda to:

Name: Erin Conley, Rules Coordinator
Address: 1021 North Grand Avenue East
P.O. Box 19274
Springfield, Illinois 62794-9274
Telephone: 217-782-2471
Internet: conleye@ipcb.state.il.us

G) Related rulemakings and other pertinent information:

For information regarding the Agency's development of this proposal, please contact the following Agency attorney:

POLLUTION CONTROL BOARD

JANUARY 2007 REGULATORY AGENDA

Name: Charles Matoesian
Address: Illinois Environmental Protection Agency
Division of Legal Counsel
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276

f) Parts (Headings and Code Citations):

Definitions and General Provisions (35 Ill. Adm. Code 211)
Organic Material Emission Standards and Limitations (35 Ill. Adm. Code 215)
Organic Material Emission Standards and Limitations for the Chicago Area (35 Ill. Adm. Code 218)
Organic Material Emission Standards and Limitations for the Metro East Area (35 Ill. Adm. Code 219)

1) Rulemaking: No docket presently reserved.A) Description:

The Illinois Environmental Protection Agency (Agency) is currently developing amendments for proposal to the Board. The proposal will set forth state-wide regulations pertaining to emission of volatile organic compounds (VOC) from architectural and industrial maintenance coating operations. The proposal will establish VOC content limits for the specific architectural and industrial maintenance coatings.

B) Statutory authority:

Implementing Section 10 of the Act [415 ILCS 5/10] and authorized by Sections 27 and 28 of the Act [415 ILCS 5/27 & 5/28].

C) Scheduled meeting/hearing dates:

The Agency has stated that it anticipates filing a rulemaking proposal with the Board in the Spring or Summer 2007. No meetings or hearings are scheduled at this time. Once the proposal is filed, the Board will conduct public hearings in accordance with the requirements established by Sections 27 and 28 of the Act [415 ILCS 5/27 & 5/28].

POLLUTION CONTROL BOARD

JANUARY 2007 REGULATORY AGENDA

D) Date agency anticipates First Notice:

An Agency submittal of a proposal to the Board would commence this proceeding, and the Agency has stated that it expects to file a proposal in the Spring or Summer 2007. After the filing of a proposal by the Agency, the Board will cause a Notice of Proposed Amendments to appear in the *Illinois Register*.

E) Effect on small business, small municipalities, or not-for-profit corporation:

This proposal may affect any small business, small municipality or not-for-profit corporation that operates or manufacturers architectural and industrial maintenance coatings.

F) Agency contact person for information:

Address comments concerning the substance of the rulemaking to:

Name: Dorothy Gunn, Clerk
Address: Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda to:

Name: Erin Conley, Rules Coordinator
Address: 1021 North Grand Avenue East
P.O. Box 19274
Springfield, Illinois 62794-9274
Telephone: 217-782-2471
Internet: conleye@ipcb.state.il.us

G) Related rulemakings and other pertinent information:

For information regarding the Agency's development of this proposal, please contact the following Agency attorney:

Name: Gina Roccaforte

POLLUTION CONTROL BOARD

JANUARY 2007 REGULATORY AGENDA

Address: Illinois Environmental Protection Agency
Division of Legal Counsel
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276

g) Parts (Headings and Code Citations):

DEFINITIONS AND GENERAL PROVISIONS (35 Ill. Adm. Code 211)
REGIONAL HAZE (35 Ill. Adm. Code 226)

1) Rulemaking: No docket presently reserved.A) Description:

The Illinois Environmental Protection Agency (Agency) is currently developing amendments for proposal to the Board. This proposal would address the State's obligation to meet the requirements of the Clean Air Act (CAA) for Regional Haze, specifically the requirement for Best Available Regional Haze (BART). Section 169A of the CAA requires that each major source in existence in 1977, but not in operation before 1962, that may reasonably anticipated to cause or contribute to any impairment of visibility in any Class I area shall procure, install, and operate BART. Major sources are defined as ones that have the potential to emit 250 tons per year or more of a visibility impairing pollutant in one of 26 specified categories, including but not limited to petroleum refineries, lime plants, steel mills, and fossil-fuel fired steam electric plants greater than 250 mmBtu. USEPA has identified sulfur dioxide, NO_x, and primary particulate matter (PM) as visibility impairing pollutants. This rule will affect BART applicable emission units statewide.

B) Statutory authority:

Implementing and authorized by Sections 10 and 27 of the Act [415 ILCS 5/10 and 5/27].

C) Scheduled meeting/hearing dates:

The Agency has stated that it anticipates submitting its rulemaking proposal to the Board in the Spring or Summer 2007. Once a proposal is

POLLUTION CONTROL BOARD

JANUARY 2007 REGULATORY AGENDA

filed, the Board will hold hearings on the schedule established in Section 27 of the Environmental Protection Act [415 ILCS 5/27] for rulemakings that are required under the federal CAA.

D) Date agency anticipates First Notice:

An Agency submittal of a proposal to the Board would commence this proceeding, and the Agency has stated that it expects to file a proposal in the Spring or Summer 2007. After the filing of a proposal by the Agency, the Board will cause publication of a Notice of Proposed Amendments in the *Illinois Register*.

E) Effect on small business, small municipalities, or not-for-profit corporation:

Any small businesses, small municipalities, or not-for-profit corporations that owns or operates an affected emission unit could be affected by the proposed amendments.

F) Agency contact person for information:

Address comments concerning the substance of the rulemaking to:

Name: Dorothy Gunn, Clerk
Address: Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda to:

Name: Erin Conley, Rules Coordinator
Address: 1021 North Grand Avenue East
P.O. Box 19274
Springfield, Illinois 62794-9274
Telephone: 217-782-2471
Internet: conleye@ipcb.state.il.us

G) Related rulemakings and other pertinent information:

POLLUTION CONTROL BOARD

JANUARY 2007 REGULATORY AGENDA

For information regarding the Agency's development of this proposal, please contact the following Agency attorney:

Name: Rachel L. Doctors
Address: Illinois Environmental Protection Agency
Division of Legal Counsel
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276

h) Parts (Headings and Code Citations):

Definitions and General Provisions (35 Ill. Adm. Code 211)
Organic Material Emission Standards and Limitations (35 Ill. Adm. Code 215)
Organic Material Emission Standards and Limitations for the Chicago Area (35 Ill. Adm. Code 218)
Organic Material Emission Standards and Limitations for the Metro East Area (35 Ill. Adm. Code 219)

1) Rulemaking: No docket presently reserved.

A) Description:

The Illinois Environmental Protection Agency (Agency) is currently developing amendments for proposal to the Board. The proposal will set forth state-wide regulations pertaining to volatile organic compounds (VOC) from several categories of products, including but not limited to the following: flexible packaging printing materials, lithographic printing materials, letterpress printing materials, industrial cleaning solvents, and flat wood paneling coatings. The proposal will establish VOC content limits for the various product categories as set forth in USEPAs Control Technique Guidelines.

B) Statutory authority:

Implementing Section 10 of the Act [415 ILCS 5/10] and authorized by Sections 27 and 28 of the Act [415 ILCS 5/27 & 5/28].

C) Scheduled meeting/hearing dates:

POLLUTION CONTROL BOARD

JANUARY 2007 REGULATORY AGENDA

The Agency has stated that it anticipates filing a rulemaking proposal with the Board in the Winter of 2007. No meetings or hearings are scheduled at this time. Once the proposal is filed, the Board will conduct public hearings in accordance with the requirements established by Sections 27 and 28 of the Act [415 ILCS 5/27 & 5/28].

D) Date agency anticipates First Notice:

An Agency submittal of a proposal to the Board would commence this proceeding, and the Agency has stated that it expects to file a proposal in the Winter of 2007. After the filing of a proposal by the Agency, the Board will cause publication of a Notice of Proposed Amendments in the *Illinois Register*.

E) Effect on small business, small municipalities, or not-for-profit corporation:

This proposal may affect any small business, small municipality or not-for-profit corporation that produces the various categories of products.

F) Agency contact person for information:

Address comments concerning the substance of the rulemaking to:

Name: Dorothy Gunn, Clerk
Address: Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda to:

Name: Erin Conley, Rules Coordinator
Address: 1021 North Grand Avenue East
P.O. Box 19274
Springfield, Illinois 62794-9274
Telephone: 217-782-2471
Internet: conleye@ipcb.state.il.us

G) Related rulemakings and other pertinent information:

POLLUTION CONTROL BOARD

JANUARY 2007 REGULATORY AGENDA

For information regarding the Agency's development of this proposal, please contact the following Agency attorney:

Name: Charles Matoesian
Address: Illinois Environmental Protection Agency
Division of Legal Counsel
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276

i) Parts (Headings and Code Citations):

Nitrogen Oxides Emissions (35 Ill. Adm. Code 217)

1) Rulemaking: R06-22

A) Description:

On January 19, 2006, the Board received a rulemaking proposal submitted by the Illinois Environmental Protection Agency (Agency) pursuant to Section 27 and 28 of the Illinois Environmental Protection Act (Act) (415 ILCS 5/27 and 28 (2004)). Included in this proposal are amendments to the regulations governing Nitrogen Oxide (NOx) emissions found at 35 Ill. Adm. Code Part 217, Subparts A, T, U, and W.

The amendments propose to update Part 217 to reflect recent amendments made by the United States Environmental Protection Agency (USEPA) to the Code of Federal Regulations concerning several test methods and procedures, and by the Illinois General Assembly to Section 9.9 of the Act concerning the sale of NOx allowances and the repeal of the stay provisions. The Agency proposes amendments intended to ensure that the NOx budgets for both the Electrical Generating Units (EGU) and the non-EGUs are not reduced by low-emitters in a way that was not anticipated at the time the rules were originally adopted by the Board. Finally, the Agency proposes clarifications to the dates and timing of allocations designed to simplify the administration of the NOx Trading Program. The Agency asserts that this proposal does not change the emission limits or require new control devices on affected sources.

B) Statutory authority:

POLLUTION CONTROL BOARD

JANUARY 2007 REGULATORY AGENDA

Implementing Sections 9.9 and 10 and authorized by Sections 27 and 28.5 of the Environmental Protection Act [415 ILCS 5/9.9, 10, 27 and 28.5].

C) Scheduled meeting/hearing dates:

The Board is currently scheduling hearings in this rulemaking.

D) Date agency anticipates First Notice:

The Board anticipates adopting a first notice opinion and order in this rulemaking in the Spring or Summer 2007.

E) Effect on small business, small municipalities, or not-for-profit corporation:

This rule change may affect any small business, small municipality, or not-for-profit corporation subject to the Board's Nitrogen Oxide (NOx) emission rules.

F) Agency contact person for information:

Address comments concerning the substance of the rulemaking to:

Name: Dorothy Gunn, Clerk
Address: Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda to:

Name: Erin Conley, Rules Coordinator
Address: 1021 North Grand Avenue East
P.O. Box 19274
Springfield, Illinois 62794-9274
Telephone: 217-782-2471
Internet: conleye@ipcb.state.il.us

G) Related rulemakings and other pertinent information:

For information regarding the Agency's development of this proposal, please contact the following Agency attorney:

POLLUTION CONTROL BOARD

JANUARY 2007 REGULATORY AGENDA

Name: Rachel L. Doctors
Address: Illinois Environmental Protection Agency
Division of Legal Counsel
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276

j) Parts (Headings and Code Citations):

CONTROL OF EMISSIONS FROM LARGE COMBUSTION SOURCES (35 Ill. Adm. Code 225)

1) Rulemaking: R06-26A) Description:

This rulemaking was proposed to the Board by the Illinois Environmental Protection Agency (Agency) on May 30, 2006. The Agency proposes amendments to Part 225 to reduce intrastate and interstate transport of sulfur dioxide (SO₂) and nitrogen oxides (NO_x) emissions from fossil fuel-fired electric generating units (affected units), on an annual basis and on an ozone season basis of each calendar year. The Agency proposes the adoption of the Clean Air Interstate Rule (CAIR) SO₂ trading program, the CAIR NO_x Annual trading program and the CAIR NO_x Ozone Season trading program to accomplish this objective.

The proposed rule contains five subparts. As proposed, Subpart A includes general provisions, Subpart B is reserved-although this Subpart is included in the R06-25 rulemaking, Subpart C contains the CAIR SO₂ trading program, Subpart D details the CAIR NO_x Annual trading program, and Subpart E addresses the CAIR NO_x Ozone Season trading program.

The Agency asserts that its proposal is intended to satisfy Illinois' obligations under the United States Environmental Protection Agency's (USEPA) Rule to Reduce Interstate Transport of Fine Particulate Matter and Ozone; Revisions to Acid Rain Program; Revisions to the NO_x SIP Call, (CAIR), 70 *Fed. Reg.* 25162 (May 12, 2005). The proposal is also intended to the Agency's obligation to meet Clean Air Act (CAA)

POLLUTION CONTROL BOARD

JANUARY 2007 REGULATORY AGENDA

requirements for the control of fine particulate matter (PM_{2.5}) and ozone in the Chicago and Metro East/St. Louis nonattainment areas.

B) Statutory authority:
Implementing and authorized by Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/27 & 28].

C) Scheduled meeting/hearing dates:
The Board held hearings in this rulemaking on October 10th through the 12th in Springfield, and on November 28th and 29th in Chicago.

D) Date agency anticipates First Notice:

The Board anticipates adopting a first notice opinion and order in this rulemaking in the Spring or Summer 2007.

E) Effect on small business, small municipalities, or not-for-profit corporation:

Any small businesses, small municipalities, or not-for-profit corporations that owns or operates an affected emission unit could be affected by the proposed amendments.

F) Agency contact person for information:

Address comments concerning the substance of the rulemaking to:

Name: Dorothy Gunn, Clerk
Address: Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda to:

Name: Erin Conley, Rules Coordinator
Address: 1021 North Grand Avenue East
P.O. Box 19274
Springfield, Illinois 62794-9274
Telephone: 217-782-2471
Internet: conleye@ipcb.state.il.us

POLLUTION CONTROL BOARD

JANUARY 2007 REGULATORY AGENDA

- G) Related rulemakings and other pertinent information:
For information regarding the Agency's development of this proposal, please contact the following Agency attorney:

Name: Rachel L. Doctors
Address: Illinois Environmental Protection Agency
Division of Legal Counsel
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276

- k) Part (Heading and Code Citation):

WATER QUALITY STANDARDS (35 Ill. Adm. Code 302)

- 1) Rulemaking: R04-25

- A) Description:

This rulemaking was proposed to the Board on April 19, 2004 by the Illinois Association of Wastewater Agencies (IAWA). IAWA seeks to amend the Board's rule establishing general use water quality standards for dissolved oxygen (35 Ill. Adm. Code 302.206). Under the existing Board water quality standard, dissolved oxygen must not be less than 6.0 milligrams per liter (mg/L) during at least 16 hours of any 24 hour period, nor less than 5.0 mg/L at any time. IAWA seeks to amend these standards by explicitly providing that dissolved oxygen be determined on a monthly basis and specifying that (a) during the months of July through February, dissolved oxygen must not be less than a one-day minimum concentration of 3.5 mg/L, and a seven-day mean minimum of 4.0 mg/L, and (b) during the months of March through June, dissolved oxygen must not be less than a one-day minimum concentration of 5.0 mg/L, and a seven-day mean of 6.0 mg/L. IAWA also proposed definitions of "mean minimum" and "mean."

- B) Statutory authority:

Implementing Section 13 and authorized by Sections 11(b) and 27 of the Environmental Protection Act [415 ILCS 5/13, 11(b), and 27]

POLLUTION CONTROL BOARD

JANUARY 2007 REGULATORY AGENDA

C) Scheduled meeting /hearing date:

The Board has held hearings in this rulemaking on June 29, 2004, August 12, 2004, August 25, 2005, April 25, 2006, and November 2nd and 3rd, 2006.

D) Date agency anticipates First Notice:

The Board anticipates that it may adopt a first notice opinion and order in this rulemaking in the Spring or Summer 2007.

E) Effect on small businesses, small municipalities or not-for-profit corporations:

This rule may affect any small business, small municipality, or not-for-profit corporation that discharges particular contaminants into waters of the State.

F) Agency contact person for information:

Address written comments concerning the substance of the rulemaking to:

Name: Dorothy Gunn, Clerk
Address: Pollution Control Board
100 West Randolph Street, Suite
11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda to:

Name: Erin Conley
Address: Pollution Control Board
1021 North Grand Avenue East
P.O. Box 19274
Springfield, Illinois 62794-9274
Telephone: 217-782-2471
Internet: conleye@ipcb.state.il.us

G) Related rulemaking and other pertinent information:

POLLUTION CONTROL BOARD

JANUARY 2007 REGULATORY AGENDA

The Agency is in the process of developing another proposal that would impact Part 302 (see item below).

l) Part (Heading and Code Citation):

WATER QUALITY STANDARDS (35 Ill. Adm. Code 302)

1) Rulemaking: R07-9

A) Description:

The Illinois Environmental Protection Agency (Agency) filed a rulemaking proposal before the Board on November 23, 2006, relating to the water quality standards for total dissolved solids, sulfate and chloride. These amendments seek to revise and add numeric water quality standards for the protection of aquatic life. The Agency will use the amended water quality standards in ensuring compliance with the Clean Water Act requirements at 33 U.S.C. §1313 when issuing National Pollutant Discharge Elimination System permits pursuant to 415 ILCS 5/39(b) and water quality certifications required by 33 U.S.C. §1341.

B) Statutory authority:

Implementing and authorized by Sections 11, 13, and 27 of the Environmental Protection Act [415 ILCS 5/11, 13 & 27].

C) Scheduled meeting /hearing date:

The Board is in the process of scheduling hearings as required by Sections 27 and 28 of the Act [415 ILCS 5/27 & 28].

D) Date agency anticipates First Notice:

The Board anticipates adopting a first notice proposal in the Spring or Summer of 2007.

E) Effect on small businesses, small municipalities or not-for-profit corporations:

POLLUTION CONTROL BOARD

JANUARY 2007 REGULATORY AGENDA

This rule may affect any small business, small municipality, or not-for-profit corporation that discharges particular contaminants into waters of the State.

F) Agency contact person for information:

Address written comments concerning the substance of the rulemaking to:

Name: Dorothy Gunn, Clerk
Address: Pollution Control Board
100 West Randolph Street, Suite
11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda to:

Name: Erin Conley
Address: Pollution Control Board
1021 North Grand Avenue East
P.O. Box 19274
Springfield, Illinois 62794-9274
Telephone: 217-782-2471
Internet: conleye@ipcb.state.il.us

G) Related rulemaking and other pertinent information:

For information regarding the Agency's development of this proposal, please contact:

Toby Frevert
Bureau of Water
Illinois Environmental Protection Agency
1021 North Grand Ave. East
P.O. Box 19276
Springfield, Il. 62794-9276
217-782-1654

m) Part (Heading and Citation Code)

POLLUTION CONTROL BOARD

JANUARY 2007 REGULATORY AGENDA

WATER QUALITY STANDARDS (35 Ill. Adm. Code 302) and WATER USE DESIGNATIONS AND SITE SPECIFIC WATER QUALITY STANDARDS (35 Ill. Adm. Code 303)

1) Rulemaking: No docket presently reserved.

A) Description:

The Illinois Environmental Protection Agency (Agency) is preparing a rulemaking proposal for filing before the Board relating to the water quality standards for the Chicago Area Waterway System. The Agency has established a workgroup to conduct a Use Attainability Analysis (UAA), pursuant to 40 C.F.R. Section 131.10, for the Chicago Area Waterway System, with the primary focus on the Calumet and Chicago River Basin Waterway currently classified as Secondary Contact and Indigenous Aquatic Life and other selected General Use Waterways.

B) Statutory authority:

Implementing and authorized by Sections 11, 13 and 27 of the Environmental Protection Act [415 5/11, 13 & 27]

C) Scheduled meeting/hearing date:

No meetings or hearings are scheduled at this time. Once the proposal is filed, the Board will conduct hearings as required by Sections 27 and 28 of the Act [415 ILCS 5/27 & 28]

D) Date Agency anticipates First Notice:

An Agency submittal of a proposal to the Board would commence this proceeding, and the Agency has stated it expects to file a proposal in the Spring or Summer of 2007. After the filing of a proposal by the Agency, the Board will cause publication of a Notice of Proposed Amendments in the *Illinois Register*.

E) Effect on small businesses, small municipalities or not-for-profit corporations:

POLLUTION CONTROL BOARD

JANUARY 2007 REGULATORY AGENDA

This rule may affect any small business, small municipality, or not-for-profit corporation that discharges into the Chicago Area Waterway System.

F) Agency contact person for information:

Address written comments concerning the substance of this rulemaking to:

Name: Dorothy Gunn, Clerk
Address: Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address concerning this regulatory agenda to:

Name: Erin Conley
Address: Pollution Control Board
1021 North Grand Avenue East
P.O. Box 19274
Springfield, Illinois 62794-9274
Telephone: 217-782-2471
Internet: conleye@ipcb.state.il.us

G) Related rulemaking and other pertinent information:

For information regarding the Agency's development of this proposal, please contact:

Name: Stefanie N. Diers
Address: Division of Legal Counsel
Illinois Environmental Protection Agency
1021 North Grand Ave. East
P.O. Box 19276
Springfield, Illinois 62794-9276
Telephone: 217-782-5544

n) Part (Heading and Code Citation):

WATER USE DESIGNATIONS AND SITE SPECIFIC WATER QUALITY
STANDARDS (35 Ill. Adm. Code 303)

POLLUTION CONTROL BOARD

JANUARY 2007 REGULATORY AGENDA

1) Rulemaking: No docket presently reserved.

A) Description:

The Illinois Environmental Protection Agency (Agency) is currently developing amendments for proposal to the Board. 35 Ill. Adm. Code 303 contains the Board's water use designations for all bodies of water in the State of Illinois with use designations other than general use. The Agency has established a workgroup to conduct a Use Attainability Analysis, pursuant to 40 C.F.R. §131.10, of the portions of the lower Des Plaines River that are currently classified as secondary contact and indigenous aquatic life waters pursuant to 35 Ill. Adm. Code 303.441. In addition, the Agency is preparing a rulemaking proposal for filing before the Board will recommend updating and/or upgrading the use designation of the lower Des Plaines River from its confluence with the Sanitary and Ship Canal to the Interstate 55 bridge.

B) Statutory authority:

Implementing and authorized by Sections 11, 13, and 27 of the Environmental Protection Act [415 ILCS 5/11, 13 & 27].

C) Scheduled meeting /hearing date:

No meetings or hearings are scheduled at this time. Once the proposal is filed, the Board will conduct hearings as required by Sections 27 and 28 of the Act [415 ILCS 5/27 & 28].

D) Date agency anticipates First Notice:

An Agency submittal of a proposal to the Board would commence this proceeding, and the Agency has stated that it expects to file a proposal in the Spring or Summer 2007. After the filing of a proposal by the Agency, the Board will cause publication of a Notice of Proposed Amendments in the *Illinois Register*.

E) Effect on small businesses, small municipalities or not-for-profit corporations:

POLLUTION CONTROL BOARD

JANUARY 2007 REGULATORY AGENDA

This rule may affect any small business, small municipality, or not-for-profit corporation that discharges into the lower Des Plaines River.

F) Agency contact person for information:

Address written comments concerning the substance of the rulemaking to:

Name: Dorothy Gunn, Clerk
Address: Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address concerning this regulatory agenda to:

Name: Erin Conley
Address: Pollution Control Board
1021 North Grand Avenue East
P.O. Box 19274
Springfield, Illinois 62794-9274
Telephone: 217-782-2471
Internet: conleye@ipcb.state.il.us

G) Related rulemaking and other pertinent information:

For information regarding the Agency's development of this proposal, please contact:

Deborah J. Williams
Division of Legal Counsel
Illinois Environmental Protection Agency
1021 North Grand Ave. East
P.O. Box 19276
Springfield, Il. 62794-9276
217-782-5544

o) Parts (Headings and Code Citations):

Sewer Discharge Criteria (35 Ill. Adm. Code 307)
Pretreatment Programs (35 Ill. Adm. Code 310)

POLLUTION CONTROL BOARD

JANUARY 2007 REGULATORY AGENDA

1) Rulemaking: Docket number R07-16A) Description:

Section 13.3 of the Environmental Protection Act [415 ILCS 5/13.3] mandates that the Board update the Illinois wastewater pretreatment regulations to reflect revisions made to the federal wastewater pretreatment rules made by the United States Environmental Protection Agency (USEPA).

The Board has reserved docket number R07-16 to accommodate any amendments to the federal wastewater pretreatment rules, 40 CFR 400 through 499, that the USEPA may have made in the period July 1, 2006 through December 31, 2006. At this time, the Board is not aware of any federal amendments to the federal wastewater pretreatment regulations that occurred during this update period.

The Board will verify the existence of any federal actions that may affect the text of the federal wastewater pretreatment regulations and the Board action required in response to each set of federal amendments in coming weeks, by about mid-February 2006. The Board will then propose corresponding amendments to the Illinois wastewater pretreatment regulations using the identical-in-substance procedure under docket R07-16, as necessary and appropriate.

Section 13.3 of the Act mandates that the Board complete amendments within one year of the date on which USEPA adopted the earliest action upon which the amendments are based. In docket R07-16, if the earliest federal amendments in the applicable period were assumed to have occurred on the first day of the update period, on July 1, 2006, the due date for Board adoption would be July 1, 2007.

B) Statutory authority:

Implementing and authorized by Sections 7.2, 13, 13.3, and 27 of the Environmental Protection Act [415 ILCS 5/7.2, 13, 13.3 & 27].

C) Scheduled meeting/hearing dates:

POLLUTION CONTROL BOARD

JANUARY 2007 REGULATORY AGENDA

None scheduled at this time. The Board will vote to propose any amendments at an open meeting in accordance with requirements established by Sections 27 and 28 of the Act [415 ILCS 5/27 & 28]. No hearing is required in identical-in-substance proceedings.

D) Date agency anticipates First Notice:

The Board cannot project an exact date for publication at this time. The Board expects to verify any federal actions by mid-February 2006, after which time the Board will propose any amendments to the Illinois wastewater treatment rules that are necessary in response to the federal amendments that have occurred. If the due date for Board adoption of amendments in this docket were assumed to be July 1, 2007, the Board will vote to propose amendments and cause a Notice of Proposed Amendments to appear in the *Illinois Register* by early April 2007. This would be sufficiently in advance of the due date to allow the Board to accept public comments on the proposal for 45 days before acting to adopt any amendments. Alternatively, if no amendment to the Illinois wastewater pretreatment rules is needed, the Board will promptly dismiss this reserved docket.

E) Effect on small business, small municipalities, or not-for-profit corporations:

This rulemaking may affect any small business, small municipality, or not-for-profit corporation that pretreatment engages in the discharge of pollutants into the collection system of a publicly-owned treatment works that is the subject of any federal amendments.

F) Agency contact person for information:

Address written comments concerning the substance of the rulemaking, noting docket number R07-16, as follows:

Name: Dorothy Gunn, Clerk
Address: Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

POLLUTION CONTROL BOARD

JANUARY 2007 REGULATORY AGENDA

Address questions concerning this regulatory agenda, noting docket number R07-16, as follows:

Name: Michael J. McCambridge, Attorney
Address: Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601
Telephone: 312-814-6924
Internet: mccambm@ipcb.state.il.us

G) Related rulemakings and other pertinent information:

No other presently-known proceeding would affect provisions of Parts 307 and 310.

Section 13.3 of the Environmental Protection Act provides that Title VII of the Act and Section 5 of the Administrative Procedure Act (APA) [5 ILCS 100/5-35, 5-40] shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules. Rather, the Board will cause a Notice of Proposed Amendments to appear in the *Illinois Register*, and it will accept public comments on the proposal for 45 days after the date of publication.

p) Part (Heading and Code Citation):

STANDARDS FOR SLUDGE MANAGEMENT (35 Ill. Adm. Code 313)

1) Rulemaking: No docket presently reserved

A) Description:

The Illinois Environmental Protection Agency (Agency) is currently preparing a rulemaking proposal for filing before the Board relating to land application of sewage sludge. The rules would establish pollutant limits, pathogen reduction requirements, and vector control measures applicable to sludge applied to land.

B) Statutory authority:

POLLUTION CONTROL BOARD

JANUARY 2007 REGULATORY AGENDA

Implementing and authorized by Sections 11 and 27 of the Environmental Protection Act [415 ILCS 5/11 & 27]

C) Schedule meeting/hearing date:

No meetings or hearings are scheduled at this time. Once the proposal is filed, the Board will conduct hearings as required by Sections 27 and 28 of the Act [415 ILCS 5/27 & 28].

D) Date agency anticipates First Notice:

An Agency submittal of a proposal to the Board would commence this proceeding, and the Agency has stated that it expects to file a proposal during the Spring or Summer 2007. After the filing of a proposal by the Agency, the Board will cause a Notice of Proposed Rules to appear in the *Illinois Register*.

E) Effect on small businesses, small municipalities or not-for-profit corporations:

This rule may affect any small business, small municipality, or not-for-profit corporation that generates or uses sewage sludge.

F) Agency contact person for information:

Address written comments concerning the substance of the rulemaking to:

Name: Dorothy Gunn, Clerk
Address: Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda to:

Name: Erin Conley, Rules Coordinator
Address: Pollution Control Board
1021 North Grand Avenue East
P.O. Box 19274
Springfield, Illinois 62794-9274
Telephone: 217-782-2471

POLLUTION CONTROL BOARD

JANUARY 2007 REGULATORY AGENDA

Internet: conleye@ipcb.state.il.us

G) Related rulemakings and other pertinent information:

No other presently known Board proceedings would potentially impact the general provisions of Part 313.

The Agency has stated that it anticipates proposing amendments to its rules entitled "Design Criteria for Sludge Application on Land," 35 Ill. Adm. Code 391, which involve a related subject matter.

For information regarding the Agency's development of this proposal, please contact the following Agency attorney:

Name: Stefanie Diers
Address: Illinois Environmental Protection Agency
Division of Legal Counsel
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276

Interested persons may also contact the following Agency representative about its prospective rulemaking proposal:

Name: Alan Keller, P.E.
Manager, Northern Municipal Unit
Address: Illinois Environmental Protection Agency
Division of Water Pollution Control
Bureau of Water
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
Telephone: 217-782-0810

q) Parts (Heading and Code Citation):

AGRICULTURE RELATED WATER POLLUTION (35 Ill. Adm. Code Subtitle E)

1) Rulemaking: No docket presently reserved.

POLLUTION CONTROL BOARD

JANUARY 2007 REGULATORY AGENDA

A) Description:

The Illinois Environmental Protection Agency (Agency) will prepare a rulemaking proposal for filing before the Board relating to the United States Environmental Protection Agency's Environmental Protection Concentrated Animal Feeding Operation National Pollutant Discharge Elimination System (NPDES) regulations that were adopted on December 15, 2002. The Agency anticipates a review of Subtitle E and a proposal to ensure that it remains consistent with the federal regulations and case law reviewing these regulations. See, *Waterkeeper Alliance et al. v. USEPA*, 399 F.3d 486 (2d Cir. 2005).

B) Statutory Authority:

Implementing and authorized by Sections 11, 13, and 27 of the Environmental Protection Act [415 ILCS 5/11, 13 & 27].

C) Scheduled meeting/hearing dates:

No meetings or hearings are scheduled at this time. Once the proposal is filed, the Board will conduct hearings as required by Sections 27 and 28 of the Act [415 ILCS 5/27 & 28].

D) Date agency anticipates First Notice:

An Agency submittal of the rulemaking proposal is anticipated by Spring or Summer 2007. The Board will conduct proceedings pursuant to Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/27 & 28] upon receipt of the proposal and would cause a Notice of Proposed Amendments to appear in the *Illinois Register* when it decides to propose amendments for First Notice.

E) Affect on small businesses, small municipalities or not for profit corporations:

This rule could affect any agri-business that meets the federal definition of a Concentrated Animal Feeding Operation.

F) Agency contact person for information:

POLLUTION CONTROL BOARD

JANUARY 2007 REGULATORY AGENDA

Address written comments concerning the substance of the rulemaking to:

Name: Dorothy Gunn, Clerk
Address: Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda to:

Name: Erin Conley, Rules Coordinator
Address: Pollution Control Board
1021 North Grand Avenue East
P.O. Box 19274
Springfield, Illinois 62794-9274
Telephone: 217-782-2471
Internet: conleye@ipcb.state.il.us

G) Related Rulemaking and other pertinent information:

Interested persons may contact the Agency about its prospective rulemaking proposal as follows:

Name: Deborah J. Williams
Address: Illinois Environmental Protection Agency
Division of Legal Counsel
1021 North Grand Avenue East
Post Office Box 19276
Springfield, Illinois 62794-9276
Telephone: 217-782-5544

r) Part (Heading and Code Citation):

Primary Drinking Water Standards (35 Ill. Adm. Code 611)

1) Rulemaking: Docket number R07-11

A) Description:

Section 17.5 of the Environmental Protection Act [415 ILCS 5/17.5] mandates that the Board update the Illinois SDWA regulations to reflect

POLLUTION CONTROL BOARD

JANUARY 2007 REGULATORY AGENDA

the USEPA amendments to the federal Safe Drinking Water Act (SDWA) primary drinking water regulations.

The Board has reserved docket number R07-11 to accommodate any amendments to the SDWA national primary drinking water standards, 40 CFR 141 through 143, that the United States Environmental Protection Agency (USEPA) may make in the period July 1, 2006 through December 31, 2006. At this time, the Board is aware of one set of federal amendments to the federal national primary drinking water regulations and one set of corrections that occurred during this update period. The amendments and corrections are described as follows:

71 Fed. Reg. 65574 (November 8, 2006)

USEPA adopted a new Ground Water Rule (GWR). The federal GWR amendments to the National Primary Drinking Water Regulations is effective January 8, 2007. The GWR is intended to increase protection against microbial pathogens in public water systems that use ground water sources. The GWR requires disinfection as a treatment technique for all public water systems, including surface water systems and ground water systems, as necessary. The GWR targets ground water systems that are susceptible to fecal contamination, instead of requiring disinfection for all ground water systems. The GWR requires ground water systems that are at risk of fecal contamination to take corrective action to reduce cases of illnesses and deaths due to exposure to microbial pathogens.

71 Fed. Reg. 67427 (November 21, 2006)

USEPA corrected the references to analytical methods for use under the GWR.

The Board will verify the existence of any additional federal actions that may affect the text of the federal primary drinking water standards and the Board action required in response to each in coming weeks, by about mid-February 2006. The Board will then propose corresponding amendments to the Illinois SDWA primary drinking water regulations using the identical-in-substance procedure or dismiss docket R07-11, as necessary and appropriate.

POLLUTION CONTROL BOARD

JANUARY 2007 REGULATORY AGENDA

Section 17.5 mandates that the Board complete amendments within one year of the date on which USEPA adopted the earliest action upon which the amendments are based. In docket R07-11, if the earliest federal amendments in the applicable period were assumed to have occurred on November 8, 2006, the due date for Board adoption would be November 8, 2007.

B) Statutory authority:

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

C) Scheduled meeting/hearing dates:

None scheduled at this time. The Board will vote to propose any amendments at an open meeting in accordance with requirements established by Sections 27 and 28 of the Act [415 ILCS 5/27 & 28]. No hearing is required in identical-in-substance proceedings.

D) Date agency anticipates First Notice:

The Board cannot project an exact date for publication at this time. The Board expects to verify any federal actions by mid-February 2006, after which time the Board will propose any amendments to the Illinois SDWA drinking water rules that are necessary in response to the federal amendments that have occurred. If the due date for Board adoption of amendments in this docket is assumed to be November 8, 2007, for the purposes of illustration, the Board would vote to propose amendments and cause a Notice of Proposed Amendments to appear in the *Illinois Register* by mid-October 2006. This would be sufficiently in advance of the due date to allow the Board to accept public comments on the proposal for 45 days before acting to adopt any amendments. Alternatively, if no amendment to the Illinois definition is needed, the Board will promptly dismiss this reserved docket.

E) Effect on small business, small municipalities, or not-for-profit corporations:

This rulemaking may affect any small business, small municipality, or not-for-profit corporation in Illinois that owns or operates a "public water

POLLUTION CONTROL BOARD

JANUARY 2007 REGULATORY AGENDA

supply,” as defined by Section 3.28 of the Act, *i.e.*, it has at least fifteen service connections or regularly serves an average of at least 25 individuals daily at least 60 days out of the year, or it is assisting a public water supply to demonstrate compliance.

F) Agency contact person for information:

Address written comments concerning the substance of the rulemaking, noting docket number R07-11, as follows:

Name: Dorothy Gunn, Clerk
Address: Pollution Control Board
100 West Randolph Street Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda, noting docket number R07-11, as follows:

Name: Michael J. McCambridge, Attorney
Address: Pollution Control Board
100 West Randolph Street Suite 11-500
Chicago, Illinois 60601
Telephone: 312-814-6924
Internet: mccambm@ipcb.state.il.us

G) Related rulemakings and other pertinent information:

No other presently-known proceeding would affect provisions of Part 611.

Section 17.5 of the Environmental Protection Act [415 ILCS 5/17.5] provides that Title VII of the Act and Section 5 of the Administrative Procedure Act (APA) shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules. Rather, the Board will cause a Notice of Proposed Amendments to appear in the *Illinois Register*, and it will accept public comments on the proposal for 45 days after the date of publication.

s) Part (Headings and Code Citations):

POLLUTION CONTROL BOARD

JANUARY 2007 REGULATORY AGENDA

LABORATORY ACCREDITATION RULES (35 Ill. Adm. Code 611)

- 1) Rulemaking: No docket presently reserved.
 - A) Description:

The Illinois Environmental Protection Agency (Agency) is currently developing a proposal for filing with the Board. The proposal will seek to amend the public water supplies rules found in 35 Ill. Adm. Code 611 to cross reference the Agency's own laboratory accreditation rules found at 35 Ill. Adm. Code 186. These prospective amendments to Sections 611.359, 611.611, 611.646, and 611.648 would cross-reference the laboratory accreditation rules at 35 Ill. Adm. Code 186. Currently, the existing text of Part 611 references 35 Ill. Adm. Code 183, which are joint rules of the Agency, the Illinois Department of Public Health, and the Illinois Department of Nuclear Safety. A repeal of Part 183 has been completed.
 - B) Statutory Authority:

Sections 27 and 28 of the Illinois Environmental Protection Act [415 ILCS 5/27 & 28].
 - C) Scheduled meeting/hearing dates:

No meetings or hearings are scheduled at this time. Once the proposal is filed, the Board will conduct hearings as required by Sections 27 and 28 of the Act [415 ILCS 5/27 & 28].
 - D) Date Agency Anticipates First Notice:

An Agency submittal of the rulemaking proposal is anticipated by Spring or Summer 2007. The Board will conduct proceedings pursuant to Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/27 & 28] upon receipt of the proposal and would cause a Notice of Proposed Amendments to appear in the *Illinois Register* when it decides to propose amendments for First Notice.
 - E) Affect on small business, small municipalities or not-for-profit corporations:

POLLUTION CONTROL BOARD

JANUARY 2007 REGULATORY AGENDA

These amendments may affect small business, small municipalities, and not-for-profit corporations that own or operate a "public water supply", as defined by Section 3.28 of the Act, i.e., it has at least fifteen service connections or regularly serves an average of at least 25 individuals daily at least 60 days out of the year, or it is assisting a public water supply to demonstrate compliance with the federally-derived National Primary Drinking Water Standards of 35 Ill. Adm. Code 611. However, it is anticipated that the proceeding will not likely have a quantifiable affect on these entities because the program for national laboratory certification is voluntary. The burden of compliance with the requirements, such as filing documentation, reporting or completion of the necessary forms, likely will not increase.

F) Agency contact person for information:

Address written comments concerning the substance of the rulemaking to:

Name: Dorothy Gunn, Clerk
Address: Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda to:

Name: Erin Conley, Rules Coordinator
Address: Pollution Control Board
1021 North Grand Avenue East
P.O. Box 19274
Springfield, Illinois 62794-9274
Telephone: 217-782-2471
Internet: conleye@ipcb.state.il.us

G) Other pertinent information concerning these amendments:

Interested persons may contact the Agency about its prospective rulemaking proposal as follows:

Name: Jim Shaw
Division of Laboratories

POLLUTION CONTROL BOARD

JANUARY 2007 REGULATORY AGENDA

Address: Illinois Environmental Protection Agency
1021 North Grand Avenue East
P. O. Box 19276
Springfield, IL 62794-9276

t) Part (Heading and Code Citation):

GROUNDWATER QUALITY (35 Ill. Adm. Code 620)

1) Rulemaking: No docket presently reserved.A) Description:

The Illinois Environmental Protection Agency (Agency) continues to evaluate contaminants of concern that have been commonly detected in Illinois' groundwater for inclusion in 35 Ill. Adm. Code 620. One such constituent is perchlorate. This rocket fuel component has been discovered in Illinois' groundwater, and its occurrence in Illinois is being further evaluated. Another constituent that may be considered for inclusion in the rules is ammonia. While ammonia is not a health concern at the concentrations at which it has been reported, the greater health risk is the conversion of ammonia to nitrite and nitrate within a water distribution system. In addition, the Agency has evaluated contaminants commonly detected in groundwater in association with solid waste and Resource Conservation and Recovery Act (RCRA) sites. Groundwater standards are being developed for approximately 48 contaminants that have been commonly detected in groundwater at these sites where cleanup objectives have already been developed under the Tiered Approach to Corrective Action Objectives (TACO)(35 Ill. Adm. Code 742). Finally, three constituents (radium 226, radium 228, and arsenic) have had new Maximum Contaminant Levels (MCLs) adopted. Radium and arsenic occur with some frequency in Illinois' groundwater. Therefore, a groundwater standard amendment consistent with the MCL will be proposed.

B) Statutory authority:

Implementing and authorized by Section 8 of the Illinois Groundwater Protection Act (IGPA) [415 ILCS 55/1] and Section 27 of the Environmental Protection Act [415 ILCS 5/27].

POLLUTION CONTROL BOARD

JANUARY 2007 REGULATORY AGENDA

C) Scheduled meeting /hearing date:

No meetings or hearings are scheduled at this time. Once the proposal is filed, the Board will conduct hearings as required by Sections 27 and 28 of the Act [415 ILCS 5/27 & 28].

D) Date agency anticipates First Notice:

The Agency anticipates submitting a proposal to the Board in the Spring or Summer 2007. After the filing of a proposal by the Illinois EPA, the Board will cause publication of a Notice of Proposed Amendments in the Illinois Register.

E) Effect on small businesses, small municipalities or not-for-profit corporations:

The Agency does not anticipate that this rule will have a significant impact on any small business, small municipality, or not-for-profit corporations.

F) Agency contact person for information:

Address written comments concerning the substance of the rulemaking to:

Name: Dorothy Gunn, Clerk
Address: Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda to:

Name: Erin Conley
Address: Pollution Control Board
1021 North Grand Avenue East
P.O. Box 19274
Springfield, Illinois 62794-9274
Telephone: 217-782-2471
Internet: conleye@ipcb.state.il.us

G) Related rulemaking and other pertinent information:

POLLUTION CONTROL BOARD

JANUARY 2007 REGULATORY AGENDA

For information regarding the Agency's development of this proposal, please contact:

Name: Richard Cobb
Address: Illinois Environmental Protection Agency
1021 North Grand Ave. East
P.O. Box 19276
Springfield, IL 62794-9276

u) Parts (Headings and Code Citations):

RCRA and UIC Permit Programs (35 Ill. Adm. Code 702)
UIC Permit Program (35 Ill. Adm. Code 704)
Procedures For Permit Issuance (35 Ill. Adm. Code 705)
Hazardous Waste Management System: General (35 Ill. Adm. Code 720)
Underground Injection Control Operating Requirements (35 Ill. Adm. Code 730)

1) Rulemaking: Presently reserved docket number R07-12

A) Description:

Section 13(c) of the Environmental Protection Act [415 ILCS 5/13(c)] mandates that the Board update the Illinois underground injection control (UIC) regulations to reflect amendments to the United States Environmental Protection Agency (USEPA) UIC regulations.

The Board has reserved docket number R07-12 to accommodate any amendments to the federal UIC regulations, 40 CFR 144 through 148, during the period July 1, 2006 through December 31, 2006. At this time, the Board is not aware of any federal amendments to the federal UIC rules that occurred during this update period.

The Board will verify the existence of any federal actions that affect the UIC regulations and the Board action required in response to each in coming weeks, by about mid-February 2006. The Board will then propose corresponding amendments to the Illinois UIC regulations using the identical-in-substance procedure or dismiss docket R07-12, as necessary and appropriate.

POLLUTION CONTROL BOARD

JANUARY 2007 REGULATORY AGENDA

Section 13(c) mandates that the Board complete amendments within one year of the date on which USEPA adopted the earliest action upon which the amendments are based. In docket R07-12, if the earliest federal amendments in the applicable period were assumed to have occurred on the first day of the update period, on July 1, 2006, the due date for Board adoption would be July 1, 2007.

B) Statutory authority:

Implementing and authorized by Sections 7.2, 13(c) and 27 of the Environmental Protection Act [415 ILCS 5/7.2, 13(c) & 27].

C) Scheduled meeting/hearing dates:

None scheduled at this time. The Board will vote to propose any amendments at an open meeting in accordance with requirements established by Sections 27 and 28 of the Act [415 ILCS 5/27 & 28]. No hearing is required in identical-in-substance proceedings.

D) Date agency anticipates First Notice:

The Board cannot project an exact date for publication at this time. The Board expects to verify any federal actions by mid-February 2006, after which time the Board will propose any amendments to the Illinois UIC rules that are necessary in response to the federal amendments that have occurred. If the due date for Board adoption of amendments in this docket were assumed to be July 1, 2007, the Board will vote to propose amendments and cause a Notice of Proposed Amendments to appear in the *Illinois Register* by early April 2007. This would be sufficiently in advance of the due date to allow the Board to accept public comments on the proposal for 45 days before acting to adopt any amendments. Alternatively, if no amendment to the Illinois definition is needed, the Board will promptly dismiss this reserved docket.

E) Effect on small business, small municipalities, or not-for-profit corporations:

This rulemaking may affect any small business, small municipality, or not-for-profit corporation in Illinois to the extent the affected entity engages in the underground injection of waste.

POLLUTION CONTROL BOARD

JANUARY 2007 REGULATORY AGENDA

F) Agency contact person for information:

Address written comments concerning the substance of the rulemaking, noting docket number R07-12, as follows:

Name: Dorothy Gunn, Clerk
Address: Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda, noting docket number R07-12, as follows:

Name: Michael J. McCambridge, Attorney
Address: Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601
Telephone: 312-814-6924
Internet: mccambm@ipcb.state.il.us

G) Related rulemakings and other pertinent information:

Section 13(c) of the Environmental Protection Act [415 ILCS 5/13(c)] provides that Title VII of the Act and Section 5 of the Administrative Procedure Act (APA) shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules. Rather, the Board will cause a Notice of Proposed Amendments to appear in the *Illinois Register*, and it will accept public comments on the proposal for 45 days after the date of publication.

v) Parts (Headings and Code Citations):

RCRA AND UIC Permit Programs (35 Ill. Adm. Code 702)
RCRA Permit Program (35 Ill. Adm. Code 703)
Procedures For Permit Issuance (35 Ill. Adm. Code 705)
Hazardous Waste Management System: General (35 Ill. Adm. Code 720)
Identification and Listing of Hazardous Waste (35 Ill. Adm. Code 721)
Standards Applicable to Generators of Hazardous Waste (35 Ill. Adm. Code 722)

POLLUTION CONTROL BOARD

JANUARY 2007 REGULATORY AGENDA

Standards Applicable to Transporters of Hazardous Waste (35 Ill. Adm. Code 723)
Standards For Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities (35 Ill. Adm. Code 724)
Interim Status Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities (35 Ill. Adm. Code 725)
Standards for the Management of Specific Hazardous Waste and Specific Types of Hazardous Waste Management Facilities (35 Ill. Adm. Code 726)
Land Disposal Restrictions (35 Ill. Adm. Code 728)
Standards for Universal Waste Management (35 Ill. Adm. Code 733)
Hazardous Waste Injection Restrictions (35 Ill. Adm. Code 738)
Standards for The Management of Used Oil (35 Ill. Adm. Code 739)

1) Rulemaking: Docket number R07-14A) Description:

Section 22.4(a) of the Environmental Protection Act [415 ILCS 5/22.4(a)] mandates that the Board update the Illinois rules implementing Subtitle C of the federal Resource Conservation and Recovery Act (RCRA) to reflect the United States Environmental Protection Agency (USEPA) amendments to the federal RCRA Subtitle C regulations.

The Board has reserved docket number R07-14 to accommodate any amendments to the federal RCRA Subtitle C program, 40 CFR 260 through 270, 273, and 279, that USEPA made in the period July 1, 2006 through December 31, 2006. At this time, the Board is aware of two sets of federal amendments to the federal RCRA Subtitle C hazardous waste regulations that occurred during this update period. Those sets of amendments are described as follows:

71 Fed. Reg. 40254 (July 14, 2006)

USEPA adopted a number of corrections to various of the hazardous waste and used oil management regulations.

71 Fed. Reg. 42928 (July 28, 2006)

USEPA amended the definition of hazardous waste to exclude cathode ray tubes (CRTs) that are managed within specified conditions. USEPA intends to encourage the reuse and recycling of used CRTs and glass from CRTs.

POLLUTION CONTROL BOARD

JANUARY 2007 REGULATORY AGENDA

The Board will verify the existence of any federal actions and the Board action required in response to each in coming weeks, by about mid-February 2006. The Board will then propose corresponding amendments to the Illinois RCRA Subtitle C hazardous waste regulations using the identical-in-substance procedure or dismiss docket R07-14, as necessary and appropriate.

Section 22.4(a) mandates that the Board complete amendments within one year of the date on which USEPA adopted the earliest action upon which the amendments are based. Assuming for the purposes of illustration that the earliest USEPA action during the update period that will require Board action is July 14, 2006, the due date for Board adoption of all amendments in the period would be July 14, 2007.

B) Statutory authority:

Implementing and authorized by Sections 7.2, 22.4(a), and 27 of the Environmental Protection Act [415 ILCS 5/7.2, 22.4(a) & 27].

C) Scheduled meeting/hearing dates:

None scheduled at this time. The Board will vote to propose any amendments at an open meeting in accordance with requirements established by Sections 27 and 28 of the Act [415 ILCS 5/27 & 28]. No hearing is required in identical-in-substance proceedings.

D) Date agency anticipates First Notice:

The Board cannot project an exact date for publication at this time. The Board expects to verify any federal actions by mid-February after which time the Board will propose any amendments to the Illinois RCRA Subtitle C hazardous waste rules that are necessary in response to the federal amendments that have occurred. If the due date for Board adoption of amendments in this docket is assumed to be July 14, 2007, the Board will vote to propose amendments and cause a Notice of Proposed Amendments to appear in the *Illinois Register* by early April 2007. This would be sufficiently in advance of the due date to allow the Board to accept public comments on the proposal for 45 days before acting to adopt any amendments. Alternatively, if no amendment to the Illinois definition is needed, the Board will promptly dismiss this reserved docket.

POLLUTION CONTROL BOARD

JANUARY 2007 REGULATORY AGENDA

E) Effect on small business, small municipalities, or not-for-profit corporations:

This rulemaking may affect any small business, small municipality, or not-for-profit corporation that engages in the generation, transportation, treatment, storage, or disposal of hazardous waste.

F) Agency contact person for information:

Address written comments concerning the substance of the rulemaking, noting docket number R07-14, as follows:

Name: Dorothy Gunn, Clerk
Address: Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda, noting docket number R07-14, as follows:

Name: Michael J. McCambridge, Attorney
Address: Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601
Telephone: 312-814-6924
Internet: mccambm@ipcb.state.il.us

G) Related rulemakings and other pertinent information:

Section 22.4(a) of the Environmental Protection Act [415 ILCS 5/22.4(a)] provides that Title VII of the Act and Section 5 of the Administrative Procedure Act (APA) shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules. Rather, the Board will cause a Notice of Proposed Amendments to appear in the *Illinois Register*, and it will accept public comments on the proposal for 45 days after the date of publication.

w) Part (Heading and Code Citation):

POLLUTION CONTROL BOARD

JANUARY 2007 REGULATORY AGENDA

Underground Storage Tanks (35 Ill. Adm. Code 731)

1) Rulemaking: Docket number R07-15A) Description:

Section 22.4(d) of the Environmental Protection Act [415 ILCS 5/22.4(d)] mandates that the Board update the Illinois underground storage tank (UST) regulations to reflect amendments to the United States Environmental Protection Agency (USEPA) UST regulations. The mandate specifically excludes federal amendments relating to the design, construction, installation, general operation, release detection, release reporting, release investigation, release confirmation, out-of-service systems, and closure or financial responsibilities for USTs.

The Board has reserved docket number R07-15 to accommodate any amendments to 40 CFR 281 through 283 that USEPA may make in the period July 1, 2006 through December 31, 2006. At this time, the Board is not aware of any federal amendments that occurred during this update period.

The Board will verify the existence of any federal actions and the Board action required in response to each in coming weeks, by about mid-February 2006. The Board will then propose corresponding amendments to the Illinois UST regulations using the identical-in-substance procedure or dismiss docket R07-15, as necessary and appropriate.

Section 22.4(d) mandates that the Board complete amendments within one year of the date on which USEPA adopted the earliest action upon which the amendments are based. Assuming for the purposes of illustration that USEPA adopted an amendment that will require Board action on the first day of the update period, on July 1, 2006, the due date for Board adoption would be July 1, 2007.

B) Statutory authority:

Implementing and authorized by Sections 7.2, 22.4(d), and 27 of the Environmental Protection Act [415 ILCS 5/7.2, 22.4(d) & 27].

POLLUTION CONTROL BOARD

JANUARY 2007 REGULATORY AGENDA

C) Scheduled meeting/hearing dates:

None scheduled at this time. The Board will vote to propose any amendments at an open meeting in accordance with requirements established by Sections 27 and 28 of the Act [415 ILCS 5/27 & 28]. No hearing is required in identical-in-substance proceedings.

D) Date agency anticipates First Notice:

The Board cannot project an exact date for publication at this time. The Board expects to verify any federal actions by mid-February 2005, after which time the Board will propose any amendments to the Illinois UST regulations that are necessary in response to the federal amendments that have occurred. If the due date for Board adoption of amendments in this docket were assumed to be July 1, 2007, for the purposes of illustration, the Board would vote to propose amendments and cause a Notice of Proposed Amendments to appear in the *Illinois Register* by early April 2007. This would be sufficiently in advance of the due date to allow the Board to accept public comments on the proposal for 45 days before acting to adopt any amendments. Alternatively, if no amendment to the Illinois regulations is needed, the Board will promptly dismiss this reserved docket.

E) Effect on small business, small municipalities, or not-for-profit corporations:

This rulemaking may affect any small business, small municipality, or not-for-profit corporation that owns or operations USTs.

F) Agency contact person for information:

Address written comments concerning the substance of the rulemaking, noting docket number R07-15, as follows:

Name: Dorothy Gunn, Clerk
Address: Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

POLLUTION CONTROL BOARD

JANUARY 2007 REGULATORY AGENDA

Address questions concerning this regulatory agenda, noting docket number R07-15, as follows:

Name: Michael J. McCambridge, Attorney
Address: Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601
Telephone: 312-814-6924
Internet: mccambm@ipcb.state.il.us

G) Related rulemakings and other pertinent information:

Section 22.4(d) of the Environmental Protection Act [415 ILCS 5/22.4(d)] provides that Title VII of the Act and Section 5 of the Administrative Procedure Act (APA) [5 ILCS 100/5-35, 40] shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules. Rather, the Board will cause a Notice of Proposed Amendments to appear in the *Illinois Register*, and it will accept public comments on the proposal for 45 days after the date of publication.

x) Part (Headings and Code Citation):

SOLID WASTE AND SPECIAL WASTE HAULING (35 Ill. Adm. Code Part 807 and 811)

1) Rulemaking: No docket presently reserved.

A) Description:

The Illinois Environmental Protection Agency (Agency) is planning to propose amendments to Part 807 Subpart F and Part 811 Subpart G relating to Financial Assurance. Among other things, the proposal will include adding “evergreen” renewal language to several financial assurance mechanisms.

B) Statutory Authority:

These amendments will be proposed pursuant to Sections 21.1, 22 and 27 of the Environmental Protection Act [415 ILCS 5/21.1, 22 and 27]

POLLUTION CONTROL BOARD

JANUARY 2007 REGULATORY AGENDA

C) Scheduled Meeting/Hearing Dates:

No meetings or hearings are scheduled at this time. Once the proposal is filed, the Board will conduct hearings as required by Sections 27 and 28 of the Act [415 ILCS 5/27 & 28].

D) Date Agency Anticipates First Notice:

The Agency anticipates submitting its proposal in Spring 2005, after which the Board will cause publication of a Notice of Proposed Amendments in the *Illinois Register*.

E) Effect on Small Business, Small Municipalities, or Not-for-Profit Corporations:

The amendments may affect any small business, small municipality or not-for-profit corporation providing or requesting financial assurance for the closure and post closure care of waste disposal sites.

F) Agency Contact Person for Information:

Address written comments concerning the substance of the rulemaking to:

Name: Dorothy Gunn, Clerk
Address: Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda to:

Name: Erin Conley, Rules Coordinator
Address: Pollution Control Board
1021 North Grand Avenue East
P.O. Box 19274
Springfield, Illinois 62794-9274
Telephone: 217-782-2471
Internet: conleye@ipcb.state.il.us

POLLUTION CONTROL BOARD

JANUARY 2007 REGULATORY AGENDA

G) Related Rulemaking and other pertinent information:

For information regarding the development of these amendments please contact:

Name: Stephanie Flowers
Address: Assistant Counsel
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
E-Mail: Stephanie.Flowers@epa.state.il.us

y) Parts (Headings and Code Citations):

Solid Waste (35 Ill. Adm. Code 807)
Solid Waste Disposal: General Provisions (35 Ill. Adm. Code 810)
Standards for New Solid Waste Landfills (35 Ill. Adm. Code 811)
Information to Be Submitted in a Permit Application (35 Ill. Adm. Code 812)
Procedural Requirements for Permitted Landfills (35 Ill. Adm. Code 813)
Interim Standards for Existing Landfills and Units (35 Ill. Adm. Code 814)
Procedural Requirements for All Landfills Exempt from Permits (35 Ill. Adm. Code 815)

1) Rulemaking: Presently reserved docket number R07-13A) Description:

Section 22.40(a) of the Environmental Protection Act [415 ILCS 5/22.40(a)] mandates that the Board update the Illinois Resource Conservation and Recovery Act (RCRA) Subtitle D municipal solid waste landfill (MSWLF) regulations to reflect the United States Environmental Protection Agency (USEPA) amendments to the federal RCRA Subtitle D MSWLF rules.

The Board has reserved docket number R07-13 to accommodate any amendments to the RCRA Subtitle D regulations, 40 CFR 258, that USEPA may make in the period July 1, 2006 through December 31, 2006. At this time, the Board is not aware of any federal amendments to the federal MSWLF rules that occurred during this update period.

POLLUTION CONTROL BOARD

JANUARY 2007 REGULATORY AGENDA

The Board will verify the existence of any additional federal actions that may affect the text of the federal primary drinking water standards and the Board action required in response to each in coming weeks, by about mid-February 2006. The Board will then propose corresponding amendments to the Illinois RCRA Subtitle D MSWLF regulations using the identical-in-substance procedure or dismiss docket R07-13, as necessary and appropriate.

Section 22.40(a) mandates that the Board complete amendments within one year of the date on which USEPA adopted the earliest action upon which the amendments are based. In docket R07-13, if the earliest federal amendments in the applicable period were assumed to have occurred on the first day of the update period, on July 1, 2006, the due date for Board adoption would be July 1, 2007.

B) Statutory authority:

Implementing and authorized by Sections 7.2, 22.40(a) and 27 of the Environmental Protection Act [415 ILCS 5/7.2, 22.40(a) & 27].

C) Scheduled meeting/hearing dates:

None scheduled at this time. The Board will vote to propose any amendments at an open meeting in accordance with requirements established by Sections 27 and 28 of the Act [415 ILCS 5/27 & 28]. No hearing is required in identical-in-substance proceedings.

D) Date agency anticipates First Notice:

The Board cannot project an exact date for publication at this time. The Board expects to verify any federal actions by mid-February 2006, after which time the Board will propose any amendments to the Illinois RCRA Subtitle D MSWLF rules that are necessary in response to the federal amendments that have occurred. If the due date for Board adoption of amendments in this docket were assumed to be July 1, 2007, the Board will vote to propose amendments and cause a Notice of Proposed Amendments to appear in the *Illinois Register* by early April 2007. This would be sufficiently in advance of the due date to allow the Board to accept public comments on the proposal for 45 days before acting to adopt

POLLUTION CONTROL BOARD

JANUARY 2007 REGULATORY AGENDA

any amendments. Alternatively, if no amendment to the Illinois definition is needed, the Board will promptly dismiss this reserved docket.

E) Effect on small business, small municipalities, or not-for-profit corporations:

This rulemaking may affect any small business, small municipality, or not-for-profit that engages in the land disposal of municipal solid waste.

F) Agency contact person for information:

Address written comments concerning the substance of the rulemaking, noting docket number R07-13, as follows:

Name: Dorothy Gunn, Clerk
Address: Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda, noting docket number R07-13, as follows:

Name: Michael J. McCambridge, Attorney
Address: Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601
Telephone: 312-814-6924
Internet: mccambm@ipcb.state.il.us

G) Related rulemakings and other pertinent information:

Section 22.40(a) of the Environmental Protection Act [415 ILCS 5/22.40(a)] provides that Title VII of the Act and Section 5 of the Administrative Procedure Act (APA) shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules. Rather, the Board will cause a Notice of Proposed Amendments to appear in the *Illinois Register*, and it will accept public comments on the proposal for 45 days after the date of publication.

POLLUTION CONTROL BOARD

JANUARY 2007 REGULATORY AGENDA

z) Part (Headings and Code Citation):

SPECIAL WASTE CLASSIFICATIONS (35 Ill. Adm. Code 808)

NONHAZARDOUS SPECIAL WASTE HAULING AND THE UNIFORM PROGRAM (35 Ill. Adm. Code 809)

1) Rulemaking: R06-20A) Description:

This rulemaking was proposed to the Board on December 13, 2005, by NORA, which stated that it is an association of recyclers formerly known as the National Oil Recycling Association. The proposal seeks to amend Parts 808 and 809 of the Board's regulations concerning special waste classifications and nonhazardous special waste hauling as they pertain to used oil recycling in Illinois. NORA seeks to make the Illinois program "substantially equivalent to the federal program", by eliminating the special waste hauling and manifesting requirements imposed on "used oil" as defined and managed under Part 739

B) Statutory Authority:

Implementing and authorized by Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/27 & 28].

C) Scheduled Meeting/Hearing Dates:

The Board has held hearings in this rulemaking on May 25, 2006 in Springfield and on June 29, 2006 in Chicago. The Board does not anticipate scheduling additional hearings.

D) Date Agency Anticipates First Notice:

The Board anticipates that it may adopt a first notice opinion and order in this rulemaking in the Spring or Summer 2007.

E) Effect on Small Business, Small Municipalities, or Not-for-Profit Corporations:

The amendments may affect any small business, small municipality or not-for-profit corporation that is involved in recycling or transporting

POLLUTION CONTROL BOARD

JANUARY 2007 REGULATORY AGENDA

used oil.

F) Agency Contact Person for Information:

Address written comments concerning the substance of the rulemaking to:

Name: Dorothy Gunn, Clerk
Address: Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda to:

Name: Erin Conley, Rules Coordinator
Address: Pollution Control Board
1021 North Grand Avenue East
P.O. Box 19274
Springfield, Illinois 62794-9274
Telephone: 217-782-2471
Internet: conleye@ipcb.state.il.us

G) Related Rulemaking and other pertinent information:
Noneaa) Part (Headings and Code Citations):

SOLID WASTE DISPOSAL: GENERAL PROVISIONS (35 Ill. Adm. Code 810)

1) Rulemaking: R06-08A) Description:

This site-specific rulemaking is based on a July 19, 2005 proposal filed by the Silbrico Corporation (Silbrico) concerning nonhazardous, perlite wastes generated at its manufacturing facility plant in Hodgkins, Cook County. The proposal, filed on, seeks to amend the Board's solid waste disposal regulations to allow Silbrico to dispose of this waste in a "clean fill construction and demolition debris" facility.

POLLUTION CONTROL BOARD

JANUARY 2007 REGULATORY AGENDA

B) Statutory authority:

Implementing Sections 5, 21, 21.1, 22, 22.17, and 28.1 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/5, 21, 21.1, 22, 22.17, 28.1 and 27].

C) Scheduled meeting/hearing dates:

The Board is in the process of scheduling at least one hearing in this rulemaking.

D) Date Agency anticipates First Notice:

The Board may adopt a first notice opinion and order in this rulemaking sometime in the Spring or Summer 2007.

E) Effect on small businesses, small municipalities or not-for-profit corporations:

Because this has been filed as a site-specific rulemaking, these amendments would only affect Silbrico.

F) Agency contact person for information:

Address written comments concerning the substance of the rulemaking to:

Name: Dorothy Gunn, Clerk
Address: Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda to:

Name: Erin Conley, Rules Coordinator
Address: Pollution Control Board
1021 North Grand Avenue East
P.O. Box 19274
Springfield, Illinois 62794-9274
Telephone: 217-782-2471

POLLUTION CONTROL BOARD

JANUARY 2007 REGULATORY AGENDA

Internet: conleye@ipcb.state.il.us

- G) Related rulemakings and other pertinent information:
None

bb) Part (Headings and Code Citations):

SOLID WASTE DISPOSAL: GENERAL PROVISIONS
(35 Ill. Adm. Code 810)
STANDARDS FOR NEW SOLID WASTE LANDFILLS
(35 Ill. Adm. Code 811)

1) Rulemaking: R07-8

A) Description:

The Board accepted for hearing on August 17, 2006, a proposal filed by the Illinois Chapter of the National Solid Wastes Management Association (NSWMA) to amend the Board's solid waste disposal regulations. When filing this rulemaking proposal the NSWMA stated that it is "a not-for-profit trade association representing companies that provide solid, hazardous, and medical waste collecting, recycling, and disposal services." According to NSWMA, the proposal seeks to update the Board's regulations to reflect current solid waste disposal practices, and noted that many of the rules proposed for amendment have been in effect since 1990. NSWMA stated that its proposal reflects both practical experience with implementing these regulations and increased technical and scientific knowledge. NSWMA described its proposal as "the culmination of almost seven years of discussions" with the Illinois Environmental Protection Agency (Agency). NSWMA stated that the Agency "supports and concurs with all of the proposed amendments."

NSWMA stated that it expects the following benefits to result from adoption of its proposal. First, "it will eliminate or modify certain regulations that are no longer technically reasonable in that they do not reflect current and accepted practice in the industry." Second, NSWMA believes that the proposal will generate more accurate data, leading to improved regulatory decision-making and environmental protection. Third, NSWMA believes that the proposal will improve efficiency both for the Agency and for regulated solid waste facilities.

POLLUTION CONTROL BOARD

JANUARY 2007 REGULATORY AGENDA

B) Statutory authority:

Implementing Sections 5, 21, 21.1, 22, 22.17 and 28.1 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/5, 21, 21.1, 22, 22.17, 28.1, and 27].

C) Scheduled meeting/hearing dates:

The Board has scheduled hearings for January 29, 2007, in Chicago and February 28, 2007, in Springfield.

D) Date Agency anticipates First Notice:

The Board may adopt a first notice opinion and order in this rulemaking sometime in the Spring or Summer 2007.

E) Effect on small businesses, small municipalities or not-for-profit corporations:

This rulemaking could impact any small businesses, small municipalities or not-for-profit corporations that own or operate a solid waste disposal business.

F) Agency contact person for information:

Address written comments concerning the substance of the rulemaking to:

Name: Dorothy Gunn, Clerk
Address: Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda to:

Name: Erin Conley, Rules Coordinator
Address: Pollution Control Board
1021 North Grand Avenue East
P.O. Box 19274
Springfield, Illinois 62794-9274

POLLUTION CONTROL BOARD

JANUARY 2007 REGULATORY AGENDA

Telephone: 217-782-2471
Internet: conleye@ipcb.state.il.us

- G) Related rulemakings and other pertinent information:
None

cc) Part (Headings and Code Citations):

MANAGEMENT OF USED AND WASTE TIRES (35 Ill. Adm. Code 848)

- 1) Rulemaking: No docket presently reserved.

A) Description:

The Illinois Environmental Protection Agency (Agency) is planning to propose amendments to the Board's regulations that will allow better implementation of the used and waste tire management program. The proposal will include, among others, changes necessary to make the Board's rules consistent with legislative amendments to Title XIV of the Environmental Protection Act [415 ILCS 5/53 et seq.] resulting from Public Act 92-0024.

B) Statutory authority:

Sections 27 and 55.2 of the Environmental Protection Act [415 ILCS 5/27 and 55.2].

C) Scheduled meeting/hearing dates:

No meetings or hearings are scheduled at this time. Once the proposal is filed, the Board will conduct hearings as required by Sections 27 and 28 of the Act [415 ILCS 5/27 & 28].

D) Date Agency anticipates First Notice:

The Agency may submit a proposal to the Board as soon as the Spring or Summer 2007, after which the Board will cause publication of a Notice of Proposed Rules in the *Illinois Register*.

E) Effect on small businesses, small municipalities or not-for-profit

POLLUTION CONTROL BOARD

JANUARY 2007 REGULATORY AGENDA

corporations:

This rulemaking may affect any small business, small municipality or not-for-profit corporation that manages used or waste tires.

F) Agency contact person for information:

Address written comments concerning the substance of the rulemaking to:

Name: Dorothy Gunn, Clerk
Address: Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda to:

Name: Erin Conley, Rules Coordinator
Address: Pollution Control Board
1021 North Grand Avenue East
P.O. Box 19274
Springfield, Illinois 62794-9274
Telephone: 217-782-2471
Internet: conleye@ipcb.state.il.us

G) Related rulemakings and other pertinent information:

No other presently-known proceeding will affect solid waste transfer stations.

For information regarding the development of these rules please contact:

Stephanie Flowers
Assistant Counsel
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, IL 62794-9276
217-782-5544
Stephanie.Flowers@epa.state.il.us

POLLUTION CONTROL BOARD

JANUARY 2007 REGULATORY AGENDA

dd) Parts (Headings and Code Citations):

STANDARDS AND REQUIREMENTS FOR NEW AND EXISTING MUNICIPAL WASTE TRANSFER STATIONS (New Part)
INFORMATION TO BE SUBMITTED IN A PERMIT APPLICATION FOR A MUNICIPAL WASTE TRANSFER STATION (New Part)
PROCEDURAL REQUIREMENTS FOR MUNICIPAL WASTE TRANSFER STATION PERMITS (New Part)

1) Rulemaking: No docket presently reserved.A) Description:

The Illinois Environmental Protection Agency (Agency) is working on a proposal to add new rules to the Board's waste regulations. Municipal waste transfer stations currently are regulated under 35 Ill. Adm. Code 807. The Part 807 rules were developed primarily for solid waste landfills. As applied to transfer stations, they are very general with many of the specific requirements for transfer stations imposed through permit conditions under Section 807.206. Transfer stations are increasing in number and importance in Illinois' waste management system. In addition, the United States Environmental Protection Agency published in June 2002 "Waste Transfer Stations: A Manual for Decision-Making" (EPA530-R-02-002), guidance developed to "promote the use of best practices in transfer station siting, design and operation to maximize facilities' effectiveness while minimizing their impact on the community." The Agency is developing new Parts that will provide more specific requirements for the design, construction, operation and closure of municipal waste transfer stations as well as procedures for obtaining permits. Included with municipal waste transfer stations accepting garbage and general household and commercial waste are those transfer stations accepting exclusively construction and demolition debris and those used exclusively for landscape waste.

B) Statutory authority:

These rules will be proposed pursuant to Sections 4(i), 21(d), 22, 27 and 28 of the Environmental Protection Act [415 ILCS 5/4(i), 21(d), 22, 27, 28].

POLLUTION CONTROL BOARD

JANUARY 2007 REGULATORY AGENDA

C) Scheduled meeting/hearing dates:

No meetings or hearings are scheduled at this time. Once the proposal is filed, the Board will conduct hearings in accordance with Sections 27 and 28 of the Act [415 ILCS 5/27, 28].

D) Date Agency anticipates First Notice:

The Agency may submit a proposal to the Board as soon as the Spring or Summer 2007, after which the Board will cause publication of a Notice of Proposed Rules in the *Illinois Register*.

E) Effect on small businesses, small municipalities or not-for-profit corporations:

Generally, small businesses, small municipalities and not-for-profit corporations will not be affected by the proposal unless they receive municipal waste for transfer prior to treatment or disposal. For those that do, the substantive changes in requirements for design, construction and operation are expected to be minimal with many existing transfer stations already in compliance with most of the standards and requirements. However, there may be some expense for upgrading existing transfer stations.

F) Agency contact person for information:

Address written comments concerning the substance of the rulemaking to:

Name: Dorothy Gunn, Clerk
Address: Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda to:

Name: Erin Conley, Rules Coordinator
Address: Pollution Control Board
1021 North Grand Avenue East
P.O. Box 19274

POLLUTION CONTROL BOARD

JANUARY 2007 REGULATORY AGENDA

Springfield, Illinois 62794-9274
Telephone: 217-782-2471
Internet: conleye@ipcb.state.il.us

G) Related rulemakings and other pertinent information:

No other presently known proceeding will affect municipal waste transfer stations.

For information regarding the development of these rules please contact:

Name: Mark Wight
Address: Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
217-782-5544
Internet: Mark.Wight@epa.state.il.us

ee) Part (Headings and Code Citation):

PROCEDURES FOR REPORTING RELEASES OF RADIONUCLIDES AT
NUCLEAR POWER PLANTS (35 Ill. Adm. Code 1010) (New)

1) Rulemaking: No docket presently reserved.A) Description:

The Illinois Environmental Protection Agency (Agency) is currently developing a proposal for filing with the Board. Pursuant to Section 13.6 of the Environmental Protection Act (Act) [415 ILCS 5/13.6], the Agency will propose rules prescribing standards for detecting and reporting unpermitted releases of radionuclides into groundwater, surface water, or soil at nuclear power plants.

B) Statutory Authority:

Implementing and authorized by Section 5/13.6 of the Act [415 ILCS 5/13.6].

POLLUTION CONTROL BOARD

JANUARY 2007 REGULATORY AGENDA

C) Scheduled Meeting/Hearing Dates:

None scheduled at this time. Once the proposal is filed, the Board will conduct hearings as required by Sections 27 and 28 of the Act [415 ILCS 5/27 & 28].

D) Date Agency Anticipates First Notice:

The Agency proposal may be filed with the Board as soon as Spring 2007, after which the Board will cause publication of a Notice of Proposed Rules in the Illinois Register.

E) Effect on Small Business, Small Municipalities, or Not-for-Profit Corporations:

This rule will not directly affect any small business, small municipality, or not-for-profit corporation.

F) Agency Contact Person for Information:

Address written comments concerning the substance of the rulemaking to:

Name: Dorothy Gunn, Clerk
Address: Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda to:

Name: Erin Conley, Rules Coordinator
Address: Pollution Control Board
1021 North Grand Avenue East
P.O. Box 19274
Springfield, Illinois 62794-9274
Telephone: 217-782-2471
Internet: conleye@ipcb.state.il.us

G) Related Rulemaking and other pertinent information:

POLLUTION CONTROL BOARD

JANUARY 2007 REGULATORY AGENDA

For information regarding the development of these amendments please contact:

Name: Kyle Rominger
Address: 1021 N. Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276

ILLINOIS RACING BOARD

JANUARY 2007 REGULATORY AGENDA

- a) Part (Heading and Code Citation): Medication, 11 Ill. Adm. Code 603
- 1) Rulemaking:
- A) Description: The purpose of the proposed rulemaking will be to amend Section 603.60, Permitted Use of Foreign Substances and Threshold Levels, to include additional therapeutic drugs.
- B) Statutory Authority: Section 9(b) of the Illinois Horse Racing Act of 1975 [230 ILCS 5/9(b)]
- C) Scheduled Meeting/Hearing Dates: Not yet determined.
- D) Date Agency Anticipates First Notice: February or March 2007
- E) Effect on Small Business, Small Municipalities or Not-For-Profit Corporations: None
- F) Agency contact person for information:
- Mickey Ezzo
Illinois Racing Board
100 W. Randolph Street
Suite 7-701
Chicago IL 60601
- 312/814-5017
- G) Related Rulemaking and Other Pertinent Information: None
- b) Part (Heading and Code Citation): Regulations for Meetings (Thoroughbreds), 11 Ill. Adm. Code 1424
- 1) Rulemaking:
- A) Description: The purpose of the proposed rulemaking is to revise and update Section 1424.40, Inspections and Searches.
- B) Statutory Authority: Section 9(b) of the Illinois Horse Racing Act of 1975 [230 ILCS 5/9(b)]

ILLINOIS RACING BOARD

JANUARY 2007 REGULATORY AGENDA

- C) Scheduled Meeting/Hearing Dates: Not yet determined.
- D) Date Agency Anticipates First Notice: February or March 2007
- E) Effect on Small Business, Small Municipalities or Not-For-Profit Corporations: None
- F) Agency contact person for information:

Mickey Ezzo
Illinois Racing Board
100 W. Randolph Street
Suite 7-701
Chicago IL 60601

312/814-5017

- G) Related Rulemaking and Other Pertinent Information: None

c) Part (Heading and Code Citation): Claiming Races, 11 Ill. Adm. Code 510

1) Rulemaking:

- A) Description: The purpose of the proposed rulemaking will be to revise and update specific sections.
- B) Statutory Authority: Section 9(b) of the Illinois Horse Racing Act of 1975 [230 ILCS 5/9(b)]
- C) Scheduled Meeting/Hearing Dates: Not yet determined.
- D) Date Agency Anticipates First Notice: February or March 2007
- E) Effect on Small Business, Small Municipalities or Not-For-Profit Corporations: None
- F) Agency contact person for information:

Mickey Ezzo

ILLINOIS RACING BOARD

JANUARY 2007 REGULATORY AGENDA

Illinois Racing Board
100 W. Randolph Street
Suite 7-701
Chicago IL 60601

312/814-5017

- G) Related Rulemaking and Other Pertinent Information: None

DEPARTMENT OF STATE POLICE

JANUARY 2007 REGULATORY AGENDA

- a) Part (Heading and Code Citation): Americans with Disabilities Act Grievance Procedure; 20 Ill. Adm. Code 825

1) Rulemaking:

- A) Description: The rule will be proposed in order to establish grievance procedures to resolve grievances asserted by qualified individuals with disabilities.
- B) Statutory Authority: 42 U.S.C. 12131-12134, 28 CFR 35.107, and 20 ILCS 2605/2605-15
- C) Schedule of meeting/hearing date: No schedule has been established at this time.
- D) Date agency anticipates First Notice: No date has been determined at this time.
- E) Effect on small businesses, small municipalities or not for profit corporations: The rule will have no effect on small businesses, small municipalities or not for profit corporations.
- F) Agency contact person for information:
- Mr. Keith Jensen
Chief Legal Counsel
Illinois State Police
124 East Adams Street, Room 102
Post Office Box 19461
Springfield, Illinois 62794-9461
Telephone: (217) 782-7658
- G) Related rulemakings and other pertinent information: None

- b) Part (Heading and Code Citation): Intergovernmental Drug Enforcement Act; 20 Ill. Adm. Code 1220

1) Rulemaking:

DEPARTMENT OF STATE POLICE

JANUARY 2007 REGULATORY AGENDA

- A) Description: The rule will be amended in order to revise and update the auditing procedures associated with the Department's Metropolitan Enforcement Groups.
- B) Statutory Authority: 20 ILCS 2605/2605-135
- C) Schedule of meeting/hearing date: No schedule has been established at this time.
- D) Date agency anticipates First Notice: No date has been determined at this time.
- E) Effect on small businesses, small municipalities or not for profit corporations: The rule will have no effect on small businesses, small municipalities or not for profit corporations.
- F) Agency contact person for information:

Mr. Keith Jensen
Chief Legal Counsel
Illinois State Police
124 East Adams Street, Room 102
Post Office Box 19461
Springfield, Illinois 62794-9461
Telephone: (217) 782-7658

- G) Related rulemakings and other pertinent information: None

c) Part (Heading and Code Citation): Firearm Owner's Identification Card Act; 20 Ill. Adm. Code 1230

1) Rulemaking:

- A) Description: The rule will be amended to revise and update procedures associated with granting, denying, and revoking the Firearm Owner's Identification Card and related activities.
- B) Statutory Authority: 20 ILCS 2605/2605-15 and 430 ILCS 65/11

DEPARTMENT OF STATE POLICE

JANUARY 2007 REGULATORY AGENDA

- C) Schedule of meeting/hearing date: No schedule has been established at this time.
- D) Date agency anticipates First Notice: No date has been determined at this time.
- E) Effect on small businesses, small municipalities or not for profit corporations: The amendment will have no effect on small businesses, small municipalities or not for profit corporations.
- F) Agency contact person for information:
- Mr. Keith Jensen
Chief Legal Counsel
Illinois State Police
124 East Adams Street, Room 102
Post Office Box 19461
Springfield, Illinois 62794-9461
Telephone: (217) 782-7658
- G) Related rulemakings and other pertinent information: None
- d) Part (Heading and Code Citation): Firearm Transfer Inquiry Program; 20 Ill. Adm. Code 1235
- 1) Rulemaking:
- A) Description: The rule will be amended to revise and update procedures associated with the Firearm Transfer Inquiry Program and related activities.
- B) Statutory Authority: 20 ILCS 2605/2605-15 and 430 ILCS 65/3.1
- C) Schedule of meeting/hearing date: No schedule has been established at this time.
- D) Date agency anticipates First Notice: No date has been determined at this time.

DEPARTMENT OF STATE POLICE

JANUARY 2007 REGULATORY AGENDA

- E) Effect on small businesses, small municipalities or not for profit corporations: The amendment may effect small businesses, small municipalities and/or not for profit corporations.
- F) Agency contact person for information:
- Mr. Keith Jensen
Chief Legal Counsel
Illinois State Police
124 East Adams Street, Room 102
Post Office Box 19461
Springfield, Illinois 62794-9461
Telephone: (217) 782-7658
- G) Related rulemakings and other pertinent information: None
- e) Part (Heading and Code Citation): Sex Offender Registration Act; 20 Ill. Adm. Code 1280
- 1) Rulemaking:
- A) Description: The rule will be amended to revise and update procedures and policies relating to the implementation of the Sex Offender Registration Act.
- B) Statutory Authority: 20 ILCS 2605/2605-15 and 730 ILCS 150/4
- C) Schedule of meeting/hearing date: No schedule has been established at this time.
- D) Date agency anticipates First Notice: No date has been determined at this time.
- E) Effect on small businesses, small municipalities or not for profit corporations: The amendment may effect small businesses, small municipalities and/or not for profit corporations.
- F) Agency contact person for information:

Mr. Keith Jensen

DEPARTMENT OF STATE POLICE

JANUARY 2007 REGULATORY AGENDA

Chief Legal Counsel
Illinois State Police
124 East Adams Street, Room 102
Post Office Box 19461
Springfield, Illinois 62794-9461
Telephone: (217) 782-7658

- G) Related rulemakings and other pertinent information: None
- f) Part (Heading and Code Citation): Sex Offender and Child Murderer Community Notification Law; 20 Ill. Adm. Code 1282
- 1) Rulemaking:
- A) Description: The rule will be amended to revise and update procedures and policies relating to the implementation of the Sex Offender Community Notification Law.
- B) Statutory Authority: 20 ILCS 2605/2605-15 and 730 ILCS 152
- C) Schedule of meeting/hearing date: No schedule has been established at this time.
- D) Date agency anticipates First Notice: No date has been determined at this time.
- E) Effect on small businesses, small municipalities or not for profit corporations: The amendment may effect small businesses, small municipalities and/or not for profit corporations.
- F) Agency contact person for information:

Mr. Keith Jensen
Chief Legal Counsel
Illinois State Police
124 East Adams Street, Room 102
Post Office Box 19461
Springfield, Illinois 62794-9461
Telephone: (217) 782-7658

DEPARTMENT OF STATE POLICE

JANUARY 2007 REGULATORY AGENDA

G) Related rulemakings and other pertinent information: None

g) Part (Heading and Code Citation): Child Murderer and Violent Offender Against Youth Registration Act; 20 Ill. Adm. Code 1283

1) Rulemaking:

A) Description: The rule will establish policies and procedures for the implementation of the Child Murderer and Violent Offender Against Youth Registration Act.

B) Statutory Authority: 20 ILCS 2605/2605-15 and 730 ILCS 154

C) Schedule of meeting/hearing date: No schedule has been established at this time.

D) Date agency anticipates First Notice: December 2006

E) Effect on small businesses, small municipalities or not for profit corporations: The rule may effect small businesses, small municipalities and/or not for profit corporations.

F) Agency contact person for information:

Mr. Keith Jensen
Chief Legal Counsel
Illinois State Police
124 East Adams Street, Room 102
Post Office Box 19461
Springfield, Illinois 62794-9461
Telephone: (217) 782-7658

G) Related rulemakings and other pertinent information: None

h) Part (Heading and Code Citation): Methamphetamine Manufacturer Registry Act; 20 Ill. Adm. Code 1284

1) Rulemaking:

DEPARTMENT OF STATE POLICE

JANUARY 2007 REGULATORY AGENDA

- A) Description: The rule will provide requirements and procedures for the registration of persons convicted of a violation of Section 15 of the Methamphetamine Control and Community Protection Act.
- B) Statutory Authority: 20 ILCS 2605/2605-15 and 730 ILCS 180/10
- C) Schedule of meeting/hearing date: No schedule has been established at this time.
- D) Date agency anticipates First Notice: No date has been determined at this time.
- E) Effect on small businesses, small municipalities or not for profit corporations: The rule will affect Offices of the Circuit Clerk and the Department of Corrections.
- F) Agency contact person for information:

Mr. Keith Jensen
Chief Legal Counsel
Illinois State Police
124 East Adams Street, Room 102
Post Office Box 19461
Springfield, Illinois 62794-9461
Telephone: (217) 782-7658

- G) Related rulemakings and other pertinent information: None
- i) Part (Heading and Code Citation): Sample Collection for Genetic Marker Indexing; 20 Ill. Adm. Code 1285
- 1) Rulemaking:
- A) Description: The rule will be amended to revise and update procedures and policies relating to Sample Collection for Genetic Marker Indexing.
- B) Statutory Authority: 20 ILCS 2605/2605-15 and 730 ILCS 5/5-4-3
- C) Schedule of meeting/hearing date: No schedule has been established at this time.

DEPARTMENT OF STATE POLICE

JANUARY 2007 REGULATORY AGENDA

- D) Date agency anticipates First Notice: No date has been determined at this time.
- E) Effect on small businesses, small municipalities or not for profit corporations: The amendment will have no effect on small businesses, small municipalities or not for profit corporations.
- F) Agency contact person for information:

Mr. Keith Jensen
Chief Legal Counsel
Illinois State Police
124 East Adams Street, Room 102
Post Office Box 19461
Springfield, Illinois 62794-9461
Telephone: (217) 782-7658

- G) Related rulemakings and other pertinent information: None

j) Part (Heading and Code Citation): Testing of Breath, Blood and Urine for Alcohol, Other Drugs, and Intoxicating Compounds; 20 Ill. Adm. Code 1286

1) Rulemaking:

- A) Description: The rule will be amended to revise and update procedures and policies relating to the testing of breath, blood and urine for alcohol, drugs, and intoxicating compounds.
- B) Statutory Authority: 20 ILCS 2605/2605-15, 625 ILCS 5/6-106.1A, 625 ILCS 5/11-501.2, 625 ILCS 5/11-501.5, 625 ILCS 5/11-501.6, 625 ILCS 5/11-501.8, 625 ILCS 40/5-7.5, 625 ILCS 45/5-16b, and 625 ILCS 45/6-1
- C) Schedule of meeting/hearing date: No schedule has been established at this time.
- D) Date agency anticipates First Notice: December 2006 or January 2007

DEPARTMENT OF STATE POLICE

JANUARY 2007 REGULATORY AGENDA

- E) Effect on small businesses, small municipalities or not for profit corporations: The amendment may effect small businesses, small municipalities and/or not for profit corporations.

- F) Agency contact person for information:

Mr. Keith Jensen
Chief Legal Counsel
Illinois State Police
124 East Adams Street, Room 102
Post Office Box 19461
Springfield, Illinois 62794-9461
Telephone: (217) 782-7658

- G) Related rulemakings and other pertinent information: None

ILLINOIS WORKERS' COMPENSATION COMMISSION

JANUARY 2007 REGULATORY AGENDA

- a) Part(s) (Heading and Code Citation): Pre-arbitration, 50 Ill. Adm. Code 7020 and Review, 50 Ill. Adm. Code 7040
- 1) Rulemaking:
- A) Description: The rulemaking would amend the Commission's arbitration and review procedures, including procedures relating to expedited hearings under Section 19(b) of the Workers' Compensation Act.
- B) Statutory Authority: 820 ILCS 305/16 and 19
- C) Scheduled meeting/hearing dates: No dates have been set.
- D) Date agency anticipates First Notice: No date has been set.
- E) Affect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:
- Kathryn A. Kelley
Counsel
Illinois Workers' Compensation Commission
100 West Randolph Street
Suite 8-272
Chicago, IL 60601
- 312/814-6559
- G) Related rulemakings and other pertinent information: None
- b) Part(s) (Heading and Code Citation): Arbitration, 50 Ill. Adm. Code 7030
- 1) Rulemaking:
- A) Description: The rulemaking would amend the Commission's arbitration procedures, including procedures relating to requesting arbitration decisions which include findings of fact and conclusions of law under Section 19(b) of the Workers' Compensation Act.

ILLINOIS WORKERS' COMPENSATION COMMISSION

JANUARY 2007 REGULATORY AGENDA

- B) Statutory Authority: 820 ILCS 305/16 and 19
 - C) Scheduled meeting/hearing dates: No dates have been set.
 - D) Date agency anticipates First Notice: No date has been set.
 - E) Affect on small businesses, small municipalities or not for profit corporations: None
 - F) Agency contact person for information:

Kathryn A. Kelley
Counsel
Illinois Workers' Compensation Commission
100 West Randolph Street
Suite 8-272
Chicago, IL 60601

312/814-6559
 - G) Related rulemakings and other pertinent information: None
- c) Part(s) (Heading and Code Citation): Miscellaneous, 50 Ill. Adm. Code 7110
- 1) Rulemaking:
 - A) Description: The rulemaking would amend the Commission's workers' compensation medical fee schedule and procedures and establish requirements for certification of vocational rehabilitation counselors in accordance with Section 8(a) of the Act.
 - B) Statutory Authority: 820 ILCS 305/8(a), 8.2, 16 and 19
 - C) Scheduled meeting/hearing dates: No dates have been set.
 - D) Date agency anticipates First Notice: No dates have been set.
 - E) Affect on small businesses, small municipalities or not for profit corporations: None

ILLINOIS WORKERS' COMPENSATION COMMISSION

JANUARY 2007 REGULATORY AGENDA

F) Agency contact person for information:

Kathryn A. Kelley
Counsel
Illinois Workers' Compensation Commission
100 West Randolph Street
Suite 8-272
Chicago, IL 60601
312/814-6559

G) Related rulemakings and other pertinent information: Noned) Part(s) (Heading and Code Citation): Insurance Regulations, 50 Ill. Adm. Code 71001) Rulemaking:

A) Description: The rulemaking would amend the Commission's insurance procedures, including procedures relating to insurance compliance under Section 4 of the Workers' Compensation Act.

B) Statutory Authority: 820 ILCS 305/4, 16 and 19

C) Scheduled meeting/hearing dates: No dates have been set.

D) Date agency anticipates First Notice: No date has been set.

E) Affect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:

Kathryn A. Kelley
Counsel
Illinois Workers' Compensation Commission
100 West Randolph Street
Suite 8-272
Chicago, IL 60601

312/814-6559

ILLINOIS WORKERS' COMPENSATION COMMISSION

JANUARY 2007 REGULATORY AGENDA

- G) Related rulemakings and other pertinent information: None

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of December 12, 2006 through December 18, 2006 and have been scheduled for review by the Committee at its January 9, 2007 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>
1/24/07	<u>Department of Healthcare and Family Services,</u> Veterans Health Insurance Program (89 Ill. Adm. Code 128)	9/15/06 30 Ill. Reg. 14748	1/9/07
1/25/07	<u>Secretary of State,</u> Certificates of Title, Registration of Vehicles (92 Ill. Adm. Code 1010)	7/7/06 30 Ill. Reg. 11531	1/9/07
1/26/07	<u>Department of Financial and Professional Regulation-Division of Insurance,</u> Insurance Cost Containment Data Reporting Requirements (50 Ill. Adm. Code 4203)	2/10/06 30 Ill. Reg. 1721	1/9/07
1/28/07	<u>Department of Central Management Services,</u> Pay Plan (80 Ill. Adm. Code 310)	10/20/06 30 Ill. Reg. 16504	1/9/07
1/28/07	<u>Department of Public Health,</u> Hospital Licensing Requirements (77 Ill. Adm. Code 250)	9/15/06 30 Ill. Reg. 14758	1/9/07
1/28/07	<u>Board of Higher Education,</u> Tuition and Fee Waiver Guidelines (23 Ill. Adm. Code 1075)	10/27/06 30 Ill. Reg. 16688	1/9/07
1/28/07	<u>Board of Higher Education,</u> A Master Plan for Postsecondary Education in Illinois (23 Ill.	10/27/06 30 Ill. Reg.	1/9/07

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

	Adm. Code 1070)	16682	
1/28/07	<u>State Board of Education</u> , Special Education (23 Ill. Adm. Code 226)	3/17/06 30 Ill. Reg. 4421	1/9/07

PROCLAMATIONS

2006-410
NATIONAL GUARD DAY
December 13, 2006

WHEREAS, the National Guard has a long and proud tradition of support to our nation dating back 370 years to its beginnings as colonial militia during the founding of America; and

WHEREAS, the Army National Guard was formed on December 13, 1636, when the Massachusetts Bay Colony organized three militia regiments to defend against the growing threat of the Pequot Indians; and

WHEREAS, militiamen of the Illinois National Guard have proudly served in every major United States military conflict from its service on the frontier during the Revolutionary War period, to the Black Hawk and Civil wars to operations Noble Eagle, Enduring Freedom and Iraqi Freedom today; and

WHEREAS, in the largest and swiftest response to a domestic disaster in history, the Illinois National Guard deployed approximately 1,200 troops in support of the Gulf states following Hurricane Katrina in 2005. Today, more than 8,400 Illinois Army National Guard Soldiers and 3,700 Illinois Air National Guard personnel have served in harm's way in Iraq and Afghanistan; and

WHEREAS, the State of Illinois is very proud to recognize the historic and honorable longevity of the National Guard, which is continually providing trained and equipped units, protecting life and property of the citizens of Illinois and ready to defend the United States and its interests all over the globe:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim December 13, 2006 as **NATIONAL GUARD DAY** in Illinois in recognition of its 370th birthday.

Issued by the Governor on December 12, 2006.
Filed by the Secretary of State. December 13, 2006

2006-411
MONTESSORI EDUCATION WEEK
February 25 – March 3, 2007

WHEREAS, based on her observations of children and the manner by which they learn, Dr. Maria Montessori developed an innovative philosophy of education in the early

PROCLAMATIONS

1900's that continues to influence learning across the State of Illinois and throughout the nation; and

WHEREAS, as a system of education for children from birth through the age of eighteen, the Montessori program uses materials, techniques, and observations that support the students' natural development, encourage their learning, independence, and self-confidence, and advance the principles of peace through responsible citizenship; and

WHEREAS, the Montessori Method includes developmental teaching, one-to-one lessons, and the promotion of respect among the children and peace to humankind; and

WHEREAS, the State of Illinois is proud to recognize Montessori Education as it celebrates its 100 year anniversary:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim February 25 – March 3, 2007 as **MONTESORI EDUCATION WEEK** in Illinois, and encourage all citizens to recognize the valuable education that Montessori schools provide to students in our great State.

Issued by the Governor on December 12, 2006.

Filed by the Secretary of State. December 13, 2006

2006-412**KOREAN AMERICAN DAY****January 13, 2007**

WHEREAS, on January 13, 1903, a group of 102 men, women, and children arrived on the shores of Honolulu, Hawaii, after a long journey on the S.S. Gaelic across the Pacific Ocean from Korea. Like many immigrants to this country, these Koreans came to America in search of a better life; and

WHEREAS, there are now approximately 2 million Korean Americans living throughout the United States; and

WHEREAS, today, our country benefits from the contributions that Korean Americans have made to our business, church, and academic communities. According to the 2000 United States Census, Korean Americans own and operate 135,571 businesses across this nation. These businesses have gross sales of 16 billion dollars annually and employ 333,649 individuals with an annual payroll of 5.8 billion dollars; and

PROCLAMATIONS

WHEREAS, other contributions by Korean Americans include the first successful operation for Coronary Artery Disease, the development of the nectarine, and a four-time Olympic gold medalist. They have also excelled in engineering, architecture, medicine, acting, singing, sculpture, and writing; and

WHEREAS, the Keumkil Cultural Society has a mission to promote cultural exchanges and mutual understanding between cultures, thus allowing increased interaction between the Korean American community and the general American community; and

WHEREAS, the Keumkil Cultural Society will be sponsoring a Korean American Day Celebration ceremony cultural event on January 12th at the Daley Plaza. The event is co-sponsored by the City of Chicago Office of Special Events and The White Initiative on Asian Americans and Pacific Islanders:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim January 13, 2007 as **KOREAN AMERICAN DAY** in Illinois, and encourage all citizens to recognize the impact that Korean Americans have on our country, while taking the opportunity to learn about their rich heritage.

Issued by the Governor on December 13, 2006.

Filed by the Secretary of State. December 13, 2006

2006-413**HUMAN RIGHTS WEEK****December 11-15, 2006**

WHEREAS, in 1948, the United Nations General Assembly adopted the Universal Declaration of Human Rights on December 10th, and the international community commemorates that day of each year as Human Rights Day; and

WHEREAS, since 1948, the Universal Declaration has been translated into more than 200 languages and remains one of the best known and most often cited human rights documents in the world. Over the years, the Declaration has been used in the defense and advancement of people's rights. Its principles have been enshrined in and continue to inspire national legislation and the constitutions of many newly independent states; and

WHEREAS, in this nation and across the world, equality is one of the basic principles that we use to guide and improve understanding of and respect for one another. Although our nation's history is wrought with shameful acts and deeds, it is also filled with wonderful moments of hope and triumph such as the abolition of slavery, the

PROCLAMATIONS

nineteenth amendment that guaranteed all women the right to vote, and the Civil Rights Acts of 1964 and 1965; and

WHEREAS, here in Illinois, we have progressively expanded human rights, and in 1979, we passed a comprehensive human rights act to prohibit discrimination in employment, housing, credit transactions, and public accommodations based on age, citizenship, ethnicity, gender, race, disability and religion. Last year, we took an important step forward by amending the Illinois Human Rights Act to include sexual orientation; and

WHEREAS, across the nation, December 10th is recognized as Human Rights Day, but in Illinois we recognize the entire week, December 11th to December 15th; and

WHEREAS, the Illinois Department of Human Rights (IDHR) will commemorate Human Rights Week with a photo exhibit in the James R. Thompson Center Atrium entitled "The Chicago Freedom Movement," featuring photos by award winning photographer Bernard Kleina. The exhibit, which is provided by Hope Fair Housing Center, commemorates the 40th anniversary of Dr. King's struggle for fair housing and civil rights in Chicago and includes vivid images of Dr. King, Coretta Scott-King, and many others; and

WHEREAS, IDHR's Institute for Training and Development is also offering various trainings and seminars throughout the week on various topics, including Sexual Orientation and the Human Rights Act, Diversity Awareness Training, Americans with Disabilities Act Training, Race, Discrimination and Housing in Chicago, and Sexual Harassment Prevention Training:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim December 11-15, 2006 as **HUMAN RIGHTS WEEK** in Illinois to observe and commemorate the signing of the Universal Declaration by continuing to embrace the principles set forth in that document, as well as recognize the great achievements of Dr. Martin Luther King and so many others that worked to advance human rights in this state and across the nation and globe.

Issued by the Governor on December 13, 2006.
Filed by the Secretary of State December 13, 2006

ILLINOIS ADMINISTRATIVE CODE

Issue Index - With Effective Dates

Rules acted upon in Volume 30, Issue 52 are listed in the Issues Index by Title number, Part number, Volume and Issue. Inquires about the Issue Index may be directed to the Administrative Code Division at (217) 782-7017/18.

PROPOSED RULES

44 - 1	.....	19577
20 - 1284	.....	19592
20 - 1286	.....	19597

ADOPTED RULES

2 - 3100	12/12/2006.....	19615
35 - 1500	12/12/2006.....	19631
68 - 1220	12/18/2006.....	19656
68 - 1251	12/18/2006.....	19717
80 - 150	12/15/2006.....	19727

JOINT COMMITTEE ON ADMINISTRATIVE RULES

STATEMENTS OF RECOMMENDATION

35 - 858	19736
----------	-------	-------

JOINT COMMITTEE ON ADMINISTRATIVE RULES

STATEMENTS OF OBJECTION

14 - 524	19735
----------	-------	-------

EXECUTIVE ORDERS AND PROCLAMATIONS

06 - 411	12/12/2006.....	19873
06 - 410	12/12/2006.....	19873
06 - 412	12/13/2006.....	19874
06 - 413	12/13/2006.....	19875

OTHER INFORMATION REQUIRED BY LAW TO BE PUBLISHED IN THE ILLINOIS REGISTER

68 - 1220	19734
-----------	-------	-------

REGULATORY AGENDA

80 - 303	.....	19743
2 - 825	.....	19747
35 - 101	.....	19787
11 - 603	.....	19855
20 - 825	.....	19858
50 - 7040	.....	19867

