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TABLE OF CONTENTS

October 12, 2007 Volume 31, Issue 41

PROPOSED RULES

AGRICULTURE, DEPARTMENT OF

Agrichemical Facility Response Action Program

8 Ill. Adm. Code 25914120

COMMERCE COMMISSION, ILLINOIS

Telephone Assistance Programs

83 Ill. Adm. Code 75714189

HEALTH FACILITIES PLANNING BOARD

Health Facilities Planning Procedural Rules

77 Ill. Adm. Code 113014198

HUMAN SERVICES, DEPARTMENT OF

Fiscal/Administrative Recordkeeping and Requirements

89 Ill. Adm. Code 50914208

Grants and Grant Funds Recovery

89 Ill. Adm. Code 51114213

REVENUE, DEPARTMENT OF

Income Tax

86 Ill. Adm. Code 10014217

ADOPTED RULES

HUMAN SERVICES, DEPARTMENT OF

Provider Requirements, Type Services, and Rates of Payment

89 Ill. Adm. Code 68614238

POLLUTION CONTROL BOARD

Definitions and General Provisions

35 Ill. Adm. Code 21114254

Nitrogen Oxides Emissions

35 Ill. Adm. Code 21714271

STATE BOARD OF EDUCATION

Health/Life Safety Code for Public Schools

23 Ill. Adm. Code 18014296

PEREMPTORY RULES

CENTRAL MANAGEMENT SERVICES, DEPARTMENT OF

Pay Plan

80 Ill. Adm. Code 31014331

HUMAN SERVICES, DEPARTMENT OF

Food Stamps

89 Ill. Adm. Code 12114372

NOTICE OF CORRECTION TO NOTICE ONLY

SECRETARY OF STATE

Issuance of Licenses

92 Ill. Adm. Code 103014390

SECOND NOTICES RECEIVED

JOINT COMMITTEE ON ADMINISTRATIVE RULES

Second Notices Received14391

NOTICE OF INTENT TO WITHDRAW TO MEET THE OBJECTION OF THE JOINT COMMITTEE ON ADMINISTRATIVE RULES

CENTRAL MANAGEMENT SERVICES, DEPARTMENT OF

Standard Procurement

44 Ill. Adm. Code 114393

NOTICE OF REFUSAL TO MEET THE OBJECTION OF THE JOINT COMMITTEE ON ADMINISTRATIVE RULES

CENTRAL MANAGEMENT SERVICES, DEPARTMENT OF

Pay Plan

80 Ill. Adm. Code 31014394

NOTICE OF PUBLIC INFORMATION

POLLUTION CONTROL BOARD

Notice of Public Information Pursuant to 415 ILCS 5/7.2(b).....14395

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.].

2007 REGISTER SCHEDULE VOLUME #31

<u>Issue #</u>	<u>Rules Due Date</u>	<u>Date of Issue</u>
1	December 26, 2006	January 5, 2007
2	January 2, 2007	January 12, 2007
3	January 8, 2007	January 19, 2007
4	January 16, 2007	January 26, 2007
5	January 22, 2007	February 2, 2007
6	January 29, 2007	February 9, 2007
7	February 5, 2007	February 16, 2007
8	February 13, 2007	February 23, 2007
9	February 20, 2007	March 2, 2007
10	February 26, 2007	March 9, 2007
11	March 5, 2007	March 16, 2007
12	March 12, 2007	March 23, 2007
13	March 19, 2007	March 30, 2007
14	March 26, 2007	April 6, 2007
15	April 2, 2007	April 13, 2007
16	April 9, 2007	April 20, 2007
17	April 16, 2007	April 27, 2007
18	April 23, 2007	May 4, 2007
19	April 30, 2007	May 11, 2007
20	May 7, 2007	May 18, 2007
21	May 14, 2007	May 25, 2007
22	May 21, 2007	June 1, 2007
23	May 29, 2007	June 8, 2007

<u>Issue #</u>	<u>Rules Due Date</u>	<u>Date of Issue</u>
24	June 4, 2007	June 15, 2007
25	June 11, 2007	June 22, 2007
26	June 18, 2007	June 29, 2007
27	June 25, 2007	July 6, 2007
28	July 2, 2007	July 13, 2007
29	July 9, 2007	July 20, 2007
30	July 16, 2007	July 27, 2007
31	July 23, 2007	August 3, 2007
32	July 30, 2007	August 10, 2007
33	August 6, 2007	August 17, 2007
34	August 13, 2007	August 24, 2007
35	August 20, 2007	August 31, 2007
36	August 27, 2007	September 7, 2007
37	September 4, 2007	September 14, 2007
38	September 10, 2007	September 21, 2007
39	September 17, 2007	September 28, 2007
40	September 24, 2007	October 5, 2007
41	October 1, 2007	October 12, 2007
42	October 9, 2007	October 19, 2007
43	October 15, 2007	October 26, 2007
44	October 22, 2007	November 2, 2007
45	October 29, 2007	November 12, 2007
46	November 5, 2007	November 16, 2007
47	November 12, 2007	November 26, 2007
48	November 19, 2007	December 1, 2006
49	November 26, 2007	December 7, 2007
50	December 3, 2007	December 14, 2007
51	December 10, 2007	December 21, 2007
52	December 17, 2007	December 28, 2007

Editor's Note: The Secretary of State Index Department is providing this opportunity to remind you that the next filing period for your Regulatory Agenda will occur from October 1, 2007 to January 2, 2008 by 4:30 pm, as January 1st is a holiday and the office will be closed.

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Agrichemical Facility Response Action Program
- 2) Code Citation: 8 Ill. Adm. Code 259
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
259.110	Amendment
259.120	Amendment
259.140	Amendment
259.150	Amendment
259.210	Amendment
259.220	Amendment
259.230	New Section
259.240	New Section
259.310	Amendment
259.320	Amendment
259.330	Amendment
259.340	Amendment
259.350	Amendment
259.420	Amendment
259.430	Amendment
259.450	Amendment
259.510	Amendment
259.530	Amendment
259.540	Amendment
259.550	Amendment
259.APPENDIX A	Amendment
259.APPENDIX B	Amendment
259.APPENDIX C	New Section
259.APPENDIX D	Amendment
259.APPENDIX E	Amendment
259.APPENDIX F	New Section
- 4) Statutory Authority: Illinois Pesticide Act [415 ILCS 60/19]
- 5) A Complete Description of the Subjects and Issues Involved: Retail agrichemical facilities conducting remediation activities of soil or groundwater contamination from fertilizer releases may opt to request a written approval from the Department of Agriculture for the voluntary site assessment and corrective action. The owner or operator of the facility can apply for Department review and approval for plans and

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENTS

reports detailing the scope and implementation of the environmental response actions. Upon successful completion of the fertilizer release cleanup and remediation, the Department shall issue a notice of closure indicating that site specific cleanup objectives have been met and no further remedial action is required to remedy the fertilizer release pursuant to the Illinois Pesticide Act [415 ILCS 60/19.3].

- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: Site contamination studies conducted by Dr. William Roy, Illinois State Geological Survey
- 7) Will this rulemaking replace any emergency rulemaking in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? Yes
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: This rulemaking does not affect units of local government.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: A 45-day written comment period will begin on the day the Notice of Proposed Amendment appears in the *Illinois Register*. Please mail written comments on the proposed rulemaking to the attention of:

Linda Rhodes
Illinois Department of Agriculture
State Fairgrounds, P. O. Box 19281
Springfield, IL 62794-9281

217/785-5713
217/785-4505 (fax)
- 13) Initial Regulatory Flexibility Analysis:
 - A) Types of small businesses, small municipalities and not-for-profit corporations affected: Retail agricultural facilities remediating past soil or water contamination from agricultural chemicals could voluntarily participate in a program to

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENTS

oversee corrective action. No small municipalities should be impacted by the proposal.

- B) Reporting, bookkeeping or other procedures required for compliance:
Applications for approval of correction action plans are required.
- C) Types of professional skills necessary for compliance: A professional engineer, licensed professional geologist or licensed industrial hygienist is required to conduct site assessments and prepare corrective action plans.

14) Regulatory agenda on which this rulemaking was summarized: July 2007

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

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENTS

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

PART 259
AGRICHEMICAL FACILITY RESPONSE ACTION PROGRAM

SUBPART A: GENERAL

Section	
259.110	Purpose
259.120	Applicability
259.130	Severability
259.140	Definitions
259.150	Incorporation by Reference

SUBPART B: SOIL AND GROUNDWATER CLEANUP OBJECTIVES

Section	
259.210	General Soil Cleanup Objectives
259.220	Pesticides Groundwater Objectives
259.230	Nitrate and Ammonium
259.240	Groundwater Cleanup Objectives

SUBPART C: SITE ASSESSMENT

Section	
259.310	General
259.320	Initial Assessment
259.330	Final Assessment
259.340	Detailed Assessment for Development of Site-Specific Soil Cleanup Objectives
259.350	Equations for Calculating Site-Specific Soil Cleanup Objectives

SUBPART D: APPLICATION FOR REVIEW AND
APPROVAL OF CORRECTIVE ACTION PLANS

Section	
259.410	General
259.420	Submittal

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENTS

259.430	Contents
259.440	Department and Board Review
259.450	Agency Notification and Review

SUBPART E: NOTICE OF CLOSURE AND RECORDING REQUIREMENTS

Section

259.510	General
259.520	Issuance
259.530	Contents
259.540	Duty to Record
259.550	Voidance

259.APPENDIX A	Remediation Suitability Determination Levels of Pesticides Listed as Hazardous Constituents in 35 Ill. Adm. Code 721
259.APPENDIX B	Default Soil Cleanup Objectives - Pesticides
259. APPENDIX C	Default Soil Cleanup Objectives - Nitrate-N and Ammonium
259.APPENDIX DC	Groundwater Cleanup Objectives (GW _{obj})
259.APPENDIX ED	Pesticide Organic Carbon Partition Coefficients and Henry's Law Constants
259.APPENDIX F	Approximate Cation Exchange Capacities (CEC) of Illinois Soils

AUTHORITY: Authorized by Section 19.3 of the Illinois Pesticide Act [415 ILCS 60/19.3].

SOURCE: Adopted at 26 Ill. Reg. 1647, effective February 1, 2002; amended at 32 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL

Section 259.110 Purpose

- a) *It is the policy of the State of Illinois that an Agrichemical Facility Response Action Program be implemented to reduce potential ~~agrchemical~~[pesticide](#) pollution and minimize environmental degradation risk potential at the sites [415 ILCS 60/19.3a].*
- b) The purposes of this Part are to:
 - 1) establish minimum default soil cleanup objectives for possible remediation

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENTS

of an agrichemical facility;

- 2) establish procedures for developing appropriate site-specific soil cleanup objectives;
- 3) provide general guidance on procedures for voluntary site assessments to assess the threat of groundwater contamination; and
- 4) establish procedures for the review and approval of voluntary corrective action plans and issuance of a notice of closure upon successful completion of corrective actions.

(Source: Amended at 32 Ill. Reg. _____, effective _____)

Section 259.120 Applicability

- a) This Part applies to the owner or operator of an agrichemical facility who voluntarily requests approval of corrective action plans to remediate past agr~~ichemical~~pesticide contamination.
 - 1) An owner or operator who elects to participate in the Agrichemical Facility Response Action Program shall determine if soil or groundwater at an agrichemical facility contains agr~~ichemical~~pesticides at concentrations requiring cleanup pursuant to Subpart B of this Part.
 - 2) An owner or operator who elects to participate in the Program shall conduct a site assessment to identify any agr~~ichemical~~pesticide contamination of soil or groundwater and to develop sufficient information regarding the extent of any contamination to guide decisions about corrective actions pursuant to Subpart C of this Part.
 - 3) If soil or groundwater at an agrichemical facility contains agr~~ichemical~~pesticides at concentrations requiring cleanup pursuant to Subpart B of this Part, an owner or operator who elects to participate in the Program, shall submit a corrective action plan for review by the Department and final approval by the Board pursuant to Subpart D of this Part.
- b) Nothing in this Part limits the authority of the Illinois Environmental Protection

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENTS

Agency to provide notice of potential liability and need to conduct response actions or remedial activities or the release or threatened release of a regulated substance under Section 58.9(b) or Section 4(q) of the Illinois Environmental Protection Act [415 ILCS 5/~~58.9(b) or 4(q)~~], to provide notice of apparent violations of the Environmental Protection Act, related regulations and/or permits pursuant to Section 31 of the Environmental Protection Act, to make enforcement referrals regarding apparent violations of the Environmental Protection Act, related regulations and/or permits pursuant to Section 42 or 43 of the Environmental Protection Act, or to undertake investigative, preventive or corrective action under any other applicable provisions of the Illinois Environmental Protection Act.

- c) This Part does not apply to facilities at which the contaminated soils exhibit a characteristic of hazardous waste as defined in 35 Ill. Adm. Code 721.120 through 124.

(Source: Amended at 32 Ill. Reg. _____, effective _____)

Section 259.140 Definitions

Except as stated in this Section, or unless a different meaning of a word or term is clear from the context, the definition of the words or terms in this Part shall be the same as that applied to the same words or terms in the Act.

"Act" means the Illinois Pesticide Act [415 ILCS 60].

"Agency" means the Illinois Environmental Protection Agency.

"Agrichemical" means pesticides or commercial fertilizers at an agrichemical facility. [415 ILCS 60/19.3]

"Agrichemical facility" means *a site where agricultural agrichemicalspesticides are stored or handled, or both, in preparation for end use. The term does not include basic manufacturing facility sites or central distribution sites utilized only for wholesale purposes.* [415 ILCS 60/19.3]

"Agrichemical Facility Response Action Program" or "Program" means a voluntary environmental remediation program as set forth in Section 19.3 of the Act.

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENTS

"Applicant" means an owner, operator or duly authorized agent of an agrichemical facility submitting a request for approval of a corrective action plan.

"Board" or "Agrichemical Facility Response Action Program Board" means the board set forth in Section 19.3 of the Act.

"Class I groundwater" means potable resource groundwater as described in 35 Ill. Adm. Code 620.210.

"Class II groundwater" means general resource groundwater as described in 35 Ill. Adm. Code 620.220.

"Class III groundwater" means special resource groundwater as described in 35 Ill. Adm. Code 620.230.

"Commercial fertilizer" means a substance containing one or more recognized plant nutrients that is used for its plant nutrient content or that is designated for use or claimed to have value in promoting plant growth, including, but not limited to, nitrogen-containing compounds.

"Department" means the Illinois Department of Agriculture.

"Detection" means the identification of any ~~agr~~ agr ~~ichemical~~ pesticide ~~or pesticide~~ residue in a sample at a value equal to or greater than the:

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

"Method Quantitation Limit" or "MQL", which means the minimum concentration of a substance that can be measured and reported pursuant to "Test Methods for Evaluating Solid Wastes, Physical/Chemical Methods, SW-846" or "Methods for the Determination of Organic Compounds in Drinking Water, Supplement III of 1995".

"Duly authorized agent" means a person who is authorized by written consent or by law to act on behalf of an owner or operator including, but not limited to: for

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENTS

corporations, a principal executive officer of at least the level of vice president; or, for a sole proprietorship or partnership, the proprietor or a general partner.

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

"Groundwater quality standards" means the standards for groundwater set forth in 35 Ill. Adm. Code 620.

"Health advisory level" means a human threshold toxicant advisory concentration, as set forth in 35 Ill. Adm. Code 620, Subpart F.

"Licensed professional geologist" means a person who has a current license pursuant to the Professional Geologist Licensing Act of 1996 [225 ILCS 745].

"Licensed industrial hygienist" means a person who has a current license pursuant to the Industrial Hygienists Licensing Act of 1993 [225 ILCS 52].

"Notice of closure" means a written statement issued by the Department indicating that no further action is required to remedy the past [agricultural pesticide](#) contamination at an agricultural facility.

"Operator" means the person responsible for the operation and maintenance of an agricultural facility.

"Owner" means the person who holds legal interest, liability or claim to the real property of an agricultural facility.

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

"Professional engineer" means a person who has a current license pursuant to the Professional Engineering Practice Act of 1989 [225 ILCS 325].

"Release" means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing of [agricultural pesticides](#) into the environment, but excludes application of

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENTS

[agricultural pesticides](#) at agronomic rates under regulations established by the Department in accordance with the Act.

"Remediation suitability determination level" or "RSDL" means the concentration of a pesticide residue in soil that represents a level below which the Department considers the remediation media to be suitable for land application pursuant to 8 Ill. Adm. Code 258.

"Soil cleanup objective" or "SCO" means the concentration of any [agricultural pesticide](#) in soil below which there is a minimal risk that the [agricultural pesticide](#) will move from soil to groundwater and cause an exceedence of a Class I, Class II or Class III groundwater quality standard or a health advisory level.

"Target pesticide" means any pesticide that can reasonably be expected by persons conducting a site assessment to be present at an agricultural facility on the basis of past and current storage or mixing and loading of the pesticide at the site.

(Source: Amended at 32 Ill. Reg. _____, effective _____)

Section 259.150 Incorporation by Reference

This Section incorporates the following material by reference. These incorporations by reference do not include any amendments or editions beyond the dates specified.

[Roy, W.R. and I.G. Krapac, Potential Soil Cleanup Objectives for Nitrogen-Containing Fertilizers at Agricultural Facilities, Soil and Sediment Contamination, 15:241-251, 2006.](#)

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

"A Compendium of Superfund Field Operations Methods", EPA Publication No. EPA/540/0-87-001, OSWER Directive 9355.0-14 (December 1987).

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

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENTS

1995).

"Test Methods for Evaluating Solid Wastes, Physical/Chemical Methods", EPA Publication No. SW-846 (Third Edition, April 1998), as amended by Updates I, IIA, III and IIIA.

"Soil Screening Guidance: Technical Background Document", EPA Publication No. EPA/540/R-95/128, PB96-963502 (May 1996).

"Soil Screening Guidance: User's Guide", EPA Publication No. EPA/540/R-96/018, PB96-963505 (April 1996).

"Subsurface Characterization and Monitoring Techniques: A Desk Reference Guide, Volume I: Solids and Ground Water, Appendices A and B", EPA Publication No. EPA/625/R-93/003a (May 1993).

"Subsurface Characterization and Monitoring Techniques: A Desk Reference Guide, Volume II: The Vadose Zone, Field Screening and Analytical Methods, Appendices C and D", EPA Publication No. EPA/625/R-93/003b (May 1993).

(Source: Amended at 32 Ill. Reg. _____, effective _____)

SUBPART B: SOIL AND GROUNDWATER CLEANUP OBJECTIVES

Section 259.210 General Soil Cleanup Objectives

An owner or operator of an agrichemical facility who elects to participate in the Agrichemical Facility Response Action Program shall use the criteria in this Subpart to determine if soil at an agrichemical facility contains agrchemicalspesticides at concentrations that represent a significant environmental risk that must be managed under hazardous waste regulations, has agrchemicalpesticide concentrations of moderate concern that may be managed under more flexible regulations, or has agrchemicalpesticide concentrations that are below regulatory concern.

- a) ~~If the pesticide concentrations in soil are equal to or greater than the remediation suitability determination levels in Appendix A of this Part, the soil is considered a high risk to cause an exceedence of a Class I or Class III groundwater quality standard or a health advisory level and is also considered to contain a hazardous~~

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENTS

~~constituent, subject to all applicable hazardous waste management requirements and restrictions (35 Ill. Adm. Code: Subtitle G: Chapter I: Subchapter c), and not suitable for land application pursuant to 8 Ill. Adm. Code 258.~~

- b) ~~Notwithstanding the requirements of subsection (a) of this Section, applicants may demonstrate that the contaminated soils may be safely land applied pursuant to 8 Ill. Adm. Code 258.150.~~
- e) ~~If the pesticide concentrations in soil are less than the remediation suitability determination levels in Appendix A of this Part, but are equal to or greater than the default soil cleanup objectives in Appendix B of this Part, the soil is considered a moderate risk to cause an exceedence of a groundwater quality standard or a health advisory level, and a corrective action plan to remediate the past contamination may be submitted to the Department and the Board for review. The soil may be suitable for the land application treatment program pursuant to 8 Ill. Adm. Code 258.~~
- d) ~~If the pesticide concentrations in soil are less than the default SCOs in Appendix B of this Part, the pesticide concentrations are considered below regulatory concern and the facility may apply for a notice of closure in accordance with Subpart E of this Part.~~
- e) ~~If the pesticide concentrations are less than the remediation suitability determination levels in Appendix A of this Part, but equal to or greater than the default SCOs in Appendix B of this Part, the applicant may undertake a detailed site assessment as described in Section 259.340 of this Part to develop the information necessary to propose site specific SCOs, using the equations in Section 259.350(a) of this Part. All site specific cleanup objectives are subject to Board approval.~~
- f) ~~Pesticide concentrations in soils proposed to remain in place at the conclusion of corrective actions may not exceed the default SCOs in Appendix B of this Part, unless appropriate engineering barriers, in conjunction with necessary institutional controls, are approved as part of a corrective action plan.~~
- g) ~~If soil samples at a facility contain pesticides for which default SCOs are not listed in Appendix B of this Part, the applicant shallshould consult with the Department to develop an appropriate SCO.~~

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENTS

(Source: Amended at 32 Ill. Reg. _____, effective _____)

Section 259.220 Pesticides~~Groundwater Cleanup Objectives~~

- a) If the pesticide concentrations in soil are equal to or greater than the remediation suitability determination levels in Appendix A of this Part, the soil is considered a high risk to cause an exceedence of a Class I or Class III groundwater quality standard or a health advisory level and is also considered to contain a hazardous constituent, subject to all applicable hazardous waste management requirements and restrictions (35 Ill. Adm. Code: Subtitle G: Chapter I: Subchapter c), and not suitable for land application pursuant to 8 Ill. Adm. Code 258.
- b) Notwithstanding the requirements of subsection (a) of this Section, applicants may demonstrate that the contaminated soils may be safely land applied pursuant to 8 Ill. Adm. Code 258.150.
- c) If the pesticide concentrations in soil are less than the remediation suitability determination levels in Appendix A of this Part, but are equal to or greater than the default soil cleanup objectives in Appendix B, the soil is considered a moderate risk to cause an exceedence of a groundwater quality standard or a health advisory level, and a corrective action plan to remediate the past contamination may be submitted to the Department and the Board for review. The soil may be suitable for the land application treatment program pursuant to 8 Ill. Adm. Code 258.
- d) If the pesticide concentrations in soil are less than the default SCOs in Appendix B of this Part, the pesticide concentrations are considered below regulatory concern and the facility may apply for a notice of closure in accordance with Subpart E.
- e) If the pesticide concentrations are less than the remediation suitability determination levels in Appendix A, but equal to or greater than the default SCOs in Appendix B, the applicant may undertake a detailed site assessment as described in Section 259.340 to develop the information necessary to propose site-specific SCOs, using the equations in Section 259.350(a). All site-specific cleanup objectives are subject to Board approval.
- f) Pesticide concentrations in soils proposed to remain in place at the conclusion of corrective actions may not exceed the default SCOs in Appendix B, unless

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENTS

appropriate engineering barriers, in conjunction with necessary institutional controls, are approved as part of a corrective action plan.

- g) If soil samples at a facility contain pesticides for which default SCOs are not listed in Appendix B, the applicant shall consult with the Department to develop an appropriate SCO.
- h) The default SCOs for pesticides for surface soils in Appendix B apply to the upper 12 inches of the soil and any soil/gravel mixture within 12 inches of land surface. The subsurface SCOs for pesticides apply from 12 inches below land surface to 60 inches below land surface.
- i) Default surface SCOs for pesticides are calculated using the equations in Section 259.350(a) and an organic carbon content (f_{oc}) of 0.008. The subsurface SCOs for pesticides are calculated using an f_{oc} of 0.002. If pesticides are present in soil at depths greater than 60 inches below land surface, the applicant shall measure the f_{oc} of at least 2 soil samples representative of the interval between 60 inches and the maximum depth at which pesticides are present in each boring within the area of contaminated soil. The variable f_{oc} may not be measured in soil samples with visible evidence of pesticide contamination. The measured f_{oc} shall be used in the equation in Section 259.350(a) to calculate the soil cleanup objective for contaminated soil below a depth of 60 inches.
- a) ~~The groundwater cleanup objectives for Class I and Class II groundwater are listed in Appendix C of this Part.~~
- b) ~~The applicant may use the Class II groundwater cleanup objectives in Appendix C of this Part to calculate a site specific SCO using the equations in Section 259.350 of this Part, if adequately demonstrated during an initial site assessment, final assessment or a detailed site assessment that the uppermost 15 feet of groundwater underlying the contaminated area is classified as Class II groundwater. If this cannot be demonstrated, the Class I groundwater objective must be used.~~
- e) ~~If groundwater samples from a facility contain pesticides for which groundwater cleanup objectives are not listed in Appendix C of this Part, the applicant should contact the Department for a determination of the groundwater objective.~~

(Source: Amended at 32 Ill. Reg. _____, effective _____)

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENTS

Section 259.230 Nitrate and Ammonium

- a) If the nitrate or ammonium concentrations in soil are equal to or greater than the default soil cleanup objectives in Appendix C of this Part, the soil is considered a moderate risk to cause an exceedence of a groundwater quality standard or a health advisory level, and a corrective action plan to remediate the past contamination may be submitted to the Department and the Board for review. The soil may be suitable for the land application treatment program under 8 Ill. Adm. Code 258.
- b) If the nitrate or ammonium concentrations in soil are less than the default SCOs in Appendix C of this Part, the nitrate or ammonium concentrations are considered below regulatory concern and the facility may apply for a notice of closure in accordance with Subpart E of this Part.
- c) If the nitrate or ammonium concentrations are equal to or greater than the default SCOs in Appendix C of this Part, the applicant may undertake a detailed site assessment as described in Section 259.340 of this Part to develop the information necessary to propose site-specific SCOs, using the equations in Section 259.350(b) and (c) of this Part. All site-specific cleanup objectives are subject to Board approval.
- d) Nitrate or ammonium concentrations in soils proposed to remain in place at the conclusion of corrective actions shall not exceed the default SCOs in Appendix C of this Part, unless appropriate engineering barriers, in conjunction with necessary institutional controls, are approved as part of a corrective action plan.
- e) The default SCOs for nitrate as N in Appendix C of this Part shall apply to unsaturated soil and soil/gravel mixtures of the site regardless of depth from land surface.
- f) The default SCOs for ammonium in Appendix C of this Part shall apply to the upper 12 inches of the soil and any soil/gravel mixture within 12 inches of land surface.
- g) If ammonium is present at concentrations greater than 100 mg/kg in unsaturated soil at depths greater than 12 inches below land surface, the applicant shall measure the cation exchange capacities (CEC) of at least 2 soil samples

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENTS

representative of the interval between 12 inches and the maximum depth at which ammonium is present in each boring within the area of contaminated soil. The measured CEC shall be used in the equation in Section 259.350(c) of this Part to calculate the soil cleanup objective for contaminated soil below a depth of 12 inches.

- h) Appendix F of this Part includes a list of Illinois soils and approximate CECs that shall be used with the table of default SCOs in Appendix C to calculate the SCO for a specific site.

(Source: Added at 32 Ill. Reg. _____, effective _____)

Section 259.240 Groundwater Cleanup Objectives

- a) The groundwater cleanup objectives for Class I and Class II groundwater are listed in Appendix D of this Part.
- b) The applicant may use the Class II groundwater cleanup objectives in Appendix D of this Part to calculate a site-specific SCO using the equations in Section 259.350 of this Part, if adequately demonstrated, during an initial, final or detailed site assessment, that the uppermost 15 feet of groundwater underlying the contaminated area is classified as Class II groundwater. If this cannot be demonstrated, the Class I groundwater objective shall be used.
- c) If groundwater samples from a facility contain pesticides for which groundwater cleanup objectives are not listed in Appendix C of this Part, the applicant should contact the Department for a determination of the groundwater objective.

(Source: Added at 32 Ill. Reg. _____, effective _____)

SUBPART C: SITE ASSESSMENT

Section 259.310 General

An owner or operator who elects to participate in the Agrichemical Facility Response Action Program shall conduct site assessments pursuant to this Subpart. The purposes of the site assessment are to identify any agr~~ichemical~~pesticide contamination of soil or groundwater and to develop sufficient information regarding the extent of any contamination to guide decisions about corrective actions. The findings, opinions and conclusions of the site assessment shall~~must~~

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENTS

be supported by adequate documentation. All site assessment activities ~~shall~~must be conducted by or under the supervision of a licensed professional geologist, professional engineer or licensed industrial hygienist. An applicant may request the Department's assistance in investigating suspected site contamination.

- a) The results of the initial assessment pursuant to Section 259.320 of this Part and plans to conduct sampling and analyses ~~shall~~must be submitted to the Department and the Board for review. The results of the final site assessment pursuant to Section 259.330 of this Part ~~shall~~must also be submitted. Both phases may be conducted and the combined results submitted for review. Based on the results of the initial site assessment, the Department may recommend the addition or deletion of compounds from the list of target pesticides and recommend collection and analyses of groundwater samples.
- b) All field and laboratory activities ~~shall~~must satisfy the following to ensure that all data are scientifically valid and of known precision and accuracy:
 - 1) All field sampling activities relative to sample collection, documentation, preparation, labeling, storage, shipment and security, quality assurance and quality control, acceptance criteria, corrective action, and decontamination procedures ~~shall~~must be conducted in accordance with "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods" (SW-846), Vol. One, Ch. One (Quality Control) and Vol. Two (Field Manual), incorporated by reference at Section 259.150 of this Part. If approved by the Department, such activities also may be conducted in accordance with ASTM standards; methods identified in "A Compendium of Superfund Field Operations Methods" (EPA/540/0-87-001, OSWER Directive 9355.0-14, December 1987), "Subsurface Characterization and Monitoring Techniques: A Desk Reference Guide, Volume I: Solids and Ground Water, Appendices A and B" (EPA/625/R-93/003a, May 1993), or "Subsurface Characterization and Monitoring Techniques: A Desk Reference Guide, Volume II: The Vadose Zone, Field Screening and Analytical Methods, Appendices C and D" (EPA/625/R-93/003b, May 1993); or other procedures.
 - 2) All field measurement activities relative to equipment and instrument operation, calibration and maintenance, corrective action, and data handling ~~shall~~must be conducted in accordance with SW-846, or with an equipment or instrument manufacturer's or vendor's published standard

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENTS

operating procedures.

- 3) All laboratory quantitative analyses of soil samples to determine concentrations of ~~agrichemicals shall~~~~pesticides must~~ be conducted fully in accordance with SW-846, relative to all facilities, equipment and instrumentation, operating procedures, sample management, test methods, equipment calibration and maintenance, quality assurance and quality control, corrective action, data reduction and validation, reporting, and records management. The practical quantitation limit (PQL) of the test methods selected ~~shall~~~~must~~ be less than or equal to the default SCO contained in Appendix B of this Part, or, if site-specific cleanup objectives have been determined, the PQL ~~shall~~~~must~~ be less than or equal to the site-specific SCOs for the site.
- 4) All field or laboratory measurements of samples to determine physical or geochemical characteristics ~~shall~~~~must~~ be conducted in accordance with ASTM standards or other procedures as approved by the Department.
- 5) All laboratory quantitative analyses of soil samples to determine concentrations of any regulated substances or ~~agrichemicals~~~~pesticides~~ that require more sensitive detection limits or cannot be analyzed by standard methods identified in SW-846 ~~shall~~~~must~~ be conducted in accordance with analytical protocols developed in consultation with and approved by the Department.
- 6) All groundwater monitoring and analytical procedures ~~shall~~~~must~~ be conducted in accordance with 35 Ill. Adm. Code 620.505 and 620.510.
- 7) ~~All Effective July 1, 2002, all~~ quantitative analyses of soil and groundwater samples ~~collected on or after that date and~~ utilizing any of the approved test methods identified in 35 Ill. Adm. Code 186.180 shall be completed by an accredited laboratory in accordance with the requirements of 35 Ill. Adm. Code 186. Quantitative analyses not utilizing an accredited laboratory in accordance with Part 186 shall be deemed invalid.

(Source: Amended at 32 Ill. Reg. _____, effective _____)

Section 259.320 Initial Assessment

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENTS

- a) The purpose of the initial site assessment is to develop an appropriate sampling and analysis plan based on the environmental conditions at the agrichemical facility. The specific objectives of the initial site assessment are to identify the following:
- 1) target pesticides,
 - 2) locations of potable water supply wells,
 - 3) the classification of the groundwater underlying the site,
 - 4) soil and hydrogeologic conditions based on available information,
 - 5) areas that may be locations of past agrchemicalpesticide contamination, and
 - 6) whether the facility is located within a delineated well head protection area, the minimum or designated maximum setback zone, or ~~within~~ a regulated recharge area of a potable water supply well.
- b) The initial site assessment shall~~must~~ provide the following:
- 1) a listing of target pesticides, which shall~~must~~ include all pesticides known or suspected to have been released, on the basis of interviews with the owner and operator and a site investigation by or under the supervision of a licensed professional geologist, professional engineer or licensed industrial hygienist.
 - A) Unless affirmatively demonstrated that a pesticide has not been stored, mixed or loaded on the site, all pesticides listed in this subsection (b)(1)(A) shall~~below~~ ~~must~~ be considered target pesticides.

acetochlor	carbofuran	simazine
alachlor	2,4-D	terbufos
atrazine	metolachlor	trifluralin
butylate	metribuzin	
chlorpyrifos	pendimethalin	

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENTS

- B) An applicant may elect to limit the [agricultural pesticides](#), media (soil or groundwater) or area included in a site assessment. If the site assessment is limited in any way, the notice of closure ~~shall~~will be limited to the [agricultural pesticides](#), media or area included in the site assessment and any corrective actions;
- 2) facility site maps, at a scale no larger than 1 inch equals 200 feet, of sufficient detail and accuracy to show all of the following:
- A) areas of the site that involve the storage or mixing and loading of [agricultural pesticides](#),
- B) site structures or buildings,
- C) roads or driveways and parking facilities,
- D) the location of the potable water supply for the site and any groundwater monitoring wells on the site, and
- E) the map scale (graphic and nominal), north arrow, date, name and address of preparer, and location of the site with respect to section, township, range, and principal meridian;
- 3) a map, at a scale no larger than 1 inch equals 400 feet, that shows the facility boundaries and all of the following:
- A) land uses (e.g., residential, commercial/industrial, agricultural and conservation property) within 200 feet of the site boundaries,
- B) any potable water supply wells within 200 feet of the site boundaries, and
- C) the map scale (graphic and nominal), north arrow, date, name and address of preparer, and location of the site with respect to section, township, range, and principal meridian;
- 4) a soil survey map of the site and the surrounding area within 200 feet of the site and soil interpretation for each soil series identified on the site or within 200 feet of the site for:

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENTS

- A) soil physical and chemical properties,
 - B) engineering index properties, and
 - C) soil and water features;
- 5) copies of lithologic and construction logs for any monitoring well or potable water supply well on or within 200 feet of the site. If copies are not available, the applicant shall provide:
- A) an explanation as to why such data could not be obtained;
 - B) estimations of the diameter and total depth of each well, the screened interval of each well and the depth to water in each well, and how those values were determined; and
 - C) an estimation of the geologic conditions at each well site;
- 6) U.S. Geological Survey 7.5 minute topographic map showing the location of the facility, any community water supply wells within 2,500 feet of the site boundaries and the boundaries of any [delineated well head protection area, the minimum or designated maximum setback zone or](#) regulated recharge area for a community water supply well;
- 7) any pertinent reports containing hydrologic or geologic information by the Illinois State Water Survey, Illinois State Geological Survey or U.S. Geological Survey;
- 8) copies of prior site assessments and any pending, threatened or past litigation, administrative actions or notices from government entities regarding the storage or disposal of pesticides at the site; and
- 9) a detailed sampling and analysis plan including the following:
- A) proposed number and location of soil samples,
 - B) total sampling depth and sampling depth intervals for soil samples,

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENTS

- C) locations and construction details for any proposed monitoring wells and any existing monitoring wells or water supply wells proposed for groundwater sampling,
- D) list of analytes, analytical methods and expected detection limits in soil and water, and
- E) quality assurance project plans for field and laboratory activities.

(Source: Amended at 32 Ill. Reg. _____, effective _____)

Section 259.330 Final Assessment

- a) The purposes of the final assessment are to execute the sampling and analysis plan for the soil and/or groundwater at the site and determine the locations of the ~~agricultural~~pesticide concentrations that are:
 - 1) greater than or equal to the RSDLs,
 - 2) greater than or equal to the SCOs, and
 - 3) below the RSDLs and SCOs.
- b) The final site assessment ~~shall~~must provide:
 - 1) results of laboratory analyses or field screening measurements of ~~agricultural~~pesticide concentrations in soil and groundwater, including quality control samples;
 - 2) facility site maps, at a scale no larger than 1 inch equals 200 feet, of sufficient detail and accuracy to show all of the following:
 - A) the locations of all soil samples, keyed to a table of analytical results,
 - B) the locations of any monitoring or water supply wells sampled, keyed to a table of analytical results,
 - C) the direction and rate of movement of ~~agricultural~~pesticides in

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENTS

groundwater, if known,

- D) areas of the site that involve the storage or mixing and loading of [agrichemicalspesticides](#),
 - E) site structures or buildings,
 - F) roads or driveways and parking facilities,
 - G) the location of the potable water supply for the site and any groundwater monitoring wells on the site, and
 - H) the map scale (graphic and nominal), north arrow, date, name and address of preparer, and location of the site with respect to section, township, range, and principal meridian;
- 3) characterization of significant physical features of the facility and vicinity that may affect [agrichemicalpesticide](#) fate and transport and risk to potable wells and Class I, Class II or Class III groundwater.
- c) The applicant shall inform the Department of the schedule for conducting the final site assessment to allow representatives of the Department to observe assessment activities.

(Source: Amended at 32 Ill. Reg. _____, effective _____)

Section 259.340 Detailed Assessment for Development of Site-Specific Soil Cleanup Objectives

The purpose of the detailed assessment for site-specific SCOs is to provide the information necessary for the calculation of site-specific SCOs based on the site physical properties. The detailed assessment is optional and is only required when an applicant proposes corrective actions based on site-specific SCOs, instead of reliance on the default SCOs of Appendix B [and Appendix C of this Part](#).

- a) To determine site-specific physical soil and hydrogeologic parameters, a minimum of one boring per 0.5 acre of contaminated soil area ~~shall~~**must** be collected. This boring ~~shall~~**must** be deep enough to allow the collection of the required field measurements. The soil taken from the borings ~~shall~~**must** be

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENTS

visually inspected to ensure there are no significant differences in the stratigraphy. If there are similar soil types, one boring may be used to determine the site-specific physical soil parameters. If there are significant differences, all of the borings ~~shall~~**must** be evaluated before determining the site-specific soil parameters for the site. The site-specific physical parameters ~~shall~~**must** be determined from the portion of the boring representing the stratigraphic units being evaluated. In general, two samples from the boring ~~shall~~**will** be required:

- 1) a sample of the predominant soil type in the unsaturated zone, and
 - 2) a sample of the predominant geologic unit in the saturated zone.
- b) Not all of the parameters identified in ~~the equations~~**Equation 4** in Section 259.350(a) of this Part ~~shall~~**must** be determined on a site-specific basis. An applicant may collect partial site-specific information and use default values for the other parameters. Applicants should consider measuring the organic carbon content in all soil samples that have been collected to analyze for pesticide concentrations because the product of the Equation in Section 259.350(a) of this Part is most sensitive to the organic carbon content. The variable f_{oc} may not be measured in soils with visible evidence of pesticide contamination.
- c) A site-specific groundwater dilution factor (**DF**) (used in developing SCOs based upon the protection of groundwater) may be determined by substituting site information in ~~the equation~~**Equation 3** in Section ~~259.350(a)(1)~~**259.350(e)** of this Part. A groundwater recharge rate (R in the ~~equation~~**Equation** in Section ~~259.350(a)(2)~~**259.350(e)** of this Part) less than 0.15 m/yr may not be used unless it is demonstrated through on-site testing of hydraulic properties that the saturated hydraulic conductivity of the geologic material in which a Class II groundwater occurs or of the geologic material overlying a Class I or III groundwater is smaller than 1×10^{-6} cm/sec. The mixing zone depth (d in the ~~equation~~**Equation** in Section ~~259.350(a)(2)~~**259.350(e)** of this Part) is the mean thickness of the geologic unit in which the Class I, II or III groundwater is present. A mixing zone depth larger than 6.5 meters may not be used in calculating a site-specific dilution factor.
- d) In addition to the parameters in the ~~equation~~**Equation** in Section ~~259.350(a)(2)~~**259.350(e)** of this Part, the following information on hydrogeologic conditions beneath the site must be determined:
- 1) mean depth to water table,

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENTS

- 2) mean depth to uppermost Class I, Class II or Class III groundwater,
 - 3) mean thickness of uppermost Class I, Class II or Class III groundwater, and
 - 4) groundwater flow direction.
- e) The applicant shall inform the Department of the schedule for conducting the final site assessment to allow representatives of the Department to conduct a site visit and observe assessment activities.

(Source: Amended at 32 Ill. Reg. _____, effective _____)

Section 259.350 Equations for Calculating Site-Specific Soil Cleanup Objectives

- a) Site-specific soil cleanup objectives for pesticides are determined by the following equation:

$$SCO = C_w \left[(K_{oc} \times f_{oc}) + \frac{(q_w + (q_a \times H'))}{P_b} \right]$$

Where:

SCO	=	soil cleanup objective (mg/kg)
C _w	=	target soil leachate concentration (mg/L)
K _{oc}	=	organic carbon partition coefficient (L/kg)
f _{oc}	=	organic carbon content of soil (kg/kg)
T _w	=	water-filled soil porosity (L _{water} /L _{soil})
T _a	=	air-filled soil porosity (L _{air} /L _{soil})
H'	=	Henry's law constant (dimensionless)
ρ _b	=	dry soil bulk density (kg/L)

References:

"Soil Screening Guidance: User's Guide", [April 1996](#), p. 29, eq. 10.

"Soil Screening Guidance: Technical Background Document", [May 1996](#), p. 37, eq. 24.

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENTS

- 1b) The target soil leachate concentration can be determined by the following equation:

$$C_w = DF \times GW_{obj}$$

Where:

C_w = target soil leachate concentration (mg/L)
 DF = groundwater dilution factor (dimensionless)
 GW_{obj} = groundwater cleanup objective (mg/L)

- 2e) The dilution factor can be determined by the following equation:

$$DF = 1 + \frac{K \times i \times d \times W}{R \times L \times W}$$

Where:

DF = groundwater dilution factor (unitless)
 K = aquifer hydraulic conductivity (m/yr)
 i = hydraulic gradient (m/m)
 d = mixing zone depth (m)
 R = groundwater recharge rate (m/yr)
 L = length of contaminated soil parallel to groundwater flow (m)
 W = width of contaminated soil perpendicular to groundwater flow (m)

- b) Site-specific soil cleanup objectives for nitrate as nitrogen can be determined by the following equation:

$$\underline{SCO(mg / kg) = 0.125(L / kg)C_w(mg / L)}$$

Where:

L ≡ Liter
C_w ≡ Target soil leachate concentration (mg/L)

- c) Site-specific soil cleanup objectives for ammonium can be determined by the

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENTS

[following empirical equation:](#)

$$SCO = 0.36(CEC)^3 + 8.93(CEC)^2 + 143(CEC) + 103$$

[Where:](#)

[CEC](#) \equiv [cation exchange capacity \(meq/100g\)](#)

[Reference:](#)

[Potential Soil Cleanup Objectives for Nitrogen-Containing Fertilizers at Agrichemical Facilities, Soil and Sediment Contamination.](#)

- d) The default values for the equations in subsections (a) and (b) of this Section are:

Parameter	Description	Default Value
DF	Groundwater dilution factor	30 (dimensionless)
f_{oc}	Organic carbon content of soil	0.008 kg/kg (0.8%) surface or 0.002 kg/kg (0.2%) subsurface (see note below)
T_a	Air-filled soil porosity	0.2 (20%) L_{air}/L_{soil}
T_w	Water-filled soil porosity	0.2 (20%) L_{water}/L_{soil}
ρ_b	Dry soil bulk density	1.6 kg/L
H'	Henry's law constant	see Appendix ED
K_{oc}	Organic carbon partition coefficient	see Appendix ED
GW_{obj}	Groundwater cleanup objective	see Appendix DE

[NOTE: The default SCOs for surface soils in Appendix B of this Part apply to the upper 12 inches of the soil and any soil/gravel mixture within 12 inches of land surface. Default surface SCOs are calculated using the Equation in subsection \(a\)](#)

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENTS

~~of this Section and an organic carbon content (f_{oc}) of 0.008. The subsurface SCOs apply from 12 inches below land surface to 60 inches below land surface. They are calculated using an f_{oc} of 0.002. If pesticides are present in soil at depths greater than 60 inches below land surface, the applicant shall measure the f_{oc} of at least 2 soil samples representative of the interval between 60 inches and the maximum depth at which pesticides are present in each boring within the area of contaminated soil. The variable f_{oc} may not be measured in soil samples with visible evidence of pesticide contamination. The measured f_{oc} must be used in the Equation in subsection (a) of this Section to calculate the soil cleanup objective for contaminated soil below a depth of 60 inches.~~

(Source: Amended at 32 Ill. Reg. _____, effective _____)

SUBPART D: APPLICATION FOR REVIEW AND APPROVAL OF CORRECTIVE ACTION PLANS

Section 259.420 Submittal

The Agrichemical Facility Response Action Program application ~~shall~~**must** be submitted to the Department on forms prescribed and provided by the Department with attachments, plans, and reports, as necessary. The forms may be copied or combined, but ~~shall~~**must** contain original signatures. The application ~~shall~~**must** be mailed or hand-delivered to the address designated by the Department on the forms. Corrective action plans ~~shall~~**must** be prepared and implemented by or under the supervision of a licensed professional geologist, professional engineer, or licensed industrial hygienist.

(Source: Amended at 32 Ill. Reg. _____, effective _____)

Section 259.430 Contents

The application ~~shall~~**must**, at a minimum, contain the following information:

- a) the facility name, address and telephone number and the applicant's full legal name, address and telephone number, including any duly authorized agents of the applicant, any contact persons to whom correspondence ~~shall~~**must** be addressed, and the original signature of the applicant certifying the accuracy and completeness of the application;
- b) the agrichemical facility site identification number, if any, and the approximate

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENTS

size of the site in acres, and copies of all Department and Agency permits and endorsements pertaining to the site that are currently held by the owner or operator;

- c) the results of any environmental site assessment conducted pursuant to Subpart C of this Part; and
- d) the corrective action plan, which ~~shall~~ **must** include the following:
 - 1) a description of the scope of the problems to be addressed by the proposed action, including the specific ~~agrichemicals~~ **target pesticides** and the physical area to be addressed by the corrective action plan;
 - 2) a statement of remediation objectives and a description of the method used to determine the remediation objectives;
 - 3) a description and justification of the remediation methods selected and how each remediation method identified in the corrective action plan fits into the overall strategy for addressing the past ~~agrichemical~~ **pesticide** contamination, including but not limited to:
 - A) feasibility of implementation; and
 - B) whether the methods will perform satisfactorily and reliably until the remediation objectives are achieved;
 - 4) the proposed schedule of cleanup activities;
 - 5) a description of any proposed engineered barriers or institutional controls necessary to achieve the remediation objectives, including long-term reliability, operation and maintenance requirements. For remediation of soil contamination, engineered barriers, in conjunction with institutional controls, may be used. The engineered barrier covering the contaminated soil ~~shall~~ **must** consist of either caps constructed of compacted clay, asphalt, concrete or other material approved by the Department or permanent structures such as buildings;
 - 6) if technologies to remediate groundwater contamination are proposed, a description of post-remediation monitoring, including:

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENTS

- A) purpose,
 - B) locations,
 - C) frequency, and
 - D) contingencies in the event of an exceedence of applicable groundwater quality standards or health advisory levels;
- 7) references and other informational sources included as appendices.

(Source: Amended at 32 Ill. Reg. _____, effective _____)

Section 259.450 Agency Notification and Review

The Department shall provide notice to the Agency when the results of any environmental site assessment indicate that [agriculturalpesticide](#) concentrations in Class I or Class III groundwater exceed any concentration level adopted as a standard pursuant to the Illinois Groundwater Protection Act or a health advisory level established by the Agency or the U.S. Environmental Protection Agency. If [agriculturalpesticide](#) contamination in Class I or Class III groundwater exceeds a groundwater quality standard or health advisory level, an applicant may elect to participate in the Agricultural Facility Response Action Program. In these instances, the scope of the corrective action plans developed, approved and completed under the Program shall be limited to the soil [agriculturalpesticide](#) contamination at the site unless implementation of the plan is coordinated, pursuant to Section 19.3(f) of the Act, as follows:

- a) Upon receipt of an application for approval of corrective action plans that include remediation of contaminated Class I or Class III groundwater, the Department shall notify the Agency and coordinate a joint review of the plan with the Agency.
- b) The Agency may provide a written endorsement of the corrective action plan.
- c) The Agency may approve a groundwater management zone for a period of 5 years after implementation of the corrective action plan to allow for groundwater impairment mitigation results.
- d) The Department, in cooperation with the Agency, shall recommend a proposed corrective action plan to the Board for final approval to proceed with groundwater

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENTS

remediation. The Agency shall have 60 days after the date of the notice by the Department to recommend approval, denial, or modification.

- e) The Department, in cooperation with the Agency, shall provide remedial project oversight, monitor remedial work progress, and report to the Board on the status of the remediation project.

(Source: Amended at 32 Ill. Reg. _____, effective _____)

SUBPART E: NOTICE OF CLOSURE AND RECORDING REQUIREMENTS

Section 259.510 General

This Section provides for the issuance of a Notice of Closure following the satisfactory completion of corrective actions and submittal of a corrective action report.

- a) Upon completion of the activities described in the approved corrective action plan, the owner or operator shall submit a corrective action report to the Department. The report must provide adequate evidence to demonstrate that the actions were completed in accordance with the approved plan and that the cleanup objectives have been attained.
- b) The corrective action report ~~shall~~must provide the following:
- 1) certification, by the facility owner and by the licensed professional geologist, professional engineer or licensed industrial hygienist who conducted the site assessments and supervised implementation of the corrective action plan, that all components of the approved corrective action plan were fully implemented;
 - 2) facility site maps, at a scale no larger than 1 inch equal to 200 feet, of sufficient detail and accuracy to show all of the following:
 - A) the boundaries of the facility;
 - B) any areas of the site from which ~~agricultural~~pesticide contaminated soils were removed;
 - C) any areas of the site on which an engineered barrier was installed;

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENTS

and

- D) the map scale (graphic and nominal), north arrow, date, name and address of preparer, and location of the site with respect to section, township, range, and principal meridian;
- 3) a list of the [agrichemicals target pesticides](#) that were included in the soil or groundwater remediation activities;
 - 4) documentation of the volume of soil removed from the site and how the contaminated soil was disposed of;
 - 5) as-built drawings of any engineered barriers constructed to achieve the approved remediation objectives;
 - 6) copies of any documents describing institutional controls accompanying engineered barriers;
 - 7) if groundwater remediation activities were conducted, copies of all analytical results of groundwater monitoring to demonstrate that the approved groundwater cleanup objectives were attained; and
 - 8) the results of a final inspection by representatives of the Department or Board.

(Source: Amended at 32 Ill. Reg. _____, effective _____)

Section 259.530 Contents

A Notice of Closure shall state that cleanup objectives for the site have been met and no further remedial action is required to remedy the past [agrichemicalpesticide](#) contamination, pursuant to Section 19.3 of the Act, and include the following:

- a) an acknowledgment that the requirements of the corrective action plan were satisfied;
- b) a copy of the corrective action report submitted pursuant to Section 259.510 of this Part;

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENTS

- c) a statement that the issuance of the Notice of Closure signifies a release from further responsibilities under the Act;
- d) if the remediation site includes a portion of a larger parcel of property or if the applicant has elected to limit either the area of soil or groundwater or the [agricultural pesticides](#) to be remediated, or both, the Notice of Closure shall be limited accordingly by its terms;
- e) the prohibition against the use of any remediation site in a manner inconsistent with any institutional limitations without additional appropriate remedial activities;
- f) a description of any preventive, engineering, and institutional controls required in the approved corrective action plan and notification that failure to manage the controls in full compliance with the terms of the corrective action plan may result in avoidance of the Notice of Closure;
- g) the recording obligations and opportunity to request a change in any institutional controls pursuant to this Part; and
- h) if groundwater conditions were addressed during the site assessment or corrective action, the Agency and the Department may choose to include conditional requirements in accordance with the Illinois Groundwater Protection Act [415 ILCS 55] or the Groundwater Quality Standards (35 Ill. Adm. Code 620).

(Source: Amended at 32 Ill. Reg. _____, effective _____)

Section 259.540 Duty to Record

The applicant shall record the Notice of Closure with the Office of Recorder or the Registrar of Titles of the county within which the site is located within 30 days after receipt of the Notice of Closure. In addition, proof of recording of a closure report and Notice of Closure ~~shall~~must be submitted to the Department within 30 days after filing. Failure to provide proof of recording may lead to avoidance of a Notice of Closure.

(Source: Amended at 32 Ill. Reg. _____, effective _____)

Section 259.550 Avoidance

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENTS

- a) The Board may void a Notice of Closure for:
- 1) violation of any applicable institutional controls or land use restrictions;
 - 2) failure of the owner, operator, or any subsequent transferee to maintain any approved engineering barriers or institutional controls;
 - 3) disturbance or removal of contaminated soil that has been left in place in accordance with the corrective action plan;
 - 4) failure to comply with the recording requirements of this Part;
 - 5) obtaining the Notice of Closure by fraud or misrepresentation; and
 - 6) subsequent discovery of [agrichemicalspesticides](#) not identified as part of the investigative or remedial activities upon which the issuance of the Notice of Closure was based.
- b) If the Board voids a Notice of Closure, it shall provide notice to the current title holder of the remediation site.
- 1) The notice shall specify the cause for the voidance and describe facts in support of that cause.
 - 2) The Department shall mail Notices of Voidance by registered or certified mail, date-stamped with return receipt requested.
 - 3) The Department shall submit the Notice of Voidance to the Office of the Recorder or the Registrar of Titles for the county in which the site is located. The notice shall be filed in accordance with Illinois law so that it forms a permanent part of the chain of title for the site.

(Source: Amended at 32 Ill. Reg. _____, effective _____)

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENTS

Section 259.APPENDIX A Remediation Suitability Determination Levels of Pesticides Listed as Hazardous Constituents in 35 Ill. Adm. Code 721

<u>Pesticide Name</u>	<u>CAS No.^a</u>	<u>Recommended Test Method^b</u>	<u>RSDL (mg/kg)^c</u>
aldicarb	116-06-3	8321	0.2
aldrin	309-00-2	8081	0.1
butylate	2008-41-5	8270	150
carbofuran	1563-66-2	8270	3
chlordane	57-74-9	8081	160
2,4-D	94-75-7	8151	6
4,4'-DDD	72-54-8	8081	130
4,4'-DDT	50-29-3	8081	380
dieldrin	60-57-1	8081	0.08
dimethoate	60-51-5	8141	0.07
dinoseb	88-85-7	8151	0.4
disulfoton	298-04-4	8141	0.5
endosulfan	115-29-7	8081	3400
endothall	145-73-3	8270	14
endrin	72-20-8	8081	27
EPTC	759-94-4	8270	57
heptachlor	76-44-8	8081	13
lindane	58-89-9	8081	0.4
methoxychlor	72-43-5	8151	4100
parathion, ethyl	56-38-2	8141	440
parathion, methyl	298-00-0	8141	15
phorate	298-02-2	8141	2
2,4,5-TP	93-72-1	8270	370
toxaphene	8001-35-2	8081	400

Notes:

^a Chemical Abstract Service (CAS)^b USEPA Test Methods (SW-846)^c Value using Class I groundwater objectives of Appendix [DE](#) and surface soil conditions

(Source: Amended at 32 Ill. Reg. _____, effective _____)

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENTS

Section 259.APPENDIX B Default Soil Cleanup Objectives - Pesticides

<u>Pesticide Name</u>	<u>CAS No.^a</u>	<u>Recommended Test Method^b</u>	<u>Subsurface (mg/kg)</u>	<u>Surface (mg/kg)</u>
acetochlor	34256-82-1	8151	0.12	0.9*
acifluorfen sodium	62476-59-9	8151	1.0	2.8
alachlor	15972-60-8	8081	0.02	1.7*
aldicarb	116-06-3	8321	0.02	0.03
aldrin	309-00-2	8081	0.01	0.02
atrazine	1912-24-9	8141	0.04	1.7*
bentazon sodium	50723-80-3	8151	1.2	2.6
bromacil	314-40-9	8321	3.3	5.2
bromoxynil (o)	1689-99-2	8270	2.1	6.9
butylate	2008-41-5	8270	7.7	27
carbofuran	1563-66-2	8270	0.3	0.6
chlordane	57-74-9	8081	7.2	29
chlorimuron-ethyl	90982-32-4	8081	1.3	3.6
chlorpyrifos	2921-88-2	8141	13	50
cyanazine	21725-46-2	8141	0.2	1.1*
2,4-D	94-75-7	8151	0.5	1.1
4,4'-DDD	72-54-8	8081	5.6	22
4,4'-DDE	72-55-9	8081	16	64
4,4'-DDT	50-29-3	8081	17	66
diazinon	333-41-5	8141	0.06	0.2
dicamba	1918-00-9	8151	1	1.4
dieldrin	60-57-1	8081	0.004	0.01
dimethoate	60-51-5	8141	0.01	0.01
dinoseb	88-85-7	8151	0.04	0.08
disulfoton	298-04-4	8141	0.02	0.2*
endosulfan	115-29-7	8081	150	600
endothall	145-73-3	8270	0.9	2.4
endrin	72-20-8	8081	1.2	5
EPTC	759-94-4	8270	3	10
glyphosate	1071-83-6	8321	91	350
HCH-alpha	319-84-6	8081	0.003	0.01
heptachlor	76-44-8	8081	0.6	2.3
heptachlor epoxide	1024-57-3	8081	0.9	3.8
lindane	58-89-9	8081	0.02	0.07

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENTS

linuron	330-55-2	8321	0.5	1.7
malathion	121-75-5	8141	11	41
methoxychlor	72-43-5	8151	180	730
metolachlor	51218-45-2	8151	8.3	22
metribuzin	21087-64-9	8270	1.2	2.8
parathion, ethyl	56-38-2	8141	19	77
parathion, methyl	298-00-0	8141	0.7	2.6
pendimethalin	40487-42-1	8091	230	900
permethrin	52645-53-1	8081	830	3300
phorate	298-02-2	8141	0.09	1.1*
simazine	122-34-9	8141	0.05	1.7*
2,4,5-TP	93-72-1	8270	17	65
terbufos	13071-79-9	8141	0.07	0.4*
toxaphene	8001-35-2	8081	18	72
trifluralin	1582-09-8	8091	23	100

Notes:

^a Chemical Abstract Service (CAS)

^b USEPA Test Methods (SW-846)

* Application Rate Equivalents (AREs) are based on USEPA-approved pesticide label rates for the specific pesticide active ingredient and conservative assumptions about soil properties. AREs only apply to the upper one foot of soil or soil/gravel mixture and are used as the SCO for the upper one foot of soil or soil/gravel mixture if the ARE is greater than the SCO value calculated using the Equation in Section 259.350(a) of this Part and less than the RSDL value.

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

$$ARE(mg/kg) = Application_{rate}(lb/acre) \times \frac{acrefoot}{43560 ft^3} \times \frac{ft^3}{110lb} \times \frac{1}{0.25 foot} \times \frac{1.0E+06mg}{kg}$$

Where:

ARE_s = application rate equivalent (mg/kg)

Application_{rate} = current label application rate (lb/acre) for coarse-textured, low organic matter content soils

(Source: Amended at 32 Ill. Reg. _____, effective _____)

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENTS

Section 259.APPENDIX C Default Soil Cleanup Objectives – Nitrate-N and Ammonium

<u>Analyte Name</u>	<u>CEC</u>	<u>Groundwater Conditions</u>	
		<u>Class I</u> <u>(mg/kg)</u>	<u>Class II</u> <u>(mg/kg)</u>
<u>nitrate-N</u>	<u>N/A</u>	<u>80</u>	<u>800</u>
<u>ammonium</u>	<u><8</u>	<u>500</u>	<u>1,000</u>
	<u>8-15</u>	<u>1,000</u>	<u>3,600</u>
	<u>15-24</u>	<u>2,200</u>	<u>9,300</u>
	<u>>24</u>	<u>5,000</u>	<u>20,300</u>

Note: The default soil cleanup objectives for nitrate-N are based on an application rate equivalent to 160 pounds per acre.

(Source: Added at 32 Ill. Reg. _____, effective _____)

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENTS

Section 259.APPENDIX DC Groundwater Cleanup Objectives (GW_{obj})

<u>Pesticide-Name</u>	<u>CAS No.</u> ^a	<u>Recommended Test Method</u> ^b	<u>Subsurface (mg/L)</u> ^c	<u>Surface (mg/L)</u> ^d
acetochlor	34256-82-1	505	0.002 ^j	0.01 ^g
acifluorfen sodium	62476-59-9	515.1	0.091 ^f	0.455 ^g
alachlor	15972-60-8	505	0.002	0.01
aldicarb	116-06-3	531.1	0.003	0.015
aldrin	309-00-2	508	0.000005 ^e	0.000025 ^e
<u>ammonia</u>	<u>7664-41-7</u>	<u>350.2</u>	<u>10.0</u> ^o	<u>50.0</u> ^o
atrazine	1912-24-9	505	0.003	0.015
bentazon sodium	50723-80-3	515.1	0.21 ^f	1.05 ^g
bromacil	314-40-9	507	0.7 ^f	3.5 ^g
bromoxynil(o)	1689-99-2		0.14 ^f	0.7 ^g
butylate	2008-41-5	507	0.35 ^f	1.75 ^g
carbofuran	1563-66-2	531.1	0.04	0.2
chlordane	57-74-9	508	0.002	0.01
chlorimuron-ethyl	90982-32-4		0.14 ^f	0.7 ^g
chlorpyrifos	2921-88-2	525.2	0.021 ^f	0.105 ^g
cyanazine	21725-46-2	508.1	0.014 ^l	0.07 ^g
2,4-D	94-75-7	515.1	0.07	0.35
4,4'-DDD	72-54-8	508	0.0004 ^e	0.002 ^e
4,4'-DDE	72-55-9	508	0.0003 ^e	0.0015 ^e
4,4'-DDT	50-29-3	508	0.0003 ^e	0.0015 ^e
diazinon	333-41-5	507	0.00063 ^l	0.00315 ^g
dicamba	1918-00-9	515.1	0.21 ^f	1.05 ^g
dieldrin	60-57-1	508	0.000005 ^e	0.000025 ^e
dimethoate	60-51-5	8141 ^h	0.0014 ^f	0.007 ^g
dinoseb	88-85-7	515.1	0.007	0.07
disulfoton	298-04-4	507	0.00028 ^f	0.0014 ^g
endosulfan	115-29-7	508	0.2 ^e	1.0 ^e
endothall	145-73-3	548.1	0.1	0.1
endrin	72-20-8	508	0.002	0.01
EPTC	759-94-4	507	0.175 ^f	0.875 ^g
glyphosate	1071-83-6		0.7 ^k	3.5 ^g
HCH-alpha	319-84-6	508	0.00001 ^e	0.00005 ^e
heptachlor	76-44-8	505	0.0004	0.002
heptachlor epoxide	1024-57-3	505	0.0002	0.001

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENTS

lindane	58-89-9	508	0.0002	0.001
linuron	330-55-2	508	0.014 ^f	0.07 ^g
malathion	121-75-5		0.14 ^f	0.7 ^g
methoxychlor	72-43-5	508	0.04	0.2
metolachlor	51218-45-2	507	1.05 ^f	5.25 ^g
metribuzin	21087-64-9	507	0.175 ^m	0.875 ^g
<u>nitrate, as N</u>	<u>7631-99-4</u>	<u>300.0</u>	<u>10.0^c</u>	<u>100.0^d</u>
parathion, ethyl	56-38-2	8141 ^h	0.042 ^f	0.21 ^g
parathion, methyl	298-00-0	8141 ^h	0.00175 ^f	0.00875 ^g
pendimethalin	40487-42-1		0.28 ^f	1.4 ^g
permethrin	52645-53-1		0.35 ^f	1.75 ^g
phorate	298-02-2	8141 ^h	0.0014 ⁱ	0.007 ^g
simazine	122-34-9	505	0.004	0.04
2,4,5-TP	93-72-1	515.1	0.05	0.25
terbufos	13071-79-9	507	0.00175 ⁱ	0.00875 ^g
toxaphene	8001-35-2	508	0.003	0.015
trifluralin	1582-09-8	508	0.0525 ^f	0.2625 ^g

Notes:

^a Chemical Abstract Service (CAS)

^b USEPA "Methods for the Determination of Organic Compounds in Drinking Water" Supplement III of 1995

^c Groundwater Quality Standards for Class I: Potable Resource Groundwater (35 Ill. Adm. Code 620.410)

^d Groundwater Quality Standards for Class II: General Resource Groundwater (35 Ill. Adm. Code 620.420)

^e Tiered Approach to Corrective Action Objectives (TACO): Values Used to Calculate the Tier I Soil Remediation Objectives for the Migration to Groundwater Portion of the Groundwater Ingestion Route (35 Ill. Adm. Code 742.Appendix B:Table F)

^f Human Threshold Toxicant Advisory Concentration (HTTAC) from "Procedures for Determining Human Threshold Toxicant Advisory Concentration for Class I: Potable Resource Groundwater" (35 Ill. Adm. Code 620.Appendix A) using values from Integrated Risk Information System (IRIS), USEPA

^g Class II GW_{obj} values based on Class I GW_{obj} values times 5

^h USEPA "Test Methods for Evaluating Solid Wastes, Physical/Chemical Methods (SW-846)", July 1992

ⁱ HTTAC using values from Health Effects Assessment Summary Tables (HEAST), 1997, USEPA

^j Value from the Acetochlor Registration Agreement monitoring program,

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENTS

<http://www.epa.gov/oppefed1/aceto/index.htm>

^k MCL value from Drinking Water Standards and Health Advisories (Summer 2000, EPA 822-B-00-001)

^l HTTAC using RfD value from Drinking Water Standards and Health Advisories (Summer 2000, EPA 822-B-00-001)

^m HTTAC using RfD value from Risk Assessment Information System (RAIS),
http://risk.lsd.ornl.gov/rap_hp.shtml

^o [In order to provide environmentally conservative default SCOs that take into account the potential for long-term nitrification, one-third of the USEPA's Lifetime Health Advisory Level for ammonia in drinking water \(30 mg/L\) is used as basis for the groundwater cleanup objectives for Class I and Class II groundwater \(U.S. Environmental Protection Agency, 2004, 2004 Edition of the Drinking Water Standards and Health Advisories, Office of Water, Washington, D.C., EPA 822-R-04-005\). Although the Lifetime Health Advisory Level was established for ammonia, most of the dissolved ammonia occurs as ammonium within the pH range \(5.6-9.0\) of Illinois groundwater.](#)

(Source: Amended at 32 Ill. Reg. _____, effective _____)

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENTS

Section 259.APPENDIX [ED](#) Pesticide Organic Carbon Partition Coefficients and Henry's Law Constants

<u>Pesticide Name</u>	<u>CAS No.^a</u>	<u>Organic Carbon Partition Coefficients K_{oc} (L/kg)^b</u>	<u>Henry's Law Constant H' (unitless)^c</u>
acetochlor	34256-82-1	952 ^d	9.14E-07 ^f
acifluorfen sodium	62476-59-9	113	8.10E-13
alachlor	15972-60-8	124	1.32E-06
aldicarb	116-06-3	26	5.07E-09
aldrin	309-00-2	17500	1.65E-02
atrazine	1912-24-9	147	1.01E-07
bentazon sodium	50723-80-3	35	4.63E-14
bromacil	314-40-9	15 ^h	4.57E-09
bromoxynil(o)	1689-99-2	190	1.31E-03
butylate	2008-41-5	304	3.46E-03
carbofuran	1563-66-2	46	2.10E-08
chlordane	57-74-9	60000	3.86E-03
chlorimuron-ethyl	90982-32-4	91 ^h	7.48E-14
chlorpyrifos	2921-88-2	9930	3.02E-04
cyanazine	21725-46-2	218	1.34E-10
2,4-D	94-75-7	48	7.35E-11
4,4'-DDD	72-54-8	231000	3.64E-04
4,4'-DDE	72-55-9	883000	4.15E-03
4,4'-DDT	50-29-3	921000 ^h	3.65E-04
diazinon	333-41-5	1520	2.90E-05
dicamba	1918-00-9	13	1.79E-08
dieldrin	60-57-1	12000	2.65E-05
dimethoate	60-51-5	20	5.61E-10
dinoseb	88-85-7	30 ^g	2.44E-07
disulfoton	298-04-4	1345	6.68E-05
endosulfan	115-29-7	12400	1.19E-05
endothall	145-73-3	85	1.56E-14 ⁱ
endrin	72-20-8	10000	5.99E-05
EPTC	759-94-4	223	6.56E-04
glyphosate	1071-83-6	2100	5.732-11
HCH-alpha	319-84-6	5440 ^d	3.53E-04 ^e

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENTS

heptachlor	76-44-8	24000	1.43E-01
heptachlor epoxide	1024-57-3	78600 ^d	2.05E-03 ^e
lindane	58-89-9	1355	7.42E-05
linuron	330-55-2	496	2.56E-07
malathion	121-75-5	1200	4.64E-07
methoxychlor	72-43-5	76000	4.80E-04 ⁱ
metolachlor	51218-45-2	70	9.91E-07
metribuzin	21087-64-9	52	1.48E-09
parathion, ethyl	56-38-2	7660	9.57E-06
parathion, methyl	298-00-0	6300	3.88E-07
pendimethalin	40487-42-1	12400	4.98E-04
permethrin	52645-53-1	39300	7.68E-05
phorate	298-02-2	1057	4.07E-04
simazine	122-34-9	140	3.96E-08
2,4,5-TP	93-72-1	5440 ^d	2.04E-06 ^e
terbufos	13071-79-9	650	1.09E-03
toxaphene	8001-35-2	100000	2.97E-05
trifluralin	1582-09-8	7200	6.21E-03

Notes:

^a Chemical Abstract Service (CAS).

^b Selected values from U.S. Department of Agriculture, Agriculture Research Service, Pesticide Properties Database (PPD), Alternate Crops & Systems Laboratory, Beltsville, Maryland, <http://wizard.arsusda.gov/acsl/ppdb3.html>, unless otherwise noted.

^c $H' = K_H \text{ as atm}\cdot\text{m}^3/\text{mol}$ {vapor pressure x molecular weight / solubility in water} x {R (gas constant) x T (temperature as degrees Kelvin)} = $K_H \times 41$ at 25° C. Values from the ARS Pesticide Properties Database (PPD), unless otherwise noted.

^d $K_{oc} = 10((0.983 \times \log K_{ow}) + 0.00028)$, log K_{ow} linear relationship with K_{oc} by Di Toro, 1985 (Technical Background Document, p. 140, incorporated by reference at Section 259.150), log K_{ow} values from Syracuse Research Corporation, Physical Properties Database (PHYSPROP), <http://esc.syrres.com/interkow/physprop.htm>.

^e Estimated K_H values using data from the SRC Physical Properties Database (PHYSPROP) then converted to H' as noted in ^c above.

^f K_H values from the SRC Physical Properties Database (PHYSPROP) then converted to H' as noted in ^c above.

^g Low K_{oc} based on anionic nature (high solubility, low vapor pressure and above pH 5).

^h Mean of values listed in ARS Pesticide Properties Database (PPD).

ⁱ Estimated using vapor pressure from SRC Physical Properties Database (PHYSPROP).

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENTS

(Source: Amended at 32 Ill. Reg. _____, effective _____)

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENTS

Section 259.APPENDIX F Approximate Cation Exchange Capacities (CEC) of Illinois Soils

This data was provided by Professor R. G. Hoef, Department of Crop Sciences, University of Illinois at Urbana-Champaign

<u>Soil Name</u>	<u>CEC (meq/100g)</u>
<u>Ade loamy fine sand</u>	<u><8</u>
<u>Adrian muck</u>	<u>>100</u>
<u>Aholt silty clay</u>	<u>>24</u>
<u>Alford silt loam</u>	<u>8-15</u>
<u>Alford-Baxter complex</u>	<u>8-15</u>
<u>Alford-Bold complex</u>	<u>8-15</u>
<u>Alford-Hickory complex</u>	<u>8-15</u>
<u>Alford-Hurst silty clay loams</u>	<u>8-15</u>
<u>Alford-Ursa silt loams</u>	<u>8-15</u>
<u>Alford-Wellston silt loams</u>	<u>8-15</u>
<u>Alford-Westmore silt loams</u>	<u>8-15</u>
<u>Alganssee fine sandy loam</u>	<u><8</u>
<u>Allison silty clay loam</u>	<u>>24</u>
<u>Alvin fine sandy loam</u>	<u><8</u>
<u>Alvin-Lamont complex</u>	<u><8</u>
<u>Ambraw clay loam</u>	<u>15-24</u>
<u>Ambraw silty clay loam, sandy substratum</u>	<u>15-24</u>
<u>Ambraw-Ceresco-Sarpy complex</u>	<u>8-15</u>
<u>Andres silt loam</u>	<u>15-24</u>
<u>Appleriver silt loam</u>	<u>8-15</u>
<u>Aptakisic silt loam</u>	<u>8-15</u>
<u>Aptakisic and Nappanee silt loams</u>	<u>8-15</u>
<u>Arenzville silt loam</u>	<u>8-15</u>
<u>Argyle silt loam</u>	<u>15-24</u>

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENTS

<u>Armiesburg silty clay loam</u>	<u>15-24</u>
<u>Ashdale silt loam</u>	<u>15-24</u>
<u>Ashkum silty clay loam</u>	<u>>24</u>
<u>Assumption silt loam</u>	<u>15-24</u>
<u>Atkinson loam</u>	<u>8-15</u>
<u>Atlas silt loam</u>	<u>8-15</u>
<u>Atlas-Grantfork complex</u>	<u>8-15</u>
<u>Atlas-Grantfork variant complex</u>	<u>8-15</u>
<u>Atterberry silt loam</u>	<u>8-15</u>
<u>Aurelius muck</u>	<u>>100</u>
<u>Aurelius muck, sandy substratum</u>	<u>>100</u>
<u>Ava silt loam</u>	<u>8-15</u>
<u>Ava-Blair complex</u>	<u>8-15</u>
<u>Ava-Hickory complex</u>	<u>8-15</u>
<u>Aviston silt loam</u>	<u>15-24</u>
<u>Ayr sandy loam</u>	<u><8</u>
<u>Backbone loamy sand</u>	<u>8-15</u>
<u>Banlic silt loam</u>	<u>8-15</u>
<u>Barony silt loam</u>	<u>15-24</u>
<u>Barrington silt loam</u>	<u>15-24</u>
<u>Barrington and Varna silt loams</u>	<u>15-24</u>
<u>Bartelso silt loam</u>	<u>15-24</u>
<u>Batavia silt loam</u>	<u>8-15</u>
<u>Baxter cherty silt loam</u>	<u>8-15</u>
<u>Baylis silt loam</u>	<u>8-15</u>
<u>Beardstown loam</u>	<u>8-15</u>
<u>Beasley silt loam</u>	<u>8-15</u>
<u>Beaucoup silty clay loam</u>	<u>>24</u>
<u>Beavercreek loam</u>	<u><8</u>
<u>Bedford silt loam</u>	<u>8-15</u>

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENTS

<u>Beecher silt loam</u>	<u>8-15</u>
<u>Belknap silt loam</u>	<u>8-15</u>
<u>Berks loam</u>	<u>8-15</u>
<u>Bertrand silt loam</u>	<u>8-15</u>
<u>Bethalto silt loam</u>	<u>15-24</u>
<u>Biddle silt loam</u>	<u>15-24</u>
<u>Biggsville silt loam</u>	<u>>24</u>
<u>Biggsville-Mannon silt loams</u>	<u>15-24</u>
<u>Billett sandy loam</u>	<u><8</u>
<u>Binghampton sandy loam</u>	<u>8-15</u>
<u>Birds silt loam</u>	<u>8-15</u>
<u>Birkbeck silt loam</u>	<u>8-15</u>
<u>Birkbeck-Miami silt loams</u>	<u>8-15</u>
<u>Blackoar silt loam</u>	<u>15-24</u>
<u>Blair silt loam</u>	<u>8-15</u>
<u>Blair-Atlas silt loams</u>	<u>8-15</u>
<u>Blair-Grantfork complex</u>	<u>8-15</u>
<u>Blair-Ursa silt loams</u>	<u>8-15</u>
<u>Blake silty clay loam</u>	<u>15-24</u>
<u>Blake-Beaucoup complex</u>	<u>15-24</u>
<u>Bloomfield fine sand</u>	<u><8</u>
<u>Blount silt loam</u>	<u>8-15</u>
<u>Bluford silt loam</u>	<u>8-15</u>
<u>Bluford silt loam, bench</u>	<u>15-24</u>
<u>Bluford-Darmstadt complex</u>	<u>8-15</u>
<u>Blyton silt loam</u>	<u><8</u>
<u>Bold silt loam</u>	<u>8-15</u>
<u>Bonfield silt loam</u>	<u>8-15</u>
<u>Bonnie silt loam</u>	<u>8-15</u>
<u>Booker silty clay</u>	<u>>24</u>

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENTS

<u>Boone loamy fine sand</u>	<u><8</u>
<u>Bowdre silty clay</u>	<u>>24</u>
<u>Bowes silt loam</u>	<u>8-15</u>
<u>Boyer sandy loam</u>	<u><8</u>
<u>Brandon and Saffell soils</u>	<u>8-15</u>
<u>Breeds silty clay loam</u>	<u>15-24</u>
<u>Brenton silt loam</u>	<u>15-24</u>
<u>Broadwell silt loam</u>	<u>15-24</u>
<u>Brooklyn silt loam</u>	<u>15-24</u>
<u>Brookside stony silty clay loam</u>	<u>15-24</u>
<u>Brouillett silt loam</u>	<u>15-24</u>
<u>Bryce silty clay</u>	<u>>24</u>
<u>Bryce-Calamine variant complex</u>	<u>15-24</u>
<u>Bunkum silty clay loam</u>	<u>15-24</u>
<u>Bunkum-Atlas silty clay loams</u>	<u>8-15</u>
<u>Bunkum-Coulterville silty clay loams</u>	<u>8-15</u>
<u>Burkhardt-Saude complex</u>	<u>8-15</u>
<u>Burksville silt loam</u>	<u>8-15</u>
<u>Burnside silt loam</u>	<u>8-15</u>
<u>Cairo silty clay</u>	<u>>24</u>
<u>Calamine silt loam</u>	<u>15-24</u>
<u>Calco silty clay loam</u>	<u>>24</u>
<u>Camden silt loam</u>	<u>8-15</u>
<u>Camden silt loam, sandy substratum</u>	<u>8-15</u>
<u>Canisteo silt loam</u>	<u>>24</u>
<u>Canisteo silt loam, sandy substratum</u>	<u>>24</u>
<u>Cape silty clay loam</u>	<u>15-24</u>
<u>Caprell silt loam</u>	<u>8-15</u>
<u>Carmi sandy loam</u>	<u>8-15</u>
<u>Casco silt loam</u>	<u>8-15</u>

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENTS

<u>Casco-Fox complex</u>	<u>8-15</u>
<u>Caseyville silt loam</u>	<u>8-15</u>
<u>Catlin silt loam</u>	<u>15-24</u>
<u>Catlin-Saybrook complex</u>	<u>15-24</u>
<u>Ceresco loam</u>	<u>15-24</u>
<u>Channahon silt loam</u>	<u>15-24</u>
<u>Chaseburg silt loam</u>	<u>15-24</u>
<u>Chatsworth silt loam</u>	<u>8-15</u>
<u>Chauncey silt loam</u>	<u>8-15</u>
<u>Chautauqua silty clay loam</u>	<u>15-24</u>
<u>Chelsea loamy fine sand</u>	<u><8</u>
<u>Chenoa silt loam</u>	<u>>24</u>
<u>Chute fine sand</u>	<u><8</u>
<u>Cisne silt loam</u>	<u>8-15</u>
<u>Cisne silt loam, bench</u>	<u>8-15</u>
<u>Cisne-Huey complex</u>	<u>8-15</u>
<u>Cisne-Piasa complex</u>	<u>8-15</u>
<u>Clare silt loam</u>	<u>15-24</u>
<u>Clarence silty clay loam</u>	<u>>24</u>
<u>Clarksdale silt loam</u>	<u>8-15</u>
<u>Clarksville cherty silt loam</u>	<u>8-15</u>
<u>Clinton silt loam</u>	<u>8-15</u>
<u>Clinton-El Dara complex</u>	<u><8</u>
<u>Clyde clay loam</u>	<u>>24</u>
<u>Coatsburg silt loam</u>	<u>15-24</u>
<u>Coffeen silt loam</u>	<u>15-24</u>
<u>Cohoctah loam</u>	<u>15-24</u>
<u>Colo silty clay loam</u>	<u>>24</u>
<u>Coloma silt loam</u>	<u><8</u>
<u>Colp silt loam</u>	<u>8-15</u>

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENTS

<u>Comfrey clay loam</u>	<u>>24</u>
<u>Coot loam</u>	<u>8-15</u>
<u>Copperas silty clay loam</u>	<u>15-24</u>
<u>Corwin silt loam</u>	<u>15-24</u>
<u>Coulterville silt loam</u>	<u><8</u>
<u>Coulterville-Darmstadt complex</u>	<u><8</u>
<u>Coulterville-Grantfork silty clay loams</u>	<u><8</u>
<u>Coulterville-Hoyleton-Darmstadt complex</u>	<u><8</u>
<u>Coulterville-Oconee silt loams</u>	<u><8</u>
<u>Cowden silt loam</u>	<u>8-15</u>
<u>Cowden-Piasa complex</u>	<u>8-15</u>
<u>Coyne fine sandy loam</u>	<u>8-15</u>
<u>Craigmile sandy loam</u>	<u><8</u>
<u>Crane silt loam</u>	<u>15-24</u>
<u>Crawleyville fine sandy loam</u>	<u><8</u>
<u>Creal silt loam</u>	<u>8-15</u>
<u>Crider silt loam</u>	<u>8-15</u>
<u>Dakota silt loam</u>	<u>8-15</u>
<u>Dana silt loam</u>	<u>15-24</u>
<u>Danabrook silt loam</u>	<u>15-24</u>
<u>Darmstadt silt loam</u>	<u>8-15</u>
<u>Darmstadt-Grantfork complex</u>	<u>8-15</u>
<u>Darmstadt-Oconee silt loams</u>	<u>8-15</u>
<u>Darroch silt loam</u>	<u>15-24</u>
<u>Darwin silty clay</u>	<u>>24</u>
<u>Del Rey silt loam</u>	<u>8-15</u>
<u>Denny silt loam</u>	<u>8-15</u>
<u>Denrock silt loam</u>	<u>15-24</u>
<u>Derinda silt loam</u>	<u>8-15</u>
<u>Dickinson sandy loam</u>	<u>8-15</u>

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENTS

<u>Dickinson sandy loam, loamy substratum</u>	<u>8-15</u>
<u>Dickinson-Hamburg complex</u>	<u>8-15</u>
<u>Dickinson-Onarga complex</u>	<u>8-15</u>
<u>Disco sandy loam</u>	<u>8-15</u>
<u>Dockery silt loam</u>	<u>8-15</u>
<u>Dodge silt loam</u>	<u>8-15</u>
<u>Dodgeville silt loam</u>	<u>15-24</u>
<u>Dorchester silt loam</u>	<u>8-15</u>
<u>Dorchester silt loam, cobbly substratum</u>	<u>8-15</u>
<u>Douglas silt loam</u>	<u>15-24</u>
<u>Dowagiac silt loam</u>	<u>8-15</u>
<u>Downs silt loam</u>	<u>8-15</u>
<u>Downsouth silt loam</u>	<u>15-24</u>
<u>Dresden silt loam</u>	<u>15-24</u>
<u>Drummer silty clay loam</u>	<u>>24</u>
<u>Drummer silty clay loam, gravelly substratum</u>	<u>>24</u>
<u>Drummer silty clay loam, till substratum</u>	<u>>24</u>
<u>Drury silt loam</u>	<u>8-15</u>
<u>Du Page silt loam</u>	<u>15-24</u>
<u>Dubuque silt loam</u>	<u>8-15</u>
<u>Dubuque and Dunbarton soils</u>	<u>8-15</u>
<u>Dubuque and Palsgrove soils</u>	<u>8-15</u>
<u>Dubuque-Orthents- Fayette Complex</u>	<u>8-15</u>
<u>Dunbarton silt loam</u>	<u>8-15</u>
<u>Dunbarton silt loam, cherty variant</u>	<u>8-15</u>
<u>Dunbarton-Dubuque complex</u>	<u>8-15</u>
<u>Dunham silty clay loam</u>	<u>>24</u>
<u>Dupo silt loam</u>	<u>8-15</u>
<u>Durand silt loam</u>	<u>15-24</u>
<u>Ebbert silt loam</u>	<u>15-24</u>

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENTS

<u>Eden silty clay loam</u>	<u>>24</u>
<u>Edgington silt loam</u>	<u>15-24</u>
<u>Edinburg silty clay loam</u>	<u>>24</u>
<u>Edmund silt loam</u>	<u>15-24</u>
<u>Edwards muck</u>	<u>>100</u>
<u>Edwardsville silt loam</u>	<u>>24</u>
<u>El Dara sandy loam</u>	<u><8</u>
<u>Elburn silt loam</u>	<u>15-24</u>
<u>Elburn silt loam, gravelly substratum</u>	<u>15-24</u>
<u>Elco silt loam</u>	<u>8-15</u>
<u>Elco-Atlas silt loams</u>	<u>8-15</u>
<u>Elco-Ursa silt loams</u>	<u>8-15</u>
<u>Eleroy silt loam</u>	<u>8-15</u>
<u>Eleroy and Derinda soils</u>	<u>8-15</u>
<u>Eleva sandy loam</u>	<u><8</u>
<u>Elizabeth silt loam</u>	<u>15-24</u>
<u>Elkhart silt loam</u>	<u>15-24</u>
<u>Elliott silt loam</u>	<u>15-24</u>
<u>Elpaso silty clay loam</u>	<u>>24</u>
<u>Elsah cherty silt loam</u>	<u>8-15</u>
<u>Elvers silt loam</u>	<u>8-15</u>
<u>Emery silt loam</u>	<u>15-24</u>
<u>Emma silty clay loam</u>	<u>15-24</u>
<u>Evansville silt loam</u>	<u>8-15</u>
<u>Faxon clay loam</u>	<u>15-24</u>
<u>Faxon-Ripon complex</u>	<u>15-24</u>
<u>Fayette silt loam</u>	<u>8-15</u>
<u>Fayette silty clay loam, karst</u>	<u><8</u>
<u>Fayette silt loam, sandy substratum</u>	<u>15-24</u>
<u>Fayette silt loam, till substratum</u>	<u>8-15</u>

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENTS

<u>Fayette-Clarksville complex</u>	<u>8-15</u>
<u>Fayette-Hickory complex</u>	<u>8-15</u>
<u>Fayette-Westville complex</u>	<u>8-15</u>
<u>Fella silty clay loam</u>	<u>>24</u>
<u>Fieldon silt loam</u>	<u>15-24</u>
<u>Fincastle silt loam</u>	<u>8-15</u>
<u>Fishhook silt loam</u>	<u>8-15</u>
<u>Fishhook-Atlas complex</u>	<u>8-15</u>
<u>Flagg silt loam</u>	<u>8-15</u>
<u>Flagler sandy loam</u>	<u>8-15</u>
<u>Flanagan silt loam</u>	<u>15-24</u>
<u>Floraville silt loam</u>	<u>8-15</u>
<u>Fosterburg silt loam</u>	<u>>24</u>
<u>Fox silt loam</u>	<u>8-15</u>
<u>Frankfort silt loam</u>	<u>8-15</u>
<u>Frankville silt loam</u>	<u>15-24</u>
<u>Friesland sandy loam</u>	<u>8-15</u>
<u>Frondorf loam</u>	<u>8-15</u>
<u>Fults silty clay</u>	<u>>24</u>
<u>Gale silt loam</u>	<u>8-15</u>
<u>Geff silt loam</u>	<u>8-15</u>
<u>Genesee silt loam</u>	<u>8-15</u>
<u>Geryune silt loam</u>	<u>15-24</u>
<u>Gilford fine sandy loam</u>	<u>8-15</u>
<u>Ginat silt loam</u>	<u>8-15</u>
<u>Gorham silty clay loam</u>	<u>>24</u>
<u>Gosport silt loam</u>	<u>8-15</u>
<u>Goss gravelly silt loam</u>	<u>8-15</u>
<u>Goss-Alford complex</u>	<u>8-15</u>
<u>Granby loamy sand</u>	<u><8</u>

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENTS

<u>Grantfork silty clay loam</u>	<u>8-15</u>
<u>Grantsburg silt loam</u>	<u>8-15</u>
<u>Graymont silt loam</u>	<u>15-24</u>
<u>Grays silt loam</u>	<u>8-15</u>
<u>Grays and Markham silt loams</u>	<u>8-15</u>
<u>Greenbush silt loam</u>	<u>15-24</u>
<u>Grellton sandy loam</u>	<u><8</u>
<u>Griswold loam</u>	<u>8-15</u>
<u>Grundelein silt loam</u>	<u>>24</u>
<u>Hamburg silt loam</u>	<u>8-15</u>
<u>Harco silt loam</u>	<u>15-24</u>
<u>Harpster silty clay loam</u>	<u>>24</u>
<u>Harrison silt loam</u>	<u>15-24</u>
<u>Hartsburg silty clay loam</u>	<u>>24</u>
<u>Harvard silt loam</u>	<u>8-15</u>
<u>Hayfield loam</u>	<u>8-15</u>
<u>Haymond silt loam</u>	<u>8-15</u>
<u>Haynie silt loam</u>	<u>8-15</u>
<u>Hennepin loam</u>	<u><8</u>
<u>Hennepin and Miami soils</u>	<u><8</u>
<u>Hennepin-Casco complex</u>	<u><8</u>
<u>Hennepin-Vanmeter complex</u>	<u>8-15</u>
<u>Henshaw silt loam</u>	<u>8-15</u>
<u>Herbert silt loam</u>	<u>8-15</u>
<u>Herrick silt loam</u>	<u>15-24</u>
<u>Herrick-Biddle-Piasa silt loams</u>	<u>15-24</u>
<u>Herrick-Piasa complex</u>	<u>15-24</u>
<u>Hesch fine sandy loam</u>	<u>8-15</u>
<u>Hesch fine sandy loam, gray subsoil variant</u>	<u>8-15</u>
<u>Hesch loamy sand, shallow variant</u>	<u>8-15</u>

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENTS

<u>Hickory loam</u>	<u>8-15</u>
<u>Hickory and Hennepin soils</u>	<u>8-15</u>
<u>Hickory and Sylvan soils</u>	<u>8-15</u>
<u>Hickory-Atlas complex</u>	<u>8-15</u>
<u>Hickory-Clinton complex</u>	<u>8-15</u>
<u>Hickory-Gosport complex</u>	<u>8-15</u>
<u>Hickory-Hennepin complex</u>	<u>8-15</u>
<u>Hickory-High Gap silt loams</u>	<u>8-15</u>
<u>Hickory-Hosmer silt loams</u>	<u>8-15</u>
<u>Hickory-Kell silt loams</u>	<u>8-15</u>
<u>Hickory-Negley complex</u>	<u>8-15</u>
<u>Hickory-Sylvan complex</u>	<u>8-15</u>
<u>Hickory-Sylvan-Fayette silt loams</u>	<u>8-15</u>
<u>Hickory-Wellston silt loams</u>	<u>8-15</u>
<u>High Gap loam</u>	<u>8-15</u>
<u>Hitt silt loam</u>	<u>15-24</u>
<u>Holly silt loam</u>	<u>15-24</u>
<u>Holton silt loam</u>	<u>8-15</u>
<u>Homen silt loam</u>	<u>15-24</u>
<u>Homer silt loam</u>	<u>8-15</u>
<u>Hononegah loamy coarse sand</u>	<u><8</u>
<u>Hoopeston sandy loam</u>	<u>8-15</u>
<u>Hooppole loam</u>	<u>15-24</u>
<u>Hosmer silt loam</u>	<u>8-15</u>
<u>Hosmer-Lax silt loams</u>	<u>8-15</u>
<u>Hosmer-Ursa silt loams</u>	<u>8-15</u>
<u>Houghton muck</u>	<u>>100</u>
<u>Houghton peat</u>	<u>>100</u>
<u>Hoyleton silt loam</u>	<u>8-15</u>
<u>Hoyleton silt loam, bench</u>	<u>8-15</u>

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENTS

<u>Hoyleton-Darmstadt complex</u>	<u>8-15</u>
<u>Hoyleton-Tamalco complex</u>	<u>8-15</u>
<u>Huey silt loam</u>	<u>8-15</u>
<u>Huntington silt loam</u>	<u>15-24</u>
<u>Huntsville silt loam</u>	<u>15-24</u>
<u>Hurst silt loam</u>	<u>8-15</u>
<u>Hurst silt loam, sandy substratum</u>	<u>8-15</u>
<u>Iona silt loam</u>	<u>8-15</u>
<u>Ipava silt loam</u>	<u>15-24</u>
<u>Ipava-Sable complex</u>	<u>15-24</u>
<u>Ipava-Tama complex</u>	<u>15-24</u>
<u>Iva silt loam</u>	<u>8-15</u>
<u>Jacob clay</u>	<u>15-24</u>
<u>Jasper silt loam</u>	<u>15-24</u>
<u>Jasper silt loam, sandy substratum</u>	<u>15-24</u>
<u>Joliet silty clay loam</u>	<u>>24</u>
<u>Joslin silt loam</u>	<u>15-24</u>
<u>Joy silt loam</u>	<u>15-24</u>
<u>Joyce silt loam</u>	<u>15-24</u>
<u>Joy silt loam, sandy substratum</u>	<u>15-24</u>
<u>Jules silt loam</u>	<u>8-15</u>
<u>Juneau silt loam</u>	<u>8-15</u>
<u>Kane silt loam</u>	<u>15-24</u>
<u>Kaneville silt loam</u>	<u>15-24</u>
<u>Kankakee fine sandy loam</u>	<u>8-15</u>
<u>Karnak silty clay</u>	<u>15-24</u>
<u>Kell silt loam</u>	<u>8-15</u>
<u>Keller silt loam</u>	<u>15-24</u>
<u>Keller-Coatsburg complex</u>	<u>15-24</u>
<u>Keltner silt loam</u>	<u>15-24</u>

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENTS

<u>Kendall silt loam</u>	<u>8-15</u>
<u>Kendall silt loam, sandy substratum</u>	<u>8-15</u>
<u>Keomah silt loam</u>	<u>8-15</u>
<u>Kernan silt loam</u>	<u>8-15</u>
<u>Keswick loam</u>	<u>>24</u>
<u>Kidami silt loam</u>	<u>8-15</u>
<u>Kidder silt loam</u>	<u><8</u>
<u>Kish loam</u>	<u>>24</u>
<u>Kishwaukee silt loam</u>	<u>15-24</u>
<u>Knight silt loam</u>	<u>15-24</u>
<u>La Hogue loam</u>	<u>8-15</u>
<u>La Rose silt loam</u>	<u>8-15</u>
<u>Lacrescent cobbly silty clay loam</u>	<u>15-24</u>
<u>Lahoguess loam</u>	<u>15-24</u>
<u>Lakaskia silt loam</u>	<u>15-24</u>
<u>Lamoille silt loam</u>	<u>15-24</u>
<u>Lamont fine sandy loam</u>	<u><8</u>
<u>Lamont, Tell, and Bloomfield soils</u>	<u><8</u>
<u>Landes fine sandy loam</u>	<u>8-15</u>
<u>Lanier fine sandy loam</u>	<u>8-15</u>
<u>Lawler loam</u>	<u>8-15</u>
<u>Lawndale silt loam</u>	<u>15-24</u>
<u>Lawson silt loam</u>	<u>15-24</u>
<u>Lax silt loam</u>	<u>8-15</u>
<u>Lena muck</u>	<u>>100</u>
<u>Lenzburg silt loam</u>	<u>15-24</u>
<u>Lenzburg silt loam, acid substratum</u>	<u>15-24</u>
<u>Lenzlo silty clay loam</u>	<u>15-24</u>
<u>Lenzwheel silty clay loam</u>	<u>15-24</u>
<u>Lindley loam</u>	<u>8-15</u>

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENTS

<u>Lisbon silt loam</u>	<u>15-24</u>
<u>Lismod silt loam</u>	<u>15-24</u>
<u>Littleton silt loam</u>	<u>15-24</u>
<u>Lomax loam</u>	<u>8-15</u>
<u>Loran silt loam</u>	<u>15-24</u>
<u>Lorenzo loam</u>	<u>8-15</u>
<u>Mannon silt loam</u>	<u>8-15</u>
<u>Marbletown silt loam</u>	<u>15-24</u>
<u>Marine silt loam</u>	<u>8-15</u>
<u>Marissa silt loam</u>	<u>8-15</u>
<u>Markham silt loam</u>	<u>8-15</u>
<u>Markland silt loam</u>	<u>8-15</u>
<u>Marseilles silt loam</u>	<u>8-15</u>
<u>Marseilles silt loam, gravelly substratum</u>	<u>8-15</u>
<u>Marseilles silt loam, moderately wet</u>	<u>15-24</u>
<u>Marseilles-Atlas complex</u>	<u>8-15</u>
<u>Marseilles-Hickory complex</u>	<u>8-15</u>
<u>Marshan loam</u>	<u>8-15</u>
<u>Marshan loam, sandy substratum</u>	<u>15-24</u>
<u>Martinsville silt loam</u>	<u>8-15</u>
<u>Martinton silt loam</u>	<u>15-24</u>
<u>Mascoutah silty clay loam</u>	<u>>24</u>
<u>Massbach silt loam</u>	<u>8-15</u>
<u>Matherton silt loam</u>	<u>8-15</u>
<u>Maumee fine sandy loam</u>	<u><8</u>
<u>Mayville silt loam</u>	<u>15-24</u>
<u>McFain silty clay</u>	<u>>24</u>
<u>McGary silt loam</u>	<u>8-15</u>
<u>McHenry silt loam</u>	<u>8-15</u>
<u>Meadowbank silt loam</u>	<u>15-24</u>

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENTS

<u>Medary silty clay loam</u>	<u>8-15</u>
<u>Medway silty clay loam</u>	<u>>24</u>
<u>Menfro silt loam</u>	<u>8-15</u>
<u>Metea silt loam</u>	<u><8</u>
<u>Miami fine sandy loam</u>	<u><8</u>
<u>Miami silt loam</u>	<u>8-15</u>
<u>Miami-Casco complex</u>	<u>8-15</u>
<u>Miami-Hennepin complex</u>	<u>8-15</u>
<u>Miami-Russell silt loams</u>	<u>8-15</u>
<u>Middletown silt loam</u>	<u>8-15</u>
<u>Milford silty clay loam</u>	<u>>24</u>
<u>Millbrook silt loam</u>	<u>8-15</u>
<u>Millington loam</u>	<u>8-15</u>
<u>Millsdale silty clay loam</u>	<u>>24</u>
<u>Millstadt silt loam</u>	<u>>24</u>
<u>Millstream silt loam</u>	<u>15-24</u>
<u>Minneiska loam</u>	<u>15-24</u>
<u>Mokena silt loam</u>	<u>15-24</u>
<u>Mona silt loam</u>	<u>15-24</u>
<u>Monee silt loam</u>	<u>15-24</u>
<u>Monterey silty clay loam</u>	<u>>24</u>
<u>Montgomery silty clay loam</u>	<u>>24</u>
<u>Montmorenci silt loam</u>	<u>8-15</u>
<u>Morley silt loam</u>	<u>8-15</u>
<u>Morocco fine sand</u>	<u><8</u>
<u>Morristown silt loam</u>	<u>8-15</u>
<u>Moundprairie silty clay loam</u>	<u>15-24</u>
<u>Mt. Carroll silt loam</u>	<u>8-15</u>
<u>Mudhen clay loam</u>	<u>>24</u>
<u>Mundelein silt loam</u>	<u>15-24</u>

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENTS

<u>Mundelein and Elliott soils</u>	<u>15-24</u>
<u>Muren silt loam</u>	<u>8-15</u>
<u>Muscatine silt loam</u>	<u>15-24</u>
<u>Muscatune silt loam</u>	<u>15-24</u>
<u>Muskego muck</u>	<u>>100</u>
<u>Muskego silty clay loam, overwash</u>	<u>>24</u>
<u>Muskego and Houghton mucks</u>	<u>>100</u>
<u>Muskego and Peotone soils, ponded</u>	<u>>100</u>
<u>Muskingum stony silt loam</u>	<u><8</u>
<u>Muskingum and Berks soils</u>	<u><8</u>
<u>Myrtle silt loam</u>	<u>8-15</u>
<u>Nachusa silt loam</u>	<u>15-24</u>
<u>Nameoki silty clay</u>	<u>15-24</u>
<u>Nappanee silt loam</u>	<u>8-15</u>
<u>Nasset silt loam</u>	<u>15-24</u>
<u>Navlys silty clay loam</u>	<u>15-24</u>
<u>Negley loam</u>	<u>8-15</u>
<u>Neotoma-Wellston complex</u>	<u>8-15</u>
<u>Newark silty clay loam</u>	<u>15-24</u>
<u>Newberry silt loam</u>	<u>8-15</u>
<u>NewGlarus-Lamoille complex</u>	<u>8-15</u>
<u>NewGlarus-Palsgrove silt loams</u>	<u>8-15</u>
<u>Newhaven loam</u>	<u>8-15</u>
<u>Niota silt loam</u>	<u>8-15</u>
<u>Niota silty clay loam, clayey subsurface variant</u>	<u>15-24</u>
<u>Nolin silty clay loam</u>	<u>8-15</u>
<u>Normal silt loam</u>	<u>15-24</u>
<u>Normandy silt loam</u>	<u>15-24</u>
<u>Oakville fine sand</u>	<u><8</u>
<u>Oakville-Tell complex</u>	<u><8</u>

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENTS

<u>Ockley silt loam</u>	8-15
<u>Oconee silt loam</u>	8-15
<u>Oconee-Coulterville-Darmstadt silt loams</u>	8-15
<u>Oconee-Darmstadt-Coulterville silt loams</u>	8-15
<u>Oconee-Tamalco complex</u>	8-15
<u>Octagon silt loam</u>	8-15
<u>Odell silt loam</u>	15-24
<u>Ogle silt loam</u>	15-24
<u>Ogle silt loam, silt loam subsoil variant</u>	15-24
<u>Okaw silt loam</u>	8-15
<u>Okaw silty clay loam</u>	15-24
<u>Onarga sandy loam</u>	8-15
<u>Onarga fine sandy loam, till substratum</u>	8-15
<u>Oneco silt loam</u>	8-15
<u>Orio sandy loam</u>	<8
<u>Orion silt loam</u>	8-15
<u>Osceola silt loam</u>	15-24
<u>Osco silt loam</u>	15-24
<u>Otter silt loam</u>	>24
<u>Ozaukee silt loam</u>	15-24
<u>Palms muck</u>	>100
<u>Palms silty clay loam, overwash</u>	>24
<u>Palsgrove silt loam</u>	8-15
<u>Palsgrove and Woodbine soils</u>	8-15
<u>Pana silt loam</u>	15-24
<u>Papineau fine sandy loam</u>	8-15
<u>Parke silt loam</u>	8-15
<u>Parkville silty clay</u>	8-15
<u>Parmod silt loam</u>	15-24
<u>Parr fine sandy loam</u>	8-15

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENTS

<u>Parr silt loam</u>	<u>8-15</u>
<u>Passport silt loam</u>	<u>8-15</u>
<u>Passport-Grantfork complex</u>	<u>8-15</u>
<u>Patton silty clay loam</u>	<u>>24</u>
<u>Paxico silt loam</u>	<u>8-15</u>
<u>Pecatonica silt loam</u>	<u>8-15</u>
<u>Pella silty clay loam</u>	<u>>24</u>
<u>Peotone silty clay loam</u>	<u>>24</u>
<u>Peotone mucky silty clay loam, marl substratum</u>	<u>>100</u>
<u>Petrolia silty clay loam</u>	<u>15-24</u>
<u>Piasa silt loam</u>	<u>15-24</u>
<u>Pierron silt loam</u>	<u>8-15</u>
<u>Pike silt loam</u>	<u>8-15</u>
<u>Pilot silt loam</u>	<u>15-24</u>
<u>Piopolis silty clay loam</u>	<u>15-24</u>
<u>Piscasaw silt loam</u>	<u>15-24</u>
<u>Plainfield sand</u>	<u><8</u>
<u>Plano silt loam</u>	<u>15-24</u>
<u>Plattville silt loam</u>	<u>15-24</u>
<u>Plumfield silty clay loam</u>	<u>15-24</u>
<u>Port Byron silt loam</u>	<u>15-24</u>
<u>Port Byron silt loam, sandy substratum</u>	<u>15-24</u>
<u>Prairieville silt loam</u>	<u>15-24</u>
<u>Princeton fine sandy loam</u>	<u>8-15</u>
<u>Proctor silt loam</u>	<u>15-24</u>
<u>Proctor silt loam, sandy substratum</u>	<u>15-24</u>
<u>Prophetstown silt loam</u>	<u>15-24</u>
<u>Quiver silty clay loam</u>	<u>15-24</u>
<u>Racoon silt loam</u>	<u>8-15</u>
<u>Raddle silt loam</u>	<u>15-24</u>

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENTS

<u>Raddle-Sparta complex</u>	<u>8-15</u>
<u>Radford silt loam</u>	<u>15-24</u>
<u>Rantoul silty clay</u>	<u>>24</u>
<u>Rapatee silty clay loam</u>	<u>>24</u>
<u>Raub silt loam</u>	<u>15-24</u>
<u>Raveenwash silty clay loam</u>	<u>8-15</u>
<u>Redbud silt loam</u>	<u>8-15</u>
<u>Redbud-Colp silty clay loams</u>	<u>8-15</u>
<u>Redbud-Hurst silty clay loams</u>	<u>8-15</u>
<u>Reddick silty clay loam</u>	<u>>24</u>
<u>Reesville silt loam</u>	<u>8-15</u>
<u>Rend silt loam</u>	<u>8-15</u>
<u>Richview silt loam</u>	<u>8-15</u>
<u>Richwood silt loam</u>	<u>15-24</u>
<u>Ridgeville fine sandy loam</u>	<u>8-15</u>
<u>Ridgway silt loam</u>	<u>8-15</u>
<u>Ridott silt loam</u>	<u>8-15</u>
<u>Riley silty clay loam</u>	<u>>24</u>
<u>Ringwood silt loam</u>	<u>15-24</u>
<u>Ripon silt loam</u>	<u>8-15</u>
<u>Ritchey silt loam</u>	<u>8-15</u>
<u>Robbs silt loam</u>	<u>8-15</u>
<u>Roby fine sandy loam</u>	<u><8</u>
<u>Rocher loam</u>	<u>8-15</u>
<u>Rockton loam</u>	<u>8-15</u>
<u>Rockton and Dodgeville soils</u>	<u>8-15</u>
<u>Rodman loam</u>	<u>8-15</u>
<u>Rodman gravelly loam</u>	<u><8</u>
<u>Rodman-Casco complex</u>	<u>8-15</u>
<u>Rodman-Fox complex</u>	<u>8-15</u>

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENTS

<u>Rodman-Warsaw complex</u>	<u>8-15</u>
<u>Romeo silt loam</u>	<u>15-24</u>
<u>Rooks silt loam</u>	<u>>24</u>
<u>Ross loam</u>	<u>8-15</u>
<u>Rosburg loam</u>	<u>>24</u>
<u>Rowe silty clay</u>	<u>>24</u>
<u>Rozetta silt loam</u>	<u>8-15</u>
<u>Ruark fine sandy loam</u>	<u><8</u>
<u>Rubio silt loam</u>	<u>15-24</u>
<u>Ruma silt loam</u>	<u>15-24</u>
<u>Ruma-Ursa silty clay loams</u>	<u>8-15</u>
<u>Rush silt loam</u>	<u>8-15</u>
<u>Rushville silt loam</u>	<u>8-15</u>
<u>Rushville-Huey silt loams</u>	<u>8-15</u>
<u>Russell silt loam</u>	<u>8-15</u>
<u>Rutland silt loam</u>	<u>15-24</u>
<u>Sabina silt loam</u>	<u>15-24</u>
<u>Sable silty clay loam</u>	<u>>24</u>
<u>Saffell gravelly sandy loam</u>	<u>8-15</u>
<u>Sarpy sand</u>	<u><8</u>
<u>Saude loam</u>	<u>15-24</u>
<u>Sawmill silty clay loam</u>	<u>>24</u>
<u>Sawmill-Lawson complex</u>	<u>>24</u>
<u>Saybrook silt loam</u>	<u>15-24</u>
<u>Saylesville silt loam</u>	<u>8-15</u>
<u>Schapville silt loam</u>	<u>15-24</u>
<u>Schuline silt loam</u>	<u>8-15</u>
<u>Sciotoville silt loam</u>	<u>8-15</u>
<u>Seaton silt loam</u>	<u>8-15</u>
<u>Seaton silt loam, sandy substratum</u>	<u>8-15</u>

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENTS

<u>Seaton-Goss complex</u>	<u>8-15</u>
<u>Seaton-Hickory complex</u>	<u>8-15</u>
<u>Seaton-Oakville complex</u>	<u>8-15</u>
<u>Seaton-Timula silt loams</u>	<u>8-15</u>
<u>Selma loam</u>	<u>15-24</u>
<u>Selmass loam</u>	<u>15-24</u>
<u>Selma loam, bedrock substratum</u>	<u>15-24</u>
<u>Senachwine silt loam</u>	<u>8-15</u>
<u>Sepo silty clay loam</u>	<u>15-24</u>
<u>Sexton silt loam</u>	<u>8-15</u>
<u>Shadeland silt loam</u>	<u>8-15</u>
<u>Shaffton loam</u>	<u>15-24</u>
<u>Sharon silt loam</u>	<u>8-15</u>
<u>Shiloh silty clay loam</u>	<u>>24</u>
<u>Shoals silt loam</u>	<u>8-15</u>
<u>Shullsburg silt loam</u>	<u>15-24</u>
<u>Sidell silt loam</u>	<u>8-15</u>
<u>Skelton fine sandy loam</u>	<u>8-15</u>
<u>Slacwater silt loam</u>	<u>8-15</u>
<u>Sogn silt loam</u>	<u>15-24</u>
<u>Somonauk silt loam</u>	<u>8-15</u>
<u>Sonsac very cobbly silt loam</u>	<u>8-15</u>
<u>Sparta loamy sand</u>	<u><8</u>
<u>Sparta loamy sand, loamy substratum</u>	<u><8</u>
<u>Springerton loam</u>	<u>15-24</u>
<u>Starks silt loam</u>	<u>8-15</u>
<u>Stockland loam</u>	<u>8-15</u>
<u>Stonelick fine sandy loam</u>	<u><8</u>
<u>Stookey silt loam</u>	<u>15-24</u>
<u>Stookey and Timula soils</u>	<u>8-15</u>

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENTS

<u>Stookey-Bodine complex</u>	<u>15-24</u>
<u>Stoy silt loam</u>	<u>8-15</u>
<u>Strawn silt loam</u>	<u>8-15</u>
<u>Strawn-Chute complex</u>	<u>8-15</u>
<u>Strawn-Hennepin loams</u>	<u>8-15</u>
<u>Streator silty clay loam</u>	<u>>24</u>
<u>Stronghurst silt loam</u>	<u>8-15</u>
<u>St. Charles silt loam</u>	<u>8-15</u>
<u>St. Charles silt loam, sandy substratum</u>	<u>15-24</u>
<u>St. Clair silt loam</u>	<u>8-15</u>
<u>Sunbury silt loam</u>	<u>15-24</u>
<u>Swanwick silt loam</u>	<u>8-15</u>
<u>Swygert silty clay loam</u>	<u>>24</u>
<u>Sylvan silt loam</u>	<u>8-15</u>
<u>Sylvan-Bold complex</u>	<u>8-15</u>
<u>Symerton loam</u>	<u>15-24</u>
<u>Symerton silt loam</u>	<u>15-24</u>
<u>Tallula silt loam</u>	<u>15-24</u>
<u>Tallulabold silt loams</u>	<u>15-24</u>
<u>Tama silt loam</u>	<u>15-24</u>
<u>Tamalco silt loam</u>	<u>8-15</u>
<u>Tama silt loam, sandy substratum</u>	<u>15-24</u>
<u>Tell silt loam</u>	<u>8-15</u>
<u>Tell-Lamont complex</u>	<u>8-15</u>
<u>Terril loam</u>	<u>15-24</u>
<u>Thebes silt loam</u>	<u>8-15</u>
<u>Thorp silt loam</u>	<u>15-24</u>
<u>Tice silty clay loam</u>	<u>>24</u>
<u>Timewell silt loam</u>	<u>15-24</u>
<u>Timewell and Ipava soils</u>	<u>15-24</u>

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENTS

<u>Timula silt loam</u>	<u>8-15</u>
<u>Timula-Hickory complex</u>	<u>8-15</u>
<u>Timula-Miami complex</u>	<u>8-15</u>
<u>Titus silty clay loam</u>	<u>>24</u>
<u>Toronto silt loam</u>	<u>15-24</u>
<u>Torox silt loam</u>	<u>15-24</u>
<u>Traer silt loam</u>	<u>8-15</u>
<u>Trempealeau silt loam</u>	<u>15-24</u>
<u>Troxel silt loam</u>	<u>15-24</u>
<u>Tuscola loam</u>	<u>8-15</u>
<u>Twomile silt loam</u>	<u>8-15</u>
<u>Udolpho loam</u>	<u>15-24</u>
<u>Udolpho loam, sandy substratum</u>	<u>15-24</u>
<u>Uniontown silt loam</u>	<u>8-15</u>
<u>Ursa silt loam</u>	<u>8-15</u>
<u>Ursa-Atlas complex</u>	<u>8-15</u>
<u>Ursa-Hickory complex</u>	<u>8-15</u>
<u>Vanmeter silty clay loam</u>	<u>15-24</u>
<u>Vanpetten loam</u>	<u>15-24</u>
<u>Varna silt loam</u>	<u>15-24</u>
<u>Velma loam</u>	<u>8-15</u>
<u>Velma-Coatsburg silt loams</u>	<u>15-24</u>
<u>Velma-Walshville complex</u>	<u>8-15</u>
<u>Vesser silt loam</u>	<u>15-24</u>
<u>Virden silty clay loam</u>	<u>>24</u>
<u>Virden-Fosterburg silt loams</u>	<u>>24</u>
<u>Virden-Piasa silt loams</u>	<u>>24</u>
<u>Virgil silt loam</u>	<u>8-15</u>
<u>Wabash silty clay</u>	<u>>24</u>
<u>Wagner silt loam</u>	<u>8-15</u>

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENTS

<u>Wakeland silt loam</u>	<u>8-15</u>
<u>Wakenda silt loam</u>	<u>15-24</u>
<u>Wallkill silty clay loam</u>	<u>>24</u>
<u>Wallkill silt loam</u>	<u>15-24</u>
<u>Ware silt loam</u>	<u>15-24</u>
<u>Warsaw silt loam</u>	<u>15-24</u>
<u>Washtenaw silt loam</u>	<u>15-24</u>
<u>Watseka loamy fine sand</u>	<u><8</u>
<u>Wauconda silt loam</u>	<u>8-15</u>
<u>Wauconda and Beecher silt loams</u>	<u>8-15</u>
<u>Wauconda and Frankfort silt loams</u>	<u>8-15</u>
<u>Waukee loam</u>	<u>8-15</u>
<u>Waukegan silt loam</u>	<u>15-24</u>
<u>Waupecan silt loam</u>	<u>15-24</u>
<u>Wea silt loam</u>	<u>15-24</u>
<u>Weinbach silt loam</u>	<u>8-15</u>
<u>Weir silt loam</u>	<u>8-15</u>
<u>Wellston silt loam</u>	<u>8-15</u>
<u>Wellston-Berks complex</u>	<u>8-15</u>
<u>Wenona silt loam</u>	<u>15-24</u>
<u>Wenona silt loam, loamy substratum</u>	<u>15-24</u>
<u>Wesley fine sandy loam</u>	<u>8-15</u>
<u>Westland clay loam</u>	<u>15-24</u>
<u>Westmore silt loam</u>	<u>8-15</u>
<u>Westmore-Neotoma complex</u>	<u>8-15</u>
<u>Westville silt loam</u>	<u>8-15</u>
<u>Whalan loam</u>	<u>8-15</u>
<u>Whalan and NewGlarus silt loams</u>	<u>8-15</u>
<u>Wheeling silt loam</u>	<u>8-15</u>
<u>Whitaker silt loam</u>	<u>8-15</u>

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENTS

<u>Whitaker variant loam</u>	<u>8-15</u>
<u>Whitson silt loam</u>	<u>8-15</u>
<u>Wilbur silt loam</u>	<u>8-15</u>
<u>Will silty clay loam</u>	<u>>24</u>
<u>Windere silt loam</u>	<u>15-24</u>
<u>Winfield silt loam</u>	<u>8-15</u>
<u>Wingate silt loam</u>	<u>8-15</u>
<u>Winnebago silt loam</u>	<u>15-24</u>
<u>Wirt silt loam</u>	<u>8-15</u>
<u>Woodbine silt loam</u>	<u>8-15</u>
<u>Worthen silt loam</u>	<u>15-24</u>
<u>Wyanet silt loam</u>	<u>8-15</u>
<u>Wynoose silt loam</u>	<u>8-15</u>
<u>Wynoose silt loam, bench</u>	<u>8-15</u>
<u>Wynoose-Huey complex</u>	<u>8-15</u>
<u>Xenia silt loam</u>	<u>8-15</u>
<u>Zanesville silt loam</u>	<u>8-15</u>
<u>Zanesville-Westmore silt loams</u>	<u>8-15</u>
<u>Zipp silty clay loam</u>	<u>15-24</u>
<u>Zook silty clay</u>	<u>>24</u>
<u>Zumbro sandy loam</u>	<u>8-15</u>
<u>Zurich silt loam</u>	<u>15-24</u>
<u>Zurich and Morley silt loams</u>	<u>15-24</u>
<u>Zurich and Nappanee silt loams</u>	<u>15-24</u>
<u>Zwingle silt loam</u>	<u>8-15</u>

(Source: Added at 32 Ill. Reg. _____, effective _____)

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Telephone Assistance Programs
- 2) Code Citation: 83 Ill. Ad. Code 757
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
757.130	Amendment
757.235	Amendment
757.430	Amendment
757.EXHIBIT D	Amendment
- 4) Statutory Authority: Implementing Sections 13-301 and 13-301.1 and authorized by Section 10-101 of the Public Utilities Act [220 ILCS 5/13-301, 13-301.1 and 10-101]
- 5) A Complete Description of the Subjects and Issues Involved: The Commission has adopted 83 Ill. Adm. Code 757, "Telephone Assistance Programs" to administer Lifeline and Link-Up, the universal service programs intended to make basic telephone service available to low-income customers. The Federal Communications Commission has directed state commissions to adopt rules governing customer certification and verification of eligibility for these programs. The proposed amendments relate specifically to eligibility verification for these programs.
- 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: Comments should be filed, within 45 days after the date of this issue of the *Illinois Register* in Docket 07-0476, with:

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

Chief Clerk
Illinois Commerce Commission
527 East Capitol Avenue
Springfield IL 62701

217/782-7434

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: These amendments will affect any subject jurisdictional entities that are also small businesses as defined in the Illinois Administrative Procedure Act. These amendments will not affect any small municipalities or not for profit corporations.
 - B) Reporting, bookkeeping or other procedures required for compliance: Filing requirements
 - C) Types of professional skills necessary for compliance: Managerial skills
- 14) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent regulatory agendas because: The Commission did not anticipate the need for this amendment at that time.

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

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

TITLE 83: PUBLIC UTILITIES
CHAPTER I: ILLINOIS COMMERCE COMMISSION
SUBCHAPTER f: TELEPHONE UTILITIESPART 757
TELEPHONE ASSISTANCE PROGRAMS

SUBPART A: GENERAL PROVISIONS

Section

- 757.10 Definitions
757.15 Dispute Procedures

SUBPART B: LINK UP PROGRAM

Section

- 757.100 Link Up Service Requirement
757.105 Link Up Recovery Mechanism
757.110 Link Up Publicity
757.115 Link Up Application Procedure and Processing
757.120 Link Up Filing Requirements
757.125 Link Up Eligibility
757.130 [Link Up Eligibility](#)~~Income~~ Certification

SUBPART C: UNIVERSAL TELEPHONE SERVICE ASSISTANCE PROGRAM

Section

- 757.200 Service Requirement
757.205 UTSAP Funding
757.210 UTSAP Recovery
757.215 UTSAP Administrator
757.220 UTSAP Contribution Solicitation and Program Publicity
757.225 UTSAP Eligibility
757.230 UTSAP Application Procedure and Processing
757.235 UTSAP [Eligibility](#)~~Income~~ Certification
757.240 Recertification (Repealed)
757.245 UTSAP Filing Requirements

SUBPART D: STAFF LIAISON

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

Section
757.300 Staff Liaison

SUBPART E: LIFELINE SERVICE

Section
757.400 Lifeline Service Requirements
757.405 Lifeline Recovery Mechanism
757.410 Lifeline Publicity
757.415 Lifeline Application Procedures and Processing
757.420 Lifeline Filing Requirements
757.425 Lifeline Eligibility
757.430 [Lifeline Eligibility](#)~~Income~~ Certification and [Verification](#)~~Recertification~~

757.EXHIBIT A LEC Quarterly Report to Commission
757.EXHIBIT B Monthly LEC Supplemental Assistance Charge and Contributions Report
757.EXHIBIT C Quarterly UTSAP Administrator Report to Commission
757.EXHIBIT D Lifeline [Verification](#)~~Recertification~~ Ineligibility Notice
757.EXHIBIT E Link Up/Lifeline Programs Certification Form

AUTHORITY: Implementing Sections 13-301 and 13-301.1 and authorized by Section 10-101 of the Public Utilities Act [220 ILCS 5/13-301, 13-301.1 and 10-101].

SOURCE: Adopted at 13 Ill. Reg. 14366, effective October 1, 1989; amended at 14 Ill. Reg. 17923, effective October 15, 1990; emergency repealer at 15 Ill. Reg. 5082, effective March 25, 1991, for a maximum of 150 days; Part repealed at 15 Ill. Reg. 11929, effective August 12, 1991; new Part adopted at 16 Ill. Reg. 17981, effective December 15, 1992; amended at 20 Ill. Reg. 15257, effective December 1, 1996; emergency amendments at 21 Ill. Reg. 16416, effective December 10, 1997, for a maximum of 150 days; amended at 22 Ill. Reg. 8810, effective May 9, 1998; amended at 23 Ill. Reg. 11875, effective October 1, 1999; amended at 28 Ill. Reg. 346, effective January 1, 2004; amended at 30 Ill. Reg. 18196, effective November 1, 2006; amended at 32 Ill. Reg. _____, effective _____.

SUBPART B: LINK UP PROGRAM

Section 757.130 [Link Up Eligibility](#)~~Income~~ Certification

Certification of eligibility shall be determined as provided in Section 757.430(a)~~(e)~~.

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

(Source: Amended at 32 Ill. Reg. _____, effective _____)

SUBPART C: UNIVERSAL TELEPHONE SERVICE ASSISTANCE PROGRAM

Section 757.235 UTSAP Eligibility~~Income~~ Certification

- a) The ~~same income~~ certification and verification procedures guidelines as shown in Section 757.430~~(a), (b), and (c)~~ will be applicable for the UTSAP.
- b) The LEC shall place an individual in the UTSAP upon determination of eligibility.

(Source: Amended at 32 Ill. Reg. _____, effective _____)

SUBPART E: LIFELINE SERVICE

Section 757.430 Lifeline Eligibility~~Income~~ Certification and Verification~~Recertification~~

- a) Certification of Lifeline Eligibility
 - 1) Applications containing the information specified in Exhibit E shall be processed and certified by the eligible telecommunications carrier within 14 days after the date the application was received.
 - 2b) The applicant shall be solely responsible for establishing eligibility in one or more of the Proxy Programs. If an eligible telecommunications carrier finds that an applicant's eligibility cannot be established through the records of a Proxy Program, the applicant will be advised by the eligible telecommunications carrier to contact the Proxy Program to establish or verify eligibility.
 - 3e) In the event an applicant takes exception to the eligibility status as determined by the eligible telecommunications carrier, the eligible telecommunications carrier shall advise the applicant of the proper dispute procedures as outlined in Section 757.15.
- bd) Verification~~Recertification~~ of a participant's continuing eligibility for Lifeline shall be conducted in the following manner:

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

- 1) Each eligible~~Eligible~~ telecommunications carrier~~carriers~~ shall establish procedures for verifying that Lifeline customers continue to be eligible to receive Lifeline assistance~~be responsible for recertification~~. Verification procedures may include checking eligibility against the records of one or more Proxy Programs, requiring customers to supply proof of continued eligibility, customer self-certification of continued eligibility, and/or other methods designed to verify continued eligibility. If an eligible telecommunications carrier's procedure involves verification of a sample of customers from one or more Proxy Programs, that sample must be a statistically valid random sample of the customers from the Proxy Program or Programs. These procedures need not be submitted to the Commission for approval, but shall be available for Commission review upon request.
- 2) Verification of continued lifeline eligibility~~Recertification~~ shall be conducted no less than once a year.
- 3) If an eligible telecommunications carrier determines upon verification~~recertification~~ that a participant is no longer eligible, the eligible telecommunications carrier shall provide the participant 30 days notice prior to terminating the participant. Notice of ~~such~~ a determination shall be provided to the participant in writing, and shall include~~be provided~~ the information specified in Exhibit D.
- 4) Each eligible telecommunications carrier shall file with the Commission by August 1 of each year an affidavit signed by a representative of the eligible telecommunications carrier that:
 - A) states that the eligible telecommunications carrier has a procedure in place to verify continued eligibility of Lifeline subscribers;
 - B) states that the verification procedure meets the requirements of this Section;
 - C) states that the eligible telecommunications carrier has verified the continued eligibility of Lifeline subscribers pursuant to its procedure at least one time in the 12 months preceding the affidavit; and

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

D) [summarizes the results of the most recent verification.](#)

(Source: Amended at 32 Ill. Reg. _____, effective _____)

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

Section 757.EXHIBIT D Lifeline ~~Verification~~Recertification Ineligibility Notice

NOTICE OF REMOVAL FROM THE LIFELINE WAIVER PROGRAM

LEC (UTILITY) NAME _____

LEC PHONE # _____

Customer Name _____

Address _____

City, State, Zip _____

Phone Number _____

Account Number _____

Records show that you are not receiving benefits under one of the following programs:

- Food Stamps
- Medicaid
- Supplemental Security Income
- Federal Public Housing Assistance
- Low-Income Home Emergency Assistance Program
- National School Lunch Free Lunch Program
- Temporary Assistance to Needy Families

You will therefore be removed from the Lifeline Program.

TO AVOID REMOVAL IF YOU ARE STILL RECEIVING BENEFITS

1. If you are still receiving benefits under one of the above listed programs, call the applicable agency.
2. If the agency has your name on their master list, then call your LEC.

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

IF YOU NEED TO REAPPLY

1. If you reapply for benefits under one of the programs listed above and the agency grants your application before (Date) _____, call your LEC to have your eligibility checked.
2. If your application is granted by the agency after (Date) _____, you can reapply for the Lifeline benefits by calling your LEC.
3. There will be no retroactive Lifeline benefits between the time that your benefits are discontinued and the time that your application is approved.

REMOVAL IN ERROR

If you believe that the agency has improperly terminated you from one of the listed programs, you must resolve this with the applicable agency.

If your benefits are continued while the dispute is pending, your Lifeline benefits will also be continued.

If your benefits are not continued while the dispute with the applicable agency is pending, you will not receive Lifeline benefits until you have won your appeal.

Call your LEC to let them know if your benefits are being continued and/or if you have won your appeal.

There will be no retroactive Lifeline benefits between the time that your benefits are discontinued and the time that your application is approved.

(Source: Amended at 32 Ill. Reg. _____, effective _____)

HEALTH FACILITIES PLANNING BOARD

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Health Facilities Planning Procedural Rules
- 2) Code Citation: 77 Ill. Adm. Code 1130
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
1130.240	Amend
1130.410	Amend
- 4) Statutory Authority: Illinois Health Facilities Planning Act [20 ILCS 3960]
- 5) A Complete Description of the Subjects and Issues Involved: The existing Section 1130.410(f) states that a facility does not require a CON permit for a change in a facility's legal name or legal status if an application for exemption is submitted that meets the requirements of Subparts D and E, and an exemption is issued by HFPB.

The proposed new subsection (Section 1130.240(g)) requires that a change in a facility's legal name or legal status that does not constitute a change of ownership, requires only notification to HFPB within 90 days after occurrence. Existing Section 1130.410(f) will be repealed.

- 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? Yes

<u>Section:</u>	<u>Proposed Action:</u>	<u>Illinois Register Citation:</u>
1130.620	Amend	31 Ill. Reg. 3679; 3/9/07

- 11) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a State mandate.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:

HEALTH FACILITIES PLANNING BOARD

NOTICE OF PROPOSED AMENDMENTS

Public Hearing
October 19, 2007
10:00am
James R. Thompson Center
Room 654
100 W. Randolph Street
Chicago, IL 60601

Interested persons may present their comments concerning this rulemaking within 45 days after the publication of this issue of the *Illinois Register* to:

Claire Burman
Coordinator, Rules Development
Illinois Health Facilities Planning Board
100 W. Randolph Street, 6th Floor
Chicago, Illinois 60601

312/814-2565
e-mail: CLAIRES.BURMAN@illinois.gov

- 13) Initial Regulatory Flexibility Analysis: None
- A) Types of small businesses, small municipalities and not for profit corporations affected: Hospitals, long term care facilities, ESRD facilities, Ambulatory Surgical Treatment Centers, Comprehensive Physical Rehabilitation Centers
- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: January 2006

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

HEALTH FACILITIES PLANNING BOARD

NOTICE OF PROPOSED AMENDMENTS

TITLE 77: PUBLIC HEALTH
CHAPTER II: HEALTH FACILITIES PLANNING BOARD
SUBCHAPTER b: OTHER BOARD RULES

PART 1130
HEALTH FACILITIES PLANNING PROCEDURAL RULES

SUBPART A: AUTHORITY

Section	
1130.110	Statutory Authority/Applicability
1130.120	Introduction
1130.130	Purpose
1130.140	Definitions
1130.150	Referenced and Incorporated Materials

SUBPART B: GENERAL REQUIREMENTS

Section	
1130.210	Persons and Facilities Subject to the Act
1130.220	Necessary Parties to the Application for Permit or Exemption
1130.230	Fees
1130.240	Reporting and Notification Requirements

SUBPART C: PROJECTS OR TRANSACTIONS SUBJECT TO THE ACT

Section	
1130.310	Projects or Transactions Subject to the Act

SUBPART D: PROJECTS OR TRANSACTIONS ELIGIBLE FOR
EXEMPTION FROM PERMIT REQUIREMENTS

Section	
1130.410	Projects or Transactions Exempt from Permit Requirements

SUBPART E: PROCEDURAL REQUIREMENTS FOR EXEMPTIONS

Section	
1130.500	General Requirements for Exemptions

HEALTH FACILITIES PLANNING BOARD

NOTICE OF PROPOSED AMENDMENTS

- 1130.510 Requirements for Exemptions Involving the Acquisition of Major Medical Equipment
- 1130.520 Requirements for Exemptions Involving the Change of Ownership of a Health Care Facility
- 1130.530 Requirements for Exemptions Involving Health Maintenance Organizations (Repealed)
- 1130.531 Requirements for Exemptions for the Establishment or Expansion of Neonatal Intensive Care Service and Beds
- 1130.539 Requirements for Exemptions Involving the Establishment of Positron Emission Tomography (P.E.T.) Service (Repealed)
- 1130.540 Requirements for Exemptions Involving Discontinuation
- 1130.541 Requirements for Exemptions for Combined Facility Licensure
- 1130.542 Requirements for Exemptions for Temporary Use of Beds for Demonstration Programs (Repealed)
- 1130.543 Requirements for Exemption for Equipment to be Acquired By or on Behalf of a Health Care Facility (Repealed)
- 1130.544 Requirements for Exemption for the Addition of Dialysis Stations
- 1130.550 Agency Processing of an Application for Exemption
- 1130.560 State Board Action
- 1130.570 Validity of an Exemption and Reporting Requirements

SUBPART F: PROCEDURAL REQUIREMENTS FOR THE REVIEW
AND PROCESSING OF APPLICATIONS FOR PERMIT

Section

- 1130.610 Duration of the Review Period and Time Frames
- 1130.620 Technical Assistance, Letter of Intent, Classification, Completeness Review, and Review Procedures
- 1130.630 Agency Actions During the Review Period
- 1130.635 Additional Information Provided During the Review Period
- 1130.640 Extension of the Review Period
- 1130.650 Modification of an Application
- 1130.655 HFPB Consideration and Action
- 1130.660 Approval of an Application
- 1130.670 Intent to Deny an Application
- 1130.680 Denial of an Application

SUBPART G: PERMIT VALIDITY, REPORTING REQUIREMENTS AND REVOCATION

HEALTH FACILITIES PLANNING BOARD

NOTICE OF PROPOSED AMENDMENTS

Section

1130.710	Validity of Permits
1130.720	Obligation
1130.730	Extension of the Obligation Period
1130.740	Renewal of a Permit
1130.750	Alteration of a Project for which a Permit Has Been Issued
1130.760	Annual Progress Reports
1130.770	Project Completion, Final Realized Costs and Cost Overruns
1130.780	Revocation of a Permit
1130.790	Penalties, Fines and Sanctions Mandated in the Illinois Health Facilities Planning Act for Non-compliance with the Act and HFPB's Rules

SUBPART H: DECLARATORY RULINGS

Section

1130.810	Declaratory Rulings
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SUBPART I: PUBLIC HEARING AND COMMENT PROCEDURES

Section

1130.910	Applicability
1130.920	Notice of Review and Opportunity for Public Hearing and Comment on Applications for Permit
1130.930	Notice of Public Hearing on Applications for Permit
1130.940	Procedures for Public Hearing on Applications for Permit
1130.950	Written Comments on Applications for Permit
1130.960	Notice Procedures for Public Hearing on Applications for Certificate of Recognition (or Revocation of Recognition)
1130.970	Procedures for Public Hearing on Applications for Certificate of Recognition (or Revocation of Recognition)
1130.980	Procedures Concerning Public Hearing for Certificate of Exemption for Change of Ownership
1130.990	Procedures for Public Hearing and Comment on Proposed Rules
1130.995	Procedures for Public Comment on All Other Matters

SUBPART J: PRACTICE AND PROCEDURE IN ADMINISTRATIVE HEARINGS

Section

1130.1010	The Right to an Administrative Hearing and Applicable Rules
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HEALTH FACILITIES PLANNING BOARD

NOTICE OF PROPOSED AMENDMENTS

- 1130.1020 Initiation of a Contested Case (Pleadings)
- 1130.1030 Waiver of Hearing
- 1130.1040 Parties to Hearings
- 1130.1050 Appearance – Right to Counsel
- 1130.1060 Prehearing Conferences
- 1130.1070 Intervention
- 1130.1080 Disqualification of Administrative Law Judge
- 1130.1090 Form of Papers
- 1130.1100 Service
- 1130.1110 Conduct of Hearings
- 1130.1120 Discovery
- 1130.1130 Motions
- 1130.1140 Subpoenas
- 1130.1150 Administrative Law Judge's Report and Final Decision
- 1130.1160 Proposal for Decision
- 1130.1170 Final Decision
- 1130.1180 Records of Proceedings
- 1130.1190 Miscellaneous
- 1130.1200 Number of Copies of Pleadings to be Filed
- 1130.1210 Applicability

1130.APPENDIX A Annual Inflation Adjustments to Review Thresholds (Repealed)

AUTHORITY: Implementing and authorized by the Illinois Health Facilities Planning Act [20 ILCS 3960].

SOURCE: Adopted at 14 Ill. Reg. 7183, effective May 1, 1990; emergency amendment at 15 Ill. Reg. 4787, effective March 18, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 9731, effective June 17, 1991; emergency amendments at 16 Ill. Reg. 13153, effective August 4, 1992, for a maximum of 150 days; emergency expired January 1, 1993; amended at 17 Ill. Reg. 4448, effective March 24, 1993; amended at 17 Ill. Reg. 5882, effective March 26, 1993; amended at 19 Ill. Reg. 2972, effective March 1, 1995; expedited correction at 21 Ill. Reg. 3753, effective March 1, 1995; recodified at 20 Ill. Reg. 2597; emergency amendment at 21 Ill. Reg. 12671, effective September 2, 1997, for a maximum of 150 days; emergency expired January 30, 1998; amended at 23 Ill. Reg. 2911, effective March 15, 1999; emergency amendment at 23 Ill. Reg. 3835, effective March 15, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 7752, effective July 9, 1999; amended at 24 Ill. Reg. 6013, effective April 7, 2000; amended at 25 Ill. Reg. 10786, effective August 24, 2001; amended at 27 Ill. Reg. 2976, effective February 21,

HEALTH FACILITIES PLANNING BOARD

NOTICE OF PROPOSED AMENDMENTS

2003; amended at 30 Ill. Reg. 14852, effective September 1, 2006; amended at 32 Ill. Reg. _____, effective _____.

SUBPART B: GENERAL REQUIREMENTS

Section 1130.240 Reporting and Notification Requirements

HFPB shall require health care facilities to provide periodic reports, data, and information as needed to carry out the purposes and provisions of the Act [20 ILCS 3960/13]. Information required to be submitted to HFPB includes, but is not limited to, reports on capital expenditures, facility and service utilization data, facility bed capacity information, staffing levels, notices of hospital reductions in services, and any temporary suspension of service.

- a) **Annual Report of Capital Expenditures**
HFPB shall require each health care facility to submit an annual report of capital expenditures in accordance with the provisions of the Act. (See Section 5.3 of the Act.)
- b) **Health Planning Information**
HFPB, in conjunction with IDPH, shall require all health care facilities operating in the State to provide information for the purpose of fulfilling the planning responsibilities specified in the Act. (See Section 13 of the Act.) Such reports may be on an annual or other basis.
- c) **Notice of Hospital Reduction of 50% or More in Health Care Services**
Each hospital is required to notify HFPB, IDPH, and the State Senator and 2 State Representatives representing the legislative district in which the hospital is located of a reduction in services of 50% or more, within 30 days after that reduction [20 ILCS 3960/12.4]. Reporting shall include the identification of the service, reasons for reduction and anticipated duration (permanent or temporary). Reduction of 50% or more is determined by the following:
 - 1) If the reduction is in a bed category of service, reduction is determined by the number of physically available beds as compared to the authorized number of beds stated in the Inventory of Health Care Facilities as updated, or the number of staffed beds reported in the Annual Hospital Questionnaire;

HEALTH FACILITIES PLANNING BOARD

NOTICE OF PROPOSED AMENDMENTS

- 2) If the reduction is in a non-bed category of service (i.e., cardiac surgery, cardiac catheterization, organ transplantation, etc.), reduction is determined when the physical number of procedure rooms, stations or equipment necessary to provide that service is reduced by 50% or more, or the number of clinical staff and/or hours of operation is reduced by 50% or more.
 - A) If reduction does not reduce the number of procedures by 50% or more, then the notification is only required to HFPB, certifying that the reduction will not reduce the number of procedures performed by 50% or more.
 - B) If the reduction is temporary for the purpose of maintenance or equipment repair, then notification is required to HFPB only, with a timetable to restore the service.
- d) **Temporary Suspension of Facility or Category of Service**

A facility that has ceased operation or that has ceased to provide a category of service due to unanticipated or unforeseen circumstances (such as the loss of appropriate staff or a natural or unnatural disaster) may file notice to HFPB of a temporary suspension of service. The notice shall be filed within 30 days after the suspension of the service, and must include a detailed explanation of efforts being made to correct the circumstance and a timetable to reopen the service. Reports documenting the progress of corrections must be filed every 30 days thereafter until services are reopened.
- e) **Failure to Provide Required Information**

Health care facilities and persons that fail to comply with the notice and information requirements of HFPB are subject to the sanctions and penalties provided by the Act. (See 20 ILCS 3960/13 and 14.1.)
- f) **Changes in a Health Care Facility's Bed Capacity**

A health care facility that reduces bed capacity, or adds bed capacity without a permit, as specified by the Act, must notify HFPB and IDPH of that change. Such a change is limited to once every two years and that two year period begins on the date when the additional beds become operational. If the facility has already changed its bed capacity through a permit process, then the facility may not add any more beds in those services affected by the permit for two years from the date

HEALTH FACILITIES PLANNING BOARD

NOTICE OF PROPOSED AMENDMENTS

that those beds established by permit become operational without obtaining an additional permit from HFPB.

- g) Changes in Name and/or Legal Status
A change in a facility's legal name or a facility's legal status (i.e., a corporate reorganization) that does not constitute a change of ownership, as defined in Section 1130.140, is to be reported to HFPB within 90 days after occurrence.

(Source: Amended at 32 Ill. Reg. _____, effective _____)

SUBPART D: PROJECTS OR TRANSACTIONS ELIGIBLE FOR
EXEMPTION FROM PERMIT REQUIREMENTS

Section 1130.410 Projects or Transactions Exempt from Permit Requirement

The following proposed projects and transactions are not subject to the requirements of obtaining a permit, provided that an application for exemption is submitted that meets the requirements of this Subpart and Subpart E and an exemption is issued by HFPB:

- a) the acquisition of major medical equipment that will not be owned by, operated on behalf of, or located in a health care facility or be used to provide services to an inpatient of a health care facility.
- b) the change of ownership of an existing health care facility.
- c) the discontinuation of an existing health care facility or of a category of service when that discontinuation is the result of:
 - 1) revocation of or denial of license renewal by a State or local regulatory agency;
 - 2) for facilities not subject to licensure, the loss of Medicare and/or Medicaid certification;
 - 3) discontinuation action taken by HFPB;
 - 4) the voluntary surrender of a suspended license.
- d) the combination of two or more existing health care facilities into a single

HEALTH FACILITIES PLANNING BOARD

NOTICE OF PROPOSED AMENDMENTS

licensed health care facility, when:

- 1) the existing facilities are located on the same site or on sites adjacent to one another;
 - 2) the licensed person for the existing facilities is the same;
 - 3) the combination is for the sole purpose of operating the existing facilities under a single license;
 - 4) the combination does not involve any cost, any change in scope of services provided, or any change in bed capacity.
- e) a proposed project for the addition of dialysis stations to existing facilities located in planning areas where the Inventory indicates a need for additional stations, provided that the number of stations to be added does not exceed the planning area's need for additional stations as calculated in the Inventory and also provided that the number of stations to be added does not exceed the lesser of 10 stations or 50% of the facility's certified station capacity.
- ~~f) proposed projects or transactions (such as name changes or corporate restructuring) that HFPB has determined pursuant to Section 1130.810 to be ministerial or non-material and do not warrant review.~~
- fg) a proposed project limited to the establishment or expansion of a neonatal intensive care service or beds as specified in Subpart E.

(Source: Amended at 32 Ill. Reg. _____, effective _____)

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Fiscal/Administrative Recordkeeping and Requirements
- 2) Code Citation: 89 Ill. Adm. Code 509
- 3) Section Number: 509.65 Proposed Action: Amendment
- 4) Statutory Authority: Implementing and authorized by the Department of Human Services Act [20 ILCS 1305]
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking pertains to the Office of Contract Administration. The language pertaining to mailing notices is being amended to allow notices to be sent by a private carrier rather than by certified mail. This option is less expensive for the Department.
- 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 proposed rulemaking contain incorporations by reference? No
- 10) Are there any other amendments pending on this Part? No
- 11) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a State mandate.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning this rulemaking within 45 days of the date of this issue of the *Illinois Register*. All requests and comments should be submitted in writing to:

Tracie Drew, Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue East
Harris Building, 3rd Floor

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENT

Springfield, Illinois 62762

217/785-9772

- 13) Initial Regulatory Flexibility Analysis:
 - A) Types of small businesses, small municipalities and not for profit corporations affected: DHS Community Providers
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: July 2007

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

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENT

TITLE 89: SOCIAL SERVICES
CHAPTER XX: DEPARTMENT OF HUMAN SERVICESPART 509
FISCAL/ADMINISTRATIVE RECORDKEEPING
AND REQUIREMENTS

Section	
509.10	Purpose
509.15	Definitions
509.20	Allowable/Unallowable Costs
509.30	Fiscal Requirements/Management
509.40	Accounting Requirements
509.50	Funding Suspension
509.60	Cancellation of Award/Agreement
509.65	Process for Suspension of Funding/Cancellation of Award/Agreement
509.70	On-Site Fiscal/Administrative Reviews
509.80	Administrative Requirements
509.90	Compliance with Life Safety Standards and Requirements
509.100	Prompt Payment Act
509.110	Accreditation

AUTHORITY: Implementing and authorized by the Department of Human Services Act [20 ILCS 1305].

SOURCE: Adopted by emergency at 24 Ill. Reg. 9250, effective June 14, 2000, for a maximum of 150 days; emergency expired November 10, 2000; adopted at 24 Ill. Reg. 18137, effective November 30, 2000; amended at 26 Ill. Reg. 8547, effective May 31, 2002; amended at 32 Ill. Reg. _____, effective _____.

Section 509.65 Process for Suspension of Funding/Cancellation of Award/Agreement

- a) Suspension/Cancellation. The process for suspension of funding pursuant to Section 509.50 and cancellation pursuant to Section 509.60 is as follows:
 - 1) Notice. The provider shall be notified, in writing, by the Department of the action taken, the reason for the action, and the effective date of the action. The Notice shall be sent by certified or registered mail or private carrier.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENT

- 2) Request for Review. The provider shall have 7 days from the receipt of the notice, as determined by the certified or registered mail or private carrier receipt, to request a review of the suspension/cancellation action by the Secretary of the Department and to provide supportive information to the Secretary as to why the action should not occur. In the event that the request and information are not submitted within the 7 day period, the Department may proceed with the suspension or cancellation.
 - 3) Additional Information. To assist the Secretary in his/her review, the Department may request additional information from the provider or other sources. Any additional information requested from the provider must be submitted within the time period established by the Department. Failure of the provider to comply with the request for additional information in a timely manner may result in resolution of the issue without consideration of that information.
 - 4) Secretary's Decision. The Secretary may delegate the responsibility for investigation of the issue and fact finding. The Secretary shall issue a final written decision as expeditiously as possible after receiving the request for review, supportive information, and any additional information requested by the Department. The Secretary's final decision to suspend funding, in part or in whole, shall indicate terms and conditions for rescinding the suspension and reinstatement of funding. The decision of the Secretary is a final decision of the agency for purpose of the Administrative Review Law [735 ILCS 5/Art. III], if applicable.
- b) Cancellation of Funding.
- 1) Funding under this Part to a provider who is served a notice under subsection (a)(1) may be suspended summarily without opportunity to provide supportive information as provided in subsection (a)(2) if, in the Secretary's discretion, it is determined that immediate suspension is necessary because the risk of continuing funding is sufficient to seriously outweigh the general policy in favor of advance notice and the opportunity to provide supportive information. If the suspension is pending a final decision of cancellation under Section 509.60, the provider shall not incur costs chargeable to the Department after the effective date included in the notice. Opportunity to provide supportive information shall be provided

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENT

according to the provisions of subsection (a)(2) following suspension pending cancellation of funding. If the Secretary finds for the provider, funding shall then be reinstated.

- 2) For all other actions for suspension or cancellation of funding, in whole or in part, suspension or cancellation shall occur after issuance of the Secretary's final written decision.

(Source: Amended at 32 Ill. Reg. _____, effective _____)

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Grants and Grant Funds Recovery
- 2) Code Citation: 89 Ill. Adm. Code 511
- 3) Section Number: 511.40 Proposed Action: Amendment
- 4) Statutory Authority: Implementing and authorized by the Department of Human Services Act [20 ILCS 1305] and implementing Sections 7 and 8 of the Illinois Grant Funds Recovery Act [30 ILCS 705/7 and 8]
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking pertains to the Office of Contract Administration. The language pertaining to mailing notices is being amended to mirror the process found in the Grant Funds Recovery 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? Yes, the Grant Funds Recovery Act (30 ILCS 705/8(f)).
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a State mandate.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning these rules within 45 days of the date of this issue of the *Illinois Register*. All requests and comments should be submitted in writing to:

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

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENT

Harris Building, 3rd Floor
Springfield, Illinois 62762

217/785-9772

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: DHS Community Providers
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: July 2007

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

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENT

TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF HUMAN SERVICESPART 511
GRANTS AND GRANT FUNDS RECOVERY

Section	
511.10	Purpose
511.15	Definitions
511.20	Responsibility
511.30	Criteria for Recovery of Funds
511.40	Process for Recovery of Funds
511.50	Methods of Recovery
511.60	Prompt Payment Act

AUTHORITY: Implementing and authorized by the Department of Human Services Act [20 ILCS 1305] and implementing Sections 7 and 8 of the Illinois Grant Funds Recovery Act [30 ILCS 705/7 and 8].

SOURCE: Adopted by emergency rulemaking at 24 Ill. Reg. 9278, effective June 14, 2000, for a maximum of 150 days; adopted at 24 Ill. Reg. 17130, effective November 3, 2000; amended at 26 Ill. Reg. 8558, effective May 31, 2002; amended at 32 Ill. Reg. _____, effective _____.

Section 511.40 Process for Recovery of Funds

If the Department believes that grant funds received by the provider are subject to recovery, the process outlined in the Grant Funds Recovery Act shall be followed:

- a) The provider will be notified, in writing, by the Department of the amount subject for recovery. This notice will constitute an intent to recover by the Department. The notice will indicate the opportunity for an informal hearing to determine the facts and issues regarding the recoverable funds and who to contact to request an informal hearing.
- b) The provider must notify the Department in writing within 15 calendar days after receipt of the Department's letter that they are requesting an informal hearing.
- c) If the provider does not file a request for an informal hearing, the Department

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENT

may initiate the recovery.

- d) If the informal hearing does not resolve the issues or if the provider does not request a hearing within the specified time in subsection (b), the Department will notify the provider in writing of the intent to recover. The letter will specify the amount to be recovered, the specific facts that permit recovery, and the right to a formal appeal. If the provider requests a hearing, then the Department will take no action to recover funds until at least 35 days after the Department has issued the final recovery order.
- e) An agency electing to file an appeal in accord with subsection (d) shall notify the Department, in writing, of its request for a formal hearing, within 35 days from the receipt of the letter.
- f) If the provider does not file an appeal, the Department may initiate the recovery.
- g) The hearing shall be presided over by an administrative law judge chosen by the Department.
- h) The provider shall have the burden of proof to show cause why no recovery should occur.
- i) If the decision of the hearing officer/administrative law judge is in favor of recovery, the Secretary shall approve the decision prior to implementing a recovery.
- j) The Secretary may elect to adopt, modify or reverse the recommended decision.
- k) The decision by the Secretary shall constitute the final administrative decision as defined in accordance with Section 3-101 of the Administrative Review Law [735 ILCS 5/3-101].
- l) *All written notices sent under this Section shall be ~~sent by certified mail. Notices will be deemed received 5 days after the notice or mailing is deposited in the United States mail, properly addressed with the grantee's current business address and with sufficient U.S. postage affixed [30 ILCS 705/8(f)].~~ based on the date signed for by the recipient or the recipient's representative.*

(Source: Amended at 32 Ill. Reg. _____, effective _____)

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Income Tax
- 2) Code Citation: 86 Ill. Adm. Code 100
- 3) Section Number: 100.2197 Proposed Action: Amendment
- 4) Statutory Authority: 35 ILCS 5/601(b)(3) and 5/1401
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking updates the guidance for resident taxpayers claiming a credit for taxes paid to other states on income that is also taxed by Illinois to reflect the amendment to the Illinois Income Tax Act in Public Act 94-247 and to provide guidance for the treatment of transferred credits against other states' taxes in computing the Illinois credit.
- 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? Yes

<u>Section Numbers:</u>	<u>Proposed Action:</u>	<u>Illinois Register Citation:</u>
100.2470	Amendment	31 Ill. Reg. 12296; 8/24/07
100.2185	Amendment	31 Ill. Reg. 12449; 8/31/07
100.7110	Amendment	31 Ill. Reg. 12670; 9/07/07
100.2110	Amendment	31 Ill. Reg. 13086; 9/14/07
100.2160	Amendment	31 Ill. Reg. 13331, 9/21/07
100.5070	New Section	31 Ill. Reg. 13697; 10/5/07
100.5080	New Section	31 Ill. Reg. 13697; 10/5/07

- 11) Statement of Statewide Policy Objective: This rulemaking does not create a State mandate, nor does it modify any existing State mandates.

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

- 12) Time, Place and Manner in which interested persons may comment on this rulemaking:
Persons who wish to submit comments on this rulemaking may submit them in writing by no later than 45 days after publication of this Notice to:

Paul Caselton
Deputy General Counsel - Income Tax
Illinois Department of Revenue
Legal Services Office
101 West Jefferson
Springfield, Illinois 62794

217/524-3951

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: This credit is allowed only to individuals, trusts and estates, not to businesses, municipalities or not-for-profits.
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: July 2007

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

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

TITLE 86: REVENUE
CHAPTER I: DEPARTMENT OF REVENUEPART 100
INCOME TAX

SUBPART A: TAX IMPOSED

Section

- 100.2000 Introduction
100.2050 Net Income (IITA Section 202)

SUBPART B: CREDITS

Section

- 100.2100 Replacement Tax Investment Credit Prior to January 1, 1994 (IITA 201(e))
100.2101 Replacement Tax Investment Credit (IITA 201(e))
100.2110 Investment Credit; Enterprise Zone (IITA 201(f))
100.2120 Jobs Tax Credit; Enterprise Zone and Foreign Trade Zone or Sub-Zone (IITA 201(g))
100.2130 Investment Credit; High Impact Business (IITA 201(h))
100.2140 Credit Against Income Tax for Replacement Tax (IITA 201(i))
100.2150 Training Expense Credit (IITA 201(j))
100.2160 Research and Development Credit (IITA 201(k))
100.2163 Environmental Remediation Credit (IITA 201(l))
100.2165 Education Expense Credit (IITA 201(m))
100.2170 Tax Credits for Coal Research and Coal Utilization Equipment (IITA 206)
100.2180 Credit for Residential Real Property Taxes (IITA 208)
100.2185 Film Production Services Credit (IITA 213)
100.2190 Tax Credit for Affordable Housing Donations (IITA Section 214)
100.2195 Dependent Care Assistance Program Tax Credit (IITA 210)
100.2196 Employee Child Care Assistance Program Tax Credit (IITA Section 210.5)
100.2197 Foreign Tax Credit (IITA Section 601(b)(3))
100.2198 Economic Development for a Growing Economy Credit (IITA 211)
100.2199 Illinois Earned Income Tax Credit (IITA 212)

SUBPART C: NET OPERATING LOSSES OF UNITARY BUSINESS GROUPS
OCCURRING PRIOR TO DECEMBER 31, 1986

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

Section	
100.2200	Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group. (IITA Section 202) – Scope
100.2210	Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group (IITA Section 202) – Definitions
100.2220	Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group. (IITA Section 202) - Current Net Operating Losses: Offsets Between Members
100.2230	Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group. (IITA Section 202) – Carrybacks and Carryforwards
100.2240	Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group: (IITA Section 202) – Effect of Combined Net Operating Loss in Computing Illinois Base Income
100.2250	Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group: (IITA Section 202) – Deadline for Filing Claims Based on Net Operating Losses Carried Back From a Combined Apportionment Year

SUBPART D: ILLINOIS NET LOSS DEDUCTIONS FOR LOSSES
OCCURRING ON OR AFTER DECEMBER 31, 1986

Section	
100.2300	Illinois Net Loss Deduction for Losses Occurring On or After December 31, 1986 (IITA 207)
100.2310	Computation of the Illinois Net Loss Deduction for Losses Occurring On or After December 31, 1986 (IITA 207)
100.2320	Determination of the Amount of Illinois Net Loss for Losses Occurring On or After December 31, 1986
100.2330	Illinois Net Loss Carrybacks and Net Loss Carryovers for Losses Occurring On or After December 31, 1986
100.2340	Illinois Net Losses and Illinois Net Loss Deductions for Losses Occurring On or After December 31, 1986, of Corporations that are Members of a Unitary Business Group: Separate Unitary Versus Combined Unitary Returns
100.2350	Illinois Net Losses and Illinois Net Loss Deductions, for Losses Occurring On or After December 31, 1986, of Corporations that are Members of a Unitary

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

Business Group: Changes in Membership

SUBPART E: ADDITIONS TO AND SUBTRACTIONS FROM TAXABLE INCOME OF
INDIVIDUALS, CORPORATIONS, TRUSTS AND ESTATES AND PARTNERSHIPS

Section

- 100.2410 Net Operating Loss Carryovers for Individuals, and Capital Loss and Other Carryovers for All Taxpayers (IITA Section 203)
- 100.2430 Addition and Subtraction Modifications for Transactions with 80-20 Companies
- 100.2470 Subtraction of Amounts Exempt from Taxation by Virtue of Illinois Law, the Illinois or U.S. Constitutions, or by Reason of U.S. Treaties or Statutes (IITA Sections 203(a)(2)(N), 203(b)(2)(J), 203(c)(2)(K) and 203(d)(2)(G))
- 100.2480 Enterprise Zone Dividend Subtraction (IITA Sections 203(a)(2)(J), 203(b)(2)(K), 203(c)(2)(M) and 203(d)(2)(K))
- 100.2490 Foreign Trade Zone/High Impact Business Dividend Subtraction (IITA Sections 203(a)(2)(K), 203(b)(2)(L), 203(c)(2)(O), 203(d)(2)(M))

SUBPART F: BASE INCOME OF INDIVIDUALS

Section

- 100.2580 Medical Care Savings Accounts (IITA Sections 203(a)(2)(D-5), 203(a)(2)(S) and 203(a)(2)(T))
- 100.2590 Taxation of Certain Employees of Railroads, Motor Carriers, Air Carriers and Water Carriers

SUBPART G: BASE INCOME OF TRUSTS AND ESTATES

Section

- 100.2680 Capital Gain Income of Estates and Trusts Paid to or Permanently Set Aside for Charity (Repealed)

SUBPART I: GENERAL RULES OF ALLOCATION AND
APPORTIONMENT OF BASE INCOME

Section

- 100.3000 Terms Used in Article 3 (IITA Section 301)
- 100.3010 Business and Nonbusiness Income (IITA Section 301)
- 100.3015 Business Income Election (IITA Section 1501)
- 100.3020 Resident (IITA Section 301)

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

SUBPART J: COMPENSATION

Section

- 100.3100 Compensation (IITA Section 302)
- 100.3110 State (IITA Section 302)
- 100.3120 Allocation of Compensation Paid to Nonresidents (IITA Section 302)

SUBPART K: NON-BUSINESS INCOME OF PERSONS OTHER THAN RESIDENTS

Section

- 100.3200 Taxability in Other State (IITA Section 303)
- 100.3210 Commercial Domicile (IITA Section 303)
- 100.3220 Allocation of Certain Items of Nonbusiness Income by Persons Other Than Residents (IITA Section 303)

SUBPART L: BUSINESS INCOME OF PERSONS OTHER THAN RESIDENTS

Section

- 100.3300 Allocation and Apportionment of Base Income (IITA Section 304)
- 100.3310 Business Income of Persons Other Than Residents (IITA Section 304) – In General
- 100.3320 Business Income of Persons Other Than Residents (IITA Section 304) – Apportionment (Repealed)
- 100.3330 Business Income of Persons Other Than Residents (IITA Section 304) – Allocation
- 100.3340 Business Income of Persons Other Than Residents (IITA Section 304)
- 100.3350 Property Factor (IITA Section 304)
- 100.3360 Payroll Factor (IITA Section 304)
- 100.3370 Sales Factor (IITA Section 304)
- 100.3380 Special Rules (IITA Section 304)
- 100.3390 Petitions for Alternative Allocation or Apportionment (IITA Section 304(f))
- 100.3400 Apportionment of Business Income of Financial Organizations (IITA Section 304(c))
- 100.3500 Allocation and Apportionment of Base Income by Nonresident Partners

SUBPART M: ACCOUNTING

Section

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

100.4500 Carryovers of Tax Attributes (IITA Section 405)

SUBPART N: TIME AND PLACE FOR FILING RETURNS

Section

100.5000 Time for Filing Returns: Individuals (IITA Section 505)
100.5010 Place for Filing Returns: All Taxpayers (IITA Section 505)
100.5020 Extensions of Time for Filing Returns: All Taxpayers (IITA Section 505)
100.5030 Taxpayer's Notification to the Department of Certain Federal Changes Arising in Federal Consolidated Return Years, and Arising in Certain Loss Carryback Years (IITA Section 506)
100.5040 Innocent Spouses
100.5050 Frivolous Returns
100.5060 Reportable Transactions

SUBPART O: COMPOSITE RETURNS

Section

100.5100 Composite Returns: Eligibility
100.5110 Composite Returns: Responsibilities of Authorized Agent
100.5120 Composite Returns: Individual Liability
100.5130 Composite Returns: Required forms and computation of Income
100.5140 Composite Returns: Estimated Payments
100.5150 Composite Returns: Tax, Penalties and Interest
100.5160 Composite Returns: Credits for Resident Individuals
100.5170 Composite Returns: Definition of a "Lloyd's Plan of Operation"

SUBPART P: COMBINED RETURNS

Section

100.5200 Filing of Combined Returns
100.5201 Definitions and Miscellaneous Provisions Relating to Combined Returns
100.5205 Election to File a Combined Return
100.5210 Procedures for Elective and Mandatory Filing of Combined Returns
100.5215 Filing of Separate Unitary Returns
100.5220 Designated Agent for the Members
100.5230 Combined Estimated Tax Payments
100.5240 Claims for Credit of Overpayments
100.5250 Liability for Combined Tax, Penalty and Interest

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

100.5260	Combined Amended Returns
100.5265	Common Taxable Year
100.5270	Computation of Combined Net Income and Tax
100.5280	Combined Return Issues Related to Audits

SUBPART Q: REQUIREMENT AND AMOUNT OF WITHHOLDING

Section

100.7000	Requirement of Withholding (IITA Section 701)
100.7010	Compensation Paid in this State (IITA Section 701)
100.7020	Transacting Business Within this State (IITA Section 701)
100.7030	Payments to Residents (IITA Section 701)
100.7040	Employer Registration (IITA Section 701)
100.7050	Computation of Amount Withheld (IITA Section 702)
100.7060	Additional Withholding (IITA Section 701)
100.7070	Voluntary Withholding (IITA Section 701)
100.7080	Correction of Underwithholding or Overwithholding (IITA Section 701)
100.7090	Reciprocal Agreement (IITA Section 701)
100.7095	Cross References

SUBPART R: AMOUNT EXEMPT FROM WITHHOLDING

Section

100.7100	Withholding Exemption (IITA Section 702)
100.7110	Withholding Exemption Certificate (IITA Section 702)
100.7120	Exempt Withholding Under Reciprocal Agreements (IITA Section 702)

SUBPART S: INFORMATION STATEMENT

Section

100.7200	Reports for Employee (IITA Section 703)
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SUBPART T: EMPLOYER'S RETURN AND PAYMENT OF TAX WITHHELD

Section

100.7300	Returns of Income Tax Withheld from Wages (IITA Section 704)
100.7310	Quarterly Returns Filed on Annual Basis (IITA Section 704)
100.7320	Time for Filing Returns (IITA Section 704)
100.7330	Payment of Tax Deducted and Withheld (IITA Section 704)

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

100.7340 Correction of Underwithholding or Overwithholding (IITA Section 704)

SUBPART U: COLLECTION AUTHORITY

Section

100.9000 General Income Tax Procedures (IITA Section 901)
100.9010 Collection Authority (IITA Section 901)
100.9020 Child Support Collection (IITA Section 901)

SUBPART V: NOTICE AND DEMAND

Section

100.9100 Notice and Demand (IITA Section 902)

SUBPART W: ASSESSMENT

Section

100.9200 Assessment (IITA Section 903)
100.9210 Waiver of Restrictions on Assessment (IITA Section 907)

SUBPART X: DEFICIENCIES AND OVERPAYMENTS

Section

100.9300 Deficiencies and Overpayments (IITA Section 904)
100.9310 Application of Tax Payments Within Unitary Business Groups (IITA Section 603)
100.9320 Limitations on Notices of Deficiency (IITA Section 905)
100.9330 Further Notices of Deficiency Restricted (IITA Section 906)

SUBPART Y: CREDITS AND REFUNDS

Section

100.9400 Credits and Refunds (IITA Section 909)
100.9410 Limitations on Claims for Refund (IITA Section 911)
100.9420 Recovery of Erroneous Refund (IITA Section 912)

SUBPART Z: INVESTIGATIONS AND HEARINGS

Section

100.9500 Access to Books and Records (IITA Section 913)

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

100.9505	Access to Books and Records – 60-Day Letters (IITA Section 913) (Repealed)
100.9510	Taxpayer Representation and Practice Requirements
100.9520	Conduct of Investigations and Hearings (IITA Section 914)
100.9530	Books and Records

SUBPART AA: JUDICIAL REVIEW

Section

100.9600	Administrative Review Law (IITA Section 1201)
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SUBPART BB: DEFINITIONS

Section

100.9700	Unitary Business Group Defined (IITA Section 1501)
100.9710	Financial Organizations (IITA Section 1501)
100.9720	Nexus
100.9750	Corporation, Subchapter S Corporation, Partnership and Trust Defined (IITA Section 1501)

SUBPART CC: LETTER RULING PROCEDURES

Section

100.9800	Letter Ruling Procedures
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SUBPART DD: MISCELLANEOUS

Section

100.9900	Tax Shelter Voluntary Compliance Program
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100.APPENDIX A	Business Income Of Persons Other Than Residents
100.TABLE A	Example of Unitary Business Apportionment
100.TABLE B	Example of Unitary Business Apportionment for Groups Which Include Members Using Three-Factor and Single-Factor Formulas

AUTHORITY: Implementing the Illinois Income Tax Act [35 ILCS 5] and authorized by Section 1401 of the Illinois Income Tax Act [35 ILCS 5/1401].

SOURCE: Filed July 14, 1971, effective July 24, 1971; amended at 2 Ill. Reg. 49, p. 84, effective November 29, 1978; amended at 5 Ill. Reg. 813, effective January 7, 1981; amended at

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

5 Ill. Reg. 4617, effective April 14, 1981; amended at 5 Ill. Reg. 4624, effective April 14, 1981; amended at 5 Ill. Reg. 5537, effective May 7, 1981; amended at 5 Ill. Reg. 5705, effective May 20, 1981; amended at 5 Ill. Reg. 5883, effective May 20, 1981; amended at 5 Ill. Reg. 6843, effective June 16, 1981; amended at 5 Ill. Reg. 13244, effective November 13, 1981; amended at 5 Ill. Reg. 13724, effective November 30, 1981; amended at 6 Ill. Reg. 579, effective December 29, 1981; amended at 6 Ill. Reg. 9701, effective July 26, 1982; amended at 7 Ill. Reg. 399, effective December 28, 1982; amended at 8 Ill. Reg. 6184, effective April 24, 1984; codified at 8 Ill. Reg. 19574; amended at 9 Ill. Reg. 16986, effective October 21, 1985; amended at 9 Ill. Reg. 685, effective December 31, 1985; amended at 10 Ill. Reg. 7913, effective April 28, 1986; amended at 10 Ill. Reg. 19512, effective November 3, 1986; amended at 10 Ill. Reg. 21941, effective December 15, 1986; amended at 11 Ill. Reg. 831, effective December 24, 1986; amended at 11 Ill. Reg. 2450, effective January 20, 1987; amended at 11 Ill. Reg. 12410, effective July 8, 1987; amended at 11 Ill. Reg. 17782, effective October 16, 1987; amended at 12 Ill. Reg. 4865, effective February 25, 1988; amended at 12 Ill. Reg. 6748, effective March 25, 1988; amended at 12 Ill. Reg. 11766, effective July 1, 1988; amended at 12 Ill. Reg. 14307, effective August 29, 1988; amended at 13 Ill. Reg. 8917, effective May 30, 1989; amended at 13 Ill. Reg. 10952, effective June 26, 1989; amended at 14 Ill. Reg. 4558, effective March 8, 1990; amended at 14 Ill. Reg. 6810, effective April 19, 1990; amended at 14 Ill. Reg. 10082, effective June 7, 1990; amended at 14 Ill. Reg. 16012, effective September 17, 1990; emergency amendment at 17 Ill. Reg. 473, effective December 22, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 8869, effective June 2, 1993; amended at 17 Ill. Reg. 13776, effective August 9, 1993; recodified at 17 Ill. Reg. 14189; amended at 17 Ill. Reg. 19632, effective November 1, 1993; amended at 17 Ill. Reg. 19966, effective November 9, 1993; amended at 18 Ill. Reg. 1510, effective January 13, 1994; amended at 18 Ill. Reg. 2494, effective January 28, 1994; amended at 18 Ill. Reg. 7768, effective May 4, 1994; amended at 19 Ill. Reg. 1839, effective February 6, 1995; amended at 19 Ill. Reg. 5824, effective March 31, 1995; emergency amendment at 20 Ill. Reg. 1616, effective January 9, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 6981, effective May 7, 1996; amended at 20 Ill. Reg. 10706, effective July 29, 1996; amended at 20 Ill. Reg. 13365, effective September 27, 1996; amended at 20 Ill. Reg. 14617, effective October 29, 1996; amended at 21 Ill. Reg. 958, effective January 6, 1997; emergency amendment at 21 Ill. Reg. 2969, effective February 24, 1997, for a maximum of 150 days; emergency expired July 24, 1997; amended at 22 Ill. Reg. 2234, effective January 9, 1998; amended at 22 Ill. Reg. 19033, effective October 1, 1998; amended at 22 Ill. Reg. 21623, effective December 15, 1998; amended at 23 Ill. Reg. 3808, effective March 11, 1999; amended at 24 Ill. Reg. 10593, effective July 7, 2000; amended at 24 Ill. Reg. 12068, effective July 26, 2000; emergency amendment at 24 Ill. Reg. 17585, effective November 17, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 18731, effective December 11, 2000; amended at 25 Ill. Reg. 4640, effective March 15, 2001; amended at 25 Ill. Reg. 4929, effective March 23, 2001; amended at 25 Ill. Reg. 5374, effective April 2, 2001; amended at 25 Ill. Reg. 6687,

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

effective May 9, 2001; amended at 25 Ill. Reg. 7250, effective May 25, 2001; amended at 25 Ill. Reg. 8333, effective June 22, 2001; amended at 26 Ill. Reg. 192, effective December 20, 2001; amended at 26 Ill. Reg. 1274, effective January 15, 2002; amended at 26 Ill. Reg. 9854, effective June 20, 2002; amended at 26 Ill. Reg. 13237, effective August 23, 2002; amended at 26 Ill. Reg. 15304, effective October 9, 2002; amended at 26 Ill. Reg. 17250, effective November 18, 2002; amended at 27 Ill. Reg. 13536, effective July 28, 2003; amended at 27 Ill. Reg. 18225, effective November 17, 2003; emergency amendment at 27 Ill. Reg. 18464, effective November 20, 2003, for a maximum of 150 days; emergency expired April 17, 2004; amended at 28 Ill. Reg. 1378, effective January 12, 2004; amended at 28 Ill. Reg. 5694, effective March 17, 2004; amended at 28 Ill. Reg. 7125, effective April 29, 2004; amended at 28 Ill. Reg. 8881, effective June 11, 2004; emergency amendment at 28 Ill. Reg. 14271, effective October 18, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 14868, effective October 26, 2004; emergency amendment at 28 Ill. Reg. 15858, effective November 29, 2004, for a maximum of 150 days; amended at 29 Ill. Reg. 2420, effective January 28, 2005; amended at 29 Ill. Reg. 6986, effective April 26, 2005; amended at 29 Ill. Reg. 13211, effective August 15, 2005; amended at 29 Ill. Reg. 20516, effective December 2, 2005; amended at 30 Ill. Reg. 6389, effective March 30, 2006; amended at 30 Ill. Reg. 10473, effective May 23, 2006; amended by 30 Ill. Reg. 13890, effective August 1, 2006; amended at 30 Ill. Reg. 18739, effective November 20, 2006; amended at 32 Ill. Reg. _____, effective _____.

SUBPART B: CREDITS

Section 100.2197 Foreign Tax Credit (IITA Section 601(b)(3))

- a) IITA Section 601(b)(3) provides that *the aggregate amount of tax which is imposed upon or measured by income and which is paid by a resident for a taxable year to another state or states on income which is also subject to the tax imposed by Section 201(a) and (b) of the Illinois Income Tax Act shall be credited against the tax imposed by Section 201(a) and (b) otherwise due under the Illinois Income Tax Act for such taxable year.*
- b) Definitions applicable to this Section.
 - 1) Tax qualifying for the credit. A tax qualifies for the credit only if it is *imposed upon or measured by income* and is *paid by an Illinois resident* to another state *on income which is also subject to Illinois income tax.*
 - A) A tax "imposed upon or measured by income" shall mean an income tax or tax on profits imposed by a state and deductible

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

under IRC section 164(a)(3). Such term shall not include penalties or interest imposed with respect to the tax.

- B) A tax is "paid by an Illinois resident" to another state "on income which is also subject to Illinois income tax" only to the extent the income included in the tax base of the other state is also included in base income computed under IITA Section 203 during a period in which the taxpayer is an Illinois resident. Thus, for example, income tax paid to another state on retirement income excluded from base income under IITA Section 203(a)(2)(F) does not qualify for the credit, nor would income derived from a partnership or Subchapter S corporation whose tax year ends during a period in which the taxpayer is not an Illinois resident. See IRC section 706(a) and IRC section 1366(a)(1). If tax is paid to another state on income that is not included in base income or on income attributable to a period when the taxpayer was not a resident of Illinois, as well as on income that is included in base income and attributable to a period in which the taxpayer was a resident of Illinois, the amount of tax qualifying for the credit shall be determined by multiplying the tax paid by a fraction equal to the income taxed by the other state that is included in base income and attributable to a period in which the taxpayer was a resident of Illinois divided by the total tax base on which the other state's tax was computed.
- 2) For purposes of IITA Section 601(b)(3), "state" *means any state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession of the United States, or any political subdivision of any of the foregoing.* (IITA Section 1501(a)(22)) This definition is effective for tax years ending on or after December 31, 1989. The term "state" does not include foreign countries or any political subdivision of a foreign country.
- 3) "Resident" is defined at IITA Section 1501(a)(20) and in Section 100.3020 of this Part.
- 4) *Base income subject to tax both by another state and by this State* or "double-taxed income" means items of income minus items deducted or excluded in computing the tax for which credit is claimed, to the extent

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

such items of income, deduction or exclusion are taken into account in the computation of base income under IITA Section 203 for the person claiming the credit. However, under IITA Section 601(b)(3), as in effect prior to January 1, 2006 (the effective date of Public Act 94-247), *no compensation received by a resident which qualifies as compensation paid in this State as determined under IITA Section 304(a)(2)(B) shall be considered income subject to tax by another state or states.*

- A) Under IITA Section 203(a), base income of an individual is computed without allowing the standard deduction allowed in computing federal taxable income, and without allowing the exemptions provided in IITA Section 204. Double-taxed income is therefore computed without reduction for any standard deductions or exemptions allowed by the state.
- B) An item of income is not included in double-taxed income to the extent it is excluded or deducted in computing the tax for which the credit is claimed. For example, State X allows a deduction or exclusion equal to 60% of long-term capital gains and for 100% of winnings from the State X lottery. Only 40% of long-term capital gains is subject to tax in that state. Similarly, an individual subject to the Washington, D.C. unincorporated business tax is allowed to deduct from taxable income a reasonable allowance for compensation for personal services rendered. This deduction is in fact an exclusion for the "personal income" of the individual, which Congress has forbidden Washington, D.C. to tax except in the case of residents. Accordingly, double-taxed income is net of this deduction.
- C) An item of income that is excluded, subtracted or deducted in the computation of base income under IITA Section 203 cannot be included in double-taxed income. For example, IITA Section 203(a)(2)(L) allows a subtraction for federally-taxed Social Security and Railroad Retirement benefits, while dividends received from a Subchapter S corporation are excluded from federal gross income and therefore from base income. Accordingly, even if another state taxes such benefits or dividends, these amounts are not included in double-taxed income.

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

- D) An item of expense is deducted or subtracted in computing double-taxed income only to the extent that item is deducted or subtracted in computing the tax base in the other state and in computing base income under IITA Section 203. For example, State Y allows deductions for federal itemized deductions and for individual federal income taxes paid. No deduction for federal income taxes is allowed in computing base income under IITA Section 203, and so that deduction is not taken into account in computing base income subject to tax in State Y. Also, IITA Section 203(a) generally does not allow a deduction for federal itemized deductions, and so federal itemized deductions are generally not taken into account in computing base income subject to tax in State Y. However, IITA Section 203(a)(2)(V) allows self-employed individuals a subtraction modification for health insurance premiums, which can be taken as an itemized deduction in computing federal taxable income. Accordingly, in the case of a self-employed individual eligible for the Illinois subtraction, any itemized deduction for health insurance premiums taken into account in computing the State Y tax base is also taken into account in computing double-taxed income.
- E) For taxable years beginning prior to January 1, 2006, compensation~~Compensation~~ paid in Illinois under IITA Section 304(a)(2)(B), as further explained in Section 100.3120 of this Part, is not included in double-taxed income, even if another state taxes such compensation. For example, an Illinois resident whose base of operations is in Illinois, but whose employment requires him or her to work in Illinois and for a substantial period of time in State Z, must treat all compensation from such employment as paid in Illinois under IITA Section 304(a)(2)(B)(iii). None of that compensation may be included in double-taxed income, even if State Z actually taxes the compensation earned for periods during which the resident was working in State Z. Public Act 94-247 (effective January 1, 2006) repealed the provision in IITA Section 601(b)(3) that stated compensation paid in Illinois may not be included in double-taxed income, and so compensation paid in Illinois may be included in double-taxed income in taxable years beginning on or after January 1, 2006.

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

- F) Some states impose an alternative minimum tax similar to the tax imposed by IRC section 55, under which a taxpayer computes a regular taxable income and also computes an alternative minimum taxable income by reducing some exclusions or deductions, and eliminating other exclusions and deductions entirely. The taxpayer applies different rate structures to regular taxable income and to alternative minimum taxable income, and is liable for the higher of the two taxes so computed. An item of income included in a state's alternative minimum taxable income but not in the regular taxable income of that state is not included in base income subject to tax in that state unless the taxpayer is actually liable for alternative minimum tax in that state. For example, a state allows a 60% capital gains exclusion for regular tax purposes, but includes 100% of the capital gains in its alternative minimum taxable income. If a taxpayer incurs alternative minimum tax liability in that state, 100% of the capital gains is included in double-taxed income. If only regular tax liability is incurred, only 40% of capital gains is included in double-taxed income.
- G) Some states compute the tax liability of a nonresident by first computing the tax on all income of the nonresident from whatever source derived, and then multiplying the resulting amount by a percentage equal to in-state sources of income divided by total sources of income or by allowing a credit based on the percentage of total income from sources outside the state. Other states determine the tax base of a nonresident by computing the tax base as if the person were a resident and multiplying the result by the percentage equal to in-state sources of income divided by total sources of income. The use of either of these methods of computing tax does not mean that income from all sources is included in double-taxed income. See *Comptroller of the Treasury v. Hickey*, 114 Md. App. 388, 689 A.2d 1316 (1997); *Chin v. Director, Division of Taxation*, 14 N.J. Tax 304 (T.C. N.J. 1994). When a state uses either of these methods of computation, double-taxed income shall be the base income of the taxpayer from all sources subject to tax in that state, as computed in accordance with the rest of this subsection (b)(4), multiplied by the percentage of income from sources in that state, as computed under that state's law; provided, however, that no compensation paid in Illinois

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

under IITA Section 304(a)(2)(B) shall be treated as income from sources in that state in computing such percentage in any taxable year beginning prior to January 1, 2006.

EXAMPLE 1: Individual, an Illinois resident, has federal adjusted gross income of \$80,000 in Year 1, comprised of \$75,000 in wages, \$1,000 in taxable interest and \$4,000 in net rental income. Taxable interest includes \$200 in interest on federal government obligations and excludes \$500 in municipal bond interest. The rental income is from property in State X. Individual is subject to \$6,000 in federal income tax in Year 1. Individual's Illinois base income is \$80,300: his \$80,000 in adjusted gross income, plus \$500 in municipal bond interest, minus \$200 in federal government obligation interest.

State X computes Individual's income subject to its tax by starting with the \$4,000 in net rental income included in his federal adjusted gross income, and requiring him to add back \$3,000 in depreciation allowed on his rental property under IRC Section 168 in excess of straight-line depreciation, and subtracting the portion of his federal income tax liability allocable to his State X income. State X also allows Individual an exemption of \$1,000.

Double-taxed income in this case is \$7,000: the \$4,000 in net rental income plus the \$3,000 addition modification for excess depreciation. The \$3,000 addition modification for excess depreciation is a deduction allowed by Illinois but not by State X, and only the amount of depreciation deductible in both states is taken into account. The subtraction for federal income tax and the exemption are not taken into account in computing base income under IITA Section 203(a), and therefore are not taken into account in computing double-taxed income.

EXAMPLE 2. Assume the same facts as in Example 1, except that State X requires Individual to compute income tax as if he were a resident of State X, and then multiply the result by a fraction equal to his federal adjusted gross income from State X sources divided by total federal adjusted gross income. Under this method, Individual has State X taxable income of \$76,300 (\$80,000 in federal adjusted gross income, plus \$500 in municipal bond interest and \$3,000 in excess depreciation, minus \$200 in federal government obligation interest, \$6,000 in federal income taxes,

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

and the \$1,000 exemption). The fraction actually taxed by State X is 5% (the \$4,000 in rental income divided by \$80,000 in federal adjusted gross income).

Under subsection (b)(4)(G), double-taxed income is \$4,165, computed as follows. First, State X taxable income is computed using only those items of income and deduction taken into account by both State X and Illinois. Accordingly, the \$6,000 in federal income taxes and the \$1,000 exemption are not taken into account. The State X taxable income so computed is \$83,300 (\$80,000 federal adjusted gross income plus \$3,000 in excess depreciation and \$500 in municipal bond interest minus \$200 in federal government obligation interest). Multiplying that amount by the 5% fraction used by State X yields double-taxed income of \$4,165.

EXAMPLE 3: Assume the same facts as in Example 2, except that State X deems \$10,000 of Individual's wages to be earned in State X. Under IITA Section 304(a)(2)(B)(iii), all of Individual's wages are considered "compensation paid in this State", even though Individual performs services in State X, because Individual's base of operations is in Illinois. Accordingly, Individual's State X taxable income is \$76,300, just as in Example 2, but his fraction allocated to State X is 17.5% (\$10,000 in wages plus \$4,000 in net rental income, the total divided by \$80,000 in federal adjusted gross income).

For taxable years beginning prior to January 1, 2006, Individual's double-taxed income is \$4,165, the same as in Example 2. Because compensation deemed "paid in this State" cannot be treated as double-taxed income, the State X fraction must be computed under subsection (b)(4)(G) without treating the \$10,000 in wages as allocable to State X. Accordingly, double-taxed income is the \$83,300 total of all items taxed by both states minus deductions allowed by both states, times 5% (the \$4,000 in net rental income divided by the \$80,000 in federal adjusted gross income).

For taxable years beginning on or after January 1, 2006, Individual's double-taxed income is \$14,578, which is the \$83,300 total of all items taxed by both states minus deductions allowed by both states, times 175% (the \$10,000 in wages taxed by both states plus the \$4,000 in net rental income, divided by the \$80,000 in federal adjusted gross income).

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

- c) Amount of the credit. Subject to limitations described in subsection (d) of this Section, the amount of the credit for a taxable year is the *aggregate amount of tax paid by a resident for the taxable year*. (IITA Section 601(b)(3)) Because the credit is allowed for taxes paid for the taxable year, rather than for taxes paid in or during the taxable year:
- 1) The amount of tax withheld for another state, estimated payments made to that state and overpayments from prior years applied against the current liability to that state are not relevant to the computation of the credit.
 - 2) Any credit (including a credit for taxes paid to Illinois or another state, but not including a credit that is allowed for an actual payment of tax, such as a credit for income taxes withheld, for estimated taxes paid or for an overpayment of income tax in another taxable year) that is taken into account in determining the amount of tax actually paid or payable to another state shall reduce the amount of credit to which the taxpayer is entitled under this Section. In a case in which the taxpayer claims a transferable credit on the other state's return, the credit shall be treated as an actual payment of tax up to the amount the taxpayer paid for the credit, and only the amount of credit in excess of the amount paid shall reduce the amount of credit to which the taxpayer is entitled under this Section.
 - 3) Any increase or decrease in the amount of tax paid to another state for a taxable year, as the result of an audit, claim for refund, or other change, shall increase or decrease the amount of credit for that taxable year, not for the taxable year in which the increase or decrease is paid or credited.
- d) Limitations on the amount of credit allowed. *The aggregate credit allowed under IITA Section 601(b)(3) shall not exceed that amount which bears the same ratio to the tax imposed by IITA Section 201(a) and (b) otherwise due as the amount the taxpayer's base income subject to tax both by such other state or states and by this State bears to his total base income subject to tax by this State for the taxable year.* (IITA Section 601(b)(3)) The credit allowed under this Section is therefore the smaller of either the total amount of taxes paid to other states for the year or the product of Illinois income tax otherwise due (before taking into account any Article 2 credit or the foreign tax credit allowed under IITA Section 601(b)(3)) multiplied by a fraction equal to the aggregate amount of the taxpayer's double-taxed income, divided by the taxpayer's Illinois base income.

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

- 1) In computing the aggregate amount of the taxpayer's double-taxed income, any item of income or deduction taken into account in more than one state shall be taken into account only once. For example, an individual subject to tax on his or her compensation by both State X and by a city in State X shall include the amount of such compensation only once in computing the aggregate amount of double-taxed income.
 - 2) Because base income subject to tax both in another state and in Illinois cannot exceed 100% of base income, the credit cannot exceed 100% of the tax otherwise due under IITA Section 201(a) and (b).
 - 3) No carryover of any amount in excess of this limitation is allowed by the IITA.
- e) Disallowance of credit for taxes deducted in computing base income. *The credit provided by IITA Section 601(b)(3) shall not be allowed if any creditable tax was deducted in determining base income for the taxable year.* (IITA Section 601(b)(3)) A trust that has deducted the amount of a state tax imposed upon or measured by net income may include such tax in the computation of the credit allowed under this Section, but IITA Section 203(c)(2)(F) requires that trust to add back to its federal taxable income *an amount equal to the tax deducted pursuant to section 164 of the Internal Revenue Code if the trust or estate is claiming the same tax for purposes of the Illinois foreign tax credit.* The amount that must be added back for a taxable year shall be the amount of tax deducted for such year on the trust's federal income tax return. Because no similar provision is made for individuals, an individual who has deducted taxes paid to another state in computing his or her federal adjusted gross income may not claim a credit for such taxes on his or her Illinois tax return.
- f) Credit for taxes paid on behalf of the taxpayer. An Illinois resident individual who is a shareholder or partner claiming a foreign tax credit for the shareholder's or partner's share of personal income taxes paid to a foreign state on his or her behalf by a Subchapter S corporation or a partnership, respectively, must attach to his or her Illinois return a written statement from the Subchapter S corporation or partnership containing the name and federal employee identification number of the Subchapter S corporation or partnership and clearly showing the paid amount of foreign tax attributable to the shareholder or partner, respectively. Additionally, the statement must include the shareholder's or partner's share of the Subchapter S corporation's or partnership's items of income, deduction and

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

exclusion in sufficient detail to allow computation of the amount of base income subject to tax under subsection (b)(4) of this Section. Taxes imposed directly on the Subchapter S corporation or the partnership are not eligible for the credit.

- g) Documentation required to support claims for credit. Any person claiming the credit under IITA Section 601(b)(3) *shall attach a statement in support thereof and shall notify the Director of any refund or reductions in the amount of tax claimed as a credit under IITA Section 601(b)(3) all in such manner and at such time as the Department shall by regulations prescribe.* No credit shall be allowed under this Section for any tax paid to another state nor shall any item of income be included in base income subject to tax in that state except to the extent the amount of such tax and income is evidenced by the following documentation attached to the taxpayer's return (or, in the case of an electronically-filed return, to the taxpayer's Form IL-8453, Illinois Individual Income Tax Electronic Filing Declaration), amended return or claim for refund:
- 1) Unless otherwise provided in this subsection (g), a taxpayer claiming the credit must attach a copy of the tax return filed for taxes paid to the other state or states to the taxpayer's Illinois income tax return, Form IL-8453, amended return or claim for refund.
 - 2) If the tax owed to the other state is satisfied by withholding of the tax from payments due to the taxpayer without the necessity of a return filing by the taxpayer, the taxpayer must attach a copy of the statement provided by the payor evidencing the amount of tax withheld and the amount of income subject to withholding.
 - 3) A taxpayer claiming a credit for taxes paid by a Subchapter S corporation or partnership on the taxpayer's behalf must attach a copy of the statement provided to the taxpayer by the Subchapter S corporation or partnership pursuant to subsection (f) of this Section, showing the taxpayer's share of the taxes paid and the income of the taxpayer on which the taxes were paid.

(Source: Amended at 32 Ill. Reg. _____, effective _____)

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Provider Requirements, Type Services, and Rates of Payment
- 2) Code Citation: 89 Ill. Adm. Code 686
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
686.600	New Section
686.605	New Section
686.608	Renumbered from 686.600
686.610	Repealed
686.615	New Section
686.620	Amendment
686.630	Amendment
686.640	Amendment
686.700	Renumbered to 686.715, New Section
686.705	New Section
686.708	New Section
686.710	Repealed
686.715	Renumbered from 686.700
686.720	Repealed
686.722	New Section
686.730	New Section
- 4) Statutory Authority: Implementing Section 3 of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3]
- 5) Effective Date of Amendments: September 27, 2007
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? No
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notices of Proposal Published in the Illinois Register: 31 Ill. Reg. 4967; March 30, 2007
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 11) Differences between Proposal and Final Version: In the Table of Contents, placed Section 686.715 after 686.710.

In the TOC, line 83, added "of" after "Receipt" and changed "of" to "with".

In Section 686.600, capitalized "Services".

In Section 686.600, changed source note from "Section added" to "Added".

In Section 686.605(b), changed "which" to "that".

In Section 686.605, changed source note from "Section added" to "Added".

In Section 686.608, changed source note from "Amended" to "Renumbered from Section 686.600 to Section 608 and amended".

In Section 686.615(b)(1), changed "a" to "the" and added "possible" after "bids".

In Section 686.615, changed source note from "Section added" to "Added".

In Section 686.620, changed "which" to "that" in the first sentence.

In Section 686.620 and 686.640, changed "modification(s)" to "modifications" throughout.

In Section 686.700, changed "items" to "Items".

In Section 686.700, changed source note from "Section added" to "Added".

In Section 686.705(a), changed "ADL(s)" to "ADLs".

In Section 686.705(c), changed "which" to "that".

In Section 686.705 and 686.708, changed source note from "Section added" to "Added".

In Section 686.715, changed "Assistive Equipment" to "assistive equipment".

In Section 686.715, in the source note added "Renumbered from Section 686.700 to Section 686.715 and".

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

In Section 686.722(b)(1), changed "a" to "the" and added " possible" after "bids".

In Section 686.722, changed source note from "Section added" to "Added".

In Section 686.730, added "of" after "Receipt" and changed "of" to "with" in the Heading.

In Section 686.730, changed "of" to "after" in the last sentence.

In Section 686.730, changed source note from "Section added" to "Added".

- 12) Have all changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking: This rulemaking deals with the Division of Rehabilitation, Home Services Program. The proposed changes streamline existing language and realign the rules so their sequence is more consistent with the counseling process. Language concerning customer safety has been added per a requirement from the federal government. In addition, a \$25,000 limit over a five-year period has been added for assistive equipment and environmental modification purchases or rentals. This change replaces the current practice where such purchases/rentals are deducted from the customer's service cost maximum to better allow compliance with the new federal requirements. Various paperwork requirements have been added, as well as various provider requirements.
- 16) Information and questions regarding this adopted amendment shall be directed to:

Tracie Drew, Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue East
Harris Building, 3rd Floor
Springfield, Illinois 62762

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

217/785-9772

- 17) Do these amendments require the preview of the Procurement Policy Board as specified in Section 5-25 of the Illinois Procurement Code? No

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

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES
SUBCHAPTER d: HOME SERVICES PROGRAMPART 686
PROVIDER REQUIREMENTS, TYPE SERVICES, AND RATES OF PAYMENT

SUBPART A: PERSONAL ASSISTANTS

Section	
686.10	Personal Assistant (PA) Requirements
686.20	Services Which May Be Provided by a PA
686.25	Criminal Background Check
686.30	Annual Review of PA Performance
686.40	Payment for PA Services

SUBPART B: ADULT DAY CARE PROVIDERS

Section	
686.100	Adult Day Care (ADC) Provider Requirements
686.110	Services Which Must Be Provided by ADC Providers
686.120	Compliance Review of ADC Providers
686.130	Appeal of Compliance Review for ADC Providers
686.140	Payment for ADC Services

SUBPART C: HOMEMAKER SERVICES

Section	
686.200	Homemaker Service Provider Requirements
686.210	Services Which Must Be Provided by Homemaker Agencies
686.220	Compliance Review of Homemaker Agencies
686.230	Appeal of Compliance Review for Homemaker Agencies
686.240	Payment for Homemaker Services
686.250	Financial Reporting of Homemaker Services
686.260	Unallowable Costs for Homemaker Service
686.270	Minimum Direct Service Worker Costs for Homemaker Services
686.280	Cost Categories for Homemaker Services

SUBPART D: ELECTRONIC HOME RESPONSE SERVICES

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

Section

686.300	Electronic Home Response Services (EHRS) Provider Requirements
686.310	Services Which Must Be Provided by EHRS Providers
686.320	Minimum Specifications for EHRS Equipment
686.330	Compliance Review of EHRS Providers
686.340	Appeal of Compliance Review for EHRS Providers
686.350	Rate of Payment for EHRS Services

SUBPART E: MAINTENANCE HOME HEALTH SERVICE

Section

686.400	Maintenance Home Health Provider Requirements
686.410	Rate of Payment for Maintenance Home Health Services

SUBPART F: HOME DELIVERED MEALS

Section

686.500	Home Delivered Meals Provider Requirements
686.510	Rate of Payment for Home Delivered Meals

SUBPART G: ENVIRONMENTAL MODIFICATION

Section

<u>686.600</u>	<u>Description</u>
<u>686.605</u>	<u>Criteria for the Provision of Environmental Modifications</u>
<u>686.608</u> 686.600	Environmental Modification Provider Requirements
686.610	Cost of Environmental Modification (<u>Repealed</u>)
<u>686.615</u>	<u>Environmental Modification Bidding Procedures and Requirements</u>
686.620	Permanency of Environmental Modification
686.630	Reason for Denial of Environmental Modification
686.640	Verification of Environmental Modification

SUBPART H: ASSISTIVE EQUIPMENT

Section

<u>686.700</u>	<u>Description</u>
<u>686.705</u>	<u>Criteria for the Purchase, Rental, or Repair of Assistive Equipment</u>
<u>686.708</u>	<u>Purchase, Rental, or Repair of Assistive Equipment</u>

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

686.710	Provision of Assistive Equipment (Repealed)
686.715 686.700	Assistive Equipment Provider Requirements
686.720	Verification of Receipt of Assistive Equipment (Repealed)
686.722	Assistive Equipment Bidding Procedures and Requirements
686.730	Verification of Receipt of, and Customer Satisfaction with, Assistive Equipment

SUBPART I: RESPITE CARE

Section	
686.800	Respite Care Provider Requirements

SUBPART J: CASE MANAGEMENT SERVICES TO PERSONS WITH AIDS

Section	
686.900	Program Overview
686.910	Case Management Provider Responsibilities
686.920	Provider Staffing Requirements, Qualifications, and Training
686.930	Monitoring and Liability of Provider
686.940	Provider Compliance Requirements

SUBPART K: CASE MANAGEMENT SERVICES
TO PERSONS WITH BRAIN INJURIES

Section	
686.1000	Program Overview
686.1010	Case Management Provider Responsibilities
686.1020	Case Manager Staffing Requirements, Qualifications and Training
686.1025	Provisional Case Manager
686.1030	Monitoring and Liability
686.1040	Provider Compliance Requirements

SUBPART L: BEHAVIORAL SERVICES
FOR PERSONS WITH BRAIN INJURIES

Section	
686.1100	Behavioral Services Provider Requirements
686.1110	Rate of Payment for Behavioral Services

SUBPART M: DAY HABILITATION SERVICES

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

FOR PERSONS WITH BRAIN INJURIES

Section

686.1200 Day Habilitation Services Provider Requirements
686.1210 Rate of Payment for Day Habilitation Services

SUBPART N: PREVOCATIONAL SERVICES
FOR PERSONS WITH BRAIN INJURIES

Section

686.1300 Prevocational Services Provider Requirements
686.1310 Rate of Payment for Prevocational Services

SUBPART O: SUPPORTED EMPLOYMENT SERVICES
FOR PERSONS WITH BRAIN INJURIES

Section

686.1400 Supported Employment Service Provider Requirements
686.1410 Rate of Pay for Supported Employment Services

686.APPENDIX A Acceptable Human Service Degrees

AUTHORITY: Implementing Section 3 of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3].

SOURCE: Adopted at 19 Ill. Reg. 5104, effective March 21, 1995; amended at 20 Ill. Reg. 12479, effective August 28, 1996; recodified from the Department of Rehabilitation Services to the Department of Human Services at 21 Ill. Reg. 9325; amended at 22 Ill. Reg. 18945, effective October 1, 1998; amended at 22 Ill. Reg. 19262, effective October 1, 1998; amended at 23 Ill. Reg. 499, effective December 22, 1998; amended at 23 Ill. Reg. 6457, effective May 17, 1999; amended at 24 Ill. Reg. 7501, effective May 6, 2000; amended at 24 Ill. Reg. 10212, effective July 1, 2000; amended at 24 Ill. Reg. 18174, effective November 30, 2000; amended at 25 Ill. Reg. 6282, effective May 15, 2001; amended at 26 Ill. Reg. 3994, effective February 28, 2002; amended at 28 Ill. Reg. 6453, effective April 8, 2004; amended at 29 Ill. Reg. 16508, effective October 17, 2005; amended at 31 Ill. Reg. 14238, effective September 27, 2007.

SUBPART G: ENVIRONMENTAL MODIFICATION

Section 686.600 Description

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

Environmental Modification – Services to physically modify the customer's home to accommodate the customer's loss of function in the completion of his/her Activities of Daily Living (ADLs).

(Source: Added at 31 Ill. Reg. 14238, effective September 27, 2007)

Section 686.605 Criteria for the Provision of Environmental Modifications

Environmental modifications may be provided to a customer if:

- a) the modification will enable the customer to independently perform his/her ADLs, will result in a decreased need for assistance from another individual in the completion of his/her ADLs, will prevent an anticipated increase in service costs, or will improve the safety of the customer during the completion of his/her ADLs;
- b) there are no other resources, public or private, that will provide the modification; and
- c) the HSP total cost for purchase of all environmental modifications and assistive equipment purchases, rentals, and repairs (89 Ill. Adm. Code 686.705(d)) does not exceed \$25,000 over 5 years.

(Source: Added at 31 Ill. Reg. 14238, effective September 27, 2007)

Section 686.608600 Environmental Modification Provider Requirements

All ~~vendors which provide~~ Environmental Modification ~~providers~~services must:

- a) meet the approval of the customer and counselor;~~be selected pursuant to the bidding requirement found at 44 Ill. Adm. Code 1175;~~
- b) submit a completed 1413 A - Waiver Program Provider Agreement for Participation in the Illinois Medical Assistance Program form;~~meet the approval of the customer and counselor;~~
- c) submit a completed W-9 Request for Taxpayer Identification Number and Certificate;

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

- ~~de)~~ carry a minimum of at least \$500,000 in liability insurance, and provide DHS DRS with a copy of the Certificate of Insurance verifying current~~the~~ coverage; ~~and~~
- ~~e)~~ provide proof of appropriate current contractor licenses, as applicable;
- ~~fd)~~ perform all modifications so that they meet the standards established by the Environmental Barriers Act, the Illinois Accessibility Code [71 ILCS 400] and local zoning ordinances and codes; and Capital Development Board at 71 Ill. Adm. Code 400—Accessibility Standards.
- ~~g)~~ obtain proper building permits as required by local municipalities.

(Source: Renumbered from Section 686.600 to Section 686.608 and amended at 31 Ill. Reg. 14238, effective September 27, 2007)

Section 686.610 Cost of Environmental Modification (Repealed)

~~The cost of environmental modification, when amortized over a 12-month period and added to all other monthly service costs, may not exceed the SCM (89 Ill. Adm. Code 679) established for the customer's case.~~

(Source: Repealed at 31 Ill. Reg. 14238, effective September 27, 2007)

Section 686.615 Environmental Modification Bidding Procedures and Requirements

- ~~a)~~ For environmental modification purchases costing \$1,500 or less, bids are not required.
- ~~b)~~ For environmental modification purchases costing more than \$1,500, 3 bids must be obtained using an Invitation to Bid form (IL 488-0293);
 - ~~1)~~ If an item is available from fewer than 3 sources, the maximum number of bids possible shall be obtained.
 - ~~2)~~ The lowest bid received from an eligible provider will be accepted.
 - ~~3)~~ All exceptions must have supervisory approval.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

(Source: Added at 31 Ill. Reg. 14238, effective September 27, 2007)

Section 686.620 Permanency of Environmental Modification

For environmental modifications ~~that~~~~which~~ cannot be detached from the dwelling, the home must be owned or mortgage held by the customer, ~~or other family member living in the home, If the home is not owned by the customer,~~ or the customer, with the assistance of the counselor, must obtain written permission of the ~~homeowner/property owner~~~~landlord~~ to make the modifications and to ensure that the ~~homeowner/property owner~~~~landlord~~ understands the permanency of the ~~modifications~~~~modification~~ and DHS-~~DRS'ORS~~ inability to return the building to its previous condition. A Homeowner/Lessor Agreement form (IL 488-0040) must be completed and signed by the homeowner/lessor, customer/lessee, and the counselor prior to the installation of any environmental modifications.

(Source: Amended at 31 Ill. Reg. 14238, effective September 27, 2007)

Section 686.630 Reason for Denial of Environmental Modification

Environmental modifications shall be denied when:

- a) the cost of the modifications ~~does~~~~do~~ not comply with the provisions of Section 686.~~605(c)~~~~610~~;
- b) the customer has a poor history as a tenant, or is otherwise not expected to remain in the home to be modified for a period of at least 1 year;
- c) the past practices or reputation of the landlord is unfavorable; or
- d) the modifications are for "value added" or cosmetic purposes.

(Source: Amended at 31 Ill. Reg. 14238, effective September 27, 2007)

Section 686.640 Verification of Environmental Modification

Within 30 days of the date of completion of the environmental ~~modifications~~~~modification~~, the counselor must make a home visit to inspect the modifications and to ensure customer satisfaction with the ~~modifications~~~~modification~~. A signed Receipt for Appliances, Merchandise and Supplies form (IL 488-1694)~~Signed verification~~ from the customer shall be required to verify receipt and satisfaction with the ~~modifications~~~~modification~~.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

(Source: Amended at 31 Ill. Reg. 14238, effective September 27, 2007)

SUBPART H: ASSISTIVE EQUIPMENT

Section 686.700 Description

Assistive Equipment - Items necessary to accommodate the customer's loss of function in the completion of his/her Activities of Daily Living (ADLs). This does not include medical supplies, disposable personal hygiene items, or items necessary for medical treatment.

(Source: Added at 31 Ill. Reg. 14238, effective September 27, 2007)

Section 686.705 Criteria for the Purchase, Rental, or Repair of Assistive Equipment

Assistive equipment may be provided to a customer if:

- a) the equipment will enable the customer to independently perform his/her ADLs, will result in a decreased need for assistance from another individual in the completion of his/her ADLs, will prevent an anticipated increase in service costs, or will improve the safety of the customer during the completion of his/her ADLs;
- b) there is an official communication/documentation in the file of Medicaid denial by the Department of Healthcare and Family Services (HFS) for the requested assistive equipment;
- c) there are no other resources, public or private, that will provide the equipment;
and
- d) the HSP total cost for purchases, rentals, and repairs of all assistive equipment and environmental modifications (89 Ill. Adm. Code 686.605(c)) does not exceed \$25,000 over 5 years.

(Source: Added at 31 Ill. Reg. 14238, effective September 27, 2007)

Section 686.708 Purchase, Rental, or Repair of Assistive Equipment

A prescription from a physician or licensed therapist is required for all purchases or rentals of medically-oriented assistive equipment.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

- a) Assistive equipment may be purchased when:
- 1) the customer is expected to need the equipment for a period to exceed 1 year;
 - 2) the cost of renting the equipment exceeds the purchase price of the equipment; or
 - 3) the equipment is not available for rental.
- b) Assistive equipment may be rented when:
- 1) the customer is not expected to need the equipment for an extended period of time (i.e., less than 1 year); and
 - 2) the rental cost for the equipment for the period the customer is expected to need the equipment is less than the purchase price for the equipment.
- c) Assistive equipment may be repaired when:
- 1) the equipment is already in the possession of the customer;
 - 2) the repair cost is less than the rental or purchase price for the same equipment; and
 - 3) the equipment, when repaired, is expected to have an increased useful life of at least 1 year.
- d) If an item is available for purchase, rental, or repair through Medicaid, DHS-DRS will not provide additional funding if an approved provider refuses to accept the Medicaid approved rate.

(Source: Added at 31 Ill. Reg. 14238, effective September 27, 2007)

Section 686.710 Provision of Assistive Equipment (Repealed)

- a) ~~Assistive equipment may be provided to a customer if:~~

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 1) ~~there are no other resources, public or private, which will provide the equipment;~~
 - 2) ~~the cost of providing the equipment, when amortized over a 12 month period and added to all other service costs, does not exceed the SCM (89 Ill. Adm. Code 679) established for the customer's case; and~~
 - 3) ~~the equipment reduces the need for an existing service and/or anticipated increase in a service provided through HSP.~~
- b) ~~Assistive equipment may be purchased, rented, or repaired for a customer, based on the following:~~
- 1) ~~assistive equipment shall be purchased when:~~
 - A) ~~the customer is expected to need the equipment for a period to exceed 1 year;~~
 - B) ~~the cost of renting the equipment exceeds the purchase price of the equipment; or~~
 - C) ~~the equipment is not available for rental;~~
 - 2) ~~assistive equipment shall be rented for a customer when:~~
 - A) ~~the customer is not expected to need the equipment for an extended period of time (i.e., less than 1 year); and~~
 - B) ~~the rental cost for the equipment for the period the customer is expected to need the equipment is less than the purchase price for the equipment; and~~
 - 3) ~~assistive equipment shall be repaired for a customer when:~~
 - A) ~~the equipment is already in the possession of the customer;~~
 - B) ~~the repair cost is less than the rental or purchase price for the same equipment; and~~

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

- ~~Ⓒ) the equipment, when repaired, is expected to have an increased useful life of at least 1 year.~~

(Source: Repealed at 31 Ill. Reg. 14238, effective September 27, 2007)

Section 686.~~715~~700 Assistive Equipment Provider Requirements

All ~~assistive equipment providers~~ ~~vendors which provide Assistive Equipment services~~ must:

- a) ~~meet the approval of the customer and counselor; be selected pursuant to the bidding requirement found at 44 Ill. Adm. Code 1175; and~~
- b) ~~submit a completed 1413A - Waiver Program Provider Agreement for Participation in the Illinois Medical Assistance Program form; and meet the approval of the customer and counselor.~~
- c) ~~submit a completed W-9 Request for Taxpayer Identification Number and Certificate.~~

(Source: Renumbered from Section 686.700 to Section 686.715 and amended at 31 Ill. Reg. 14238, effective September 27, 2007)

Section 686.720 Verification of Receipt of Assistive Equipment (Repealed)

- a) ~~Within 30 calendar days of receipt of purchased assistive equipment, the counselor must make a home visit to verify that the equipment has been delivered to the customer or repaired and to ensure customer satisfaction. Written verification from the customer shall be required to verify receipt and satisfaction.~~
- b) ~~Within 30 calendar days of rental or repair of assistive equipment, the counselor must contact the customer by phone or in person and document customer satisfaction with the rental/repair in the case file.~~

(Source: Repealed at 31 Ill. Reg. 14238, effective September 27, 2007)

Section 686.722 Assistive Equipment Bidding Procedures and Requirements

- a) For assistive equipment purchases costing \$1,500 or less, bids are not required.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

- b) For assistive equipment purchases costing more than \$1,500, 3 bids must be obtained using an Invitation to Bid form (IL 488-0293);
- 1) If an item is available from fewer than 3 sources, the maximum number of bids possible shall be obtained.
 - 2) The lowest bid received from an eligible provider will be accepted.
 - 3) All exceptions must have supervisory approval.

(Source: Added at 31 Ill. Reg. 14238, effective September 27, 2007)

Section 686.730 Verification of Receipt of, and Customer Satisfaction with, Assistive Equipment

Assistive equipment that is purchased, rented or repaired requires customer contact for verification of equipment/services provided. A Receipt for Appliances, Merchandise and Supplies form (IL 488-1694) must be completed and signed by the customer within 60 days after the equipment delivery, installation, or repair.

(Source: Added at 31 Ill. Reg. 14238, effective September 27, 2007)

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Definitions and General Provisions
- 2) Code Citation: 35 Ill. Adm. Code 211
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
211.740	New Section
211.1740	New Section
211.1920	Amended
211.3300	New Section
211.5640	New Section
- 4) Statutory Authority: Implementing Sections 9, 9.1, 9.9 and 10 and authorized by Sections 27 and 28.5 of the Environmental Protection Act [415 ILCS 5/9, 9.1, 9.9, 10, 27 and 28.5]
- 5) Effective Date of Amendments: September 25, 2007
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? Yes
- 8) The adopted amendments, including any material incorporated by reference, are on file in the Board's Chicago office at the James R. Thompson Center, 100 W. Randolph, Suite 11-500 and are available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: May 4, 2007; 31 Ill. Reg. 6578
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Differences between proposal and final version: In Section 211.1920(a) and (d), changed the reference to "emergency standby" to "emergency or standby".
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements letter issued by JCAR? Yes
- 13) Will these amendments replace any emergency amendments currently in effect? No
- 14) Are there any amendments pending on this Part? Yes

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

<u>Section Number:</u>	<u>Proposed Action:</u>	<u>Illinois Register Citation:</u>
211.1740	New Section	June 8, 2007; 31 Ill. Reg. 7683
211.1920	Amended	June 8, 2007; 31 Ill. Reg. 7683

- 15) Summary and Purpose of Amendments: For a more detailed discussion of these amendments, see the Board's September 20, 2007 opinion and order in docket R07-18. These adopted amendments are intended to meet certain obligations of the State of Illinois under the Clean Air Act, 42 U.S.C. § 7401 *et seq.* Specifically, the amendments satisfy Illinois' obligation to submit a State Implementation Plan to address the requirements of 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 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). Specifically, the amendments to Part 211 add new definitions to the Board's air regulations and amend another definition to clarify the substantive amendments found in Part 217, which is also amended in this issue of the *Illinois Register*.
- 16) Information and questions regarding these adopted amendments shall be directed to:
- Tim Fox
Illinois Pollution Control Board
100 W. Randolph, Ste. 11-500
Chicago, IL 60601
- 312/814-6085

Copies of the Board's opinions and orders may be requested from the Clerk of the Board at the address listed in #8 above or by calling 312/814-3620. Please refer to the Docket number R07-18 in your request. The Board order is also available from the Board's Web site (www.ipcb.state.il.us).

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

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE B: AIR POLLUTION
CHAPTER I: POLLUTION CONTROL BOARD
SUBCHAPTER c: EMISSION STANDARDS AND LIMITATIONS
FOR STATIONARY SOURCESPART 211
DEFINITIONS AND GENERAL PROVISIONS

SUBPART A: GENERAL PROVISIONS

Section	
211.101	Incorporations by Reference
211.102	Abbreviations and Conversion Factors

SUBPART B: DEFINITIONS

Section	
211.121	Other Definitions
211.122	Definitions (Repealed)
211.130	Accelacota
211.150	Accumulator
211.170	Acid Gases
211.210	Actual Heat Input
211.230	Adhesive
211.240	Adhesion Promoter
211.250	Aeration
211.270	Aerosol Can Filling Line
211.290	Afterburner
211.310	Air Contaminant
211.330	Air Dried Coatings
211.350	Air Oxidation Process
211.370	Air Pollutant
211.390	Air Pollution
211.410	Air Pollution Control Equipment
211.430	Air Suspension Coater/Dryer
211.450	Airless Spray
211.470	Air Assisted Airless Spray
211.474	Alcohol

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

211.479	Allowance
211.484	Animal
211.485	Animal Pathological Waste
211.490	Annual Grain Through-Put
211.495	Anti-Glare/Safety Coating
211.510	Application Area
211.530	Architectural Coating
211.550	As Applied
211.560	As-Applied Fountain Solution
211.570	Asphalt
211.590	Asphalt Prime Coat
211.610	Automobile
211.630	Automobile or Light-Duty Truck Assembly Source or Automobile or Light-Duty Truck Manufacturing Plant
211.650	Automobile or Light-Duty Truck Refinishing
211.660	Automotive/Transportation Plastic Parts
211.670	Baked Coatings
211.680	Bakery Oven
211.685	Basecoat/Clearcoat System
211.690	Batch Loading
211.695	Batch Operation
211.696	Batch Process Train
211.710	Bead-Dipping
211.730	Binders
<u>211.740</u>	<u>Brakehorsepower (rated-bhp)</u>
211.750	British Thermal Unit
211.770	Brush or Wipe Coating
211.790	Bulk Gasoline Plant
211.810	Bulk Gasoline Terminal
211.820	Business Machine Plastic Parts
211.830	Can
211.850	Can Coating
211.870	Can Coating Line
211.890	Capture
211.910	Capture Device
211.930	Capture Efficiency
211.950	Capture System
211.953	Carbon Adsorber
211.955	Cement

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

211.960	Cement Kiln
211.970	Certified Investigation
211.980	Chemical Manufacturing Process Unit
211.990	Choke Loading
211.1010	Clean Air Act
211.1050	Cleaning and Separating Operation
211.1070	Cleaning Materials
211.1090	Clear Coating
211.1110	Clear Topcoat
211.1120	Clinker
211.1130	Closed Purge System
211.1150	Closed Vent System
211.1170	Coal Refuse
211.1190	Coating
211.1210	Coating Applicator
211.1230	Coating Line
211.1250	Coating Plant
211.1270	Coil Coating
211.1290	Coil Coating Line
211.1310	Cold Cleaning
211.1312	Combined Cycle System
211.1316	Combustion Turbine
211.1320	Commence Commercial Operation
211.1324	Commence Operation
211.1328	Common Stack
211.1330	Complete Combustion
211.1350	Component
211.1370	Concrete Curing Compounds
211.1390	Concentrated Nitric Acid Manufacturing Process
211.1410	Condensate
211.1430	Condensable PM-10
211.1465	Continuous Automatic Stoking
211.1467	Continuous Coater
211.1470	Continuous Process
211.1490	Control Device
211.1510	Control Device Efficiency
211.1515	Control Period
211.1520	Conventional Air Spray
211.1530	Conventional Soybean Crushing Source

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

211.1550	Conveyorized Degreasing
211.1570	Crude Oil
211.1590	Crude Oil Gathering
211.1610	Crushing
211.1630	Custody Transfer
211.1650	Cutback Asphalt
211.1670	Daily-Weighted Average VOM Content
211.1690	Day
211.1710	Degreaser
211.1730	Delivery Vessel
<u>211.1740</u>	<u>Diesel Engine</u>
211.1750	Dip Coating
211.1770	Distillate Fuel Oil
211.1780	Distillation Unit
211.1790	Drum
211.1810	Dry Cleaning Operation or Dry Cleaning Facility
211.1830	Dump-Pit Area
211.1850	Effective Grate Area
211.1870	Effluent Water Separator
211.1875	Elastomeric Materials
211.1880	Electromagnetic Interference/Radio Frequency Interference (EMI/RFI) Shielding Coatings
211.1885	Electronic Component
211.1890	Electrostatic Bell or Disc Spray
211.1900	Electrostatic Prep Coat
211.1910	Electrostatic Spray
211.1920	Emergency or Standby Unit
211.1930	Emission Rate
211.1950	Emission Unit
211.1970	Enamel
211.1990	Enclose
211.2010	End Sealing Compound Coat
211.2030	Enhanced Under-the-Cup Fill
211.2050	Ethanol Blend Gasoline
211.2070	Excess Air
211.2080	Excess Emissions
211.2090	Excessive Release
211.2110	Existing Grain-Drying Operation (Repealed)
211.2130	Existing Grain-Handling Operation (Repealed)

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

211.2150	Exterior Base Coat
211.2170	Exterior End Coat
211.2190	External Floating Roof
211.2210	Extreme Performance Coating
211.2230	Fabric Coating
211.2250	Fabric Coating Line
211.2270	Federally Enforceable Limitations and Conditions
211.2285	Feed Mill
211.2290	Fermentation Time
211.2300	Fill
211.2310	Final Repair Coat
211.2330	Firebox
211.2350	Fixed-Roof Tank
211.2360	Flexible Coating
211.2365	Flexible Operation Unit
211.2370	Flexographic Printing
211.2390	Flexographic Printing Line
211.2410	Floating Roof
211.2420	Fossil Fuel
211.2425	Fossil Fuel-Fired
211.2430	Fountain Solution
211.2450	Freeboard Height
211.2470	Fuel Combustion Emission Unit or Fuel Combustion Emission Source
211.2490	Fugitive Particulate Matter
211.2510	Full Operating Flowrate
211.2530	Gas Service
211.2550	Gas/Gas Method
211.2570	Gasoline
211.2590	Gasoline Dispensing Operation or Gasoline Dispensing Facility
211.2610	Gel Coat
211.2620	Generator
211.2630	Gloss Reducers
211.2650	Grain
211.2670	Grain-Drying Operation
211.2690	Grain-Handling and Conditioning Operation
211.2710	Grain-Handling Operation
211.2730	Green-Tire Spraying
211.2750	Green Tires
211.2770	Gross Heating Value

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

211.2790	Gross Vehicle Weight Rating
211.2810	Heated Airless Spray
211.2815	Heat Input
211.2820	Heat Input Rate
211.2830	Heatset
211.2850	Heatset Web Offset Lithographic Printing Line
211.2870	Heavy Liquid
211.2890	Heavy Metals
211.2910	Heavy Off-Highway Vehicle Products
211.2930	Heavy Off-Highway Vehicle Products Coating
211.2950	Heavy Off-Highway Vehicle Products Coating Line
211.2970	High Temperature Aluminum Coating
211.2990	High Volume Low Pressure (HVL) Spray
211.3010	Hood
211.3030	Hot Well
211.3050	Housekeeping Practices
211.3070	Incinerator
211.3090	Indirect Heat Transfer
211.3110	Ink
211.3130	In-Process Tank
211.3150	In-Situ Sampling Systems
211.3170	Interior Body Spray Coat
211.3190	Internal-Floating Roof
211.3210	Internal Transferring Area
211.3230	Lacquers
211.3250	Large Appliance
211.3270	Large Appliance Coating
211.3290	Large Appliance Coating Line
<u>211.3300</u>	<u>Lean-Burn Engine</u>
211.3310	Light Liquid
211.3330	Light-Duty Truck
211.3350	Light Oil
211.3370	Liquid/Gas Method
211.3390	Liquid-Mounted Seal
211.3410	Liquid Service
211.3430	Liquids Dripping
211.3450	Lithographic Printing Line
211.3470	Load-Out Area
211.3480	Loading Event

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

211.3483	Long Dry Kiln
211.3485	Long Wet Kiln
211.3487	Low-NO _x Burner
211.3490	Low Solvent Coating
211.3500	Lubricating Oil
211.3510	Magnet Wire
211.3530	Magnet Wire Coating
211.3550	Magnet Wire Coating Line
211.3570	Major Dump Pit
211.3590	Major Metropolitan Area (MMA)
211.3610	Major Population Area (MPA)
211.3620	Manually Operated Equipment
211.3630	Manufacturing Process
211.3650	Marine Terminal
211.3660	Marine Vessel
211.3670	Material Recovery Section
211.3690	Maximum Theoretical Emissions
211.3695	Maximum True Vapor Pressure
211.3710	Metal Furniture
211.3730	Metal Furniture Coating
211.3750	Metal Furniture Coating Line
211.3770	Metallic Shoe-Type Seal
211.3780	Mid-Kiln Firing
211.3790	Miscellaneous Fabricated Product Manufacturing Process
211.3810	Miscellaneous Formulation Manufacturing Process
211.3830	Miscellaneous Metal Parts and Products
211.3850	Miscellaneous Metal Parts and Products Coating
211.3870	Miscellaneous Metal Parts or Products Coating Line
211.3890	Miscellaneous Organic Chemical Manufacturing Process
211.3910	Mixing Operation
211.3915	Mobile Equipment
211.3930	Monitor
211.3950	Monomer
211.3960	Motor Vehicles
211.3965	Motor Vehicle Refinishing
211.3970	Multiple Package Coating
211.3980	Nameplate Capacity
211.3990	New Grain-Drying Operation (Repealed)
211.4010	New Grain-Handling Operation (Repealed)

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

211.4030	No Detectable Volatile Organic Material Emissions
211.4050	Non-Contact Process Water Cooling Tower
211.4055	Non-Flexible Coating
211.4065	Non-Heatset
211.4067	NO _x Trading Program
211.4070	Offset
211.4090	One Hundred Percent Acid
211.4110	One-Turn Storage Space
211.4130	Opacity
211.4150	Opaque Stains
211.4170	Open Top Vapor Degreasing
211.4190	Open-Ended Valve
211.4210	Operator of a Gasoline Dispensing Operation or Operator of a Gasoline Dispensing Facility
211.4230	Organic Compound
211.4250	Organic Material and Organic Materials
211.4260	Organic Solvent
211.4270	Organic Vapor
211.4290	Oven
211.4310	Overall Control
211.4330	Overvarnish
211.4350	Owner of a Gasoline Dispensing Operation or Owner of a Gasoline Dispensing Facility
211.4370	Owner or Operator
211.4390	Packaging Rotogravure Printing
211.4410	Packaging Rotogravure Printing Line
211.4430	Pail
211.4450	Paint Manufacturing Source or Paint Manufacturing Plant
211.4470	Paper Coating
211.4490	Paper Coating Line
211.4510	Particulate Matter
211.4530	Parts Per Million (Volume) or PPM (Vol)
211.4550	Person
211.4590	Petroleum
211.4610	Petroleum Liquid
211.4630	Petroleum Refinery
211.4650	Pharmaceutical
211.4670	Pharmaceutical Coating Operation
211.4690	Photochemically Reactive Material

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

211.4710	Pigmented Coatings
211.4730	Plant
211.4740	Plastic Part
211.4750	Plasticizers
211.4770	PM-10
211.4790	Pneumatic Rubber Tire Manufacture
211.4810	Polybasic Organic Acid Partial Oxidation Manufacturing Process
211.4830	Polyester Resin Material(s)
211.4850	Polyester Resin Products Manufacturing Process
211.4870	Polystyrene Plant
211.4890	Polystyrene Resin
211.4910	Portable Grain- Handling Equipment
211.4930	Portland Cement Manufacturing Process Emission Source
211.4950	Portland Cement Process or Portland Cement Manufacturing Plant
211.4960	Potential Electrical Output Capacity
211.4970	Potential to Emit
211.4990	Power Driven Fastener Coating
211.5010	Precoat
211.5015	Preheater Kiln
211.5020	Preheater/Precalciner Kiln
211.5030	Pressure Release
211.5050	Pressure Tank
211.5060	Pressure/Vacuum Relief Valve
211.5061	Pretreatment Wash Primer
211.5065	Primary Product
211.5070	Prime Coat
211.5080	Primer Sealer
211.5090	Primer Surfacer Coat
211.5110	Primer Surfacer Operation
211.5130	Primers
211.5150	Printing
211.5170	Printing Line
211.5185	Process Emission Source
211.5190	Process Emission Unit
211.5210	Process Unit
211.5230	Process Unit Shutdown
211.5245	Process Vent
211.5250	Process Weight Rate
211.5270	Production Equipment Exhaust System

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

211.5310	Publication Rotogravure Printing Line
211.5330	Purged Process Fluid
211.5340	Rated Heat Input Capacity
211.5350	Reactor
211.5370	Reasonably Available Control Technology (RACT)
211.5390	Reclamation System
211.5410	Refiner
211.5430	Refinery Fuel Gas
211.5450	Refinery Fuel Gas System
211.5470	Refinery Unit or Refinery Process Unit
211.5480	Reflective Argent Coating
211.5490	Refrigerated Condenser
211.5500	Regulated Air Pollutant
211.5510	Reid Vapor Pressure
211.5530	Repair
211.5550	Repair Coat
211.5570	Repaired
211.5580	Repowering
211.5590	Residual Fuel Oil
211.5600	Resist Coat
211.5610	Restricted Area
211.5630	Retail Outlet
<u>211.5640</u>	<u>Rich-Burn Engine</u>
211.5650	Ringelmann Chart
211.5670	Roadway
211.5690	Roll Coater
211.5710	Roll Coating
211.5730	Roll Printer
211.5750	Roll Printing
211.5770	Rotogravure Printing
211.5790	Rotogravure Printing Line
211.5810	Safety Relief Valve
211.5830	Sandblasting
211.5850	Sanding Sealers
211.5870	Screening
211.5880	Screen Printing on Paper
211.5890	Sealer
211.5910	Semi-Transparent Stains
211.5930	Sensor

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

211.5950	Set of Safety Relief Valves
211.5970	Sheet Basecoat
211.5980	Sheet-Fed
211.5990	Shotblasting
211.6010	Side-Seam Spray Coat
211.6025	Single Unit Operation
211.6030	Smoke
211.6050	Smokeless Flare
211.6060	Soft Coat
211.6070	Solvent
211.6090	Solvent Cleaning
211.6110	Solvent Recovery System
211.6130	Source
211.6140	Specialty Coatings
211.6145	Specialty Coatings for Motor Vehicles
211.6150	Specialty High Gloss Catalyzed Coating
211.6170	Specialty Leather
211.6190	Specialty Soybean Crushing Source
211.6210	Splash Loading
211.6230	Stack
211.6250	Stain Coating
211.6270	Standard Conditions
211.6290	Standard Cubic Foot (scf)
211.6310	Start-Up
211.6330	Stationary Emission Source
211.6350	Stationary Emission Unit
211.6355	Stationary Gas Turbine
211.6360	Stationary Reciprocating Internal Combustion Engine
211.6370	Stationary Source
211.6390	Stationary Storage Tank
211.6400	Stencil Coat
211.6410	Storage Tank or Storage Vessel
211.6420	Strippable Spray Booth Coating
211.6430	Styrene Devolatilizer Unit
211.6450	Styrene Recovery Unit
211.6470	Submerged Loading Pipe
211.6490	Substrate
211.6510	Sulfuric Acid Mist
211.6530	Surface Condenser

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

211.6540	Surface Preparation Materials
211.6550	Synthetic Organic Chemical or Polymer Manufacturing Plant
211.6570	Tablet Coating Operation
211.6580	Texture Coat
211.6590	Thirty-Day Rolling Average
211.6610	Three-Piece Can
211.6620	Three or Four Stage Coating System
211.6630	Through-the-Valve Fill
211.6650	Tooling Resin
211.6670	Topcoat
211.6690	Topcoat Operation
211.6695	Topcoat System
211.6710	Touch-Up
211.6720	Touch-Up Coating
211.6730	Transfer Efficiency
211.6750	Tread End Cementing
211.6770	True Vapor Pressure
211.6790	Turnaround
211.6810	Two-Piece Can
211.6830	Under-the-Cup Fill
211.6850	Undertread Cementing
211.6860	Uniform Finish Blender
211.6870	Unregulated Safety Relief Valve
211.6880	Vacuum Metallizing
211.6890	Vacuum Producing System
211.6910	Vacuum Service
211.6930	Valves Not Externally Regulated
211.6950	Vapor Balance System
211.6970	Vapor Collection System
211.6990	Vapor Control System
211.7010	Vapor-Mounted Primary Seal
211.7030	Vapor Recovery System
211.7050	Vapor-Suppressed Polyester Resin
211.7070	Vinyl Coating
211.7090	Vinyl Coating Line
211.7110	Volatile Organic Liquid (VOL)
211.7130	Volatile Organic Material Content (VOMC)
211.7150	Volatile Organic Material (VOM) or Volatile Organic Compound (VOC)
211.7170	Volatile Petroleum Liquid

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

211.7190	Wash Coat
211.7200	Washoff Operations
211.7210	Wastewater (Oil/Water) Separator
211.7230	Weak Nitric Acid Manufacturing Process
211.7250	Web
211.7270	Wholesale Purchase – Consumer
211.7290	Wood Furniture
211.7310	Wood Furniture Coating
211.7330	Wood Furniture Coating Line
211.7350	Woodworking
211.7400	Yeast Percentage

211.APPENDIX A Rule into Section Table

211.APPENDIX B Section into Rule Table

AUTHORITY: Implementing Sections 9, 9.1, 9.9 and 10 and authorized by Sections 27 and 28.5 of the Environmental Protection Act [415 ILCS 5/9, 9.1, 9.9, 10, 27 and 28.5].

SOURCE: Adopted as Chapter 2: Air Pollution, Rule 201: Definitions, R71-23, 4 PCB 191, filed and effective April 14, 1972; amended in R74-2 and R75-5, 32 PCB 295, at 3 Ill. Reg. 5, p. 777, effective February 3, 1979; amended in R78-3 and 4, 35 PCB 75 and 243, at 3 Ill. Reg. 30, p. 124, effective July 28, 1979; amended in R80-5, at 7 Ill. Reg. 1244, effective January 21, 1983; codified at 7 Ill. Reg. 13590; amended in R82-1 (Docket A) at 10 Ill. Reg. 12624, effective July 7, 1986; amended in R85-21(A) at 11 Ill. Reg. 11747, effective June 29, 1987; amended in R86-34 at 11 Ill. Reg. 12267, effective July 10, 1987; amended in R86-39 at 11 Ill. Reg. 20804, effective December 14, 1987; amended in R82-14 and R86-37 at 12 Ill. Reg. 787, effective December 24, 1987; amended in R86-18 at 12 Ill. Reg. 7284, effective April 8, 1988; amended in R86-10 at 12 Ill. Reg. 7621, effective April 11, 1988; amended in R88-23 at 13 Ill. Reg. 10862, effective June 27, 1989; amended in R89-8 at 13 Ill. Reg. 17457, effective January 1, 1990; amended in R89-16(A) at 14 Ill. Reg. 9141, effective May 23, 1990; amended in R88-30(B) at 15 Ill. Reg. 5223, effective March 28, 1991; amended in R88-14 at 15 Ill. Reg. 7901, effective May 14, 1991; amended in R91-10 at 15 Ill. Reg. 15564, effective October 11, 1991; amended in R91-6 at 15 Ill. Reg. 15673, effective October 14, 1991; amended in R91-22 at 16 Ill. Reg. 7656, effective May 1, 1992; amended in R91-24 at 16 Ill. Reg. 13526, effective August 24, 1992; amended in R93-9 at 17 Ill. Reg. 16504, effective September 27, 1993; amended in R93-11 at 17 Ill. Reg. 21471, effective December 7, 1993; amended in R93-14 at 18 Ill. Reg. 1253, effective January 18, 1994; amended in R94-12 at 18 Ill. Reg. 14962, effective September 21, 1994; amended in R94-14 at 18 Ill. Reg. 15744, effective October 17, 1994; amended in R94-15 at 18 Ill. Reg. 16379, effective October 25, 1994; amended in R94-16 at 18 Ill. Reg.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

16929, effective November 15, 1994; amended in R94-21, R94-31 and R94-32 at 19 Ill. Reg. 6823, effective May 9, 1995; amended in R94-33 at 19 Ill. Reg. 7344, effective May 22, 1995; amended in R95-2 at 19 Ill. Reg. 11066, effective July 12, 1995; amended in R95-16 at 19 Ill. Reg. 15176, effective October 19, 1995; amended in R96-5 at 20 Ill. Reg. 7590, effective May 22, 1996; amended in R96-16 at 21 Ill. Reg. 2641, effective February 7, 1997; amended in R97-17 at 21 Ill. Reg. 6489, effective May 16, 1997; amended in R97-24 at 21 Ill. Reg. 7695, effective June 9, 1997; amended in R96-17 at 21 Ill. Reg. 7856, effective June 17, 1997; amended in R97-31 at 22 Ill. Reg. 3497, effective February 2, 1998; amended in R98-17 at 22 Ill. Reg. 11405, effective June 22, 1998; amended in R01-9 at 25 Ill. Reg. 108, effective December 26, 2000; amended in R01-11 at 25 Ill. Reg. 4582, effective March 15, 2001; amended in R01-17 at 25 Ill. Reg. 5900, effective April 17, 2001; amended in R05-16 at 29 Ill. Reg. 8181, effective May 23, 2005; amended in R05-11 at 29 Ill. Reg. 8892, effective June 13, 2005; amended in R04-12/20 at 30 Ill. Reg. 9654, effective May 15, 2006; amended in R07-18 at 31 Ill. Reg. 14254, effective September 25, 2007.

SUBPART B: DEFINITIONS

Section 211.740 Brakehorsepower (rated-bhp)

"Brakehorsepower" or "bhp" means the rated horsepower capacity of the engine as defined on the engine nameplate at standard conditions.

(Source: Added at 31 Ill. Reg. 14254, effective September 25, 2007)

Section 211.1740 Diesel Engine

"Diesel engine" means, for the purposes of 35 Ill. Adm. Code 217, Subpart Q, a compression ignited two- or four-stroke engine in which liquid fuel injected into the combustion chamber ignites when the air charge is compressed to a temperature sufficiently high for auto-ignition.

(Source: Added at 31 Ill. Reg. 14254, effective September 25, 2007)

Section 211.1920 Emergency or Standby Unit

"Emergency or Standby Unit" means, for a stationary gas turbine or a stationary reciprocating internal combustion engine, a unit that:

- a) Supplies power for the source at which it is located but operates only when the normal supply of power has been rendered unavailable by circumstances beyond

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

the control of the owner or operator of the source and only as necessary to assure the availability of the engine or turbine. An emergency or standby unit may not be operated to supplement a primary power source when the load capacity or rating of the primary power source has been reached or exceeded.;

- b) Operates exclusively for firefighting or flood control or both. ~~;~~
- c) Operates in response to and during the existence of any officially declared disaster or state of emergency.
- d) Operates for the purpose of testing, repair or routine maintenance to verify its readiness for emergency or standby use.

The term does not include equipment used for purposes other than emergencies, as described above, such as to supply power during high electric demand days.

(Source: Amended at 31 Ill. Reg. 14254, effective September 25, 2007)

Section 211.3300 Lean-Burn Engine

"Lean-burn engine" means any spark-ignited engine that is not a rich-burn engine.

(Source: Added at 31 Ill. Reg. 14254, effective September 25, 2007)

Section 211.5640 Rich-Burn Engine

"Rich-burn engine" means a spark-ignited engine where the oxygen content in the exhaust stream of the engine before any dilutions is 1 percent or less by volume measured on a dry basis.

(Source: Added at 31 Ill. Reg. 14254, effective September 25, 2007)

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Nitrogen Oxides Emissions
- 2) Code Citation: 35 Ill. Adm. Code 217
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
217.101	Amended
217.102	Amended
217.104	Amended
217.386	New Section
217.388	New Section
217.390	New Section
217.392	New Section
217.394	New Section
217.396	New Section
217.APPENDIX G	New Section
- 4) Statutory Authority: Implementing Sections 9, 9.1, 9.9 and 10 and authorized by Sections 27 and 28.5 of the Environmental Protection Act [415 ILCS 5/9, 9.1, 9.9, 10, 27 and 28.5]
- 5) Effective Date of Amendments: September 25, 2007
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these amendments contain incorporations by reference? Yes
- 8) The adopted amendments, including any material incorporated by reference, are on file in the Board's Chicago office at the James R. Thompson Center, 100 W. Randolph, Suite 11-500 and are available for public inspection.
- 10) Notice of Proposal Published in Illinois Register: May 4, 2007; 31 Ill. Reg. 6597
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Differences between proposal and final version: The Board deleted any proposed language that did not directly apply to the control of No_x emissions from large stationary reciprocating combustion engines.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

The Board opened a new docket, Nitrogen Oxide (NO_x) Emissions From Stationary Reciprocating Internal Combustion Engines and Turbines: Amendments to 35 Ill. Adm. Code Parts 211 and 217 (R07-19), to address the portions of the rulemaking that were not applicable in the R07-18 fast track rule. First notice of those amendments was published in the *Illinois Register* on June 8, 2007 at 31 Ill. Reg. 7683 and 7702.

The Board made some additional changes to the amendments in response to the July 5, 2007 comments of the Agency that were intended to clarify or correct portions of the rulemaking that remained after the bifurcation.

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

<u>Section Numbers:</u>	<u>Proposed Action:</u>	<u>Illinois Register Citation:</u>
217.386	New Section	June 8, 2007; 31 Ill. Reg. 7702
217.388	New Section	June 8, 2007; 31 Ill. Reg. 7702
217.390	New Section	June 8, 2007; 31 Ill. Reg. 7702
217.392	New Section	June 8, 2007; 31 Ill. Reg. 7702
217.394	New Section	June 8, 2007; 31 Ill. Reg. 7702
217.396	New Section	June 8, 2007; 31 Ill. Reg. 7702

- 15) Summary and Purpose of Amendments: For a more detailed discussion of these amendments, see the Board's September 20, 2007 opinion and order in docket R07-18. These adopted amendments are intended to meet certain obligations of the State of Illinois under the Clean Air Act, 42 U.S.C. § 7401 *et seq.* Specifically, the amendments satisfy Illinois' obligation to submit a State Implementation Plan to address the requirements of 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 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).

Specifically, the amendments to Part 217 adopt a new Subpart Q and Appendix G that address the control of NO_x emissions from stationary reciprocating internal combustion engines, including a number of compliance, reporting, and recordkeeping requirements.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

The adopted amendments contain updates to measurement methods and to the materials that are incorporated by reference in Part 217. The applicability section clarifies that the requirements of Subpart Q are applicable to the engines that are listed in Appendix G. The amendments contain specific requirements regarding testing and monitoring that address both initial performance and ongoing testing requirements.

The control and maintenance requirements of Subpart Q include limits on the discharge of NO_x and offer compliance options to owners and operators through emissions averaging plans (as an alternative to the use of concentration limits). The amendments include standards and requirements for the emissions averaging plans that include a requirement that units must be located in Illinois and be owned by the same parent company. Additionally, units can be used in only one emissions averaging plan. Further requirements for emissions averaging plans include requiring demonstrations of compliance with the ozone season and calendar year standards, formulas for demonstrating this compliance, and equations to determine the affected units' actual NO_x emissions for the type of fuel that the unit uses. Units included in an emissions averaging plan must undergo testing once every five years.

The amendments also adopt conditions for units that use continuous emissions monitoring systems (CEMS) in lieu of stack testing and portable monitoring. Units that are equipped with CEMS that meet specific federal requirements or that are following alternative procedures that have been approved by the IEPA or the USEPA in a federally enforceable permit are allowed alternative testing and monitoring requirements.

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

Tim Fox
Illinois Pollution Control Board
100 W. Randolph, Ste. 11-500
Chicago, IL 60601

312/814-6085

Copies of the Board's opinions and orders may be requested from the Clerk of the Board at the address listed in #8 above or by calling 312/814-3620. Please refer to the Docket number R07-18 in your request. The Board order is also available from the Board's Web site (www.ipcb.state.il.us)

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

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE B: AIR POLLUTION
CHAPTER I: POLLUTION CONTROL BOARD
SUBCHAPTER c: EMISSION STANDARDS AND LIMITATIONS
FOR STATIONARY SOURCES

PART 217
NITROGEN OXIDES EMISSIONS

SUBPART A: GENERAL PROVISIONS

- Section
- 217.100 Scope and Organization
- 217.101 Measurement Methods
- 217.102 Abbreviations and Units
- 217.103 Definitions
- 217.104 Incorporations by Reference

SUBPART B: NEW FUEL COMBUSTION EMISSION SOURCES

- Section
- 217.121 New Emission Sources

SUBPART C: EXISTING FUEL COMBUSTION EMISSION SOURCES

- Section
- 217.141 Existing Emission Sources in Major Metropolitan Areas

SUBPART K: PROCESS EMISSION SOURCES

- Section
- 217.301 Industrial Processes

SUBPART O: CHEMICAL MANUFACTURE

- Section
- 217.381 Nitric Acid Manufacturing Processes

SUBPART Q: STATIONARY RECIPROCATING

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POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

INTERNAL COMBUSTION ENGINES AND TURBINESSection

<u>217.386</u>	<u>Applicability</u>
<u>217.388</u>	<u>Control and Maintenance Requirements</u>
<u>217.390</u>	<u>Emissions Averaging Plans</u>
<u>217.392</u>	<u>Compliance</u>
<u>217.394</u>	<u>Testing and Monitoring</u>
<u>217.396</u>	<u>Recordkeeping and Reporting</u>

SUBPART T: CEMENT KILNS

Section

217.400	Applicability
217.402	Control Requirements
217.404	Testing
217.406	Monitoring
217.408	Reporting
217.410	Recordkeeping

SUBPART U: NO_x CONTROL AND TRADING PROGRAM FOR
SPECIFIED NO_x GENERATING UNITS

Section

217.450	Purpose
217.452	Severability
217.454	Applicability
217.456	Compliance Requirements
217.458	Permitting Requirements
217.460	Subpart U NO _x Trading Budget
217.462	Methodology for Obtaining NO _x Allocations
217.464	Methodology for Determining NO _x Allowances from the New Source Set-Aside
217.466	NO _x Allocations Procedure for Subpart U Budget Units
217.468	New Source Set-Asides for "New" Budget Units
217.470	Early Reduction Credits (ERCs) for Budget Units
217.472	Low-Emitter Requirements
217.474	Opt-In Units
217.476	Opt-In Process
217.478	Opt-In Budget Units: Withdrawal from NO _x Trading Program
217.480	Opt-In Units: Change in Regulatory Status

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

217.482 Allowance Allocations to Opt-In Budget Units

SUBPART V: ELECTRIC POWER GENERATION

Section

217.521 Lake of Egypt Power Plant
217.700 Purpose
217.702 Severability
217.704 Applicability
217.706 Emission Limitations
217.708 NO_x Averaging
217.710 Monitoring
217.712 Reporting and Recordkeeping

SUBPART W: NO_x TRADING PROGRAM FOR
ELECTRICAL GENERATING UNITS

Section

217.750 Purpose
217.752 Severability
217.754 Applicability
217.756 Compliance Requirements
217.758 Permitting Requirements
217.760 NO_x Trading Budget
217.762 Methodology for Calculating NO_x Allocations for Budget Electrical Generating Units (EGUs)
217.764 NO_x Allocations for Budget EGUs
217.768 New Source Set-Asides for "New" Budget EGUs
217.770 Early Reduction Credits for Budget EGUs
217.774 Opt-In Units
217.776 Opt-In Process
217.778 Budget Opt-In Units: Withdrawal from NO_x Trading Program
217.780 Opt-In Units: Change in Regulatory Status
217.782 Allowance Allocations to Budget Opt-In Units

SUBPART X: VOLUNTARY NO_x EMISSIONS REDUCTION PROGRAM

Section

217.800 Purpose

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

217.805	Emission Unit Eligibility
217.810	Participation Requirements
217.815	NO _x Emission Reductions and the Subpart X NO _x Trading Budget
217.820	Baseline Emissions Determination
217.825	Calculation of Creditable NO _x Emission Reductions
217.830	Limitations on NO _x Emission Reductions
217.835	NO _x Emission Reduction Proposal
217.840	Agency Action
217.845	Emissions Determination Methods
217.850	Emissions Monitoring
217.855	Reporting
217.860	Recordkeeping
217.865	Enforcement
217.APPENDIX A	Rule into Section Table
217.APPENDIX B	Section into Rule Table
217.APPENDIX C	Compliance Dates
217.APPENDIX D	Non-Electrical Generating Units
217.APPENDIX E	Large Non-Electrical Generating Units
217.APPENDIX F	Allowances for Electrical Generating Units
217.APPENDIX G	Existing Reciprocating Internal Combustion Engines Affected by the NO_x SIP Call

AUTHORITY: 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 (2004)].

SOURCE: Adopted as Chapter 2: Air Pollution, Rule 207: Nitrogen Oxides Emissions, R71-23, 4 PCB 191, April 13, 1972, filed and effective April 14, 1972; amended at 2 Ill. Reg. 17, p. 101, effective April 13, 1978; codified at 7 Ill. Reg. 13609; amended in R01-9 at 25 Ill. Reg. 128, effective December 26, 2000; amended in R01-11 at 25 Ill. Reg. 4597, effective March 15, 2001; amended in R01-16 and R01-17 at 25 Ill. Reg. 5914, effective April 17, 2001; amended in R07-18 at 31 Ill. Reg. 14271, effective September 25, 2007

SUBPART A: GENERAL PROVISIONS

Section 217.101 Measurement Methods

Measurement of nitrogen oxides must be according to:

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- a) The phenol disulfonic acid ~~procedures method~~, 40 CFR 60, Appendix A, Method 7, as incorporated by reference in Section 217.104(1999);
- b) Continuous emissions monitoring pursuant to 40 CFR 75, as incorporated by reference in Section 217.104(1999); ~~and~~
- c) Determination of Nitrogen Oxides Emissions from Stationary Sources (Instrumental Analyzer Procedure), 40 CFR 60, Appendix A, Method 7E, as incorporated by reference in Section 217.104(1999).
- d) Monitoring with portable monitors pursuant to ASTM D6522-00, as incorporated by reference in Section 217.104; and
- e) How do I conduct the initial and subsequent performance tests (for turbines), regarding NO_x pursuant to 40 CFR 60.4400, as incorporated by reference in Section 217.104.

(Source: Amended at 31 Ill. Reg. 14271, effective September 25, 2007)

Section 217.102 Abbreviations and Units

- a) The following abbreviations are used in this Part:

ASTM	<u>American Society for Testing and Materials</u>
Btu	British thermal unit (60 °F)
bhp	<u>brake horsepower</u>
CEMS	<u>continuous emissions monitoring system</u>
EGU	Electrical Generating Unit
dscf	<u>dry standard cubic feet</u>
g/bhp-hr	<u>grams per brake horsepower-hour</u>
kg	kilogram
kg/MW-hr	kilograms per megawatt-hour, usually used as an hourly emission rate
lb	pound
NO_x	<u>Nitrogen Oxides</u>
lbs/mmBtu	pounds per million Btu btu , usually used as an hourly emission rate
lbs/mmbtu	rate
Mg	megagram or metric ton tonne
mm	<u>million</u>

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

mmBtu	million British thermal units
mmbtu	
mmBtu/hr	million British thermal units per hour
mmbtu/hr	
MWe	megawatt of electricity
MW	megawatt; one million watts
MW-hr	megawatt-hour
<u>NATS</u>	<u>NO_x Allowance Tracking System</u>
<u>NO₂</u>	<u>nitrogen dioxide</u>
<u>NO_x</u>	<u>nitrogen oxides</u>
<u>O₂</u>	<u>oxygen</u>
<u>psia</u>	<u>pounds per square inch absolute</u>
peoc	potential electrical output capacity
<u>PTE</u>	<u>potential to emit</u>
ppm	parts per million
ppmv	parts per million by volume
T	English ton
<u>TPY</u>	<u>tons per year</u>

- b) The following conversion factors have been used in this Part:

English	Metric
2.205 lb	1 kg
1 T	0.907 Mg
1 lb/T	0.500 kg/Mg
Mmbtu/hr	0.293 MW
1 lb/mmbtu	1.548 kg/MW-hr

(Source: Amended at 31 Ill. Reg. 14271, effective September 25, 2007)

Section 217.104 Incorporations by Reference

The following materials are incorporated by reference. These incorporations do not include any later amendments or editions.

- a) The phenol disulfonic acid procedures method, as published in 40 CFR 60, appendix Appendix A, Method 7 (2000)(1999);
- b) 40 CFR 96, subparts B, D, G, and H (1999);

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- c) 40 CFR 96.1 through 96.3, 96.5 through 96.7, 96.50 through 96.54, 96.55(a) & (b), 96.56 and 96.57 (1999);
- d) 40 CFR 60, 72, 75 & 76 (2006)(1999);
- e) Alternative Control Techniques Document – NO_x Emissions from Cement Manufacturing, EPA-453/R94-004, U.S. Environmental Protection Agency-Office of Air Quality Planning and Standards, Research Triangle Park, N.C. 27711, March 1994;
- f) Section 11.6, Portland Cement Manufacturing, AP-42 Compilation of Air Emission Factors, Volume 1: Stationary Point and Area Sources, U.S. Environmental Protection Agency-Office of Air Quality Planning and Standards, Research Triangle Park, N.C. 27711, revised January 1995;
- g) 40 CFR 60.13 (2001)(1999); and
- h) 40 CFR 60, Appendix A, Methods 3A, 7, 7A, 7C, 7D, ~~and 7E~~, 19, and 20 (2000); (1999);
- i) ASTM D6522-00, Standard Test Method for Determination of Nitrogen Oxides, Carbon Monoxide, and Oxygen Concentrations in Emissions from Natural Gas-Fired Reciprocating Engines, Combustion Turbines, Boilers, and Process Heaters Using Portable Analyzers (2000);
- k) Standards of Performance for Stationary Combustion Turbines, 40 CFR 60, subpart KKKK, 60.4400 (2006); and
- l) Compilation of Air Pollutant Emission Factors: AP-42, Volume I: Stationary Point and Area Sources (2000), USEPA.

(Source: Amended at 31 Ill. Reg. 14271, effective September 25, 2007)

SUBPART Q: STATIONARY RECIPROCATING
INTERNAL COMBUSTION ENGINES AND TURBINES

Section 217.386 Applicability

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

A stationary reciprocating internal combustion engine listed in Appendix G of this Part is subject to the requirements of this Subpart Q.

(Source: Added at 31 Ill. Reg. 14271, effective September 25, 2007)

Section 217.388 Control and Maintenance Requirements

On and after the applicable compliance date in Section 217.392, an owner or operator of an affected unit must inspect and maintain affected units as required by subsection (c) of this Section and comply with either the applicable emissions concentration as set forth in subsection (a) of this Section, or the requirements for an emissions averaging plan as specified in subsection (b) of this Section.

- a) The owner or operator must limit the discharge from an affected unit into the atmosphere of any gases that contain NO_x to no more than:
 - 1) 150 ppmv (corrected to 15 percent O₂ on a dry basis) for spark-ignited rich-burn engines;
 - 2) 210 ppmv (corrected to 15 percent O₂ on a dry basis) for spark-ignited lean-burn engines.
- b) The owner or operator must comply with the requirements of the applicable emissions averaging plan as set forth in Section 217.390.
- c) The owner or operator must inspect and perform periodic maintenance on the affected unit, in accordance with a Maintenance Plan that documents:
 - 1) For a unit not located at a natural gas transmission compressor station or storage facility, either:
 - A) The manufacturer's recommended inspection and maintenance of the applicable air pollution control equipment, monitoring device, and affected unit; or
 - B) If the original equipment manual is not available or substantial modifications have been made that require an alternative procedure for the applicable air pollution control device, monitoring device, or affected unit, the owner or operator must establish a plan for

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

inspection and maintenance in accordance with what is customary for the type of air pollution control equipment, monitoring device, and affected unit.

- 2) For a unit located at a natural gas compressor station or storage facility, the operator's maintenance procedures for the applicable air pollution control device, monitoring device, and affected unit.

(Source: Added at 31 Ill. Reg. 14271, effective September 25, 2007)

Section 217.390 Emissions Averaging Plans

- a) An owner or operator of certain affected units may comply through an emissions averaging plan.
 - 1) The unit or units that commenced operation before January 1, 2002 may be included in an emissions averaging plan as follows: units located at a single source or at multiple sources in Illinois, so long as the units are owned by the same company or parent company where the parent company has working control through stock ownership of its subsidiary corporations. A unit may be listed in only one emissions averaging plan.
 - 2) The following types of units may not be included in an emissions averaging plan: units that commence operation after January 1, 2002, unless the unit replaces an engine or turbine that commenced operation on or before January 1, 2002, or it replaces an engine or turbine that replaced a unit that commenced operation on or before January 1, 2002. The new unit must be used for the same purpose as the replacement unit. The owner or operator of a unit that is shut down and replaced must comply with the provisions of Section 217.396(d)(3) before the replacement unit may be included in an emissions averaging plan.
- b) An owner or operator must submit an emissions averaging plan to the Agency by the applicable compliance date set forth in Section 217.392. The plan must include, but is not limited to:
 - 1) The list of affected units included in the plan by unit identification number and permit number.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- 2) A sample calculation demonstrating compliance using the methodology provided in subsection (f) of this Section for both the ozone season and calendar year.
- c) An owner or operator may amend an emissions averaging plan only once per calendar year. An amended plan must be submitted to the Agency by May 1 of the applicable calendar year. If an amended plan is not received by the Agency by May 1 of the applicable calendar year, the previous year's plan will be the applicable emissions averaging plan.
- d) Notwithstanding subsection (c) of this Section, an owner or operator, and the buyer, if applicable, must submit an updated emissions averaging plan or plans to the Agency within 60 days if a unit that is listed in an emissions averaging plan is sold or taken out of service.
- e) An owner or operator must:
- 1) Demonstrate compliance for both the ozone season (May 1 through September 30) and the calendar year (January 1 through December 31) by using the methodology and the units listed in the most recent emissions averaging plan submitted to the Agency pursuant to subsection (b) of this Section; the higher of the monitoring or test data determined pursuant to Section 217.394; and the actual hours of operation for the applicable control period;
 - 2) Notify the Agency by October 31 following the ozone season, if compliance cannot be demonstrated for that ozone season; and
 - 3) Submit to the Agency, by January 31 following each calendar year, a compliance report containing the information required by Section 217.396(c)(4).
- f) The total mass of actual NO_x emissions from the units listed in the emissions averaging plan must be equal to or less than the total mass of allowable NO_x emissions for those units for both the ozone season and calendar year. The following equation must be used to determine compliance:

$$\underline{N_{act} \leq N_{all}}$$

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Where:

$$\underline{N}_{act} \equiv \sum_{i=1}^n \underline{EM}_{act(i)}$$

$$\underline{N}_{all} \equiv \sum_{i=1}^n \underline{EM}_{all(i)}$$

\underline{N}_{act} \equiv Total sum of the actual NO_x mass emissions from units included in the averaging plan for each fuel used (lbs per ozone season and calendar year).

\underline{N}_{all} \equiv Total sum of the allowable NO_x mass emissions from units included in the averaging plan for each fuel used (lbs per ozone season and calendar year).

$\underline{EM}_{all(i)}$ \equiv Total mass of allowable NO_x emissions in lbs for a unit as determined in subsection (g)(2) or (h)(2) of this Section.

$\underline{EM}_{act(i)}$ \equiv Total mass of actual NO_x emissions in lbs for a unit as determined in subsection (g)(1) or (h)(1) of this Section.

i \equiv Subscript denoting an individual unit and fuel used.

n \equiv Number of different units in the averaging plan.

g) For each unit in the averaging plan, and each fuel used by a unit, determine actual and allowable NO_x emissions using the following equations, except as provided for in subsection (h) of this Section:

1) Actual emissions must be determined as follows:

$$\underline{EM}_{act(i)} = E_{act(i)} \times H_i$$

$$E_{act(i)} = \frac{\sum_{j=1}^m C_{d(act(j))} \times F_d \times \left(\frac{20.9}{20.9 - \%O_{2d(j)}} \right)}{m}$$

2) Allowable emissions must be determined as follows:

$$\underline{EM}_{all(i)} = E_{all(i)} \times H_i$$

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

$$E_{all(i)} = \frac{\sum_{j=1}^m C_{d(all(j))} \times F_d \times \left(\frac{20.9}{20.9 - \%O_{2d(j)}} \right)}{m}$$

Where:

- $EM_{act(i)}$ \equiv Total mass of actual NO_x emissions in lbs for a unit, except as provided for in subsections (g)(3) and (g)(5) of this Section.
- $EM_{all(i)}$ \equiv Total mass of allowable NO_x emissions in lbs for a unit, except as provided for in subsection (g)(3) of this Section.
- E_{act} \equiv Actual NO_x emission rate (lbs/mmBtu) calculated according to the above equation.
- E_{all} \equiv Allowable NO_x emission rate (lbs/mmBtu) calculated according to the above equation.
- H \equiv Heat input (mmBtu/ozone season or mmBtu/year) calculated from fuel flow meter and the heating value of the fuel used.
- $C_{d(act)}$ \equiv Actual concentration of NO_x in lb/dscf (ppmv x 1.194 x 10⁻⁷) on a dry basis for the fuel used. Actual concentration is determined on each of the most recent test runs or monitoring passes performed pursuant to Section 217.394, whichever is higher.
- $C_{d(all)}$ \equiv Allowable concentration of NO_x in lb/dscf (allowable emission limit in ppmv specified in Section 217.388(a), except as provided for in subsection (g)(4), (g)(5), or (g)(6) of this Section, if applicable.
- F_d \equiv The ratio of the gas volume of the products of combustion to the heat content of the fuel (dscf/mmBtu) as given in the table of F Factors included in 40 CFR 60, appendix A, Method 19 or as determined using 40 CFR 60, appendix A, Method 19.
- $\%O_{2d}$ \equiv Concentration of oxygen in effluent gas stream measured on a dry basis during each of the applicable tests or monitoring runs used for determining emissions, as represented by a whole number percent, e.g., for 18.7% O_{2d}, 18.7 would be used.
- i \equiv Subscript denoting an individual unit and the fuel used.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- j ≡ Subscript denoting each test run or monitoring pass for an affected unit for a given fuel.
- m ≡ The number of test runs or monitoring passes for an affected unit using a given fuel.

- 3) For a replacement unit that is electric-powered, the allowable NO_x emissions from the affected unit that was replaced should be used in the averaging calculations and the actual NO_x emissions for the electric-powered replacement unit (EM_{act elec(i)}) are zero. Allowable NO_x emissions for the electric-powered replacement are calculated using the actual total bhp-hrs generated by the electric-powered replacement unit on an ozone season and on an annual basis multiplied by the allowable NO_x emission rate in lb/bhp-hr of the replaced unit. The allowable mass of NO_x emissions from an electric-powered replacement unit (EM_{all elec(i)}) must be determined by multiplying the nameplate capacity of the unit by the hours operated during the ozone season or annually and the allowable NO_x emission rate of the replaced unit (E_{all rep}) in lb/mmBtu converted to lb/bhp-hr. For this calculation the following equation should be used:

$$EM_{all\ elec(i)} = bhp \times F \times E_{all\ rep(i)}$$

Where:

- EM_{all elec(i)} ≡ Mass of allowable NO_x emissions from the electric-powered replacement unit in pounds per ozone season or calendar year.
- bhp ≡ Nameplate capacity of the electric-powered replacement unit in brake horsepower.
- OP ≡ Operating hours during the ozone season or calendar year.
- F ≡ Conversion factor of 0.0077 mmBtu/bhp-hr.
- E_{all rep(i)} ≡ Allowable NO_x emission rate (lbs/mmBtu) of the replaced unit.
- i ≡ Subscript denoting an individual electric unit and the fuel used.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- 4) For a replacement unit that is not electric, the allowable NO_x emissions rate used in the equations set forth in subsection (g)(2) of this Section must be the higher of the actual NO_x emissions as determined by testing or monitoring data or the applicable uncontrolled NO_x emissions factor from Compilation of Air Pollutant Emission Factors: AP-42, Volume I: Stationary Point and Area Sources, as incorporated by reference in Section 217.104 for the unit that was replaced.
- 5) For a unit that is replaced with purchased power, the allowable NO_x emissions rate used in the equations set forth in subsection (g)(2) of this Section must be the emissions concentration set forth in Section 217.388(a) or subsection (g)(6) of this Section, when applicable, for the type of unit that was replaced. For owners or operators replacing units with purchased power, the annual hours of operations that must be used are the calendar year hours of operation for the unit that was shut down, averaged over the three-year period prior to the shutdown. The actual NO_x emissions for the units replaced by purchased power (EM_{(i)act}) are zero. These units may be included in any emissions averaging plan for no more than five years beginning with the calendar year that the replaced unit is shut down.
- 6) For non-Appendix G units used in an emissions averaging plan, allowable emissions rate used in the equations set forth in subsection (g)(2) of this Section must be the higher of the actual NO_x emissions as determined by testing or monitoring data or the applicable uncontrolled NO_x emissions factor from Compilation of Air Pollutant Emission Factors: AP-42, Volume I: Stationary Point and Areas Sources, as incorporated by reference in Section 217.104.
- h) For units that use CEMS, the data must show that the total mass of actual NO_x emissions determined pursuant to subsection (h)(1) of this Section is less than or equal to the allowable NO_x emissions calculated in accordance with the equations in subsections (f) and (h)(2) of this Section for both the ozone season and calendar year. The equations in subsection (g) of this Section will not apply.
- 1) The total mass of actual NO_x emissions in lbs for a unit (EM_{act}) must be the sum of the total mass of actual NO_x emissions from each affected unit using CEMS data collected in accordance with 40 CFR 60 or 75, or

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

alternate methodology that has been approved by the Agency or USEPA and included in a federally enforceable permit.

- 2) The allowable NO_x emissions must be determined as follows:

$$EM_{all(i)} = \sum_{j=1}^m (Cd_i \times Flow_i \times 1.194 \times 10^{-7})$$

Where:

- EM_{all(i)} ≡ Total mass of allowable NO_x emissions in lbs for a unit.
Flow_i ≡ Stack flow (dscf/hr) for a given stack.
Cd_i ≡ Allowable concentration of NO_x (ppmv) specified in Section 217.388(a) for a given stack. (1.194 x 10⁻⁷ converts to lb/dscf).
i ≡ subscript denoting each hour of operation of a given unit.
m ≡ Total number of hours of operation of a unit.
i ≡ Subscript denoting an individual unit and the fuel used.

(Source: Added at 31 Ill. Reg. 14271, effective September 25, 2007)

Section 217.392 Compliance

On and after January 1, 2008, an owner or operator of an affected engine listed in Appendix G may not operate the affected engine unless the requirements of this Subpart Q are met or the affected engine is exempt pursuant to Section 217.386(b).

(Source: Added at 31 Ill. Reg. 14271, effective September 25, 2007)

Section 217.394 Testing and Monitoring

- a) An owner or operator must conduct an initial performance test pursuant to subsection (c)(1) or (c)(2) of this Section as follows:
- 1) By January 1, 2008, for affected engines listed in Appendix G, Performance tests must be conducted on units listed in Appendix G, even if the unit is included in an emissions averaging plan pursuant to Section 217.388(b).

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- 2) Within the first 876 hours of operation per calendar year. Performance tests must be conducted on units that are not affected units that are included in an emissions averaging plan and operate more than 876 hours per calendar year.
 - 3) Once within the five-year period after the applicable compliance date set forth in Section 217.392. Performance tests must be conducted on units that are not affected units that are included in an emissions averaging plan and that operate fewer than 876 hours per calendar year.
- b) An owner or operator must conduct subsequent performance tests pursuant to subsection (c)(1) or (c)(2) of this Section as follows:
- 1) For affected engines listed in Appendix G and all units included in an emissions averaging plan, once every five years. Testing must be performed in the calendar year by May 1 or within 60 days after starting operation, whichever is later;
 - 2) If the monitored data shows that the unit is not in compliance with the applicable emissions concentration or emissions averaging plan, the owner or operator must report the deviation to the Agency in writing within 30 days and conduct a performance test pursuant to subsection (c) of this Section within 90 days after the determination of noncompliance; and
 - 3) When, in the opinion of the Agency or USEPA, it is necessary to conduct testing to demonstrate compliance with Section 217.388, the owner or operator of a unit must, at his or her own expense, conduct the test in accordance with the applicable test methods and procedures specified in this Section within 90 days after receipt of a notice to test from the Agency or USEPA.
- c) Testing Procedures:
- 1) For an engine: The owner or operator must conduct a performance test using Method 7 or 7E of 40 CFR 60, appendix A, as incorporated by reference in Section 217.104. Each compliance test must consist of three separate runs, each lasting a minimum of 60 minutes. NO_x emissions must be measured while the affected unit is operating at peak load. If the unit

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- combusts more than one type of fuel (gaseous or liquid), including backup fuels, a separate performance test is required for each fuel.
- 2) For a turbine included in an emissions averaging plan: The owner or operator must conduct a performance test using the applicable procedures and methods in 40 CFR 60.4400, as incorporated by reference in Section 217.104.
- d) Monitoring: Except for those years in which a performance test is conducted pursuant to subsection (a) or (b) of this Section, the owner or operator of an affected unit or a unit included in an emissions averaging plan must monitor NO_x concentrations annually, once between January 1 and May 1 or within the first 876 hours of operation per calendar year, whichever is later. If annual operation is less than 876 hours per calendar year, each affected unit must be monitored at least once every five years. Monitoring must be performed as follows:
- 1) A portable NO_x monitor and method ASTM D6522-00, as incorporated by reference in Section 217.104, or a method approved by the Agency must be used. If the engine or turbine combusts both liquid and gaseous fuels as primary or backup fuels, separate monitoring is required for each fuel.
- 2) NO_x and O₂ concentrations measurements must be taken three times for a duration of at least 20 minutes. Monitoring must be done at highest achievable load. The concentrations from the three monitoring runs must be averaged to determine whether the affected unit is in compliance with the applicable emissions concentration or emissions averaging plan, as specified in Section 217.388.
- e) Instead of complying with the requirements of subsections (a), (b), (c) and (d) of this Section, an owner or operator may install and operate a CEMS on an affected unit that meets the applicable requirements of 40 CFR 60, subpart A and appendix B, incorporated by reference in Section 217.104, and complies with the quality assurance procedures specified in 40 CFR 60, appendix F or 40 CFR 75, as incorporated by reference in Section 217.104, or an alternate procedure as approved by the Agency or USEPA in a federally enforceable permit. The CEMS must be used to demonstrate compliance with the applicable emissions concentration or emissions averaging plan only on an ozone season and annual basis.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

(Source: Added at 31 Ill. Reg. 14271, effective September 25, 2007)

Section 217.396 Recordkeeping and Reporting

- a) Recordkeeping. The owner or operator of an Appendix G unit or a unit included in an emissions averaging plan must maintain records that demonstrate compliance with the requirements of this Subpart Q, which include, but are not limited to:
- 1) Identification, type (e.g., lean-burn, gas-fired), and location of each unit.
 - 2) Calendar date of the record.
 - 3) The number of hours the unit operated on a monthly basis and during each ozone season.
 - 4) Type and quantity of the fuel used on a daily basis.
 - 5) The results of all monitoring performed on the unit and reported deviations.
 - 6) The results of all tests performed on the unit.
 - 7) The plan for performing inspection and maintenance of the units, air pollution control equipment, and the applicable monitoring device, pursuant to Section 217.388(d).
 - 8) A log of inspections and maintenance performed on the unit's air emissions, monitoring device, and air pollution control device. These records must include, at a minimum, date, load levels and any manual adjustments, along with the reason for the adjustment (e.g., air to fuel ratio, timing or other settings).
 - 9) If complying with the emissions averaging plan provisions of Sections 217.388(b) and 217.390, copies of the calculations used to demonstrate compliance with the ozone season and annual control period limits, noncompliance reports for the ozone season, and ozone and annual control period compliance reports submitted to the Agency.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- 10) Identification of time periods for which operating conditions and pollutant data were not obtained by either the CEMS or alternate monitoring procedures, including the reasons for not obtaining sufficient data and a description of corrective actions taken.
- b) The owner or operator of an affected unit or unit included in an emissions averaging plan must maintain the records required by subsection (a) of this Section for a period of five years at the source at which the unit is located. The records must be made available to the Agency and USEPA upon request.
- c) Reporting Requirements
- 1) The owner or operator must notify the Agency in writing 30 days and five days prior to testing, pursuant to Section 217.394(a) and (b) and:
- A) If, after the 30-days notice for an initially scheduled test is sent, there is a delay (e.g., due to operational problems) in conducting the performance test as scheduled, the owner or operator of the unit must notify the Agency as soon as possible of the delay in the original test date, either by providing at least seven days prior notice of the rescheduled date of the performance test or by arranging a new test date with the Agency by mutual agreement;
- B) Provide a testing protocol to the Agency 60 days prior to testing; and
- C) Not later than 30 days after the completion of the test, submit the results of the test to the Agency.
- 2) Pursuant to the requirements for monitoring in Section 217.394(d), the owner or operator of the unit must report to the Agency any monitored exceedances of the applicable NO_x concentration from Section 217.388(a) or (b) within 30 days after performing the monitoring.
- 3) Within 90 days after permanently shutting down an affected unit or a unit included in an emissions averaging plan, the owner or operator of the unit must withdraw or amend the applicable permit to reflect that the unit is no longer in service.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- 4) If demonstrating compliance through an emissions averaging plan:
- A) By October 31 following the applicable ozone season, the owner or operator must notify the Agency if he or she cannot demonstrate compliance for that ozone season; and
 - B) By January 30 following the applicable calendar year, the owner or operator must submit to the Agency a report that demonstrates the following:
 - i) For all units that are part of the emissions averaging plan, the total mass of allowable NO_x emissions for the ozone season and for the annual control period;
 - ii) The total mass of actual NO_x emissions for the ozone season and annual control period for each unit included in the averaging plan;
 - iii) The calculations that demonstrate that the total mass of actual NO_x emissions are less than the total mass of allowable NO_x emissions using equations in Section 217.390(f) and (g); and
 - iv) The information required to determine the total mass of actual NO_x emissions and the calculations performed in subsection (d)(4)(B)(iii) of this Section.
- 5) If operating a CEMS, the owner or operator must submit an excess emissions and monitoring systems performance report in accordance with the requirements of 40 CFR 60.7(c) and 60.13 or 40 CFR 75, incorporated by reference in Section 217.104, or an alternate procedure approved by the Agency or USEPA and included in a federally enforceable permit.

(Source: Added at 31 Ill. Reg. 14271, effective September 25, 2007)

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Section 217.APPENDIX G Existing Reciprocating Internal Combustion Engines Affected by the NO_x SIP Call

<u>Plant ID</u>	<u>Point ID</u>	<u>Segment</u>
<u>ANR Pipeline Co. – Sandwich</u>		
<u>093802AAF</u>	<u>E-108</u>	<u>1</u>
<u>Natural Gas Pipeline Co. of America 8310</u>		
<u>027807AAC</u>	<u>730103540041</u>	<u>1</u>
<u>Natural Gas Pipeline Co. of America - Sta 110</u>		
<u>073816AAA</u>	<u>851000140011</u>	<u>1</u>
<u>073816AAA</u>	<u>851000140012</u>	<u>2</u>
<u>073816AAA</u>	<u>851000140013</u>	<u>3</u>
<u>073816AAA</u>	<u>851000140014</u>	<u>4</u>
<u>073816AAA</u>	<u>851000140041</u>	<u>1</u>
<u>073816AAA</u>	<u>851000140051</u>	<u>1</u>
<u>Northern Illinois Gas Co. - Stor Sta 359</u>		
<u>113817AAA</u>	<u>730105440021</u>	<u>1</u>
<u>113817AAA</u>	<u>730105440031</u>	<u>1</u>
<u>113821AAA</u>	<u>730105430021</u>	<u>1</u>
<u>113821AAA</u>	<u>730105430051</u>	<u>1</u>
<u>Panhandle Eastern Pipe Line Co. - Glenarm</u>		
<u>167801AAA</u>	<u>87090038002</u>	<u>1</u>
<u>167801AAA</u>	<u>87090038004</u>	<u>1</u>
<u>167801AAA</u>	<u>87090038005</u>	<u>1</u>
<u>Panhandle Eastern Pipe Line Co. - Tuscola Sta</u>		
<u>041804AAC</u>	<u>73010573009</u>	<u>9</u>
<u>041804AAC</u>	<u>73010573010</u>	<u>10</u>
<u>041804AAC</u>	<u>73010573011</u>	<u>11</u>
<u>041804AAC</u>	<u>73010573012</u>	<u>12</u>

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

<u>041804AAC</u>	<u>73010573013</u>	<u>13</u>
<u>Panhandle Eastern Pipe Line Co.</u>		
<u>149820AAB</u>	<u>7301057199G</u>	<u>3</u>
<u>149820AAB</u>	<u>7301057199I</u>	<u>1</u>
<u>149820AAB</u>	<u>7301057199J</u>	<u>1</u>
<u>149820AAB</u>	<u>7301057199K</u>	<u>1</u>
<u>Panhandle Eastern Pipe Line Co. - Glenarm</u>		
<u>167801AAA</u>	<u>87090038001</u>	<u>1</u>
<u>Phoenix Chemical Co.</u>		
<u>085809AAA</u>	<u>730700330101</u>	<u>1</u>
<u>085809AAA</u>	<u>730700330102</u>	<u>2</u>
<u>085809AAA</u>	<u>730700330103</u>	<u>3</u>

(Source: Added at 31 Ill. Reg. 14271, effective September 25, 2007)

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Health/Life Safety Code for Public Schools
- 2) Code Citation: 23 Ill. Adm. Code 180
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
180.30	Amendment
180.50	Amendment
180.60	Amendment
180.100	New Section
180.110	New Section
180.120	Amendment
180.200	Amendment
180.220	Amendment
180.250	Amendment
180.300	Amendment
180.330	Amendment
180.340	Amendment
- 4) Statutory Authority: 105 ILCS 5/2-3.12, 2-3.25, and 17-2.11
- 5) Effective Date of Amendments: September 25, 2007
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? Yes; see Section 180.60.
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: April 6, 2007; 31 Ill. Reg. 5455
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Differences between proposal and final version: The definition of "licensed design professional" was replaced with a definition for "design professional", and the definition of "engineer" was revised to exclude structural engineers. Separate definitions of "engineer" and "structural engineer" were added, permitting a more careful distinction between professional and structural engineers' respective areas of practice. That distinction was also introduced into each subsection of Section 180.110.

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

In Section 180.100(a)(2)(A), a requirement for 1000 hours of training or experience was added for approval of individuals with bachelor's degrees in architecture, engineering, or construction as qualified building code plan reviewers.

Additional options were included in both Section 180.110(d) and Section 180.120(d) regarding approval as fire code plan reviewers and fire code inspectors.

Minor wording changes were made by agreement with JCAR for the sake of consistency, and various internal cross-references were corrected. The title of the Department of Financial and Professional Regulation was also corrected.

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any other proposed rulemakings pending on this Part? No
- 15) Summary and Purpose of Amendments: This rulemaking responds to Public Act 94-973, which directs ISBE to establish requirements for the qualifications of the individuals who inspect various aspects of school construction projects and those who review construction plans. These qualifications are required to be consistent with recommendations issued by a task force convened for this purpose, which included representatives of the Capital Development Board, the Department of Public Health, the State Fire Marshal, fire chiefs, school administrators, school board members, architects, professional engineers, structural engineers, fire inspectors, plumbing inspectors, regional superintendents, parents and teachers, municipal governments, and ISBE.

The International Building Code and several of its "subcodes" are used as the health/life safety code generally applicable to Illinois schools. Specific expertise is needed with reference to various aspects of construction related to these codes. Consequently definitions are being added to Section 180.30 to delineate the different types of plan reviewers and inspectors for whom qualifications are being established. A general approval procedure is described in new Section 180.100 that will result in the issuance of photographic identification cards to those receiving one or more types of approval. The validity and renewal of approval are established to coincide with the three-year cycle on which the underlying codes are generally updated by the International Code Council.

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

Individuals who are licensed as architects or professional engineers will not be required to seek approval and may serve on the basis of their professional credentials alone.

New material in Section 180.110 sets forth several different options by which different types of plan reviewers can receive approval, and Section 180.120 addresses the options for the different types of inspectors. Other related portions of Part 180 are being revised to reflect the roles of the plan reviewers and inspectors.

The provisions of Section 180.330 regarding safety reference plans, although underlined, are not new. This is existing text that is being moved from its current location in Section 180.120 for organizational reasons.

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

Debbie Vespa
School Business and Support Services Division
Address: Illinois State Board of Education
100 North First Street
Springfield, Illinois 62777-0001

217/785-8779

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

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER I: STATE BOARD OF EDUCATION

SUBCHAPTER d: CONSTRUCTION AND BUILDING MAINTENANCE

PART 180

HEALTH/LIFE SAFETY CODE FOR PUBLIC SCHOOLS

SUBPART A: GENERAL PROVISIONS

Section

180.10	Purpose and Scope
180.20	Severability
180.30	Definitions
180.40	Responsibilities of Local School Board
180.50	Responsibilities of Regional Superintendent
180.60	Applicability
180.70	Variances and Waivers
180.80	Vehicular Facilities

SUBPART B: ~~REQUIRED QUALIFICATIONS RECORDKEEPING REQUIREMENTS~~

Section

180.100	Approval Procedure District Facility Records Required (Repealed)
180.110	Specific Requirements for Plan Reviewers District Facility Inventory (Repealed)
180.120	Specific Requirements for Inspectors Safety Reference Plans

SUBPART C: CONSTRUCTION AND LIKE ACTIVITIES

Section

180.200	Application for Building Permit
180.210	Issuance of Building Permit
180.220	Inspections <u>During and</u> Upon Completion of Construction
180.225	Application for Certificate of Occupancy
180.230	Certificate of Occupancy
180.240	Demolition or Movement of Buildings or Other Structures
180.250	Sprinkler Systems
180.260	Sprinkler System Requirements and Applicability (Repealed)
180.270	Standards for Sprinkler Systems (Repealed)

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

180.280 Standards for Sprinkler System Plans and Specifications (Repealed)

SUBPART D: INSPECTIONS

Section

180.300 ~~Regional Superintendent's~~ Annual Building ~~and Fire Safety Inspections~~ Inspection |
 180.310 Decennial Inspections
 180.320 Safety Survey Report
 180.330 Safety Reference Plans ~~Local Board Action~~ |
 180.340 Local Board Action and Approval of Safety Survey Reports

SUBPART E: ADDRESSING VIOLATIONS

Section

180.400 Violations
 180.410 Unsafe Conditions
 180.420 Temporary Closing and Condemnation

SUBPART F: FIRE PREVENTION AND SAFETY FINANCING

Section

180.500 Request for Authorization
 180.510 Initiation of Work (Repealed)
 180.520 Accounting for Fire Prevention and Safety Funds (Repealed)
 180.530 Emergencies
 180.540 Cost Estimates

AUTHORITY: Implementing and authorized by Sections 2-3.12, 2-3.25, 2-3.137 and 17-2.11 of the School Code [105 ILCS 5/2-3.12, 2-3.25, 2-3.137 and 17-2.11].

SOURCE: Adopted at 19 Ill. Reg. 5004, effective March 24, 1995; amended at 22 Ill. Reg. 12514, effective July 6, 1998; amended at 29 Ill. Reg. 15904, effective October 3, 2005; amended at 31 Ill. Reg. 14296, effective September 25, 2007.

SUBPART A: GENERAL PROVISIONS

Section 180.30 Definitions

"Annual Inspection" means the inspection conducted annually under the authority |
of a regional superintendent, ~~of all the public schools under his or her~~

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

~~jurisdiction~~ as required by Section 3-14.21 of the School Code [105 ILCS 5/3-14.21].

"Approved Inspection Agency" (also commonly referred to as "Nationally Recognized Testing Laboratory") means any of the following:

American Gas Association Laboratories

Central Experiment Station, Bureau of Mines, U.S. Department of the Interior

Engineering Experiment Station, Ohio State University

Factory Mutual Laboratories (Factory Mutual Engineering Division)

Forest Products Laboratory, U.S. Department of Agriculture

National Bureau of Standards, U.S. Department of Commerce

Southwest Research Institute

Underwriters' Laboratories, Inc.

Underwriters' Laboratories of Canada

"Architect" means an architect licensed to practice in Illinois under the Illinois Architecture Practice Act of 1989 [225 ILCS 305] and the administrative rules of the Department of Professional Regulation which implement that Act (68 Ill. Adm. Code 1150).

"Called Inspection" means a routine visit by a design professional or a qualified inspector to a construction site, as may be required by the codes referred to in Section 180.60 of this Part, to check for compliance with applicable codes during a specific phase of construction and to ensure that the permit holder does not deviate from the approved plans and specifications.

"Called Inspection Record" means a form, used during a called inspection to capture information regarding compliance and noncompliance, that is prepared by a design professional or a qualified inspector and accompanied by a copy of that

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

individual's proper identification.

"Change in Use" means any change in how an existing facility is operated, or the purpose for which it is used, that requires greater structural strength, changes in provisions for ingress or egress, or changes in the electrical system, plumbing system, heating, ventilating, and air conditioning system, fire protection system, or other system required by this Part.

"Construction Documents" means the written and pictorial documents prepared or assembled by a ~~licensed~~ design professional to describe the design, location, and physical characteristics of a project involving construction or other like activities subject to the requirements of this Part. Such documents include plans, specifications, inspection reports, test reports, maps, educational specifications, enrollment projections, maintenance logs, safety reference plans, and other, similar, descriptive documents.

"Plans" are drawings. They show what a building, system, or component looks like or will look like at a particular stage of construction.

"Specifications" are instructions. They identify materials to be used, methods to be employed, quality of workmanship required, equipment to be installed, details and calculations to be considered, and the relationships among design components.

"Decennial Inspection" means the inspection of all buildings in a school district conducted at least every 10 years as required by Section 2-3.12 of the School Code, which shall be conducted by a ~~licensed~~ design professional and shall result in a safety survey report as defined in this Section.

"Design Professional" means either an architect or an engineer as defined in this Section.

"Engineer" means an engineer licensed to practice in Illinois under ~~either~~ the Illinois Professional Engineering Practice Act of 1989 [225 ILCS 325] ~~or the Structural Engineering Licensing Act of 1989 [225 ILCS 340]~~ and the applicable administrative rules of the Department of Financial and Professional Regulation (68 Ill. Adm. Code 1380 ~~or 68 Ill. Adm. Code 1480, respectively~~).

"Facility" means land, buildings, structures and improvements other than

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

buildings, and permanent, fixed equipment attached to or incorporated in any building owned or used for school purposes by a school district subject to this Part. This definition excludes facilities owned by a school district but not used for public school purposes, which shall be subject to local building codes.

"Vehicular Facility" means a vehicular structure that is mounted on a chassis and wheels, subject to transportation from place to place along normally traveled streets, roads, and highways, and subject to occupancy and use virtually immediately upon arrival at its destination.

~~"Licensed Design Professional" means either an architect or an engineer as defined in this Section.~~

"Like Activity" means any work involving or similar to construction ~~that~~ which is performed with respect to any facility of a school district subject to the requirements of this Part, including but not limited to reconstruction, substantial alteration, repair, remodeling, renovation, or change in use. Repairs that qualify as minor repairs shall not be considered "like activities" subject to the requirements of this Part.

"Minor Repairs" are any repairs to an individual building or structure that are not subject to the bidding requirements of Section 10-20.21 of the School Code, with the following exceptions:

Cutting away of any wall, partition, or portion thereof;

Cutting or removal of a structural beam or load-bearing support;

Removal of or change in a required means of egress;

Rearrangement of parts affecting exit requirements;

Addition to, alteration of, replacement, or relocation of any standpipe, drain leader, or gas, soil, waste, water supply, sewer drainage, vent or similar piping; electrical wiring; or mechanical or other required building system.

"Permanent, Fixed Equipment" means furniture and equipment affixed to the wall of a building or otherwise attached so that it is not readily portable or movable.

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

Examples include wall-mounted cafeteria tables, automated external defibrillators, basketball backboards, fume hoods, and built-in lockers.

"Plan Review Record" means a written record of the evaluation of construction documents that is used to determine compliance with the codes that apply to a particular project, completed by a design professional or a qualified plan reviewer and accompanied by a copy of that individual's proper identification.

"Plan Review Statement" means a written statement made by a design professional and accompanied by a copy of that individual's proper identification, indicating that construction documents have been reviewed based upon any of the codes identified in Section 180.60(b) of this Part that are applicable to the project and have been determined to be in compliance with the relevant requirements.

"Proper Identification" means, as applicable to the function performed:

a credential issued by the State Board of Education (ISBE) identifying the types of plan reviews or inspections an individual is qualified to perform under this Part; or

evidence of licensure as a design professional; or

evidence of compliance with the requirements of Section 180.300(a)(1) of this Part.

"Qualified Inspector" means an individual approved by ISBE under Section 180.120 of this Part to conduct inspections of school facilities.

"Building Code Inspector" means an individual qualified to conduct inspections required by the building code identified in Section 180.60(a) of this Part.

"Electrical Code Inspector" means an individual qualified to conduct inspections required by the electrical code identified in Appendix K to the International Building Code (Section 180.60(a) of this Part).

"Energy Conservation Code Inspector" means an individual qualified to conduct inspections required by the energy conservation code identified in Section 180.60(a)(1) of this Part.

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

"Fire Code Inspector" means an individual qualified to conduct inspections required by the fire code identified in Section 180.60(a)(3) of this Part.

"Mechanical Code Inspector" means an individual qualified to conduct inspections required by the mechanical code identified in Section 180.60(a)(5) of this Part.

"Qualified Plan Reviewer" means an individual approved by ISBE under Section 180.110 of this Part to conduct plan reviews and to submit one or more plan review records for codes referenced in Section 180.60 of this Part.

"Building Code Plan Reviewer" means an individual qualified to conduct plan reviews and to submit plan review records of construction documents for projects involving the building code identified in Section 180.60(a) of this Part.

"Electrical Code Plan Reviewer" means an individual qualified to conduct plan reviews and to submit plan review records of construction documents for projects involving the electrical code identified in Appendix K to the International Building Code.

"Energy Conservation Code Plan Reviewer" means an individual qualified to conduct plan reviews and submit plan review records of construction documents for projects involving the energy conservation code identified in Section 180.60(a)(1) of this Part.

"Fire Code Plan Reviewer" means an individual qualified to conduct plan reviews and submit plan review records of construction documents for projects involving the fire code identified in Section 180.60(a)(3) of this Part.

"Mechanical Code Plan Reviewer" means an individual qualified to conduct plan reviews and submit plan review records of construction documents for projects involving the mechanical code identified in Section 180.60(a)(5) of this Part.

"Safety Survey Report" means a report prepared by a licensed design professional

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

and ensuing from a decennial inspection required pursuant to Section 180.310 of this Part or another inspection conducted by a licensed design professional.

"School Building" or "School" means a building occupied in whole or in part by public school students or intended for occupancy by such students.

"Structural Engineer" means an engineer licensed to practice in Illinois under the Structural Engineering Licensing Act of 1989 [225 ILCS 340] and the applicable administrative rules of the Department of Financial and Professional Regulation (68 Ill. Adm. Code 1480).

"The School Code" means the School Code [105 ILCS 5].

"Variance" means an alternative to a code requirement that is judged to provide equal or superior performance or protection compared to the code requirement, and is approved by the State Superintendent.

"Waiver" means an exemption from a code requirement that is approved pursuant to Section 2-3.25g of the School Code [105 ILCS 5/2-3.25g] and the State Board's rules at 23 Ill. Adm. Code 1.100.

(Source: Amended at 31 Ill. Reg. 14296, effective September 25, 2007)

Section 180.50 Responsibilities of Regional Superintendent

- a) The regional superintendent shall enforce the provisions of this Part and shall act on any question relative to the installation, alteration, repair, maintenance or operation of facilities owned, operated, or used by school districts within or subject to his or her jurisdiction.
- b) The regional superintendent shall receive applications and issue permits for the occupancy, construction, substantial alteration, repair, remodeling, renovation, demolition, movement, or change in use of facilities owned, operated, or used by school districts as required by this Part, including applications for authority to raise or use fire prevention and safety funds.
- c) The regional superintendent shall issue all necessary notices and orders to ensure compliance with this Part.

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- d) The regional superintendent shall ~~ensure completion of~~~~make or cause to be made~~ all inspections required by Sections 3-14.20, 3-14.21 and 3-14.22 of the School Code. All reports of such inspections and any test results shall be in writing. The regional superintendent is authorized, if he or she deems necessary, to engage expert opinion.
- e) Whenever inspections are necessary by any other department or agency, the regional superintendent shall make reasonable effort to arrange for the coordination of such inspections so as to minimize the number of visits by inspectors, and to confer with the other responsible departments or agencies for the purpose of eliminating conflicting orders before any are issued.
- f) The regional superintendent shall keep official records of applications received, permits and certificates issued, reports of inspections, and notices and orders issued. Such records shall be retained as long as the facilities to which they relate remain in existence.
- g) The regional superintendent shall report annually to the State Board of Education on or before October 1, summarizing all of the transactions relating to the administration and enforcement of this Part for the fiscal year ended on the preceding June 30. This report shall be prepared on forms supplied by the State Board of Education.
- h) The regional superintendent and his or her designees shall carry proper identification when inspecting structures or premises in the performance of duties required by this Part.
- i) The regional superintendent and his or her designees are authorized to enter the structure or premises of any facility owned, operated or used by a school district in order to conduct the inspections necessary to ensure compliance with this Part. Prior to entering a space not otherwise open to the public, the regional superintendent shall make a reasonable effort to locate a responsible party, present proper identification, and request entry.

(Source: Amended at 31 Ill. Reg. 14296, effective September 25, 2007)

Section 180.60 Applicability

- a) Except as provided in subsection (b) of this Section, every facility other than a

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

vehicular facility shall conform to the standards identified in this subsection (a) and published by the International Code Council, Inc., 4051 W. Flossmoor Road, Country Club Hills, Illinois 60478-5795, unless a variance or waiver is obtained pursuant to Section 180.70 of this Part or use of a temporary facility is authorized pursuant to Section 180.230 of this Part. No later amendments to or editions of these standards are incorporated by this Section. The effective date called for in Section 3410.2 of the International Building Code (~~IBC~~) shall be the effective date shown for this Section 180.60. Except for the "minimum conditions" presented in the International Property Maintenance Code and the International Fire Code, the ~~The~~ IBC permits a facility constructed prior to its effective date to be maintained in compliance with the building code that previously applied to the facility, and provides separate provisions governing the alteration, repair, change of occupancy, replacement of component parts or systems, and enlargement of an existing facility. (IBC, Section 102.6; Chapter 34, and the International Existing Building Code) The applicable standards shall be the ~~20062003~~ International Building Code (~~IBC~~) and its subcodes as follows:

- 1) the ~~20062003~~ International Energy Conservation Code (IECC);
 - 2) the 2006 International Existing Building Code (IEBC);
 - ~~32)~~ the ~~20062003~~ International Fire Code (IFC), excluding Chapter 4;
 - ~~43)~~ the ~~20062003~~ International Fuel Gas Code (IFGC);
 - ~~54)~~ the ~~20062003~~ International Mechanical Code (IMC); and
 - ~~65)~~ the ~~20062003~~ International Property Maintenance Code (IPMC).
- b) The applicability of the codes listed in subsection (a) of this Section shall be limited as set forth in this subsection (b).
- 1) The provisions of 29 Ill. Adm. Code 1500 (Joint Rules of the Office of the State Fire Marshal and the Illinois State Board of Education: School Emergency and Crisis Response Plans) shall apply instead of Chapter 4 of the International Fire Code.
 - 2) The administrative provisions of this Part shall apply instead of the administrative provisions contained in Sections 101.4.4, 103-108, 110-

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

113, and 115 of Chapter 1 of the International Building Code.

- 32) The Illinois Accessibility Code (71 Ill. Adm. Code 400) shall apply instead of the accessibility provisions set forth in Chapter 11 of the International Building Code.
- 43) The requirements set forth in the Illinois Plumbing Code (77 Ill. Adm. Code 890) shall apply instead of those expressed in Section 101.4.4 of Chapter 1 and incorporated in Chapter 35 of the International Building Code.
- 54) The requirements set forth in the Illinois State Fire Marshal's rules titled Boiler and Pressure Vessel Safety (41 Ill. Adm. Code 120) shall apply instead of those expressed in the Boiler and Pressure Vessel Safety Code (ASME 98) published by the American Society of Mechanical Engineers and incorporated in Chapter 35 of the International Building Code.

(Source: Amended at 31 Ill. Reg. 14296, effective September 25, 2007)

SUBPART B: REQUIRED QUALIFICATIONS~~RECORDKEEPING REQUIREMENTS~~**Section 180.100** Approval Procedure~~District Facility Records Required (Repealed)~~

The provisions of subsection (a) of this Section notwithstanding, a design professional may perform any of the roles discussed in Sections 180.110 and 180.120 of this Part without securing the specific approvals discussed in those Sections.

- a) Each individual seeking approval for any of the roles discussed in Sections 180.110 and 180.120 of this Part shall submit to the State Superintendent of Education:
 - 1) an application for the specific approvals sought, completed on a form prescribed by the State Superintendent;
 - 2) for each approval sought, a copy of a recent 1" x 1" color photograph of the applicant (head and shoulders only), with the applicant's name printed on the back;

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- 3) an application fee of \$25 for one approval or \$50 for two or more approvals; and
 - 4) the relevant additional information called for in Section 180.110 or 180.120 of this Part, as applicable.
- b) Validity and Renewal of Approval
- 1) When an individual has received approval based upon successful completion of the most recent version of the relevant examination, the approval shall be valid for the period that ends one year after the next version of that examination is made available, or for a period of three years, whichever ends later. In order to renew the approval at that time, the individual shall present evidence of either successful completion of the updated examination or current, relevant certification by the International Code Council.
 - 2) When an individual has received approval based upon current, relevant certification by the International Code Council, the approval shall be valid for the same period as the Council's certification. In order to renew the approval at the end of that time, the individual shall present evidence of either renewed certification by the Council or successful completion of the then-current version of the relevant examination.
 - 3) Subsequent renewals of approval shall be available as stated in subsections (b)(1) and (2) of this Section.
- c) Renewal of approval shall be accomplished by means of the procedure stated in subsection (a) of this Section, except that an individual who relied on training or experience or on a bachelor's degree to fulfill a portion of the requirements for original approval, as specified in the applicable provision of Section 180.110 or 180.120 of this Part, shall not be required to resubmit the evidence of meeting that requirement.
- d) Denial and Revocation of Approval
- 1) The State Superintendent of Education shall deny or revoke the approval of any individual whose payment for an application fee is returned for insufficient funds or who is determined to have:

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- A) falsified information on his or her application;
 - B) submitted fraudulent documentation to a regional superintendent, a building owner, a licensed design professional, or a contractor;
 - C) performed duties outside the areas for which approval has been given;
 - D) performed duties under this Part in a manner hazardous to school personnel or students, or otherwise behaved in a manner unsuitable to a school environment; or
 - E) permitted the use or duplication of his or her proper identification by another person.
- 2) The State Superintendent shall provide written notification to any individual who is denied approval or whose approval is revoked, stating the basis for the action taken.
 - 3) An individual who believes that his or her approval has been unduly denied or revoked shall submit a written request for a review no later than 10 days after receipt of the Superintendent's notification. Grounds for a review shall be limited to incorrectness of the specific basis given for the Superintendent's action.
 - 4) The State Superintendent shall consider the information presented in the individual's response and render a final administrative decision.

(Source: Old Section repealed at 29 Ill. Reg. 15904, effective October 3, 2005; new Section adopted at 31 Ill. Reg. 14296, effective September 25, 2007)

**Section 180.110 Specific Requirements for Plan Reviewers ~~District Facility Inventory~~
(Repealed)**

- a) Each individual seeking approval to serve as a qualified building code plan reviewer shall submit to the State Superintendent of Education:

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- 1) evidence of successful completion of the most recent version of the Commercial Building Code Plans Examiner examination (International Code Council, Inc., 4051 W. Flossmoor Road, Country Club Hills, Illinois 60478-5795), or evidence of current certification by the Council as a Combination Plans Examiner, a Building Code Official, or a Master Code Professional; and
 - 2) written certification of at least 4,000 hours of training or experience involving plan reviews, inspection, design, construction, or maintenance of commercial buildings for compliance with applicable commercial building codes, or evidence of licensure as a design professional or a structural engineer, or evidence that the individual holds:
 - A) a bachelor's degree in architecture, engineering, or construction with at least 1,000 hours of training or experience in one of those fields or project management, or
 - B) a bachelor's degree in a field other than architecture, engineering, or construction with at least 2,000 hours of training or experience in architecture, engineering, construction, or project management.
- b) Each individual seeking approval to serve as a qualified electrical code plan reviewer shall submit to the State Superintendent of Education:
- 1) evidence of successful completion of the most recent version of the Commercial Electrical Code Plans Examiner examination (International Code Council, Inc., 4051 W. Flossmoor Road, Country Club Hills, Illinois 60478-5795), or evidence of current certification by the Council as an Electrical Code Official, Combination Plans Examiner, or Master Code Professional; and
 - 2) written certification of at least 4,000 hours of training or experience involving plan reviews, inspection, design, construction, or maintenance of commercial buildings for compliance with applicable electrical codes, or evidence of successful completion of an electrical apprenticeship program registered by the U.S. Department of Labor or by a State Apprenticeship Program pursuant to 29 CFR 29 (Labor Standards for the Regulation of Apprenticeship Programs), or evidence of licensure as a

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

design professional or a structural engineer, or evidence that the individual holds a bachelor's degree as specified in subsection (a)(2) of this Section.

- c) Each individual seeking approval to serve as a qualified energy conservation plan reviewer shall submit to the State Superintendent of Education:
- 1) evidence of successful completion of the most recent version of the Commercial Energy Conservation Code Plans Examiner examination (International Code Council, Inc., 4051 W. Flossmoor Road, Country Club Hills, Illinois 60478-5795); and
 - 2) written certification of at least 4,000 hours of training or experience involving plan reviews, inspection, design, construction, or maintenance of commercial buildings for compliance with applicable energy conservation codes, or evidence of licensure as a design professional or a structural engineer, or evidence that the individual holds a bachelor's degree as specified in subsection (a)(2) of this Section.
- d) Each individual seeking approval to serve as a qualified fire code plan reviewer shall submit to the State Superintendent of Education:
- 1) evidence of successful completion of the most recent version of the Fire Code Plans Examiner examination (International Code Council, Inc., 4051 W. Flossmoor Road, Country Club Hills, Illinois 60478-5795) or evidence of current certification:
 - A) by the Council as a Fire Code Official or a Master Code Professional; or
 - B) by the Office of the State Fire Marshal as a Fire Inspector II/Plan Examiner; or
 - C) by the National Fire Protection Association as a Certified Fire Plan Examiner; and
 - 2) written certification of at least 4,000 hours of training or experience involving plan reviews, inspection, design, construction, or maintenance of commercial buildings for compliance with applicable fire codes, or evidence of licensure as a design professional or a structural engineer, or

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

evidence that the individual holds a bachelor's degree as specified in subsection (a)(2) of this Section.

- e) Each individual seeking approval to serve as a qualified mechanical code plan reviewer shall submit to the State Superintendent of Education:
- 1) evidence of successful completion of the most recent version of the Mechanical Code Plans Examiner examination (International Code Council, Inc., 4051 W. Flossmoor Road, Country Club Hills, Illinois 60478-5795) or evidence of current certification by the Council as a Mechanical Code Official, a Combination Plans Examiner, or a Master Code Professional; and
 - 2) written certification of at least 4,000 hours of training or experience involving plan reviews, inspection, design, construction, or maintenance of commercial buildings for compliance with applicable mechanical codes, or evidence of licensure as a design professional or a structural engineer, or evidence that the individual holds a bachelor's degree as specified in subsection (a)(2) of this Section.

(Source: Old Section repealed at 29 Ill. Reg. 15904, effective October 3, 2005; new Section adopted at 31 Ill. Reg. 14296, effective September 25, 2007)

Section 180.120 Specific Requirements for Inspectors ~~Safety Reference Plans~~

- a) Each individual seeking approval to serve as a qualified building code inspector shall submit to the State Superintendent of Education:
- 1) evidence of successful completion of the most recent version of the Commercial Building Inspector examination (International Code Council, Inc., 4051 W. Flossmoor Road, Country Club Hills, Illinois 60478-5795), or evidence of current certification by the Council as a Building Inspector, Commercial Combination Inspector, Combination Inspector, Building Code Official, or Master Code Professional; and
 - 2) one of the items of evidence called for in Section 180.110(a)(2) of this Part.

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- b) Each individual seeking approval to serve as a qualified electrical code inspector shall submit to the State Superintendent of Education:
- 1) evidence of successful completion of the most recent version of the Commercial Electrical Inspector examination (International Code Council, Inc., 4051 W. Flossmoor Road, Country Club Hills, Illinois 60478-5795), or evidence of current certification by the Council as an Electrical Inspector, Commercial Combination Inspector, Combination Inspector, Building Code Official, Electrical Code Official, or Master Code Professional; and
 - 2) one of the items of evidence called for in Section 180.110(b)(2) of this Part.
- c) Each individual seeking approval to serve as a qualified energy conservation code inspector shall submit to the State Superintendent of Education:
- 1) evidence of successful completion of the most recent version of the Commercial Energy Inspector examination (International Code Council, Inc., 4051 W. Flossmoor Road, Country Club Hills, Illinois 60478-5795); and
 - 2) one of the items of evidence called for in Section 180.110(c)(2) of this Part.
- d) Each individual seeking approval to serve as a qualified fire code inspector shall submit to the State Superintendent of Education:
- 1) evidence of successful completion of the most recent version of the Fire Code Building Inspector examination (International Code Council, Inc., 4051 W. Flossmoor Road, Country Club Hills, Illinois 60478-5795) or evidence of current certification:
 - A) by the Council as a Fire Code Official or a Master Code Professional; or
 - B) by the Office of the State Fire Marshal as a Fire Prevention Officer; or

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- C) by the National Fire Protection Association as a Fire Inspector I or II; and
- 2) one of the items of evidence called for in Section 180.110(d)(2) of this Part.
- e) Each individual seeking approval to serve as a qualified mechanical code inspector shall submit to the State Superintendent of Education:
- 1) evidence of successful completion of the most recent version of the Commercial Mechanical Code Inspector examination (International Code Council, Inc., 4051 W. Flossmoor Road, Country Club Hills, Illinois 60478-5795), or evidence of current certification by the Council as a Mechanical Code Official, a Commercial Combination Inspector, or a Master Code Professional; and
- 2) one of the items of evidence called for in Section 180.110(e)(2) of this Part.

~~Safety reference plans are the drawings of a facility, updated after each construction project to include the applicable items required under this Section. These plans shall be updated to reflect all additions, alterations, and other changes to these facilities that affect the arrangement, use, rated capacity, student capacity, or other information required to be shown thereon. They shall serve as a means of indicating the safety-related conditions of a facility, as an aid in developing emergency exit plans, and in other circumstances where reference to overall layouts is necessary.~~

- a) ~~Each local school board shall maintain up to date safety reference plans for all facilities owned or used by the district for any school purpose. However, replacement of lost or destroyed safety reference plans will not be required if the regional superintendent determines that such replacement would be overly expensive or burdensome. Each set of safety reference plans shall include:~~
- 1) ~~A site plan meeting the requirements of subsection (e) of this Section;~~
- 2) ~~Schematic floor plans as described in subsection (f) of this Section;~~
- 3) ~~An attic plan meeting the requirements of subsection (h) of this Section, if required pursuant to subsection (g) of this Section; and~~

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- 4) ~~Such additional drawings and/or schedules as may be necessary to effectively describe the nature and operational characteristics of the facility in question.~~
- b) ~~Safety reference plans shall be drawn to scale, using a medium suitable for reproduction and revision. Each safety reference plan and any revision thereto shall be titled, dated, signed, and certified by the architect or engineer responsible for its preparation.~~
- e) ~~Two complete sets of safety reference plans shall be provided for each facility, one to be kept by the board of education in a safe place and one to be kept on the site to which it applies.~~
- d) ~~Whenever safety reference plans are completed or updated, they shall be submitted to the regional superintendent for review and approval.~~
- e) ~~Each site plan shall be drawn to a scale sufficient to show the required information clearly and legibly, and shall include a legend. The site plan shall include the location and identification of:~~
- 1) ~~Highways, boulevards, avenues, or streets bordering the site;~~
 - 2) ~~Each building or other structure on the site;~~
 - 3) ~~Each building located on adjacent property less than 75 feet away from a school building;~~
 - 4) ~~Public fire hydrants and municipal fire alarm boxes adjacent to or on the site;~~
 - 5) ~~Utility supply services (water, gas, electricity, etc.) leading into the site and into each building or other structure, their size, and the location of shut-offs for each such service;~~
 - 6) ~~Primary walkways, fire lanes, and bus loading and unloading zones;~~
 - 7) ~~Play areas and automobile parking areas, and the surfacing material of each;~~

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- 8) ~~Landscaping or other materials or areas on the site that might impede ingress or egress;~~
 - 9) ~~Fences and gates, and their respective heights;~~
 - 10) ~~Elevation with respect to sea level and location with respect to floodways and floodplains; and~~
 - 11) ~~Unusual terrain.~~
- f) ~~Each schematic floor plan shall be drawn for one floor of a building, to a scale sufficient to show the required information clearly and legibly, and shall include a legend. Each floor plan shall include the following information.~~
- 1) ~~Identification of each fire area shown on the Plan, and a statement establishing the height in stories, construction type, protection classification and Plan classification of each such fire area.~~
 - 2) ~~The elevation of each floor level with respect to the floor level of the lowest street floor. The street floor plan shall show the difference in elevation between its floor level and the grade level outside at each point of ingress egress from the building to a point 12 feet from the building line.~~
 - 3) ~~The location of all existing or proposed partitions and walls, the identification of those partitions and walls required to have a fire resistance rating, and the rating so required.~~
 - 4) ~~The identification of each room and space as to its occupancy and use.~~
 - 5) ~~The designation of the rated population capacity and student enrollment capacity for each floor and each occupied room or space thereon.~~
 - 6) ~~The identification of the areas protected or proposed to be protected by a sprinkler and/or fire detection system.~~
 - 7) ~~The location, arrangement and width of each stairway, ramp, fire resistive passageway, fire escape and slide escape which serves as a required means of exit, and of each corridor, passageway, primary egress aisle or balcony~~

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

~~which provides the required path of travel to each such exit.~~

- ~~8) The location, direction of swing, width, type, and, where required, fire rating of each door located in the path of travel to a required exit or serving as part of a required exit.~~
 - ~~9) The locations of vertical openings and the existing or proposed protection for such openings.~~
 - ~~10) The existing or proposed locations of fire alarm boxes, fire alarm horns and lights, exit lights, emergency lighting, and fire alarm control panel.~~
 - ~~11) The location of primary air distributing or recirculating fans and designation of the areas served by each such fan.~~
 - ~~12) Location and identification of fuel burning equipment (both permanent and moveable).~~
 - ~~13) On the basement plan, or lowest street floor plan if no basement exists, the location and height of service tunnels and under floor crawl spaces along with the existing or proposed method of separating such tunnel and spaces from adjacent occupied spaces.~~
- ~~g) A plan shall be included for each attic:~~
- ~~1) That is used, or can be used, for storage purposes; or~~
 - ~~2) That is of combustible construction and used as an open plenum chamber; or~~
 - ~~3) That has an average clear height from the top of the ceiling below to the underside of the roof joists or slab (if no joists exist) of more than 42 inches.~~
- ~~h) Each attic plan shall show:~~
- ~~1) The construction of the roof and ceiling;~~
 - ~~2) The slope of the roof and such other details as necessary to illustrate the~~

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

~~size and arrangement of the attic;~~

- ~~3) Access doors, ducts and other openings into the attic and existing or proposed protection for such openings;~~
- ~~4) Existing or proposed fire stopping for subdividing attics;~~
- ~~5) The existing or proposed automatic protection (sprinkler or fire detection) and the area to be protected.~~

(Source: Amended at 31 Ill. Reg. 14296, effective September 25, 2007)

SUBPART C: CONSTRUCTION AND LIKE ACTIVITIES

Section 180.200 Application for Building Permit

No construction or other, like activity as defined in Section 180.30 of this Part shall begin until a building permit has been obtained pursuant to the following provisions.

- a) The school board shall file an Application for a Building Permit ("application") with the regional superintendent having jurisdiction over the board of education in question, on a form prescribed by the regional superintendent. If the board is not the owner, the board shall attach an affidavit from the owner indicating the owner's consent for the proposed work.
- b) The completed application shall be accompanied by two copies of all relevant construction documents.
 - 1) Plans and specifications submitted as part of an application shall be prepared by or under the supervision of an architect or engineer. They shall bear the stamp of, and the following certification signed by, the responsible architect or engineer:

"I hereby certify that these plans and specifications were prepared under my supervision and to the best of my knowledge comply with (here insert the code or codes, including the edition, upon which the plans and specifications were drawn), as well as the applicable requirements of 23 Ill. Adm. Code 180.

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

These plans and specifications consist of the following:

(here list the plates or sheets constituting the plans & specifications)

(Seal) by _____
(Architect/Engineer Signature)

(Date Signed) (Lic. # and Exp. Date)"

- 2) Whenever reference is made in plans or specifications to this Part or the codes incorporated by Section 180.60, such reference shall identify the specific edition, section and subsection(s) applicable to the subject in question.
- c) Upon receipt of an application, the regional superintendent shall record the date of submission by the school board and assign a unique identification number to said application. This identification number shall be used on all building permits issued pursuant to the application.
- d) The regional superintendent shall not issue a building permit until he or she has reviewed:
 - 1) signed and dated Plan Review Statements for the International Property Maintenance Code, the Illinois Accessibility Code, the Illinois Boiler and Pressure Vessel Safety Code, and the Illinois Plumbing Code, as applicable to the project;
 - 2) signed and dated Plan Review Records for the International Building Code, the International Energy Conservation Code, the International Fire Code, the International Mechanical Code and the International Fuel Gas Code, as applicable to the project;
 - 3) signed and dated Plan Review Records for any required sprinkler systems, or fire flow tests and preliminary hydraulic calculations showing estimated fire flow availability and indicating whether a pump will be needed, provided that a Sprinkler Plan Review Record shall be submitted before construction or other, like activity begins; and

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- 4) ~~if~~ the proposed work involves the installation of a closed, prefabricated mechanical system (e.g., a window air conditioner or heating, ventilating, air conditioning (HVAC) unit), ~~the regional superintendent shall not issue a building permit until he or she has reviewed~~ an evaluation report on that system from an approved inspection agency and verified that the report supports the use of the mechanical system in question as proposed.

(Source: Amended at 31 Ill. Reg. 14296, effective September 25, 2007)

Section 180.220 Inspections During and Upon Completion of Construction

- a) During and upon completion of construction or any like activity, the regional superintendent shall ensure that called inspections required by the codes applicable to the project are conducted by individuals who are qualified in accordance with Section 180.120 of this Part.
- b) The regional superintendent shall not issue a certificate of occupancy until he or she has reviewed Called Inspection Records for the International Building Code, the International Energy Conservation Code, the International Fire Code, the International Fuel Gas Code, and the International Mechanical Code, as applicable to the project, showing a qualified inspector's signed authorization to proceed after each phase of construction.
- c) Upon completion of construction or any like activity, and before issuance of a certificate of occupancy, the regional superintendent or designee shall make an inspection or cause such an inspection to be made. Any violations of the approved construction documents and building ~~permits~~ permit(s) shall be noted, and the holder of the permit shall be notified of the discrepancies. No certificate of occupancy shall be issued until such discrepancies have been remedied.

(Source: Amended at 31 Ill. Reg. 14296, effective September 25, 2007)

Section 180.250 Sprinkler Systems

This Section sets forth the requirements and standards for sprinkler systems installed in school buildings pursuant to the provisions of Section 22-23 of the School Code. *The requirements set forth in this Section shall apply to the school board, board of education, board of school directors, board of school inspectors, or other governing body of each school district in this State, including special charter districts and districts organized under Article 34.* (Section 22-23

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

of the School Code)

- a) Applicability
 - 1) In determining whether there will be "construction of a new school building, or addition to an existing building, within any period of 30 months, having 7,200 or more square feet", and in determining whether school construction affects "one or more areas of a school building that cumulatively are equal to 50% or more of the square footage of the school building" (Section 22-23 of the School Code), each separate "fire area" as defined in the building code incorporated by Section 180.60 of this Part shall be considered as a separate building.
 - 2) "School construction" means any of the activities enumerated in Section 22-23 of the School Code, when the affected building is occupied in whole or part by public school students or is intended for occupancy by such students.
- b) Standards for Sprinkler Systems
Sprinkler systems shall conform to the requirements set forth in the International Building Code (see Section 180.60).

(Source: Amended at 31 Ill. Reg. 14296, effective September 25, 2007)

SUBPART D: INSPECTIONS

Section 180.300 ~~Regional Superintendent's Annual Building~~ and Fire Safety Inspections ~~Inspection~~

~~In complying with the requirement for annual inspections set forth in Section 3-14.21 of the School Code, the regional superintendent shall record the results of annual inspections on forms provided by the State Board of Education. The requirements of this Section 180.300 shall also apply to all other facilities owned or used for school purposes by a school district subject to this Part.~~

- a) Regional Superintendent's Annual Building Inspection

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

The requirements of this subsection (a) shall apply not only to school buildings but also to all other facilities owned or used for school purposes by a school district subject to this Part.

1) Each regional superintendent who conducts annual building inspections and each designee of a regional superintendent who conducts annual building inspections shall complete a course on this topic conducted by the Illinois Association of Regional Superintendents of Schools. Only employees of regional offices of education and individuals employed on contract by regional offices shall serve as designees of regional superintendents for this purpose.

2a) The regional superintendent or designee shall visit each facility and shall issue any necessary notices of violations within 10 calendar days and specify the corrective actions to be taken, as provided in Section 180.400(b) of this Part.

3b) Following each inspection, the regional superintendent shall prepare for the local board of education a written report of the results within the time allotted under Section 3-14.21 of the School Code on a form supplied by the State Superintendent Board of Education. The report shall also be submitted to the State Superintendent of Education, in writing or by such electronic means as the State Superintendent may authorize, and shall include the regional superintendent's approval or disapproval of any extension of time requested by the local board pursuant to Section 2-3.12 of the School Code. The recommendations of the regional superintendent shall be considered approved by the State Superintendent unless the regional superintendent receives notification to the contrary within 60 calendar days after submission of his or her report.

4e) Each Upon submission of the regional superintendent's first annual report after the effective date of this Part, each school board shall will be required to have a certificate of occupancy for each of its facilities and to maintain these certificates in the district's administrative office.

b) Annual Fire Safety Inspections

An annual fire safety inspection of each school building shall be conducted and coordinated with the inspection of the responsible regional superintendent of

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

schools in accordance with the requirements of Section 3-14.21(c) of the School Code.

(Source: Amended at 31 Ill. Reg. 14296, effective September 25, 2007)

Section 180.330 Safety Reference Plans ~~Local Board Action~~

Safety reference plans are the drawings of a facility, updated after each construction project to include the applicable items required under this Section. These plans shall be updated to reflect all additions, alterations, and other changes to these facilities that affect the arrangement, use, rated capacity, student capacity, or other information required to be shown. They shall serve as a means of indicating the safety-related conditions of a facility, as an aid in developing emergency exit plans, and in other circumstances where reference to overall layouts is necessary.

- a) Each local school board shall maintain up-to-date safety reference plans for all facilities owned or used by the district for any school purpose. However, replacement of lost or destroyed safety reference plans will not be required if the regional superintendent determines that their replacement would be overly expensive or burdensome. Each set of safety reference plans shall include:
- 1) A site plan meeting the requirements of subsection (e) of this Section;
 - 2) Schematic floor plans as described in subsection (f) of this Section;
 - 3) An attic plan meeting the requirements of subsection (h) of this Section, if required pursuant to subsection (g) of this Section; and
 - 4) Any additional drawings and/or schedules that may be necessary to effectively describe the nature and operational characteristics of the facility in question.
- b) Safety reference plans shall be drawn to scale, using a medium suitable for reproduction and revision. Each safety reference plan and revision shall be titled, dated, signed, and certified by the architect or engineer responsible for its preparation.
- c) Two complete sets of safety reference plans shall be provided for each facility, one to be kept by the board of education in a safe place and one to be kept on the site to which it applies.

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- d) Whenever safety reference plans are completed or updated, they shall be submitted to the regional superintendent for review and approval.
- e) Each site plan shall be drawn to a scale sufficient to show the required information clearly and legibly, and shall include a legend. The site plan shall include the location and identification of:
- 1) Highways, boulevards, avenues, or streets bordering the site;
 - 2) Each building or other structure on the site;
 - 3) Each building located on adjacent property less than 75 feet away from a school building;
 - 4) Public fire hydrants and municipal fire alarm boxes adjacent to or on the site;
 - 5) Utility supply services (water, gas, electricity, etc.) leading into the site and into each building or other structure, their size, and the location of shut-offs for each service;
 - 6) Primary walkways, fire lanes, and bus loading and unloading zones;
 - 7) Play areas and automobile parking areas, and the surfacing material of each;
 - 8) Landscaping or other materials or areas on the site that might impede ingress or egress;
 - 9) Fences and gates, and their respective heights;
 - 10) Elevation with respect to sea level and location with respect to floodways and floodplains; and
 - 11) Unusual terrain.

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- f) Each schematic floor plan shall be drawn for one floor of a building, to a scale sufficient to show the required information clearly and legibly, and shall include a legend. Each floor plan shall include the following information.
- 1) The identification of each fire area shown on the plan, and a statement establishing the height in stories, construction type, protection classification, and plan classification of each fire area.
 - 2) The elevation of each floor level with respect to the floor level of the lowest street floor. The street-floor plan shall show the difference in elevation between its floor level and the grade level outside at each point of ingress-egress from the building to a point 12 feet from the building line.
 - 3) The location of all existing or proposed partitions and walls, the identification of those partitions and walls required to have a fire resistance rating, and the rating that is required.
 - 4) The identification of each room and space as to its occupancy and use.
 - 5) The designation of the rated population capacity and student enrollment capacity for each floor and each occupied room or space on that floor.
 - 6) The identification of the areas protected or proposed to be protected by a sprinkler or fire detection system.
 - 7) The location, arrangement, and width of each stairway, ramp, fire-resistive passageway, fire escape, and slide escape that serves as a required means of exit, and of each corridor, passageway, primary egress aisle, or balcony that provides the required path of travel to each of these exits.
 - 8) The location, direction of swing, width, type, and, where required, fire rating of each door located in the path of travel to a required exit or serving as part of a required exit.
 - 9) The locations of vertical openings and the existing or proposed protection for them.

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- 10) The existing or proposed locations of fire alarm boxes, fire alarm horns and lights, exit lights, emergency lighting, and fire alarm control panel.
 - 11) The location of primary air distributing or recirculating fans and designation of the areas served by each one.
 - 12) The location and identification of fuel burning equipment (both permanent and moveable).
 - 13) On the basement plan, or lowest street floor plan if no basement exists, the location and height of service tunnels and under-floor crawl spaces along with the existing or proposed method of separating these tunnels and spaces from adjacent occupied spaces.
- g) A plan shall be included for each attic that:
- 1) Is used, or can be used, for storage purposes; or
 - 2) Is of combustible construction and used as an open-plenum chamber; or
 - 3) Has an average clear height from the top of the ceiling below to the underside of the roof joists or slab (if no joists exist) of more than 42 inches.
- h) Each attic plan shall show:
- 1) The construction of the roof and ceiling;
 - 2) The slope of the roof and other details as necessary to illustrate the size and arrangement of the attic;
 - 3) Access doors, ducts, and other openings into the attic and existing or proposed protection for these openings;
 - 4) Existing or proposed fire-stopping for subdividing attics; and
 - 5) The existing or proposed automatic protection (sprinkler or fire detection) and the area to be protected.

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- a) ~~The board of education shall complete an Application for Approval of Safety Survey Report on a form supplied by the State Board of Education and, if the board determines that fire prevention and safety financing will be required, a Statement of Facts and Assurances and a Summary of Financing, both on forms provided by the State Board of Education.~~
- b) ~~The board of education shall submit the application for approval of the report, along with a copy of the report and schematic floor plans for areas where violations were noted and work was recommended, to the regional superintendent.~~

(Source: Amended at 31 Ill. Reg. 14296, effective September 25, 2007)

Section 180.340 Local Board Action and Approval of Safety Survey Reports

- a) The board of education shall complete an application for approval of the safety survey report on a form supplied by the State Superintendent of Education and, if the board determines that fire prevention and safety financing will be required, a Statement of Facts and Assurance and a Summary of Financing, both on forms provided by the State Superintendent.
- b) The board of education shall submit the application for approval to the regional superintendent of schools, along with a copy of the report and schematic floor plans for areas where violations were noted and work was recommended.
- c) If the regional superintendent finds that the Safety Survey Report and relevant floor plans are complete and correct, he or she shall approve the report; if the regional superintendent finds that the report and floor plans are incomplete or contain errors, he or she shall so notify the board of education in writing. If the district fails to correct the errors or omissions, the regional superintendent shall disapprove the report. In either case, the regional superintendent shall forward the report and any floor plans to the State Superintendent for approval or disapproval.
- ~~b~~) If the State Superintendent finds that the safety survey report is incomplete or contains errors, he or she shall so notify the board of education in writing. If the district fails to correct the errors or omissions, the State Superintendent shall disapprove the report and return the material to the regional superintendent for return to the board of education.
- ~~e~~) The State Superintendent shall approve or disapprove the report within 90 days

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

after its submission by the regional superintendent. If he or she approves the report, he or she shall issue a Certificate of Approval.

- ~~fd~~) Upon receipt of the State Superintendent's certificate, the regional superintendent shall issue such orders as are necessary to effect any recommendations contained in the safety survey report.
- ~~ge~~) Submission of Other Survey Reports

 - 1) If, after having received approval of a safety survey report from the State Superintendent and before submission of the next required safety survey report, a board of education is ordered to have a complete or partial resurvey of its facilities conducted pursuant to Section 180.400 of this Part, it shall submit an updated report reflecting the results of said resurvey.
 - 2) The report shall be submitted to the regional superintendent and the State Superintendent for approval or disapproval in the same manner as for a safety survey report resulting from a decennial inspection.

(Source: Amended at 31 Ill. Reg. 14296, effective September 25, 2007)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

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

<u>Section Numbers:</u>	<u>Peremptory Action:</u>
310.410	Amendment
310.APPENDIX A TABLE J	Amendment
310.APPENDIX A TABLE W	Amendment
- 4) Reference to the Specific State or Federal Court Order, Federal Rule or Statute which Requires this Peremptory Rulemaking: The Department of Central Management Services (CMS) is amending the Pay Plan (80 Ill. Adm. Code 310) Sections 310.410 and 310.Appendix A Tables J and W to reflect two Memoranda of Understanding between CMS and the American Federation of State, County, and Municipal Employees (AFSCME) that were signed September 17, 2007. The first Memorandum of Understanding (MOU) assigns the positions within the Safety Responsibility Analyst Supervisor title to the RC-014 bargaining unit and the RC-014-14 pay grade effective June 18, 2007. No position within the Safety Responsibility Analyst Supervisor title was excluded from the bargaining unit by the Illinois Labor Relations Board. The Safety Responsibility Analyst Supervisor title is no longer assigned to the Merit Compensation System or MC-02 range.

The second MOU assigns some positions within the Executive II title to the RC-062 bargaining unit and the RC-062-20 pay grade effective June 28, 2007. Some positions within the Executive II title were excluded from the bargaining unit by the Illinois Labor Relations Board. The Executive II title also remains assigned to the MC-07 range.
- 5) Statutory Authority: Authorized by Sections 8 and 8a of the Personnel Code [20 ILCS 415/8 and 20 ILCS 415/8a]
- 6) Effective Date: October 1, 2007
- 7) A Complete Description of the Subjects and Issues Involved: In Section 310.410, the Safety Responsibility Analyst Supervisor title, its title code and salary range is removed from the title table.

In Section 310.Appendix A Table J, the Safety Responsibility Analyst Supervisor title, its title code 38915, bargaining unit RC-014 and pay grade 14 are added to the title table.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

In Section 310.Appendix A Table W, the Executive II title, its title code 13852, bargaining unit RC-062 and pay grade 20 are added to the title table.

- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Date filed with the Index Department: October 1, 2007
- 10) This and other Pay Plan amendments are available in the Division of Technical Services of the Bureau of Personnel.
- 11) Is this in compliance with Section 5-50 of the Illinois Administrative Procedure Act?
Yes
- 12) Are there any other proposed amendments pending on this Part? Yes

<u>Section Numbers:</u>	<u>Proposed Action:</u>	<u>Illinois Register Citation:</u>
310.290	Amendment	30 Ill. Reg. 16504; 10/20/06
310.APPENDIX C	Amendment	30 Ill. Reg. 16504; 10/20/06
310.APPENDIX D	Amendment	30 Ill. Reg. 16504; 10/20/06
310.APPENDIX G	Amendment	30 Ill. Reg. 16504; 10/20/06
310.APPENDIX A TABLE A	Amendment	31 Ill. Reg. 12384; 8/31/07
310.270	Amendment	31 Ill. Reg. 13050; 9/14/07

- 13) Statement of Statewide Policy Objectives: These amendments to the Pay Plan affect only the employees subject to the Personnel Code and do not set out any guidelines that affect local or other jurisdictions in the State.
- 14) Information and questions regarding these preemptory amendments shall be directed to:

Mr. Jason Doggett
 Manager
 Compensation Section
 Division of Technical Services and Agency Training and Development
 Bureau of Personnel
 Department of Central Management Services
 504 William G. Stratton Building
 Springfield IL 62706

217/782-7964

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

Fax: 217/524-4570
CMS.PayPlan@Illinois.gov

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

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

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

CHAPTER I: DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

PART 310
PAY PLAN

SUBPART A: NARRATIVE

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

SUBPART B: SCHEDULE OF RATES

Section	
310.205	Introduction
310.210	Prevailing Rate
310.220	Negotiated Rate
310.230	Part-Time Daily or Hourly Special Services Rate
310.240	Daily or Hourly Rate Conversion
310.250	Member, Patient and Inmate Rate
310.260	Trainee Rate

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

310.270	Legislated and Contracted Rate
310.280	Designated Rate
310.290	Out-of-State Rate
310.295	Foreign Service Rate
310.300	Educator Schedule for RC-063 and HR-010
310.310	Physician Specialist Rate
310.320	Annual Compensation Ranges for Executive Director and Assistant Executive Director, State Board of Elections (Repealed)
310.330	Excluded Classes Rate (Repealed)

SUBPART C: MERIT COMPENSATION SYSTEM

Section	
310.410	Jurisdiction
310.420	Objectives
310.430	Responsibilities
310.440	Merit Compensation Salary Schedule
310.450	Procedures for Determining Annual Merit Increases and Bonuses
310.455	Intermittent Merit Increase
310.456	Merit Zone (Repealed)
310.460	Other Pay Increases
310.470	Adjustment
310.480	Decreases in Pay
310.490	Other Pay Provisions
310.495	Broad-Band Pay Range Classes
310.500	Definitions
310.510	Conversion of Base Salary to Pay Period Units (Repealed)
310.520	Conversion of Base Salary to Daily or Hourly Equivalent
310.530	Implementation
310.540	Annual Merit Increase and Bonus Guidechart
310.550	Fiscal Year 1985 Pay Changes in Merit Compensation System, effective July 1, 1984 (Repealed)
310.APPENDIX A	Negotiated Rates of Pay
310.TABLE A	RC-104 (Conservation Police Sergeants, Laborers' – ISEA Local #2002)
310.TABLE B	VR-706 (Meat and Poultry Inspector Supervisors, Laborers' - ISEA Local #2002)
310.TABLE C	RC-056 (Site Superintendents and Natural Resource, Historic

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

	Preservation and Agriculture Managers, IFPE)
310.TABLE D	HR-001 (Teamsters Local #726)
310.TABLE E	RC-020 (Teamsters Local #330)
310.TABLE F	RC-019 (Teamsters Local #25)
310.TABLE G	RC-045 (Automotive Mechanics, IFPE)
310.TABLE H	RC-006 (Corrections Employees, AFSCME)
310.TABLE I	RC-009 (Institutional Employees, AFSCME)
310.TABLE J	RC-014 (Clerical Employees, AFSCME)
310.TABLE K	RC-023 (Registered Nurses, INA)
310.TABLE L	RC-008 (Boilermakers)
310.TABLE M	RC-110 (Conservation Police Lodge)
310.TABLE N	RC-010 (Professional Legal Unit, AFSCME)
310.TABLE O	RC-028 (Paraprofessional Human Services Employees, AFSCME)
310.TABLE P	RC-029 (Paraprofessional Investigatory and Law Enforcement Employees, IFPE)
310.TABLE Q	RC-033 (Meat Inspectors, IFPE)
310.TABLE R	RC-042 (Residual Maintenance Workers, AFSCME)
310.TABLE S	HR-012 (Fair Employment Practices Employees, SEIU) (Repealed)
310.TABLE T	HR-010 (Teachers of Deaf, IFT)
310.TABLE U	HR-010 (Teachers of Deaf, Extracurricular Paid Activities)
310.TABLE V	CU-500 (Corrections Meet and Confer Employees)
310.TABLE W	RC-062 (Technical Employees, AFSCME)
310.TABLE X	RC-063 (Professional Employees, AFSCME)
310.TABLE Y	RC-063 (Educators, AFSCME)
310.TABLE Z	RC-063 (Physicians, AFSCME)
310.TABLE AA	NR-916 (Department of Natural Resources, Teamsters)
310.TABLE AB	VR-007 (Plant Maintenance Engineers, Operating Engineers) (Repealed)
310.APPENDIX B	Schedule of Salary Grade Pay Grades – Monthly Rates of Pay
310.APPENDIX C	Medical Administrator Rates
310.APPENDIX D	Merit Compensation System Salary Schedule
310.APPENDIX E	Teaching Salary Schedule (Repealed)
310.APPENDIX F	Physician and Physician Specialist Salary Schedule (Repealed)
310.APPENDIX G	Broad-Band Pay Range Classes Salary Schedule

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

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

SOURCE: Filed June 28, 1967; codified at 8 Ill. Reg. 1558; emergency amendment at 8 Ill. Reg. 1990, effective January 31, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 2440, effective February 15, 1984; emergency amendment at 8 Ill. Reg. 3348, effective March 5, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 4249, effective March 16, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 5704, effective April 16, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 7290, effective May 11, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 11299, effective June 25, 1984; emergency amendment at 8 Ill. Reg. 12616, effective July 1, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 15007, effective August 6, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 15367, effective August 13, 1984; emergency amendment at 8 Ill. Reg. 21310, effective October 10, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 21544, effective October 24, 1984; amended at 8 Ill. Reg. 22844, effective November 14, 1984; emergency amendment at 9 Ill. Reg. 1134, effective January 16, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 1320, effective January 23, 1985; amended at 9 Ill. Reg. 3681, effective March 12, 1985; emergency amendment at 9 Ill. Reg. 4163, effective March 15, 1985, for a maximum of 150 days; emergency amendment at 9 Ill. Reg. 9231, effective May 31, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 9420, effective June 7, 1985; amended at 9 Ill. Reg. 10663, effective July 1, 1985; emergency amendment at 9 Ill. Reg. 15043, effective September 24, 1985, for a maximum of 150 days; preemptory amendment at 10 Ill. Reg. 3325, effective January 22, 1986; amended at 10 Ill. Reg. 3230, effective January 24, 1986; emergency amendment at 10 Ill. Reg. 8904, effective May 13, 1986, for a maximum of 150 days; preemptory amendment at 10 Ill. Reg. 8928, effective May 13, 1986; emergency amendment at 10 Ill. Reg. 12090, effective June 30, 1986, for a maximum of 150 days; preemptory amendment at 10 Ill. Reg. 13675, effective July 31, 1986; preemptory amendment at 10 Ill. Reg. 14867, effective August 26, 1986; amended at 10 Ill. Reg. 15567, effective September 17, 1986; emergency amendment at 10 Ill. Reg. 17765, effective September 30, 1986, for a maximum of 150 days; preemptory amendment at 10 Ill. Reg. 19132, effective October 28, 1986; preemptory amendment at 10 Ill. Reg. 21097, effective December 9, 1986; amended at 11 Ill. Reg. 648, effective December 22, 1986; preemptory amendment at 11 Ill. Reg. 3363, effective February 3, 1987; preemptory amendment at 11 Ill. Reg. 4388, effective February 27, 1987; preemptory amendment at 11 Ill. Reg. 6291, effective March 23, 1987; amended at 11 Ill. Reg. 5901, effective March 24, 1987; emergency amendment at 11 Ill. Reg. 8787, effective April 15, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 11830, effective July 1, 1987, for a maximum of 150 days; preemptory amendment at 11 Ill. Reg. 13675, effective July 29, 1987; amended at 11 Ill. Reg. 14984, effective August 27, 1987; preemptory amendment at 11 Ill. Reg. 15273, effective September 1, 1987; preemptory amendment at 11 Ill. Reg. 17919, effective October 19, 1987; preemptory amendment at 11 Ill. Reg. 19812, effective November 19, 1987; emergency amendment at 11 Ill. Reg. 20664, effective December 4, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20778, effective December 11, 1987; preemptory

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

amendment at 12 Ill. Reg. 3811, effective January 27, 1988; preemptory amendment at 12 Ill. Reg. 5459, effective March 3, 1988; amended at 12 Ill. Reg. 6073, effective March 21, 1988; preemptory amendment at 12 Ill. Reg. 7783, effective April 14, 1988; emergency amendment at 12 Ill. Reg. 7734, effective April 15, 1988, for a maximum of 150 days; preemptory amendment at 12 Ill. Reg. 8135, effective April 22, 1988; preemptory amendment at 12 Ill. Reg. 9745, effective May 23, 1988; emergency amendment at 12 Ill. Reg. 11778, effective July 1, 1988, for a maximum of 150 days; emergency amendment at 12 Ill. Reg. 12895, effective July 18, 1988, for a maximum of 150 days; preemptory amendment at 12 Ill. Reg. 13306, effective July 27, 1988; corrected at 12 Ill. Reg. 13359; amended at 12 Ill. Reg. 14630, effective September 6, 1988; amended at 12 Ill. Reg. 20449, effective November 28, 1988; preemptory amendment at 12 Ill. Reg. 20584, effective November 28, 1988; preemptory amendment at 13 Ill. Reg. 8080, effective May 10, 1989; amended at 13 Ill. Reg. 8849, effective May 30, 1989; preemptory amendment at 13 Ill. Reg. 8970, effective May 26, 1989; emergency amendment at 13 Ill. Reg. 10967, effective June 20, 1989, for a maximum of 150 days; emergency amendment expired on November 17, 1989; amended at 13 Ill. Reg. 11451, effective June 28, 1989; emergency amendment at 13 Ill. Reg. 11854, effective July 1, 1989, for a maximum of 150 days; corrected at 13 Ill. Reg. 12647; preemptory amendment at 13 Ill. Reg. 12887, effective July 24, 1989; amended at 13 Ill. Reg. 16950, effective October 20, 1989; amended at 13 Ill. Reg. 19221, effective December 12, 1989; amended at 14 Ill. Reg. 615, effective January 2, 1990; preemptory amendment at 14 Ill. Reg. 1627, effective January 11, 1990; amended at 14 Ill. Reg. 4455, effective March 12, 1990; preemptory amendment at 14 Ill. Reg. 7652, effective May 7, 1990; amended at 14 Ill. Reg. 10002, effective June 11, 1990; emergency amendment at 14 Ill. Reg. 11330, effective June 29, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 14361, effective August 24, 1990; emergency amendment at 14 Ill. Reg. 15570, effective September 11, 1990, for a maximum of 150 days; emergency amendment expired on February 8, 1991; corrected at 14 Ill. Reg. 16092; preemptory amendment at 14 Ill. Reg. 17098, effective September 26, 1990; amended at 14 Ill. Reg. 17189, effective October 2, 1990; amended at 14 Ill. Reg. 17189, effective October 19, 1990; amended at 14 Ill. Reg. 18719, effective November 13, 1990; preemptory amendment at 14 Ill. Reg. 18854, effective November 13, 1990; preemptory amendment at 15 Ill. Reg. 663, effective January 7, 1991; amended at 15 Ill. Reg. 3296, effective February 14, 1991; amended at 15 Ill. Reg. 4401, effective March 11, 1991; preemptory amendment at 15 Ill. Reg. 5100, effective March 20, 1991; preemptory amendment at 15 Ill. Reg. 5465, effective April 2, 1991; emergency amendment at 15 Ill. Reg. 10485, effective July 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 11080, effective July 19, 1991; amended at 15 Ill. Reg. 13080, effective August 21, 1991; amended at 15 Ill. Reg. 14210, effective September 23, 1991; emergency amendment at 16 Ill. Reg. 711, effective December 26, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 3450, effective February 20, 1992; preemptory amendment at 16 Ill. Reg. 5068, effective March 11, 1992; preemptory amendment at 16 Ill. Reg. 7056, effective April 20, 1992; emergency amendment at

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

16 Ill. Reg. 8239, effective May 19, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 8382, effective May 26, 1992; emergency amendment at 16 Ill. Reg. 13950, effective August 19, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 14452, effective September 4, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 238, effective December 23, 1992; preemptory amendment at 17 Ill. Reg. 498, effective December 18, 1992; amended at 17 Ill. Reg. 590, effective January 4, 1993; amended at 17 Ill. Reg. 1819, effective February 2, 1993; amended at 17 Ill. Reg. 6441, effective April 8, 1993; emergency amendment at 17 Ill. Reg. 12900, effective July 22, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 13409, effective July 29, 1993; emergency amendment at 17 Ill. Reg. 13789, effective August 9, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 14666, effective August 26, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 19103, effective October 25, 1993; emergency amendment at 17 Ill. Reg. 21858, effective December 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 22514, effective December 15, 1993; amended at 18 Ill. Reg. 227, effective December 17, 1993; amended at 18 Ill. Reg. 1107, effective January 18, 1994; amended at 18 Ill. Reg. 5146, effective March 21, 1994; preemptory amendment at 18 Ill. Reg. 9562, effective June 13, 1994; emergency amendment at 18 Ill. Reg. 11299, effective July 1, 1994, for a maximum of 150 days; preemptory amendment at 18 Ill. Reg. 13476, effective August 17, 1994; emergency amendment at 18 Ill. Reg. 14417, effective September 9, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 16545, effective October 31, 1994; preemptory amendment at 18 Ill. Reg. 16708, effective October 28, 1994; amended at 18 Ill. Reg. 17191, effective November 21, 1994; amended at 19 Ill. Reg. 1024, effective January 24, 1995; preemptory amendment at 19 Ill. Reg. 2481, effective February 17, 1995; preemptory amendment at 19 Ill. Reg. 3073, effective February 17, 1995; amended at 19 Ill. Reg. 3456, effective March 7, 1995; preemptory amendment at 19 Ill. Reg. 5145, effective March 14, 1995; amended at 19 Ill. Reg. 6452, effective May 2, 1995; preemptory amendment at 19 Ill. Reg. 6688, effective May 1, 1995; amended at 19 Ill. Reg. 7841, effective June 1, 1995; amended at 19 Ill. Reg. 8156, effective June 12, 1995; amended at 19 Ill. Reg. 9096, effective June 27, 1995; emergency amendment at 19 Ill. Reg. 11954, effective August 1, 1995, for a maximum of 150 days; preemptory amendment at 19 Ill. Reg. 13979, effective September 19, 1995; preemptory amendment at 19 Ill. Reg. 15103, effective October 12, 1995; amended at 19 Ill. Reg. 16160, effective November 28, 1995; amended at 20 Ill. Reg. 308, effective December 22, 1995; emergency amendment at 20 Ill. Reg. 4060, effective February 27, 1996, for a maximum of 150 days; preemptory amendment at 20 Ill. Reg. 6334, effective April 22, 1996; preemptory amendment at 20 Ill. Reg. 7434, effective May 14, 1996; amended at 20 Ill. Reg. 8301, effective June 11, 1996; amended at 20 Ill. Reg. 8657, effective June 20, 1996; amended at 20 Ill. Reg. 9006, effective June 26, 1996; amended at 20 Ill. Reg. 9925, effective July 10, 1996; emergency amendment at 20 Ill. Reg. 10213, effective July 15, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 10841, effective August 5, 1996; preemptory amendment at 20 Ill. Reg. 13408, effective September 24, 1996; amended at 20 Ill. Reg. 15018, effective November 7, 1996;

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

peremptory amendment at 20 Ill. Reg. 15092, effective November 7, 1996; emergency amendment at 21 Ill. Reg. 1023, effective January 6, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 1629, effective January 22, 1997; amended at 21 Ill. Reg. 5144, effective April 15, 1997; amended at 21 Ill. Reg. 6444, effective May 15, 1997; amended at 21 Ill. Reg. 7118, effective June 3, 1997; emergency amendment at 21 Ill. Reg. 10061, effective July 21, 1997, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 12859, effective September 8, 1997, for a maximum of 150 days; peremptory amendment at 21 Ill. Reg. 14267, effective October 14, 1997; peremptory amendment at 21 Ill. Reg. 14589, effective October 15, 1997; peremptory amendment at 21 Ill. Reg. 15030, effective November 10, 1997; amended at 21 Ill. Reg. 16344, effective December 9, 1997; peremptory amendment at 21 Ill. Reg. 16465, effective December 4, 1997; peremptory amendment at 21 Ill. Reg. 17167, effective December 9, 1997; peremptory amendment at 22 Ill. Reg. 1593, effective December 22, 1997; amended at 22 Ill. Reg. 2580, effective January 14, 1998; peremptory amendment at 22 Ill. Reg. 4326, effective February 13, 1998; peremptory amendment at 22 Ill. Reg. 5108, effective February 26, 1998; peremptory amendment at 22 Ill. Reg. 5749, effective March 3, 1998; amended at 22 Ill. Reg. 6204, effective March 12, 1998; peremptory amendment at 22 Ill. Reg. 7053, effective April 1, 1998; peremptory amendment at 22 Ill. Reg. 7320, effective April 10, 1998; peremptory amendment at 22 Ill. Reg. 7692, effective April 20, 1998; emergency amendment at 22 Ill. Reg. 12607, effective July 2, 1998, for a maximum of 150 days; peremptory amendment at 22 Ill. Reg. 15489, effective August 7, 1998; amended at 22 Ill. Reg. 16158, effective August 31, 1998; peremptory amendment at 22 Ill. Reg. 19105, effective September 30, 1998; peremptory amendment at 22 Ill. Reg. 19943, effective October 27, 1998; peremptory amendment at 22 Ill. Reg. 20406, effective November 5, 1998; amended at 22 Ill. Reg. 20581, effective November 16, 1998; amended at 23 Ill. Reg. 664, effective January 1, 1999; peremptory amendment at 23 Ill. Reg. 730, effective December 29, 1998; emergency amendment at 23 Ill. Reg. 6533, effective May 10, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 7065, effective June 3, 1999; emergency amendment at 23 Ill. Reg. 8169, effective July 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 11020, effective August 26, 1999; amended at 23 Ill. Reg. 12429, effective September 21, 1999; peremptory amendment at 23 Ill. Reg. 12493, effective September 23, 1999; amended at 23 Ill. Reg. 12604, effective September 24, 1999; amended at 23 Ill. Reg. 13053, effective September 27, 1999; peremptory amendment at 23 Ill. Reg. 13132, effective October 1, 1999; amended at 23 Ill. Reg. 13570, effective October 26, 1999; amended at 23 Ill. Reg. 14020, effective November 15, 1999; amended at 24 Ill. Reg. 1025, effective January 7, 2000; peremptory amendment at 24 Ill. Reg. 3399, effective February 3, 2000; amended at 24 Ill. Reg. 3537, effective February 18, 2000; amended at 24 Ill. Reg. 6874, effective April 21, 2000; amended at 24 Ill. Reg. 7956, effective May 23, 2000; emergency amendment at 24 Ill. Reg. 10328, effective July 1, 2000, for a maximum of 150 days; emergency expired November 27, 2000; peremptory amendment at 24 Ill. Reg. 10767, effective July 3, 2000; amended at 24 Ill. Reg. 13384, effective August 17, 2000; peremptory amendment at 24 Ill. Reg. 14460, effective

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

September 14, 2000; preemptory amendment at 24 Ill. Reg. 16700, effective October 30, 2000; preemptory amendment at 24 Ill. Reg. 17600, effective November 16, 2000; amended at 24 Ill. Reg. 18058, effective December 4, 2000; preemptory amendment at 24 Ill. Reg. 18444, effective December 1, 2000; amended at 25 Ill. Reg. 811, effective January 4, 2001; amended at 25 Ill. Reg. 2389, effective January 22, 2001; amended at 25 Ill. Reg. 4552, effective March 14, 2001; preemptory amendment at 25 Ill. Reg. 5067, effective March 21, 2001; amended at 25 Ill. Reg. 5618, effective April 4, 2001; amended at 25 Ill. Reg. 6655, effective May 11, 2001; amended at 25 Ill. Reg. 7151, effective May 25, 2001; preemptory amendment at 25 Ill. Reg. 8009, effective June 14, 2001; emergency amendment at 25 Ill. Reg. 9336, effective July 3, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 9846, effective July 23, 2001; amended at 25 Ill. Reg. 12087, effective September 6, 2001; amended at 25 Ill. Reg. 15560, effective November 20, 2001; preemptory amendment at 25 Ill. Reg. 15671, effective November 15, 2001; amended at 25 Ill. Reg. 15974, effective November 28, 2001; emergency amendment at 26 Ill. Reg. 223, effective December 21, 2001, for a maximum of 150 days; amended at 26 Ill. Reg. 1143, effective January 17, 2002; amended at 26 Ill. Reg. 4127, effective March 5, 2002; preemptory amendment at 26 Ill. Reg. 4963, effective March 15, 2002; amended at 26 Ill. Reg. 6235, effective April 16, 2002; emergency amendment at 26 Ill. Reg. 7314, effective April 29, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 10425, effective July 1, 2002; emergency amendment at 26 Ill. Reg. 10952, effective July 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 13934, effective September 10, 2002; amended at 26 Ill. Reg. 14965, effective October 7, 2002; emergency amendment at 26 Ill. Reg. 16583, effective October 24, 2002, for a maximum of 150 days; emergency expired March 22, 2003; preemptory amendment at 26 Ill. Reg. 17280, effective November 18, 2002; amended at 26 Ill. Reg. 17374, effective November 25, 2002; amended at 26 Ill. Reg. 17987, effective December 9, 2002; amended at 27 Ill. Reg. 3261, effective February 11, 2003; expedited correction at 28 Ill. Reg. 6151, effective February 11, 2003; amended at 27 Ill. Reg. 8855, effective May 15, 2003; amended at 27 Ill. Reg. 9114, effective May 27, 2003; emergency amendment at 27 Ill. Reg. 10442, effective July 1, 2003, for a maximum of 150 days; emergency expired November 27, 2003; preemptory amendment at 27 Ill. Reg. 17433, effective November 7, 2003; amended at 27 Ill. Reg. 18560, effective December 1, 2003; preemptory amendment at 28 Ill. Reg. 1441, effective January 9, 2004; amended at 28 Ill. Reg. 2684, effective January 22, 2004; amended at 28 Ill. Reg. 6879, effective April 30, 2004; preemptory amendment at 28 Ill. Reg. 7323, effective May 10, 2004; amended at 28 Ill. Reg. 8842, effective June 11, 2004; preemptory amendment at 28 Ill. Reg. 9717, effective June 28, 2004; amended at 28 Ill. Reg. 12585, effective August 27, 2004; preemptory amendment at 28 Ill. Reg. 13011, effective September 8, 2004; preemptory amendment at 28 Ill. Reg. 13247, effective September 20, 2004; preemptory amendment at 28 Ill. Reg. 13656, effective September 27, 2004; emergency amendment at 28 Ill. Reg. 14174, effective October 15, 2004, for a maximum of 150 days; emergency expired March 13, 2005; preemptory amendment at 28 Ill. Reg. 14689, effective October 22, 2004; preemptory amendment at 28 Ill. Reg. 15336, effective

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

November 15, 2004; preemptory amendment at 28 Ill. Reg. 16513, effective December 9, 2004; preemptory amendment at 29 Ill. Reg. 726, effective December 15, 2004; amended at 29 Ill. Reg. 1166, effective January 7, 2005; preemptory amendment at 29 Ill. Reg. 1385, effective January 4, 2005; preemptory amendment at 29 Ill. Reg. 1559, effective January 11, 2005; preemptory amendment at 29 Ill. Reg. 2050, effective January 19, 2005; preemptory amendment at 29 Ill. Reg. 4125, effective February 23, 2005; amended at 29 Ill. Reg. 5375, effective April 4, 2005; preemptory amendment at 29 Ill. Reg. 6105, effective April 14, 2005; preemptory amendment at 29 Ill. Reg. 7217, effective May 6, 2005; preemptory amendment at 29 Ill. Reg. 7840, effective May 10, 2005; amended at 29 Ill. Reg. 8110, effective May 23, 2005; preemptory amendment at 29 Ill. Reg. 8214, effective May 23, 2005; preemptory amendment at 29 Ill. Reg. 8418, effective June 1, 2005; amended at 29 Ill. Reg. 9319, effective July 1, 2005; preemptory amendment at 29 Ill. Reg. 12076, effective July 15, 2005; preemptory amendment at 29 Ill. Reg. 13265, effective August 11, 2005; amended at 29 Ill. Reg. 13540, effective August 22, 2005; preemptory amendment at 29 Ill. Reg. 14098, effective September 2, 2005; amended at 29 Ill. Reg. 14166, effective September 9, 2005; amended at 29 Ill. Reg. 19551, effective November 21, 2005; emergency amendment at 29 Ill. Reg. 20554, effective December 2, 2005, for a maximum of 150 days; preemptory amendment at 29 Ill. Reg. 20693, effective December 12, 2005; preemptory amendment at 30 Ill. Reg. 623, effective December 28, 2005; preemptory amendment at 30 Ill. Reg. 1382, effective January 13, 2006; amended at 30 Ill. Reg. 2289, effective February 6, 2006; preemptory amendment at 30 Ill. Reg. 4157, effective February 22, 2006; preemptory amendment at 30 Ill. Reg. 5687, effective March 7, 2006; preemptory amendment at 30 Ill. Reg. 6409, effective March 30, 2006; amended at 30 Ill. Reg. 7857, effective April 17, 2006; amended at 30 Ill. Reg. 9438, effective May 15, 2006; preemptory amendment at 30 Ill. Reg. 10153, effective May 18, 2006; preemptory amendment at 30 Ill. Reg. 10508, effective June 1, 2006; amended at 30 Ill. Reg. 11336, effective July 1, 2006; emergency amendment at 30 Ill. Reg. 12340, effective July 1, 2006, for a maximum of 150 days; preemptory amendment at 30 Ill. Reg. 12418, effective July 1, 2006; amended at 30 Ill. Reg. 12761, effective July 17, 2006; preemptory amendment at 30 Ill. Reg. 13547, effective August 1, 2006; preemptory amendment at 30 Ill. Reg. 15059, effective September 5, 2006; preemptory amendment at 30 Ill. Reg. 16439, effective September 27, 2006; emergency amendment at 30 Ill. Reg. 16626, effective October 3, 2006, for a maximum of 150 days; preemptory amendment at 30 Ill. Reg. 17603, effective October 20, 2006; amended at 30 Ill. Reg. 18610, effective November 20, 2006; preemptory amendment at 30 Ill. Reg. 18823, effective November 21, 2006; preemptory amendment at 31 Ill. Reg. 230, effective December 20, 2006; emergency amendment at 31 Ill. Reg. 1483, effective January 1, 2007, for a maximum of 150 days; preemptory amendment at 31 Ill. Reg. 2485, effective January 17, 2007; preemptory amendment at 31 Ill. Reg. 4445, effective February 28, 2007; amended at 31 Ill. Reg. 4982, effective March 15, 2007; preemptory amendment at 31 Ill. Reg. 7338, effective May 3, 2007; amended at 31 Ill. Reg. 8901, effective July 1, 2007; emergency amendment at 31 Ill. Reg. 10056, effective July 1, 2007, for a maximum of 150 days;

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

peremptory amendment at 31 Ill. Reg. 10496, effective July 6, 2007; peremptory amendment at 31 Ill. Reg. 12335, effective August 9, 2007; emergency amendment at 31 Ill. Reg. 12608, effective August 16, 2007, for a maximum of 150 days; emergency amendment at 31 Ill. Reg. 13220, effective August 30, 2007, for a maximum of 150 days; peremptory amendment at 31 Ill. Reg. 13357, effective August 29, 2007; amended at 31 Ill. Reg. 13981, effective September 21, 2007; peremptory amendment at 31 Ill. Reg. 14331, effective October 1, 2007.

SUBPART C: MERIT COMPENSATION SYSTEM

Section 310.410 Jurisdiction

The Merit Compensation System shall apply to all classes of positions designated below, Medical Administrator classes in Appendix C, and Broad-Band classes in Appendix G. In addition, the classes are listed in the ALPHABETIC INDEX OF POSITION TITLES. Also see Section 310.495 for the application of the Merit Compensation System for those Broad-Band titles listed with their salary ranges in Appendix G.

Title	Title Code	Salary Plan
Accountant Supervisor	00135	MC-05
Activity Therapist Supervisor	00163	MC-07
Actuary III	00203	MC-16
Administrative Assistant I	00501	MC-04
Administrative Assistant II	00502	MC-06
Agricultural Marketing Representative	00810	MC-05
Assistant Automotive Shop Supervisor	01565	MC-03
Automotive Shop Supervisor	03749	MC-07
Boat Safety Inspection Supervisor	04850	MC-06
Building Construction Inspector I	05541	MC-04
Building Construction Inspector II	05542	MC-05
Business Manager	05815	MC-05
Commerce Commission Police Sergeant	08457	MC-07
Corrections Leisure Activities Specialist III	09813	MC-06
Corrections Leisure Activities Specialist IV	09814	MC-07
Corrections Vocational School Supervisor	09880	MC-05
Court Reporter Supervisor	09903	MC-08
Data Processing Supervisor II	11436	MC-04
Data Processing Supervisor III	11437	MC-07
Dietary Manager I	12501	MC-03

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

Dietary Manager II	12502	MC-05
Disability Claims Analyst	12540	MC-06
Electrical Engineer	13180	MC-10
Employment Security Field Office Supervisor	13600	MC-06
Engineering Technician IV	13734	MC-07
Executive I	13851	MC-05
Executive II	13852	MC-07
Executive Secretary II	14032	MC-01
Executive Secretary III	14033	MC-02
Facility Fire Chief	14433	MC-02
Guard Supervisor	17685	MC-01
Guardianship Supervisor	17720	MC-07
Highway Construction Supervisor I	18525	MC-07
Highway Construction Supervisor II	18526	MC-09
Historical Library Chief of Acquisitions	18987	MC-06
Human Rights Mediator	19771	MC-05
Human Services Casework Manager	19788	MC-07
Internal Auditor I	21721	MC-05
Internal Security Investigator I	21731	MC-04
Internal Security Investigator II	21732	MC-07
International Marketing Representative I	21761	MC-05
KidCare Supervisor	22003	MC-07
Laundry Manager I	23191	MC-01
Librarian II	23402	MC-05
Lottery Regional Coordinator	24504	MC-07
Management Operations Analyst I	25541	MC-06
Manuscripts Manager	25610	MC-06
Mental Health Administrator I	26811	MC-05
Mental Health Administrator II	26812	MC-07
Mental Health Program Administrator	26908	MC-20
Methods and Procedures Advisor III	27133	MC-07
Office Administrator IV	29994	MC-02
Office Administrator V	29995	MC-03
Plumbing Consultant	32910	MC-09
Police Lieutenant	32977	MC-09
Private Secretary I	34201	MC-02
Private Secretary II	34202	MC-04

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

Public Aid Family Support Specialist II	35842	MC-05
Public Aid Staff Development Specialist III	36073	MC-06
Public Health Program Specialist III	36613	MC-07
Radiologic Technologist Chief	37505	MC-03
Rehabilitation Workshop Supervisor III	38196	MC-05
Reimbursement Officer II	38200	MC-05
Reproduction Service Supervisor II	38202	MC-04
Residential Care Program Supervisor I	38271	MC-06
Revenue Audit Supervisor	38369	MC-12
Safety Responsibility Analyst Supervisor	38915	MC-02
Security Officer Chief	39875	MC-04
Security Officer Lieutenant	39876	MC-02
Security Therapy Aide IV	39904	MC-05
Sign Shop Foreman	41000	MC-06
Staff Development Specialist I	41771	MC-05
Staff Development Technician II	41782	MC-03
State Mine Inspector-At-Large	42240	MC-11
Statistical Research Specialist III	42743	MC-06
Statistical Research Supervisor	42745	MC-07
Storekeeper III	43053	MC-01
Supervising Vehicle Testing Compliance Officer	43680	MC-06
Switchboard Chief Operator	44410	MC-01
Technical Advisor I	45251	MC-05
Technical Advisor II	45252	MC-07
Telecommunications Supervisor	45305	MC-07
Utility Engineer I	47451	MC-05
Utility Engineer II	47452	MC-07
Vehicle Emissions Compliance Supervisor	47583	MC-05
Waterways Construction Supervisor I	49061	MC-05
Waterways Construction Supervisor II	49062	MC-07

(Source: Amended by peremptory rulemaking at 31 Ill. Reg. 14331, effective October 1, 2007)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

Section 310.APPENDIX A Negotiated Rates of Pay**Section 310.TABLE J RC-014 (Clerical Employees, AFSCME)**

<u>Title</u>	<u>Title Code</u>	<u>Bargaining Unit</u>	<u>Pay Grade</u>
Account Clerk I	00111	RC-014	05
Account Clerk II	00112	RC-014	07
Account Technician I	00115	RC-014	10
Account Technician II	00116	RC-014	12
Administrative Services Worker Trainee	00600	RC-014	02
Aircraft Dispatcher	00951	RC-014	12
Aircraft Lead Dispatcher	00952	RC-014	14
Audio Visual Technician I	03501	RC-014	06
Audio Visual Technician II	03502	RC-014	09
Buyer Assistant	05905	RC-014	10
Check Issuance Machine Operator	06920	RC-014	09
Check Issuance Machine Supervisor	06925	RC-014	11
Clerical Trainee	08050	RC-014	TR
Communications Dispatcher	08815	RC-014	09
Communications Equipment Technician I	08831	RC-014	17
Communications Equipment Technician II	08832	RC-014	19
Communications Equipment Technician III	08833	RC-014	20
Court Reporter	09900	RC-014	15
Data Processing Assistant	11420	RC-014	06
Data Processing Operator	11425	RC-014	04
Data Processing Operator Trainee	11428	RC-014	02
Drafting Worker	12749	RC-014	11
Electronic Equipment Installer/Repairer	13340	RC-014	10
Electronic Equipment Installer/Repairer Lead Worker	13345	RC-014	12
Electronics Technician	13360	RC-014	15
Emergency Response Lead Telecommunicator	13540	RC-014	12
Emergency Response Telecommunicator	13543	RC-014	10
Engineering Technician II	13732	RC-014	13
Engineering Technician III	13733	RC-014	16
Executive Secretary I	14031	RC-014	11
Executive Secretary II	14032	RC-014	14
Graphic Arts Designer	17366	RC-014	14
Graphic Arts Designer Supervisor	17365	RC-014	18

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

Graphic Arts Technician	17400	RC-014	12
Human Resources Assistant	19690	RC-014	08
Human Resources Associate	19691	RC-014	11
Industrial Commission Reporter	21080	RC-014	16
Industrial Commission Technician	21095	RC-014	11
Insurance Analyst I	21561	RC-014	09
Insurance Analyst II	21562	RC-014	12
Insurance Analyst Trainee	21566	RC-014	07
Intermittent Clerk	21686	RC-014	02H
Library Aide I	23421	RC-014	03
Library Aide II	23422	RC-014	05
Library Aide III	23423	RC-014	07
Library Technical Assistant	23450	RC-014	10
Lottery Telemarketing Representative	24520	RC-014	09
Microfilm Laboratory Technician I	27175	RC-014	07
Microfilm Laboratory Technician II	27176	RC-014	09
Microfilm Operator I	27181	RC-014	04
Microfilm Operator II	27182	RC-014	06
Microfilm Operator III	27183	RC-014	08
Office Administrator I	29991	RC-014	07
Office Administrator II	29992	RC-014	09
Office Administrator III	29993	RC-014	11
Office Aide	30005	RC-014	02
Office Assistant	30010	RC-014	06
Office Associate	30015	RC-014	08
Office Clerk	30020	RC-014	04
Office Coordinator	30025	RC-014	09
Photographer I	32085	RC-014	11
Photographer II	32086	RC-014	14
Photographer III	32087	RC-014	15
Photographic Technician I	32091	RC-014	11
Photographic Technician II	32092	RC-014	14
Photographic Technician III	32093	RC-014	15
Procurement Representative	34540	RC-014	09
Property and Supply Clerk I	34791	RC-014	03.5
Property and Supply Clerk II	34792	RC-014	05.5
Property and Supply Clerk III	34793	RC-014	08
Rehabilitation Case Coordinator I	38141	RC-014	08
Rehabilitation Case Coordinator II	38142	RC-014	10

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

Reproduction Service Supervisor I	38201	RC-014	13
Reproduction Service Technician I	38203	RC-014	05
Reproduction Service Technician II	38204	RC-014	09
Reproduction Service Technician III	38205	RC-014	11
Safety Responsibility Analyst	38910	RC-014	12
Safety Responsibility Analyst Supervisor	38915	RC-014	14
Storekeeper I	43051	RC-014	10.5
Storekeeper II	43052	RC-014	12.5
Storekeeper III	43053	RC-014	14
Stores Clerk	43060	RC-014	04.5
Switchboard Operator I	44411	RC-014	05
Switchboard Operator II	44412	RC-014	07
Switchboard Operator III	44413	RC-014	09
Telecommunicator – Command Center	45316	RC-014	13
Telecommunicator Lead Worker – Command Center	45318	RC-014	15
Telecommunicator	45321	RC-014	12
Telecommunicator – Call Taker	45322	RC-014	14
Telecommunicator – Lead Call Taker	45323	RC-014	16
Telecommunicator Lead Worker	45324	RC-014	14
Telecommunicator Trainee	45325	RC-014	10
Telecommunicator Specialist	45326	RC-014	15
Telecommunicator Lead Specialist	45327	RC-014	17
Vehicle Permit Evaluator	47585	RC-014	11
Veterans Service Officer Associate	47804	RC-014	13

NOTE: RC-014-TR is at least the minimum wage and below the minimum rate in the pay grade of the targeted title. The targeted title is the lowest entry level position in the office, either Office Aide (pay grade RC-014-02), Office Clerk (pay grade RC-014-04) or, for the Department of Corrections only, Office Assistant (pay grade RC-014-06).

Effective July 1, 2007
Bargaining Unit: RC-014

Pay Grade	Pay Plan Code	S T E P S										
		1c	1b	1a	1	2	3	4	5	6	7	8
02	B	2072	2121	2171	2221	2271	2321	2384	2437	2494	2586	2689

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

02	Q	2153	2202	2255	2308	2360	2413	2477	2536	2593	2689	2797
02	S	2212	2262	2314	2369	2419	2472	2538	2596	2654	2750	2860
02H	B	12.75	13.05	13.36	13.67	13.98	14.28	14.67	15.00	15.35	15.91	16.55
02H	Q	13.25	13.55	13.88	14.20	14.52	14.85	15.24	15.61	15.96	16.55	17.21
02H	S	13.61	13.92	14.24	14.58	14.89	15.21	15.62	15.98	16.33	16.92	17.60
03	B	2117	2166	2217	2271	2321	2385	2441	2499	2559	2665	2772
03	Q	2198	2251	2304	2360	2413	2478	2539	2598	2659	2772	2883
03	S	2258	2310	2364	2419	2472	2539	2599	2658	2718	2831	2944
03.5	B	2164	2215	2269	2321	2381	2441	2501	2559	2622	2735	2844
03.5	Q	2248	2301	2358	2413	2474	2539	2600	2659	2726	2843	2957
03.5	S	2307	2362	2417	2472	2536	2599	2660	2718	2787	2904	3020
04	B	2164	2215	2269	2321	2385	2448	2503	2574	2630	2743	2853
04	Q	2248	2301	2358	2413	2478	2543	2602	2675	2735	2851	2965
04	S	2307	2362	2417	2472	2539	2603	2664	2736	2793	2912	3028
04.5	B	2218	2272	2325	2381	2441	2502	2569	2635	2696	2810	2922
04.5	Q	2305	2361	2417	2474	2539	2601	2670	2739	2803	2923	3040
04.5	S	2365	2421	2476	2536	2599	2663	2728	2797	2865	2984	3103
05	B	2221	2275	2328	2385	2451	2515	2581	2643	2708	2819	2932
05	Q	2308	2364	2421	2478	2545	2615	2682	2748	2816	2932	3049
05	S	2369	2424	2480	2539	2605	2675	2744	2810	2877	2993	3113
05.5	B	2275	2328	2385	2441	2503	2579	2642	2708	2779	2891	3007
05.5	Q	2364	2421	2478	2539	2602	2680	2747	2816	2891	3008	3128
05.5	S	2424	2480	2539	2599	2664	2741	2809	2877	2951	3069	3192
06	B	2281	2336	2393	2451	2516	2583	2656	2723	2799	2917	3034
06	Q	2370	2427	2486	2545	2616	2686	2762	2834	2910	3034	3155

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

06	S	2429	2488	2545	2605	2676	2746	2823	2894	2971	3097	3221
07	B	2344	2399	2459	2516	2586	2663	2738	2812	2890	3022	3143
07	Q	2433	2494	2553	2616	2689	2770	2847	2925	3007	3147	3273
07	S	2495	2552	2614	2676	2750	2828	2907	2986	3066	3209	3337
08	B	2406	2466	2526	2586	2669	2748	2834	2912	2994	3136	3261
08	Q	2501	2562	2625	2689	2777	2856	2949	3027	3119	3266	3397
08	S	2561	2621	2684	2750	2835	2917	3010	3092	3182	3329	3462
09	B	2480	2541	2604	2669	2751	2840	2927	3021	3111	3257	3387
09	Q	2580	2642	2708	2777	2862	2955	3046	3145	3239	3394	3530
09	S	2639	2704	2768	2835	2922	3015	3109	3208	3302	3459	3597
10	B	2561	2622	2688	2754	2855	2940	3037	3133	3230	3395	3531
10	Q	2663	2726	2794	2866	2969	3060	3163	3263	3365	3544	3686
10	S	2720	2787	2854	2925	3029	3122	3225	3325	3432	3611	3755
10.5	B	2636	2701	2768	2836	2927	3027	3120	3229	3323	3493	3633
10.5	Q	2740	2810	2880	2952	3046	3152	3250	3363	3464	3644	3790
10.5	S	2799	2870	2939	3012	3109	3216	3312	3431	3532	3714	3863
11	B	2651	2717	2787	2856	2953	3049	3158	3263	3364	3542	3684
11	Q	2758	2826	2897	2971	3077	3178	3291	3401	3509	3699	3847
11	S	2819	2887	2957	3030	3138	3238	3353	3465	3576	3764	3915
12	B	2755	2824	2895	2971	3080	3182	3300	3408	3534	3723	3872
12	Q	2868	2938	3013	3093	3207	3314	3441	3558	3687	3888	4044
12	S	2927	2998	3075	3153	3269	3377	3507	3625	3756	3958	4116
12.5	B	2820	2891	2966	3042	3154	3264	3388	3504	3618	3817	3970
12.5	Q	2933	3008	3086	3168	3286	3403	3534	3659	3778	3989	4149
12.5	S	2994	3069	3149	3230	3349	3467	3604	3727	3847	4060	4222

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

13	B	2856	2928	3003	3083	3196	3318	3442	3568	3702	3907	4063
13	Q	2971	3048	3127	3211	3329	3460	3595	3726	3863	4083	4246
13	S	3030	3110	3190	3272	3393	3526	3663	3792	3934	4153	4319
14	B	2973	3049	3132	3215	3337	3467	3618	3751	3893	4120	4285
14	Q	3095	3178	3262	3350	3479	3620	3778	3920	4070	4306	4478
14	S	3155	3238	3324	3414	3548	3686	3847	3988	4140	4374	4549
15	B	3087	3168	3254	3342	3490	3634	3776	3930	4076	4321	4494
15	Q	3216	3301	3392	3487	3641	3792	3945	4110	4260	4514	4695
15	S	3278	3362	3457	3552	3709	3858	4016	4178	4328	4585	4768
16	B	3224	3311	3401	3499	3655	3817	3976	4143	4307	4562	4744
16	Q	3358	3452	3550	3652	3817	3989	4156	4327	4501	4769	4960
16	S	3425	3520	3617	3721	3886	4060	4228	4397	4572	4835	5028
17	B	3367	3462	3562	3666	3835	4012	4182	4351	4528	4797	4989
17	Q	3513	3614	3719	3825	4009	4192	4368	4546	4731	5013	5214
17	S	3578	3681	3786	3894	4079	4264	4440	4616	4800	5085	5288
18	B	3539	3641	3746	3857	4044	4233	4425	4605	4790	5076	5279
18	Q	3695	3801	3914	4031	4230	4424	4626	4815	5006	5306	5518
18	S	3761	3867	3984	4098	4297	4494	4694	4884	5078	5374	5589
19	B	3724	3833	3946	4066	4273	4475	4683	4880	5083	5392	5608
19	Q	3889	4006	4126	4249	4466	4674	4896	5100	5314	5634	5859
19	S	3959	4077	4197	4320	4537	4746	4965	5171	5385	5704	5932
20	B	3934	4052	4173	4296	4513	4723	4948	5163	5377	5703	5931
20	Q	4113	4235	4360	4490	4716	4938	5172	5394	5619	5962	6200
20	S	4180	4304	4430	4561	4785	5006	5241	5464	5688	6029	6270

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

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Effective January 1, 2008**Bargaining Unit: RC-014**

Pay Grade	Pay Plan Code	S T E P S										
		1c	1b	1a	1	2	3	4	5	6	7	8
02	B	2134	2185	2236	2288	2339	2391	2456	2510	2569	2664	2770
02	Q	2218	2268	2323	2377	2431	2485	2551	2612	2671	2770	2881
02	S	2278	2330	2383	2440	2492	2546	2614	2674	2734	2833	2946
02H	B	13.13	13.45	13.76	14.08	14.39	14.71	15.11	15.45	15.81	16.39	17.05
02H	Q	13.65	13.96	14.30	14.63	14.96	15.29	15.70	16.07	16.44	17.05	17.73
02H	S	14.02	14.34	14.66	15.02	15.34	15.67	16.09	16.46	16.82	17.43	18.13
03	B	2181	2231	2284	2339	2391	2457	2514	2574	2636	2745	2855
03	Q	2264	2319	2373	2431	2485	2552	2615	2676	2739	2855	2969
03	S	2326	2379	2435	2492	2546	2615	2677	2738	2800	2916	3032
03.5	B	2229	2281	2337	2391	2452	2514	2576	2636	2701	2817	2929
03.5	Q	2315	2370	2429	2485	2548	2615	2678	2739	2808	2928	3046
03.5	S	2376	2433	2490	2546	2612	2677	2740	2800	2871	2991	3111
04	B	2229	2281	2337	2391	2457	2521	2578	2651	2709	2825	2939
04	Q	2315	2370	2429	2485	2552	2619	2680	2755	2817	2937	3054
04	S	2376	2433	2490	2546	2615	2681	2744	2818	2877	2999	3119
04.5	B	2285	2340	2395	2452	2514	2577	2646	2714	2777	2894	3010
04.5	Q	2374	2432	2490	2548	2615	2679	2750	2821	2887	3011	3131
04.5	S	2436	2494	2550	2612	2677	2743	2810	2881	2951	3074	3196
05	B	2288	2343	2398	2457	2525	2590	2658	2722	2789	2904	3020

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

05	Q	2377	2435	2494	2552	2621	2693	2762	2830	2900	3020	3140
05	S	2440	2497	2554	2615	2683	2755	2826	2894	2963	3083	3206
05.5	B	2343	2398	2457	2514	2578	2656	2721	2789	2862	2978	3097
05.5	Q	2435	2494	2552	2615	2680	2760	2829	2900	2978	3098	3222
05.5	S	2497	2554	2615	2677	2744	2823	2893	2963	3040	3161	3288
06	B	2349	2406	2465	2525	2591	2660	2736	2805	2883	3005	3125
06	Q	2441	2500	2561	2621	2694	2767	2845	2919	2997	3125	3250
06	S	2502	2563	2621	2683	2756	2828	2908	2981	3060	3190	3318
07	B	2414	2471	2533	2591	2664	2743	2820	2896	2977	3113	3237
07	Q	2506	2569	2630	2694	2770	2853	2932	3013	3097	3241	3371
07	S	2570	2629	2692	2756	2833	2913	2994	3076	3158	3305	3437
08	B	2478	2540	2602	2664	2749	2830	2919	2999	3084	3230	3359
08	Q	2576	2639	2704	2770	2860	2942	3037	3118	3213	3364	3499
08	S	2638	2700	2765	2833	2920	3005	3100	3185	3277	3429	3566
09	B	2554	2617	2682	2749	2834	2925	3015	3112	3204	3355	3489
09	Q	2657	2721	2789	2860	2948	3044	3137	3239	3336	3496	3636
09	S	2718	2785	2851	2920	3010	3105	3202	3304	3401	3563	3705
10	B	2638	2701	2769	2837	2941	3028	3128	3227	3327	3497	3637
10	Q	2743	2808	2878	2952	3058	3152	3258	3361	3466	3650	3797
10	S	2802	2871	2940	3013	3120	3216	3322	3425	3535	3719	3868
10.5	B	2715	2782	2851	2921	3015	3118	3214	3326	3423	3598	3742
10.5	Q	2822	2894	2966	3041	3137	3247	3348	3464	3568	3753	3904
10.5	S	2883	2956	3027	3102	3202	3312	3411	3534	3638	3825	3979
11	B	2731	2799	2871	2942	3042	3140	3253	3361	3465	3648	3795
11	Q	2841	2911	2984	3060	3169	3273	3390	3503	3614	3810	3962

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

11	S	2904	2974	3046	3121	3232	3335	3454	3569	3683	3877	4032
12	B	2838	2909	2982	3060	3172	3277	3399	3510	3640	3835	3988
12	Q	2954	3026	3103	3186	3303	3413	3544	3665	3798	4005	4165
12	S	3015	3088	3167	3248	3367	3478	3612	3734	3869	4077	4239
12.5	B	2905	2978	3055	3133	3249	3362	3490	3609	3727	3932	4089
12.5	Q	3021	3098	3179	3263	3385	3505	3640	3769	3891	4109	4273
12.5	S	3084	3161	3243	3327	3449	3571	3712	3839	3962	4182	4349
13	B	2942	3016	3093	3175	3292	3418	3545	3675	3813	4024	4185
13	Q	3060	3139	3221	3307	3429	3564	3703	3838	3979	4205	4373
13	S	3121	3203	3286	3370	3495	3632	3773	3906	4052	4278	4449
14	B	3062	3140	3226	3311	3437	3571	3727	3864	4010	4244	4414
14	Q	3188	3273	3360	3451	3583	3729	3891	4038	4192	4435	4612
14	S	3250	3335	3424	3516	3654	3797	3962	4108	4264	4505	4685
15	B	3180	3263	3352	3442	3595	3743	3889	4048	4198	4451	4629
15	Q	3312	3400	3494	3592	3750	3906	4063	4233	4388	4649	4836
15	S	3376	3463	3561	3659	3820	3974	4136	4303	4458	4723	4911
16	B	3321	3410	3503	3604	3765	3932	4095	4267	4436	4699	4886
16	Q	3459	3556	3657	3762	3932	4109	4281	4457	4636	4912	5109
16	S	3528	3626	3726	3833	4003	4182	4355	4529	4709	4980	5179
17	B	3468	3566	3669	3776	3950	4132	4307	4482	4664	4941	5139
17	Q	3618	3722	3831	3940	4129	4318	4499	4682	4873	5163	5370
17	S	3685	3791	3900	4011	4201	4392	4573	4754	4944	5238	5447
18	B	3645	3750	3858	3973	4165	4360	4558	4743	4934	5228	5437
18	Q	3806	3915	4031	4152	4357	4557	4765	4959	5156	5465	5684
18	S	3874	3983	4104	4221	4426	4629	4835	5031	5230	5535	5757

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

19	B	3836	3948	4064	4188	4401	4609	4823	5026	5235	5554	5776
19	Q	4006	4126	4250	4376	4600	4814	5043	5253	5473	5803	6035
19	S	4078	4199	4323	4450	4673	4888	5114	5326	5547	5875	6110
20	B	4052	4174	4298	4425	4648	4865	5096	5318	5538	5874	6109
20	Q	4236	4362	4491	4625	4857	5086	5327	5556	5788	6141	6386
20	S	4305	4433	4563	4698	4929	5156	5398	5628	5859	6210	6458

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(Source: Amended by peremptory rulemaking at 31 Ill. Reg. 14331, effective October 1, 2007)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

Section 310.APPENDIX A Negotiated Rates of Pay**Section 310.TABLE W RC-062 (Technical Employees, AFSCME)**

<u>Title</u>	<u>Title Code</u>	<u>Bargaining Unit</u>	<u>Pay Grade</u>
Accountant	00130	RC-062	14
Accountant Advanced	00133	RC-062	16
Accountant Supervisor	00135	RC-062	18
Accounting and Fiscal Administration Career Trainee	00140	RC-062	12
Activity Therapist	00157	RC-062	15
Activity Therapist Coordinator	00160	RC-062	17
Actuarial Assistant	00187	RC-062	16
Actuarial Examiner	00195	RC-062	16
Actuarial Examiner Trainee	00196	RC-062	13
Actuarial Senior Examiner	00197	RC-062	19
Actuary I	00201	RC-062	20
Actuary II	00202	RC-062	24
Agricultural Market News Assistant	00804	RC-062	12
Agricultural Marketing Generalist	00805	RC-062	14
Agricultural Marketing Reporter	00807	RC-062	18
Agricultural Marketing Representative	00810	RC-062	18
Agriculture Land and Water Resource Specialist I	00831	RC-062	14
Agriculture Land and Water Resource Specialist II	00832	RC-062	17
Agriculture Land and Water Resource Specialist III	00833	RC-062	20
Aircraft Pilot I	00955	RC-062	19
Aircraft Pilot II	00956	RC-062	22
Aircraft Pilot II – Dual Rating	00957	RC-062	23
Appraisal Specialist I	01251	RC-062	14
Appraisal Specialist II	01252	RC-062	16
Appraisal Specialist III	01253	RC-062	18
Arts Council Associate	01523	RC-062	12
Arts Council Program Coordinator	01526	RC-062	18
Arts Council Program Representative	01527	RC-062	15
Assignment Coordinator	01530	RC-062	20
Bank Examiner I	04131	RC-062	16
Bank Examiner II	04132	RC-062	19
Bank Examiner III	04133	RC-062	22
Behavioral Analyst Associate	04355	RC-062	15

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

Behavioral Analyst I	04351	RC-062	17
Behavioral Analyst II	04352	RC-062	19
Business Administrative Specialist	05810	RC-062	16
Business Manager	05815	RC-062	18
Buyer	05900	RC-062	18
Capital Development Board Account Technician	06515	RC-062	11
Capital Development Board Art in Architecture Technician	06533	RC-062	12
Capital Development Board Construction Support Analyst	06520	RC-062	11
Capital Development Board Project Technician	06530	RC-062	12
Chemist I	06941	RC-062	16
Chemist II	06942	RC-062	19
Chemist III	06943	RC-062	21
Child Protection Advanced Specialist	07161	RC-062	19
Child Protection Associate Specialist	07162	RC-062	16
Child Protection Specialist	07163	RC-062	18
Child Welfare Associate Specialist	07216	RC-062	16
Child Welfare Staff Development Coordinator I	07201	RC-062	17
Child Welfare Staff Development Coordinator II	07202	RC-062	19
Child Welfare Staff Development Coordinator III	07203	RC-062	20
Child Welfare Staff Development Coordinator IV	07204	RC-062	22
Children and Family Service Intern – Option I	07241	RC-062	12
Children and Family Service Intern – Option II	07242	RC-062	15
Clinical Laboratory Technologist I	08220	RC-062	18
Clinical Laboratory Technologist II	08221	RC-062	19
Clinical Laboratory Technologist Trainee	08229	RC-062	14
Communications Systems Specialist	08860	RC-062	23
Community Management Specialist I	08891	RC-062	15
Community Management Specialist II	08892	RC-062	17
Community Management Specialist III	08893	RC-062	19
Community Planner I	08901	RC-062	15
Community Planner II	08902	RC-062	17
Community Planner III	08903	RC-062	19
Conservation Education Representative	09300	RC-062	12
Conservation Grant Administrator I	09311	RC-062	18
Conservation Grant Administrator II	09312	RC-062	20
Conservation Grant Administrator III	09313	RC-062	22
Construction Program Assistant	09525	RC-062	12
Correctional Counselor I	09661	RC-062	15
Correctional Counselor II	09662	RC-062	17

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

Correctional Counselor III	09663	RC-062	19
Corrections Apprehension Specialist	09750	RC-062	19
Corrections Industries Marketing Representative	09803	RC-062	17
Corrections Leisure Activities Specialist I	09811	RC-062	15
Corrections Leisure Activities Specialist II	09812	RC-062	17
Corrections Leisure Activities Specialist III	09813	RC-062	19
Corrections Parole Agent	09842	RC-062	17
Corrections Senior Parole Agent	09844	RC-062	19
Criminal Intelligence Analyst I	10161	RC-062	18
Criminal Intelligence Analyst II	10162	RC-062	20
Criminal Intelligence Analyst Specialist	10165	RC-062	22
Criminal Justice Specialist I	10231	RC-062	16
Criminal Justice Specialist II	10232	RC-062	20
Criminal Justice Specialist Trainee	10236	RC-062	13
Curator of the Lincoln Collection	10750	RC-062	16
Day Care Licensing Representative I	11471	RC-062	16
Developmental Disabilities Council Program Planner I	12361	RC-062	12
Developmental Disabilities Council Program Planner II	12362	RC-062	16
Developmental Disabilities Council Program Planner III	12363	RC-062	18
Dietitian	12510	RC-062	15
Disability Appeals Officer	12530	RC-062	22
Disability Claims Adjudicator I	12537	RC-062	16
Disability Claims Adjudicator II	12538	RC-062	18
Disability Claims Adjudicator Trainee	12539	RC-062	13
Disability Claims Analyst	12540	RC-062	21
Disability Claims Specialist	12558	RC-062	19
Disaster Services Planner	12585	RC-062	19
Document Examiner	12640	RC-062	22
Economic Development Representative I	12931	RC-062	17
Economic Development Representative II	12932	RC-062	19
Educator – Provisional	13105	RC-062	12
Employment Security Manpower Representative I	13621	RC-062	12
Employment Security Manpower Representative II	13622	RC-062	14
Employment Security Program Representative	13650	RC-062	14
Employment Security Program Representative – Intermittent	13651	RC-062	14H
Employment Security Service Representative	13667	RC-062	16
Employment Security Specialist I	13671	RC-062	14
Employment Security Specialist II	13672	RC-062	16
Employment Security Specialist III	13673	RC-062	19

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

Employment Security Tax Auditor I	13681	RC-062	17
Employment Security Tax Auditor II	13682	RC-062	19
Energy and Natural Resources Specialist I	13711	RC-062	15
Energy and Natural Resources Specialist II	13712	RC-062	17
Energy and Natural Resources Specialist III	13713	RC-062	19
Energy and Natural Resources Specialist Trainee	13715	RC-062	12
Environmental Health Specialist I	13768	RC-062	14
Environmental Health Specialist II	13769	RC-062	16
Environmental Health Specialist III	13770	RC-062	18
Environmental Protection Associate	13785	RC-062	12
Environmental Protection Specialist I	13821	RC-062	14
Environmental Protection Specialist II	13822	RC-062	16
Environmental Protection Specialist III	13823	RC-062	18
Environmental Protection Specialist IV	13824	RC-062	22
Equal Pay Specialist	13837	RC-062	17
Executive I	13851	RC-062	18
Executive II	13852	RC-062	20
Financial Institutions Examiner I	14971	RC-062	16
Financial Institutions Examiner II	14972	RC-062	19
Financial Institutions Examiner III	14973	RC-062	22
Financial Institutions Examiner Trainee	14978	RC-062	13
Flight Safety Coordinator	15640	RC-062	22
Forensic Scientist I	15891	RC-062	18
Forensic Scientist II	15892	RC-062	20
Forensic Scientist III	15893	RC-062	22
Forensic Scientist Trainee	15897	RC-062	15
Guardianship Representative	17710	RC-062	17
Habilitation Program Coordinator	17960	RC-062	17
Handicapped Services Representative I	17981	RC-062	11
Health Facilities Surveyor I	18011	RC-062	16
Health Facilities Surveyor II	18012	RC-062	19
Health Facilities Surveyor III	18013	RC-062	20
Health Services Investigator I – Opt. A	18181	RC-062	19
Health Services Investigator I – Opt. B	18182	RC-062	20
Health Services Investigator II – Opt. A	18185	RC-062	22
Health Services Investigator II – Opt. B	18186	RC-062	22
Health Services Investigator II – Opt. C	18187	RC-062	25
Health Services Investigator II – Opt. D	18188	RC-062	25
Historical Documents Conservator I	18981	RC-062	13

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

Historical Exhibits Designer	18985	RC-062	15
Historical Research Editor II	19002	RC-062	14
Human Relations Representative	19670	RC-062	16
Human Rights Investigator I	19774	RC-062	16
Human Rights Investigator II	19775	RC-062	18
Human Rights Investigator III	19776	RC-062	19
Human Rights Specialist I	19778	RC-062	14
Human Rights Specialist II	19779	RC-062	16
Human Rights Specialist III	19780	RC-062	18
Human Services Caseworker	19785	RC-062	16
Human Services Grants Coordinator I	19791	RC-062	14
Human Services Grants Coordinator II	19792	RC-062	17
Human Services Grants Coordinator III	19793	RC-062	20
Human Services Grants Coordinator Trainee	19796	RC-062	12
Human Services Sign Language Interpreter	19810	RC-062	16
Iconographer	19880	RC-062	12
Industrial and Community Development Representative I	21051	RC-062	17
Industrial and Community Development Representative II	21052	RC-062	19
Industrial Services Consultant I	21121	RC-062	14
Industrial Services Consultant II	21122	RC-062	16
Industrial Services Consultant Trainee	21125	RC-062	11
Industrial Services Hygienist	21127	RC-062	19
Industrial Services Hygienist Technician	21130	RC-062	16
Industrial Services Hygienist Trainee	21133	RC-062	12
Information Technology/Communication Systems Specialist I	21216	RC-062	19
Information Technology/Communication Systems Specialist II	21217	RC-062	24
Instrument Designer	21500	RC-062	18
Insurance Analyst III	21563	RC-062	14
Insurance Analyst IV	21564	RC-062	16
Insurance Company Claims Examiner II	21602	RC-062	19
Insurance Company Field Staff Examiner	21608	RC-062	16
Insurance Company Financial Examiner Trainee	21610	RC-062	13
Insurance Performance Examiner I	21671	RC-062	14
Insurance Performance Examiner II	21672	RC-062	17
Insurance Performance Examiner III	21673	RC-062	20
Intermittent Unemployment Insurance Representative	21689	RC-062	12H
Internal Auditor I	21721	RC-062	17
Labor Conciliator	22750	RC-062	20
Laboratory Equipment Specialist	22990	RC-062	18

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

Laboratory Quality Specialist I	23021	RC-062	19
Laboratory Quality Specialist II	23022	RC-062	21
Laboratory Research Specialist I	23027	RC-062	19
Laboratory Research Specialist II	23028	RC-062	21
Land Acquisition Agent I	23091	RC-062	15
Land Acquisition Agent II	23092	RC-062	18
Land Acquisition Agent III	23093	RC-062	21
Land Reclamation Specialist I	23131	RC-062	14
Land Reclamation Specialist II	23132	RC-062	17
Liability Claims Adjuster I	23371	RC-062	14
Liability Claims Adjuster II	23372	RC-062	18
Library Associate	23430	RC-062	12
Life Sciences Career Trainee	23600	RC-062	12
Liquor Control Special Agent II	23752	RC-062	15
Local Historical Services Representative	24000	RC-062	17
Local Housing Advisor I	24031	RC-062	14
Local Housing Advisor II	24032	RC-062	16
Local Housing Advisor III	24033	RC-062	18
Local Revenue and Fiscal Advisor I	24101	RC-062	15
Local Revenue and Fiscal Advisor II	24102	RC-062	17
Local Revenue and Fiscal Advisor III	24103	RC-062	19
Lottery Regional Coordinator	24504	RC-062	19
Lottery Sales Representative	24515	RC-062	16
Management Operations Analyst I	25541	RC-062	18
Management Operations Analyst II	25542	RC-062	20
Manpower Planner I	25591	RC-062	14
Manpower Planner II	25592	RC-062	17
Manpower Planner III	25593	RC-062	20
Manpower Planner Trainee	25597	RC-062	12
Medical Assistance Consultant I	26501	RC-062	13
Medical Assistance Consultant II	26502	RC-062	16
Medical Assistance Consultant III	26503	RC-062	19
Mental Health Specialist I	26924	RC-062	12
Mental Health Specialist II	26925	RC-062	14
Mental Health Specialist III	26926	RC-062	16
Mental Health Specialist Trainee	26928	RC-062	11
Meteorologist	27120	RC-062	18
Methods and Procedures Advisor I	27131	RC-062	14
Methods and Procedures Advisor II	27132	RC-062	16

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

Methods and Procedures Advisor III	27133	RC-062	20
Methods and Procedures Career Associate I	27135	RC-062	11
Methods and Procedures Career Associate II	27136	RC-062	12
Methods and Procedures Career Associate Trainee	27137	RC-062	09
Metrologist Associate	27146	RC-062	15
Microbiologist I	27151	RC-062	16
Microbiologist II	27152	RC-062	19
Natural Resources Advanced Specialist	28833	RC-062	20
Natural Resources Coordinator	28831	RC-062	15
Natural Resources Specialist	28832	RC-062	18
Oral Health Consultant	30317	RC-062	18
Paralegal Assistant	30860	RC-062	14
Pension and Death Benefits Technician II	30962	RC-062	16
Police Training Specialist	32990	RC-062	17
Program Integrity Auditor I	34631	RC-062	16
Program Integrity Auditor II	34632	RC-062	19
Program Integrity Auditor Trainee	34635	RC-062	12
Property Consultant	34900	RC-062	15
Public Aid Appeals Advisor	35750	RC-062	18
Public Aid Family Support Specialist I	35841	RC-062	17
Public Aid Investigator	35870	RC-062	19
Public Aid Investigator Trainee	35874	RC-062	14
Public Aid Lead Casework Specialist	35880	RC-062	17
Public Aid Program Quality Analyst	35890	RC-062	19
Public Aid Quality Control Reviewer	35892	RC-062	17
Public Aid Quality Control Supervisor	35900	RC-062	19
Public Aid Staff Development Specialist I	36071	RC-062	15
Public Aid Staff Development Specialist II	36072	RC-062	17
Public Health Educator Associate	36434	RC-062	14
Public Health Program Specialist I	36611	RC-062	14
Public Health Program Specialist II	36612	RC-062	16
Public Health Program Specialist III	36613	RC-062	19
Public Health Program Specialist Trainee	36615	RC-062	12
Public Information Coordinator	36750	RC-062	18
Public Information Officer I	37001	RC-062	12
Public Information Officer II	37002	RC-062	14
Public Information Officer III	37003	RC-062	19
Public Information Officer IV	37004	RC-062	21
Public Safety Inspector	37007	RC-062	16

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

Public Safety Inspector Trainee	37010	RC-062	10
Railroad Safety Specialist I	37601	RC-062	19
Railroad Safety Specialist II	37602	RC-062	21
Railroad Safety Specialist III	37603	RC-062	23
Railroad Safety Specialist IV	37604	RC-062	25
Real Estate Investigator	37730	RC-062	19
Real Estate Professions Examiner	37760	RC-062	22
Recreation Worker I	38001	RC-062	12
Recreation Worker II	38002	RC-062	14
Rehabilitation Counselor	38145	RC-062	17
Rehabilitation Counselor Senior	38158	RC-062	19
Rehabilitation Counselor Trainee	38159	RC-062	15
Rehabilitation Services Advisor I	38176	RC-062	20
Rehabilitation Workshop Supervisor I	38194	RC-062	12
Rehabilitation Workshop Supervisor II	38195	RC-062	14
Reimbursement Officer I	38199	RC-062	14
Reimbursement Officer II	38200	RC-062	16
Research Economist I	38207	RC-062	18
Research Scientist I	38231	RC-062	13
Research Scientist II	38232	RC-062	16
Research Scientist III	38233	RC-062	20
Resource Planner I	38281	RC-062	17
Resource Planner II	38282	RC-062	19
Resource Planner III	38283	RC-062	22
Retirement System Disability Specialist	38310	RC-062	19
Revenue Auditor I (IL)	38371	RC-062	16
Revenue Auditor I (states other than IL, CA or NJ)	38371	RC-062	19
Revenue Auditor I (CA or NJ)	38371	RC-062	21
Revenue Auditor II (IL)	38372	RC-062	19
Revenue Auditor II (states other than IL, CA or NJ)	38372	RC-062	22
Revenue Auditor II (CA or NJ)	38372	RC-062	24
Revenue Auditor III (IL)	38373	RC-062	22
Revenue Auditor III (states other than IL, CA or NJ)	38373	RC-062	24
Revenue Auditor III (CA or NJ)	38373	RC-062	26
Revenue Auditor Trainee (IL)	38375	RC-062	12
Revenue Auditor Trainee (states other than IL, CA or NJ)	38375	RC-062	13
Revenue Auditor Trainee (CA or NJ)	38375	RC-062	15
Revenue Collection Officer I	38401	RC-062	15
Revenue Collection Officer II	38402	RC-062	17

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

Revenue Collection Officer III	38403	RC-062	19
Revenue Collection Officer Trainee	38405	RC-062	12
Revenue Computer Audit Specialist (IL)	38425	RC-062	23
Revenue Computer Audit Specialist (states other than IL, CA or NJ)	38425	RC-062	25
Revenue Computer Audit Specialist (CA or NJ)	38425	RC-062	27
Revenue Senior Special Agent	38557	RC-062	23
Revenue Special Agent	38558	RC-062	19
Revenue Special Agent Trainee	38565	RC-062	14
Revenue Tax Specialist I	38571	RC-062	12
Revenue Tax Specialist II (IL)	38572	RC-062	14
Revenue Tax Specialist II (states other than IL, CA or NJ)	38572	RC-062	17
Revenue Tax Specialist II (CA or NJ)	38572	RC-062	19
Revenue Tax Specialist III	38573	RC-062	17
Revenue Tax Specialist Trainee	38575	RC-062	10
Site Assistant Superintendent I	41071	RC-062	15
Site Assistant Superintendent II	41072	RC-062	17
Site Interpretive Coordinator	41093	RC-062	13
Site Services Specialist I	41117	RC-062	15
Site Services Specialist II	41118	RC-062	17
Social Service Consultant I	41301	RC-062	18
Social Service Consultant II	41302	RC-062	19
Social Service Program Planner I	41311	RC-062	15
Social Service Program Planner II	41312	RC-062	17
Social Service Program Planner III	41313	RC-062	20
Social Service Program Planner IV	41314	RC-062	22
Social Services Career Trainee	41320	RC-062	12
Social Worker I	41411	RC-062	16
Staff Development Specialist I	41771	RC-062	18
Staff Development Technician I	41781	RC-062	12
State Mine Inspector	42230	RC-062	19
State Police Field Specialist I	42001	RC-062	18
State Police Field Specialist II	42002	RC-062	20
Statistical Research Specialist I	42741	RC-062	12
Statistical Research Specialist II	42742	RC-062	14
Statistical Research Specialist III	42743	RC-062	17
Storage Tank Safety Specialist	43005	RC-062	18
Telecommunications Specialist	45295	RC-062	15

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

Telecommunications Systems Analyst	45308	RC-062	17
Telecommunications Systems Technician I	45312	RC-062	10
Telecommunications Systems Technician II	45313	RC-062	13
Terrorism Research Specialist I	45371	RC-062	18
Terrorism Research Specialist II	45372	RC-062	20
Terrorism Research Specialist III	45373	RC-062	22
Terrorism Research Specialist Trainee	45375	RC-062	14
Unemployment Insurance Adjudicator I	47001	RC-062	11
Unemployment Insurance Adjudicator II	47002	RC-062	13
Unemployment Insurance Adjudicator III	47003	RC-062	15
Unemployment Insurance Revenue Analyst I	47081	RC-062	15
Unemployment Insurance Revenue Analyst II	47082	RC-062	17
Unemployment Insurance Revenue Specialist	47087	RC-062	13
Unemployment Insurance Special Agent	47096	RC-062	18
Veterans Educational Specialist I	47681	RC-062	15
Veterans Educational Specialist II	47682	RC-062	17
Veterans Educational Specialist III	47683	RC-062	21
Veterans Employment Representative I	47701	RC-062	14
Veterans Employment Representative II	47702	RC-062	16
Volunteer Services Coordinator I	48481	RC-062	13
Volunteer Services Coordinator II	48482	RC-062	16
Volunteer Services Coordinator III	48483	RC-062	18
Wage Claims Specialist	48770	RC-062	09
Weatherization Specialist I	49101	RC-062	14
Weatherization Specialist II	49102	RC-062	17
Weatherization Specialist III	49103	RC-062	20
Weatherization Specialist Trainee	49105	RC-062	12
Workers Compensation Insurance Compliance Investigator	49640	RC-062	20

NOTE: For the Revenue Auditor I, II and III and Revenue Auditor Trainee position classification titles only – The pay grade assigned to the employee is based on the location of the position and the residence held by the employee. In the same position classification, the employee holding a position and residence outside the boundaries of the State of Illinois is assigned to a different pay grade than the pay grade assigned to the employee holding a position within the boundaries of the State of Illinois. The pay grade assigned to the employee holding a position located within the boundaries of the State of Illinois is the pay grade with the (IL) indication next to the position classification. The pay grade assigned to the employee holding the position located outside the boundaries of the State of Illinois is determined by the location of the

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

employee's residence (e.g., IL, CA or NJ or a state other than IL, CA or NJ). If the employee's residence moves to another state while the employee is in the same position located outside the boundaries of the State of Illinois, or moves into another position located outside the boundaries of the State of Illinois in the same position classification, the base salary may change depending on the location of the employee's new residence. If the employee remains in the position located outside the boundaries of the State of Illinois and moves residence from or into the boundaries of the State of Illinois, the base salary will change. In all cases, change in base salary shall be on a step for step basis (e.g., if the original base salary was on Step 5 in one pay grade, the new base salary will also be on Step 5 of the newly appropriate pay grade).

Effective July 1, 2007
Bargaining Unit: RC-062

Pay Grade	Pay Plan Code	S T E P S										
		<u>1c</u>	<u>1b</u>	<u>1a</u>	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>	<u>6</u>	<u>7</u>	<u>8</u>
09	B	2480	2541	2604	2669	2751	2840	2927	3021	3111	3257	3387
09	Q	2580	2642	2708	2777	2862	2955	3046	3145	3239	3394	3530
09	S	2639	2704	2768	2835	2922	3015	3109	3208	3302	3459	3597
10	B	2561	2622	2688	2754	2855	2940	3037	3133	3230	3395	3531
10	Q	2663	2726	2794	2866	2969	3060	3163	3263	3365	3544	3686
10	S	2720	2787	2854	2925	3029	3122	3225	3325	3432	3611	3755
11	B	2651	2717	2787	2856	2953	3049	3158	3263	3364	3542	3684
11	Q	2758	2826	2897	2971	3077	3178	3291	3401	3509	3699	3847
11	S	2819	2887	2957	3030	3138	3238	3353	3465	3576	3764	3915
12	B	2755	2824	2895	2971	3080	3182	3300	3408	3534	3723	3872
12	Q	2868	2938	3013	3093	3207	3314	3441	3558	3687	3888	4044
12	S	2927	2998	3075	3153	3269	3377	3507	3625	3756	3958	4116
12H	B	16.95	17.38	17.82	18.28	18.95	19.58	20.31	20.97	21.75	22.91	23.83
12H	Q	17.65	18.08	18.54	19.03	19.74	20.39	21.18	21.90	22.69	23.93	24.89
12H	S	18.01	18.45	18.92	19.40	20.12	20.78	21.58	22.31	23.11	24.36	25.33

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

13	B	2856	2928	3003	3083	3196	3318	3442	3568	3702	3907	4063
13	Q	2971	3048	3127	3211	3329	3460	3595	3726	3863	4083	4246
13	S	3030	3110	3190	3272	3393	3526	3663	3792	3934	4153	4319
14	B	2973	3049	3132	3215	3337	3467	3618	3751	3893	4120	4285
14	Q	3095	3178	3262	3350	3479	3620	3778	3920	4070	4306	4478
14	S	3155	3238	3324	3414	3548	3686	3847	3988	4140	4374	4549
14H	B	18.30	18.76	19.27	19.78	20.54	21.34	22.26	23.08	23.96	25.35	26.37
14H	Q	19.05	19.56	20.07	20.62	21.41	22.28	23.25	24.12	25.05	26.50	27.56
14H	S	19.42	19.93	20.46	21.01	21.83	22.68	23.67	24.54	25.48	26.92	27.99
15	B	3087	3168	3254	3342	3490	3634	3776	3930	4076	4321	4494
15	Q	3216	3301	3392	3487	3641	3792	3945	4110	4260	4514	4695
15	S	3278	3362	3457	3552	3709	3858	4016	4178	4328	4585	4768
16	B	3224	3311	3401	3499	3655	3817	3976	4143	4307	4562	4744
16	Q	3358	3452	3550	3652	3817	3989	4156	4327	4501	4769	4960
16	S	3425	3520	3617	3721	3886	4060	4228	4397	4572	4835	5028
17	B	3367	3462	3562	3666	3835	4012	4182	4351	4528	4797	4989
17	Q	3513	3614	3719	3825	4009	4192	4368	4546	4731	5013	5214
17	S	3578	3681	3786	3894	4079	4264	4440	4616	4800	5085	5288
18	B	3539	3641	3746	3857	4044	4233	4425	4605	4790	5076	5279
18	Q	3695	3801	3914	4031	4230	4424	4626	4815	5006	5306	5518
18	S	3761	3867	3984	4098	4297	4494	4694	4884	5078	5374	5589
19	B	3724	3833	3946	4066	4273	4475	4683	4880	5083	5392	5608
19	J	3724	3833	3946	4066	4273	4475	4683	4880	5083	5392	5608
19	Q	3889	4006	4126	4249	4466	4674	4896	5100	5314	5634	5859
19	S	3959	4077	4197	4320	4537	4746	4965	5171	5385	5704	5932
20	B	3934	4052	4173	4296	4513	4723	4948	5163	5377	5703	5931
20	Q	4113	4235	4360	4490	4716	4938	5172	5394	5619	5962	6200
20	S	4180	4304	4430	4561	4785	5006	5241	5464	5688	6029	6270

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

21	B	4152	4278	4405	4536	4770	5000	5233	5472	5700	6055	6297
21	U	4152	4278	4405	4536	4770	5000	5233	5472	5700	6055	6297
21	Q	4340	4471	4602	4741	4986	5223	5470	5719	5958	6328	6581
21	S	4409	4540	4672	4812	5053	5294	5540	5789	6026	6398	6654
22	B	4388	4521	4658	4796	5046	5292	5542	5799	6040	6416	6673
22	Q	4587	4725	4867	5011	5274	5533	5792	6059	6314	6704	6972
22	S	4657	4794	4937	5083	5341	5602	5859	6130	6385	6776	7047
23	B	4658	4796	4939	5086	5356	5631	5899	6171	6439	6843	7117
23	Q	4867	5011	5162	5319	5600	5887	6164	6449	6729	7150	7436
23	S	4937	5083	5233	5388	5668	5955	6234	6518	6797	7219	7508
24	B	4955	5104	5256	5414	5702	6001	6288	6579	6876	7307	7599
24	J	4955	5104	5256	5414	5702	6001	6288	6579	6876	7307	7599
24	Q	5178	5332	5494	5660	5961	6271	6572	6874	7185	7637	7942
24	S	5248	5402	5563	5729	6028	6339	6641	6945	7256	7706	8014
25	B	5282	5439	5603	5771	6086	6408	6727	7047	7367	7840	8154
25	J	5282	5439	5603	5771	6086	6408	6727	7047	7367	7840	8154
25	Q	5519	5685	5853	6029	6361	6694	7031	7366	7700	8193	8521
25	S	5592	5753	5927	6101	6431	6763	7099	7434	7767	8263	8594
26	B	5582	5748	5923	6158	6495	6839	7186	7521	7860	8367	8702
26	U	5582	5748	5923	6158	6495	6839	7186	7521	7860	8367	8702
27	B	5900	6076	6259	6573	6931	7297	7668	8026	8386	8929	9286
27	U	5900	6076	6259	6573	6931	7297	7668	8026	8386	8929	9286

Effective January 1, 2008
Bargaining Unit: RC-062

<u>Pay Grade</u>	<u>Pay Plan Code</u>	<u>STEPS</u>										
		<u>1c</u>	<u>1b</u>	<u>1a</u>	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>	<u>6</u>	<u>7</u>	<u>8</u>
09	B	2554	2617	2682	2749	2834	2925	3015	3112	3204	3355	3489

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

09	Q	2657	2721	2789	2860	2948	3044	3137	3239	3336	3496	3636
09	S	2718	2785	2851	2920	3010	3105	3202	3304	3401	3563	3705
10	B	2638	2701	2769	2837	2941	3028	3128	3227	3327	3497	3637
10	Q	2743	2808	2878	2952	3058	3152	3258	3361	3466	3650	3797
10	S	2802	2871	2940	3013	3120	3216	3322	3425	3535	3719	3868
11	B	2731	2799	2871	2942	3042	3140	3253	3361	3465	3648	3795
11	Q	2841	2911	2984	3060	3169	3273	3390	3503	3614	3810	3962
11	S	2904	2974	3046	3121	3232	3335	3454	3569	3683	3877	4032
12	B	2838	2909	2982	3060	3172	3277	3399	3510	3640	3835	3988
12	Q	2954	3026	3103	3186	3303	3413	3544	3665	3798	4005	4165
12	S	3015	3088	3167	3248	3367	3478	3612	3734	3869	4077	4239
12H	B	17.46	17.90	18.35	18.83	19.52	20.17	20.92	21.60	22.40	23.60	24.54
12H	Q	18.18	18.62	19.10	19.61	20.33	21.00	21.81	22.55	23.37	24.65	25.63
12H	S	18.55	19.00	19.49	19.99	20.72	21.40	22.23	22.98	23.81	25.09	26.09
13	B	2942	3016	3093	3175	3292	3418	3545	3675	3813	4024	4185
13	Q	3060	3139	3221	3307	3429	3564	3703	3838	3979	4205	4373
13	S	3121	3203	3286	3370	3495	3632	3773	3906	4052	4278	4449
14	B	3062	3140	3226	3311	3437	3571	3727	3864	4010	4244	4414
14	Q	3188	3273	3360	3451	3583	3729	3891	4038	4192	4435	4612
14	S	3250	3335	3424	3516	3654	3797	3962	4108	4264	4505	4685
14H	B	18.84	19.32	19.85	20.38	21.15	21.98	22.94	23.78	24.68	26.12	27.16
14H	Q	19.62	20.14	20.68	21.24	22.05	22.95	23.94	24.85	25.80	27.29	28.38
14H	S	20.00	20.52	21.07	21.64	22.49	23.37	24.38	25.28	26.24	27.72	28.83
15	B	3180	3263	3352	3442	3595	3743	3889	4048	4198	4451	4629
15	Q	3312	3400	3494	3592	3750	3906	4063	4233	4388	4649	4836
15	S	3376	3463	3561	3659	3820	3974	4136	4303	4458	4723	4911
16	B	3321	3410	3503	3604	3765	3932	4095	4267	4436	4699	4886
16	Q	3459	3556	3657	3762	3932	4109	4281	4457	4636	4912	5109

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

16	S	3528	3626	3726	3833	4003	4182	4355	4529	4709	4980	5179
17	B	3468	3566	3669	3776	3950	4132	4307	4482	4664	4941	5139
17	Q	3618	3722	3831	3940	4129	4318	4499	4682	4873	5163	5370
17	S	3685	3791	3900	4011	4201	4392	4573	4754	4944	5238	5447
18	B	3645	3750	3858	3973	4165	4360	4558	4743	4934	5228	5437
18	Q	3806	3915	4031	4152	4357	4557	4765	4959	5156	5465	5684
18	S	3874	3983	4104	4221	4426	4629	4835	5031	5230	5535	5757
19	B	3836	3948	4064	4188	4401	4609	4823	5026	5235	5554	5776
19	J	3836	3948	4064	4188	4401	4609	4823	5026	5235	5554	5776
19	Q	4006	4126	4250	4376	4600	4814	5043	5253	5473	5803	6035
19	S	4078	4199	4323	4450	4673	4888	5114	5326	5547	5875	6110
20	B	4052	4174	4298	4425	4648	4865	5096	5318	5538	5874	6109
20	Q	4236	4362	4491	4625	4857	5086	5327	5556	5788	6141	6386
20	S	4305	4433	4563	4698	4929	5156	5398	5628	5859	6210	6458
21	B	4277	4406	4537	4672	4913	5150	5390	5636	5871	6237	6486
21	U	4277	4406	4537	4672	4913	5150	5390	5636	5871	6237	6486
21	Q	4470	4605	4740	4883	5136	5380	5634	5891	6137	6518	6778
21	S	4541	4676	4812	4956	5205	5453	5706	5963	6207	6590	6854
22	B	4520	4657	4798	4940	5197	5451	5708	5973	6221	6608	6873
22	Q	4725	4867	5013	5161	5432	5699	5966	6241	6503	6905	7181
22	S	4797	4938	5085	5235	5501	5770	6035	6314	6577	6979	7258
23	B	4798	4940	5087	5239	5517	5800	6076	6356	6632	7048	7331
23	Q	5013	5161	5317	5479	5768	6064	6349	6642	6931	7365	7659
23	S	5085	5235	5390	5550	5838	6134	6421	6714	7001	7436	7733
24	B	5104	5257	5414	5576	5873	6181	6477	6776	7082	7526	7827
24	J	5104	5257	5414	5576	5873	6181	6477	6776	7082	7526	7827
24	Q	5333	5492	5659	5830	6140	6459	6769	7080	7401	7866	8180
24	S	5405	5564	5730	5901	6209	6529	6840	7153	7474	7937	8254

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

25	B	5440	5602	5771	5944	6269	6600	6929	7258	7588	8075	8399
25	J	5440	5602	5771	5944	6269	6600	6929	7258	7588	8075	8399
25	Q	5685	5856	6029	6210	6552	6895	7242	7587	7931	8439	8777
25	S	5760	5926	6105	6284	6624	6966	7312	7657	8000	8511	8852
26	B	5749	5920	6101	6343	6690	7044	7402	7747	8096	8618	8963
26	U	5749	5920	6101	6343	6690	7044	7402	7747	8096	8618	8963
27	B	6077	6258	6447	6770	7139	7516	7898	8267	8638	9197	9565
27	U	6077	6258	6447	6770	7139	7516	7898	8267	8638	9197	9565

(Source: Amended by preemptory rulemaking at 31 Ill. Reg. 14331, effective October 1, 2007)

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

- 1) Heading of the Part: Food Stamps
 - 2) Code Citation: 89 Ill Adm. Code 121
 - 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
121.60	Amendment
121.61	Amendment
121.63	Amendment
121.64	Amendment
 - 4) Reference to the Specific State or Federal Court Order, Federal Rule or Statute Which Requires this Peremptory Rulemaking: These changes are being made to conform with Food and Nutrition Service regulations.
 - 5) Statutory Authority: Implementing Sections 12-4.4 through 12-4.6 and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-4.4 through 12-4.6 and 12-13]
 - 6) Effective Date: October 1, 2007
 - 7) A Complete Description of the Subjects and Issues Involved: This rulemaking affects Human Capital Development. In accordance with regulations from the Food and Nutrition Service, this peremptory rulemaking revises the income eligibility standards and the benefit allowances effective October 1, 2007.
 - 8) Does this rulemaking contain an automatic repeal date? No
 - 9) Date Filed with the Index Department: September 28, 2007
 - 10) A copy of the peremptory amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
 - 11) This rulemaking is in compliance with Section 5-50 of the Illinois Administrative Procedure Act.
 - 12) Are there any other proposed rulemakings pending on this Part? Yes
- | <u>Section Numbers:</u> | <u>Proposed Action:</u> | <u>Illinois Register Citation:</u> |
|-------------------------|-------------------------|---------------------------------------|
| 121.10 | Amendment | 31 Ill. Reg. 12652; September 7, 2007 |

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

121.23	Amendment	31 Ill. Reg. 10446; July 20, 2007
121.24	Amendment	31 Ill. Reg. 10446; July 20, 2007
121.26	Amendment	31 Ill. Reg. 10446; July 20, 2007
121.71	Amendment	31 Ill. Reg. 13076; September 14, 2007
121.120	Amendment	31 Ill. Reg. 12652; September 7, 2007
121.125	Amendment	31 Ill. Reg. 12652; September 7, 2007

13) Statement of Statewide Policy Objective: This rulemaking does not create or expand a State mandate.

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

Tracie Drew, Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue East
Harris Building, 3rd Floor
Springfield, Illinois 62762

217/785-9772

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

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES
SUBCHAPTER b: ASSISTANCE PROGRAMSPART 121
FOOD STAMPS

SUBPART A: APPLICATION PROCEDURES

Section

- 121.1 Application for Assistance
- 121.2 Time Limitations on the Disposition of an Application
- 121.3 Approval of an Application and Initial Authorization of Assistance
- 121.4 Denial of an Application
- 121.5 Client Cooperation
- 121.6 Emergency Assistance
- 121.7 Expedited Service
- 121.8 Express Stamps Application Project
- 121.10 Interviews

SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Section

- 121.18 Work Requirement
- 121.19 Ending a Voluntary Quit Disqualification (Repealed)
- 121.20 Citizenship
- 121.21 Residence
- 121.22 Social Security Numbers
- 121.23 Work Registration/Participation Requirements
- 121.24 Individuals Exempt from Work Registration Requirements
- 121.25 Failure to Comply with Work Provisions
- 121.26 Period of Sanction
- 121.27 Voluntary Job Quit/Reduction in Work Hours
- 121.28 Good Cause for Voluntary Job Quit/Reduction in Work Hours
- 121.29 Exemptions from Voluntary Quit/Reduction in Work Hours Rules

SUBPART C: FINANCIAL FACTORS OF ELIGIBILITY

Section

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

121.30	Unearned Income
121.31	Exempt Unearned Income
121.32	Education Benefits (Repealed)
121.33	Unearned Income In-Kind
121.34	Lump Sum Payments and Income Tax Refunds
121.40	Earned Income
121.41	Budgeting Earned Income
121.50	Exempt Earned Income
121.51	Income from Work/Study/Training Programs
121.52	Earned Income from Roomer and Boarder
121.53	Income From Rental Property
121.54	Earned Income In-Kind
121.55	Sponsors of Aliens
121.57	Assets
121.58	Exempt Assets
121.59	Asset Disregards

SUBPART D: ELIGIBILITY STANDARDS

Section	
121.60	Net Monthly Income Eligibility Standards
121.61	Gross Monthly Income Eligibility Standards
121.62	Income Which Must Be Annualized
121.63	Deductions from Monthly Income
121.64	Food Stamp Benefit Amount

SUBPART E: HOUSEHOLD CONCEPT

Section	
121.70	Composition of the Assistance Unit
121.71	Living Arrangement
121.72	Nonhousehold Members
121.73	Ineligible Household Members
121.74	Strikers
121.75	Students
121.76	Households Receiving AFDC, SSI, Interim Assistance and/or GA – Categorical Eligibility

SUBPART F: MISCELLANEOUS PROGRAM PROVISIONS

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

Section

- 121.80 Fraud Disqualification (Renumbered)
- 121.81 Initiation of Administrative Fraud Hearing (Repealed)
- 121.82 Definition of Fraud (Renumbered)
- 121.83 Notification To Applicant Households (Renumbered)
- 121.84 Disqualification Upon Finding of Fraud (Renumbered)
- 121.85 Court Imposed Disqualification (Renumbered)
- 121.90 Monthly Reporting and Retrospective Budgeting (Repealed)
- 121.91 Monthly Reporting (Repealed)
- 121.92 Budgeting
- 121.93 Issuance of Food Stamp Benefits
- 121.94 Replacement of the EBT Card or Food Stamp Benefits
- 121.95 Restoration of Lost Benefits
- 121.96 Uses For Food Coupons
- 121.97 Supplemental Payments
- 121.98 Client Training for the Electronic Benefits Transfer (EBT) System
- 121.105 State Food Program (Repealed)
- 121.107 New State Food Program
- 121.108 Transitional Food Stamp (TFS) Benefits
- 121.120 Redetermination of Eligibility
- 121.125 Redetermination of Earned Income Households
- 121.130 Residents of Shelters for Battered Women and their Children
- 121.131 Fleeing Felons and Probation/Parole Violators
- 121.135 Incorporation By Reference
- 121.140 Small Group Living Arrangement Facilities and Drug/Alcoholic Treatment Centers
- 121.145 Quarterly Reporting (Repealed)

SUBPART G: INTENTIONAL VIOLATIONS OF THE PROGRAM

Section

- 121.150 Definition of Intentional Violations of the Program
- 121.151 Penalties for Intentional Violations of the Program
- 121.152 Notification To Applicant Households
- 121.153 Disqualification Upon Finding of Intentional Violation of the Program
- 121.154 Court Imposed Disqualification

SUBPART H: FOOD STAMP EMPLOYMENT AND TRAINING PROGRAM

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

Section

121.160	Persons Required to Participate
121.162	Program Requirements
121.163	Vocational Training
121.164	Orientation (Repealed)
121.165	Community Work
121.166	Assessment and Employability Plan (Repealed)
121.167	Counseling/Prevention Services
121.170	Job Search Activity
121.172	Basic Education Activity
121.174	Job Readiness Activity
121.176	Work Experience Activity
121.177	Illinois Works Component (Repealed)
121.178	Job Training Component (Repealed)
121.179	JTPA Employability Services Component (Repealed)
121.180	Grant Diversion Component (Repealed)
121.182	Earnfare Activity
121.184	Sanctions for Non-cooperation with Food Stamp Employment and Training
121.186	Good Cause for Failure to Cooperate
121.188	Supportive Services
121.190	Conciliation
121.200	Types of Claims (Recodified)
121.201	Establishing a Claim for Intentional Violation of the Program (Recodified)
121.202	Establishing a Claim for Unintentional Household Errors and Administrative Errors (Recodified)
121.203	Collecting Claim Against Households (Recodified)
121.204	Failure to Respond to Initial Demand Letter (Recodified)
121.205	Methods of Repayment of Food Stamp Claims (Recodified)
121.206	Determination of Monthly Allotment Reductions (Recodified)
121.207	Failure to Make Payment in Accordance with Repayment Schedule (Recodified)
121.208	Suspension and Termination of Claims (Recodified)

SUBPART I: WORK REQUIREMENT FOR FOOD STAMPS

Section

121.220	Work Requirement Components (Repealed)
121.221	Meeting the Work Requirement with the Earnfare Component (Repealed)
121.222	Volunteer Community Work Component (Repealed)

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

- 121.223 Work Experience Component (Repealed)
- 121.224 Supportive Service Payments to Meet the Work Requirement (Repealed)
- 121.225 Meeting the Work Requirement with the Illinois Works Component (Repealed)
- 121.226 Meeting the Work Requirement with the JTPA Employability Services Component (Repealed)

AUTHORITY: Implementing Sections 12-4.4 through 12-4.6 and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-4.4 through 12-4.6 and 12-13].

SOURCE: Adopted December 30, 1977; amended at 3 Ill. Reg. 5, p. 875, effective February 2, 1979; amended at 3 Ill. Reg. 31, p. 109, effective August 3, 1979; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amended at 3 Ill. Reg. 41, p. 165, effective October 11, 1979; amended at 3 Ill. Reg. 42, p. 230, effective October 9, 1979; amended at 3 Ill. Reg. 44, p. 173, effective October 19, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; peremptory amendment at 4 Ill. Reg. 3, p. 49, effective January 9, 1980; peremptory amendment at 4 Ill. Reg. 9, p. 259, effective February 23, 1980; amended at 4 Ill. Reg. 10, p. 253, effective February 27, 1980; amended at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 17, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1131, effective January 16, 1981; amended at 5 Ill. Reg. 4586, effective April 15, 1981; peremptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; peremptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 12736, effective October 29, 1981; amended at 6 Ill. Reg. 1653, effective January 17, 1982; amended at 6 Ill. Reg. 2707, effective March 2, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10208, effective August 9, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; amended at 7 Ill. Reg. 394, effective January 1, 1983; codified at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 5715, effective May 1, 1983; amended at 7 Ill. Reg. 8118, effective June 24, 1983; peremptory amendment at 7 Ill. Reg. 12899, effective October 1, 1983; amended at 7 Ill. Reg. 13655, effective October 4, 1983; peremptory amendment at 7 Ill. Reg. 16067, effective November 18, 1983; amended at 7 Ill. Reg. 16169, effective November 22, 1983; amended at 8 Ill. Reg. 5673, effective April 18, 1984; amended at 8 Ill. Reg. 7249, effective May 16, 1984; peremptory amendment at 8 Ill. Reg. 10086, effective July 1, 1984; amended at 8 Ill. Reg. 13284, effective July 16, 1984; amended at 8 Ill. Reg. 17900, effective September 14, 1984; amended (by adding Section being codified with no substantive change) at 8 Ill. Reg. 17898; peremptory amendment at 8 Ill. Reg. 19690,

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

effective October 1, 1984; preemptory amendment at 8 Ill. Reg. 22145, effective November 1, 1984; amended at 9 Ill. Reg. 302, effective January 1, 1985; amended at 9 Ill. Reg. 6804, effective May 1, 1985; amended at 9 Ill. Reg. 8665, effective May 29, 1985; preemptory amendment at 9 Ill. Reg. 8898, effective July 1, 1985; amended at 9 Ill. Reg. 11334, effective July 8, 1985; amended at 9 Ill. Reg. 14334, effective September 6, 1985; preemptory amendment at 9 Ill. Reg. 15582, effective October 1, 1985; amended at 9 Ill. Reg. 16889, effective October 16, 1985; amended at 9 Ill. Reg. 19726, effective December 9, 1985; amended at 10 Ill. Reg. 229, effective December 20, 1985; preemptory amendment at 10 Ill. Reg. 7387, effective April 21, 1986; preemptory amendment at 10 Ill. Reg. 7941, effective May 1, 1986; amended at 10 Ill. Reg. 14692, effective August 29, 1986; preemptory amendment at 10 Ill. Reg. 15714, effective October 1, 1986; Sections 121.200 thru 121.208 recodified to 89 Ill. Adm. Code 165 at 10 Ill. Reg. 21094; preemptory amendment at 11 Ill. Reg. 3761, effective February 11, 1987; emergency amendment at 11 Ill. Reg. 3754, effective February 13, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 9968, effective May 15, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 10269, effective May 22, 1987; amended at 11 Ill. Reg. 10621, effective May 25, 1987; preemptory amendment at 11 Ill. Reg. 11391, effective July 1, 1987; preemptory amendment at 11 Ill. Reg. 11855, effective June 30, 1987; emergency amendment at 11 Ill. Reg. 12043, effective July 6, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 13635, effective August 1, 1987; amended at 11 Ill. Reg. 14022, effective August 10, 1987; emergency amendment at 11 Ill. Reg. 15261, effective September 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 15480, effective September 4, 1987; amended at 11 Ill. Reg. 15634, effective September 11, 1987; amended at 11 Ill. Reg. 18218, effective October 30, 1987; preemptory amendment at 11 Ill. Reg. 18374, effective October 30, 1987; amended at 12 Ill. Reg. 877, effective December 30, 1987; emergency amendment at 12 Ill. Reg. 1941, effective December 31, 1987, for a maximum of 150 days; amended at 12 Ill. Reg. 4204, effective February 5, 1988; amended at 12 Ill. Reg. 9678, effective May 23, 1988; amended at 12 Ill. Reg. 9922, effective June 1, 1988; amended at 12 Ill. Reg. 11463, effective June 30, 1988; amended at 12 Ill. Reg. 12824, effective July 22, 1988; emergency amendment at 12 Ill. Reg. 14045, effective August 19, 1988, for a maximum of 150 days; preemptory amendment at 12 Ill. Reg. 15704, effective October 1, 1988; preemptory amendment at 12 Ill. Reg. 16271, effective October 1, 1988; amended at 12 Ill. Reg. 20161, effective November 30, 1988; amended at 13 Ill. Reg. 3890, effective March 10, 1989; amended at 13 Ill. Reg. 13619, effective August 14, 1989; preemptory amendment at 13 Ill. Reg. 15859, effective October 1, 1989; amended at 14 Ill. Reg. 729, effective January 1, 1990; amended at 14 Ill. Reg. 6349, effective April 13, 1990; amended at 14 Ill. Reg. 13202, effective August 6, 1990; preemptory amendment at 14 Ill. Reg. 15158, effective October 1, 1990; amended at 14 Ill. Reg. 16983, effective September 30, 1990; amended at 15 Ill. Reg. 11150, effective July 22, 1991; amended at 15 Ill. Reg. 11957, effective August 12, 1991; preemptory amendment at 15 Ill. Reg. 14134, effective October 1, 1991; emergency amendment at 16 Ill. Reg. 757, effective January 1, 1992, for a maximum of 150

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

days; amended at 16 Ill. Reg. 10011, effective June 15, 1992; amended at 16 Ill. Reg. 13900, effective August 31, 1992; emergency amendment at 16 Ill. Reg. 16221, effective October 1, 1992, for a maximum of 150 days; preemptory amendment at 16 Ill. Reg. 16345, effective October 1, 1992; amended at 16 Ill. Reg. 16624, effective October 23, 1992; amended at 17 Ill. Reg. 644, effective December 31, 1992; amended at 17 Ill. Reg. 4333, effective March 19, 1993; amended at 17 Ill. Reg. 14625, effective August 26, 1993; emergency amendment at 17 Ill. Reg. 15149, effective September 7, 1993, for a maximum of 150 days; preemptory amendment at 17 Ill. Reg. 17477, effective October 1, 1993; expedited correction at 17 Ill. Reg. 21216, effective October 1, 1993; amended at 18 Ill. Reg. 2033, effective January 21, 1994; emergency amendment at 18 Ill. Reg. 2509, effective January 27, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 3427, effective February 28, 1994; amended at 18 Ill. Reg. 8921, effective June 3, 1994; amended at 18 Ill. Reg. 12829, effective August 5, 1994; amended at 18 Ill. Reg. 14103, effective August 26, 1994; amended at 19 Ill. Reg. 5626, effective March 31, 1995; amended at 19 Ill. Reg. 6648, effective May 5, 1995; emergency amendment at 19 Ill. Reg. 12705, effective September 1, 1995, for a maximum of 150 days; preemptory amendment at 19 Ill. Reg. 13595, effective October 1, 1995; amended at 20 Ill. Reg. 1593, effective January 11, 1996; preemptory amendment at 20 Ill. Reg. 2229, effective January 17, 1996; amended at 20 Ill. Reg. 7902, effective June 1, 1996; amended at 20 Ill. Reg. 11935, effective August 14, 1996; emergency amendment at 20 Ill. Reg. 13381, effective October 1, 1996, for a maximum of 150 days; emergency amendment at 20 Ill. Reg. 13668, effective October 8, 1996, for a maximum of 150 days; amended at 21 Ill. Reg. 3156, effective February 28, 1997; amended at 21 Ill. Reg. 7733, effective June 4, 1997; recodified from the Department of Public Aid to the Department of Human Services at 21 Ill. Reg. 9322; emergency amendment at 22 Ill. Reg. 1954, effective January 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 5502, effective March 4, 1998; amended at 22 Ill. Reg. 7969, effective May 15, 1998; emergency amendment at 22 Ill. Reg. 10660, effective June 1, 1998, for a maximum of 150 days; emergency amendment at 22 Ill. Reg. 12167, effective July 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 16230, effective September 1, 1998; amended at 22 Ill. Reg. 19787, effective October 28, 1998; emergency amendment at 22 Ill. Reg. 19934, effective November 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 20099, effective November 1, 1998; emergency amendment at 23 Ill. Reg. 2601, effective February 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 3374, effective March 1, 1999; amended at 23 Ill. Reg. 7285, effective June 18, 1999; emergency amendment at 23 Ill. Reg. 13253, effective October 13, 1999, for a maximum of 150 days; emergency amendment at 24 Ill. Reg. 3871, effective February 24, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 4180, effective March 2, 2000; amended at 24 Ill. Reg. 10198, effective June 27, 2000; amended at 24 Ill. Reg. 15428, effective October 10, 2000; emergency amendment at 24 Ill. Reg. 15468, effective October 1, 2000, for a maximum of 150 days; amended at 25 Ill. Reg. 845, effective January 5, 2001; amended at 25 Ill. Reg. 2423, effective January 25, 2001; emergency amendment at 25 Ill. Reg. 2439, effective January 29, 2001, for a

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

maximum of 150 days; emergency amendment at 25 Ill. Reg. 3707, effective March 1, 2001, for a maximum of 150 days; emergency expired July 28, 2001; amended at 25 Ill. Reg. 7720, effective June 7, 2001; amended at 25 Ill. Reg. 10823, effective August 12, 2001; amended at 25 Ill. Reg. 11856, effective August 31, 2001; emergency amendment at 25 Ill. Reg. 13309, effective October 1, 2001, for a maximum of 150 days; amended at 26 Ill. Reg. 151, effective January 1, 2002; amended at 26 Ill. Reg. 2025, effective February 1, 2002; amended at 26 Ill. Reg. 13530, effective September 3, 2002; preemptory amendment at 26 Ill. Reg. 15099, effective October 1, 2002; amended at 26 Ill. Reg. 16484, effective October 25, 2002; amended at 27 Ill. Reg. 2889, effective February 7, 2003; expedited correction at 27 Ill. Reg. 14262, effective February 7, 2003; amended at 27 Ill. Reg. 4583, effective February 28, 2003; amended at 27 Ill. Reg. 7273, effective April 7, 2003; amended at 27 Ill. Reg. 12569, effective July 21, 2003; preemptory amendment at 27 Ill. Reg. 15604, effective October 1, 2003; amended at 27 Ill. Reg. 16108, effective October 6, 2003; amended at 27 Ill. Reg. 18445, effective November 20, 2003; amended at 28 Ill. Reg. 1104, effective December 31, 2003; amended at 28 Ill. Reg. 3857, effective February 13, 2004; amended at 28 Ill. Reg. 10393, effective July 6, 2004; preemptory amendment at 28 Ill. Reg. 13834, effective October 1, 2004; emergency amendment at 28 Ill. Reg. 15323, effective November 10, 2004, for a maximum of 150 days; emergency expired April 8, 2005; amended at 29 Ill. Reg. 2701, effective February 4, 2005; amended at 29 Ill. Reg. 5499, effective April 1, 2005; preemptory amendment at 29 Ill. Reg. 12132, effective July 14, 2005; emergency amendment at 29 Ill. Reg. 16042, effective October 4, 2005, for a maximum of 150 days; emergency expired March 2, 2006; preemptory amendment at 29 Ill. Reg. 16538, effective October 4, 2005; emergency amendment at 30 Ill. Reg. 7804, effective April 6, 2006, for a maximum of 150 days; emergency expired September 2, 2006; amended at 30 Ill. Reg. 11236, effective June 12, 2006; amended at 30 Ill. Reg. 13863, effective August 1, 2006; amended at 30 Ill. Reg. 15681, effective September 12, 2006; preemptory amendment at 30 Ill. Reg. 16470, effective October 1, 2006; amended at 31 Ill. Reg. 6991, effective April 30, 2007; amended at 31 Ill. Reg. 10482, effective July 9, 2007; amended at 31 Ill. Reg. 11318, effective July 23, 2007; preemptory amendment at 31 Ill. Reg. 14372, effective October 1, 2007.

SUBPART D: ELIGIBILITY STANDARDS

Section 121.60 Net Monthly Income Eligibility Standards

- a) Eligible households whose net monthly income does not exceed the maximum monthly income standards shall be assigned food stamp benefits based on the net monthly food stamp income.
- b) The maximum net monthly income standards are:

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

Household Size	Amount
1.....	\$ <u>851,817</u>
2.....	<u>1,141,100</u>
3.....	<u>1,431,384</u>
4.....	<u>1,721,667</u>
5.....	<u>2,011,950</u>
6.....	<u>2,302,234</u>
7.....	<u>2,592,517</u>
8.....	<u>2,882,800</u>
Each additional member	<u>290,284</u>

Derived from Office of Management and Budget non-farm, income poverty guidelines.

(Source: Amended by preemptory rulemaking at 31 Ill. Reg. 14372, effective October 1, 2007)

Section 121.61 Gross Monthly Income Eligibility Standards

a) Gross Monthly Income Eligibility Standards

1) The gross income standards of eligibility shall be 130 percent of the nonfarm income poverty guidelines prescribed by the Office of Management and Budget (see 7 CFR 273.9(a)(1) ~~(2005)~~). However, categorically eligible households and households containing a member who is elderly, blind or disabled will be exempt from this gross income check (see also 7 CFR 273.9(c) ~~(2005)~~). To qualify for increased benefits, a household must contain a member who meets one of the following requirements:

A) A member is 60 years of age or older. An individual is considered

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

age 60 in the fiscal month in which he or she becomes 60.

- B) A member receives Supplemental Security Income (SSI) benefits under Title XVI of the Social Security Act, (this includes the household where the member is receiving SSI income pending a final decision from the Social Security Administration. This SSI income is being provided on a temporary or emergency basis).
- C) A member receives Social Security disability or blindness benefits under Title II (RSDI) of the Social Security Act.
- D) A member receives State Supplemental Payment (SSP) due to blindness or disability.
- E) A veteran with a service-connected disability rated or paid as totally disabled by the Department of Veterans Affairs (VA).
- F) A veteran considered by the VA to be in need of regular aid and attendance or permanently housebound.
- G) A veteran's surviving spouse who is considered in need of aid and attendance or considered permanently housebound by the VA or a veteran's surviving child who is considered permanently incapable of self-support by the VA.
- H) A veteran's surviving spouse or child entitled to compensation for a service-connected death or pension benefits for a nonservice-connected death from the VA, if the spouse or child also has a disability considered permanent under Social Security requirements.
- I) A member receives federal, state, or local government disability pension and is considered permanently disabled under Social Security requirements.
- J) A member receives Railroad Retirement disability benefits.
- K) A member receives an annuity payment from Railroad Retirement and is eligible for Medicare.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

L) A member receives disability-related medical assistance benefits (Categories 92, 93 and P3) under Title XIX (Medicaid) of the Social Security Act.

- 2) For those veterans, surviving spouses, or children mentioned in subsections (a)(1)(F) and (G) of this Section, proof of receipt of VA disability benefits is sufficient verification of disability. For those veterans mentioned in subsection (a)(1)(E) of this Section, a verified statement, in writing, from the VA that the individual is totally disabled must be provided. To verify disability for those individuals mentioned in subsection (a)(1)(H) of this Section, the individual must provide a statement from the Social Security Administration or from a physician licensed under the Medical Practice Act of 1987 [225 ILCS 60], or a licensed or certified psychologist under the Clinical Psychologist Licensing Act [225 ILCS 15] that the individual suffers from one of the disabilities listed in the preamble to Section 221(i) of the Social Security Act (42 USC 421(i)) or if the disability is obvious, by the observation of the caseworker (for example, permanent loss of use of both hands).
- 3) Legally obligated child support payments paid by a household member shall be excluded from gross income when comparing income to the gross income standard to determine eligibility.

b) Household Size	Gross Income	
One Person	<u>\$1,1071,062</u>	|
Two Persons	<u>1,4841,430</u>	|
Three Persons	<u>1,8611,799</u>	|
Four Persons	<u>2,2382,167</u>	|
Five Persons	<u>2,6152,535</u>	|
Six Persons	<u>2,9922,904</u>	|
Seven Persons	<u>3,3693,272</u>	|

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

Eight Persons		<u>3,7463,640</u>	|
Each Additional Member	+	<u>377369</u>	|

(Source: Amended by peremptory rulemaking at 31 Ill. Reg. 14372, effective October 1, 2007)

Section 121.63 Deductions from Monthly Income

- a) The deductions described in this Section shall be allowed in the determination of the adjusted net monthly food stamp income.
- b) Earned Income Deduction. Eighty percent of total gross earned income is considered. See Sections 121.40 through 121.54 for a description of earned income.
- c) Standard Deduction. The standard deduction for a household size of one through three persons is \$134. The standard deduction for a household size of four persons is \$143439. The standard deduction for a household size of five persons is \$167462. For households of six or more persons, the standard deduction is \$191486.
- d) Dependent Care Deduction
 - 1) The dependent care deduction consists of payments for the care of a child or other dependent when necessary for a household member to accept or continue employment or to seek employment in compliance with the job search criteria or to attend training or pursue education which is preparatory for employment (see 89 Ill. Adm. Code 112.70 through 112.83412.84).
 - 2) The amount of the deduction is to be determined by the actual costs for care and is not to exceed \$200 per month for each child under age 2 and \$175 per month for each other dependent household member.
- e) Child Support Deduction. The child support deduction is the amount of legally obligated child support paid by a household member to or for a nonhousehold member.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

- f) Shelter Costs Deduction
- 1) The shelter deduction is the amount of shelter costs that exceeds 50% of the household's total income after the allowable deductions in subsections (b), (c), (d), and (e) of this Section have been made. The shelter deduction shall not exceed \$~~431~~417.
 - 2) If the household contains a member who is elderly or disabled, as defined at 7 CFR 271.2-~~(2005)~~ and Section 121.61, there is no limit on the amount of the excess shelter deduction.
 - 3) Shelter costs include only the following:
 - A) continuing charges for the shelter occupied by the household (rent, mortgage and other charges leading to the ownership of the shelter, including interest on such charges);
 - B) property taxes, State and local assessments and insurance on the structure itself; and
 - C) utility costs, as described in subsection (g) of this Section.
 - 4) Shelter costs for a home temporarily unoccupied by the household because of employment or training away from home, illness or abandonment caused by a natural disaster or casualty loss, if:
 - A) the household intends to return to the home;
 - B) the current occupants of the home, if any, are not claiming the shelter costs for food stamp purposes; and
 - C) the home is not leased or rented during the absence of the household.
 - 5) Charges for repair of a home which was damaged or destroyed due to a natural disaster. Shelter costs shall not include repair charges which have been or will be reimbursed by private or public relief agencies, insurance companies or any other source.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

- g) Utility Costs
- 1) Utility costs include:
 - A) the cost of heating and cooking fuel, air conditioning, electricity, water, sewerage, garbage and trash collection;
 - B) basic service fee for one telephone (including tax on the basic fee) of \$28; and
 - C) fees charged by the utility provider for initial installation.
 - 2) Utility deposits are not considered to be utility costs.
 - 3) A standard must be used if the household is billed for utilities. See Section 121.63(g)(7) for households that claim utility expenses for an unoccupied home. Households that are billed for heating or air conditioning, or both, or heating, air conditioning and electricity, must use the air conditioning/heating standard allowance of \$299. Those households that are not billed for air conditioning or heating but are billed for at least two other utilities must use the limited utility standard allowance of \$177. Those households that are not billed for air conditioning or heating but are billed for a single utility, other than telephone, must use the single utility standard allowance of \$37. If only a separately-billed telephone expense is claimed, the basic telephone allowance of \$28 per month will be allowed. Households living in rental housing who are billed on a regular basis by a landlord for costs for utilities must use the appropriate standard.
 - 4) A household that is billed less often than monthly for its costs for utilities must continue to use the appropriate standard between billing months.
 - 5) Households in public housing or privately-owned rental units that receive a bill for over-usage are entitled to use the air conditioning/heating standard allowance. When households (as defined at 7 CFR 273.1(a) (2005)) live together, the air conditioning/heating standard allowance, the limited utility standard allowance, or the single utility standard allowance, whichever is appropriate, shall be allowed for each household that

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

contributes toward the utility costs whether or not each household participates in the program.

- 6) Households whose expense for heat or electricity, or both, is covered by indirect energy assistance payments under the Low Income Home Energy Program (89 Ill. Adm. Code 109) shall be entitled to the air conditioning/heating standard allowance (7 CFR 273.9 and 273.10(d)(6) ~~(2005)~~). Households who receive, apply for, or anticipate applying for a Low Income Energy Assistance Program (LIHEAP/HEAP) (89 Ill. Adm. Code 109) payment during the 12-month period, beginning with the date of the food stamp application, shall be allowed the air conditioning/heating standard (7 CFR 273.9). The provisions of subsection (f)(3) of this Section are applicable to households whose expenses for heating or electricity, or both, are covered by indirect energy assistance payments.
- 7) A household that has both an occupied home and an unoccupied home is entitled to only one standard. The appropriate utility standard may be used for the home the household chooses.
- h) Excess Medical Deduction. A deduction for excess medical expenses shall be allowed for households which contain an elderly or disabled member as defined at 7 CFR 271.2-~~(2005)~~ and Section 121.61. The medical expenses incurred by the qualifying household member which are over \$35 will be deducted, if the expenses will not be reimbursed by insurance or a third party.

(Source: Amended by peremptory rulemaking at 31 Ill. Reg. 14372, effective October 1, 2007)

Section 121.64 Food Stamp Benefit Amount

- a) The monthly food stamp benefit amount is determined by subtracting 30% of the adjusted net monthly income from the maximum monthly food stamp benefit amount.
- b) Maximum Monthly Food Stamp Benefit Amount:

Household Size	Amount
1.....	\$ 162 <u>155</u>

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

2.....	\$ <u>298284</u>	|
3.....	\$ <u>426408</u>	|
4.....	\$ <u>542518</u>	|
5.....	\$ <u>643615</u>	|
6.....	\$ <u>772738</u>	|
7.....	\$ <u>853816</u>	|
8.....	\$ <u>975932</u>	|
Each additional member	\$ <u>122417</u>	|

c) All one and two-person households will receive a minimum monthly food stamp benefit amount of \$10.

d) **September Food Stamp Benefit Amount Adjustment**
The annual revisions of maximum gross and net income standards, standard deduction, maximum excess shelter deduction and food stamp benefit amounts are effective October 1st of each year. Because the September fiscal month of certain households includes days which fall in the October calendar month, the portion of the September fiscal food stamp benefit amount covering October 1st and later must be increased to reflect the new standards.

(Source: Amended by peremptory rulemaking at 31 Ill. Reg. 14372, effective October 1, 2007)

SECRETARY OF STATE

NOTICE OF CORRECTION TO NOTICE ONLY

- 1) Heading of the Part: Issuance of Licenses
- 2) Code Citation: 92 Ill. Adm. Code 1030
- 3) The Notice of Proposed Amendments being corrected appeared at: 31 Ill. Reg. 13725; October 5, 2007
- 4) The Information being corrected is as follows: On the notice page, the summary of the rulemaking erroneously referenced Part 1040 rather than Part 1030. The correct summary should have read as follows: A Complete Description of the Subjects and Issues Involved: This rulemaking implements Public Act 95-310, which made changes to Illinois' Graduated Driver's License program. In addition, this rulemaking standardizes definitions used throughout Part 1030 and addresses grammatical and typographical errors.

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 September 25, 2007 through October 1, 2007 and have been scheduled for review by the Committee at its October 10, 2007 meeting. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rulemaking should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield IL 62706.

<u>Second Notice Expires</u>	<u>Agency and Rule</u>	<u>Start Of First Notice</u>	<u>JCAR Meeting</u>
11/9/07	<u>Illinois Racing Board</u> , Claiming Races (11 Ill. Adm. Code 510)	8/3/07 31 Ill. Reg. 11261	10/10/07
11/9/07	<u>Illinois Racing Board</u> , Security and Admissions (11 Ill. Adm. Code 1325)	8/3/07 31 Ill. Reg. 11285	10/10/07
11/9/07	<u>Illinois Racing Board</u> , Admissions and Credentials (11 Ill. Adm. Code 1428)	8/3/07 31 Ill. Reg. 11302	10/10/07
11/9/07	<u>Department of State Police Merit Board</u> , Procedures of the Department of State Police Merit Board (80 Ill. Adm. Code 150)	8/10/07 31 Ill. Reg. 11545	10/10/07
11/9/07	<u>Department of Natural Resources</u> , Youth Hunting Seasons (17 Ill. Adm. Code 685)	8/10/07 31 Ill. Reg. 11501	10/10/07

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

11/10/07	<u>Department of Healthcare and Family Services,</u> Medical Payment (89 Ill. Adm. Code 140)	8/3/07 31 Ill. Reg. 10980	10/10/07
11/10/07	<u>Department of Healthcare and Family Services,</u> Medical Payment (89 Ill. Adm. Code 140)	7/27/07 31 Ill. Reg. 10566	10/10/07

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF INTENT TO WITHDRAW TO MEET THE OBJECTION OF
THE JOINT COMMITTEE ON ADMINISTRATIVE RULES

- 1) Heading of the Part: Standard Procurement
- 2) Code Citation: 44 Ill. Adm. Code 1
- 3) Section Number: 1.2036 Action: Intent to Withdraw
- 4) Date Notice of Proposed Amendment Published in the Register: December 29, 2006; 30 Ill. Reg. 19577
- 5) Date JCAR Statement of Objection and Filing Prohibition Published in the Register: July 6, 2007; 31 Ill. Reg. 9532
- 6) Summary of Action Taken by the Agency: In response to the objection of the Joint Committee on Administrative Rules, the Department intends to withdraw the proposed amendment.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF REFUSAL TO MEET THE OBJECTION OF
THE JOINT COMMITTEE ON ADMINISTRATIVE RULES

- 1) Heading of the Part: Pay Plan
- 2) Code Citation: 80 Ill. Adm. Code 310
- 3) Section Number: 310.APPENDIX A TABLE A Action: Refusal
- 4) Date Notice of Emergency Amendments Published in the Illinois Register: August 31, 2007; 31 Ill. Reg. 12608
- 5) Date JCAR Statement of Objection to Emergency Amendments Published in the Illinois Register: October 5, 2007; 31 Ill. Reg. 14117
- 6) Summary of Action Taken by the Agency: The Department of Central Management Services recognizes that the substance of the emergency amendment to the Pay Plan (80 Ill. Adm. Code 310) published at 31 Ill. Reg. 12608 should have been a preemptory amendment within thirty days of the signing of the memorandum of agreement for the Conservation Police lieutenant title. The Department apologizes for the situation that required filing the emergency amendment. The Department has taken internal steps to ensure that the situation will not happen again. The Department will abide by the appropriate timeframe and procedures for preemptory amendment set forth in statute and rule.

Because the substance of the rule needs to remain as Administrative Code, the Department will not repeal or amend the emergency rule or the proposed amendment published at 31 Ill. Reg. 12384 that accompanied the emergency amendment. The Department will continue the rulemaking process to adopt the proposed amendment that accompanied the emergency amendment.

POLLUTION CONTROL BOARD

NOTICE OF PUBLIC INFORMATION PURSUANT TO 415 ILCS 5/7.2(b)

In this Notice of Public Information under Section 7.2(b) of the Illinois Environmental Protection Act (Act), 415 ILCS 5/7.2(b) (2006), the Board explains why it has extended until April 16, 2008, the deadline for adoption and filing of rules in the following consolidated identical in substance rulemaking: RCRA Subtitle C Update, USEPA Amendments (January 1, 2006 though June 30, 2006) R07-5; RCRA Subtitle C Update, USEPA Amendments (July 1, 2006 though December 31, 2006) R07-14 (consolidated). The Board has not yet adopted a proposal for public comment in this rulemaking, so there has been no *Illinois Register* publication in this consolidated docket. The Board anticipates that it will adopt a proposal for public comment at its December 20, 2007 meeting, and that the proposal will be filed by December 31, 2007 with the Secretary of State's Index Department for publication in the January 11, 2008 *Illinois Register*. If these events timely occur and no additional delay is required to adequately respond to public comments, the Board anticipates adoption of final rules at its March 6, 2008 meeting. Because the Board holds adopted RCRA Subtitle C rulemakings for 30 days for USEPA review, the Board anticipates filing the adopted amendments with the Secretary of State's Index Department by April 14, 2008.

On January 26, 2007, the Board adopted an order to consolidate these identical in substance RCRA rulemakings. In that order the Board also found it necessary to extend the one-year period for completion of these amendments. The adoption deadline, based on the first federal action in docket R07-5, originally was April 4, 2007. The Board found that the statutory one-year period in this consolidated docket was insufficient for completion of the amendments.

The Board was unable to initiate this rulemaking earlier due to the unusually high demands on staff resources over the last several months as a result of a greatly increased volume of complex federal rulemaking, e.g. the very recently completed consolidated underground injection control, municipal solid waste landfill, and hazardous waste update docket, R06-16/R06-17/R06-18. Additionally, the consolidated rulemakings involves a large volume of text. While the consolidation of the rulemaking dockets added to the volume of the rulemaking, the Board found that the closely related subject matter in the two dockets would be best if handled at the same time, especially as there is some overlap in the provisions involved in the separate federal actions.

Copies of the Board's opinion and order in R07-5 may be obtained by calling the Clerk's office at 312-814-3620, or by downloading copies from the Board's Web site at www.ipcb.state.il.us.

For additional information contact Mike McCambridge at 312-814-6924; e-mail address mccambm@ipcb.state.il.us.

ILLINOIS ADMINISTRATIVE CODE Issue Index - With Effective Dates

Rules acted upon in Volume 31, Issue 41 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

8 - 259	.....	14120
83 - 757	.....	14189
77 - 1130	.....	14198
89 - 509	.....	14208
89 - 511	.....	14213
86 - 100	.....	14217

ADOPTED RULES

89 - 686	09/27/2007.....	14238
35 - 211	09/25/2007.....	14254
35 - 217	09/25/2007.....	14271
23 - 180	09/25/2007.....	14296

PEREMPTORY RULES

80 - 310	10/01/2007.....	14331
89 - 121	10/01/2007.....	14372

NOTICE OF CORRECTIONS

92 - 1030	14390
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OTHER INFORMATION REQUIRED BY LAW TO BE PUBLISHED IN THE ILLINOIS REGISTER

44 - 1	14393
80 - 310	14394

ORDER FORM

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