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RULES
OF GOVERNMENTAL
AGENCIES



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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
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15	April 2, 2007	April 13, 2007
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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
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48	November 19, 2007	November 30, 2007
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 FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Pharmacy Practice Act of 1987
- 2) Code Citation: 68 Ill. Adm. Code 1330
- 3) Section Number: 1330.91 Proposed Action: Amendment
- 4) Statutory Authority: Pharmacy Practice Act of 1987 [225 ILCS 85]
- 5) A Complete Description of the Subjects and Issues Involved: This amendment is the result of an agreement based upon a legal settlement with the Department regarding the dispensing of contraceptives to patients. Per the settlement, the Department has put forth a specific dispensing protocol. This amendment also takes into consideration Public Act 95 - 689, which was signed into law on October 29, 2007.
- 6) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this rulemaking contain incorporations by reference? No
- 9) Are there any other proposed rulemakings pending on this Part? No
- 10) Statement of Statewide Policy Objectives: This rulemaking has no effect on local governments.
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may submit written comments to:

Department of Financial and Professional Regulation
Attention: Craig Cellini
320 West Washington, 3rd Floor
Springfield, IL 62786

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

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

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- 12) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: Pharmacies
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 13) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent regulatory agendas because: this item arose after the Agendas had been submitted.

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

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

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TITLE 68: PROFESSIONS AND OCCUPATIONS

CHAPTER VII: DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION
SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

PART 1330

PHARMACY PRACTICE ACT ~~OF 1987~~

Section	
1330.5	Definitions
1330.10	Application for Certificate of Registration as a Pharmacy Technician
1330.20	Approval of Pharmacy Programs
1330.30	Graduates of Programs Not Approved Pursuant to the Provisions of Section 1330.20
1330.40	Application for Examination
1330.50	Examination for Licensure
1330.55	Application for Licensure on the Basis of Examination
1330.60	Endorsement
1330.65	Patient Counseling
1330.70	Definitions (Renumbered)
1330.75	Security Requirements
1330.76	Reporting Theft or Loss of Controlled Substances
1330.80	Violations
1330.90	Divisions of Pharmacy Licenses
1330.91	Division I Pharmacies
1330.92	Division II Pharmacies
1330.93	Division III Pharmacies
1330.94	Division IV Pharmacies
1330.95	Division V Pharmacies
1330.96	Nonresident Pharmacies
1330.97	Division VI Pharmacies
1330.98	Automated Dispensing and Storage Systems
1330.99	Parenteral Product Standards
1330.100	Application for a Pharmacy License
1330.110	Granting Variances
1330.120	Renewals
1330.130	Restoration
1330.140	Continuing Education

AUTHORITY: Implementing the Pharmacy Practice Act [225 ILCS 85] and authorized by

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Section 2105-15 of the Civil Administrative Code of Illinois [20 ILCS 2105/2105-15].

SOURCE: Rules and Regulations Promulgated for the Administration of the Illinois Pharmacy Practice Act, effective August 20, 1975; amended March 8, 1977; amended at 4 Ill. Reg. 1234, effective July 11, 1980; amended at 5 Ill. Reg. 2997, effective March 11, 1981; codified at 5 Ill. Reg. 11049; emergency amendment at 6 Ill. Reg. 916, effective January 6, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 7448, effective June 15, 1982; amended at 7 Ill. Reg. 6496, effective June 30, 1983; amended at 9 Ill. Reg. 16918, effective October 23, 1985; amended at 10 Ill. Reg. 21913, effective December 17, 1986; transferred from Chapter I, 68 Ill. Adm. Code 330 (Department of Registration and Education) to Chapter VII, 68 Ill. Adm. Code 1330 (Department of Professional Regulation) pursuant to P.A. 85-225, effective January 1, 1988, at 12 Ill. Reg. 2957; amended at 12 Ill. Reg. 17394, effective October 14, 1988; amended at 16 Ill. Reg. 19811, effective December 7, 1992; amended at 21 Ill. Reg. 12600, effective August 29, 1997; amended at 22 Ill. Reg. 21959, effective December 1, 1998; amended at 23 Ill. Reg. 14131, effective November 18, 1999; amended at 24 Ill. Reg. 8548, effective June 9, 2000; amended at 26 Ill. Reg. 18338, effective December 13, 2002; amended at 27 Ill. Reg. 19389, effective December 11, 2003; emergency amendment at 29 Ill. Reg. 5586, effective April 1, 2005, for a maximum of 150 days; amended at 29 Ill. Reg. 13639, effective August 25, 2005; amended at 30 Ill. Reg. 14267, effective August 21, 2006; amended at 30 Ill. Reg. 16930, effective October 12, 2006; amended at 32 Ill. Reg. _____, effective _____.

Section 1330.91 Division I Pharmacies

- a) Retail pharmacies which engage in general community pharmacy practice and are open to, or offer pharmacy service to, the general public shall, in addition to any other requirements of the Act and this Part, comply with Section 1330.91. A retail pharmacy which, in addition to offering pharmacy services to the general public, provides pharmacy services to an institution or facility listed in Sections 1330.92(a) need not register as a Division II pharmacy if the sales do not exceed 49% of total sales, but the pharmacy shall comply with requirements of Sections 1330.92(b), (c) and (d).
- b) Recordkeeping Requirements for Filling Prescriptions
 - 1) Every prescription filled or refilled shall contain the name, initials or other unique identifier of the Illinois licensed pharmacist who fills or refills the prescription. Additionally, the label affixed to the drug container must indicate the name, initials or other unique identifier of the Illinois licensed pharmacist who filled or refilled the prescription. No prescription may be

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filled or refilled for a period in excess of one year from the date of the original issuance of the prescription by the prescriber.

- 2) Whenever a prescription is filled or refilled, by a registered pharmacy technician under the supervision of a pharmacist, the prescription shall contain the names, initials or other unique identifier of both the supervising pharmacist and the registered pharmacy technician who fills or refills the prescription.
- 3) Refilling a Prescription
 - A) Each refilling of a prescription shall be entered on the prescription or on another appropriate, uniformly maintained, readily retrievable record, which indicates by the number of the prescription the following information:
 - i) The name and dosage form of the drug;
 - ii) The date of each refilling;
 - iii) The quantity dispensed;
 - iv) The name or initials of the pharmacist and the pharmacy technician, if applicable, in each refilling; and
 - v) The total number of refills for the prescription.
 - B) If the pharmacist doesn't otherwise indicate in a uniformly maintained record, he/she shall be deemed to have dispensed a refill for the full face amount of the prescription.
- 4) Presentation of a written prescription copy or prescription label shall be for information purposes only and has no legal status as a valid prescription order. The recipient pharmacist of the copy or prescription label shall contact the prescribing practitioner to obtain a new prescription order.
- 5) A pharmacist providing a copy of a prescription to an ultimate consumer for the purpose of transfer or any other purpose shall cancel the uniformly

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maintained record and record the date the copy is issued, to whom issued and his/her name, initials or unique identifier. Copies of prescriptions shall be marked "For Information Purposes Only" and require a new prescription from the prescriber.

- 6) Subject to Section 18 of the Act, any information which is required to be kept pursuant to this Section may be recorded and stored in a computerized pharmaceutical information system that meets the standards of performance required by the regulations of the Drug Enforcement Administration (21 CFR 1306) (1998), and which contain no further amendments or editions, and shall include the capability to:
 - A) Retrieve the original prescription order information for those prescription orders currently authorized for refilling;
 - B) Retrieve the current prescription orders, including, at a minimum, name of drug, date of refill, quantity dispensed, name and identification code of the manufacturer in the case of a generically written prescription or a generic interchange, name or initials of the dispensing pharmacist and technician for each refill and the total number of refills dispensed to date;
 - C) Supply documentation of refill information entered by the pharmacist using the system by way of a hard copy printout of each day's refill data that has been verified for correctness. This printout must include for each prescription filled at least the following information:
 - i) The name and dosage form of the drug;
 - ii) The date of each refilling;
 - iii) The quantity dispensed;
 - iv) The name or initials of the pharmacist in each refilling and the pharmacy technician, if applicable;
 - v) The patient's name;

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- vi) The prescriber's name; and
- vii) The prescription number for the prescription.

In lieu of the printout, the pharmacy shall maintain a bound log book, or separate file, in which each individual pharmacist involved in the dispensing shall sign a statement each day, attesting to the fact that the refill information entered into the computer that day has been reviewed by him/her and is correct as shown. The book or file must be maintained at the pharmacy employing the system for a period of 5 years after the date of dispensing the appropriately authorized refill.

- 7) All refill data shall be maintained by the pharmacy on the premises for 5 years, in accordance with Section 18 of the Act. The pharmacy shall have the appropriate equipment on the premises to provide readily retrievable information in the course of an on-site inspection. A hard copy printout shall be provided to the Division, upon request, within 48 hours.
- c) Transfer of Prescription Information
- 1) A prescription may be transferred between pharmacies for the purpose of original fill or refill dispensing provided that:
 - A) The transferor pharmacist invalidates the prescription on file and records to whom transferred, the date of issuance of such copy and the name of the transferor pharmacist issuing the transferred prescription order; and
 - B) The transferee pharmacist, upon receiving the prescription directly from another pharmacist, records the following:
 - i) The name, address and original prescription number of the pharmacy from which the prescription was transferred;
 - ii) All information constituting a prescription order including the following: name of the drug, original amount dispensed, date of original issuance of the prescription and

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number of valid refills remaining; and

- C) The transferee pharmacist informs the patient that the original prescription has been cancelled at the pharmacy from which it has been transferred.
 - 2) A prescription for Schedule III, IV and V drugs may be transferred only from the original pharmacy and only one time for the purpose of refill dispensing and may not be transferred further. However, a pharmacist who is electronically sharing real-time on line computerized systems may transfer up to the maximum refills permitted by law and the prescriber's authorization in accordance with CFR 1306.26(a).
 - 3) Computerized systems must satisfy all information requirements of this subsection (c), including invalidation of the original prescription when transferred between pharmacies accessing the same prescription records or between pharmacies of the same ownership. If those systems that access the same prescription records have the capability of cancelling the original prescription, pharmacies using such a system are exempt from the requirements of this subsection (c) if the transferred prescription can always be tracked to the original prescription order from the prescribing practitioner and the original prescription can be produced.
- d) Staffing of the Pharmacy
- 1) Whenever the hours of the pharmacy (prescription department) differ from those of the establishment in which the pharmacy is located, there shall be compliance with the following:
 - A) The schedule during which the practice of pharmacy is carried on in the pharmacy shall be conspicuously displayed.
 - B) Whenever an establishment housing a pharmacy is open and a pharmacist is not present and available to provide pharmaceutical services as defined in Section 3 of the Act, a sign shall be conspicuously displayed stating in all capital letters:
PHARMACIST NOT ON DUTY; STATE LAW PROHIBITS FILLING OF PRESCRIPTIONS IN THE ABSENCE OF A PHARMACIST.

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- C) No prescription may be dispensed when a pharmacist is not physically present in the establishment and on duty.
- 2) The pharmacy must provide pharmaceutical services, as defined in Section 3 of the Act, to the public a minimum of 40 hours per week. A pharmacy is considered providing Pharmaceutical Services when a pharmacist is physically present in the establishment and available for consultation.
- e) Pharmacist-in-Charge
 - 1) No pharmacy shall be granted a certificate of licensure without a pharmacist being designated on the pharmacy license as pharmacist-in-charge. No pharmacist shall be designated as a pharmacist-in-charge on more than one pharmacy license. The responsibilities of the pharmacist-in-charge shall include:
 - A) Supervision of all activities of all employees as they relate to the practice of pharmacy;
 - B) Establishment and supervision of the method and manner for storage and safekeeping of pharmaceuticals, including maintenance of security provisions to be used when the pharmacy is closed as set forth in Section 1330.75; and
 - C) Establishment and supervision of the recordkeeping system for the purchase, sale, delivery, possession, storage and safekeeping of drugs.
 - 2) The operations of the pharmacy and the establishment and maintenance of security provisions are the dual responsibility of the pharmacist-in-charge and the owner of the pharmacy.
 - 3) Within 10 days after the change of a pharmacist-in-charge, the Division shall be so notified in writing by the departing pharmacist-in-charge.
 - 4) In addition to notifying the Division within 10 days, the departing pharmacist-in-charge shall, on the effective date of the change, inventory the following controlled substances:

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- A) All Schedule II drugs, as defined in the Illinois Controlled Substance Act, by actual physical count; and
 - B) All other scheduled drugs, as defined in the Illinois Controlled Substance Act, by estimated count.
- 5) The inventory shall constitute, for the purpose of this Section, the closing inventory of the departing pharmacist-in-charge and the initial inventory of the incoming pharmacist-in-charge. This inventory record shall be preserved in the pharmacy for a period of 5 years. An affidavit attesting to the completion of the inventory and preservation of the inventory record, bearing the date of the inventory and the signatures of the departing and incoming pharmacist-in-charge, shall be submitted to the Department of Financial and Professional Regulation-Division of Professional Regulation, at its principal office, within 10 days after the change in the pharmacist-in-charge.
- 6) Failure on the part of a registrant to provide the information required in subsections (e)(4) and (5) shall be grounds for denying an application or renewal application for a pharmacy license or for disciplinary action against a registrant. Such action shall be based on the recommendation of the Board.
- 7) When the accuracy, relevance or completeness of any submitted documentation is reasonably questioned by the Division, because of a lack of information, discrepancies or conflicts in information given, or a need for clarification, the registrant will be required to:
- A) Provide such information as may be necessary; and/or
 - B) Explain the relevance or completeness during an oral interview; or
 - C) Appear for an oral interview before the Board when the information available to the Board is insufficient to evaluate compliance with this Section.
- f) Pharmacists and pharmacies are prohibited from accepting from patients or their agents for reuse, reissue or resale any dispensed medications, chemicals, poisons

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or medical devices except for:

- 1) Medical devices that can be properly sanitized prior to reuse, resale or rereuse; and
 - 2) Medications and medical devices that are dispensed and stored under conditions defined and supervised by the pharmacist and are unopened in sealed, intact and unaltered containers that meet the standards for light, moisture and air permeation as defined by the current United States Pharmacopoeia (USP)/National Formulary or by the United States Pharmacopoeial Convention, Inc.
- g) Pharmacies that compound and dispense parenteral products shall comply with Section 1330.99 of this Part.
- h) Pharmacies that utilize automated dispensing and storage systems shall comply with Section 1330.98 of this Part.
- i) Pharmacies shall develop and implement a procedure to be utilized in the event of a drug recall that can be readily activated to assure that all drugs included on the recall are returned to the pharmacy for proper disposition.
- j) Duty of Retail Division I Pharmacy to Dispense Contraceptives
- 1) Upon receipt of a valid, lawful prescription for a contraceptive, a retail pharmacy serving the general public must dispense the contraceptive, or a suitable alternative permitted by the prescriber, to the patient or the patient's agent without delay, consistent with the normal timeframe for filling any other prescription, subject to the remaining provisions of this subsection (j). If the contraceptive, or a suitable alternative, is not in stock, the pharmacy must obtain the contraceptive under the pharmacy's standard procedures for ordering contraceptive drugs not in stock, including the procedures of any entity that is affiliated with, owns, or franchises the pharmacy. However, if the contraceptive, or a suitable alternative, is not in stock and the patient prefers, the prescription must be transferred to a local pharmacy of the patient's choice under the pharmacy's standard procedures for transferring prescriptions for contraceptive drugs, including the procedures of any entity that is affiliated with, owns, or franchises the pharmacy. Under any

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circumstances an unfilled prescription for contraceptive drugs must be returned to the patient if the patient so directs.

- 2) Each retail pharmacy serving the general public shall use its best efforts to maintain adequate stock of emergency contraception to the extent it continues to sell contraception (nothing in this subsection (j)(2) prohibits a pharmacy from deciding not to sell contraception). Whenever emergency contraception is out-of-stock at a particular pharmacy, the pharmacist or another pharmacy employee shall attempt to assist the patient, at the patient's choice and request, in making arrangements to have the emergency contraception prescription filled at another pharmacy under the pharmacy's standard procedures for transferring prescriptions for contraceptive drugs, including the procedures of any entity that is affiliated with, owns or franchises the pharmacy.

- 3) Dispensing Protocol - In the event that a licensed pharmacist who objects to dispensing emergency contraception (an "objecting pharmacist") is presented with a prescription for emergency contraception, the retail pharmacy serving the general public shall use the following dispensing protocol:
 - A) All other pharmacists, if any, then present at the location where the objecting pharmacist works (the "dispensing pharmacy") shall first be asked to dispense the emergency contraception (any pharmacist that does not object to dispensing these medications is referred to as a "non-objecting pharmacist").

 - B) If there is an objecting pharmacist and no non-objecting pharmacist is then available at the dispensing pharmacy, any pharmacy (the "remote pharmacy") or other non-objecting pharmacist shall provide "remote medication order processing" (RMOP) to the dispensing pharmacy. RMOP includes any and all services that a licensed pharmacist may provide, as well as authorizing a non-pharmacist employee at the dispensing pharmacy, such as a pharmacy technician or manager, to dispense the emergency contraception to the patient under the remote supervision of a non-objecting pharmacist. For purposes of this subsection (j) and the Pharmacy Practice Act, a registered

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pharmacy technician is authorized to engage in RMOP involving emergency contraception.

- i) All remote pharmacies and other non-objecting pharmacists providing RMOP shall be licensed by the State of Illinois.
- ii) There shall be a secure, HIPAA-compliant, electronic communication system that shall include, but not necessarily be limited to, telephone and/or facsimile connections that allows communication between the remote pharmacy or other non-objecting pharmacist and the dispensing pharmacy. Any electronic communication system allowing the remote pharmacy or other non-objecting pharmacist providing RMOP to access a patient's emergency contraception prescription information and the National Drug Code number for the emergency contraception being dispensed shall constitute and be considered a sufficient communication system that is compliant with this subsection (j) and the Pharmacy Practice Act for purposes of RMOP involving emergency contraception. RMOP shall not be considered, or be subject to the requirements applicable to, telepharmacy as defined in the Pharmacy Practice Act or this Part.
- iii) Nothing in this subsection (j) shall otherwise relieve the pharmacist-in-charge of each participating remote pharmacy and dispensing pharmacy, or other non-objecting pharmacist, of compliance with the Pharmacy Practice Act and this Part, provided that compliance with the protocols in this Section shall be considered by the Department to be in compliance.
- iv) Recordkeeping Requirements - A policy and procedure manual (which may be maintained in electronic form) shall be maintained by each participating dispensing and remote pharmacy that is accessible to each non-objecting pharmacist pertaining to the pharmacy's or pharmacist's (as applicable) operations with respect to RMOP. These RMOP policies and procedures need not be contained in a

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stand-alone manual applicable solely to RMOP, but rather may be incorporated as part of any existing pharmacy policy and procedure manual that any pharmacy or pharmacist performing RMOP can access. The manual shall:

- Be accessible to each participating dispensing and remote pharmacy's staff, or other non-objecting pharmacists, who are involved in RMOP and dispensing;
- Be available for inspection by the Department;
- Outline the responsibilities of the dispensing pharmacy staff and the remote pharmacy staff, or other non-objecting pharmacists, who are involved in RMOP;
- Include a process to identify the name, address, telephone number, and license number of each pharmacist involved in RMOP;
- Be reviewed by the owner or operator of the pharmacies on a regular basis; and
- Include policies and procedures for:

Protecting the confidentiality and integrity of patient information;

Ensuring that pharmacists at the remote pharmacy, or other non-objecting pharmacist, performing prospective drug utilization review have access to appropriate drug information resources;

Ensuring that staff at the dispensing pharmacy understand how to contact a pharmacist who can perform RMOP;

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Maintaining records to identify the name, initials, or identification code of each pharmacist who performs any RMOP function for a medication order; and

Complying with federal and State laws and regulations.

- v) Every pharmacist providing RMOP service at a remote pharmacy or otherwise shall ensure that the following information is recorded on the order, in the computer system, or on another appropriate, unalterable, uniformly maintained and readily retrievable record for every drug order or prescription for emergency contraception processed by the remote pharmacy or other non-objecting pharmacist on behalf of a dispensing pharmacy:
- The name, initials or other unique identifier of the non-objecting pharmacist who verifies the drug order or prescription;
 - The name of the patient;
 - The dose, dosage form, route of administration and dosing frequency of the drug;
 - The date and time of verification; and
 - The name of the prescribing/ordering physician.
- vi) The pharmacists-in-charge of the dispensing pharmacies shall maintain and have access to the following records for a minimum of 5 years:
- Records of emergency contraception medication orders processed;
 - Records of the electronic communication system maintenance, if any.
- vii) Staffing of the Remote Pharmacies

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- The responsibilities of the pharmacist-in-charge at each participating remote pharmacy, or other non-objecting pharmacist, providing RMOP shall include (except to the extent otherwise set forth in this subsection (j) as to objecting pharmacists):

Supervision of all the activities of all employees as they relate to the practice of pharmacy.

Establishment and supervision of the recordkeeping system for all the documents, electronic communication and all the transfers of information between the dispensing and remote pharmacies or other non-objecting pharmacists participating in RMOP.

The operation of the pharmacy and maintenance of security provisions for the records and the electronic communication system of the pharmacy or other location from which a non-objecting pharmacist engages in RMOP. The owner of the pharmacy shall be equally responsible.

- Within 30 days after the change of a pharmacist-in-charge, the Department shall be so notified in writing by the departing pharmacist-in-charge or by the owner of the pharmacy.
- All pharmacies participating in RMOP shall be licensed in Illinois.
- Only licensed pharmacists shall conduct the drug utilization evaluation or review and validation of any order processed.

- 4) A retail pharmacy that serves the general public is responsible for ensuring either that there is a non-objecting pharmacist scheduled at all times the pharmacy is open, or that there is a licensed pharmacist available to

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perform RMOP for emergency contraception at all times the pharmacy is open and no non-objecting pharmacist is available at the pharmacy.

- 5) For the purposes of this subsection (j), the term "contraceptive" shall refer to all FDA-approved drugs or devices that prevent pregnancy.
- 6)3) Nothing in this subsection (j) shall interfere with a pharmacist's screening for potential drug therapy problems due to therapeutic duplication, drug-disease contraindications, drug-drug interactions (including serious interactions with nonprescription or over-the-counter drugs), drug-food interactions, incorrect drug dosage or duration of drug treatment, drug-allergy interactions, or clinical abuse or misuse, pursuant to 225 ILCS 85/3(q).
- k) Notice of rights regarding the dispensing of contraceptives.
- 1) Each Division I pharmacy must prominently display the notice described in subsection (k)(2) of this Section and include information regarding how to file a complaint with the Division. The notice must be on 8.5 inch by 11 inch paper and otherwise conform with the format prescribed by subsection (k)(2). The notice must be clearly visible from the area at which the pharmacy intakes prescriptions. The Department's website shall provide a template for approved format of the notice and that template shall include required information regarding how to file a complaint with the Division, in accordance with the Department's administrative hearing rules located at 68 Ill. Adm. Code 1110. The licensee shall be accorded all process provided for in 68 Ill. Adm. Code 1110.
- 2) Form and text of notice:
- IF YOU USE CONTRACEPTIVES KNOW YOUR RIGHTS.
- If this pharmacy dispenses prescription contraceptives, then you have the following rights under Illinois law:
- The pharmacy must dispense your prescribed contraceptives without delay, consistent with the normal timeframe for filling any other prescription.

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When your contraceptive is out of stock, you have the following options: the pharmacy must cooperate with your doctor to determine a suitable alternative, order the contraceptive, or transfer the prescription to another pharmacy of your choice.

You can instruct the pharmacy to return the prescription slip to you at any time prior to dispensing.

You may file a complaint with the Department of Financial and Professional Regulation-Division of Professional Regulation through the Department's website <http://www.idfpr.com>.

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

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NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Illinois Health Insurance Portability and Accountability Standards
- 2) Code Citation: 50 Ill. Adm. Code 2025
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
2025.10	Amendment
2025.30	Amendment
2025.90	New Section
2025.100	New Section
- 4) Statutory Authority: Implementing the Illinois Health Insurance Portability and Accountability Act [215 ILCS 97] and authorized by Section 401 of the Illinois Insurance Code [215 ILCS 5/401]
- 5) A Complete Description of the Subjects and Issues Involved: The amendments to this Part will address the statutory requirements of Section 20(E)(3) of the Act, by establishing insurer requirements to issue a certificate of creditable coverage under specified circumstances. Additionally, should the insurer fail to meet the new certificate of creditable coverage requirements found in Section 2025.90, a new penalty provision Section has been added to this Part which addresses noncompliance.
- 6) Any published studies or reports, along with the sources of underlying data, that were used when comprising this rulemaking, in accordance with 1 Ill. Adm. Code 100.355:
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: This rulemaking will not require a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.

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

Eve Blackwell-Lewis, Senior Staff Attorney
Department of Financial and
Professional Regulation
Division of Insurance
320 West Washington, 4th Floor
Springfield, Illinois 62767-0001
217/782-2867

or

Craig Cellini, Rules Coordinator
Department of Financial and
Professional Regulation
320 West Washington
3rd Floor
Springfield, Illinois 62767-0001
217/785-0813

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: These amendments will not affect small businesses, small municipalities or not for profit corporations.
- B) Reporting, bookkeeping or other procedures required for compliance: Please see the new certification requirements in Section 2025.90.
- C) Types of professional skills necessary for compliance: Insurance
- 14) Regulatory Agenda on which this rulemaking was summarized: January 2007

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

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NOTICE OF PROPOSED AMENDMENTS

TITLE 50: INSURANCE

CHAPTER I: DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

SUBCHAPTER z: ACCIDENT AND HEALTH INSURANCE

PART 2025

ILLINOIS HEALTH INSURANCE PORTABILITY AND
ACCOUNTABILITY STANDARDS

Section	
2025.10	Purpose
2025.20	Applicability and Scope
2025.30	Definitions
2025.40	Notice Requirement to the Division
2025.50	Uniform Modification of Coverage
2025.60	Uniform Termination of Coverage
2025.70	Discontinuance of a Market
2025.80	Rescission in the Small Group Market
<u>2025.90</u>	<u>Certificates of Creditable Coverage</u>
<u>2025.100</u>	<u>Penalty Provisions</u>

AUTHORITY: Implementing the Illinois Health Insurance Portability and Accountability Act [215 ILCS 97], and authorized by Section 401 of the Illinois Insurance Code [215 ILCS 5/401].

SOURCE: Adopted at 30 Ill. Reg. 2633, effective February 15, 2006; amended at 32 Ill. Reg. _____, effective _____.

Section 2025.10 Purpose

The purpose of this Part is to set forth requirements the Director deems necessary to implement the Health Insurance Portability and Accountability Act. This Part will provide uniformity for the health insurance issuer by defining notice requirements, as well as requirements for modification, termination, discontinuance and rescission provisions to which all health insurance issuers must adhere. In addition, this Part also establishes penalty provisions for health insurance issuers who fail to comply with the certification requirements for creditable coverage found in Section 2025.100 of this Part.

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

Section 2025.30 Definitions

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Act means the Illinois Health Insurance Portability and Accountability Act [215 ILCS 97].

Anniversary Date means the annually recurring date of the initial issuance of the policy.

Code means the Illinois Insurance Code [215 ILCS 5].

Director means the Director of the Department of Financial and Professional Regulation-Division of Insurance, with the authority delegated by the Secretary.

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

Employee means any individual employed by an employer. (29 USC 1002(6))

Employer means any person acting directly as an employer, or indirectly in the interest of an employer, in relation to an employee benefit plan; and includes a group or association of employers acting for an employer in such capacity. Employer shall include only employers of 2 or more employees. (29 USC 1002(5))

Group Health Plan means an employee welfare benefit plan (as defined in section 3(1) of the Employee Retirement Income Security Act of 1974 (29 USC 1002)) to the extent that the plan provides medical care (as defined in paragraph (2) of that section and including items and services paid for as medical care) to employees or their dependents (as defined under the terms of the plan) directly or through insurance, reimbursement, or otherwise. [215 ILCS 97/5]

Health Insurance Issuer means an insurance company, insurance service, or insurance organization (including a health maintenance organization) which is licensed to engage in the business of insurance in a state and which is subject to Illinois law that regulates insurance (within the meaning of section 514(b)(2) of the Employee Retirement Income Security Act of 1974 (29 USC 1144)). This term does not include a group health plan. [215 ILCS 97/5]

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Renewal Date means each annual anniversary date unless otherwise specifically defined by the contract. A renewal date may not be defined to a period shorter than the underwriting and benefit time frames established by the contract.

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

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

Section 2025.90 Certificates of Creditable Coverage

- a) A health insurance issuer shall issue a written certification, as required by Section 20(E) of the Act, that states:
- 1) The period of creditable coverage of the individual, including the coverage (if any) under the COBRA continuation provision; and
 - 2) The waiting period (if any) (and affiliation period, if applicable) imposed with respect to the individual for any coverage.
- b) Issuance of a Certificate
- 1) The certification shall be issued by a health insurance issuer offering group health insurance coverage, in the following circumstances:
 - A) When an individual ceases to be covered or otherwise becomes covered under a COBRA continuation provision;
 - B) When an individual becomes covered under a COBRA continuation provision, at the time the individual ceases to be covered under that provision; and
 - C) When a request is made on behalf of an individual, no later than 24 months after the date of cessation of the coverage described in subsection (b)(1) or (2), whichever is later.
 - 2) The certification may be provided, to the extent practicable, consistent with notices required under any applicable COBRA continuation provision.

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- c) Failure of a health insurance issuer to issue a certificate of creditable coverage, or the inability of an individual to produce a certificate of creditable coverage, shall not limit an individual from obtaining the rights and protections provided by the Act, as long as the individual can provide reasonable proof of prior creditable coverage under the following circumstances:
- 1) An entity has failed to provide a certificate within the required time;
 - 2) The individual has creditable coverage provided by an entity that is not required to provide a certificate of the coverage pursuant to the Act;
 - 3) The individual has an urgent medical condition that necessitates a determination before the individual can deliver a certificate; or
 - 4) The individual lost a certificate that the individual had previously received and is unable to obtain another certificate.
- d) A health insurance issuer shall treat the individual as having furnished a certificate of creditable coverage under subsection (a) of this Section if:
- 1) The individual attests to the period of creditable coverage;
 - 2) The individual also presents relevant corroborating evidence of some creditable coverage during the period. Relevant corroborating evidence may include, but is not limited to, the following:
 - A) Explanation of benefits claims;
 - B) Payroll stubs showing a payroll deduction for health coverage;
 - C) A health insurance identification card;
 - D) A certificate of coverage under a group health plan;
 - E) Records from medical care providers that indicate health coverage;
 - F) Third party statements verifying the period of coverage.

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- 3) The individual cooperates with the health insurance issuer's efforts to verify the individual's coverage.

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

Section 2025.100 Penalty Provisions

Failure of a health insurance issuer to provide a certification of creditable coverage as required by Section 2025.90 of this Part constitutes a violation of Section 429 of the Code [215 ILCS 5/429].

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

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Medical Assistance Programs
- 2) Code Citation: 89 Ill. Adm. Code 120
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
120.32	Amendment
120.33	New Section
- 4) Statutory Authority: Sections 5/5-2(2) and 12-13 of the Illinois Public Aid Code [305 ILCS 5/5-2(2) and 5/12-13]
- 5) Complete Description of the Subjects and Issues Involved: This proposed rulemaking preserves FamilyCare benefits for approximately 15,000 to 20,000 parents and other caretaker relatives with income above 133 percent up to and including 185 percent of poverty who were previously covered under 89 Ill. Adm. Code 125. Further, the proposed rulemaking expands FamilyCare to cover an additional 147,000 uninsured parents and other caretaker relatives with income up to and including 400 percent of poverty.

Illinois provides benefits to parents and other caretaker relatives raising dependent children under the authority of the *Public Aid Code* and the *Children's Health Insurance Program Act* (CHIPA). The coverage of adults under CHIPA is contingent upon federal approval of a waiver to permit the State to receive matching funds under the federal State Children's Health Insurance Program (SCHIP) for their costs. As SCHIP has not been reauthorized, Illinois cannot obtain federal matching funds using that statute.

With this rulemaking, the Department will establish eligibility for all parents and other caretaker relatives using its authority under the *Public Aid Code*.

- 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? Yes
- 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

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- 11) Statement of Statewide Policy Objectives: This rulemaking does not affect units of local government. This rulemaking preserves FamilyCare coverage at levels in place since January 1, 2006 and further expands coverage to uninsured parents and caretakers with income up to and including 400 percent of poverty.
- 12) Time, Place, and Manner in Which Interested Persons May Comment on this Proposed Rulemaking: Any interested parties may submit comments, data, views, or arguments concerning this proposed rulemaking. All comments must be in writing and should be addressed to:

Tamara Tanzillo Hoffman
Chief of Staff
Illinois Department of Healthcare and Family Services
201 South Grand Avenue East, 3rd Floor
Springfield IL 62763-0002

217/557-7157

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

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

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: None
- B) Reporting, bookkeeping or other procedures required for compliance: None

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- C) Types of professional skills necessary for compliance: None
- 14) Regulatory agenda on which this rulemaking was summarized: This rulemaking was not anticipated by the Department when the two most recent regulatory agendas were published.

The full text of the Proposed Amendments is identical to the text of the Emergency Amendments that appears in this issue of the *Illinois Register* on page 15854:

DEPARTMENT OF HUMAN SERVICES

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- 1) Heading of the Part: Office of Inspector General Investigations of Alleged Abuse or Neglect in State-Operated Facilities and Community Agencies
- 2) Code Citation: 59 Ill. Adm. Code 50
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
50.10	Amend
50.20	Amend
50.30	Amend
50.40	Amend
50.50	Amend
50.70	Amend
50.80	Amend
50.90	Amend
50.100	Amend
- 4) Statutory Authority: Implementing and authorized by Section 1-17 of the Department of Human Services Act [20 ILCS 1305]
- 5) A Complete Description of the Subjects and Issues involved: These amendments change the name of the Nurse Aide Registry to the Health Care Worker Registry, allow the reporting of abuse and neglect to be input into an automated system rather than completed on a prescribed form, and transfers all of the OIG sections from the Department of Public Health Act to a new section in the Department of Human Services Act.
- 6) Any published studies or reports, along with the sources of underlying data, that were used when composing this rulemaking? No
- 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 amendments pending on this Part? No
- 11) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a State mandate.

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- 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 after 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
Springfield, Illinois 62762

217/785-9772

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 14) Regulatory agenda on which this rulemaking was summarized: This rulemaking was to be included in the next regulatory agenda with other amendments that are pending passage by the Legislature. Due to confusion about the reporting registries, the Department found it necessary to propose amendments to inform staff and others that the Nurse Aid Registry was replaced by the Health Care Worker Registry.

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

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TITLE 59: MENTAL HEALTH

CHAPTER I: DEPARTMENT OF HUMAN SERVICES

PART 50

OFFICE OF INSPECTOR GENERAL

INVESTIGATIONS OF ALLEGED ABUSE OR NEGLECT IN
STATE-OPERATED FACILITIES AND COMMUNITY AGENCIES

Section

50.10	Definitions
50.20	Reporting an allegation of abuse or neglect and death reports
50.30	Responsibilities of OIG for intake assessment
50.40	Method of investigation
50.50	Conducting investigations
50.60	Processing investigative reports, reconsideration and clarification requirements, and the contents of case files
50.70	Completed investigations
50.80	Appeals process
50.90	Reporting by the Inspector General to the Illinois Department of Public Health Health Care WorkerNurse Aide Registry
50.100	Removal of an employee's name from the Illinois Department of Public Health Health Care WorkerNurse Aide Registry

AUTHORITY: Implementing and authorized by Section 1-17 of the Department of Human Services Act [20 ILCS 1305].

SOURCE: Adopted at 22 Ill. Reg. 19334, effective October 19, 1998; emergency amendment at 23 Ill. Reg. 4513, effective April 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 10812, effective August 23, 1999; emergency amendment at 26 Ill. Reg. 484, effective January 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 8352, effective May 24, 2002; amended at 32 Ill. Reg. _____, effective _____.

Section 50.10 Definitions

For the purposes of this Part, the following terms are defined:

"Abuse." Any physical injury, sexual abuse, or mental injury inflicted on an individual other than by accidental means.

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"Access." Admission to a community agency or facility for the purpose of conducting imminent risk assessments and investigations, including but not limited to conducting interviews and obtaining and reviewing any documents or records that OIG believes to be pertinent to an investigation.

"Accidental." Occurring unexpectedly or by chance without intent or volition.

"Act." [The Department of Human Services Act \[20 ILCS 1305\]](#) ~~The Abused and Neglected Long Term Care Facility Resident Reporting Act [210 ILCS 30].~~

"Administrative action." Measures taken by the community agency or the facility as a result of the findings or recommendations contained in the investigation that protect individuals from abuse or neglect, prevent recurrences, and eliminate problems.

"Aggravating circumstance." Any circumstance related to a finding of abuse or neglect that increases the severity of the act or omission of the employee or agency or facility that is beyond the essential components of a neglect or abuse finding.

"Allegation." Any assertion, complaint, suspicion or incident when abuse or neglect of individual may have occurred.

"Authorized representative." The administrative head or executive director of a community agency appointed by the community agency's governing body with overall responsibility for fiscal and programmatic management, or the facility director or hospital administrator of a Department facility. If this person is implicated in an investigation, the governing body of the community agency or the Secretary of the Department shall be deemed the authorized representative for that investigation.

"Community agency" or "agency." Any community entity or program providing mental health or developmental disabilities services that is licensed, certified or funded by the Department and not licensed or certified by any other human service agency of the State (e.g., Departments of Public Health, Public Aid, and Children and Family Services).

"Complainant." The required reporter or any person who reports a death or an allegation of abuse or neglect directly to OIG.

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"Complaint." A report of a death or an allegation of abuse or neglect reported directly to OIG.

"Credible evidence." Any evidence that relates to the allegation or incident and that is considered believable and reliable.

"Day." Working day, unless otherwise specified.

"Deflection." Those situations in which an individual is presented for admission to a facility or agency and the facility or agency staff do not admit. This includes triage, redirection and denial of admission.

"Department." The Department of Human Services.

"Egregious neglect." The substantive failure by an employee to provide adequate medical or personal care or maintenance that results in the death, serious medical condition, or serious deterioration of an individual's physical or mental condition, as determined by the Inspector General.

"Employee." Any person currently (or formerly) providing services at the direction of the owner or operator of the facility or the community agency on or off site. The service relationship can be with the individual, the facility or agency. Also, any employee or contractual agent of the Department of Human Services involved in providing or monitoring or administering mental health or developmental services. This includes but is not limited to payroll personnel, contractors, subcontractors, and volunteers.

"Facility." A mental health or developmental disabilities center operated by the Department.

"Final report." A completed investigative report approved by the Inspector General that summarizes the evidence and that indicates whether the allegation of abuse or neglect is substantiated, unsubstantiated, or unfounded based on the evidence gathered from the investigation, when the reconsideration and response period has expired.

"Imminent danger." A preliminary determination of immediate, threatened or impending risk of illness, mental injury, or physical injury or deterioration to an

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individual's health that requires immediate action.

"Individual." Any person receiving mental health or developmental disabilities services from a facility or community agency operated, licensed, certified, or funded by the Department.

"Medical treatment." Any treatment, other than diagnostic procedures, that may only be ordered or rendered to an individual by a physician or dentist regarding an injury.

"Mental injury." Harm caused by an act or omission that precipitates emotional distress or maladaptive behavior in the individual, or could precipitate emotional distress or maladaptive behavior, including the use of words, signs, gestures or other actions toward or about and in the presence of individuals.

"Mitigating circumstance." Any circumstance that, although it does not change a substantiated finding of abuse or neglect, lessens the culpability or severity of the act or omission by the employee, facility or community agency.

"Neglect." The failure to provide adequate medical or personal care or maintenance, which failure results in physical or mental injury to an individual or in the deterioration of an individual's physical or mental condition.

"OIG." The Office of Inspector General of the Department.

"Physical abuse." Physical injury as defined in this Section.

"Physical injury." Physical harm to an individual caused by any non-accidental act or omission.

"Preliminary report." An investigative report that summarizes the evidence in an investigation with a recommendation as to whether the findings of the investigation indicate that the allegation should be substantiated, unsubstantiated, or unfounded.

"Preponderance of the evidence." Proof sufficient to persuade the finder of fact that a proposition is more likely true than not true.

"Required reporter." Any employee who suspects, witnesses, or is informed of an

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allegation of abuse or neglect.

"Routine programmatic." Refers to services provided as part of the individual's habilitation plan, treatment plan, or as a regular or ongoing component of the community agency's or facility's general services or practices.

"Secretary." The Secretary of the Department or his or her designee.

"Serious injury." An injury that requires medical treatment.

"Sexual abuse." Any act of sexual contact, sexual penetration, sexual coercion, or sexual exploitation of an individual.

"Sexual contact." Inappropriate contact between an individual receiving services and another person involving either an employee's genital area, anus, buttocks or breasts or an individual's genital area, anus, buttocks or breasts.

"Substantiated." A preponderance of the evidence found during any investigation indicates that abuse or neglect occurred.

"Unfounded." There is no credible evidence to support the allegation that abuse or neglect occurred.

"Unsubstantiated." There is credible evidence, but less than a preponderance of evidence to show that abuse or neglect occurred.

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

Section 50.20 Reporting an allegation of abuse or neglect and death reports

- a) Reporting – by a facility, community agency or employee
 - 1) If an employee witnesses, is told of, or has reason to believe an incident of abuse or neglect or a death has occurred, the employee, community agency or facility shall report the allegation to the OIG hotline according to the community agency's or facility's procedures. The employee, community agency or facility shall report the allegation immediately, but no later than the time frames specified in subsections (a)(2) and (3) of this Section. Such an employee or representative of a community agency or

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facility shall be deemed the "required reporter" for purposes of this Part. Such reporting will additionally meet any requirements of 59 Ill. Adm. Code 115, 119 and 132 and Department administrative directives, as applicable.

- 2) Within four hours after the initial discovery of an incident of alleged abuse or neglect, the required reporter shall report the following allegations by phone to the OIG hotline:
 - A) Any allegation of abuse by an employee;
 - B) Any allegation of neglect by an employee, community agency or facility; and
 - C) Any injury or death of an individual that occurs within a facility or community agency program when abuse or neglect is suspected.
 - D) At a minimum, required reporters to the OIG hotline shall provide details concerning:
 - i) Information about the victim, including name, date of birth, sex, disability, identification number and/or social security number (if known);
 - ii) Information about the incident, including what happened, when it happened, where it happened, how it happened and the identification of all witnesses;
 - iii) Information about the accused (if known), including name, contact information and if the accused is presently working with or will be working with the alleged victim within the next 72 hours; and
 - iv) Information about the complainant, including name, contact information, relationship to the victim and the need for anonymity (if applicable).
- 3) Written documentation of deaths from the required reporter
~~A)Deaths-~~ Within 24 hours after initial discovery, the required reporter

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shall ~~call the OIG Hotline and report~~ make the following reports on a prescribed form via fax or other electronic reporting system offered by OIG to the OIG Intake (as described in Section 50.30):

- Ai) Any death occurring within 14 calendar days after discharge or transfer from a residential program or facility;
 - Bii) Any death occurring within 24 hours after deflection from a residential program or facility;
 - Ciii) Any other death of an individual occurring within a residential program or facility or at any Department-funded site even though not alleged to be a result of abuse or neglect.
- ~~B)~~ ~~Abuse and neglect. Any required reporter must also complete the OIG prescribed form for reporting alleged abuse, neglect, and injury or death when abuse or neglect is suspected and submit the form via the fax or other electronic reporting system offered by OIG to the OIG Intake within 24 hours after phoning in the report.~~
- 4) Screening of reports prohibited by community agency or facility
Screening, delaying or withholding reports of incidents or allegations of abuse or neglect from OIG is not allowed.
 - 5) Other community agency and facility requirements
 - A) Reporting to OIG shall not relieve the community agency or facility from any statutory or regulatory reporting requirements applicable to the community agency or facility.
 - B) If the authorized representative or his or her designee reviews the agency's or facility's prescribed OIG form or any other internal document regarding for reporting alleged abuse, neglect, or death or serious injury at the respective community agency or facility, he/she shall not delete, delay, withhold, limit or otherwise restrict any of the information contained in the form on the OIG prescribed reporting form. Information may be added by the authorized representative or his or her designee for clarification purposes only.

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- b) **OIG hotline**
The OIG hotline (#1-800-368-1463) shall be communicated to individuals and guardians at the time of admission and the number shall be posted in plain sight at each community agency and facility location where individuals receive services.
- c) **Other reports of allegations of abuse and neglect**
- 1) Any other person, individual, family member, guardian, advocate, or staff from another community agency or facility who witnesses, is told of or has reason to believe an incident of alleged abuse or neglect or a death of an individual may have occurred, may report the incident to OIG by telephoning the OIG hotline, or in writing by fax or other electronic reporting system offered by OIG to the OIG Intake or mail at:
- Office of Inspector General
901 Southwind Road
Springfield, Illinois 62703
- 2) **Notifications**
- A) OIG shall notify the authorized representative of the community agency or facility or his or her designee within 3 working days that an allegation has been received unless such notification compromises the integrity of the investigation, such as, an allegation involving the authorized representative or his or her designee.
- B) The authorized representative of the community agency or facility shall notify the victim or guardian (if applicable) and the accused that an allegation has been received within 24 hours. If the authorized representative or designee is unable to reach the guardian by phone, a letter of notification shall be sent within 24 hours.
- C) OIG shall also contact the complainant immediately but no later than within 3 working days regarding the allegation.
- d) **Training and technical assistance**

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Any person, community agency, or facility may request training or technical assistance from OIG in identifying, reporting, investigating and preventing abuse or neglect, or participation in applicable OIG-sponsored training as referenced in Section ~~1-17(j)6.5~~ of the Act.

- e) **Misleading reports**
Nothing in this rule protects persons who knowingly make misleading reports to harass or compromise community agency or facility effectiveness from action available to either the community agency or facility. Nothing in this Part prohibits OIG, other enforcement authorities, or any employee jeopardized by such reporting from obtaining allowable remedies.

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

Section 50.30 Responsibilities of OIG for intake assessment

- a) **Availability of OIG**
OIG shall be available 24 hours a day to assess reports of allegations of abuse, neglect or death and provide any technical assistance with ~~the required OIG prescribed form for reporting~~ making the report filing.
- b) **Responsibility of OIG for receiving the report**
OIG staff receiving the report of the allegation are responsible for assessing, based on the information received at intake, whether the allegation could constitute abuse or neglect and whether OIG has the authority to investigate in accordance with the Act. OIG shall make these assessments within one day after receiving the call.
- c) **Reports involving routine programmatic, licensure or certification matters**
- 1) OIG shall have no supervision over or involvement in routine, programmatic, licensure or certification operations of the Department, the Bureau of Accreditation, Licensure and Certification, or any of the Department's funded agencies. (Section ~~1-17(a)6.2(a)~~ of the Act)
 - 2) If the reported allegation relates to licensure or certification standards or routine programmatic operations and is deemed not to be abuse or neglect, OIG shall refer the allegation to the appropriate agency or unit of government.

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- 3) If the reported allegation is not within OIG's authority or does not constitute abuse or neglect, OIG shall refer the complainant to the appropriate agency or unit of government.
- d) **Investigations by two or more State agencies**
When two or more State agencies could investigate an allegation of abuse or neglect at a community agency or facility, OIG shall not conduct an investigation that is redundant to an investigation conducted by another State agency (Section [1-17\(a\)6.2\(a\)](#) of the Act) unless another State agency has requested that OIG participate in the investigation (such as the Departments of State Police, Children and Family Services, or Public Health).
- e) **Referral to the Department of State Police**
The Inspector General shall, within 24 hours after receiving a report of an allegation of abuse or neglect or death of an individual served by a facility, determine whether the evidence indicates that any possible criminal act has been committed, or law enforcement expertise is required, and shall refer such allegations to the Department of State Police for investigation in accordance with Section [1-17\(b\)6.2\(b\)](#) of the Act. Also see Section 50.50(h)(1) of this Part.
- f) **Authorized representative**
If the allegation constitutes abuse or neglect and is within the jurisdiction of OIG, the authorized representative or his or her designee of a community agency or facility shall:
 - 1) Ensure the immediate health and safety of involved individuals and employees, including ordering medical examinations when applicable and removing alleged accused employees from having contact with the involved individuals when there is credible evidence supporting the allegation of abuse and neglect;
 - 2) Ensure OIG is notified; and
 - 3) Unless otherwise directed by OIG, initiate the preliminary steps of the investigation by a designated employee who has been trained in the OIG-approved methods to conduct initial interviews and gather evidence and documents and for whom there is no conflict of interest. This may include the need to:

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- A) Secure the scene of the incident and preserve evidence, if applicable;
 - B) Identify and separate potential witnesses, when applicable;
 - C) Identify and record the names of all persons at the scene at the time of the incident and, when relevant, those who had entered the scene prior to the scene being secured;
 - D) Secure all relevant documents and physical evidence, such as clothing, if applicable;
 - E) Photograph the scene of the incident and the individual's injury, when applicable.
- g) OIG may determine what further action, if any, is necessary to protect the safety of any individual, secure the scene of the alleged incident, preserve the evidence and maintain the integrity of the investigation. Such action may include immediate emergency referrals (such as medical or housing services), the notification of law enforcement officials, requesting hospital services or contacting the Department or other State agencies for assistance.

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

Section 50.40 Method of investigation

- a) Determination of primary responsibility for investigation
 - 1) The Office of Inspector General shall determine whether OIG, or the community agency with OIG's investigative protocol, or the facility shall take primary responsibility for investigating the allegation. This determination shall be based on the nature of the allegation, frequency of allegations and complaints of a comparable type and knowledge of the facility or agency.
 - 2) OIG shall determine who shall assume primary responsibility for the investigation within one day after receipt of an allegation.

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- 3) OIG shall notify the authorized representative, the alleged victim or guardian (if applicable) and the accused in writing when an investigation will be opened and to whom the primary responsibility for the investigation will be assigned.
 - 4) OIG shall assume primary responsibility for investigating the following allegations of abuse or neglect:
 - A) Allegations of abuse by an employee other than mental injury;
 - B) Allegations of neglect by an employee or of neglect with an injury requiring medical treatment by a physician.
 - 5) For any other allegation, OIG may designate primary responsibility for the investigation to the community agency using the OIG investigative protocol or to the facility. If at any time during the course of the investigation, the community agency requests that OIG assume primary responsibility for the investigation, OIG shall do so.
 - 6) When OIG designates primary responsibility for the investigation to another entity (community agency or facility), OIG will provide investigative guidance and be available for assistance and shall retain the right to assume primary responsibility for the investigation.
 - 7) If an investigation results in a substantiated finding of abuse other than mental injury or results in a substantiated finding of neglect that has been determined to be egregious neglect, it shall result in the accused employee's identity and the OIG finding being reported to the [Health Care WorkerNurse Aide](#) Registry in accordance with Section 50.90.
- b) OIG investigations may include, but are not limited to, site visits, telephone contacts, requests for written statements and responses from the community agency or the facility.
 - c) Nothing in this Part precludes a community agency or facility from taking immediate action that may include protecting the individuals from danger or harm, notifying appropriate law enforcement officials, or taking any other administrative action deemed necessary by the community agency or facility, unless otherwise directed by OIG. However, the community agency or facility

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should request approval from OIG prior to conducting its own investigation and before attempting to gather information related to the investigation.

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

Section 50.50 Conducting investigations

- a) Depending on the nature of the allegation, an investigation shall consist of, but not be limited to, the following procedures whether done by OIG, the community agency or the facility:
- 1) Ensure that the victim is not in imminent danger;
 - 2) Protect the integrity of the investigation at all times;
 - 3) Secure the scene of the incident;
 - 4) Identify and separate witnesses;
 - 5) Preserve and secure all evidence;
 - 6) Obtain statements from persons involved including victims, alleged perpetrators, and witnesses by face-to-face interviews, in writing, or by telephone; and
 - 7) Obtain copies of pertinent documents relating to the investigation, i.e., progress notes, incident or injury reports, patient or resident records, photographs, etc.
- b) Confidentiality
Any allegations or investigations of reports of abuse and neglect shall remain confidential until a final report is completed (Section [1-17\(a\)6-2\(a\)](#) of the Act). The identity of any person as a complainant (other than a required reporter) shall remain confidential in accordance with the Freedom of Information Act [5 ILCS 140] or unless identification is authorized by the complainant. Information concerning diagnosis and treatment for alcohol or drug abuse shall be disclosed to OIG by community agencies only in accordance with federal regulations at 42 CFR 2. Information concerning tests for human immunodeficiency virus (HIV) and diagnosis and treatment for acquired immune deficiency syndrome (AIDS)

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shall be disclosed to OIG by community agencies only in accordance with the AIDS Confidentiality Act [410 ILCS 305].

- c) All investigations shall be conducted in a manner that respects the dignity and human rights of all persons involved.
- d) Representation during interviews: An employee may request representation at an interview with OIG if he or she has reasonable grounds to believe that the interview may be used to support disciplinary action against him or her. If the investigator denies the request, the employee's statement may not be used in any subsequent disciplinary proceeding against that employee. The community agency or facility that employs the interviewee does not have the right to be present at an investigative interview.
- e) No person shall interfere with or obstruct an OIG interview or investigation.
- f) If the community agency or facility has responsibility for conducting the investigation, OIG shall be available on request to answer questions and provide advice or technical assistance regarding the investigatory process.
- g) OIG shall be granted access, for the purpose of investigating abuse or neglect, to any facility or program operated, funded, licensed or certified by the Department that is subject to the provisions of Section 1-176.2 of the Act.
 - 1) When advance notice to an authorized representative or his or her designee is not provided, OIG shall, on arrival at the community agency or facility site, request that an on-duty and on-site employee notify the authorized representative or his or her designee of OIG's arrival.
 - 2) Facilities and community agencies shall obtain and provide OIG with all written statements and any requested documents in a timely manner.
 - 3) There is reason to believe that a violation of an existing Department Rule may have occurred, OIG shall immediately notify the authorized representative or his or her designee of the community agency and the appropriate Department office or division.
- h) If OIG determines that:

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- 1) The allegation involves a possible criminal act or that special expertise is required, OIG shall notify, within 24 hours, the Department of State Police or local law enforcement authorities, as appropriate.
- 2) An individual's health or safety is in imminent danger, the Inspector General shall immediately notify the Secretary or his or her designee and the authorized representative of the community agency or facility or his or her designee.
- 3) There is reason to believe that a violation of an existing Department rule may have occurred, OIG shall notify the authorized representative of the community agency or his or her designee and the appropriate Department office or division.

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

Section 50.70 Completed investigations

- a) The investigative report and the investigation shall be considered complete 30 calendar days after the notice required in Section 50.60(a)(5)(A) and (B) has been sent to the facility or agency, barring cases when reconsideration has been granted to any requestor.
- b) Distribution of completed investigative reports
 - 1) *The Inspector General shall provide a complete investigative report within 10 calendar days, to the Secretary, when abuse or neglect is substantiated or administrative action is recommended including a written response from a community agency or facility if one has been provided. (Section ~~1-17(c)6.2(e)~~ of the Act)*
 - 2) The Inspector General shall provide a completed investigative report within 10 calendar days to Equip for Equality, Inc., and the Illinois Guardianship and Advocacy Commission.
 - 3) The Inspector General shall provide a completed investigative report of all cases from Department facilities serving individuals with developmental disabilities within 10 calendar days to the Illinois Department of Public Health and the Department's Office of Developmental Disabilities.

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- 4) The Inspector General shall provide a completed investigative report of all cases from Department facilities serving individuals with mental illness within 10 calendar days to the Department's Office of Mental Health.
 - 5) If the Inspector General substantiates abuse or neglect at a community agency serving individuals with developmental disabilities or recommends administrative action, the investigative report shall be provided to the Department's Office of Developmental Disabilities within 10 calendar days.
 - 6) If the Inspector General substantiates abuse or neglect at a community agency serving individuals with mental illness or recommends administrative action, the investigative report shall be provided to the Department's Office of Mental Health within 10 calendar days.
 - 7) The Inspector General shall provide a completed investigative report of all cases substantiating abuse or neglect or recommending administrative action in community agencies within 10 calendar days to the Department's Bureau of Accreditation, Licensure and Certification.
 - 8) The Inspector General shall provide a completed investigative report in all cases substantiating abuse or neglect against a Department employee within 10 calendar days to the Department's Bureau of Labor Relations.
 - 9) The Inspector General shall provide a completed investigative report substantiating abuse or neglect if a legal issue is involved within 10 calendar days to the Department's General Counsel.
- c) The facility or agency shall inform the victim and the legal guardian (if applicable) and the accused employee whether the reported allegation was substantiated, unsubstantiated or unfounded. If the authorized representative or designee is unable to reach the guardian by phone, a letter of notification shall be sent within 24 hours.
 - d) The Office of the Inspector General shall inform the accused employee of the results of a reconsideration request or of any changes in the finding that resulted from a reconsideration within 15 days.

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- e) If the finding substantiates abuse other than mental injury or results in a substantiated finding of neglect that has been determined to be egregious, the Inspector General shall report the identity and finding to the [Health Care WorkerNurse Aide](#) Registry. The Inspector General shall notify the accused employee of the right to appeal the action that placed his or her identity on the [Health Care WorkerNurse Aide](#) Registry as described in Section 50.90 of this Part.
- f) The Inspector General shall inform any person or a community agency who is subject to any action based on the findings of an investigation of their applicable appeal rights and responsibilities contained in Section 50.80 of this Part.
- g) Release of investigative reports
- 1) *Any allegations or investigations of reports of abuse and neglect shall remain confidential until a final report is completed. (Section [1-17\(a\)6.2\(a\)](#) of the Act)*
 - 2) Substantiated findings shall be released in accordance with the Act, the Mental Health and Developmental Disabilities Confidentiality Act [740 ILCS 110] and the Freedom of Information Act [5 ILCS 140].
 - 3) *Unsubstantiated or unfounded findings shall remain confidential except that investigative reports shall be released pursuant to Section 6 of the [Abused and Neglected Long Term Care Facility Residents Reporting Act \[210 ILCS 30\]](#) or a valid court order. (Section [1-17\(a\)6.2\(a\)](#) of the Act)*
 - 4) The identity of any person as a complainant shall remain confidential in accordance with the Freedom of Information Act [5 ILCS 140], or unless authorized by the complainant in writing.
- h) Recommendations for sanctions
- 1) The Inspector General may recommend to the Illinois Department of Public Health and the Department of Human Services that sanctions be imposed against mental health and developmental disabilities facilities to protect residents, including:
 - A) appointment of on-site monitors or receivers;

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- B) transfer or relocation of residents; and
 - C) closure of units.
- 2) The Inspector General may seek the assistance of the Attorney General of Illinois or the State's attorney for imposing sanctions listed in subsection (h)(1).

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

Section 50.80 Appeals process

There shall be an appeals process for any person or community agency that is subject to any action based on the findings of an investigation. (Section 1-17(c)6.2 of the Act)

- a) A person or community agency may appeal an action taken based on a finding of an investigation on the grounds that the action was unduly punitive or unduly lenient.
- b) The Inspector General shall inform the agency or employees of the right to appeal under this Part.
- c) The employee or community agency may request a hearing no later than 30 calendar days after the action occurred. The employee or community agency shall submit a letter to the Bureau of Administrative Hearings, Department of Human Services, 100 S. Grand Ave. East, Springfield, Illinois 62762, requesting a hearing and setting out the reasons why the action was in error.
- d) The hearings under this Section shall be conducted in accordance with the Department's rules on the conduct of hearing and appeals at 89 Ill. Adm. Code 508.
- e) At the hearing, the community agency, the facility or the Department shall have the burden of proving that its action was fair and supported by a preponderance of credible evidence.

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

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Section 50.90 Reporting by the Inspector General to the Illinois Department of Public Health Health Care WorkerNurse-Aide Registry

- a) An employee's identity and the investigative finding will not be forwarded to the Health Care WorkerNurse-Aide Registry when the Inspector General has issued an amended investigative report, as a result of a reconsideration, that no longer contains a substantiated finding.
- b) After the Inspector General's investigative report becomes a final report, the Inspector General shall notify the employee against whom the Inspector General has substantiated abuse as defined in this Part other than mental injury, or against whom the Inspector General has substantiated neglect that has been determined to be egregious, that his or her identity and the investigative finding will be placed on the Health Care WorkerNurse-Aide Registry maintained by the Illinois Department of Public Health. The employee's identity will not be forwarded to the Registry when:
 - 1) The grievance and arbitration rights of the employee have not been exhausted, unless three months have expired since the initiation of the grievance process by the employee, whichever comes first.
 - 2) A Health Care WorkerNurse-Aide Registry hearing has been requested and has not been completed.
- c) The notification to the employee of the decision to place his or her name and the investigative finding on the Health Care WorkerNurse-Aide Registry shall be provided to the last known address of the employee by certified mail and shall include:
 - 1) A clear and concise statement of the grounds on which the report to the Health Care WorkerNurse-Aide Registry is based.
 - 2) Information on the opportunity to request a Registry hearing to contest the decision to place the employee's name and the reporting of the investigative finding on the Health Care WorkerNurse-Aide Registry, or in lieu of a request for a hearing, the opportunity to submit a written response to the decision to place the employee's name and the reporting of the investigative finding to the Health Care WorkerNurse-Aide Registry.

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- 3) Explanation of the mechanism by which the employee can request a hearing.
- d) If the employee requests a Registry hearing:
- 1) The Registry hearing shall be separate and distinct from the Inspector General's appeal process described in Section 50.80.
 - 2) The employee and the Department may provide written and oral evidence at the hearing.
 - 3) The Department shall be required to establish by a preponderance of the evidence that the Office of the Inspector General's finding of abuse other than mental injury or OIG's finding of neglect that has been determined to be egregious warrants reporting to the ~~Department of Public Health's Health Care WorkerNurse Aide~~ Registry.
 - 4) Hearings under this Section shall be conducted in accordance with the Department's rules on the conduct of hearings and appeals at 89 Ill. Adm. Code 508. In the event there is a conflict between 89 Ill. Adm. Code 508 and this Part, the provisions of this Part shall prevail.
 - 5) If applicable, the employee must give written notice to the Department's Bureau of Administrative Hearings, Department of Human Services, 100 South Grand Avenue East, Springfield, Illinois 62762 that he or she has initiated the grievance or arbitration process and the date of initiation. The notice must include a copy of the grievance.
 - 6) The employee may request a hearing no later than 30 calendar days after receipt of the notice issued pursuant to Section 50.70(e). The employee shall file an appeal in writing to the Bureau of Administrative Hearings, Department of Human Services, 100 South Grand Avenue East, Springfield, Illinois 62762, requesting a hearing and setting out the reasons why the proposed report to the Registry is not warranted.
- e) If the employee does not request a hearing or if the hearing results in a finding that the Inspector General's report to the ~~Health Care WorkerNurse Aide~~ Registry is valid, the Inspector General shall report the name of the employee to the ~~Health Care WorkerNurse Aide~~ Registry maintained by the Illinois Department of Public

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Health and notify the employee of the report.

- f) The Inspector General's report to the [Health Care WorkerNurse Aide](#) Registry shall include:
- 1) The identity of the employee and identification of the substantiated finding that resulted in the name of the employee being placed on the [Health Care WorkerNurse Aide](#) Registry;
 - 2) the finding from the Department's Registry hearing, if one was held; and
 - 3) A brief statement from the reported employee if the employee chooses to make a statement.
- g) If an employee's name and the finding has been reported to the [Health Care WorkerNurse Aide](#) Registry because three months since the initiation of the grievance process has elapsed, where the grievance and arbitration process or a decision from the Civil Service Commission ultimately overturns the action, the authorized representative must give written notice to the Office of the Inspector General. The Inspector General shall report the results of the grievance or arbitration process to the [Health Care WorkerNurse Aide](#) Registry maintained by the Illinois Department of Public Health and notify the employee of the report.

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

Section 50.100 Removal of an employee's name from the Illinois Department of Public Health [Health Care WorkerNurse Aide](#) Registry

- a) A name and the finding will be removed from the [Health Care WorkerNurse Aide](#) Registry if a grievance or arbitration proceeding overturns the action against the employee.
- b) An employee may petition, in writing, the Department of Human Services for removal of the finding against the employee at any time after the name has been placed on the [Health Care WorkerNurse Aide](#) Registry, but not more than once in every 12 months.
- c) The petition shall be sent to the Department's Bureau of Administrative Hearings, 100 South Grand Avenue East, Springfield, Illinois 62762.

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- d) The Office of Inspector General shall conduct an investigation on the petition.
- e) Following the investigation, the Department's Bureau of Administrative Hearings shall conduct a hearing in accordance with 89 Ill. Adm. Code 508 and inform the Department of its decision.
- f) At the hearing, the petitioner shall have the burden to demonstrate by a preponderance of evidence that removal of the finding from the [Health Care WorkerNurse Aide](#) Registry is in the public interest.
- g) The hearing officer's recommended decision shall take into account, but not be limited to, the following considerations included in the petition:
- 1) Statement of the nature of the abuse or neglect that has been determined to be egregious for which the petitioner's name was placed on the [Health Care WorkerNurse Aide](#) Registry;
 - 2) Evidence that the petitioner is now rehabilitated, trained or educated and able to perform duties in the public interest;
 - 3) Evidence of the petitioner's conduct since name was placed on the [Health Care WorkerNurse Aide](#) Registry; and
 - 4) Evidence of the petitioner's candor and forthrightness in presenting information in support of the petition.
- h) The Inspector General shall, upon receiving the Department's hearing decision, request the Department of Public Health to remove a finding from the [Health Care WorkerNurse Aide](#) Registry in instances in which the hearing decision finds that it is in the public interest to do so.

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

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NOTICE OF PROPOSED REPEALER

- 1) Heading of the Part: Lead Poisoning Prevention Code
- 2) Code Citation: 77 Ill. Adm. Code 845
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
845.10	Repeal
845.12	Repeal
845.15	Repeal
845.20	Repeal
845.21	Repeal
845.23	Repeal
845.25	Repeal
845.26	Repeal
845.27	Repeal
845.28	Repeal
845.29	Repeal
845.30	Repeal
845.31	Repeal
845.32	Repeal
845.33	Repeal
845.40	Repeal
845.50	Repeal
845.APPENDIX A, EXHIBIT A	Repeal
845.APPENDIX A, EXHIBIT B	Repeal
845.APPENDIX A, EXHIBIT C	Repeal
845.APPENDIX C	Repeal
845.APPENDIX D	Repeal
845.APPENDIX D, ILLUSTRATION A	Repeal
845.APPENDIX E	Repeal
845.APPENDIX F	Repeal
845.APPENDIX G	Repeal
845.APPENDIX H	Repeal
- 4) Statutory Authority: Implementing and authorized by the Lead Poisoning Prevention Act [410 ILCS 45]
- 5) A Complete Description of the Subjects and Issues Involved: These rules are being repealed and replaced with new proposed rules. The content of the original rule will be included in the proposed Lead Poisoning Prevention Code (77 Ill. Adm. Code 845).

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- 6) Will this proposed repealer replace any emergency rulemaking currently in effect? No
- 7) Does this repealer contain an automatic repeal date? No
- 8) Does this proposed repealer contain incorporations by reference? NA
- 9) Are there any other proposed amendments pending on this Part? NA
- 10) Statement of Statewide Policy Objectives: This rulemaking will not create or expand expenditures by units of local government.
- 11) Time, Place, and Manner in which interested persons may comment on this proposed repealer: Written or e-mail comments may be submitted within 45 days after this issue of the Illinois Register to:

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

217/782-2043

email: rules@idph.state.il.us)
- 12) Initial Regulatory Flexibility Analysis:
 - A) Types of small businesses, small municipalities and not for profit corporations affected: This repealer will not have an impact on small businesses.
 - B) Reporting, bookkeeping or other procedures required for compliance: This repealer will not create any new requirements.
 - C) Types of Professional skills necessary for compliance: No professional skills are required for compliance.
- 13) Regulatory Agenda on which this rulemaking was summarized: January 2006

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The text of the Proposed Repealer begins on the next page :

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NOTICE OF PROPOSED REPEALER

TITLE 77: PUBLIC HEALTH

CHAPTER I: DEPARTMENT OF PUBLIC HEALTH

SUBCHAPTER p: HAZARDOUS AND POISONOUS SUBSTANCES

PART 845

LEAD POISONING PREVENTION CODE [\(REPEALED\)](#)

Section	
845.10	Definitions
845.12	Incorporated Materials
845.15	Lead Screening
845.20	Reporting
845.21	Provision of Data
845.23	Laboratory Fees for Blood Lead Screening
845.25	Case Follow-Up
845.26	Inspection of Dwellings, Residential Buildings or Child Care Facilities
845.27	Requirements for Lead Inspector, Risk Assessor, Worker, Supervisor, and Contractor Licensing
845.28	Approval of Training Program Providers
845.29	Safety Guidelines for Workers Removing or Covering Leaded Soil
845.30	Mitigation or Abatement of Lead Hazards
845.31	Lead Abatement Contractor Responsibilities
845.32	Lead Contractor/Supervisor Responsibilities
845.33	Dwellings Not Requiring Abatement or Mitigation
845.40	Approval of Units of Local Government or Health Departments as Delegate Agencies to Administer and Enforce the Lead Poisoning Prevention Act
845.50	Permissible Limits of Lead in and about Dwellings, Residential Buildings or Child Care Facilities
845.60	Placarding of Dwellings (Repealed)
845.APPENDIX A	Instructions for Childhood Blood Lead Poisoning Reporting System
845.EXHIBIT A	Instructions for Completing the Laboratory Based Report of Childhood Lead Poisoning
845.EXHIBIT B	Instructions for Submitting Follow-Up Data for Children With Blood Lead Levels = 15 mcg/dL
845.EXHIBIT C	Instructions for Reporting Information by Delegate Agencies on Environmental Inspection for Cases of 20 mcg/dl and Above (Repealed)
845.APPENDIX B	Testing for Lead in Paint by Portable X-Ray Fluorescence Lead in

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	Paint Analyzer (XRF) (Repealed)
845.APPENDIX C	Diagrams of Building Components
845.ILLUSTRATION A	Inspection Forms and Diagram of Building Components (Repealed)
845.APPENDIX D	Recommended Setup and Use of a Negative Pressure System
845.ILLUSTRATION A	Examples of Negative Pressure Systems
845.APPENDIX E	Soil Sampling
845.APPENDIX F	Childhood Lead Risk Assessment Questionnaire
845.APPENDIX G	Information Agreement
845.APPENDIX H	Childhood Lead Poisoning Assessment and Screening Algorithm

AUTHORITY: Authorized by and implementing the Lead Poisoning Prevention Act [410 ILCS 45].

SOURCE: Adopted July 15, 1976; amended at 2 Ill. Reg. 43, effective October 23, 1978; rules repealed; new rules adopted and codified at 6 Ill. Reg. 14849, effective November 24, 1982; amended at 7 Ill. Reg. 7652, effective June 14, 1983; amended at 8 Ill. Reg. 8242, effective May 25, 1984; amended at 10 Ill. Reg. 5138, effective April 1, 1986; amended at 17 Ill. Reg. 1884, effective February 1, 1993; amended at 19 Ill. Reg. 238, effective December 31, 1994; amended at 21 Ill. Reg. 7444, effective May 31, 1997; emergency amendment at 21 Ill. Reg. 14680, effective October 31, 1997, for a maximum of 150 days; emergency amendment modified in response to JCAR objection at 22 Ill. Reg. 6252; amended at 22 Ill. Reg. 16000, effective August 20, 1998; amended at 24 Ill. Reg. 11974, effective August 1, 2000; Part repealed at 32 Ill. Reg. _____, effective _____.

Section 845.10 Definitions

"Act" means the Lead Poisoning Prevention Act [410 ILCS 45].

"Assessment" means administration of the risk assessment questionnaire to the parent.

"Chemical Spot Test" means the use of sodium rhodizonate to obtain a qualitative determination of lead.

"Child" means a person under the age of 16.

"Child Care Facility" means any structure used by a child care provider licensed by the Department of Children and Family Services or public school structure

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frequented by children under 6 years of age. (Section 2 of the Act)

"Compliance Sampling" means the activity of taking dust wipe samples after completion of mitigation or abatement activities, for the purpose of determining compliance with the Department's standard for lead dust levels or horizontal surfaces of less than 200 micrograms per square foot.

"Confirmed blood lead level" means that an elevated blood lead level is confirmed by a venous blood lead test.

"Defective Surface" means peeling, flaking, chalking, scaling or chipping paint; paint over crumbling, cracking or falling plaster or plaster with holes in it; paint over a defective or deteriorating substrate; or paint that is damaged or worn down in any manner such that a child can get paint from the damaged area.

"Delegate Agency" means a unit of local government or health department approved by the Department to carry out the provisions of the Lead Poisoning Prevention Act. (Section 2 of the Act)

"Department" means the Department of Public Health of the State of Illinois. (Section 2 of the Act)

"Director" means the Director of the Department of Public Health of the State of Illinois.

"Dwelling" means any structure all or part of which is designed or used for human habitation. (Section 2 of the Act)

"Dwelling Risk Assessment" means an on-site investigation to determine the existence, nature, severity, and location of lead-based paint hazards and the provision of a report, by the individual or the firm conducting the risk assessment, explaining the results of the investigation and options for reducing lead-based paint hazards.

"Elevated results" means a blood lead test result of 10 micrograms/deciliter or higher.

"Encapsulant" means any liquid applied product which covers, seals, or encapsulates a lead-based painted surface in a manner which is designed to reduce

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human exposure to lead.

"Exposed Surface" means any interior or exterior surface of a dwelling or residential building. (Section 2 of the Act)

"Health Care Provider" means any person providing health care services to children, who is authorized pursuant to the Clinical Laboratory Act to request the testing of specimens, but does not include dentists. "Health Care Provider" includes podiatrists and physicians other than those licensed to practice medicine in all its branches.

"HEPA Vacuum Equipment" means vacuuming equipment with a high efficiency particulate air filter capable of trapping and retaining 99.97 percent of particles greater than 0.3 micrometers in mass median aerodynamic equivalent diameter.

"Inspection" means a surface-by-surface investigation to determine the presence of lead-based paint and the provision of a report explaining the results of the investigations.

"Intact surface" means a surface with no loose, peeling, chipping or flaking paint. Intact surfaces that are painted must be free from crumbling, cracking or falling plaster and should not have any holes. Intact surfaces must not be damaged or worn down in any way that would make paint from the damaged area accessible to children.

"Lead Abatement" means any activity that will result in the removal of windows, walls, floors, ceilings or exterior surfaces which may result in the creation of a hazardous level of leaded chips, flakes, dust or any other form of leaded substance that can be ingested or inhaled during such activity.

"Lead Abatement Supervisor" means any person employed by a lead abatement contractor and licensed by the Department to perform lead abatement and mitigation, and supervise lead abatement workers who perform lead abatement and mitigation. ("Lead Abatement Supervisor" was formerly called "Lead Abatement Contractor/Supervisor".)

"Lead Bearing Substance" means any dust on surfaces or in furniture or other nonpermanent elements of the dwelling and any paint or other surface coating material containing more than five-tenths of one percent (0.5%) lead by weight

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(calculated as lead metal) in the total nonvolatile content of liquid paint. The term "lead bearing substance" also includes lead bearing substances containing greater than one milligram per square centimeter or any lower standard for lead content in residential paint as may be established by federal law or regulation; or more than 1 milligram per square centimeter in the dried film of paint or previously applied substance; or object containing lead in excess of the amount specified in this Part or a lower standard for lead as may be established by federal regulation. (Section 2 of the Act)

"Lead Hazard" means a lead bearing substance that poses an immediate health hazard to humans. (Section 2 of the Act)

"Lead Inspector" means an individual who has been trained by a Department approved training program to conduct inspections, sample for the presence of lead in dust and soil, and conduct abatement clearance testing.

"Lead Management Plan" means a written statement that describes how an intact surface with lead-based paint will be monitored to assure that, if the intact surface becomes defective, the defective surface will be abated or mitigated.

"Lead Mitigation" means the remediation of a lead hazard so that the lead bearing substance does not pose an immediate health hazard to humans. A lead hazard is deemed to have been mitigated if the surface that is the source of the lead hazard is no longer in a condition that produces a hazardous level of leaded chips, flakes, dust or any other form of leaded substances, that can be ingested or inhaled by humans; or if the leaded surface is accessible to children, the surface coating is covered or the access to the leaded surface by children is otherwise prevented.

"Lead Poisoning" means the conditions of having blood lead levels in excess of those considered safe under this Part (see "permissible limits") and federal rules and regulations. (Section 2 of the Act)

"Lead Risk Assessor" means an individual who has been trained by a Department approved training program to conduct risk assessments, sample for the presence of lead in dust and soil and conduct abatement clearance testing.

"Local Health Department" means the health department or board of health as recognized by the Department which has jurisdiction over the particular geographical area in which the person lives.

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"Major Lead Abatement or Mitigation" means any abatement or mitigation activity that will result in the removal of windows, walls, floors, ceilings or exterior surfaces which may result in the creation of a hazardous level of leaded chips, flakes, dust or any other form of leaded substance that can be ingested or inhaled.

"Negative Blood Lead Test Result" means a blood lead test with a blood lead level (PbB) of 9 micrograms/deciliter (mcg/dL) or less of whole blood in a child under age 16 years.

"Notice" means any written notification, as specified in this Part, to be issued by the Department or a delegate agency.

"Occupant" means any person who lives in a dwelling as defined in this Part.

"Owner" means any person, who alone, jointly or severally with others:

Has legal title to any dwelling or residential building, with or without accompanying actual possession of the dwelling or residential building, or

Has charge, care or control of the dwelling or residential building as owner or agent of the owner, or as executor, administrator, trustee, or guardian of the estate of the owner. (Section 2 of the Act)

"Permissible limits" for reporting purposes means a confirmed blood lead level (PbB) of less than 10 micrograms/deciliter (mcg/dL) of whole blood in a child under age 16 years, less than 10 mcg/dL for a pregnant or breast-feeding woman and less than 25 mcg/dL for all other persons.

"Person" means any one or more natural persons, legal entities, governmental bodies, or any combination.

"Positive Blood Lead Test Result" means a blood lead level test with a blood lead level (PbB) of 10 micrograms/deciliter (mcg/dL) or higher of whole blood in a child under age 16 years.

"Residential Building" means any room, group of rooms, or other interior areas of a structure designed or used for human habitation; common areas accessible

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by inhabitants; and the surrounding property or structures. (Section 2 of the Act)

"Screening" means a blood lead testing by venous or capillary methodology.

"STELLAR" means the Systematic Tracking of Elevated Lead Levels and Remediation software developed and provided by the Centers for Disease Control and Prevention for local agencies to use in tracking lead poisoning cases.

"Third Party Exam" means that, in addition to training requirements and education and experience requirements, individuals seeking to become licensed as inspectors, Risk Assessors and Supervisors are required to pass a third party exam, administered by the Department or its designee, in addition to the training course examination.

"Training Hour" means at least 50 minutes of actual teaching, including time devoted to lecture, learning activities, small group activities, demonstrations, evaluations, and/or hands-on experience.

"Work Area" means exterior areas where lead abatement activities are conducted.

"Work Site" means the room or rooms undergoing lead abatement activities in a single family dwelling or the room or rooms and common area of a residential building.

Section 845.12 Incorporated Materials

- a) The following materials are incorporated by reference in this Part:
- 1) Occupational Safety and Health Administration (OSHA) Lead Standard 1910.1025 and 29 CFR 1926.62 (1993);
 - 2) Department of Housing and Urban Development (HUD) Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing, except Chapter Seven (June 1995); Chapter Seven of the Guidelines, Lead-based Paint Inspection (revised 1997);
 - 3) Occupational Safety and Health Administration (OSHA) regulations at 29 CFR 1910.1001 and 29 CFR 1926.62 (1993);

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- 4) OSHA Interim Final Rule for Lead in Construction - 29 CFR 1926.62.
- b) All incorporations by reference of federal regulations or standards and the standards of nationally recognized organizations refer to the regulation or standard on the date specified and do not include any additions or deletions subsequent to the date specified.

Section 845.15 Lead Screening

- a) *Every physician licensed to practice medicine in all its branches or health care provider shall screen children 6 months through 6 years of age for lead poisoning (Section 6.2 of the Act), using a blood lead measurement for children residing in high risk areas. Children residing in low risk areas shall be assessed for their risk for lead exposure by providing the information contained in the Childhood Lead Risk Assessment Questionnaire (Appendix F).*
 - 1) Children determined to be at high risk based upon an assessment shall have a blood lead measurement.
 - 2) Children who reside in a high risk area shall have a blood lead measurement.
 - 3) Children who have elevated screening results shall have follow-up testing consistent with the algorithm attached (Appendix H).
 - 4) Elevated capillary results 10 mcg/dL and above shall be confirmed by a venous sample.
- b) *Each licensed, registered, or approved health care facility serving children from 6 months through 6 years of age, including but not limited to, health departments, hospitals, clinics, and health maintenance organizations approved, registered or licensed by the Department shall take the appropriate steps (referral of children with identified risk factors as defined in Appendix F to a physician or health care provider) to ensure that patients receive lead poisoning screening, where medically indicated or appropriate, consistent with the risks factors in the Childhood Lead Risk Assessment Questionnaire (see Appendix F). (Section 6.2 of the Act) Patients are those children receiving complete health care provided by the approved health care facility.*

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- c) Physicians and health care providers may assess children 7 years of age and older in accordance with the Risk Assessment Questionnaire (see Appendix F).
- d) *By January 1, 1993, each day care center, day care home, preschool, nursery school, kindergarten, or other child-care facility, licensed or approved by the State, including such programs operated by a public school district, shall include a requirement that each parent or legal guardian of a child between the ages of 6 months through 6 years provide a statement from a physician or health care provider that the child has been screened or assessed for lead poisoning. This statement shall be provided prior to admission and subsequently in conjunction with physical examinations required by Section 665.140 of the Department's rules entitled Child Health Examination Code (77 Ill. Adm. Code 665). (Section 7.1 of the Act)*
- e) *Nothing in this Part shall be construed to require any child to undergo a lead blood level screening or test whose parent or guardian objects to such screening on the grounds that the screening or test conflicts with his or her religious beliefs. (Section 7.1 of the Act)*

Section 845.20 Reporting

- a) The Department requires the following persons and facilities to report to the Department all blood lead levels (PbB):
 - 1) *Every physician who diagnoses, or health care provider, nurse, hospital administrator, or public health officer who has verified information of any person who has a level of lead in the blood in excess of the permissible limits, as defined in Section 845.10, is required to report pursuant to this Section, starting with a confirmed lead level of 10 micrograms/per deciliter (mcg/dL). (Section 7 of the Act) If the analysis has been performed at the State laboratory, or the provider has ascertained that the clinical laboratory where specimens are processed electronically reports all blood lead level results to the Department, then duplicate reporting of elevated levels is not required.*
 - 2) Directors of clinical laboratories who have verified information of any positive blood lead test results, as defined in Section 845.10, are required to report the results to the Department within 48 hours after receipt of verification. Negative blood lead test results, as defined in Section

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845.10, shall be reported to the Department no later than 30 days following the last day of the month in which the test results are obtained by the laboratory. The information included in the clinical laboratory report on positive and negative blood lead test results shall include the blood lead level; the child's name, address, date of birth, sex and race; date of test; test type; date of report; physician and/or clinic with address; and the reporting agency. Verification and test information on positive blood lead test results must be submitted as a distinct report separate from the cumulated negative blood lead test information. All reports submitted must identify the report content as being either negative or positive blood lead test results.

- b) Reports required pursuant to this Section shall be made to the Department and all reported information, including the source of such information, received by the Department shall be considered confidential in nature. Any information submitted to a laboratory at the request of the Department and in accordance with this Part shall be treated as confidential by the laboratory which receives the information on behalf of and as required by the Department. The reported information under this Part shall be confidential and subject to good faith immunity in accordance with Part 21 of Article VIII the Code of Civil Procedure [735 ILCS 5/Art. VIII, Part 21] and the Communicable Disease Report Act [745 ILCS 45]. It is the right, however, of any patient to obtain their own data.
- c) Reports required pursuant to this Section shall be submitted within 48 hours of receipt of verification thereof. Methods of submission can include written or electronic reporting as detailed in Section 845.Appendix A. Reports so submitted shall be considered received by the Department upon entry into the Data Processing system of the Department.
- d) Reports of blood lead levels shall be on a form or in a format provided by the Illinois Department of Public Health (See Appendix A).

Section 845.21 Provision of Data

- a) All reports issued by the Department, which are aggregated to make it impossible to identify any patient, reporting entity, or primary care giver shall be made available to the public pursuant to the Freedom of Information Act.
- b) All requests by medical or epidemiologic researchers for confidential data must

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be submitted in writing to the Department. The request must include a study protocol which contains: objectives of the research; rationale for the research including scientific literature justifying current proposal; overall study methods, including copies of forms, questionnaires, and consent forms used to contact facilities, physicians or study subjects; including methods for documenting compliance with 42 CFR 2a.4(a) through (j), 2a.6(a) and (b), 2a.7(a) and (b)(1); methods for the processing of data; storage and security measures taken to insure confidentiality of patient identifying information; time frame of the study; a description of the funding source of the study (e.g., federal contract); the curriculum vitae of the principal investigator and list of collaborators. In addition, the research request must specify what patient identifying information is needed and how the information will be used. Identifying information concerning the reporting entity will not be made available by the Department. Identifying information is defined as any information, collection, or groups of data from which the identity of the patient or reporting entity to which it relates may be discerned, e.g., name, address or ID number.

- c) All requests to conduct research and modifications to approved research proposals involving the use of data which includes patient identifying information shall be subject to a review to determine compliance with the following conditions:
- 1) The request for patient identifying information contains stated goals or objectives.
 - 2) The request documents the feasibility of the study design in achieving the stated goals and objectives.
 - 3) The request documents the need for the requested data to achieve the stated goals and objectives.
 - 4) The requested data can be provided within the time frame set forth in the request.
 - 5) The request documents that the researcher has qualifications relevant to the type of research being conducted.
 - 6) The research will not duplicate other research already underway using the same data when both require the contact of a patient involved in the previously approved concurrent research; and

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- 7) Other such conditions relevant to the need for the patient identifying information and the patient's confidentiality rights because the Department will only release the patient identifying information that is necessary for research.
- d) The Director or his designee will review the request and approve or deny the request. The Information Agreement (Section 845.Appendix G) must contain the signatures of the Director and the applicant before data can be provided. Reasons for denial may include the following:
 - 1) if security measures are unsatisfactory in the opinion of the Department;
 - 2) if data requested is unavailable or unreliable in the opinion of the Department,
 - 3) if the stated purpose does not meet the Department's mission statement;
 - 4) if the Department is unable to provide the data in the requested format;
 - 5) if the applicant is not an accredited or licensed research institution, a government agency, legislative commission, or other organization with the ability to conduct research such as a university research center or private research firm; or
 - 6) if the information cannot be provided by the requested date.
 - e) Denied requests may be revised and resubmitted.
 - f) Information Agreements
 - 1) The Department will enter into information agreements for all approved research requests. These agreements shall specify the information that is being released and how it can be used in accordance with the standards in subsection (c) of this Section. In addition, the researcher shall include an assurance that:
 - A) use of data is restricted to the specifications of the protocol;

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- B) any and all data which may lead to the identity of any patient, research subject, physician, other person, or hospital is strictly privileged and confidential and the researcher agrees to keep all such data strictly confidential at all times;
 - C) all officers, agents and employees will keep all such data strictly confidential. The researcher will communicate the requirements of this Section to all officers, agents and employees, will discipline all persons who may violate the requirements of this Section, and will notify the Department in writing within 48 hours after any violation of this Section, including full details of the violation and corrective actions to be taken;
 - D) all data provided by the Department pursuant to the agreement may only be used for the purposes named in the agreement and that any other or additional use of the data may result in immediate termination of the agreement by the Department; and
 - E) all data provided by the Department pursuant to the agreement is the sole property of the Department and may not be copied or reproduced in any form or manner, except for research use by the researcher, and that all data, copies and reproduction of the data made for the researcher's internal use shall be returned to the Department upon termination of the agreement.
- 2) Any departures from the approved protocol must be submitted in writing and approved by the Director or his designee in accordance with subsections (c) and (d) of this Section prior to initiation. No identifying information may be released by a researcher to a third party.
- g) Upon request, the Department shall disclose individual patient or reporting entity information to the reporting entity, which originally supplied that information to the Department.
 - h) The Department, by signed and reciprocating agreement, may disclose individual patient information concerning residents of another state to the Childhood Lead Poisoning Prevention Program in the individual's state of residence only if the recipient of such information is legally required to hold such information in confidence and provides protection from disclosure of patient identifying

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information equivalent to the protection afforded by the Illinois law.

- i) The identity of any person (or any group of facts that tends to lead to the identity of any person) whose blood test result is submitted to the Illinois Childhood Lead Poisoning Prevention Program is confidential and shall not be open to public inspection or dissemination. Such information shall not be available for disclosure, inspection or copying under the Freedom of Information Act or the State Records Act. All information for specific research purposes may be released in accordance with procedures established by the Department in this Section.

AGENCY NOTE: The patient identifying information submitted to the Department by those entities required to submit information under the Act and this Part is to be used in the course of medical study under Part 21 of Article VIII of the Code of Civil Procedure. Therefore, this information is privileged from disclosure by the Part 21 of Article VIII of the Code of Civil Procedure.

Section 845.23 Laboratory Fees for Blood Lead Screening

- a) The fee schedule for a sample of blood submitted to the Department for blood lead analysis and necessary follow-up shall be \$25.75. The fee shall be assessed to the provider who submits the sample. Statements of fee assessment shall be mailed to the submitter of the specimens on a monthly basis. Payment and/or appropriate information as required in subsections (b) and (c) of this Section shall be submitted to the Department upon receipt of the monthly statement.
- b) The Medicaid Recipient Identification Number may be provided for those Medicaid eligible recipients in lieu of payment.
- c) Medically indigent recipients shall be those recipients with family incomes under 185% of the federal poverty guidelines, not eligible for Medicaid, and screened by local health departments, Rural Health Clinics, Federally Qualified Health Centers and facilities designated by the Department of Health and Human Services as look-alike Federally Qualified Health Centers. No fee shall be charged for these recipients.
- d) Fees collected from the Department's testing service shall be placed in a special fund in the State Treasury known as the Lead Poisoning Screening, Prevention and Abatement Fund.

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Section 845.25 Case Follow-Up

- a) The delegate agency shall conduct interviews with the parent or guardian of cases or attending physicians as needed to assure the accuracy and completeness of reports and to perform the activities of case follow-up for confirmed elevated blood lead levels above 15 mcg/dL.
- b) The delegate agency shall perform the following activities concerning patient or case follow-up:
 - 1) trace the case;
 - 2) counsel the parent or guardian of the case;
 - 3) educate the parent or guardian of the case;
 - 4) interview the parent or guardian of the case for purposes of collecting, verifying or completing the information identified in Appendix A, Exhibit A and Exhibit B of this Part;
 - 5) refer the parent or guardian of the case for medical treatment when appropriate; and
 - 6) submit completed reports to the Department as specified in the agreement between the delegate agency and the Department.
- c) *Any delegate agency may establish fees, according to a reasonable fee structure, to be determined by the delegate agency, to cover the costs of drawing blood for blood lead screening and any necessary follow-up. (Section 7.2 of the Act)* Necessary follow-up includes individual case management and environmental management. Fees may not be charged to Medicaid recipients in accordance with Federal regulations.

Section 845.26 Inspection of Dwellings, Residential Buildings or Child Care Facilities

- a) Upon notification that a child who is an occupant or frequent inhabitant of a dwelling, child care facility, or residential building is reported to have a confirmed blood lead level that would necessitate an environmental inspection

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pursuant to subsections (a)(1) through (5) of this Section, a representative of the Department or a delegate agency is authorized to inspect a dwelling, residential building, or child care facility for the purpose of determining the source of lead poisoning. In the following cases, an environmental inspection and follow-up shall be conducted by the Department or delegate agency:

- 1) a child with a confirmed blood lead level at or above 25 micrograms per deciliter. An environmental inspection is also recommended for each case in which a child has confirmed lead poisoning at or above 20 mcg/dL;
 - 2) a child with a rising level, defined as a first confirmed level of 15 mcg/dL or higher and a second result of at least 5 mcg/dL or higher than the first level, with no time requirement between tests;
 - 3) a child with three successive confirmed blood lead levels of 15-24 mcg/dL;
 - 4) a child with a single confirmed blood lead level at or above 20 mcg/dL whose physician requests an inspection to determine if the child should be removed from the dwelling or residential building due to the lead hazard;
 - 5) Children under three years of age meeting any of the above criteria should receive higher priority for home inspection than older children.
- b) An inspection of dwellings, residential buildings or child care facilities to determine the source of lead poisoning as required by this Section shall consist of, at a minimum, the following:
- 1) An interview with the owner or occupant about dwelling or facility use patterns and potential lead hazards including inquiries regarding:
 - A) improper usage of lead-based glazed pottery;
 - B) ethnic or folk medicines;
 - C) hobbies and occupations;
 - D) other dwellings;

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- E) international travel;
 - 2) A visual assessment of the condition of the building, appurtenant structures and painted surfaces; and
 - 3) Environmental sampling of deteriorated paint and dust based upon subsections (b)(1) and (2) of this Section.
- c) Sampling shall be conducted by at least one of the following methods or a combination thereof:
- 1) X-Ray fluorescence device readings taken according to manufacturers' instructions;
 - 2) Dust wipe samples taken for laboratory analysis;
 - 3) Paint samples taken for laboratory analysis;
 - 4) Soil samples taken for laboratory analysis (Samples may be taken at the discretion of the licensed lead inspector.);
 - 5) Water samples taken for laboratory analysis (Samples may be taken at the discretion of the licensed lead inspector.).
- d) *Following an inspection, the Department or its delegate agency shall:*
- 1) *Prepare an inspection report which shall:*
 - A) *State the address of the dwelling unit;*
 - B) *Describe the scope of the inspection, the inspection procedures used, and the method of ascertaining the existence of a lead bearing substance in the dwelling unit;*
 - C) *State whether any lead bearing substances were found in the dwelling unit;*
 - D) *Describe the nature, extent, and location of any lead bearing substance that is found;*

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- E) *State either that a lead hazard does exist or that a lead hazard does not exist. If a determination is made that a lead hazard does exist, the report shall describe the source, nature and location of the lead hazard. The existence of intact lead paint does not alone constitute a lead hazard for the purposes of this Section;*
- F) *Give the name of the person who conducted the inspection and the person to contact for further information regarding the inspection and the requirements of this Part and the Act.*
- 2) *Mail or otherwise provide a copy of the inspection report to the property owner and to the occupants of the dwelling unit. If a lead bearing substance is found, the Department or its delegate agency shall attach a brochure containing information on lead abatement and mitigation to the copy of the inspection report provided to the property owner and the occupants of the dwelling unit. (Section 8 of the Act)*

Section 845.27 Requirements for Lead Inspector, Risk Assessor, Worker, Supervisor, and Contractor Licensing

- a) To qualify for a license as a Lead Inspector, Risk Assessor, Worker, or Supervisor, an applicant shall meet the following requirements:
- 1) be at least 18 years of age;
 - 2) complete the Department-approved initial training course for the discipline for which licensure is sought, pass the examination administered at the conclusion of the course, and submit the training course completion certificate with the application for licensure. The initial training course must have been taken within three years before the date the Department received the application. If the initial training course certificate is older than three years, the applicant shall submit the Department-approved initial training course completion certificate and each subsequent Department-approved refresher training course completion certificate indicating no lapse in accredited training;
 - 3) submit a recent 1" x 1" photograph of the applicant for proper identification of the licensee. The license shall not be issued without an

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identification photograph;

- 4) submit the appropriate completed application form provided by the Department;
 - 5) submit the required license application fee. Employees of the Illinois Department of Public Health, a delegate agency, or a local health department shall be exempt from licensure and third party examination fees when such employees' licenses are used only for purposes related to employment at the above-mentioned agencies;
 - 6) In addition to the requirements specified in subsections (a)(1) through (5), an applicant for Lead Inspector, Risk Assessor or Supervisor licensure shall pass the Department-approved third party certification examination, as specified in subsection (i) of this Section, within six months after the date the Department accepts the application for licensure.
- b) Reciprocity. Each applicant for licensure who is licensed or certified in any of the disciplines specified in this Section in another state may request reciprocal licensure. The Department shall evaluate the requirements for licensure in such other state and shall issue the license if the Department determines that the requirements for licensure in such other state are as protective of health and the environment as the requirements for licensure in Illinois. To be considered for reciprocal licensure, each applicant for licensure pursuant to this Section shall submit the appropriate application and supporting documentation from the state in which currently licensed, accompanied by the non-refundable fee for each discipline as specified in subsection (e), (f), (g), (h) or (i) of this Section.
- 1) Reciprocal licenses shall expire in accordance with subsection (c) of this Section.
 - 2) Renewal of reciprocal licensure shall be issued in accordance with subsection (d) of this Section, except that the required refresher course must have been completed within one year before the date the Department receives the reciprocal licensure renewal application.
- c) Expiration Date. Lead Inspector and Risk Assessor licenses expire January 31 each year, except that a first-time license issued after October 31 and before February 1 shall expire the following January 31. Lead Worker and Lead

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Supervisor licenses expire March 31 of each year, except that a first-time license issued after December 31 and before April 1 shall expire the following March 31. Contractor licenses expire May 31 of each year.

- d) **Renewal of License.** Any license issued pursuant to this Part may be renewed if the licensee submits the completed application, nonrefundable fee, 1" x 1" photo and a certificate of completion from a Department-approved one day (8 hour) refresher course. The course must have been taken within three years before the date the Department received the renewal application. If a renewal application is received after January 1 for a Lead Inspector or Risk Assessor license or after March 1 for a Lead Worker or a Supervisor license, the applicant shall pay a nonrefundable late fee of \$15 in addition to the renewal fee. An applicant whose license has been expired for a period less than three years may apply to the Department for reinstatement of his license. The Department shall issue such reinstated license provided the applicant pays to the Department all lapsed license fees and a reinstatement fee of \$15. A license which has been expired for more than three years may be restored only by submitting a new application with a current certificate of completion from a Department-approved initial training course that has been completed within the last three years.
- e) **Risk Assessor License Requirements.** To qualify for licensure as a Risk Assessor, a person shall:
- 1) Submit a \$100 non-refundable application fee and a \$50 non-refundable fee for the third party examination specified in subsection (i) of this Section, and
 - 2) comply with subsections (a)(1) through (6) and (e)(1) of this Section, and
 - 3) submit an initial Lead Inspector certificate and an initial Risk Assessor certificate or submit an initial Risk Assessor certificate, be a currently licensed Lead Inspector, and possess, at a minimum, one of the following combinations of education and experience:
 - A) A bachelor's degree in science, engineering, or environmental health; or
 - B) A bachelor's degree in any discipline and one year of experience in a related field (e.g., lead, asbestos, environmental remediation

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work, or construction); or

- C) An associate's degree in any discipline and two years of experience in a related field (e.g., lead, asbestos, environmental remediation work, or construction); or
 - D) Be licensed as an industrial hygienist, professional engineer, architect or environmental health practitioner; or
 - E) A high school diploma (or equivalent), and at least three years of experience in a related field (e.g., lead, asbestos, environmental remediation work, or construction).
- f) Lead Inspector License Requirements. To qualify for licensure as a Lead Inspector, a person shall complete and submit the application required by this Section and:
- 1) submit a \$100 non-refundable application fee and a \$50 non-refundable fee for the third party examination specified in subsection (i) of this Section.
 - 2) comply with subsections (a)(1) through (6) of this Section.
- g) Lead Worker License Requirements. To qualify for a license as a Lead Worker, a person shall complete and submit the application as required by this Section and:
- 1) submit a \$25 non-refundable application fee, and
 - 2) comply with subsections (a)(1) through (5) of this Section.
- h) Supervisor License Requirements. To qualify for licensure as a Supervisor, a person shall complete and submit the application as required by this Section and:
- 1) submit a \$50 non-refundable application fee and a \$50 non-refundable fee for the third party examination specified in subsection (i) of this Section.
 - 2) comply with subsections (a)(1) through (6) of this Section.
 - 3) meet experience requirements as follows:

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- A) One year of experience as a certified lead-based paint abatement worker; or
 - B) Two years of experience in a related field (e.g., lead, asbestos, or environmental remediation work) or in the building trades.
- i) Applicants for Lead Inspector, Risk Assessor and Supervisor licenses are required to take a third party examination.
- 1) To qualify to take the third party examination an applicant shall:
 - A) Comply with the requirements of subsections (a)(1) through (6) of this Section for the appropriate discipline,
 - B) Submit a completed third party examination application form provided by the Department,
 - C) submit a \$50 non-refundable third party examination application fee for each separate discipline examination, each time the examination is taken.
 - 2) The Department shall provide, by mail, the following to applicants who qualify to take the third party examination:
 - A) date, time, and location for the applicant to take the third party examination;
 - B) a detailed information packet, instructions for registration at the examination site, and directions to the facility where the examination is being administered; and
 - C) date the Department accepted the application.
 - 3) When an applicant receives a passing score on the third party examination, the Department shall issue the license to the applicant in the discipline for which the applicant qualifies.
 - 4) If the applicant does not pass the third party examination, the Department

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will notify the applicant, who may reapply to the Department to take the third party examination again. An applicant may take the third party examination no more than three times within six months after the Department accepts the application for licensure. If an applicant does not pass the third party examination within six months after the Department accepts the application for licensure, the applicant must retake the initial training course from a Department-approved training course provider before reapplying for licensure and approval to take the third party examination.

- j) Lead Abatement Contractor License Requirements.
 - 1) To qualify for licensure as a Lead Abatement Contractor, a person shall:
 - A) submit a completed application on a form provided by the Department;
 - B) submit a \$500 non-refundable licensure fee or, for applications received on or after December 1, a \$250 non-refundable licensure fee for a six month license;
 - C) submit a certificate of financial responsibility documenting that the contractor carries liability insurance for work performed pursuant to the Lead Poisoning Prevention Act and this Part. The contractor shall notify the Department of any changes in the status of the certificate of financial responsibility, including expiration, renewal or alteration of the terms of the certificate. The certificate of financial responsibility shall be an original and shall expressly provide coverage for lead abatement. A photocopy or facsimile copy is not acceptable. The certificate shall be issued by an insurance company that is authorized to transact business in Illinois. A current certificate of insurance shall be on file with the Department at all times;
 - D) submit the name of the person with a valid Illinois Contractor/Supervisor's license. Such license must be held by either the Contractor or an employee of the Contractor;
 - E) submit a written statement signed by the Contractor specifying that

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only Lead Workers licensed by the Department will be employed for lead abatement;

- F) submit a copy of the Contractor's written standard operating procedures and employee protection plan, which shall include specific references to medical monitoring and respirator training programs required in OSHA regulations at 29 CFR 1910.1001 and 29 CFR 1926.62 (1993);
 - G) submit a description of all legal proceedings, lawsuits or claims which have been filed or levied against the Contractor or any of his/her past or present employees or companies in regard to construction-related activities. If there are no claims as specified in this subsection (j)(1)(G) against the Contractor then a signed statement to that effect shall be submitted to the Department.
- 2) Reciprocity. An applicant for a Contractor's license who is licensed or certified for lead contracting in another state may request reciprocal licensure. The Department shall evaluate the requirements for licensure in such other state and shall issue the license, if the Department determines that the requirements for licensure in such other state are equal to the requirements for licensure in Illinois. Each applicant for licensure pursuant to this subsection (j)(2) shall submit a one time non-refundable application fee of \$250 and an additional \$500 non-refundable license fee if qualified for licensure.
- 3) Renewal of License. All Contractor licenses shall be renewed annually. All licenses shall expire on May 31 of each year. If a renewal application is received after April 30, the applicant shall pay a non-refundable late fee of \$100, in addition to the \$500 non-refundable renewal fee. An applicant whose license has expired for a period of three years or less may apply to the Department for reinstatement of the license. The license shall be reinstated if the applicant submits to the Department all the lapsed license fees and a reinstatement fee of \$100. A license which has expired for more than three years is not eligible for renewal. In such instances, the formerly licensed individual desiring to be licensed shall follow the application procedures specified in subsection (j)(1)(A) through (G) of this Section.

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- k) Denial of Application, and Suspension or Revocation of License.
- 1) The Director of Public Health, after notice and opportunity for hearing, may deny the application for, or suspend or revoke the license of, a Lead Abatement Contractor, Supervisor, Worker, Lead Risk Assessor, or Inspector in any case in which the Director of Public Health finds substantial or continued failure to comply with the requirements of this Part, including fraud, misrepresentation, working without a license, or not adhering to work practice standards.
 - 2) Such notice shall be made by certified mail or by personal service and shall set forth the particular reasons for the proposed action and provide the applicant or licensee with an opportunity to request a hearing. If a written hearing request is not received within 15 days after receipt of the notice by the applicant or licensee, the right to a hearing is waived.

Section 845.28 Approval of Training Program Providers

- a) Requirements for Approval of All Training Programs.
- 1) To be approved as a training provider, a person shall submit to the Department information to confirm that the program provides:
 - A) Adequate facilities for classroom and field hands-on training;
 - B) A final examination for initial and refresher courses with criteria for pass/fail (at least 70% correct to pass);
 - C) An example of the certificate of course completion with name/address/phone number of the training course provider and student information (name, dates of course, and identification of pass/fail) which is submitted to the Department for each student after course completion;
 - D) Student and instructor manuals and a course agenda;
 - E) A class schedule, which shall be submitted to the Department prior to the start of each course.

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- 2) The training program shall employ a training manager who:
 - A) Has:
 - i) At least two years of experience, education, or training in teaching workers or adults; or
 - ii) A bachelor's degree or higher degree in building construction technology, engineering, industrial hygiene, safety, public health, education, business administration or program management or a related field; or
 - B) Has two years of experience in managing a training program specializing in environmental hazards; and has demonstrated experience, education, or training in the construction industry including lead or asbestos abatement, painting, carpentry, renovation, remodeling, occupational safety and health, or industrial hygiene.
- 3) The training manager shall designate, for each course, a qualified principal instructor who has:
 - A) Demonstrated experience, education, or training in teaching workers or adults;
 - B) Successfully completed at least 16 hours of any Department-approved lead-specific training; and
 - C) Demonstrated experience, education, or training in lead or asbestos abatement, painting, carpentry, renovation, remodeling, occupational safety and health, or industrial hygiene.
- 4) The principal instructor shall be responsible for the organization of the course and oversight of the teaching of all course material. The training manager may designate guest instructors as needed to provide instruction specific to the lecture, hands-on activities, or work practice components of a course.
- 5) The training manager is responsible for maintaining training program

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records and making such records available to the Department as specified in this subsection (a)(5):

- A) Training program records shall be made available to the Department for review as follows:
 - i) The training program shall retain records at the address specified on the training program approval application (or as modified) for a minimum of 3 1/2 years.
 - ii) The training program shall notify the Department in writing within 30 days after changing the address specified on its training program approval application or transferring records from that address to a new address.
 - iii) The Department shall have the authority to enter, inspect and audit training facilities to determine compliance with the Act and this Part.
- B) Training records that shall be maintained by the training course provider include, but are not limited to, the following:
 - i) All documents that demonstrate the qualifications of the training manager and principal instructors, as specified in subsection (a)(2) of this Section.
 - ii) Current curriculum/course materials and documents reflecting any changes made to these materials.
 - iii) The course examination blueprint.
 - iv) Information regarding the conduct of the hands-on skill assessment, including, but not limited to, the name of the instructor who conducts the assessment, how the skills are graded, what facilities are used for the hands-on assessment, the pass/fail rate, and the quality control plan.
 - v) Results of the students' hands-on skills assessments and course examinations, and a record of each student's course

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completion certificate.

- vi) Any other materials specified in this Section that have been submitted to the Department as part of the program's application approval.
- b) Requirements for Approval of Lead Inspector Training Programs. To obtain approval for a Lead Inspector training program, a person shall submit information to confirm that the program provides:
- 1) at least a three day course (equivalent to 24 hours of instruction), two days of which are dedicated to the topics specified in this subsection (b)(1), and 8 hours of hands-on instruction. Requirements ending in an asterisk (*) indicate areas that require hands-on activities:
 - A) Role and responsibilities of a Lead Inspector;
 - B) Background information on lead and the adverse health effects of lead exposure;
 - C) Background information on federal, State, and local regulations and guidance pertaining to lead-based paint and lead-based paint activities;
 - D) Lead-based paint inspection methods, including selection of rooms and components for sampling or testing;*
 - E) Paint, dust and soil sampling methodologies;*
 - F) Clearance standards and testing, including random sampling;*
 - G) Preparation of the final inspection report;* and
 - H) Record keeping.
 - 2) The one day (8 hour) Lead Inspector refresher course content shall be the same as the course content specified in subsections (b)(1)(A) through (G) of this Section, and any current safety practices, new laws and regulations, and current technologies relating to lead-based paint activities.

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- c) Requirements for Approval of Risk Assessor Training Programs. To obtain approval for a Risk Assessor training program, a person shall submit information to confirm that the program provides:
- 1) At least a two day course (equivalent to 16 hours of instruction), with a minimum of 4 hours of hands-on instruction provided. Requirements ending in an asterisk (*) indicate areas that require hands-on activities:
 - A) Assurance to the Department that a Lead Inspector training course certificate of completion is required of each applicant as a prerequisite for Risk Assessor training course attendance;
 - B) Role and responsibilities of the Risk Assessor;
 - C) Collection of background information to perform a dwelling risk assessment;
 - D) Sources of environmental lead contamination (paint, surface dust and soil, water, air, packaging, and food);
 - E) Visual inspection procedures for the purpose of identifying potential sources of lead-based paint hazards*;
 - F) Lead hazard screening protocol;
 - G) Sampling for sources of lead exposure*;
 - H) Interpretation of lead-based paint and other lead sampling results, including all applicable State and federal guidance pertaining to lead-based paint hazards (i.e., federal statutes and regulations)*;
 - I) Development of hazard control options, the role of interim controls, and operations and maintenance activities to reduce lead-based paint hazards; and
 - J) Preparation of a final risk assessment report.
 - 2) The one day (8 hour) lead Risk Assessor refresher course content shall be

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the same as the course content specified in subsections (c)(1)(B) through (J) of this Section, and any current safety practices, new laws and regulations, and current technologies relating to lead-based paint activities.

- d) Requirements for Approval of Lead Worker Training Programs. In order to obtain approval for a Lead Worker training program, a person shall submit information to confirm that the program provides:
- 1) At least a three-day course (equivalent to 24 hours) of instruction with a minimum of one day (8 hours) of hands-on training. Requirements ending in an asterisk (*) indicate hands-on activities:
 - A) Role and responsibilities of a lead abatement worker;
 - B) Background information on lead and the adverse health effects of lead exposure;
 - C) Background information on federal, State and local regulations;
 - D) Lead-based paint hazard recognition and control*;
 - E) Lead-based paint abatement and lead-based paint hazard reduction methods, including restricted practices*;
 - F) Interior dust abatement methods/cleanup or lead-based paint hazard reduction*; and
 - G) Soil and exterior dust abatement methods or lead-based paint hazard reduction*.
 - 2) The one day (8 hour) Lead Worker refresher course content shall be the same as the course content specified in subsections (d)(1)(A) through (K) of this Section, and any current safety practices, new laws and regulations, and current technologies relating to lead-based paint activities.
- e) Requirements for Approval of Supervisor Training Programs. To obtain approval for a Supervisor training program, a person shall submit information to confirm that the program provides:

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- 1) A minimum of 32 training hours, with a minimum of 8 hours devoted to hands-on activities, and an examination administered at the end of the course. (Requirements ending in an asterisk (*) indicate areas that require hands-on activities as an integral part of the course):
 - A) Role and responsibilities of a supervisor;
 - B) Background information on lead and its adverse health effects;
 - C) Background information on federal, State, and local regulations and guidance that pertain to lead-based abatement;
 - D) Liability and insurance issues relating to lead-based abatement;
 - E) Risk assessment and inspection report interpretation*;
 - F) Development and implementation of an occupant protection plan and abatement report;
 - G) Lead-Based paint hazard recognition and control*;
 - H) Lead-Based paint abatement and lead-based paint hazard reduction methods, including restricted practices*;
 - I) Interior dust abatement/cleanup or lead-based paint hazard control and reduction methods*;
 - J) Soil and exterior dust abatement or lead-based paint hazard, control and reduction methods, including large scale abatement projects*;
 - K) Clearance standards and testing;
 - L) Cleanup and waste disposal;
 - M) Recordkeeping; and
 - N) Integration of lead-based paint abatement methods with modernization and rehabilitation projects for large scale abatement

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projects.

- 2) The one day (8 hour) lead Supervisor refresher course content shall be the same as the course content specified in subsections (e)(1)(A) through (N) of this Section, and any current safety practices, new laws and regulations, and current technologies relating to lead-based paint activities and rehabilitation projects for large-scale abatement projects.
- f) Application Fees for Approval and Renewal of Lead Training Courses.
- 1) All lead training course approvals expire on October 15.
 - 2) All initial lead training course approval application fees shall be \$200 per discipline and all lead refresher training course approval application fees shall be \$100 per discipline.
 - 3) Applications for renewal of all lead training course approvals must be received by September 15 of each year. If the renewal application is received after September 15, a \$50 late fee shall be charged per course.
 - 4) Application fees for all lead training courses, effective October 15, 1998, will be as follows, except that fees will be waived for all State, local, and not-for-profit training providers.
 - A) Initial training course for all disciplines, \$500 per course;
 - B) Refresher training course for all disciplines, \$250 per course; and
 - C) Late fees for all disciplines, \$50 per course.
- g) Suspension, Revocation, or Denial of Training Courses. The Department may suspend, revoke or deny approval of any lead training course for any of the following reasons:
- 1) Misrepresentation of the contents of a training course to the Department and/or the student population;
 - 2) Failure to submit required information or notifications;

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- 3) Failure to maintain required records;
- 4) Falsified records, instructor qualifications, or other related information or documentation;
- 5) Failure to comply with the training standards and requirements in this Section; or
- 6) Failure to comply with federal, State, or local lead-based paint statutes or regulations.

Section 845.29 Safety Guidelines for Workers Removing or Covering Leaded Soil

- a) Workers shall be licensed in accordance with Section 845.28 and should be provided with a pre-employment physical to determine blood lead level and ability to wear appropriate respiratory protection. Workers should not be permitted to perform lead removal work if they have blood lead levels greater than the permissible limits set forth in Section 845.10.
- b) All workers removing or covering leaded soil should receive appropriate safety training designed to reduce their exposure to lead and the risk of job-related injuries.
- c) Workers should be provided with a changing area equipped with a facility for washing or showering. Workers should be required to change into personal protective clothing before entering the work area, and to remove personal protective clothing and shower or wash before leaving the work area, as provided in Section 845.30(d)(2) and (l).
- d) Equipment decontamination procedures shall be employed to prevent the spread of lead contamination. Disposable items are not to be reused and shall be discarded as provided in Section 845.30(q)(2)(C).
- e) Protection for workers removing or covering leaded soil should meet the requirements of Section 845.30(d) and (l). Personal air monitoring for lead and/or respirable dust exposure shall be done at appropriate intervals.
- f) Safety Guidelines During Soil Remediation or Removal

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- 1) Prior to beginning soil remediation or removal, the source of the lead contamination of the soil shall be identified if possible and eliminated to prevent re-contamination of the remediated soil.
- 2) Removal or remediation of the soil shall be accompanied by dust suppression methods, and the generation of dust shall be held to a minimum. Monitoring of airborne dust shall be performed by the owner or its agent and, if acceptable levels are exceeded, additional dust suppression steps shall be taken or work stopped until dust is controlled. Airborne lead analysis may be performed in conjunction with dust measurements.
- 3) Soil which is stockpiled prior to disposal shall be:
 - A) placed on a layer of impermeable plastic;
 - B) kept moist to avoid dust generation; and
 - C) covered with impermeable plastic which is secured to the ground.
- 4) Contaminated soil shall be transported to disposal areas in sealed containers or in a covered vehicle. Off-site vehicular or foot tracking of contaminated soil shall be avoided.

Section 845.30 Mitigation or Abatement of Lead Hazards

- a) The following procedures shall be followed upon determination by the Department or delegate agency that a lead hazard is present in or upon any dwelling or residential building or child care facility. The Department or delegate agency will provide the occupant of the dwelling with a copy of any mitigation notice, amended notice, mitigation plan, amended plan, or follow-up inspection report issued pursuant to this subsection (a).
 - 1) *If the inspection report identifies a lead hazard, the Department or delegate agency shall serve a mitigation notice on the property owner that the owner is required to mitigate the lead hazard. The mitigation notice shall indicate the time period in which the owner must complete the mitigation as required by subsection (a)(3) of this Section, and shall include information describing mitigation activities which meet the*

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requirements of this Part and the Act. (Section 9(1) of the Act)

- 2) *If the inspection report prepared in accordance with Section 845.26, identifies a lead hazard, the owner shall mitigate the lead hazard in accordance with the requirements of this Section and within the time limits set forth in subsection (a)(3) of this Section. If the source of the lead hazard identified in the inspection report is lead paint or any other leaded surface coating, the lead hazard shall be deemed to have been mitigated if:*
 - A) *The surface identified as the source of the hazard is no longer in a condition that produces a hazardous level of leaded chips, flakes, dust or any other form of leaded substance that can be ingested or inhaled by humans; or*
 - B) *If the surface identified as the source of the hazard is accessible to children and could reasonably be chewed on by children, the surface coating is either removed or covered, or the access to the leaded surface by children is otherwise prevented as prescribed by the Department. (Section 9(2) of the Act)*
- 3) *When a mitigation notice is issued for a dwelling unit inspected as a result of an elevated blood lead level in a pregnant woman or a child, or if the dwelling unit is occupied by a child under 6 years of age or a pregnant woman, the owner shall mitigate the hazard within 30 days after receiving the notice; otherwise, the owner shall complete the mitigation within 90 days. (Section 9(5) of the Act)*
- 4) *An owner may apply to the Department or its delegate agency for an extension of the deadline for mitigation. If the Department or its delegate agency determines that the owner is making substantial progress toward mitigation during the prescribed time period, or that the failure to meet the deadline is the result of a shortage of licensed abatement contractors or workers, or that the failure to meet the deadline is because the owner is awaiting the review and approval of a mitigation plan, the Department or delegate agency may grant an extension of the deadline. (Section 9(6) of the Act)*
- 5) *The Department or its delegate agency may, after the deadline set for*

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completion of mitigation, conduct a follow-up inspection of any dwelling for which a mitigation notice was issued for the purpose of determining whether the mitigation actions required have been completed and whether the activities have sufficiently mitigated the lead hazard. The Department or its delegate agency may conduct a follow-up inspection upon the request of an owner or resident. If, upon completing the follow-up inspection, the Department or its delegate agency finds that the lead hazard for which the mitigation notice was issued is not mitigated, the Department or its delegate agency shall serve the owner with notice of the deficiency and a mitigation order. The order shall indicate the specific actions the owner must take to comply with the mitigation requirements of this Act, which may include abatement if abatement is the sole means by which the lead hazard can be mitigated. The order shall also include the date by which the mitigation shall be completed. If, upon completing the follow-up inspection, the Department or delegate agency finds that the mitigation requirements of this Act have been satisfied, the Department or delegate agency shall provide the owner with a certificate of compliance stating that the required mitigation has been accomplished. (Section 9(7) of the Act)

- b) In order to ensure that lead mitigation or abatement activities do not result in lead contamination of areas outside of the abatement work/site or work area, the removal of lead-bearing substances from the dwelling, residential building, or child care facilities shall be conducted in a manner that will not endanger the health or well-being of occupants and will result in the safe removal from the work/site or work area and the safe disposal of flakes, chips, debris, dust, and other lead-bearing substances. Notwithstanding any provisions to the contrary, performance of mitigation and abatement activities which do not conform to procedures and criteria provided in this Section, whether or not those procedures and criteria are expressly made mandatory in this Section, shall create a rebuttable presumption of creation of a health hazard by the person performing such activities.
- c) Mitigation. Mitigation is an interim method of eliminating the lead hazard risk to a child and may consist of any number of the Department-prescribed lead hazard repair activities specified in subsections (c)(1) through (4) of this Section. Such activities may not be considered final actions if it is determined, through a follow-up inspection conducted pursuant to subsection (a)(5) of this Section, that the lead hazard repair measures taken have not sufficiently mitigated the lead hazard. Lead

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hazard repairs shall be completed within the time specified after receipt of written notification. When conducting any lead hazard repair that does not create lead dust or fumes as specified in subsections (c)(1) through (4), the requirements of Section 845.28 pertaining to the licensure of lead workers, lead contractor/supervisors, or lead abatement contractors and the requirements of subsections (d)(1)(B) through (E) and (d)(2) of this Section are optional.

- 1) All loose paint shall be moistened and carefully scraped from defective surfaces. These areas shall then be covered with contact paper, cloth, canvas, or other material which will create an intact surface for the purpose of preventing the paint chips from falling on the floor and preventing a child's access to the lead hazard. All debris shall be collected and sealed in plastic bags for proper disposal in accordance with subsection (q) of this Section.
 - 2) Areas which may be chewed upon by a child shall be covered with heavy paper, cardboard, cloth, canvas, or other material that will prevent access to the lead hazard by a child.
 - 3) All plaster and paint chips shall be collected, and any surfaces that have collected paint dust shall be cleaned by damp mopping with a phosphate-containing detergent or trisodium phosphate (TSP), or a phosphate-free lead-dissolving detergent.
 - 4) A mitigation plan shall be submitted by the owner or its agent to the Department or delegate agency specifying the method or methods by which surfaces which will be managed-in-place are to be maintained in an intact condition. The plan shall include an inspection schedule, which shall include inspection by the owner or its agent at least annually, and a maintenance schedule. Any surfaces that are not intact, as determined through an inspection, shall be repaired using the mitigation techniques specified in subsections (c)(1), (2), and (3) of this Section.
- d) Abatement. For cases in which a follow-up inspection conducted pursuant to subsection (a)(5) of this Section determines that lead hazard repair measures taken have not sufficiently mitigated the lead hazard, abatement may be deemed necessary. If the Department or delegate agency determines that abatement is the sole means by which a lead hazard can be mitigated, then abatement activities shall be conducted in accordance with this Section. *Mitigation activities which*

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involve the destruction or disturbance of any leaded surface shall be conducted by a licensed lead abatement contractor using licensed lead abatement workers (Section 9 of the Act). If the mitigation activities described in subsection (c) of this Section will not result in protection of a child, or are not practical, any child or children shall be removed to a lead-safe dwelling until abatement is completed.

- 1) Personnel Protection. An owner, its agent, or any person who is performing corrective action that is prescribed by the Department or a delegate agency for lead abatement in a dwelling, shall take the following precautions to protect his or her health and the health of occupants of the dwelling during any lead abatement that may produce lead dust or fumes. Monitoring of airborne dust shall be performed when work is in progress and respiratory protection shall be provided in accordance with this Section. The owner or its agent shall assure, through the monitoring of airborne dust in the work site and in areas that are outside but adjacent to the work site, that no person conducting lead abatement work directed by the Department or owner is exposed to lead at concentrations greater than the permissible exposure limit average (50 mcg/m^3) over an eight-hour period.
 - A) No children, pregnant women, unprotected workers, nonworkers, or pets shall be permitted to enter the work site.
 - B) Respiratory protection shall be worn by all individuals in the work site or work area who may be exposed to lead dust or fumes at all times during lead abatement activities. Respiratory protection in accordance with OSHA Interim Final Rule for Lead in Construction - 29 CFR 1926.62, shall be worn until all areas have been thoroughly cleaned as described in subsection (o) of this Section. The following are the minimum respiratory protection requirements:
 - i) Air lead levels of $500 \text{ }\mu\text{g/m}^3$ or less: Half-mask air purifying (protection 10X) respirator with high efficiency filters; or half-mask supplied air respirator operated in demand (negative-pressure) mode.
 - ii) Air lead levels between $500 \text{ }\mu\text{g/m}^3$ and $1,250 \text{ }\mu\text{g/m}^3$: Loose fitting hood or helmet (protection 25X) powered air

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purifying respirator with high efficiency filters; or hood or helmet supplied air respirator operated in continuous-flow mode (e.g., type CE abrasive blasting respirators operated in a continuous flow mode).

- iii) Air lead levels between $1250 \mu\text{g}/\text{m}^3$ and $2500 \mu\text{g}/\text{m}^3$: Full facepiece air purifying (protection 50X) respirator with high efficiency filters; tight fitting powered air purifying respirator with high efficiency filters; full facepiece supplied air respirator operated in demand mode; half-mask or full facepiece supplied air respirator operated in a continuous-flow mode; or full facepiece self-contained breathing apparatus (SCBA) operated in demand mode.
 - iv) Air lead levels between $2500 \mu\text{g}/\text{m}^3$ and $50,000 \mu\text{g}/\text{m}^3$: Half-mask supplied air (protection 1,000X) respirator operated in pressure-demand or other positive pressure mode.
 - v) Air lead levels between $50,000 \mu\text{g}/\text{m}^3$ and $100,000 \mu\text{g}/\text{m}^3$: Full facepiece supplied air (protection 2,000X) respirator operated in pressure demand or other positive pressure mode (e.g., type CE abrasive blasting respirators operated in a positive pressure mode).
 - vi) Greater than $100,000 \mu\text{g}/\text{m}^3$: Full facepiece SCBA operated unknown concentration, in pressure-demand or other or fire fighting positive pressure mode (protection over 2000X).
- C) Only approved Mine Safety and Health Administration (MSHA) or National Institute of Occupational Safety and Health (NIOSH) respirators shall be used. Respirators shall be properly fitted for all persons working at the site. If any person has a medical history of respiratory problems, a physician should be contacted for testing to determine if the person may wear such respirators.
- D) The manufacturers' instructions shall be followed for maintenance, proper fit, use of appropriate cartridges, cleaning, repair,

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replacement of defective parts, appropriate storage, and the frequency of cartridge replacement for the specific respirator in use.

(NOTE: Respirators are not effective if facial hair (a beard, etc.) is present because a good seal cannot form between the respirator and skin.)

- E) Respirators shall not be removed while in the work site or work area.
 - F) Additional respiratory protection by supplemental filters, such as organic vapor cartridges, may be needed when handling some coating or stripping products. Consult the Material Safety Data Sheets (MSDS) or the manufacturer and obtain the proper filters as necessary.
- 2) Individuals at the work site shall wear full body suits with hoods and shoe covers. A TYVEK or similar type of disposable suit may be worn. Disposable suits shall be used once, then properly discarded. Protective clothing, as described above, and other personal protective equipment (PPE) shall be put on prior to entering the work site or work area. Protective clothing shall be worn in the work site or work area until it has been thoroughly cleaned as described in clean-up activities in subsection (o) below. Protective clothing shall be changed before leaving the work site or work area and nondisposable suits shall be laundered separately. An area other than the work site or work area shall be provided for persons to put on suits and other PPE and to store their street clothes.
- 3) Goggles with side shields shall be worn when working with a material that may splash or fragment, or if protective eye wear is specified on the Material Safety Data Sheet (MSDS) for that product.
- e) Notice to Occupants. The owner or its agent shall give notice to the occupants of a dwelling to be abated for lead, at least 7 days but not more than 30 days, before a contractor or the owner may commence a lead abatement project. Before beginning a lead abatement project, the owner of the building in which lead abatement is to take place shall remove all furniture and packed personal items from the work site and store them in a secure place. The owner of the building in which the lead abatement project is to take place shall notify all residents of:

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- 1) the site or area which is to be abated;
 - 2) the date on which abatement is to commence; and
 - 3) the occupants' obligations under this Section to place all personal items in a box or other closed, easily handled container. Every occupant of a dwelling to be abated, who has received a notice of lead abatement, shall be responsible for placing all personal items in boxes or other closed, easily handled containers.
- f) Residential Buildings. At all times when a lead abatement project is being conducted in a common area of a residential building:
- 1) occupants and pets shall use alternative entrances and exits which do not require passage through the work site or work area, if such entrances and exits exist;
 - 2) the owner or its agent shall use all reasonable efforts to create an uncontaminated passage for entrance and egress of all building occupants; and
 - 3) if the entrance to and egress from a building can only be through the work site or work area, abatement in the work site or work area shall be conducted between the hours of 9 a.m. to 3 p.m. only, and the work site or work area shall be cleaned with a HEPA vacuum at the end of each working day until all surfaces are free of visible dust and debris.
- g) Abatement of lead-bearing substances shall not employ the following methods:
- 1) open flame burning;
 - 2) dry-sanding;
 - 3) open abrasive blasting;
 - 4) uncontained hydro-blasting;
 - 5) methylene chloride for interior use (except that methylene chloride may be

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used in work sites for localized touch-up); or

- 6) dry-scraping.
- h) Abatement of lead-bearing substances shall employ only the following methods:
- 1) Replacement. Any component part of a building may be abated by replacement with a part free of lead-bearing substances.
 - 2) Removal. Unless replaced, encapsulated, or reversed, woodwork may be abated by using the following techniques:
 - A) offsite chemical stripping;
 - B) heat gun (The temperature of the heat gun shall not exceed 1,100° F.);
 - C) nonflammable chemical strippers which do not contain methylene chloride, except that chemical strippers containing methylene chloride may be used for localized touch-up;
 - D) sander equipped with HEPA vacuum;
 - E) vacuum-blasting in exterior work areas only;
 - F) contained hydro-blasting in exterior work areas only; or
 - G) mechanical paint removal systems equipped with a HEPA vacuum.
 - 3) Unless replaced or encapsulated, walls or ceilings may be abated by using the following techniques:
 - A) wet-scraping of loose material, if scraping is followed by encapsulation;
 - B) vacuum-blasting in exterior work areas only; or
 - C) contained hydro-blasting in exterior work areas only.

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- 4) Enclosure. A wall or ceiling surface may be abated by covering the lead-bearing surface with any of the following materials, provided use of any material complies with local building ordinances or codes (All seams and openings shall be caulked and sealed where applicable.):
- A) gypsum board;
 - B) fiberglass mats;
 - C) canvas-backed vinyl wall coverings;
 - D) high pressure, laminated plastic sheet, such as Formica (R);
 - E) tile;
 - F) paneling;
 - G) other durable material that does not readily tear or peel; or
 - H) solvent-free coatings (not household paint) applied in accordance with the manufacturer's directions.
- 5) A floor surface may be abated by enclosure using the following materials:
- A) tile;
 - B) vinyl flooring;
 - C) wood; or
 - D) stone.
- 6) A woodwork surface may be abated by enclosure or encapsulation only with the following materials:
- A) plastic;
 - B) metal;

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- C) wood; or
 - D) solvent-free coatings (not household paint) applied in accordance with the manufacturer's directions.
- 7) Reversal. A woodwork surface may be abated by reversing component parts, provided that no lead-bearing surface remains exposed at the completion of the process and all seams are caulked and sealed.
- 8) Windows, when abated, shall be completely treated, including inside, outside, and sides of sashes and mullions. Window frames shall be abated to the outside edge of the frame, including slides, sash guides, and window wells and sills.
- i) Alternative Procedures
- 1) The Department or delegate agency may allow an alternative procedure for abatement, containment or cleanup of a lead paint hazard, provided that the owner submits to the Department or delegate agency a written description of the alternative procedure that demonstrates to the satisfaction of the Department that the proposed alternative procedure provides a level of abatement and safety equivalent to the requirements of this Section. The delegate agency shall send a copy of the request and the delegate agency's response to the Department for its records.
 - 2) In all cases in which the Department or delegate agency allows the use of an alternative procedure under subsection (i)(1) above, the owner and occupant shall, for a one-year period after completion of the lead abatement project, permit the Department or delegate agency to enter and inspect the area of abatement for the purpose of determining the effectiveness and durability of the allowed alternative procedure.
- j) Caution Signs. At each work site or work area in dwellings occupied by two or more families, the owner or its agent performing an abatement shall display a caution sign in the following manner wherever the abatement process is reasonably expected to break or disturb any lead-bearing substances.
- 1) At least 3 days before removing, enclosing, or encapsulating lead paint, the owner shall post caution signs immediately outside all entrances and

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exits to the work site. In emergency situations posting shall be done as soon as possible.

- 2) The owner shall keep the caution signs posted until the lead abatement is completed.
 - 3) The owner shall ensure that caution signs meet the following specifications:
 - A) the sign shall be at least 20" by 14", and state the date and place of the lead abatement project;
 - B) except as provided in subsection (j)(3)(C) below, the sign shall include the phrase "Caution, Lead Hazard, Keep Out" or "Warning, Lead Work Area, Keep Out" in bold lettering, at least two inches high; and
 - C) in dwellings occupied by two or more households where common areas are to be abated, the sign shall include the phrase "Caution, Lead Hazard, Do Not Remain in Work Area Unless Authorized" in bold lettering at least two inches high.
- k) Residential Buildings
- 1) In residential buildings where common areas are to be abated, the owner or its agent shall post a notice on the door of each apartment in the building at least three days before a lead abatement project commences.
 - 2) The notice required in subsection (k)(1) above shall contain:
 - A) the date of commencement of abatement and identification of the area to be abated; and
 - B) a caution statement alerting residents not to enter the work site or work area.
- l) Personal Hygiene Practices
- 1) Eating, drinking, smoking, and applying of cosmetics are not allowed in

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the work site or work area. Any person leaving the work site or work area shall rinse his or her mouth with potable water and wash hands and face thoroughly before eating, drinking or smoking.

- 2) All individuals shall wash or shower before leaving the work site or work area for the day.
 - 3) A lavatory facility or potable water supply or a portable decontamination unit shall be provided and located at the work site or work area for the washing of hands and face and for clean up activities.
- m) Negative air pressure shall be maintained in work sites undergoing lead abatement in multiple dwelling units occupied by two or more households having a common area and in residential buildings having a common area, in which any unit of the building is undergoing lead abatement. The maintenance of negative air pressure will ensure that contaminated air does not filter from the work site to uncontaminated areas. (See Appendix D of this Part)
- 1) The negative pressure system shall use HEPA filters and shall operate continuously, 24 hours a day, at the start of the lead abatement work through clean-up as described in Section 845.30(o).
 - 2) The owner or its agent shall assure, through the monitoring of airborne dust, that no person conducting lead abatement work directed by the Department is exposed to lead at concentrations greater than 50 mcg/m³ average over an eight-hour period.
- n) Containment
- 1) Interior Containment. Before beginning to abate a lead-containing substance which will cause lead dust or fumes in excess of the requirements in subsection (c) above in the work site, the owner or its agent performing an abatement shall:
 - A) ensure that all movable objects have been removed from the work site;
 - B) turn off all forced air ventilation in the work site and seal exhaust and intake points in the work site;

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- C) if the work site is a room or group of rooms within a building, seal the work site from all other portions of the building with plastic sheeting at least 6 mils thick, secured by duct tape or spray adhesives;
 - D) seal the opening seams of all kitchen cabinets and refrigerators individually with tape;
 - E) cover all objects that cannot be moved, such as radiators, refrigerators, stoves, kitchen cabinets, built-in furniture, and bookcases, with plastic sheeting at least 6 mils thick taped securely in place;
 - F) cover floors in the work site with plastic sheeting at least 6 mils thick sealed with tape; and
 - G) remove all carpeting from the work site prior to abatement. Carpeting shall be professionally cleaned or replaced. Carpeting shall be misted with water prior to removal to prevent lead dust exposure.
- 2) Exterior Containment. Before beginning to abate a lead-containing substance in an exterior work site, the owner or its agent performing the abatement shall use the following procedures:
- A) When liquid waste is produced by any abatement technique used, plastic sheeting at least 6 mils thick shall be placed on the ground, as close as possible to the building foundation, or on the floor when applicable. Sheeting placed on the ground or floor shall be raised at its edge and extended a sufficient distance to contain the liquid waste.
 - B) When nonliquid waste is produced by any abatement technique used, plastic sheeting at least 6 mils thick shall be placed on the ground, as close as possible to the building foundation, or on the floor when applicable. Sheeting placed on the ground or floor shall extend out from the foundation 3 feet per story being abated, with a minimum of 5 feet and a maximum of 20 feet.

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- C) Sheeting placed on an exterior floor shall cover the entire floor.
 - D) Sheeting shall be secured at the foundations and along all edges and seams.
 - E) If the wind speed causes visible dust during an exterior abatement project producing dry waste, abatement shall not be continued or performed unless vertical shrouds are erected.
 - F) When vacuum blasting or contained hydro-blasting, interior windows shall be sealed with plastic sheeting 6 mils thick and secured with water proof tape.
- 3) For all sealing and covering of interior and exterior abatement work the owner or its agent shall use the following:
- A) plastic sheeting, at least 6 mils thick or equivalent;
 - B) duct tape or equivalent waterproof tape;
 - C) spray adhesives; or
 - D) other additional appropriate work practices to contain particulate lead or lead-containing liquids.
- 4) Alternative Procedures
- A) The Department or delegate agency may allow an alternative procedure for abatement, containment or cleanup of a lead paint hazard, provided that the owner submits to the Department or delegate agency a written description of the alternative procedures that demonstrates to the satisfaction of the Department that the proposed alternative procedure provides a level of abatement and safety equivalent to the requirements of this Section. The delegate agency shall send a copy of the request and the delegate agency's response to the Department for its records.
 - B) In all cases in which the Department or delegate agency allows the

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use of an alternative procedure under subsection (n)(4)(A) above, the owner and occupant shall, for a one-year period after completion of the lead abatement project, permit the Department or delegate agency to enter and inspect the area of abatement for the purpose of determining the effectiveness and durability of the allowed alternative procedure.

- o) Cleanup of Interior Work Site. Refer to Appendix D of this Part if a negative pressure system is used. After completion of the removal, replacement, enclosure, encapsulation, or reversal involved in an abatement project, the owner or its agent shall:
- 1) deposit all lead waste, including sealing tape and plastic sheeting, in double plastic bags at least 4 mils thick or single bags 6 mils thick or equivalent, and seal the bags;
 - 2) before washing, vacuum-clean all surfaces in the work site including woodwork, walls, windows, window wells, and floors with a HEPA vacuum;
 - 3) after vacuum-cleaning, wet wash all surfaces in the work site including woodwork, walls, windows, window wells, ceilings and floors with a solution containing trisodium phosphate mixed according to the manufacturer's directions, or a phosphate-free lead dissolving detergent; and
 - 4) if visible residue remains after washing and allowing all surfaces to dry, vacuum all surfaces with HEPA vacuum, as described in subsection (o)(2) above; and
 - 5) deposit all lead waste from clean-up, including mop heads, sponges, filters, and disposable clothing, in double plastic bags at least 4 mils thick or single bags 6 mils thick, and seal the bags.
- p) Cleanup of Exterior Work Area. After completion of the replacement, removal, encapsulation, enclosure, or reversal involved in an exterior abatement or mitigation project, the owner or its agent shall:
- 1) recover all visible debris from exterior areas;

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- 2) HEPA vacuum all porches that have been abated; and
 - 3) wet wash all surfaces in the work site, including woodwork, windows, window wells, and floors, with a solution containing trisodium phosphate mixed according to the manufacturer's directions, or a phosphate-free lead dissolving detergent.
- q) Waste Disposal
- 1) The owner or its agent of any dwelling who has conducted lead abatement that was prescribed by the Department or delegate agency shall contact the Illinois Environmental Protection Agency and local authorities to determine lead-based paint debris disposal requirements.
 - 2) In addition, the owner or its agent shall:
 - A) remove lead waste from the site of an abatement project not later than 48 hours after completing the final cleanup;
 - B) place lead-based paint chips, debris, and lead dust in double 4-mil or single 6-mil polyethylene bags or equivalent, that are air-tight and puncture-resistant. Pieces of wood or other large items that do not fit into plastic bags shall be wrapped with double 4-mil or single 6-mil plastic sheeting and sealed;
 - C) place all disposable cleaning materials, such as sponges, mop heads, filters, disposable clothing, and brooms in double 4-mil or single 6-mil plastic bags, or equivalent, and seal;
 - D) remove plastic sheeting and tape from covered surfaces. Prior to removing the plastic sheeting, the sheeting shall be lightly misted in order to keep dust down and folded inward to form tight small bundles to bag for disposal. All plastic sheeting shall be placed in double 4-mil or single 6-mil thick plastic bags, or equivalent, and shall be sealed;
 - E) bag and seal vacuum cleaner bags and filters in double 4-mil or single 6-mil thick plastic bags or equivalent;

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- F) place all contaminated clothing or clothing covers used during abatement and cleanup in plastic bags for disposal prior to leaving equipment room, work site or work area;
 - G) place solvent residues and residues from strippers in drums made from materials that cannot be dissolved or corroded by chemicals contained in those solvents and strippers. Solvents shall be tested to determine if they are hazardous. Solvents and caustic and acid waste shall not be stored in the same containers;
 - H) contain and properly dispose of all liquid waste, including lead dust contaminated wash water;
 - I) HEPA vacuum the exterior of all waste containers prior to removing the waste containers from the work site or area and wet wipe the containers to ensure that there is no residual contamination. Containers that have been cleaned shall be moved out of the work site or area into a designated storage area;
 - J) carefully place the containers into the truck or dumpster used for disposal; and
 - K) ensure that all waste is transported in covered vehicles to a landfill approved by the Illinois Environmental Protection Agency.
- r) Repainting, Coating and Sealing. After cleaning, the owner or its agent shall repaint all abated surfaces with a paint that is not a lead-bearing substance or coat all surfaces from which lead paint has been removed with a solvent-free coating, except for those enclosed surfaces that have smooth, easily cleanable surfaces.
- 1) After painting or coating, the owner or its agent shall repeat the cleaning process in all interior work areas, except those painted with latex paint or coated with liquid encapsulant.
 - 2) After completion of the cleaning, the owner or its agent shall seal all floors that have been abated in the work site with:
 - A) polyurethane;

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- B) gloss deck enamel;
 - C) a tight fitting vinyl floor covering; or
 - D) an equivalent impermeable material, if a smooth cleanable surface is not already present.
- 3) Alternative Procedures
- A) The Department or delegate agency may allow an alternative procedure for abatement, containment or cleanup of a lead paint hazard, provided that the owner submits to the Department or delegate agency a written description of the alternative procedure that demonstrates to the satisfaction of the Department that the proposed alternative procedure provides a level of abatement and safety equivalent to the requirements of this Section. The delegate agency shall send a copy of the request and the delegate agency's response to the Department for its records.
 - B) In all cases in which the Department or delegate agency allows the use of an alternative procedure under subsection (r)(3)(A) above, the owner and occupant shall, for a one-year period after completion of the lead abatement project, permit the Department or delegate agency to enter and inspect the area of abatement for the purpose of determining the effectiveness and durability of the allowed alternative procedure.
- s) Procedures for Determining Compliance
- 1) The Department or delegate agency may inspect a work site or work area at any time during a lead abatement project to determine compliance with this Section.
 - A) The inspector shall notify the owner of the results of the inspection, and shall include the locations and characteristics of surfaces with inadequate treatment.
 - B) A lead abatement project shall be deemed to be in compliance with

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these regulations if:

- i) Lead dust levels on horizontal interior surfaces are below 200 micrograms per square foot; except that lead dust levels on all interior and exterior floors shall be below 50 micrograms per square foot.
 - ii) All abated surfaces and all floors have been treated to provide smooth and easily cleanable surfaces.
- 2) Noncompliance. If the results of a lead dust analysis conducted do not meet the requirements of subsections (s)(1)(B)(i) or (ii) above, the owner or its agent shall perform a further cleanup as described in subsection (o). If results of the lead dust analysis meet the requirements of subsection (s)(1)(B)(i) or (ii) above, the Department or delegate agency shall state that the lead abatement project has been completed and complies with the Department's requirements. A statement of completion and compliance may not preclude the Department or delegate agency from taking any future enforcement action against the owner of the dwelling.
- t) Records. The Department or delegate agency shall retain for 6 years the following information for every lead abatement project prescribed by the Department or delegate agency:
- 1) name and address of the contractor who performed the project and the owner;
 - 2) the location of the project;
 - 3) a summary of abatement techniques used to comply with Department or delegate agency prescribed corrective action;
 - 4) the location of the disposal site of the discarded lead-based substances which were removed by a contractor from the work site; and
 - 5) the starting and completion dates of the lead abatement project.

Section 845.31 Lead Abatement Contractor Responsibilities

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Licensed abatement contractors shall:

- a) Be fully knowledgeable of general renovation techniques, including lead-based paint (LBP) abatement;
- b) Train (or arrange for training of) workers and supervisors on engineering controls and good work practices relating to abatement and on the importance of adherence to these controls and practices;
- c) Assure the safety of workers and prepare a worker protection plan;
- d) Assure that all work is conducted in accordance with the Act and this Part; and
- e) Notify the Department at least 10 working days or 14 calendar days prior to commencement of any lead abatement or mitigation projects. Notification shall be on a form provided by the Department or shall contain the same information required on the Department's form as follows:
 - 1) Contractor's name and license number;
 - 2) Date of project start time and end time;
 - 3) Location of project;
 - 4) Name, address, and phone number of owner of property being abated or mitigated.

Section 845.32 Lead Contractor/Supervisor Responsibilities

In addition to Section 845.31 of this Part, the Lead Contractor/Supervisor is responsible for properly implementing abatement and mitigation methods and for enforcing work practices that ensure safety, especially practices that control dust produced during abatement or mitigation of lead bearing surfaces or coatings, and shall:

- a) Assure that all workers are licensed in accordance with Section 845.28 of this Part;
- b) Be on-site whenever project activities are taking place; and

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- c) Assure that all work is conducted in accordance with the Act and this Part.

Section 845.33 Dwellings Not Requiring Abatement or Mitigation

Notwithstanding any other provision of this Part, abatement and mitigation are not required in the following circumstances:

- a) When the lowest written estimate of the cost of abatement or mitigation by a contractor licensed under this Part exceeds 100% of the most recent real property assessment by local taxing authorities; and
- b) When the property owner enters into a stipulation with the Department which, in the sole opinion of the Department, will protect children from exposure to lead bearing substances. The stipulation shall be by written agreement, and shall provide that any violation thereof shall cause the immediate issuance of a mitigation or abatement order. Examples of conditions that may be included in a stipulation entered into by the property owners and the Department are as follows:
 - 1) the property shall be demolished; or
 - 2) the property shall be vacated.

Section 845.40 Approval of Units of Local Government or Health Departments as Delegate Agencies to Administer and Enforce the Lead Poisoning Prevention Act

- a) The Department may approve units of local government or health departments as delegate agencies to administer and enforce the Act in accordance with individually negotiated delegate agency agreements. No unit of local government or health department shall be approved for this purpose except upon request. Such approval shall be rescinded in the event that the delegate agency agreement is subsequently violated. Such rescission shall become effective 30 days after the Department serves written notice on the unit of local government or local health department of its intention to rescind approval.
- b) The Department shall approve units of local government or local health departments as delegate agencies that enter into written cooperative agreements with the Department to conduct the follow-up activities specified in Section 845.25 of this Part or to conduct inspections of dwellings, child care facilities or residential buildings as specified in Section 845.26 of this Part. The delegate

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agency shall provide information to the Department on any environmental inspection completed for identified cases and information on remediation action taken. (See Appendix A, Exhibit C of this Part.)

Section 845.50 Permissible Limits of Lead in and about Dwellings, Residential Buildings or Child Care Facilities

- a) The permissible limit of lead in any lead bearing substance applied to an exterior surface of a dwelling, residential building or child care facility which is accessible to children shall be 0.5% lead by weight (calculated as lead metal) in the total non-volatile content of liquid paint, or lead bearing substance containing greater than one milligram per square centimeter in the dried film of paint.
- b) The permissible limit of lead in soil which is readily accessible to children shall be 1,000 micrograms of lead per gram of soil (mcg/g).
- c) The permissible limit of lead in house dust shall be the same as that in Section 845.30(s)(1)(B)(i) or (ii).
- d) The storage of any lead-containing or lead-contaminated article including automotive or marine batteries, battery casings or battery casing liners; scrap lead or lead solder; internal combustion engine parts; print or print faces; pottery glaze or pottery glaze containers; bullets or spent cartridges; or any other article containing or contaminated by lead in an area accessible to children shall be prohibited.

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Section 845.APPENDIX A Instructions for Childhood Blood Lead Poisoning Reporting System**Section 845.EXHIBIT A Instructions for Completing the Laboratory Based Report of Childhood Lead Poisoning**

The Childhood Lead Poisoning Report form should be completed for all blood lead test results on all persons 15 years of age and younger. Each laboratory in Illinois certified by the Illinois Department of Public Health to conduct a blood lead analysis is required to complete the Childhood Lead Poisoning Report form, unless the laboratory is reporting to the Illinois Department of Public Health using the electronic reporting system.

CHILD DATA

1. Complete the following information on the child's complete name:
 - LAST NAME: Enter the child's complete last name.
 - FIRST NAME: Enter the child's complete first name.
 - MIDDLE INITIAL: Enter the child's middle initial.
2. Complete the following information on the child's parent or guardian, if available:
 - LAST NAME: Enter the parent/guardian's complete last name.
 - FIRST NAME: Enter the parent/guardian's complete first name.
 - MAIDEN NAME: Enter the parent/guardian's complete last maiden name.
3. TELEPHONE NUMBER: If available, enter the child's telephone number (area code and seven-digit number).
4. DATE OF BIRTH: Enter the child's date of birth. Use two digits for the month, date and year.
5. ADDRESS OF CHILD: Complete the following elements on the form. All elements refer to the current address for the child.

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- NUMBER: Enter the number of child's current street address.
 - DIRECTION: Enter the direction which appears in the child's current street address, e.g., North, West.
 - STREET NAME: Enter the name of the child's current street address.
 - TYPE: Enter the applicable type of street address, e.g., avenue, street, boulevard.
 - APARTMENT NUMBER: If applicable, enter the apartment number of the child's address.
 - COUNTY: Enter the complete name of the county where the child currently is residing.
 - CITY: Enter the complete name of the city in which the child currently is residing.
 - STATE: Enter the state where the child currently is residing. Use the standard two-character abbreviation.
 - ZIP: Enter the five-digit zip-code where the child currently is residing.
6. SEX: Check the appropriate box to indicate the child's sex.
 7. RACE: Check the appropriate box to indicate the child's race.
 8. HISPANIC: Check the appropriate box to indicate whether the child is Hispanic.

TEST DATA

9. DATE OF FIRST TEST: Enter the month, day, and year the first blood lead sample to be reported was collected. Use two digits for month, day, and year, e.g., 06/01/92.
10. TYPE: Check the appropriate box to indicate the specimen type (venous or fingerstick).

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11. TEST RESULTS: Enter the blood lead level of the sample in micrograms per deciliter (mcg/dL).
12. DATE OF SECOND TEST: Enter the month, day, and year the second blood lead sample to be reported was collected. Use two digits for month, day, and year, e.g., 06/01/92.
13. TYPE: Check the appropriate box to indicate the specimen type.
14. TEST RESULTS: Enter the blood lead level of the sample in micrograms per deciliter (mcg/dL).
15. NAME OF LABORATORY: Enter the name of the laboratory analyzing the blood lead sample or the laboratory code number.
16. LABORATORY TELEPHONE NUMBER: Enter the telephone number of the laboratory which analyzed the blood lead sample.

SUBMITTING PARTY DATA

17. NAME: Enter the name of the physician, hospital staff member, laboratory technician, clinic employee, or other person submitting the report of the blood lead result.
18. TELEPHONE NUMBER: Enter the telephone number of the submitting party (area code and seven-digit number).
19. CLINIC/HOSPITAL: Enter name of clinic or hospital.
20. ADDRESS: Enter the address of the industry, physician, hospital, laboratory, clinic, or other entity/facility submitting the report of the blood lead test. The street number, direction, street name, suite, city, state, zip code, and county should be included.

COMPLETION DATA

21. On the line provided on the form, the usual signature of the person (first and last name) completing the form should be affixed. Enter the title of the person

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completing the form.

22. DATE OF REPORT: Enter the month, day, and year the form is completed. Use two digits for month, day, and year, e.g., 06/01/92.

All elevated blood lead levels of 45 mcg/dL shall be reported by telephone within 24 hours to the Childhood Lead Poisoning Prevention Program at 217/785-9464 or 217/782-0403.

Mail completed report within 48 hours to:

Illinois Department of Public Health
Division of Family Health
Childhood Blood Lead Level Reporting System
535 West Jefferson Street
Springfield, IL 62761

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Section 845.APPENDIX A Instructions for Childhood Blood Lead Poisoning Reporting System**Section 845.EXHIBIT B Instructions for Submitting Follow-Up Data for Children With Blood Lead Levels = 15 mcg/dL**

Medical follow-up should be completed by delegate agencies for all persons 15 years of age and younger having had a blood lead test analyzed and confirmed at 15 mcg/dL or higher.

All medical and environmental follow-up data must be entered into a STELLAR database maintained by the delegate agency. A STELLAR report and any additional reports requested by the Illinois Department of Public Health should be run regularly, at intervals determined by the Department. Detailed instructions on the STELLAR procedures are available from the Department upon request.

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Section 845.APPENDIX A Instructions for Childhood Blood Lead Poisoning Reporting System

Section 845.EXHIBIT C Instructions for Reporting Information by Delegate Agencies on Environmental Inspection for Cases of 20 mcg/dl and Above (Repealed)

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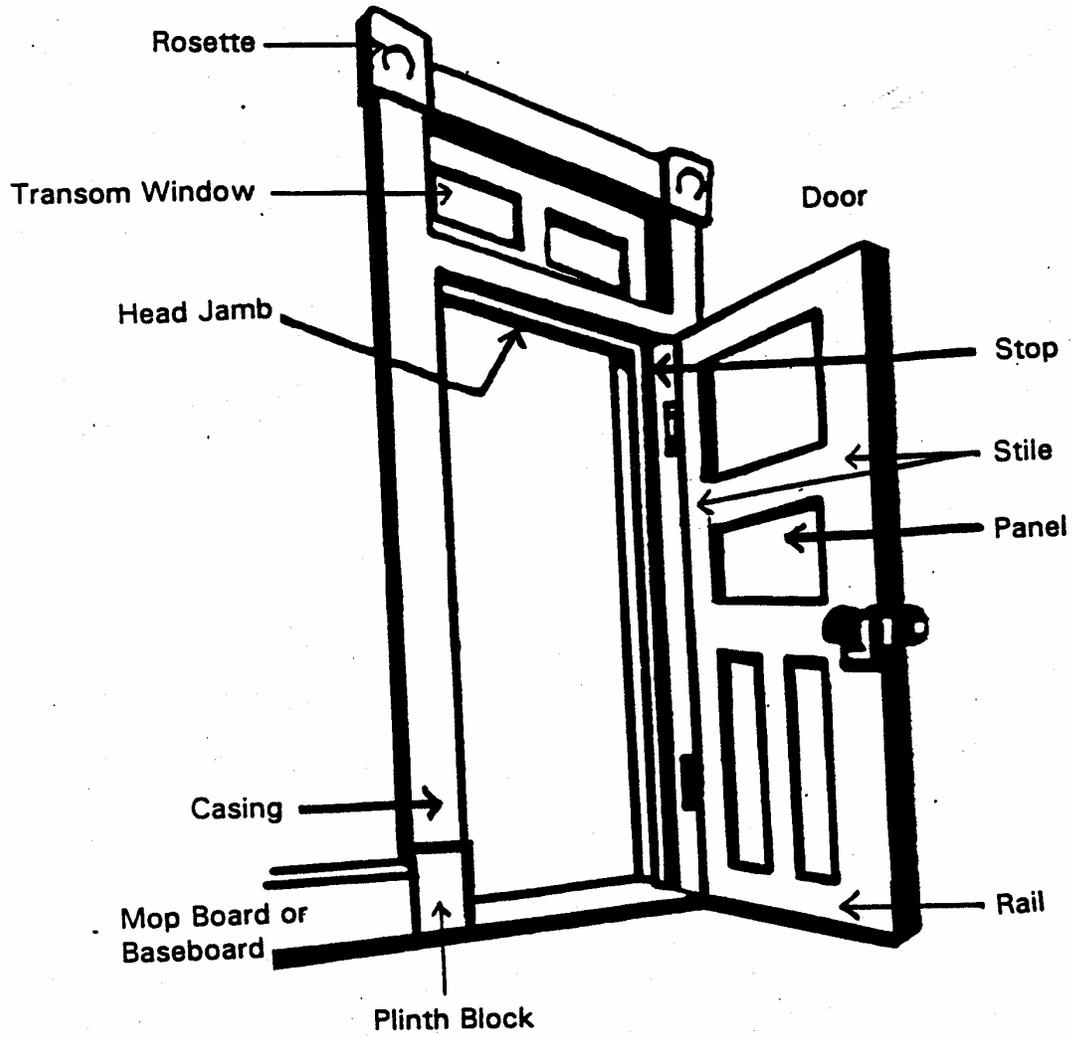
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**Section 845.APPENDIX B Testing for Lead in Paint by Portable X-Ray Fluorescence
Lead in Paint Analyzer (XRF) (Repealed)**

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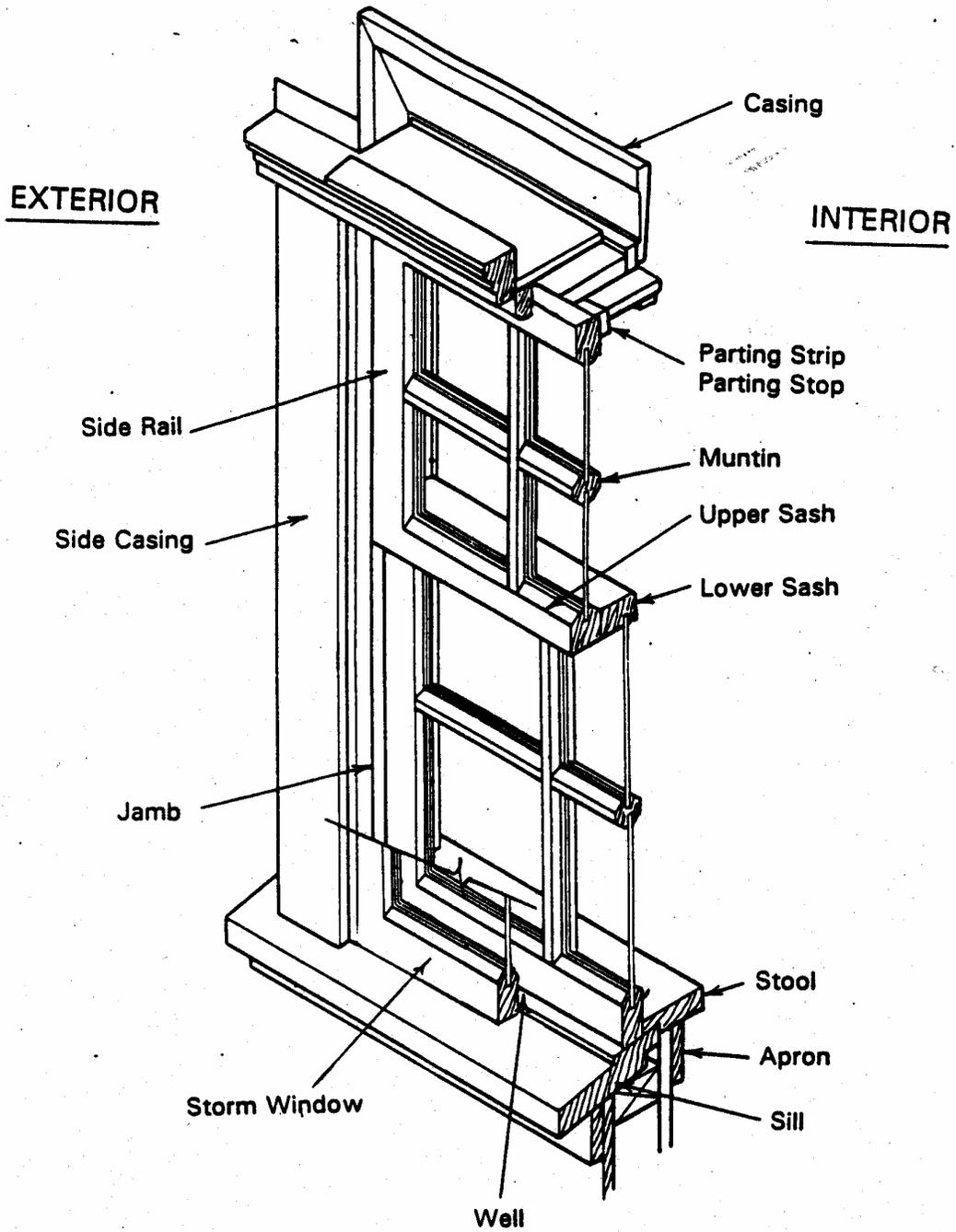
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Section 845.APPENDIX C Diagram of Building Components



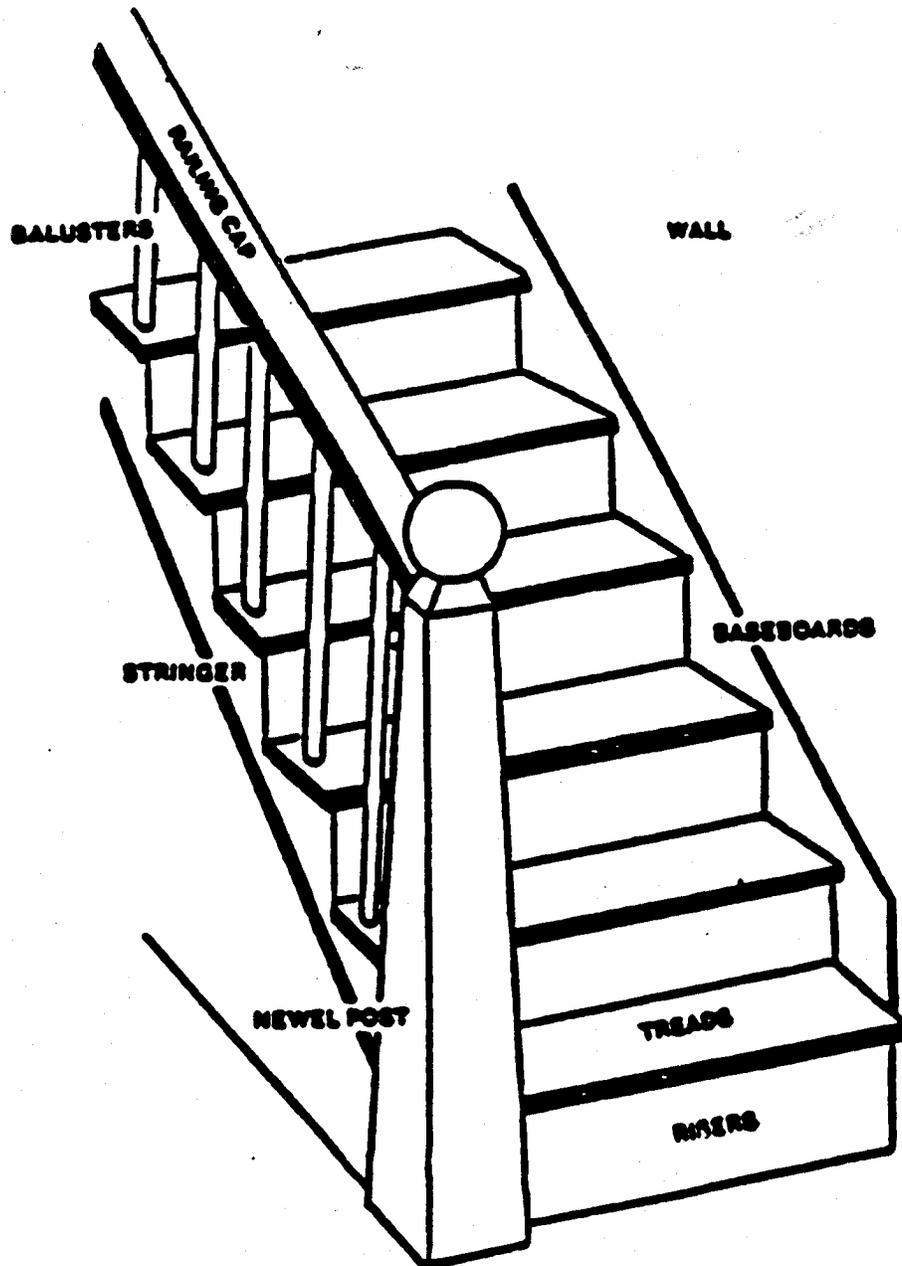
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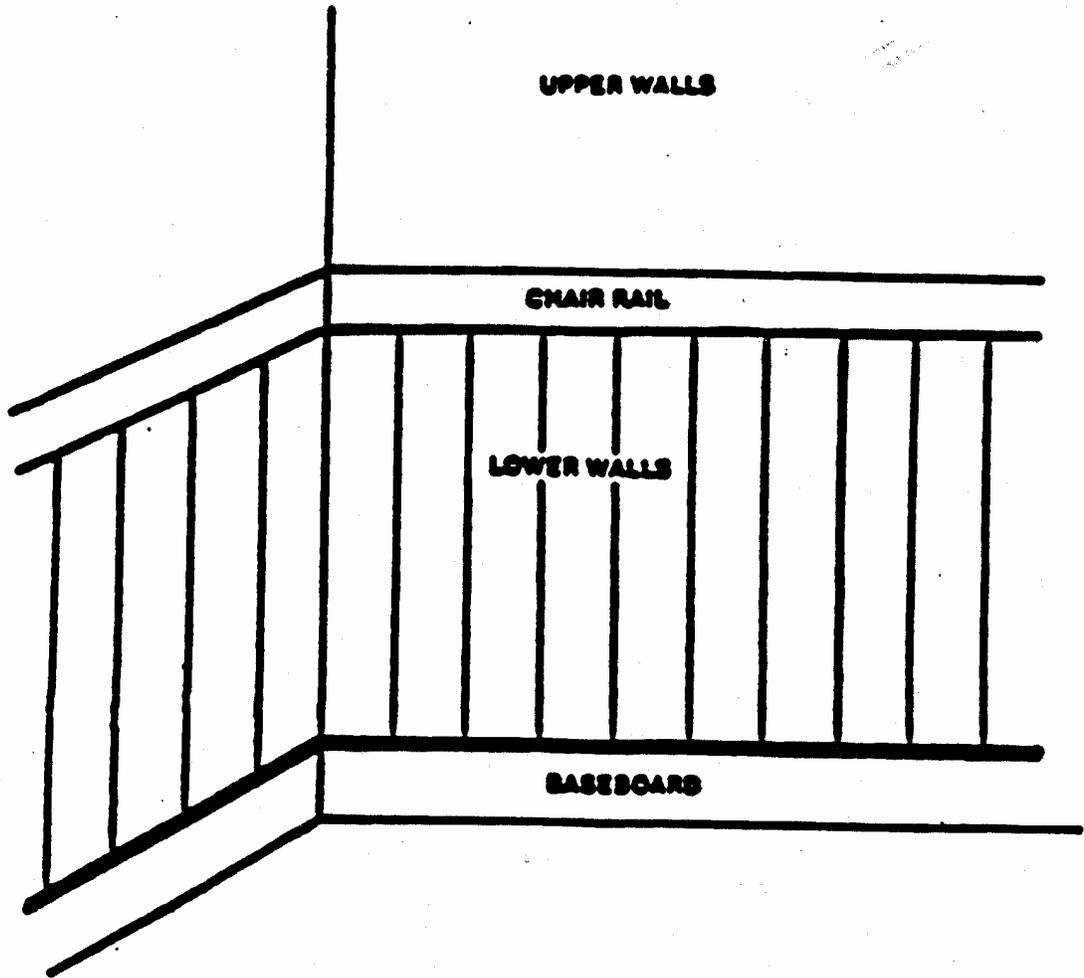
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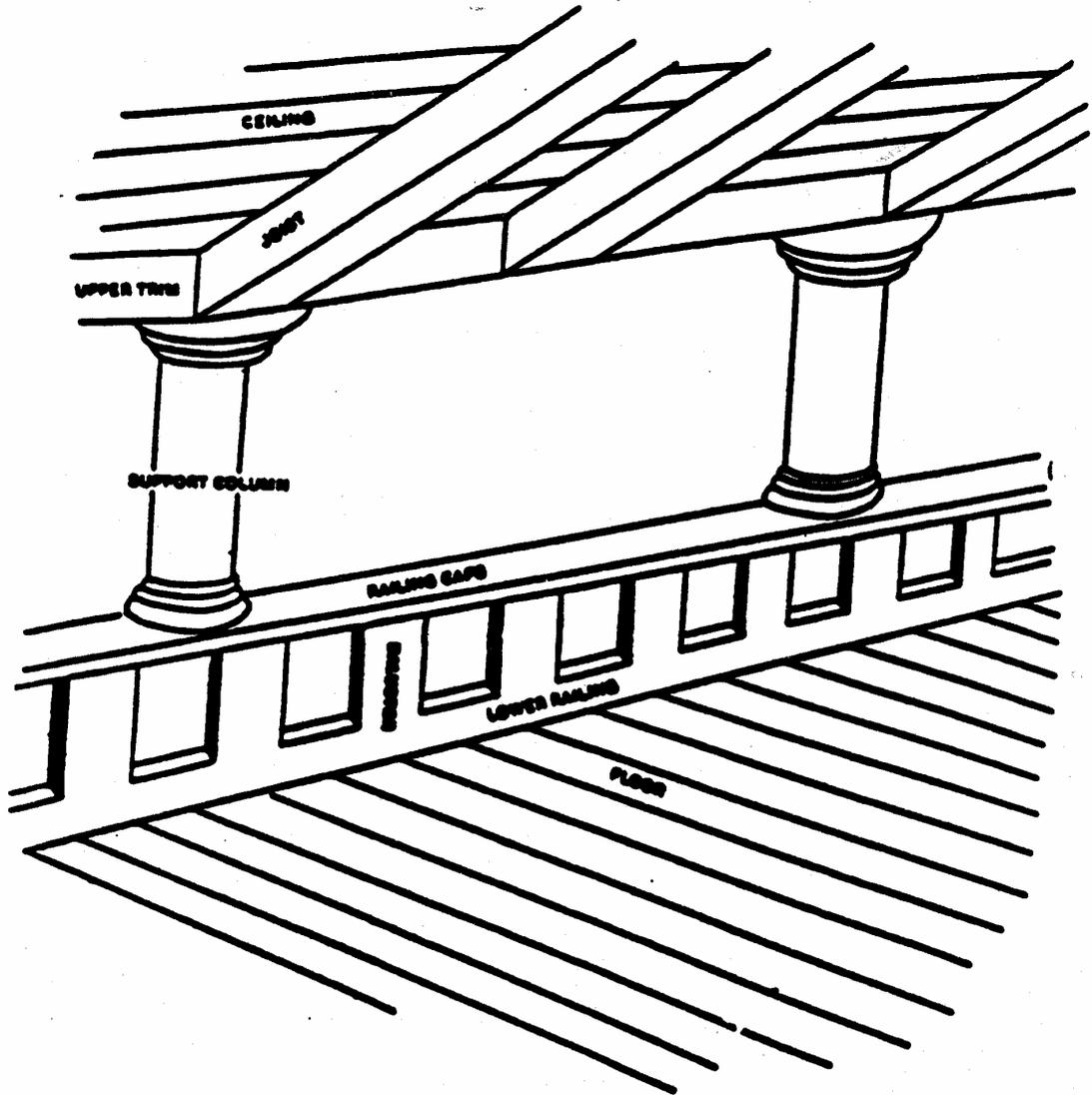
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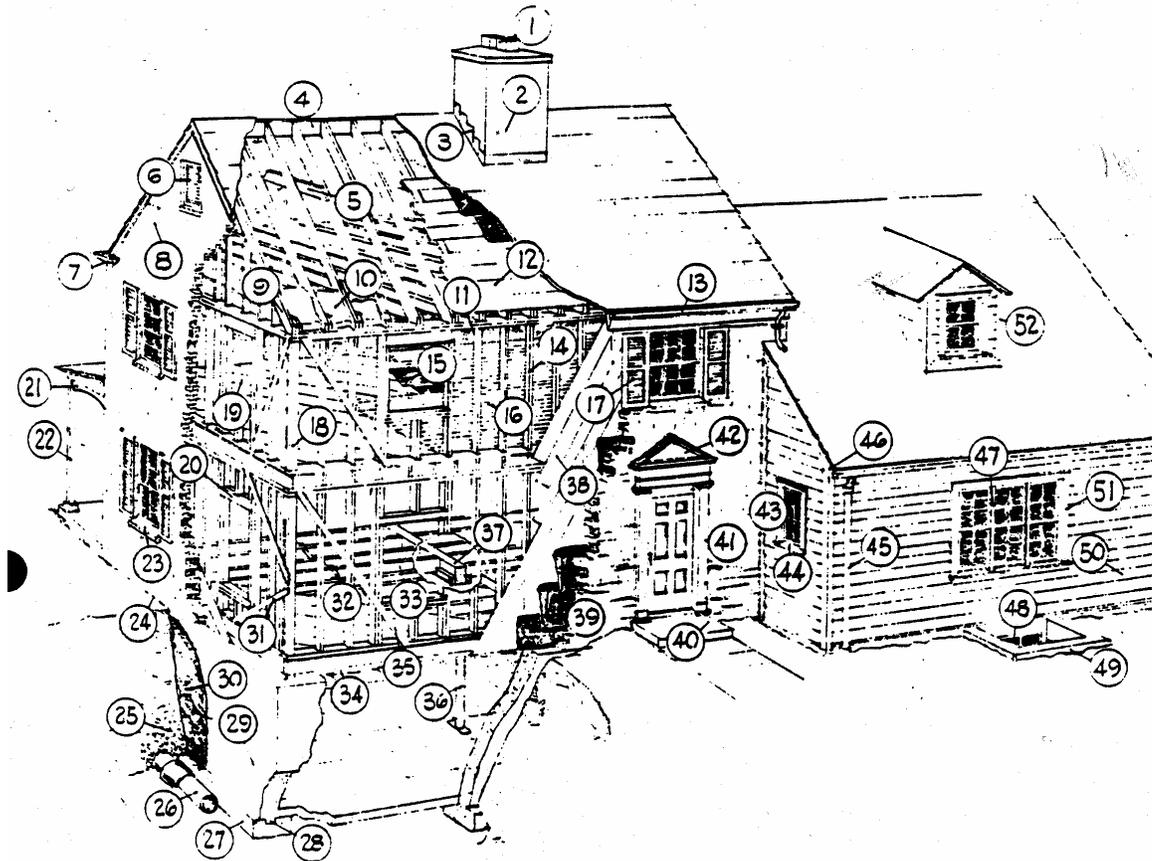
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1. Chimney flues or pots	12. Roof decking	23. Brick sill	34. Sill plate	45. Downspout
2. Chimney	13. Gutter	24. Grade line	35. Corner brace	46. Rake mold
3. Flashing	14. Stud	25. Cinder or gravel fill	36. Steel column	47. Mullion
4. Ridgeboard	15. Flooring paper	26. Drain tile	37. Beam; girder	48. Basement window
5. Collar beam	16. Finish flooring	27. Footing	38. Wall sheathing	49. Areaway wall
6. Vent; louver	17. Shutter	28. Keyway	39. Building paper	50. Bevel siding
7. Cornice return	18. Corner post	29. Foundation wall	40. Stoop	51. Wood window trim
8. Brick veneer	19. Subfloor	30. Waterproofing	41. Trim pilaster	52. Dormer
9. End rafter	20. Lintel; header	31. Knee brace	42. Pediment door trim	
10. Insulation	21. Porch frieze board	32. Bridging	43. Double-hung window	
11. Top double plate	22. Porch post	33. Floor joists	44. Windowsill	

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Section 845.APPENDIX C Diagram of Building Components

**Section 845.ILLUSTRATION A Inspection Forms and Diagram of Building Components
(Repealed)**

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Section 845.APPENDIX D Recommended Setup and Use of a Negative Pressure System

- a) Determining the Ventilation Requirements for Work Site
- 1) Experience with negative pressure systems on lead abatement projects indicates a recommended rate of one air change every 15 minutes. The volume (in ft³) of the work site is (in ft³/min) for the work site is determined by dividing this volume by the recommended air change rate (i.e., one air change every 15 minutes).
- Total ft³/min = Volume of work area (in ft³)/15 min
- The number of units needed for the application is determined by dividing the total ft³/min by the rated capacity of the exhaust unit.
- Number of units needed = [Total ft³/min]/[Capacity of unit (in ft³)]
- b) Location of Exhaust Units
- 1) The exhaust unit(s) should be located so that makeup air enters the work site primarily through the decontamination facility and traverses the work site as much as possible. This may be accomplished by positioning the exhaust unit(s) at a maximum distance from the worker access opening or other makeup air sources.
 - 2) Wherever practical, work site exhaust units can be located on the floor in or near unused doorways or windows. The end of the unit or its exhaust duct should be placed through an opening in the plastic barrier or wall covering. The plastic around the unit or duct should then be sealed with tape.
 - 3) Each unit must have temporary electrical power (115V AC). If necessary, three-wire extension cords can supply power to a unit. The cords must be in continuous lengths (without splice), in good condition, and should not be more than 100 feet long. They must not be fastened with staples, hung from nails, or suspended by wire. Extension cords should be suspended off the floor and out of workers' way to protect the cords from damage from traffic, sharp objects, and pinching.

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- 4) Whenever possible, exhaust units should be vented to the outside of the building. This may involve the use of additional lengths of flexible or rigid duct connected to the air outlet and routed to the nearest outside opening. Ducts shall not exceed 100 feet in total length. Windowpanes may have to be moved temporarily.
 - 5) If exhaust air cannot be vented to the outside of the building or if cold temperatures necessitate measures to conserve heat and minimize cold air infiltration, filtered air that has been exhausted through the barrier may be recirculated into an adjacent area. However, this is not recommended.
 - 6) Additional makeup air may be necessary to avoid creating too high of a pressure differential, which could cause the plastic coverings and temporary barriers to "blow in." Additional makeup air also may be needed to move air most effectively through the work site. Supplemental makeup air inlets may be made by making openings in the plastic sheeting that allow air from outside the building into the work site. Auxiliary makeup air inlets should be as far as possible from the exhaust unit(s) (e.g., on an opposite wall), off the floor (preferably near the ceiling), and away from barriers that separate the work site from occupied clean areas. The barrier should be resealed whenever the negative pressure system is turned off after removal has started. Because the pressure differential (and ultimately the effectiveness of the system) is affected by the adequacy of makeup air, the number of auxiliary air inlets should be kept to a minimum to maintain negative pressure. Appendix D, Illustration A, of this Part presents examples of negative pressure systems denoting the location of HEPA-filtered exhaust units and the direction of air flow.
- c) Use of the Negative Pressure System, Testing the System
- 1) The negative pressure system should be tested before any lead containing substrate is wetted, removed, or abated. After the work site has been prepared, the decontamination facility set up, and the exhaust unit(s) installed, the unit(s) should be started (one at a time). Observe the barriers and plastic sheeting. The plastic curtains of the decontamination facility should move slightly in toward the work site. The use of ventilation smoke tubes and a rubber bulb is another easy and inexpensive way to visually check system performance and direction of air flow through openings in the barrier. The measuring device must be sensitive enough to

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detect a relatively low pressure drop. A Magnehelic gauge with a scale of 0 to 0.25 or 0.50 inch of H₂O and 0.005 or 0.01 inch graduations is generally adequate. The pressure drop across the barrier is measured from the outside by punching a small hole in the plastic barrier and inserting one end of a piece of rubber or Tygon tubing. The other end of the tubing is connected to the "low pressure" top of the instrument. The "high pressure" tap must be open to the atmosphere. The pressure is read directly from the scale. After the test is completed, the hole in the barrier must be patched.

d) Replacement of Filters

- 1) The HEPA filter should be replaced if prefilter and/or intermediate filter replacement does not restore the pressure drop across the filters to its original clean resistance reading or if the HEPA filter becomes damaged. The exhaust unit is shut off to replace the HEPA filter, which requires removing the the prefilter first, then opening the intake grill or filter access, and finally removing the HEPA filter from the unit. Used HEPA filters should be placed in a sealable plastic bag (appropriately labeled) and disposed of as lead waste. A new HEPA filter (structurally identical to the original filter) should then be installed. The intake grill and intermediate filter should be put back in place, the unit turned on, and the prefilter positioned on the intake grill. Whenever the HEPA filter is replaced, the prefilter and intermediate filter should also be replaced.
- 2) When several exhaust units are used to ventilate a work site, any air movement through an inactive unit during the HEPA filter replacement will be into the work site. Thus, the risk of lead dust released to the outside environment is controlled.
- 3) Any filters used in the system may be replaced more frequently than the pressure drop across the filters indicates is necessary. Prefilters, for example, may be replaced two to four times a day or when accumulations of particulate matter become visible. Intermediate filters must be replaced once every day, and the HEPA filter may be replaced at the beginning of each new project. (Used HEPA filters must be disposed of as lead containing waste.) Conditions in the work site dictate the frequency of filter changes. In a work site where dust release is effectively controlled by thorough wetting and good work practices, fewer filter changes may be

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required than in work sites where the removal process is not well controlled. Filters can be used effectively until resistance (as a result of excessive particulate loading) diminishes the exhaust capacity of the unit.

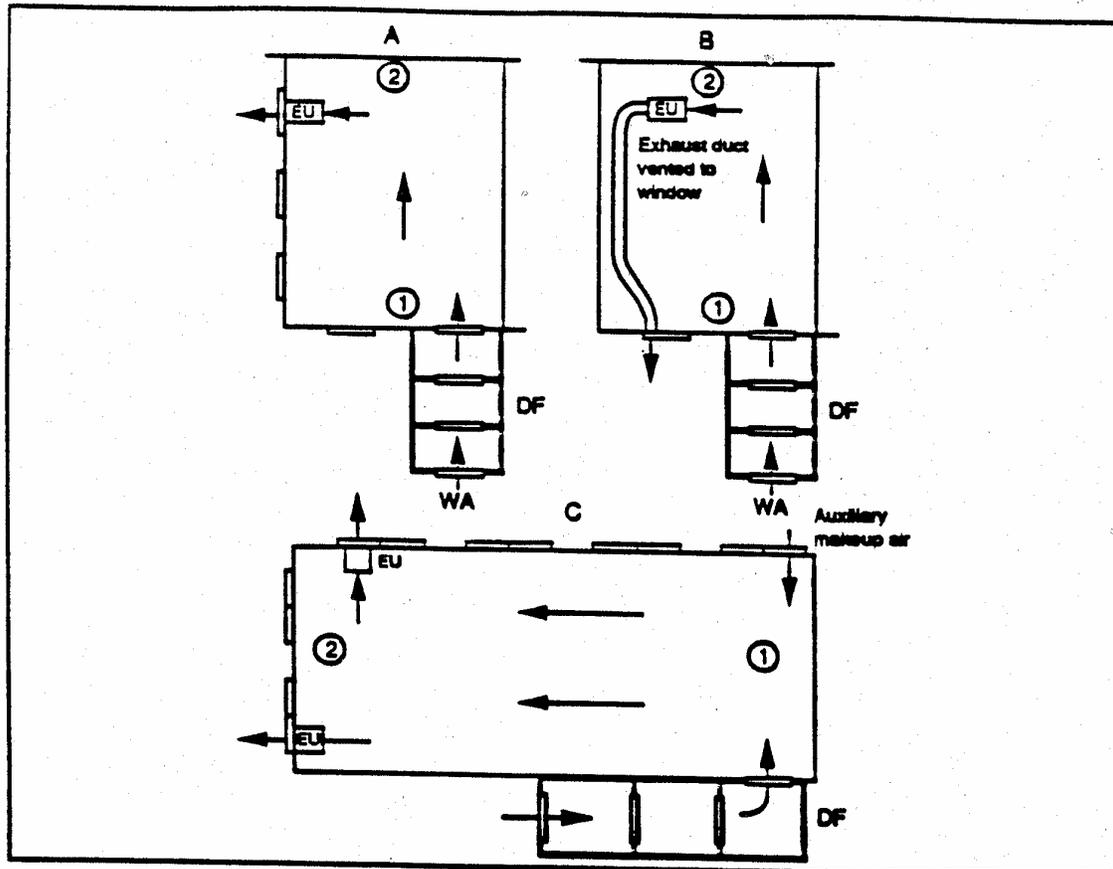
- e) **Dismantling the System**
When a final inspection and the results of final air tests indicate that the area has been decontaminated, all filters of the exhaust units should be removed and disposed of properly and the units shut off. The remaining barriers between contaminated and clean areas and all seals on openings into the work site and fixtures may be removed and disposed of as contaminated waste. A final check should be made to be sure that no dust or debris remain on surfaces as a result of dismantling operations.

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Section 845.APPENDIX D Recommended Setup and Use of a Negative Pressure System**Section 845.ILLUSTRATION A Examples of Negative Pressure Systems**

DF, Decontamination Facility; EU, Exhaust Unit; WA, Worker Access; A, Single-room area with multiple windows; B, Single-room work site with single window rear entrance; C, Large single-room work site with windows and auxiliary makeup air source (dotted arrow). Arrows denote direction of air flow. Circled numbers indicate progression of removal sequence.



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Section 845.APPENDIX E Soil Sampling

If the soil is suspected as a source of lead involved in a child lead poisoning, samples shall be submitted to a certified testing laboratory for analysis for lead to determine the lead content. Soil which is to be removed shall be submitted to a certified testing laboratory for Toxic Characteristic Leaching Procedure (TCLP) analysis. Following the TCLP analysis, appropriate permits shall be secured from the Illinois Environmental Protection Agency (IEPA). The owner or its agent shall be responsible for determining waste generator status by contacting the IEPA.

Many different configurations of the dwelling exterior are likely to be encountered in the field, so that only general guidance can be given on the number and location of soil samples to be taken. Initial sampling shall consist of a single soil core approximately one inch in diameter and not to exceed one inch in depth. One sample is to be taken for every 10 lineal feet of the dwelling unit, evenly spaced around the dwelling unit, approximately 2 feet away from the dwelling. Samples shall also be taken in areas around the dwelling unit where children play if those areas were not included in the initial sampling. Analytical results of these samples will be used to establish the bounds of the clean-up area, or the Department will establish a level which has been determined by the Department or delegate agency to be considered no cause for action. No cause for action is based upon the analysis of investigative information gathered by the inspector at the site, and determined by the Department or delegate agency that the soil lead level does not contribute significantly to the child's lead body burden.

First, prepare a site description. Make a detailed drawing showing the boundary of the lot; the position of the main building and any other structures such as garages and storage sheds; the position of the sidewalks, driveways, and other paved areas; the position of the play areas (if clear); and the position of areas with exposed soil, roof rain spouts, and general drainage patterns.

In addition to the diagram, describe the location of the property and include the following information:

- Type of building construction;
- Condition of main building;
- Condition of the property and nature of adjacent property;
- Fencing and animals on the property;

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- Apparent use of the property (e.g., used as play area).

Soil samples should be taken with a tool, such as a spatula, which can easily be decontaminated with a wipe after each use. Use a new wipe prior to taking a new sample.

Soil samples may be combined to form one sample for each side of the dwelling, building or structure. If the building is 50 feet long, 5 soil samples shall be taken. They may then be combined to form one sample for analysis. Soil samples shall only be combined with samples from the same side of the dwelling, building or structure. Specific areas around the dwelling, building or structure which appear to be play areas which are bare soil shall be sampled, labeled, and kept separate from other samples.

Samples should be placed in a whirl-pak plastic bag or other type of plastic bag which can be sealed. The bag should be labeled as to where the soil sample was obtained (For example; the east side of the house) and sealed. Record each sample location on the diagram. Submit samples for analysis or provide a Spectrum Analyzer reading for the specific area tested. Record results from the analysis.

Alternate or temporary remedial actions include the following:

- 1) Areas may be covered with plastic or decorative rock, gravel, wood chips or similar landscaping material to a depth of three inches. Bare soil should be revegetated if possible.
- 2) Soil may be tilled under or mixed to a depth of six inches, followed by a placement of three inches of clean topsoil, and reseeding or resodding. Soil additives (i.e., lime) should be considered to reduce lead bioavailability. The tilling process shall not cause excessive dust.
- 3) Clean topsoil, having a lead level at or below soil lead levels cited in Section 845.50 (b), shall be used as a fill material and the soil reseeded or resodded. Ground cover shall be used until the new grass is established.

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Section 845.APPENDIX F Childhood Lead Risk Assessment Questionnaire**ILLINOIS DEPARTMENT OF PUBLIC HEALTH DIVISION OF FAMILY HEALTH
CHILDHOOD LEAD RISK ASSESSMENT QUESTIONNAIRE**

Medical evaluation of a patient to determine lead exposure includes knowledge of the child's geographic location and living conditions in combination with the history and physical exam. The first question in this process is:

DOES THE CHILD, AGES 6 MONTHS TO 24 MONTHS, LIVE IN A HIGH RISK ZIP CODE AREA (REFER TO ZIP CODES ON REVERSE SIDE)?

(If "N" continue with additional questions)

Y N

ASSESSMENT OF ALL OTHER CHILDREN

Circle the appropriate response

Does the child, ages 6 months to 24 months:

Live in or regularly visit a home or building (school or daycare) built before 1960? Y N

Live in or regularly visit a home or building built before 1960 which has recently been or is currently under renovation or remodeling? Y N

Live with a person whose occupation or hobby involves exposure to lead? Y N

Receive or have ever received herbal medicines or home remedies (see guidelines)? Y N

POPULATION BASED ASSESSMENT QUESTIONS

(Use at physician's discretion)

Live close to an active lead smelter, battery recycling plant, lead mine, and/or other industry likely to release lead into the environment? Y N

Does the family use imported or glazed ceramics for food preparation, storage or as dinnerware? Y N

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	62070	Clay	62420	62426
Bond	62355	62426	62428	
62086	62361	62824	62432	Fayette
62246		62839	62435	62262
62262	Carroll	62847	62468	62414
	61014	62858		62418
Boone	61046		DeWitt	62458
None	61051	Clinton	61727	62471
	61053	62471		62838
Brown	61064	62801	DeKalb	62857
62324	61074		60550	62880
62353	61285	Coles	60556	62885
62375		61938	61353	
62378	Cass			Ford
	62617	Cook	Douglas	60919
Bureau	62618	All Chicago	61911	60933
61314		ZIP Codes	61913	60946
61322	Champaign	60022	61930	60952
61323	61810	60093	61941	60957
61328	61816	60153	61942	60959
61329	61820	60201	61956	60960
61337	61845	60202		60962
61338	61849	60305	DuPage	61773
61342	61851	60402	None	
61344	61862	60406		Franklin
61345	61868	60411	Edgar	62805
61346	61956	60426	61917	62812
61349		60472	61924	62822
61361	Christian	60501	61932	62874
61362	62075	60513	61933	62884
61368	62510	60546	61940	62896
61374	62531	60666	61944	62983
61376	62540		61949	62999
61421	62546	Crawford		
	62550	62427	Edwards	Fulton
Calhoun	62557	62433	62476	61415
62006	62568	62449	62806	61427
62013		62451	62818	61431
62036	Clark	62454	62844	61432
62045	62420	62464	62863	61441
62047	62442	62466		61459
62053	62477		Effingham	61477
62065		Cumberland	62414	61484

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61501	62348	60960	62967	61342
61520	62367	60964	62972	61348
61524	62380	60966		61350
61531		60967	Kane	61354
61542	Hardin	60968	60505	61358
61543	62919	60970		61364
61544	62931		Kankakee	61370
61563	62955	Jackson	60901	61371
	62982	62927	60912	61377
Gallatin		62942	60913	
62867	Henderson	62950	60915	Lawrence
62869	61418	62994	60919	62415
62954	61454	61064	60944	62417
62979	61460		60954	62439
	61469	Jasper	60964	62460
Greene	61471	62432		62466
62016	61476	62448	Kendall	
62027	62330	62459	None	Lee
62031		62475		61006
62044	Henry	62480	Knox	61021
62050	61234		61401	61031
62078	61235	Jefferson	61415	61042
62081	61238	62810	61434	61057
62082	61258	62846	61436	61353
62092	61274	62851	61458	
	61277	62864	61467	Livingston
Grundy	61413		61474	60921
60474	61434	Jersey	61485	60929
	61443	62031	61489	60934
Hamilton	61490	62052	61572	61319
62817		62063		61333
62828	Iroquois		Lake	61364
62859	60912	Jo Daviess	60040	61740
62860	60918	61053	60064	61741
62887	60924	61074	60085	
	60931	61085		Logan
Hancock	60938	61087	LaSalle	62541
62311	60942		60470	62543
62316	60945	Johnson	60518	62548
62318	60951	62908	61301	62635
62321	60953	62909	61321	62643
62330	60955	62912	61325	62666
62334	60956	62923	61341	62671

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	62849	61720	61925	62340
Macon	62882	61724	61928	62343
62501		61728	61937	62345
62521	Marshall	61730	61951	62352
62522	61358	61731	62264	62355
62523	61369	61737		62356
62537	61377	61770	Ogle	62357
62544	61421		61006	62361
62551	61424	Menard	61021	62362
	61537	62664	61030	62363
Macoupin	61540	62673	61031	62366
62002	61541		61039	62372
62009	61570	Mercer	61054	
62033		61231	61061	Pope
62056	Mason	61260	61064	62938
62063	61567	61412	61102	62944
62069	62617	61442		
62079	62633	61465	Peoria	Pulaski
62085	62644	61466	61529	62926
62088	62664	61476	61569	62941
62093	62682		61602	62956
62649			61603	62963
62672	Massac	Monroe	61604	62964
62674	62910	62295	61605	62970
62676	62953	62425	61606	62973
62683	62960			
62685		Montgomery	Perry	Putnam
	McDonough	62032	62237	61340
Madison	61416	62049	62831	
62002	61420	62051	62884	Randolph
62018	61422	62056	62888	62237
62024	61438	62075	62694	62242
62040	61471	62076		62272
62048	61475	62089	Piatt	62277
62060	62326	62094	61813	
62074	62367		61830	Richland
62084		Morgan	61913	
62087	McHenry	62082		62450
62090	None	62631	Pike	62868
62095	62370	62694	62312	
			62314	Rock Island
Marion	McLean	Moultrie	62323	61201
62801	61701	61911	62332	61239

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61265	61928	61831	62821	61738
61282	61951	61832	62827	61760
	61957	61833	62834	
St. Clair	62414	61844	62835	
62040	62431	61846	62844	
62201	62444	61857	62861	
62203	62465	61865	62862	
62204	62510	61876	62867	
62205	62550	61883	62869	
62206	62553		62887	
62207	62565	Wabash		
62220		62863	Whiteside	
62225	Stark		61014	
62240	61421		61071	
62257	61449	Warren	61081	
62289	61479	61412	61243	
	61483	61415	61252	
Saline	61491	61417	61261	
62917		61447	61270	
62930	Stephenson	61453	61277	
62935	61013	61462	61283	
62946	61032	61478		
	61039		Will	
	61050	Washington	60432	
Sangamon	61089	62271	60433	
62539		62801		
62702	Tazewell	62808	Williamson	
62703	61554	62831	62921	
	61564		62948	
Schuyler	61734	Wayne	62949	
61452		62823	62951	
62319	Union	62824		
62344	62926	62837	Winnebago	
62367	62961	62842	61077	
62624	62998	62843	61101	
		62851	61102	
Scott	Vermilion	62878	61103	
62050	60932	62886	61104	
62082	60942	62895		
62610	60960		Woodford	
62621	60963	White	61545	
	61810	62817	61561	
Shelby	61812	62820	61570	

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Section 845.APPENDIX G Information Agreement**Information Agreement**

The Illinois Department of Public Health ("Department"), and

_____ ("Applicant"), agree as follows:

- 1) The Department will provide data dealing with children who have been tested for lead poisoning in Illinois as outlined in the letter of application.
- 2) The applicant agrees that:
 - a) use of data is restricted to the purpose outlined in the letter of application (Attachment A) and any other or additional use of the data may result in immediate termination of this agreement by the Department;
 - b) any and all data which may lead to the identity of any child or parent, research subject, physician, informant, other person or hospital is strictly privileged and confidential. Applicant agrees to keep all such data strictly confidential at all times;
 - c) all officers, applicants and employees of Applicant will keep all such data strictly confidential. Applicant will communicate the requirements of this section to all officers, applicants and employees, will discipline all persons who may violate the requirement of this section, and will notify the Department in writing within 48 hours of any violation of this section, including full details of the violation and corrective actions to be taken;
 - d) all data provided by the Department pursuant to this agreement is the sole property of the Department. Any copies by applicant of data provided by the Department pursuant to this agreement are subject to all provisions contained herein. Any copies of data created by Applicant will be destroyed upon completion of the purpose outlined in the application;
 - e) the applicant agrees to forward to the Department copies of proposed publications containing data or interpretation of data received as a result of this agreement for the sole purpose of confirming compliance with this agreement;

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- f) any breach of any of the provisions of this agreement will void the agreement.
- 3) The applicant further agrees to state in publications and presentations concerning research which is the subject of this agreement that the Department was the source of data and that conclusions, opinions and recommendations are not necessarily those of the Department.
- 4) The Applicant and the Department understand and agree that this agreement may not be sold, assigned or transferred in any matter and that any actual or attempted sale, assignment or transfer shall render this agreement null, void and of no further effect.
- 5) This agreement shall take effect upon signature by the applicant and the Director of Public Health.
- 6) All notices required or requested by either the Department or the Applicant shall be sent to the following addresses:

to the Department: Illinois Department of Public Health
 Childhood Lead Poisoning Prevention Program
 535 West Jefferson Street
 Springfield, Illinois 62761-0001
 Attn: Mary Miller

to the Applicant: _____

 Attn: _____

- 7) The Applicant and the Department understand and agree that this Agreement constitutes the total agreement between them and that no promises, terms or conditions, either oral or written, express or implied, not recited, incorporated or referenced herein shall be binding.

Applicant

 (Signature)

 (Title)

Department

 (Recommended by)

 (Director, Department)

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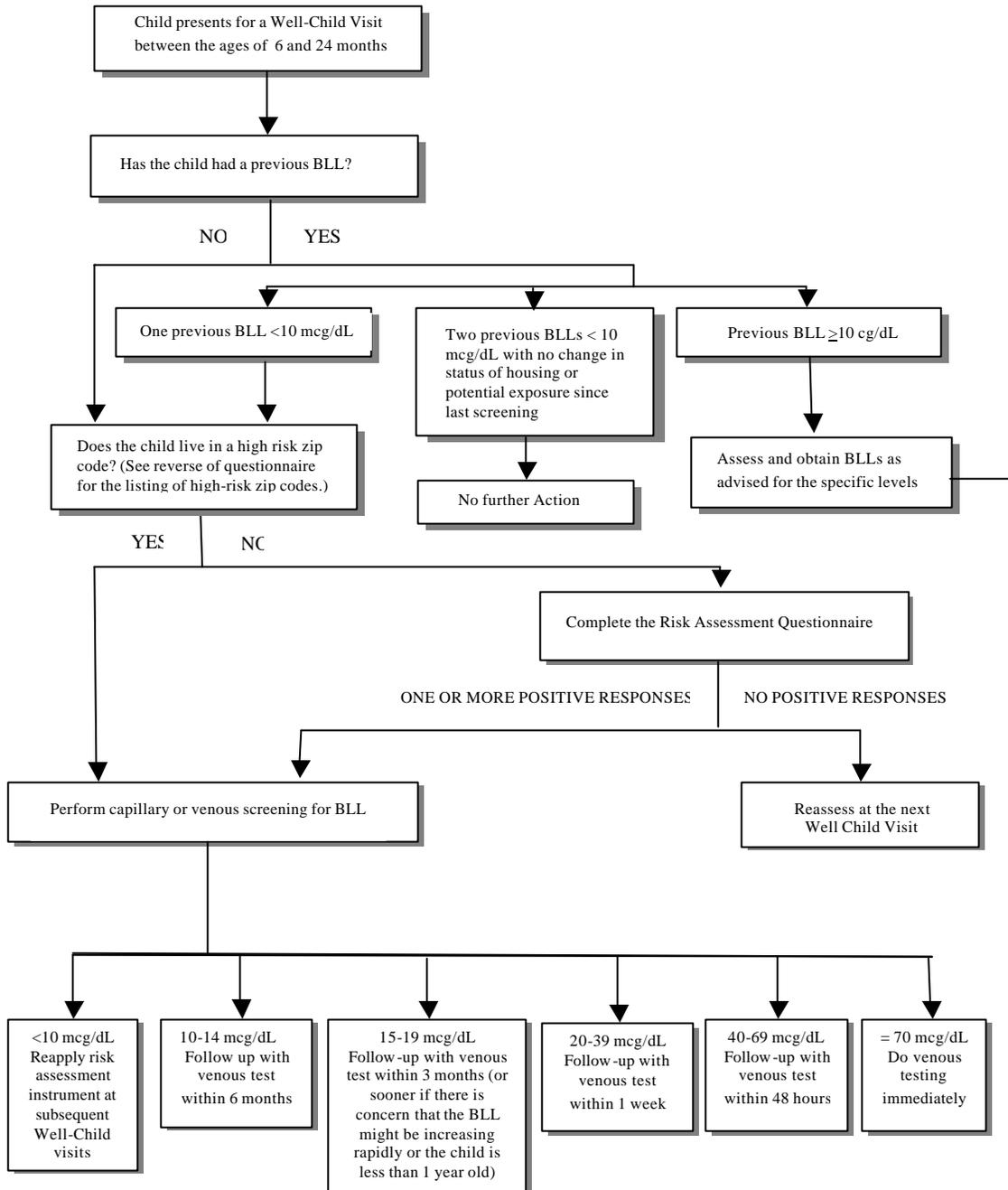
(Type/printed name)

(Execution date)

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Section 845.APPENDIX H Childhood Lead Poisoning Assessment and Screening Algorithm



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Recommendations for subsequent assessment, screening, and/or treatment are based on the follow-up blood test.

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- 1) Heading of the Part: Lead Poisoning Prevention Code
- 2) Code Citation: 77 Ill. Adm. Code 845
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
845.10	New
845.15	New
845.20	New
845.25	New
845.50	New
845.55	New
845.60	New
845.65	New
845.70	New
845.75	New
845.80	New
845.85	New
845.100	New
845.105	New
845.110	New
845.115	New
845.120	New
845.125	New
845.130	New
845.135	New
845.140	New
845.150	New
845.155	New
845.160	New
845.165	New
845.170	New
845.175	New
845.200	New
845.205	New
845.210	New
845.215	New
845.220	New
845.225	New
845.230	New
845.250	New

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845.255	New
845.260	New
845.265	New
845.270	New
845.275	New
845.280	New
845.285	New
845.290	New
845.295	New
845.300	New
845.350	New
845.355	New
845.360	New
845.365	New
845.370	New
845.APPENDIX A	New
845.APPENDIX A, EXHIBIT A	New
845.APPENDIX A, EXHIBIT B	New
845.APPENDIX B	New

- 4) Statutory Authority: Implementing and authorized by the Lead Poisoning Prevention Act [410 ILCS 45]
- 5) A Complete Description of the Subjects and Issues Involved: The existing rules address requirements for conducting medical and environmental follow-up for children who have been identified with an elevated level of lead in their blood. The existing rules also establish the minimum requirements for training and licensure of individuals and companies conducting services associated with lead-bearing substances in dwellings and childcare facilities. The minimum requirements for persons conducting training for lead-based paint activities are included in the existing rules. The proposed amendments include repeal of the existing Part in its entirety and replacement with a new proposed Part.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: Lead Standard 29 CFR 1910.1025 and 29 CFR 1926.62, Occupational Safety and Health Administration (OSHA) (1993), Guidelines for the Evaluation and Control of Lead Based Paint Hazards in Housing, Department of Housing and Urban Development (HUD) (June 1995), and A Field Test of Lead-Based Paint Testing Technologies (USEPA report # EPA 747-R-96-001) (March 1997).

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- 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 any 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 create or expand a State mandate.
- 12) Time, Place, and Manner in which interested persons may comment on this rulemaking: Interested persons may present their comments concerning these rules by writing, within 45 days after this issue of the Illinois Register, to:

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

217/782-2043
(E-mail: rules@idph.state.il.us)

- 13) Initial Regulatory Flexibility Analysis:
 - A) Type of small businesses, small municipalities, and not-for-profit corporations affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: January 2006

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

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TITLE 77: PUBLIC HEALTH

CHAPTER I: DEPARTMENT OF PUBLIC HEALTH

SUBCHAPTER p: HAZARDOUS AND POISONOUS SUBSTANCES

PART 845

LEAD POISONING PREVENTION CODE

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- 845.15 Incorporated and Referenced Materials
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- 845.55 Lead Screening
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- 845.105 Lead Training Course Approval Requirements
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- 845.115 Application Fees for Approval and Renewal of Lead Training Courses
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845.200 Environmental Lead Sampling Protocol
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845.210 Procedures for Lead Inspections in Regulated Facilities
845.215 Procedures for Lead Risk Assessments in Regulated Facilities
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SUBPART F: STANDARDS FOR LEAD MITIGATION
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Section

845.250 Submissions and Notices
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845.260 Personnel Protection Program
845.265 Work Area Isolation, Preparation and Containment
845.270 Prohibited Work Practices
845.275 Safe Work Practices
845.280 Guidelines for Abatement and Mitigation of Lead-Contaminated Soil
845.285 Clean-Up Procedures
845.290 Disposal Procedures
845.295 Reoccupation of the Work Area

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845.300 Record Keeping Requirements for Lead Mitigation and Lead Abatement Activities

SUBPART G: FINES, PENALTIES AND ADMINISTRATIVE HEARINGS

Section

845.350 Denial, Suspension and Revocation of Lead Training Course Approval
845.355 Denial, Suspension and Revocation of Licenses
845.360 Fines and Penalties
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845.370 Administrative Hearings

845.APPENDIX A Instructions for Childhood Blood Lead Poisoning Reporting System

845.EXHIBIT A Instructions for Completing the Laboratory-Based Report of Childhood Lead Poisoning

845.EXHIBIT B Instructions for Submitting Follow-Up Data for Children With Blood Lead Levels = 15 mcg/dL

845.APPENDIX B Information Agreement

AUTHORITY: Implementing and authorized by the Lead Poisoning Prevention Act [410 ILCS 45].

SOURCE: Adopted July 15, 1976; amended at 2 Ill. Reg. 43, effective October 23, 1978; rules repealed; new rules adopted and codified at 6 Ill. Reg. 14849, effective November 24, 1982; amended at 7 Ill. Reg. 7652, effective June 14, 1983; amended at 8 Ill. Reg. 8242, effective May 25, 1984; amended at 10 Ill. Reg. 5138, effective April 1, 1986; amended at 17 Ill. Reg. 1884, effective February 1, 1993; amended at 19 Ill. Reg. 238, effective December 31, 1994; amended at 21 Ill. Reg. 7444, effective May 31, 1997; emergency amendment at 21 Ill. Reg. 14680, effective October 31, 1997, for a maximum of 150 days; emergency amendment modified in response to JCAR objection at 22 Ill. Reg. 6252; amended at 22 Ill. Reg. 16000, effective August 20, 1998; amended at 24 Ill. Reg. 11974, effective July 26, 2000; old Part repealed at 32 Ill. Reg. _____ and new Part adopted at 32 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL PROVISIONS

Section 845.10 Applicability

- a) Subpart A of this Part contains incorporated and referenced materials and definitions. This Subpart applies to all activities conducted in accordance with

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the Lead Poisoning Prevention Act (Act) and Lead Poisoning Prevention Code (Code).

- b) Subpart B of this Part contains information that pertains only to activities conducted by the Illinois Department of Public Health or its delegate agency for cases in which a child has been identified with an elevated blood lead level.
- c) Subpart C of this Part contains requirements for licensure of individuals and firms, approval of training program providers and requirements for the Department's third party examination.
- d) Subpart D of this Part contains the responsibilities for licensed individuals, firms and approved training program providers.
- e) Subpart E of this Part contains standards and requirements to be used by licensed individuals for conducting lead investigation services in regulated facilities. This Subpart also outlines the specific record keeping requirements for these activities.
- f) Subpart F of this Part contains the standards and requirements for conducting lead mitigation and lead abatement activities in regulated facilities. This Subpart also outlines the specific record keeping requirements for these activities.
- g) Subpart G of this Part contains provisions for administrative enforcement, including the issuance of fines and penalties and procedures governing administrative hearings for violations of applicable laws or this Part for any lead services conducted in regulated facilities.

Section 845.15 Incorporated and Referenced Materials

- a) The following federal regulations and guidelines are incorporated in this Part:
 - 1) Lead Standard, 29 CFR 1910.1025 and 29 CFR 1926.62, Occupational Safety & Health Administration (OSHA) (1993). Available from Occupational Safety & Health Administration, 200 Constitution Avenue, NW, Washington DC 20210, 202-693-1888.
 - 2) Respiratory Protection Standard (OSHA), 29 CFR 1910.134 (1998). Available from Occupational Safety & Health Administration, 200 Constitution Avenue, NW, Washington DC 20210, 202-693-1888.

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- 3) Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing, Department of Housing and Urban Development (HUD) (June 1995); Chapter 7 of the HUD Guidelines, Lead-Based Paint Inspection, 1997, available from the Office of Lead-Based Paint Abatement and Poisoning Prevention, HUD - Room B-133, 451 Seventh Street, SW, Washington DC 20410, also available on line at:
<http://www.hud.gov/offices/lead/guidelines/hudguidelines/index.cfm>
- 4) Requirements for Lead-Based Paint Activities in Target Housing and Child-Occupied Facilities, United States Environmental Protection Agency (USEPA), 40 CFR 745 (1996). Available from Environmental Assistance Division (7408), Office of Pollution Prevention and Toxics, U.S. Environmental Protection Agency, 401 M St., SW, Washington DC 20460, 202-554-1404, TSCAHotline@epamail.epa.gov
- 5) Requirements for Hazard Education Before Renovation of Target Housing, USEPA, 40 CFR 745 (1998). Available from National Program Chemicals Division (7404), Office of Pollution Prevention and Toxics, U.S. Environmental Protection Agency, 401 M St., SW, Washington DC 20460, 202-260-1591, also available on line at:
<http://www.epa.gov/fedrgstr/EPA-TOX/1998/June/Day-01/t14437.htm>
- 6) A Field Test of Lead-Based Paint Testing Technologies (USEPA report # EPA 747-R-96-001) (March 1997). Available from Technical Programs Branch, Chemical Management Division, Office of Pollution Prevention and Toxics, Office of Prevention, Pesticides, and Toxic Substances, U.S. Environmental Protection Agency, 401 M Street, SW, Washington DC 20460, also available online at:
http://www.hud.gov/offices/lead/reports/DAT_files/LBPTTech/R96-001.pdf
- 7) Identification of Dangerous Levels of Lead, USEPA, 40 CFR 745 (2001). Available from the Office of Program Management and Evaluation, Office of Pollution Prevention and Toxics (7401), U.S. Environmental Protection Agency, 1200 Pennsylvania Ave., NW, Washington DC 20460, 202-554-1404.
- 8) Residential Sampling for Lead: Protocols for Dust and Soil Sampling (USEPA report #747-R-95-001) (1995). Available from U.S. Environmental Protection Agency, Office of Pollution Prevention and

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Toxics, Technical Programs Branch, MC-7407, Northeast Mall, Room G012, 401 M Street, SW, Washington DC 20460, also available on line at: <http://www.hud.gov/offices/lead/reports/R95-001.pdf>

- 9) USEPA Methodology for XRF Performance Characteristic Sheets (USEPA report #747-R-95-008) (1997). Available from Technical Branch National Program Chemicals Division, Office of Pollution Prevention and Toxics, Office of Prevention, Pesticides, and Toxic Substances, U.S. Environmental Protection Agency, 401 M Street, SW, Washington DC 20460, also available on line at: <http://www.epa.gov/lead/pubs/r95-008.pdf>
 - 10) Toxic Substance Control Act (TSCA), section 405(b), USEPA (1976).
 - 11) Department of Health and Human Services - Protection of Identity - Research Subjects; 42 CFR 2a.4 (2000).
 - 12) U.S. Environmental Protection Agency - Lead and Copper Rule, 56 FR 26460-26564 (June 7, 1991).
 - 13) U.S. Department of Housing and Urban Development – Lead-Safe Housing Rule 24 CFR 35 (2004).
 - 14) U.S. Department of Housing and Urban Development and U.S. Environmental Protection Agency - Lead; Requirements for Disclosure of Known Lead-Based Paint and/or Lead-Based Paint Hazards in Housing, 40 CFR 745 (1996).
- b) All incorporations by reference of federal regulations or guidelines refer to the regulation or guideline on the date specified and do not include any subsequent editions or amendments.
- c) The following State statutes and rules are referenced in this Part:
- 1) Code of Civil Procedure [735 ILCS 5]
 - 2) Communicable Disease Report Act [745 ILCS 45]
 - 3) Illinois Clinical Laboratory and Blood Bank Act [210 ILCS 25]

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- 4) Freedom of Information Act [5 ILCS 140]
- 5) State Records Act [5 ILCS 160]
- 6) Medical Studies [735 ILCS 5/Art. VIII, Part 21]
- 7) The Department's Rules of Practice and Procedure in Administrative Hearings (77 Ill. Adm. Code 100)
- 8) The Department's Child Health Environmental Code (77 Ill. Adm. Code 665)

Section 845.20 Definitions

For purposes of this Part, the following terms have the meanings ascribed in this Section.

"Accredited Laboratory" means a laboratory accredited by the National Lead Laboratory Accreditation Program (NLLAP) in accordance with the "Laboratory Accreditation Program Guidelines: Measurement of Lead in Paint, Dust, and Soil", March 1992 (EPA 747-R-92-001), available at U.S. Environmental Protection Agency, Exposure Evaluation Division, TS-798, Office of Pollution Prevention and Toxics, 401 M Street, SW, Washington DC 20460, <http://www.hud.gov/offices/lead/labs/nllap.cfm>

"Act" means the Lead Poisoning Prevention Act [410 ILCS 45].

"Blood Lead Test" means a blood lead testing by venous or capillary methodology.

"Child" means a person under the age of 16.

"Child Care Facility" means any structure used by a child care provider licensed by the Department of Children and Family Services or public school structure frequented by children under 6 years of age. (Section 2 of the Act)

"Childhood Lead Risk Assessment" means administration of the risk assessment questionnaire to the parent.

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"Compliance Investigation" means the activity of performing a visual assessment and collecting dust wipe samples for the purpose of determining compliance with the Department's standard for lead dust levels.

"Confirmed Blood Lead Level" means that an elevated blood lead level is confirmed by a venous blood lead test.

"Defective Surface" means peeling, flaking, chalking, scaling or chipping paint; paint over crumbling, cracking or falling plaster or plaster with holes in it; paint over a defective or deteriorating substrate; or paint that is damaged or worn down in any manner such that a child can get paint from the damaged area.

"Delegate Agency" means a unit of local government or health department approved by the Department in accordance with Section 845.50 of this Part to carry out the provisions of the Act. (Section 2 of the Act)

"Department" means the Department of Public Health of the State of Illinois. (Section 2 of the Act)

"Director" means the Director of the Department of Public Health of the State of Illinois.

"Dwelling" means any structure all or part of which is designed or used for human habitation. (Section 2 of the Act)

"Elevated Results" means a blood lead test result of 10 micrograms/deciliter or higher.

"Encapsulant" means a substance that forms a barrier between a lead bearing substance and the environment using a liquid-applied coating or an adhesively bonded covering material.

"Health Care Provider" means any person providing health care services to children, who is authorized pursuant to the Illinois Clinical Laboratory and Blood Bank Act [210 ILCS 25] to request the testing of specimens, but does not include dentists.

"HEPA" means a high efficiency particulate air filter capable of trapping and retaining 99.97 percent of particles greater than 0.3 micrometers in mass median aerodynamic equivalent diameter.

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"Intact Surface" means a surface with no loose, peeling, chipping or flaking paint. Intact surfaces that are painted must be free from crumbling, cracking or deterioration. Intact surfaces must not be damaged or worn down in any way that would make paint or debris from the damaged area accessible to children.

"Lead Abatement" means any activity that will permanently eliminate lead exposure or remove the lead bearing substances in a regulated facility.

"Lead Abatement Contractor" means any person or entity licensed by the Department to perform lead abatement or mitigation. (Section 2 of the Act)

"Lead Bearing Substance" means any item containing or coated with lead such that the lead content is more than 0.06% lead by total weight; or any dust on surfaces or in furniture or other nonpermanent elements of the dwelling; or any paint or other surface coating material containing more than 0.5% lead by total weight (calculated as lead metal) in the total non-volatile content of liquid paint; or lead bearing substances containing greater than one milligram per square centimeter or any lower standard for lead content in residential paint as may be established by federal law or regulation; or more than 1 milligram per square centimeter in the dried film of paint or previously applied substance; or item or dust on item containing lead in excess of the amount specified in this Part or a lower standard for lead content as may be established by federal law or regulation. "Lead bearing substance" does not include firearm ammunition or components as defined by the Firearm Owners Identification Card Act. (Section 2 of the Act)

"Lead Hazard" means a lead bearing substance that poses an immediate health hazard to humans. (Section 2 of the Act)

"Lead Hazard Screen" means a lead risk assessment that involves limited dust and paint sampling for lead bearing substances and lead hazards. This service is used as a screening tool designed to determine if further lead investigative services are required for the regulated facility.

"Lead Inspection" means a surface-by-surface investigation to determine the presence of lead-based paint. Lead inspection includes sampling or investigation for lead associated with a lead inspection as defined in this Section and outlined in Section 845.210, and all lead sampling associated with compliance investigations defined in this Section and outlined in Section 845.225.

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"Lead Inspector" means an individual who has been trained by a Department-approved training program and is licensed by the Department to conduct lead inspections; to sample for the presence of lead in paint, dust, soil, and water; and to conduct compliance investigations.

"Lead Mitigation" means the remediation of a lead hazard so that a lead bearing substance does not pose an immediate health hazard to humans.

"Lead Poisoning" means the condition of having blood lead levels in excess of those considered safe under this Part (see the definition of "permissible limits") and federal rules and regulations. (Section 2 of the Act)

"Lead Risk Assessment" means an on-site investigation to determine the existence, nature, severity and location of lead hazards. Lead risk assessment includes any lead sampling and visual assessment associated with conducting a lead risk assessment and lead hazard screen as defined in this Section and outlined in Sections 845.215 and 845.220, and all lead sampling associated with compliance investigations defined in this Section and outlined in Section 845.225.

"Lead Risk Assessor" means an individual who has been trained by a Department-approved training program and is licensed by the Department to conduct lead risk assessments, lead inspection, and lead hazard screens; to sample for the presence of lead in paint, dust, soil and water; and to conduct compliance investigations.

"Lead Supervisor" means any person employed by a lead abatement contractor and licensed by the Department to perform lead abatement and mitigation, and to supervise lead abatement workers who perform lead abatement and mitigation. ("Lead Abatement Supervisor" was formerly called "Lead Abatement Contractor/Supervisor".)

"Lead Worker" means any person employed by a licensed lead abatement contractor and licensed by the Department to perform lead abatement and mitigation. (Section 2 of the Act)

"Local Health Department" means the health department or board of health, as recognized by the Department, that has jurisdiction over the particular geographical area in which the person lives.

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"Negative Blood Lead Test Result" means a blood lead test with a blood lead level of less than 10 micrograms/deciliter (mcg/dL) or less of whole blood in a child under age 16 years.

"Owner" means any person who alone, jointly, or severally with others:

Has legal title to any dwelling or residential building, with or without accompanying actual possession of the dwelling or residential building, or

Has charge, care or control of the dwelling or residential building as owner or agent of the owner, or as executor, administrator, trustee, or guardian of the estate of the owner. (Section 2 of the Act)

"Permissible Limits", for reporting purposes, means a confirmed blood lead level of less than 10 micrograms/deciliter (mcg/dL) of whole blood in a child under age 16 years, less than 10 mcg/dL for a pregnant or breast-feeding woman, and less than 25 mcg/dL for all other persons.

"Person" means any one or more natural persons, legal entities, governmental bodies, or any combination. (Section 2 of the Act)

"Positive Blood Lead Test Result" means a blood lead level test with a blood lead level of 10 micrograms/deciliter (mcg/dL) or higher of whole blood in a child under age 16 years.

"Regulated Facility" means a dwelling, residential building, child care facility, or any other structure as defined in the Act or this Part.

"Renovation" means the modification of any existing structure, or portion thereof, of a regulated facility that results in the disturbance of painted surfaces.

"Renovator" means any person who conducts renovation in a regulated facility for compensation, including barter.

"Residential Building" means any room, group of rooms, or other interior areas of a structure designed or used for human habitation; common areas accessible by inhabitants; and the surrounding property or structures. (Section 2 of the Act)

"Room Equivalent" means an identifiable part of a residence, such as a room, a house exterior, a foyer, a staircase, a hallway or an exterior area.

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"STELLAR" means the Systematic Tracking of Elevated Lead Levels and Remediation software developed and provided by the Centers for Disease Control and Prevention for local agencies to use in tracking lead poisoning cases.

"Testing Combination" means a unique combination of room equivalent, building component type, and substrate.

"Training Hour" means at least 50 minutes of actual teaching, including time devoted to lecture, learning activities, small group activities, demonstrations, evaluations, and/or hands-on experience.

"Work Area" means the interior and exterior areas where lead mitigation or lead abatement activities are conducted. These areas may include any room or rooms undergoing lead mitigation or lead abatement activities in a regulated facility, including any common area of these facilities.

Section 845.25 Disclosure Requirements

- a) An owner of a regulated facility who has received a mitigation notice under Section 9 of the Act shall, before entering into a lease agreement for the regulated facility for which the mitigation notice was issued, provide prospective lessees of that unit with written notice that a lead hazard has previously been identified in the regulated facility. An owner may satisfy this notice requirement by providing the prospective lessee with a copy of the inspection report, mitigation notice and subsequent certificate of compliance prepared pursuant to Section 9 of the Act.
- b) Before entering into a residential lease agreement, all owners of regulated facilities built before 1978 shall give prospective lessees information on the potential health hazards posed by lead in residential dwellings by providing the prospective lessee with a copy of an informational brochure on lead. The disclosure and informational brochure shall be consistent with the requirements set forth in 40 CFR 745, "Lead; Requirements for Disclosure of Known Lead-Based Paint and/or Lead-Based Paint Hazards in Housing".
- c) No more than 60 days before beginning renovation activities in any regulated facility, a renovator shall:
 - 1) Provide the owner of the unit with the pamphlet as required in subsection (b) of this Section, and comply with one of the following:

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- A) Obtain from the owner a written acknowledgment that the owner has received the pamphlet; or
 - B) Obtain a certificate of mailing from the United States Postal Service (USPS) at least seven days prior to beginning the renovation; and
- 2) Provide the tenant with the pamphlet required in subsection (b) of this Section and comply with subsections (c)(1)(A) and (B) of this Section, or:
- A) Obtain from the tenant a written acknowledgment that the tenant has received the pamphlet. If the renovator cannot get written acknowledgment from the tenant, the renovator shall document the attempts and the reason why the acknowledgment was not obtained (i.e., tenant refused, no tenant available); or
 - B) Obtain a certificate of mailing from the USPS at least seven days prior to beginning the renovation.

SUBPART B: DEPARTMENT AND DELEGATE AGENCY ACTIVITIES

Section 845.50 Approval of Units of Local Government or Health Departments as Delegate Agencies to Administer and Enforce the Act

- a) The Department may approve units of local government or health departments as delegate agencies to administer and enforce the Act in accordance with individually negotiated delegate agency agreements. No unit of local government or health department shall be approved for this purpose except upon request. Approval shall be rescinded in the event that the delegate agency agreement is subsequently violated. Rescission shall become effective 30 days after the Department serves written notice on the unit of local government or local health department of the Department's intention to rescind approval.
- b) The Department shall approve units of local government or local health departments as delegate agencies that enter into written cooperative agreements with the Department to conduct the activities specified in this Subpart B. The delegate agency shall provide information to the Department on any environmental inspection completed for identified cases and on remediation action taken.

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Section 845.55 Lead Screening

- a) *Every physician licensed to practice medicine in all its branches or health care provider shall screen children 6 months through 6 years of age for lead poisoning who are determined to reside in an area defined as high risk by the Department. (Section 6.2 of the Act) Children residing in areas defined as low risk by the Department shall be assessed for their risk for lead exposure by providing the information contained in the Childhood Lead Risk Assessment Questionnaire provided by the Department.*
- 1) Children determined to be at high risk based upon a Childhood Lead Assessment shall have a blood lead measurement.
 - 2) Children who have elevated screening results shall have follow-up testing.
 - 3) Elevated capillary results 10 mcg/dL and above shall be confirmed by a venous sample.
- b) *Each licensed, registered, or approved health care facility serving children from 6 months through 6 years of age, including, but not limited to, health departments, hospitals, clinics, and health maintenance organizations approved, registered or licensed by the Department, shall take the appropriate steps (referral of children with identified risk factors as defined in the Department-provided Childhood Lead Risk Assessment Questionnaire to a physician or health care provider) to ensure that the patients receive lead poisoning screening, where medically indicated or appropriate, consistent with the risk factors in the Childhood Lead Risk Lead Assessment Questionnaire provided by the Department. (Section 6.2 of the Act) Patients are those children receiving complete health care provided by the approved health care facility.*
- c) Physicians and health care providers may assess children 7 years of age and older in accordance with the Childhood Lead Risk Assessment Questionnaire provided by the Department.
- d) *Each day care center, day care home, preschool, nursery school, kindergarten, or other child-care facility, licensed or approved by the State, including programs operated by a public school district, shall include a requirement that each parent or legal guardian of a child between the ages of 6 months through 6 years provide a statement from a physician or health care provider that the child has been*

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screened or assessed for lead poisoning. This statement shall be provided prior to admission and subsequently in conjunction with physical examinations required by 77 Ill. Adm. Code 665.140 of the Department's rules titled Child Health Examination Code. (Section 7.1 of the Act)

- e) *Nothing in this Part shall be construed to require any child to undergo a lead blood level screening or test whose parent or guardian objects to such screening on the grounds that the screening or test conflicts with his or her religious beliefs. (Section 7.1 of the Act)*

Section 845.60 Reporting

- a) The Department requires the following persons and facilities to report all blood levels to the Department:
- 1) *Every physician who diagnoses, or health care provider, nurse, hospital administrator, or public health officer who has verified information of any person who has a level of lead in the blood in excess of the permissible limits, as defined in Section 845.20, is required to report pursuant to this Section, starting with a confirmed lead level of 10 mcg/dL. (Section 7 of the Act) If the analysis has been performed at the State laboratory, or the provider has ascertained that the clinical laboratory where specimens are processed electronically reports all blood lead level results to the Department, then duplicate reporting of elevated levels is not required.*
 - 2) Directors of clinical laboratories who have verified information of any positive blood lead test results, as defined in Section 845.20, are required to report the results to the Department within 48 hours after receipt of verification. Negative blood lead test results shall be reported to the Department no later than 30 days following the last day of the month in which the test results are obtained by the laboratory. The information included in the clinical laboratory report on positive and negative blood lead test results shall include the blood lead level; the child's name, address, date of birth, sex and race; date of test; test type; date of report; physician and/or clinic, with address; Medicaid identification number (if applicable); and the reporting agency. Verification and test information on positive blood lead test results shall be submitted as a distinct report separate from the cumulated negative blood lead test information. All reports submitted shall identify the report content as either negative or positive blood lead test results.

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- b) Reports required pursuant to this Section shall be made to the Department, and all reported information, including the source of such information, received by the Department shall be considered confidential in nature. Any information submitted to a laboratory at the request of the Department and in accordance with this Part shall be treated as confidential by the laboratory that receives the information on behalf of and as required by the Department. The reports provided under this Section shall be confidential and subject to the provisions of the Medical Studies Act and the Communicable Disease Report Act. It is the right, however, of any patient to obtain his or her own data.
- c) Reports required pursuant to this Section shall be submitted within 48 hours after receipt of verification. Methods of submission can include written or electronic reporting as detailed in Appendix A. Reports submitted shall be considered received by the Department upon entry into the Data Processing system of the Department.
- d) Reports of blood lead levels shall be on the form specified in Appendix A.

Section 845.65 Provision of Data

- a) All reports issued by the Department, which are aggregated to make it impossible to identify any patient, reporting entity, or primary caregiver, shall be made available to the public pursuant to the Freedom of Information Act.
- b) All requests by medical or epidemiologic researchers for confidential data shall be submitted in writing to the Department. The request shall include a study protocol that contains: objectives of the research; rationale for the research, including scientific literature justifying the current proposal; overall study methods, including copies of forms, questionnaires, and consent forms used to contact facilities, physicians or study subjects; methods for documenting compliance with Department of Health and Human Services - Protection of Identity – Research Subjects; 42 CFR 2a.4(a) through (j), 2a.6(a) and (b), 2a.7(a) and (b)(1); methods for processing data; storage and security measures taken to ensure confidentiality of patient identifying information; time frame of the study; a description of the funding source of the study (e.g., federal contract); the curriculum vitae of the principal investigator; and a list of collaborators. In addition, the research request must specify what patient identifying information is needed and how the information will be used. Identifying information concerning the reporting entity will not be made available by the Department. Identifying

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information is defined as any information, collection, or groups of data from which the identity of the patient or reporting entity to which it relates may be discerned, e.g., name, address or ID number.

- c) All requests to conduct research and modifications to approved research proposals involving the use of data that includes patient identifying information shall be subject to a review to determine compliance with the following conditions:
- 1) The request for patient identifying information contains stated goals or objectives;
 - 2) The request documents the feasibility of the study design in achieving the stated goals and objectives;
 - 3) The request documents the need for the requested data to achieve the stated goals and objectives;
 - 4) The requested data can be provided within the time frame set forth in the request;
 - 5) The request documents that the researcher has qualifications relevant to the type of research being conducted;
 - 6) The research will not duplicate other research already underway using the same data when both require the contact of a patient involved in the previously approved concurrent research; and
 - 7) Other conditions relevant to the need for the patient identifying information and the patient's confidentiality rights. (The Department will release only the patient identifying information that is necessary for research.)
- d) The Director or designee will review the request and approve or deny the request. The Information Agreement (Appendix B) shall contain the signatures of the Director and the applicant before data can be provided. Reasons for denial may include the following:
- 1) Confidentiality, privacy and/or security measures are unsatisfactory in the opinion of the Department;

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- 2) Data requested are unavailable or unreliable in the opinion of the Department;
 - 3) The stated purpose does not meet the Department's mission statement;
 - 4) The Department is unable to provide the data in the requested format;
 - 5) The applicant is not an accredited or licensed research institution, a government agency, legislative commission, or other organization with the ability to conduct research, such as a university research center or private research firm; or
 - 6) The information cannot be provided by the requested date.
- e) Denied requests may be revised and resubmitted.
- f) Information Agreements
- 1) The Department will enter into information agreements for all approved research requests. These agreements shall specify the information that is being released and how it can be used in accordance with subsection (c) of this Section. In addition, the researcher shall include an assurance that:
 - A) Use of data is restricted to the specifications of the protocol;
 - B) All data that may lead to the identity of any patient, research subject, physician, other person, or hospital are strictly privileged and confidential, and the researcher agrees to keep all such data strictly confidential at all times;
 - C) All officers, agents and employees will keep all such data strictly confidential. The researcher will communicate the requirements of this Section to all officers, agents and employees, will discipline all persons who may violate the requirements of this Section, and will notify the Department in writing within 48 hours after any violation of this Section, including full details of the violation and corrective actions to be taken;
 - D) All data provided by the Department pursuant to the agreement may be used only for the purposes named in the agreement and any

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other or additional use of the data may result in immediate termination of the agreement by the Department; and

- E) All data provided by the Department pursuant to the agreement are the sole property of the Department and may not be copied or reproduced in any form or manner, except for research use by the researcher, and that all data, copies and reproductions of the data made for the researcher's internal use shall be returned to the Department upon termination of the agreement.
- 2) Any departures from the approved protocol shall be submitted in writing and approved by the Director or designee in accordance with subsections (c) and (d) of this Section prior to initiation. A researcher shall not release identifying information to a third party.
- g) Upon request, the Department shall disclose individual patient or reporting entity information to the reporting entity that originally supplied that information to the Department.
- h) By written reciprocating agreement, the Department may disclose individual patient information concerning residents of another state to the Childhood Lead Poisoning Prevention Program in the individual's state of residence only if the recipient of the information is legally required to hold the information in confidence and provides protection from disclosure of patient identifying information equivalent to the protection afforded by the Medical Studies Act.
- i) The identity of any person (or any group of facts that tends to lead to the identity of any person) whose blood test result is submitted to the Illinois Childhood Lead Poisoning Prevention Program is confidential and shall not be open to public inspection or dissemination. Such information shall not be available for disclosure, inspection or copying under the Freedom of Information Act or the State Records Act. All information for specific research purposes may be released in accordance with procedures established by the Department in this Section.
- j) The patient identifying information submitted to the Department by those entities required to submit information under the Act and this Part is to be used in the course of medical study under the Medical Studies Act and is privileged from disclosure by the Medical Studies Act.

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Section 845.70 Laboratory Fees for Blood Lead Screening

- a) The fee schedule for a sample of blood submitted to the Department for blood lead analysis and necessary follow-up by the Department shall be \$25.75. The fee shall be assessed to the provider who submits the sample. Statements of fee assessment shall be mailed to the submitter of the specimens on a monthly basis. Payment and/or appropriate information as required in subsections (b) and (c) of this Section shall be submitted to the Department upon receipt of the monthly statement.
- b) The Medicaid Recipient Identification Number may be provided for Medicaid eligible recipients in lieu of payment.
- c) Medically indigent recipients shall be those recipients with family incomes under 185% of the federal poverty guidelines, not eligible for Medicaid, and screened by local health departments, Rural Health Clinics, Federally Qualified Health Centers and facilities designated by the Department of Health and Human Services as look-alike Federally Qualified Health Centers. No fee shall be charged for these recipients.
- d) Fees collected from the Department's testing service will be placed in a special fund in the State Treasury known as the Lead Poisoning Screening, Prevention and Abatement Fund.

Section 845.75 Requirements for Licensing of Department and Delegate Agency Personnel

- a) Any Department or delegate agency personnel who conduct lead inspections, lead risk assessments, lead hazard screens, compliance investigations or any combination of these services in a regulated facility in which a child with an elevated blood lead level has been identified shall comply with the following:
 - 1) Complete the required training outlined in Subpart C of this Part to conduct lead investigation services;
 - 2) Be licensed in accordance with Subpart C of this Part to conduct lead investigation services; and
 - 3) Complete the appropriate third party examination as required in Subpart C of this Part.

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- b) Employees of the Department, a delegate agency, or a local health department shall be exempt from licensure fees and third party examination fees required by Subpart C of this Part when those employees' licenses are used only for purposes related to employment at the above-mentioned agencies.
 - 1) Licenses issued pursuant to this Section shall be specifically noted as Health Department Employee (HDE) licenses.
 - 2) The HDE license shall not allow the licensed individual to provide private lead investigation services for personal profit.

Section 845.80 Surveillance and Case Management

- a) Surveillance and Case Management
 - 1) Interviews shall be conducted with the parent or guardian or with attending physicians as needed to assure the accuracy and completeness of reports and to perform the activities of case follow-up for confirmed elevated blood lead levels above 15 mcg/dL.
 - 2) The following activities shall be conducted and documented concerning patient or case follow-up:
 - A) Trace the case;
 - B) Counsel the parent or guardian of the case;
 - C) Educate the parent or guardian of the case;
 - D) Interview the parent or guardian of the case for purposes of collecting, verifying or completing the information identified in Appendix A.Exhibit A and Appendix A.Exhibit B of this Part;
 - E) Refer the parent or guardian of the case for medical treatment when appropriate; and
 - F) Submit completed reports to the Department as specified in the agreement between the delegate agency and the Department.

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- b) *Any delegate agency may establish fees, according to a reasonable fee structure, to be determined by the delegate agency, to cover the costs of drawing blood for blood lead screening and any necessary follow-up. (Section 7.2 of the Act)* Necessary follow-up includes individual case management and environmental management. In accordance with federal regulations, fees may not be charged to Medicaid recipients.

Section 845.85 Environmental Follow-Up

- a) Environmental Investigation of Regulated Facilities - Child Confirmed With Elevated Blood Lead Level
- 1) Upon notification that a child who is an occupant or frequent inhabitant of a regulated facility is reported to have a confirmed blood lead level that would necessitate an environmental investigation, a representative of the Department or a delegate agency is authorized to inspect any regulated facility for the purpose of determining the source of lead poisoning. In the following cases, an environmental investigation and follow-up shall be conducted by the Department or delegate agency:
 - A) If a child has a confirmed blood lead level at or above 20 mcg/dL;
 - B) If a child has three successive confirmed blood lead levels of 15-19 mcg/dL with no time requirement between tests; or
 - C) If a child has a single confirmed blood lead level at or above 10 mcg/dL and the child's physician requests an investigation to determine whether the child should be removed from the regulated facility because of the lead hazard.
 - 2) An investigation of a regulated facility to determine the source of lead poisoning as required by this Section shall be conducted using procedures and guidance outlined in this Section and the documented methodologies specified in Section 845.15, and shall consist of at least the following:
 - A) An interview with the owner or occupant about dwelling or facility use patterns and potential lead hazards, including inquiries regarding:
 - i) Improperly glazed pottery;

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- ii) Ethnic or folk medicines;
 - iii) Hobbies and occupation;
 - iv) Other dwellings;
 - v) International travel; and
 - vi) Recent renovations;
- B) A visual assessment of the condition of the building, appurtenant structures and painted surfaces; and
- C) Environmental sampling of deteriorated paint and dust based upon subsection (a)(4) of this Section.
- 3) Sampling shall be conducted by at least one of the following methods or a combination thereof:
- A) X-Ray fluorescence (XRF) testing. XRF equipment shall be operated in accordance with work practice standards incorporated in Section 845.15 and the manufacturer's operational manual. Surfaces sampled with XRF readings equal to or greater than the levels specified in Section 845.205 are considered to be lead bearing substances.
 - B) Dust wipe sampling. Dust wipe samples shall be collected in accordance with documented methodologies specified in Section 845.15. Dust samples collected with laboratory analysis reported as equal to or greater than the levels specified in Section 845.205 are considered elevated and are considered lead hazards.
 - C) Paint chip sampling. Paint chip samples shall be collected in accordance with documented methodologies specified in Section 845.15. Surfaces where paint chip samples are collected with analysis reported as equal to or greater than the levels specified in Section 845.205 are considered to be lead bearing substances.

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- D) Soil sampling. Soil samples are discretionary based on the visual assessment. If collected, soil samples shall be collected in accordance with documented methodologies specified in Section 845.15. Soil samples with laboratory analysis reported as equal to or greater than the levels specified in Section 845.205 are considered elevated.
 - E) Water sampling. Water samples are discretionary. If collected, water samples shall be collected in accordance with documented methodologies specified in Section 845.15. Water samples with laboratory analysis reported as equal to or greater than the levels specified in Section 845.205 are considered elevated.
- 4) All environmental samples, excluding XRF sampling, shall be submitted to and analyzed by an accredited laboratory, as defined in Section 845.20.
- 5) *Following an investigation, the Department or its delegate agency shall:*
- A) *Prepare an investigation report that shall:*
 - i) State the address of the regulated facility;
 - ii) *Describe the scope of the investigation, the investigation procedures used, and the method of ascertaining the existence of a lead bearing substance in the regulated facility;*
 - iii) *State whether any lead bearing substances were found in the regulated facility;*
 - iv) *Describe the nature, extent, and location of any lead bearing substance that is found;*
 - v) *State either that a lead hazard does exist or that a lead hazard does not exist. If a determination is made that a lead hazard does exist, the report shall describe the source, nature and location of the lead hazard. The existence of intact lead paint does not alone constitute a lead hazard for the purposes of this Section; and*

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- vi) *Give the name of the person who conducted the investigation and the person to contact for further information regarding the investigation and the requirements of this Part and the Act.*
- B) *Provide a copy of the investigation report to the property owner and to the occupants of the regulated facility. If a lead bearing substance is found, the Department or its delegate agency shall attach a brochure containing information on lead abatement and mitigation to the copy of the investigation report provided to the property owner and the occupants of the regulated facility.*
- C) *If the investigation report identifies a lead hazard, the Department or delegate agency shall serve a mitigation notice on the property owner stating that the owner is required to mitigate the lead hazard. The mitigation notice shall indicate the time period in which the owner must complete the mitigation as required by this Section, and shall include information describing mitigation activities that meet the requirements of this Part and the Act.*
- D) *If the source of the lead hazard identified in the investigation report is lead paint or any other leaded surface coating, the lead hazard shall be deemed to have been mitigated if:*
 - i) *The surface identified as the source of the hazard is no longer in a condition that produces a hazardous level of leaded chips, flakes, dust or any other form of leaded substance that can be ingested or inhaled by humans; or*
 - ii) *The surface identified as the source of the hazard is accessible to children and could reasonably be chewed on by children, the surface coating is either removed or covered, or the access to the leaded surface by children is otherwise prevented as prescribed by the Department in this Part.*
- E) *When a mitigation notice is issued for a regulated facility inspected as a result of an elevated blood lead level in a pregnant woman or a child, or if the dwelling unit is occupied by a child under 6 years of age or a pregnant woman, the owner shall*

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mitigate the hazard within 30 days after receiving the notice; otherwise, the owner shall complete the mitigation within 90 days.

- F) *An owner may apply to the Department or its delegate agency for an extension of the deadline for mitigation.*
- G) *The Department or its delegate agency may, after the deadline set for completion of mitigation, conduct a follow-up inspection of any regulated facility for which a mitigation notice was issued for the purpose of determining whether the mitigation actions required have been completed and whether the activities have sufficiently mitigated the lead hazard. The Department or its delegate agency may conduct a follow-up inspection upon the request of an owner or resident. If, upon completing the follow-up inspection, the Department or its delegate agency finds that the lead hazard for which the mitigation notice was issued is not mitigated, the Department or its delegate agency shall serve the owner with notice of the deficiency and a mitigation order. The order shall indicate the specific actions the owner must take to comply with the mitigation requirements of the Act, which may include abatement if abatement is the sole means by which the lead hazard can be mitigated. The order shall also include the date by which the mitigation shall be completed. If, upon completing the follow-up inspection, the Department or delegate agency finds that the mitigation requirements of the Act have been satisfied, the Department or delegate agency shall provide the owner with a certificate of compliance stating that the required mitigation has been accomplished. (Section 9 of the Act)*
- b) Mitigation or Abatement of Lead Hazards in Regulated Facilities. Lead mitigation or lead abatement activities shall not result in lead contamination of areas outside of the abatement work area. The removal of lead bearing substances from regulated facilities shall be conducted in a manner that will not endanger the health or well-being of occupants and will result in the safe removal of lead bearing substances from the work area and the safe disposal of flakes, chips, debris, dust, and other lead bearing substances. Lead hazard repairs shall be completed within the time specified after receipt of written notification. Lead mitigation or lead abatement activities required by this Section may be conducted using any or all of the procedures outlined, or as prescribed by the Department or its delegate agency.

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- 1) All loose paint shall be moistened and carefully scraped from defective surfaces. These areas shall then be covered with contact paper, cloth, canvas, or other material that will create an intact surface for the purpose of preventing the paint chips from falling on the floor. All debris shall be collected and sealed in plastic bags for proper disposal.
- 2) Any surfaces that have collected dust shall be cleaned by damp mopping with a detergent and water solution or a phosphate-free, lead-dissolving detergent.
- 3) A mitigation plan shall be submitted by the owner or its agent to the Department or delegate agency, specifying the method or methods by which surfaces that will be managed in place are to be maintained in an intact condition. The plan shall include an inspection schedule that includes inspection by the owner or its agent at least annually, and a maintenance schedule. Any surfaces that are not intact, as determined through an inspection, shall be repaired using the mitigation techniques specified in this Section.
- 4) Alternative Procedures
 - A) The Department or delegate agency may allow an alternative procedure for lead abatement, lead mitigation, containment or cleanup of a lead paint hazard, provided that the owner submits to the Department or delegate agency a written description of the alternative procedure that demonstrates to the satisfaction of the Department or delegate agency that the proposed alternative procedure provides a level of abatement and safety at least equivalent to the requirements of this Section.
 - B) In all cases in which the Department or delegate agency allows the use of an alternative procedure, the owner and occupant shall, for a one-year period after completion of the lead abatement or lead mitigation project, permit the Department or delegate agency to enter and inspect the area of abatement for the purpose of determining the effectiveness and durability of the allowed alternative procedure.

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- c) Regulated Facilities Not Requiring Abatement or Mitigation. Notwithstanding any other provision of this Part, abatement or mitigation is not required when the property owner enters into a stipulation with the Department that will protect children from exposure to lead bearing substances. The stipulation shall be by written agreement, and shall provide that any violation of the agreement shall cause the immediate issuance of a mitigation or abatement order. Examples of conditions that may be included in a stipulation entered into by the property owners and the Department are as follows:
- 1) The property shall be demolished; or
 - 2) The property shall be vacated.

SUBPART C: TRAINING COURSE APPROVAL AND
LICENSING OF INDIVIDUALS AND FIRMS

Section 845.100 Approval of Training Program Providers

- a) Any firm providing lead training in Illinois to individuals seeking certification and licensure in accordance with the Act and this Part, and requirements outlined in USEPA regulations (40 CFR 745), is required to be approved in accordance with the Act and this Part.
- 1) A person seeking approval as a training program provider shall submit a completed written application to the Department containing the following information:
 - A) The training program provider's name, address and telephone number;
 - B) A list of courses for which approval is sought, including the requirements for each course as specified in Section 845.105;
 - C) A statement signed by the program training manager certifying that the training program meets all of the requirements established in this Section;
 - D) A copy of the student and instructor manuals to be used for each course;

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- E) A copy of the agenda for each course;
- F) A description of the facilities and equipment to be used for lecture and hands-on training;
- G) A description of the examination for each discipline indicating the percentage of examination questions relating to each course objective;
- H) The final examination for each course, the answer key for the examination and the criteria for pass/fail (at least 70% correct to pass);
- I) An example of the certificate of course completion, which shall include:
 - i) Student name;
 - ii) An identification number unique to each student;
 - iii) The course name;
 - iv) Dates of the course;
 - v) Exam date;
 - vi) Name, address and telephone number of the training program provider;
 - vii) A statement that the course is approved by the Department;
 - viii) A statement that the student has completed the course and passed the course examination; and
 - ix) Signature of the training manager;
- J) A description of the activities and procedures that will be used for conducting and assessing hands-on skills requirements;
- K) A quality control plan, which shall include:

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- i) Procedures for periodic revision of training materials and the course examination to reflect innovations in the lead industry;
 - ii) Procedures for the training manager's annual review of principal instructors' and guest instructors' competencies;
 - iii) Procedures and protocols for re-administration of course exam in case of student failure;
 - iv) An instructor-to-student ratio no greater than 1:30 for lecture portions and 1:15 for hands-on portions;
- L) The name of the training manager employed by the training program provider, with supporting qualifications as required by this Section, including the completed Training Manager Qualifications form provided by the Department; and
- M) The name of the principal instructor employed by the training program provider for each discipline, with supporting qualifications as required by this Section, including the Principle Instructor Qualifications form provided by the Department.
- b) The training program provider shall employ a training manager with the following minimum requirements and responsibilities.
- 1) Requirements
 - A) A resume or letters of reference documenting at least two years of experience, education, or training in teaching adults; and
 - B) Education and/or work experience equivalent to the following:
 - i) A bachelor's degree or higher degree in building construction technology, engineering, industrial hygiene, safety, public health, education, business administration or program management or a related field; or

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- ii) A resume or letters of reference documenting at least two years of experience in managing a training program specializing in environmental hazards; and experience, education or training in lead or asbestos abatement, construction, painting, carpentry, renovation, remodeling, occupational safety and health, or industrial hygiene.
- 2) Responsibilities
 - A) Ensuring that the training program complies at all times with the requirements of this Part;
 - B) All formal correspondence such as training course certificates, approval requests and renewal applications;
 - C) Maintaining training program records and making those records available to the Department, as specified in this Section;
 - D) Designating a qualified principal instructor for each discipline as required by subsection (c) of this Section; and
 - E) Designating guest instructors as needed to provide instruction specific to the lecture, hands-on activities, or work practice components of a course.
 - c) The training program provider shall employ a principal instructor for each discipline, with the following minimum requirements and responsibilities:
 - 1) A resume or letters of reference documenting at least two years of demonstrated experience, education or training in teaching workers or adults; and
 - 2) A current Department-approved training course certificate for the lead disciplines for which he/she is designated as principal instructor.
 - d) The principal instructor shall be responsible for the organization of the course and oversight of the teaching of all course material.

Section 845.105 Lead Training Course Approval Requirements

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- a) Requirements for Approval of Lead Inspector Training Courses. To obtain approval for a lead inspector training course, a training program provider shall submit information to confirm that the program provides:
- 1) A minimum of 24 training hours, with a minimum of 8 hours devoted to hands-on activities. The course topic requirements shall include the following (requirements ending in an asterisk (*) require lecture and hands-on activities):
 - A) Role and responsibilities of a lead inspector;
 - B) Information on lead and the adverse health effects of lead exposure;
 - C) Information on federal, State and local regulations and guidance pertaining to lead-based paint and lead-based paint activities;
 - D) Lead-based paint inspection methods, including selection of rooms and components for sampling or testing;*
 - E) Paint, dust and soil sampling methodologies;*
 - F) Clearance standards and testing, including random sampling;*
 - G) Preparation of the final inspection report;* and
 - H) Record keeping.
 - 2) The one day (8 hour) Lead Inspector refresher course content shall be the same as the course content specified in subsection (a)(1) of this Section, and any current safety practices, new laws and regulations, and current technologies relating to lead-based paint activities. Requirements ending in an asterisk indicate areas that require refresher hands-on activities.
- b) Requirements for Approval of Risk Assessor Training Courses. To obtain approval for a risk assessor training course, a person shall submit information to confirm that the course provides:
- 1) A minimum of 16 training hours, with a minimum of 4 hours devoted to hands-on activities. The course topic requirements shall include the

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following (requirements ending in an asterisk require lecture and hands-on activities):

- A) Assurance to the Department that a lead inspector training course certificate of completion is required of each applicant as a prerequisite for risk assessor training course attendance;
 - B) Role and responsibilities of the risk assessor;
 - C) Collection of necessary building information required to perform a lead risk assessment;
 - D) Sources of environmental lead contamination (paint, surface dust and soil, water, air, packaging and food);
 - E) Visual inspection procedures for the purpose of identifying potential sources of lead-based paint hazards;*
 - F) Lead hazard screening protocol;
 - G) Sampling for sources of lead exposure;*
 - H) Interpretation of lead-based paint and other lead sampling results, including all applicable State and federal guidance pertaining to lead-based paint hazards (i.e., federal statutes and regulations);*
 - I) Development of hazard-control options, the role of interim controls, and operations and maintenance activities to reduce lead-based paint hazards; and
 - J) Preparation of a final lead risk assessment report.
- 2) The one day (8 hour) lead risk assessor refresher course content shall be the same as the course content specified in subsection (b)(1) of this Section, and any current safety practices, new laws and regulations, and current technologies relating to lead-based paint activities. Requirements ending in an asterisk indicate areas that require refresher hands-on activities.

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- c) Requirements for Approval of Lead Worker Training Courses. To obtain approval for a lead worker training course, a person shall submit information to confirm that the course provides:
- 1) A minimum of 24 training hours, with a minimum of 8 hours devoted to hands-on activities. The course topic requirements shall include the following (requirements ending in an asterisk require lecture and hands-on activities):
 - A) Role and responsibilities of a lead abatement worker;
 - B) Information on lead and the adverse health effects of lead exposure;
 - C) Information on federal, State and local regulations;
 - D) Lead-based paint hazard recognition and control;*
 - E) Lead-based paint abatement and lead-based paint hazard reduction methods, including restricted practices;*
 - F) Interior dust abatement methods/cleanup;*
 - G) Soil and exterior dust abatement methods;* and
 - H) Respiratory protection, including review of the OSHA Lead Standard.
 - 2) The one day (8 hour) lead worker refresher course content shall be the same as the course content specified in subsection (c)(1) of this Section, and any current safety practices, new laws and regulations, and current technologies relating to lead-based paint activities. Requirements ending in an asterisk indicate areas that require refresher hands-on activities.
- d) Requirements for Approval of Supervisor Training Courses. To obtain approval for a lead supervisor training course, a person shall submit information to confirm that the course provides:
- 1) A minimum of 32 training hours, with a minimum of 8 hours devoted to hands-on activities. The course topic requirements shall include the

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following (requirements ending in an asterisk require lecture and hands-on activities):

- A) Role and responsibilities of a lead supervisor;
- B) Information on lead and its adverse health effects;
- C) Information on federal, State and local regulations and guidance that pertain to lead-based abatement;
- D) Liability and insurance issues relating to lead-based abatement;
- E) Lead risk assessment and inspection report interpretation;*
- F) Development and implementation of an occupant protection plan and abatement report;
- G) Lead-based paint hazard recognition and control;*
- H) Lead-based paint abatement and lead-based paint hazard reduction methods, including restricted practices;*
- I) Interior dust abatement/cleanup;*
- J) Soil and exterior dust abatement;*
- K) Clearance standards and testing;
- L) Cleanup and waste disposal;
- M) Record keeping;
- N) Integration of lead-based paint abatement methods with modernization and rehabilitation projects for large scale abatement projects; and
- O) Respiratory protection, including review of the OSHA Lead Standard.

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- 2) The one day (8 hour) lead supervisor refresher course content shall be the same as the course content specified in subsection (d)(1) of this Section, and any current safety practices, new laws and regulations, and current technologies relating to lead-based paint activities. Requirements ending in an asterisk indicate areas that require refresher hands-on activities.
- e) Approval of Lead Alternative Course Schedules.
- 1) An Alternative Course Schedule is defined as:
 - A) Any training agenda that includes a training day of more than 8 hours, but fewer than 12 hours. Courses that consist of more than 12 hours of training per day will not be approved by the Department (Note: a training hour consists of 50 minutes of training time);
 - B) Any training agenda that includes a training day of fewer than 8 hours;
 - C) Any training agenda that includes more training days than required by this Part;
 - D) Any training agenda that includes fewer training days than required by this Part;
 - E) Any altered training course that may be offered in addition to the standard lead training course (an example is a training course provider offering the standard 3-day (8 hours per day) lead abatement worker course and also a four-day lead abatement worker course); or
 - F) Any combined training course that covers more than one training course discipline.
 - 2) Application for Alternative Course Schedules shall be made in accordance with the appropriate discipline requirements set forth in this Section.
- f) Approval of Foreign Language Courses. The lead worker training course discipline is the only discipline that will be approved to be offered in a foreign language. All other lead training course disciplines shall be offered in English.

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Foreign language lead worker disciplines shall meet all of the requirements specified in subsection (c) of this Section. All foreign language course manuals, exams and other course material required by this Section shall be provided in both the language in which the course is to be offered and English.

Section 845.110 Lead Training Course Notification Requirements

- a) Notification of Course Schedules and Course Cancellations
 - 1) Notification of upcoming lead courses shall be made to the Department no later than 7 calendar days prior to the start of all Department-approved courses. The notification shall be made for all courses offered in Illinois and all adjoining states. Prior notification is not required when courses are offered in states other than Illinois and adjoining states; however the following conditions shall apply separately and jointly:
 - A) Upon request by the Department, the training program provider shall provide the Department with a copy of the notification of upcoming or past lead courses as submitted to the USEPA authorized lead program in the state or tribal area where the approved lead training course is offered.
 - B) Upon request by the Department, the training program provider shall provide the Department with a copy of the class roster as required by this Section.
 - C) The Department may verify that the notification was submitted to and received by a USEPA authorized lead program in accordance with the requirements established by such state or tribal agency.
 - 2) The Department provides a class notification form in the application package to all training program providers. If the class notification form provided by the Department is not used, the following information shall be submitted to the Department to be used as the class notification:
 - A) Name of training program provider;
 - B) Location where the course is to be held, including street address, city and state;

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- C) Which lead discipline is to be taught and in which language, including indication of initial or refresher course;
 - D) Course start date and end date (days of course need not be consecutive, but no more than 10 calendar days shall lapse between the start date of the course and the completion of the course and/or course examination); and
 - E) Course start time and end time.
- 3) Notice of cancellation of courses shall be made to the Department no later than the day the course is scheduled to be conducted.
- b) Class rosters shall be submitted to the Department within 7 calendar days after completion of the course. The Department provides a class roster report form in the application package to all training program providers. If the class roster form provided is not used, the following information shall be submitted to the Department to be used as the class roster:
- 1) Name of approved training program provider;
 - 2) Name of course (lead discipline);
 - 3) Type of course (initial or refresher);
 - 4) Language of course;
 - 5) Course location;
 - 6) Course hours;
 - 7) Start date;
 - 8) End date;
 - 9) Exam date;
 - 10) Instructors;
 - 11) Student names;

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- 12) Social Security number or unique identification number assigned by the training program provider to each student;
- 13) Certificate number unique to each certificate issued; and
- 14) Student percent score on course examination.

Section 845.115 Application Fees for Approval and Renewal of Lead Training Courses

- a) All lead training course approvals expire on October 15 of each year.
- b) Application fees for all lead training courses are as follows:
 - 1) Fees will be waived for any state or unit of local government seeking approval as a training provider;
 - 2) Initial training course for each discipline: \$500 per course;
 - 3) Refresher training course for each discipline: \$250 per course; and
 - 4) Late fees for each discipline: \$50 per course.
- c) Alternative course schedules:
 - 1) If the only course being offered in a lead discipline is an alternative course schedule, then the fees outlined in subsections (b)(2) and (3) of this Section shall apply.
 - 2) If the training program provider is approved to conduct the standard lead course for a specific discipline, the application fee for an alternative course schedule of that discipline shall be \$100.
- d) Applications for renewal of all lead training course approvals must be received by September 15 of each year. If the renewal application is received after September 15, a \$50 late fee shall be charged per course.
 - 1) To renew a training course that has been expired for fewer than 3 years, the training program provider shall pay the current application fee, plus a reinstatement fee of \$100 for each year the course approval is expired.

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- 2) To renew a training course that has been expired for a period of 3 years or more, the training program provider shall re-submit the complete training course with the appropriate application and fees for review and approval as required by Section 845.105.

Section 845.120 Lead Training Program Provider Record Keeping Requirements

- a) Training program records shall be made available to the Department for review as follows.
 - 1) The training program provider shall retain records at the address specified on the training program provider approval application (or as modified) for a minimum of 4 years.
 - 2) The training program provider shall notify the Department in writing before changing the address specified on its training program provider approval application or transferring records from that address to a new address.
 - 3) The Department shall have the authority to enter, inspect and audit training activities and training records to determine compliance with the Act and this Part.
 - 4) Training records that shall be maintained by the training program provider include the following:
 - A) All materials specified in Section 845.100 that have been submitted to the Department as part of the program's approval;
 - B) Current curriculum/course materials and documents reflecting any changes made to these materials;
 - C) Results of the students' hands-on skills assessments and course examinations and a record of each student's course completion certificate;
 - D) Qualifications for each guest instructor designated by the training manager in accordance with Section 845.100, including: resume,

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letters of reference, documentation of work experience, certifications, professional licenses, etc.; and

- E) Approval letters from the Department for the training manager, principal instructors, each training course and course modifications.

Section 845.125 Individual Licensing Requirements for Lead Activities

- a) To conduct any lead services, including lead inspection, lead risk assessment, lead hazard screen, lead mitigation and lead abatement work and supervision, in a regulated facility in Illinois, an individual shall be licensed in accordance with the Act and this Section. To qualify for a license as a lead inspector, lead risk assessor, lead supervisor or lead worker, an applicant shall meet the following requirements:
 - 1) Be at least 18 years of age;
 - 2) Submit the Department-approved lead training course certificate.
 - A) The training course completed shall be for the discipline for which licensure is sought.
 - B) Training course certificates are valid for 3 years from the date the applicant passed the approved lead training course examination.
 - C) Training course certificates shall be renewed every 3 years by successfully completing a Department-approved refresher training course in the appropriate discipline.
 - D) If 4 years have passed since the applicant passed the approved training course examination, the training course certificate cannot be refreshed. An applicant is required to complete the initial lead training course as required by this Section;
 - 3) Submit a recent 1" x 1" photograph of the applicant for proper identification of the licensee. The picture shall have the printed name of applicant on the reverse side. The license will not be issued without an identification photograph;

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- 4) Submit the appropriate completed application form provided by the Department;
 - 5) Submit the required license application fee; and
 - 6) For applicants seeking licensure as a lead inspector, lead risk assessor and lead supervisor, the applicant must meet the third party examination requirements of subsection (e) of this Section and Section 845.135 of this Part.
- b) Fees for Lead Licensure, Renewal, Late Renewals and Reinstatement of Expired Licenses
- 1) Applicants for an initial lead license or renewal of an existing lead license shall pay an annual non-refundable fee as specified below:
 - A) Lead worker license - \$50;
 - B) Lead supervisor license - \$100;
 - C) Lead inspector license - \$100; and
 - D) Lead risk assessor license - \$100.
 - 2) In addition to the annual renewal license fee, an applicant shall pay a non-refundable late fee of \$25:
 - A) If a renewal application for a lead inspector or lead risk assessor license is received after January 1; or
 - B) If a renewal application for a lead worker or a lead supervisor license is received after March 1.
 - 3) An applicant whose license has been expired for a period less than 3 years may apply to the Department for reinstatement of the license. The Department shall issue a reinstated license provided that:
 - A) The applicant pays to the Department the current license fee applicable to the discipline to be reinstated, in accordance with subsection (b)(1).

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- B) The applicant pays a non-refundable reinstatement fee based on the following:
- i) Lead workers: \$25 for each year the license has expired; and
 - ii) Lead supervisors, inspectors and lead risk assessors: \$50 for each year the license has expired.
- 4) A license that has been expired for more than 3 years may be restored only by submitting a new application in accordance with subsection (a) of this Section.
- c) All lead licenses expire annually in accordance with the following:
- 1) Lead inspector and lead risk assessor licenses expire January 31 of each year, except that a first-time license issued after October 31 and before January 31 shall expire the next following January 31; and
 - 2) Lead worker and lead supervisor licenses expire March 31 of each year, except that a first-time license issued after December 31 and before March 31 shall expire the next following March 31.
- d) Renewal of License. Any license issued pursuant to this Part may be renewed if the licensee submits:
- 1) The completed renewal application;
 - 2) The non-refundable license renewal fee outlined in subsection (b)(1);
 - 3) A recent 1" x 1" photograph of the applicant for proper identification of the licensee. The picture shall have the printed name of the applicant on the reverse side. The license shall not be issued without an identification photograph; and
 - 4) A current certificate of completion from a Department-approved training course in accordance with subsection (a)(2) of this Section.

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- e) In addition to meeting the general requirements outlined in subsections (a) and (b) of this Section, lead inspector, lead risk assessor and lead supervisor disciplines have specific training course requirements, examination and education and experience requirements as specified in this subsection (e):
- 1) To qualify for a license as a lead risk assessor, a person shall:
 - A) Submit the training course completion certificates, including one of the 2 following combinations:
 - i) An initial lead inspector training course certificate and any subsequent refresher certificates required to maintain accreditation as outlined in subsection (a) of this Section, and an initial lead risk assessor training course certificate and any subsequent refresher certificates required to maintain accreditation as outlined in subsection (a) of this Section; or
 - ii) An initial lead risk assessor training course certificate and any subsequent refresher certificates required to maintain accreditation as outlined in subsection (a) of this Section, and a current Illinois lead inspector license;
 - B) Possess one of the following combinations of education and experience:
 - i) A bachelor of science degree in engineering, or an environmental or health-related field; or
 - ii) A bachelor's degree in any discipline and one year of experience in a related field (e.g., lead, asbestos or environmental remediation work, or construction); or
 - iii) An associate's degree in any discipline and 2 years of experience in a related field (e.g., lead, asbestos or environmental remediation work, or construction); or
 - iv) A high school diploma (or equivalent) and at least 3 years of experience in a related field (e.g., lead, asbestos or environmental remediation work, or construction); or

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- v) Licensure as an industrial hygienist, professional engineer, architect or environmental health practitioner; and
 - C) Pass the Department's third party examination for lead risk assessor as required by Section 845.135.
- 2) To qualify for a license as a lead inspector, a person shall:
- A) Submit the training course completion certificates, including an initial lead inspector training course certificate and any subsequent refresher certificates required to maintain accreditation as outlined in subsection (a) of this Section; and
 - B) Pass the Department's third party examination for lead inspector as required by Section 845.135.
- 3) To qualify for a license as a lead supervisor, a person shall:
- A) Submit the training course completion certificates, including an initial lead supervisor training course certificate and any subsequent refresher certificates required to maintain accreditation as outlined in subsection (a) of this Section; and
 - B) Meet the experience requirements as follows:
 - i) One year of experience as a certified lead-based paint abatement worker; or
 - ii) Two years of experience in a related field (e.g., lead, asbestos or environmental remediation work) or in the building trades.
 - C) Pass the Department's third party examination for lead supervisor as required by Section 845.135.

Section 845.130 Requirements for Lead Abatement Contractor Licensing

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- a) To conduct any lead mitigation or lead abatement activities in a regulated facility in Illinois, a person shall be licensed in accordance with the Act and this Section. To qualify for licensure as a lead abatement contractor, an applicant shall:
- 1) Submit a completed application on a form provided by the Department;
 - 2) Submit a \$500 non-refundable licensure fee.
 - A) A \$250 non-refundable licensure fee, in lieu of the \$500 fee, may be submitted for initial license applications received and approved by the Department between December 1 and March 1 for licenses that will expire on May 31 of the current year.
 - B) A \$750 non-refundable licensure fee, in lieu of the \$500 fee, may be submitted for initial license applications received and approved by the Department between December 1 and March 1 for licenses that will expire May 31 of the following year;
 - 3) Submit the name of the person with a valid Illinois lead supervisor license who will act as the designated lead supervisor for the lead abatement contractor. The license must be held by the contractor or an employee of the contractor;
 - 4) Submit a written statement signed by the contractor specifying that only lead workers licensed by the Department will be employed for lead abatement;
 - 5) Submit a copy of the contractor's written standard operating procedures and employee protection plan, which shall include the following:
 - A) A description of medical monitoring, respirator training and personal protective equipment programs required in Respiratory Protection Standard (OSHA); and
 - B) A description of safe work practices to be used when conducting lead mitigation or lead abatement that ensure compliance with this Part. The supervisor training curricula used for training of the designated licensed lead supervisor provides guidance and direction on standard operating procedures for lead safe work

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practices and should be referred to when preparing the work practices manual; and

- 6) Submit a description of all legal proceedings, lawsuits or claims that have been filed or levied against the contractor or any of his/her past or present employees or companies in regard to construction-related activities. If there are no claims against the contractor, then a signed statement to that effect shall be submitted to the Department.
- b) Renewal of License. All lead abatement contractor licenses shall be renewed annually. All licenses shall expire on May 31 of each year.
- 1) If a renewal application is received after April 30, the applicant shall pay a non-refundable late fee of \$100, in addition to the \$500 non-refundable renewal fee.
 - 2) An applicant whose license has expired for a period of 3 years or less may apply to the Department for reinstatement of the license. The license shall be reinstated if the applicant submits to the Department the current license fee and a reinstatement fee of \$100 for each year the license was expired.
 - 3) A license that has expired for more than 3 years is not eligible for renewal. In such instances, the applicant shall submit an initial application and supporting documentation as required by this Section.

Section 845.135 Third Party Examination Requirements

- a) Applicants for lead inspector, risk assessor and supervisor licenses are required to pass the Department's third party examination.
- 1) To qualify to take the third party examination, an applicant shall:
 - A) Comply with the requirements of Section 845.125;
 - B) Submit a completed third party examination application form provided by the Department; and
 - C) Submit a \$50 non-refundable third party examination application fee for each separate discipline examination each time the examination is taken.

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- 2) The Department shall provide, by mail, the following to applicants who qualify to take the third party examination:
 - A) Date, time and location for the applicant to take the third party examination;
 - B) A detailed information packet, instructions for registration at the examination site, and directions to the facility where the examination is being administered; and
 - C) Date the Department accepted the application.
- b) When an applicant receives a passing score on the third party examination, the Department shall issue the license to the applicant in the discipline for which the applicant qualifies, in accordance with Section 845.125.
- c) If the applicant does not pass the third party examination:
 - 1) The Department will notify the applicant in writing;
 - 2) The applicant may reapply to the Department to take the third party examination again. An applicant may take the third party examination no more than 3 times within the 6 months. If an applicant does not pass the third party examination within the 6 months, the applicant must retake the initial training course for that discipline from a Department-approved training program provider before reapplying for approval to take the third party examination.

Section 845.140 Reciprocity Requirements

- a) Each applicant for licensure who is licensed or certified by another USEPA authorized state or tribal lead program in any of the disciplines specified in Section 845.125 may request reciprocal licensure.
 - 1) The Department shall evaluate the requirements for licensure established by the other authorized state or tribal program and shall issue the license if the Department determines that the requirements for licensure by that program are as protective of health and the environment as the requirements for licensure in Illinois.

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- 2) To be considered for reciprocal license, each applicant for licensure pursuant to this Section shall submit:
 - A) The appropriate application as required in Section 845.125;
 - B) Supporting documentation from the USEPA authorized state or tribal program for which reciprocity is being requested, including:
 - i) Copies of the initial training certificate and subsequent refresher certificates required to maintain accreditation as required by that authorized program;
 - ii) Copies of the applicant's license issued by the authorized program, if applicable; and
 - iii) Copies of the results of the third party examination administered by the authorized program, if applicable.
- b) Applicants requesting third party examination reciprocity of an examination offered by another authorized state or tribal program shall pass the Illinois Reciprocal Supplemental Examination (IRSE) as required by this Section. The IRSE is used to evaluate the applicant's understanding of Illinois' requirements.
 - 1) The Department shall provide, by mail, the following to applicants who are required to pass the IRSE:
 - A) The IRSE application;
 - B) The IRSE form;
 - C) Copies of the Act and this Part; and
 - D) Date the Department accepted the reciprocal application.
 - 2) The applicant shall:
 - A) Complete and submit the IRSE application;
 - B) Submit the \$50 non-refundable IRSE fee; and

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- C) Submit the completed IRSE form.
- 3) The applicant may use any resource material for completion of the IRSE form.
- 4) When an applicant receives a score of at least 70% on the IRSE, the Department shall issue the reciprocal license to the applicant in the discipline for which the applicant qualifies, in accordance this Section.
- 5) If the applicant does not pass the IRSE:
 - A) The Department will notify the applicant in writing;
 - B) The applicant may reapply to the Department to complete the IRSE again. An applicant may attempt to pass the IRSE twice within one month after the Department accepts the application for reciprocal licensure.
- c) If an applicant does not pass the IRSE within one month after the Department accepts the reciprocal application for licensure, the applicant must take a Department-approved refresher training course for the discipline for which the applicant is seeking Illinois licensure.
- d) Reciprocal licenses shall expire in accordance with Section 845.125.
- e) Applicants for renewal of an existing reciprocal lead license shall pay an annual non-refundable fee as specified in accordance with Section 845.125.

SUBPART D: RESPONSIBILITIES OF LICENSED INDIVIDUALS,
CONTRACTORS AND APPROVED TRAINING PROGRAM PROVIDERS

Section 845.150 Lead Worker Responsibilities

- a) Any individual conducting lead mitigation and lead abatement is required to be licensed as a lead worker in accordance with the Act and Section 845.125. The licensed lead worker is responsible for the following:
 - 1) Compliance with the Act and this Part;

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- 2) Following the direction and guidance provided by a licensed lead supervisor as outlined in the Work Practice and Occupant Protection Plan required by Section 845.255;
 - 3) Proper implementation of lead mitigation and lead abatement methods; and
 - 4) Using work practices that:
 - A) Ensure the safety of the workers involved in the lead mitigation and lead abatement activities;
 - B) Ensure the safety of the occupants of the regulated facility; and
 - C) Control dust produced during mitigation or abatement of lead bearing surfaces or coatings.
- b) The lead worker shall possess the valid and current license issued by the Department on-site at any lead mitigation or lead abatement project.
 - c) Licensed lead workers can conduct lead mitigation and lead abatement activities only with a licensed lead abatement contractor under the direct supervision of a licensed lead supervisor.

Section 845.155 Lead Supervisor Responsibilities

- a) Any individual supervising lead mitigation and lead abatement work practices is required to be licensed as a lead supervisor in accordance with the Act and Section 845.125. The licensed lead supervisor is responsible for the following:
 - 1) Compliance with the Act and this Part;
 - 2) Development and implementation of the Work Practice and Occupant Protection Plan required by Section 845.255;
 - 3) Ensuring proper implementation of lead mitigation and lead abatement methods;
 - 4) Enforcing work practices that:

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- A) Ensure the safety of the workers involved in the lead mitigation and lead abatement activities;
 - B) Ensure the safety of the occupants of the regulated facility; and
 - C) Control dust produced during mitigation or abatement of lead bearing surfaces or coatings;
- 5) Assuring that all lead workers conducting lead mitigation and lead abatement are licensed in accordance with Section 845.125.
- A) The lead supervisor shall maintain on-site copies of licenses for each of the lead workers conducting lead mitigation and lead abatement; and
 - B) The lead supervisor shall ensure that each lead worker conducting lead mitigation and lead abatement possesses the valid and current license issued by the Department on-site;
- 6) Being on-site and overseeing all lead mitigation and lead abatement that are occurring;
- 7) Assuring that all lead mitigation and lead abatement work is conducted in accordance with the Act and Subpart F of this Part; and
- 8) Providing a written document stating that all lead mitigation and lead abatement identified in the Work Practice and Occupant Protection Plan have been completed. The document shall be provided to the owner of the regulated facility and the licensed lead inspector or lead risk assessor conducting the compliance investigation.
- b) A licensed lead supervisor can conduct lead mitigation and lead abatement activities only with a licensed lead abatement contractor. The licensed lead supervisor can conduct lead mitigation and lead abatement without a lead worker license.

Section 845.160 Lead Inspector Responsibilities

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Any individual conducting lead inspections in regulated facilities in Illinois is required to be licensed as a lead inspector in accordance with the Act and Section 845.125. The licensed lead inspector is responsible for the following:

- a) Compliance with the Act and this Part;
- b) Conducting lead inspections in accordance with Section 845.210;
- c) Conducting compliance investigations in accordance with Section 845.225;
- d) Using procedures that:
 - 1) Ensure the safety of the occupants of the regulated facility; and
 - 2) Control dust and debris produced during lead inspections;
- e) Submitting quarterly reports to the Department identifying:
 - 1) The number of lead inspections conducted, including the addresses of the regulated facilities; and
 - 2) The number of compliance investigations conducted for lead mitigation and lead abatement projects, including the addresses of the regulated facilities; and
- f) Maintaining records required by Section 845.230.

Section 845.165 Lead Risk Assessor Responsibilities

Any individual conducting lead risk assessment services in a regulated facility in Illinois is required to be licensed as a lead risk assessor in accordance with the Act and Section 845.125. The licensed lead risk assessor is responsible for the following:

- a) Compliance with the Act and this Part;
- b) Conducting lead risk assessments in accordance with Section 845.215;
- c) Conducting lead inspections in accordance with Section 845.210;
- d) Conducting lead hazard screens in accordance with Section 845.220;

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- e) Conducting compliance investigations in accordance with Section 845.225;
- f) Using procedures that:
 - 1) Ensure the safety of the occupants of the regulated facility; and
 - 2) Control dust and debris produced during lead risk assessment services;
- g) Submitting quarterly reports to the Department identifying:
 - 1) The number of lead inspections conducted, including the addresses of the regulated facilities;
 - 2) The number of lead risk assessments conducted, including the addresses of the regulated facilities;
 - 3) The number of lead hazard screens conducted, including the addresses of the regulated facilities; and
 - 4) The number of compliance investigations conducted for lead mitigation and lead abatement projects, including the addresses of the regulated facilities; and
- h) Maintaining records required by Section 845.230.

Section 845.170 Lead Abatement Contractor Responsibilities

Any person conducting lead mitigation and lead abatement work in a regulated facility is required to be licensed as a lead abatement contractor in accordance with the Act and Section 845.130. The licensed lead abatement contractor is responsible for the following:

- a) Compliance with the Act and this Part;
- b) Comprehensive knowledge about general renovation techniques, including lead-based paint (LBP) mitigation and abatement;
- c) Assuring that all lead workers and lead supervisors have received Department-approved lead training on engineering controls and good work practices relating

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to lead mitigation and lead abatement and on the importance of adherence to these controls and practices;

- d) Assuring that all lead workers employed by the lead abatement contractor possess a current and valid lead worker license issued by the Department;
- e) Employing a licensed lead supervisor;
- f) Assigning a licensed lead supervisor to oversee all project activities for each lead mitigation and lead abatement project;
- g) Assuring the safety of workers and preparing a personnel protection plan;
- h) Assuring that all lead mitigation and lead abatement work is conducted in accordance with the Act and this Part;
- i) Assuring that the Work Practice and Occupant Protection Plan required by Section 845.255 is developed and implemented for each lead mitigation and lead abatement project that is conducted;
- j) Submitting the required notification outlined in Section 845.250 for any lead mitigation or lead abatement project; and
- k) Maintaining records for licensure and records required for each lead mitigation or lead abatement project conducted in accordance with Section 845.300.

Section 845.175 Lead Training Program Provider Responsibilities

Any person providing lead training in Illinois to individuals seeking licensure in accordance with the Act and this Part is required to be approved in accordance with the Act and Section 845.100. The approved training program provider is responsible for the following:

- a) Compliance with the Act and this Part;
- b) Assuring that all lead training courses provided are approved in accordance with Subpart C of this Part;
- c) Assuring that all lead training is provided in accordance with requirements set forth in Subpart C of this Part; and

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- d) Maintaining all records as required by Subpart C of this Part.

SUBPART E: STANDARDS FOR CONDUCTING
ENVIRONMENTAL INVESTIGATIONS FOR LEAD

Section 845.200 Environmental Lead Sampling Protocol

- a) Only licensed individuals as specified in Section 845.125 shall perform the activities specified in this Section and shall do so in accordance with the appropriate methodologies referenced in this Section.
- b) All samples shall be analyzed by an accredited laboratory that has been recognized by the USEPA as capable of performing analyses for lead compounds in paint chip, dust, soil or water, as appropriate.
- c) Paint chip samples shall be collected using methodologies outlined in the USEPA Guidance on Residential Lead-Based Paint, Lead-Contaminated Dust and Lead-Contaminated Soil. Surfaces where paint chip samples are collected with analyses reported as equal to or greater than the levels outlined in Section 845.205 are considered to be lead bearing substances.
- d) XRF testing shall be performed using the USEPA Methodology for XRF Performance Characteristic Sheets and in accordance with the XRF manufacturer's instructions. Surfaces sampled with XRF readings equal to or greater than the levels outlined in Section 845.205 are considered to be lead bearing substances.
- e) Dust sampling shall be collected using methodologies outlined in the USEPA Residential Sampling for Lead: Protocols for Dust and Soil Sampling. Composite dust sampling is not permitted. Dust samples collected with laboratory analyses reported as equal to or greater than the levels set forth in Section 845.205 are considered elevated.
- f) Soil sampling shall be collected using methodologies outlined in the USEPA Residential Sampling for Lead: Protocols for Dust and Soil Sampling. Soil samples collected with laboratory analyses reported as equal to or greater than the levels outlined in Section 845.205 are considered to be elevated.
- g) Water sampling shall be collected using methodologies outlined in the Lead and Copper Rule of the USEPA Safe Drinking Water Act. Water samples collected

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with laboratory analyses reported as equal to or greater than the levels outlined in Section 845.205 are considered to be elevated.

- h) Composite sampling, as outlined in the HUD Guidelines USEPA protocols, may be applied to soil sampling only. No other environmental samples shall be collected using a composite sample method.

Section 845.205 Regulatory Limits of Lead

- a) The regulatory limit of lead in any lead bearing substance on an interior or exterior surface of a regulated facility shall be 0.5% lead by weight (calculated as lead metal) in the total non-volatile content of liquid paint, or = 1.0 mg/cm² in the dried film of paint.
- b) The regulatory limit of lead in bare soil that is readily accessible to children shall be 400 mcg/g. The regulatory limit of lead in other bare soil areas shall be 1000 mcg/g.
- c) The regulatory limit of lead in dust shall be:
 - 1) 40 mcg/ft² on all interior and exterior floors; and
 - 2) 200 mcg/ft² on all other horizontal surfaces.
- d) The regulatory limit of lead in dust for lead hazard screens shall be:
 - 1) 25 mcg/ft² on all interior and exterior floors; and
 - 2) 100 mcg/ft² on all other horizontal surfaces.
- e) The regulatory limit of lead in drinking water is established by the USEPA as 0.015 mg/L (i.e., 15 ppb).
- f) Storage of any lead-containing or lead-contaminated article in an area accessible to children shall be prohibited. This includes automotive or marine batteries, battery casings or battery casing liners; scrap lead or lead solder; internal combustion engine parts; print or print faces; pottery glaze or pottery glaze containers; bullets or spent cartridges; or any other article containing or contaminated by lead.

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Section 845.210 Procedures for Lead Inspections in Regulated Facilities

- a) **Licensure.** A lead inspection shall be conducted only by a person licensed by the Department as set forth in Section 845.125 as a lead inspector or lead risk assessor. Licensed lead inspectors and risk assessors shall present, upon request, proof of licensure in the form of the Department-issued photo identification license.
- b) **Conflict of Interest.** Lead inspectors and risk assessors conducting lead inspections shall avoid potential conflicts of interest by not being an employee of the client (other than as contracted for the services at hand) or of the lead abatement contractor for the abatement or mitigation project for which clearance is being evaluated.
- c) **Lead inspectors and risk assessors shall obtain or prepare a written statement of services in accordance with the client's specifications. The statement shall include the scope of the lead inspection, including a summary statement indicating what service was requested by the owner and the extent of service provided. The statement shall be descriptive and shall indicate if the service was a comprehensive lead inspection. If the service was not a comprehensive lead inspection, the extent and limitations of the service shall be clearly stated.**
- d) **Visual Assessment and Property Diagram.** A visual assessment of the condition of the building, structures, surfaces and/or components to be included in the lead inspection shall be performed prior to environmental sampling.
 - 1) A detailed property diagram shall be produced using a systematic labeling system.
 - 2) A written inventory shall be produced of each testing combination for all interior and exterior room equivalents.
- e) **Sampling Locations for Paint.** When conducting a lead inspection, a lead inspector or risk assessor shall select the following locations according to the USEPA Residential Sampling for Lead: Protocols for Dust and Soil Sampling and HUD Guidelines and shall test the following locations for the presence of a lead bearing substance in accordance with Section 845.200:

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- 1) Each interior and exterior component that has a distinct painting history, except for components that the lead inspector or risk assessor determines do not contain lead bearing substances.
 - 2) Additional samples for each component that has a distinct painting history in every common area, except for components that the lead inspector or risk assessor determines do not contain lead bearing substances.
- f) Any sampling for lead in paint, dust, water or soil shall be collected using USEPA Residential Sampling for Lead: Protocols for Dust and Soil Sampling and HUD Guidelines methodologies.
- g) Preparation of Inspection Report. The lead inspection shall be documented in a written report that shall include the following:
- 1) The name and address of the regulated facility;
 - 2) The name, address and telephone number of the property owner;
 - 3) The name, license number and written signature of the lead inspector or risk assessor performing the work. A copy of the individual's license current at the time of the work shall be included in the report;
 - 4) The date of the field work and the date of the report;
 - 5) A summary statement indicating what service was performed as specified by the client in the contract for services. The statement shall be descriptive and shall indicate whether the service was a comprehensive lead inspection. If the service was not a comprehensive lead inspection, the extent and limitations of the service shall be clearly stated;
 - 6) Results of the visual inspections, including a narrative description of the regulated facility, including general condition, painted surfaces condition and maintenance practices;
 - 7) A list of the locations of the lead bearing substances identified. The list shall be cross-referenced with a basic floor plan drawing of the regulated facility inspected;
 - 8) A copy of all XRF sampling reports and laboratory analyses;

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- 9) Each testing method, device and XRF serial number (if applicable), and sampling procedures employed for paint analysis, including quality control data; and
- 10) A statement that the presence of lead bearing substances shall be disclosed to potential buyers and renters prior to obligation under a sales contract or lease in accordance with Section 845.25, 24 CFR 35 and 40 CFR 745. Sample disclosure language can be found in the HUD Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing, Chapter 7.
 - h) The written report required by this Section shall be provided to the owner. A copy of the report shall be maintained by the licensed professional who performed the service in accordance with Section 845.230.

Section 845.215 Procedures for Lead Risk Assessments in Regulated Facilities

- a) **Licensure.** A lead risk assessment shall be conducted only by a person licensed by the Department as set forth in Section 845.125 as a lead risk assessor. A licensed lead risk assessor shall present, upon request, proof of licensure in the form of the Department-issued photo identification license.
- b) **Conflict of Interest.** Lead risk assessors conducting lead risk assessment activities shall avoid potential conflicts of interest by not being an employee of the client (other than as contracted for the services at hand) or of the lead abatement contractor for the abatement or mitigation project for which clearance is being evaluated.
- c) **Lead risk assessors shall obtain or prepare a statement of services in accordance with the client's specifications.** The statement shall include the scope of the lead risk assessment, including a summary statement indicating what service was requested by the owner and the extent of service provided. The statement shall be descriptive and shall indicate whether the service was a comprehensive lead risk assessment. If the service was not a comprehensive lead risk assessment, the extent and limitations of the service shall be clearly stated.
- d) **Visual Assessment.** A visual inspection for risk assessment to locate the existence of deteriorated paint, assess the extent and causes of the deterioration, and

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evaluate other potential lead hazards shall be conducted prior to environmental sampling.

- e) Collection of Background Information. The lead risk assessor shall collect background information regarding the physical characteristics of the property, including use patterns that may cause exposure to a lead hazard.
- f) Sample Locations for Paint. When conducting a lead risk assessment, a lead risk assessor shall select the following locations according to the USEPA Residential Sampling for Lead: Protocols for Dust and Soil Sampling and HUD Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing. The following locations shall be tested for the presence of a lead bearing substance, in accordance with Section 845.200. The following surfaces that are determined to be a distinct testing combination shall be tested for the presence of lead:
 - 1) Each friction surface;
 - 2) Each impact surface with visibly deteriorated paint; and
 - 3) All other surfaces with visibly deteriorated paint.
- g) Sample Locations for Dust. When conducting a lead risk assessment, a lead risk assessor shall select the following locations according to USEPA Residential Sampling for Lead: Protocols for Dust and Soil Sampling and HUD Guidelines methodologies, and test for the presence of lead hazards in dust in accordance with Section 845.200. The following representative locations shall be tested for lead dust based on visual assessment of painting history and component type:
 - 1) Two single surface dust samples shall be collected, one from the floor and one from the window in each area where occupants are likely to come into contact with dust;
 - 2) Additionally, interior window stool and floor dust samples (single-surface samples only) shall be collected and analyzed for lead concentration in common areas where the occupants are likely to come into contact with lead. Composite samples are not permitted.
- h) Soil Sampling. Soil samples are discretionary based on the visual assessment. If collected, soil samples shall be collected in accordance with USEPA Residential Sampling for Lead: Protocols for Dust and Soil Sampling and HUD Guidelines

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methodologies. Soil samples collected with laboratory analyses reported as equal to or greater than the levels specified in Section 845.205 are considered elevated.

- i) All environmental sampling or testing shall be conducted using methodologies that incorporate adequate quality control procedures as referenced in Section 845.200.
- j) Any collected paint chip, dust, soil or water samples shall be analyzed by an accredited laboratory.
- k) The lead risk assessment shall be documented in a written report that shall include the following:
 - 1) The name and address of the regulated facility;
 - 2) The name, address and telephone number of the property owner;
 - 3) The name, license number and written signature of the lead risk assessor performing the work. A copy of the individual's license current at the time of the work shall be included in the report;
 - 4) The date of the field work and the date of the report;
 - 5) A summary statement indicating what service was requested by the owner and the extent of service provided by the lead risk assessor. The statement shall be descriptive and shall indicate whether the service was a comprehensive lead risk assessment. If the service was not a comprehensive lead risk assessment, the extent and limitations of the service shall be clearly stated. The statement shall also include a narrative description of the facility, including general condition, condition of the painted surfaces and maintenance practices;
 - 6) A list of the location and type of lead hazards and lead bearing substances identified. The lead hazards and lead bearing substances shall be cross-referenced with a basic floor plan drawing of the facility assessed. Each lead hazard identified shall be accompanied by written hazard control options available to the owner to address each lead hazard. The lead hazard listing shall be arranged based on priority;

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- 7) If the service was conducted for a regulated facility with multiple dwelling units, recommendations for maintenance of lead bearing substances and lead hazards that may be employed universally for all units in the complex shall be provided to the property owner;
 - 8) A copy of all XRF sampling reports and laboratory analyses, and a statement as to how the samples were collected; and
 - 9) A statement that the presence of lead bearing substances shall be disclosed to potential buyers and renters prior to obligation under a sales contract or lease in accordance with Section 845.25, 24 CFR 35 and 40 CFR 745. Sample disclosure language can be found in HUD Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing.
- l) The written report required by this Section shall be provided to the owner. A copy of the report shall be maintained by the licensed professional who performed the service in accordance with Section 845.230.

Section 845.220 Procedures for Lead Hazard Screens in Regulated Facilities

- a) **Licensure.** A lead hazard screen shall be conducted only by a person licensed by the Department as set forth in Section 845.125 as a lead risk assessor. The licensed lead risk assessor shall present, upon request, proof of licensure in the form of the Department-issued photo identification license.
- b) **Conflict of Interest.** Lead risk assessors conducting lead risk assessment activities shall avoid potential conflicts of interest by not being an employee of the client (other than as contracted for the services at hand) or of the lead abatement contractor for the abatement or mitigation project for which clearance is being evaluated.
- c) **Lead risk assessors shall obtain or prepare a written statement of services in accordance with the client's specifications.** The statement shall include the scope of the lead hazard screen, including a summary statement indicating what service was requested by the owner and the extent of service provided.
- d) **Collection of Background Information.** The lead risk assessor shall collect background information regarding the physical characteristics of the property, including use patterns that may cause exposure to lead hazards.

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- e) Visual Inspection. A visual inspection of the regulated facility shall be conducted to:
- 1) Determine whether any deteriorated paint is present. Identification of 5 or more surfaces in poor condition constitutes failure of a lead hazard screen and requires a lead risk assessment; and
 - 2) Locate at least 2 dust sampling locations.
- f) Sample Locations for Paint. When conducting a lead hazard screen, a lead risk assessor shall select locations that have deteriorated paint and are found to have a distinct painting history to sample for the presence of lead bearing substances.
- g) Sample Locations for Dust. When conducting a lead hazard screen, a lead risk assessor shall select the following locations according to the methodologies referenced in this Section, and shall test for the presence of lead hazards in dust, in accordance with Section 845.200. The following representative locations shall be tested for lead dust based on visual assessment of painting history and component type:
- 1) Two single surface dust samples shall be collected, one from the floor and one from the window in each area where occupants are likely to come into contact with dust; and
 - 2) Additionally, interior window stool and floor dust samples (single-surface samples only) shall be collected and analyzed for lead concentration in common areas where the occupants are likely to come into contact with lead. Composite samples are not permitted.
- h) Soil Sampling. Soil samples are discretionary based on the visual assessment. If collected, soil samples shall be collected in accordance with USEPA Residential Sampling for Lead: Protocols for Dust and Soil Sampling and HUD Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing methodologies. Soil samples collected with laboratory analyses reported as equal to or greater than the levels specified in Section 845.205 are considered elevated.
- i) All environmental sampling or testing shall be conducted using methodologies that incorporate adequate quality control procedures as referenced in Section 845.200.

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- j) All collected paint chip, dust, soil or water samples shall be analyzed by an accredited laboratory.
- k) The lead hazard screen shall be documented in a written report that shall include the following:
 - 1) The name and address of the regulated facility;
 - 2) The name, address and telephone number of the property owner;
 - 3) The name, license number and written signature of the lead risk assessor performing the work. A copy of the individual's license current at the time of the work, shall be included in the report;
 - 4) The date of the field work and the date of the report;
 - 5) A summary statement indicating what service was requested by the owner as required by subsection (c) of this Section. The statement shall also include a narrative description of the facility, including general condition, condition of the painted surfaces condition and maintenance practices;
 - 6) Results of the visual inspections, including a narrative description of the facility, including general condition and condition of the painted surfaces;
 - 7) A list of the locations of the lead bearing substances identified. The list shall be cross-referenced with a basic floor plan drawing of the regulated facility inspected;
 - 8) Recommendations for a follow-up lead risk assessment, as appropriate, and any further necessary actions;
 - 9) A copy of all XRF sampling reports and laboratory analyses;
 - 10) Each testing method, device and XRF serial number (if applicable) and sampling procedures employed for paint analysis, including quality control data; and
 - 11) A statement that the presence of lead bearing substances shall be disclosed to potential buyers and renters prior to obligation under a sales contract or lease in accordance with Section 845.25, 24 CFR 35 and 40 CFR 745.

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Sample disclosure language can be found in HUD Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing.

- 1) The written report required by this Section shall be provided to the owner. A copy of the report shall be maintained by the licensed professional who performed the service in accordance with Section 845.230.

Section 845.225 Compliance Investigation in Regulated Facilities

- a) The owner, its agent and/or the licensed lead abatement contractor shall allow access to the Department or a delegate agency authorized by the Department to inspect a work area at any time during a lead abatement or lead mitigation project to determine compliance with the Act and this Part.
- b) Upon completion of the lead abatement or lead mitigation activities and the clean-up procedures outlined in Section 845.285, each work area shall pass a visual inspection and final clearance dust sampling, which shall include the following minimum requirements:
 - 1) A licensed lead inspector or risk assessor shall review the Work Practice and Occupant Protection Plan, developed by the licensed lead supervisor as outlined in Section 845.255, to determine the areas that require final clearance.
 - 2) A licensed lead inspector or risk assessor shall receive and review the written assurance statement provided by the licensed lead supervisor as required in Section 845.155.
 - 3) A licensed lead inspector or risk assessor shall conduct a visual inspection of the work areas identified in the above-referenced Work Practice and Occupant Protection Plan to ensure that the surfaces have been abated or mitigated. The licensed lead inspector or risk assessor shall notify the owner or its agent and the licensed lead abatement contractor of the results of the visual inspection, and shall include the locations and characteristics of surfaces with inadequate treatment. The visual assessment shall be documented in writing by the licensed lead inspector or risk assessor.
 - 4) For work areas that pass the final visual inspection, a licensed lead inspector or risk assessor shall collect at least the following dust wipe samples for no fewer than four rooms within the work area identified in

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the Work Practice and Occupant Protection Plan (if there are fewer than 4 rooms, all rooms shall be sampled):

- A) At least one sample shall be collected from the floor;
 - B) At least one sample shall be collected from a window stool and one sample from a window well if available. If there is not a window located within the work area, these dust samples shall be collected from alternative horizontal surfaces;
 - C) One sample shall be located on a horizontal surface at or near the entrance to the work area.
- 5) For areas that fail the final visual inspections, the licensed lead abatement contractor shall repeat the procedures outlined in Section 845.285.
- 6) For areas that pass the final visual inspection, but are found in non-compliance with the regulatory limits established in Section 845.205, the licensed lead abatement contractor shall repeat the procedures outlined in Section 845.285 for non-compliant surfaces and those horizontal surfaces below the non-compliant surfaces. Upon completion of these procedures, the licensed lead inspector or risk assessor shall repeat the visual assessment and dust sampling specified in subsection (b) for those non-compliant surfaces and the horizontal surfaces below the non-compliant surfaces. This process shall continue until compliance with the regulatory limits established in Section 845.205 is achieved.
- c) Before a work area may be released for re-occupancy, the work area must meet the following requirements.
- 1) The work area shall pass the visual inspection outlined in subsection (a), ensuring that all abated or mitigated surfaces and all uncarpeted floors have been treated to provide smooth and easily cleanable surfaces.
 - 2) Lead dust levels on horizontal surfaces are below the levels established in Section 845.205. All environmental lead samples must be submitted and analyzed by an accredited laboratory.
- d) Upon achieving acceptable clearance results, the licensed lead inspector or risk assessor shall prepare a written compliance investigation report. A copy of the

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compliance investigation report shall be provided to the licensed lead abatement contractor and to the owner of the regulated facility. The report shall include the following:

- 1) The written statement required by subsection (b)(2) of this Section stating that the work area has passed the final visual inspection;
 - 2) A written statement that the dust wipe samples collected in the work area were within acceptable limits as outlined in Section 845.205;
 - 3) The printed name, license number and written signature of the person who conducted the clearance sampling; and
 - 4) A copy of the field sampling forms utilized, including the locations where the samples were collected and a copy of the laboratory results.
- e) The licensed lead inspector or risk assessor shall keep a copy of the compliance investigation report as required by the record keeping requirements outlined in Section 845.230.

Section 845.230 Record Keeping Requirements for Environmental Investigations for Lead

All written reports and records required in Sections 845.210, 845.215, 845.220 and 845.225 shall be maintained by the licensed lead inspector and/or lead risk assessor who performed the lead investigation service.

- a) Copies of all written reports and records shall be maintained for no fewer than 6 years from the date of the investigation;
- b) The licensed lead inspector and lead risk assessor shall allow the Department or its delegate agency access to such records as requested, and shall provide copies to the Department upon request;
- c) Copies of all written reports and records shall be provided to the person who contracted for the lead investigation service for the regulated facility.

**SUBPART F: STANDARDS FOR LEAD MITIGATION
AND LEAD ABATEMENT****Section 845.250 Submissions and Notices**

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- a) Notice to the Department. The lead abatement contractor shall notify the Department at least 7 calendar days prior to the commencement of any lead abatement or lead mitigation project of a regulated facility.
- 1) Notifications and changes to the notification shall be submitted on a form provided by the Department and shall be complete and accurate;
 - 2) The notification shall reflect a start date that corresponds with the beginning of abatement setup and an end date that corresponds with the achievement of clearance. The lead abatement contractor shall submit any changes to the notification to the Department at least one day prior to the changes taking place;
 - 3) The calendar days shall be counted starting with the day the notice is received by the Department. The date received will be based on the postmarked date if mailed and/or the facsimile receipt date. The lead abatement contractor may start work on the eighth calendar day;
 - 4) In the event that a project is delayed for any reason, a notification shall be submitted to the Department stating so. The notification shall be updated every 7 days until the project begins again. If the notification dates expire before the job re-commences, a new 7-day notification shall be submitted to the Department in accordance with subsections (a)(1)-(3).
- b) Notice to Occupants. The owner or its agent of any tenant-occupied regulated facility shall give notice to the occupants at least 7 calendar days, but not more than 30 calendar days, before a lead abatement contractor may commence a lead abatement or lead mitigation project. The owner of the building in which the lead abatement or lead mitigation project is to take place shall notify all residents of:
- 1) The area that is to be abated or mitigated;
 - 2) The date on which abatement or mitigation is to commence;
 - 3) The name and telephone number for the licensed lead abatement contractor; and
 - 4) The occupants' obligations under this Section to remove personal items from the proposed work area.

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Section 845.255 Work Practice and Occupant Protection Program

- a) The lead abatement contractor shall protect occupants of a regulated facility undergoing lead abatement or lead mitigation activities from exposure to potential lead hazards that may be generated by the lead abatement or lead mitigation activities. To ensure the health and safety of occupants, a Work Practice and Occupant Protection Plan shall be produced and followed for each lead mitigation and lead abatement project. At a minimum, the plan shall describe the protocols, procedures and work practices to be employed by the lead abatement contractor to ensure that the occupants are properly protected from potential lead hazards that may be generated from the lead abatement or lead mitigation work. The plan shall be written and shall fulfill the following requirements:
- 1) Evaluate the need to remove the occupants from the regulated facility during the lead abatement or lead mitigation;
 - 2) Be unique to each lead abatement or lead mitigation work area;
 - 3) Be developed by a licensed lead supervisor employed by the licensed lead abatement contractor performing the lead abatement or lead mitigation work;
 - 4) Provide the name, written signature and license number of the licensed lead supervisor who prepared the plan;
 - 5) Be developed and implemented prior to commencement of lead abatement or lead mitigation;
 - 6) Include the results of any lead inspection or lead risk assessment conducted in the regulated facility;
 - 7) Evaluate and establish the requirements for pre-cleaning the work areas before establishing work place barriers and containment systems as required by Section 845.265;
 - 8) Describe what work practices will be employed to prevent the uncontrolled release of dust and debris from the work area;

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- 9) Describe the method of separating the work area from non-work areas and describe work area isolation methods to prevent unauthorized entry by non-licensed or non-protected individuals;
 - 10) Describe in writing work practices to be employed to abate or mitigate the lead bearing substance and/or lead hazard;
 - 11) Outline procedures to ensure that the work area or regulated facility is not re-occupied prior to final cleaning required in Section 845.285 and the clearance requirements specified in Section 845.225;
 - 12) Be kept at the site and updated as necessary by the lead supervisor employed by the lead abatement contractor performing the lead abatement or lead mitigation;
 - 13) Be kept by the lead abatement contractor after the completion of the lead mitigation or lead abatement project in accordance with the record keeping requirements outlined in Section 845.300; and
 - 14) Be made available for review by the building owner, its agent or a representative of the Department or its delegate agency.
- b) The lead abatement contractor performing a lead abatement or lead mitigation activity that is expected to break or disturb any lead bearing substances shall display a caution sign at each work area in the regulated facility in the following manner:
- 1) Before abating or mitigating a lead bearing substance, caution signs shall be posted by the lead abatement contractor immediately outside all entrances and exits to each work area;
 - 2) Caution signs shall be kept posted until the lead abatement or lead mitigation is completed and final dust clearance results have been obtained. Caution signs shall:
 - A) Be at least 11" by 8.5";
 - B) State the date and place of the lead abatement or lead mitigation project; and

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- C) Include the phrase "Warning, Lead Work Area, Poison, No Smoking or Eating" in bold lettering, at least 2 inches high.

Section 845.260 Personnel Protection Program

- a) The lead abatement contractor, its agent, or any person who is performing lead abatement or lead mitigation in a regulated facility shall take the necessary precautions to protect his or her health, the health of any supervisor or worker employed, and the health of occupants of the regulated facility during any lead abatement or lead mitigation that may produce lead chips, dust or fumes.
- b) The lead abatement contractor shall comply with the requirements established for worker protection in accordance with 29 CFR 1926.62, 29 CFR 1910.1025 and 29 CFR 1910.134.
- c) The lead abatement contractor shall maintain copies of the written personnel protection program on-site at each lead abatement and lead mitigation project and make those copies available for review by Department or delegate agency staff. The written plan shall include:
- 1) The minimum requirements for personal protective equipment to enter the work area. If protective equipment is not provided, the contractor shall have on-site air monitoring results and/or negative exposure assessment as required by OSHA, indicating that protective equipment is not required;
 - 2) The work practices to ensure that employees are not spreading potential lead contamination to other locations by transfer on protective equipment; and
 - 3) The personal hygiene practices to be used by personnel for decontamination prior to leaving the work area.
- d) Copies of the written personnel protection program shall be maintained as part of the records required in Section 845.300.

Section 845.265 Work Area Isolation, Preparation and Containment

- a) Work area isolation, preparation and containment shall be in accordance with the written Work Practice and Occupant Protection Program required by Section 845.255 and the procedures specified in this Section.

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- b) The licensed lead abatement contractor shall ensure that unauthorized persons are not permitted to enter a work area where lead mitigation or lead abatement is occurring.
- c) The licensed lead abatement contractor shall ensure that all warning signs required by Section 845.255 are clearly displayed, identifying each work area within the regulated facility.
- d) Accessibility. At all times when a lead abatement or lead mitigation project is being conducted in a regulated facility, the lead abatement contractor shall ensure that the following conditions are met:
 - 1) The Department or its delegate agency shall have access to the work area at any time during a lead abatement or lead mitigation project to determine compliance with the requirements of this Part;
 - 2) The lead abatement contractor shall ensure that occupants and pets use alternative entrances and exits that do not require passage through the work area. The lead abatement contractor shall use all reasonable efforts to create an uncontaminated passage for entrance and exit of all building occupants;
 - 3) If the entrance to and exit from a building can only be through the work area, the lead abatement contractor shall provide an enclosed passage through the work area, which serves as an air-tight isolation barrier from the work area and is to be used for entrance and exit from the building. The airtight enclosed passage must remain in place until work is complete, final clean-up is conducted and the compliance investigation required by Section 845.225 has been successfully completed;
 - 4) Restricted access to each work area shall remain in place until work is completed, final clean-up is conducted and the final dust clearance samples have passed the compliance investigation required in Section 845.225.
- e) Work Area Pre-cleaning. The lead abatement contractor shall conduct the required pre-cleaning of each work area as required by the Work Practice and Occupant Protection Plan required by Section 845.255, including at least the following:

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- 1) Turn off all forced air ventilation in the work area and seal exhaust and intake points in the work area;
 - 2) Pre-clean movable objects within the proposed work area using HEPA-filtered vacuum equipment and/or wet cleaning methods, as appropriate, and remove such objects from the work area;
 - 3) Clean upholstered furniture, drapes and removable carpeting twice using HEPA-filtered vacuum equipment before removal from the work area;
 - 4) Pre-clean fixed objects using HEPA-filtered vacuum equipment and/or wet cleaning methods as appropriate; and
 - 5) Pre-clean the proposed work area using HEPA filtered vacuum equipment and/or wet cleaning methods as appropriate.
- f) Interior Containment. Before beginning to abate or mitigate a lead bearing substance that may cause lead chips, dust or fumes in the work area, a licensed lead abatement contractor performing lead abatement or lead mitigation shall, in the following order:
- 1) Ensure that access to the work area is restricted as required in subsection (d) of this Section;
 - 2) Ensure that all requirements of work area pre-cleaning specified in subsection (e) of this Section have been completed;
 - 3) Cover and seal all objects that cannot be moved, such as radiators, refrigerators, stoves, kitchen cabinets, built-in furniture, and bookcases, with plastic sheeting at least 6 mils thick;
 - 4) Cover floors in the work area with plastic sheeting at least 6 mils thick sealed in place. For projects that will last more than one day, 2 layers of plastic sheeting 6 mils thick shall be installed. At the end of each work day the top layer of plastic sheeting shall be cleaned, removed and disposed of in accordance Section 845.285(b); and
 - 5) Protect carpeting to ensure that contamination does not occur from the lead abatement or lead mitigation activities. Carpeting is subject to the

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compliance sampling outlined in Section 845.225, including meeting the regulatory limits of lead for floors as specified in Section 845.205.

- g) Exterior Containment. Before beginning to abate or mitigate a lead bearing substance in an exterior work area, a licensed lead abatement contractor performing the abatement or mitigation shall ensure the following:
- 1) Access to the work area shall be restricted as required in subsection (d) of this Section.
 - 2) Pre-cleaning of the work area shall be completed as required by subsection (e) of this Section, including removal and disposal of visible paint chips and debris that are on the ground.
 - 3) When waste and debris will be generated from the lead mitigation or lead abatement activities, the lead abatement contractor shall install at least one layer of plastic sheeting at least 6 mils thick to collect any debris generated. The plastic sheeting shall be attached below the surface to be abated or mitigated to collect and contain any waste and debris. The plastic sheeting shall extend out from the foundation 3 feet per story being abated or mitigated, with a minimum of 5 feet and a maximum of 20 feet.
 - A) When liquid waste is produced, excluding hydro-blasting, the lead abatement contractor shall install a waste collection system capable of handling the amount of liquid waste to be generated by the procedure.
 - B) The waste collection system shall be attached below the surface being abated or mitigated to assure that liquid waste does not leak from the contained work area.
 - 4) Containment systems shall be installed to withstand the forces of the weather and to contain all debris and waste generated during the lead abatement or lead mitigation activities. If inclement weather conditions persist during lead abatement or lead mitigation activities, the lead abatement contractor may be required to erect vertical shrouds to prevent dispersal or spread of generated debris.

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- 5) If the lead abatement contractor is to employ vacuum blasting or contained hydro-blasting, interior windows shall be sealed with at least 2 layers of plastic sheeting at least 6 mils thick.
- 6) Plastic containment barriers that cannot be secured to prevent unauthorized access in the absence of the lead abatement contractor shall be cleaned, removed and disposed of daily in accordance with Section 845.285(c).

Section 845.270 Prohibited Work Practices

- a) No person conducting lead abatement or lead mitigation of lead bearing substances shall employ the following methods:
 - 1) Open flame burning;
 - 2) Dry sanding;
 - 3) Open abrasive blasting;
 - 4) Uncontained hydro-blasting;
 - 5) Methylene chloride; or
 - 6) Dry scraping.

Section 845.275 Safe Work Practices

- a) Lead abatement is a work practice that when completed shall remove or permanently eliminate exposure to the lead bearing substances at a regulated facility. Abatement of lead bearing substances may employ a wide range of work practices outlined in the methodologies specified in Section 845.15, including the following methods:
 - 1) Replacement. Any component part of a building may be abated by replacement with a part free of lead bearing substances.
 - 2) Removal. Any component part of a building may be abated by the following techniques:

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- A) Off-site chemical stripping;
 - B) Heat gun (operating temperature shall not exceed 1100° F). If using heat guns, the lead abatement contractor shall ensure that appropriate fire extinguishing equipment is on-site and immediately accessible to the lead workers using the heat guns. A minimum of one fire extinguisher for each heat gun being used on-site shall be supplied by the lead abatement contractor;
 - C) Nonflammable chemical strippers that do not contain methylene chloride;
 - D) Sander equipped with HEPA vacuum attachment;
 - E) Wet planing to substrate;
 - F) Vacuum blasting in exterior work areas only;
 - G) Contained hydro-blasting in exterior work areas only; and
 - H) Mechanical paint removal systems equipped with a HEPA vacuum attachment.
- 3) Enclosure. A lead bearing substance may be abated by covering the lead bearing surface with any of the following materials, provided use of the material complies with local building ordinances or codes and is applied in accordance with methodologies outlined in Section 845.15.
- A) Gypsum board;
 - B) Fiberglass mats;
 - C) Canvas-backed vinyl wall coverings;
 - D) High pressure laminated plastic sheet, such as Formica®;
 - E) Tile;
 - F) Paneling;

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- G) Vinyl;
 - H) Wood;
 - I) Aluminum;
 - J) Stone; or
 - K) Other durable material that does not readily tear or peel.
- 4) Encapsulation. A lead bearing substance may be abated by encapsulation if the encapsulating product is applied in accordance with the manufacturer's directions and is applied in accordance with methodologies specified in Section 845.15.
- b) Lead mitigation is a work practice that when completed temporarily renders a lead bearing substance safe and removes an immediate health hazard to humans. Mitigation of lead bearing substances may include a wide range of interim lead hazard control work practices, including:
- 1) Those procedures identified as interim controls outlined in the methodologies incorporated in Section 845.15;
 - 2) The methods outlined in subsection (a) of this Section that are not permanent;
 - 3) Paint film stabilization;
 - 4) Friction and impact surface treatment;
 - 5) Dust removal and control; and
 - 6) Reversal. A lead bearing substance may be mitigated by reversing component parts, provided that no lead bearing surface remains exposed at the completion of the process and all seams are caulked and sealed.

Section 845.280 Guidelines for Abatement and Mitigation of Lead-Contaminated Soil

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- a) Soil abatement, including removal of lead-contaminated soil, shall be conducted in accordance with methodologies outlined in Section 845.15 and meet the following requirements;
- 1) All soil removal work shall be conducted by licensed lead abatement contractors employing licensed lead workers who are supervised by a licensed lead supervisor;
 - 2) Worker protection shall be provided as required in Section 845.260. At a minimum, all workers removing leaded soil shall be provided with a changing area equipped with a facility for washing or showering. Workers shall be required to change into personal protective clothing before entering the work area, and to remove personal protective clothing and shower or wash before leaving the work area;
 - 3) A Work Practice and Occupant Protection Program as required by Section 845.255 shall be developed;
 - 4) Equipment decontamination procedures shall be employed to prevent the spread of lead contamination. Disposable items are not to be reused and shall be discarded as provided in Section 845.285. The equipment decontamination procedures shall be outlined in the Work Practices and Occupant Protection Program required by Section 845.255;
 - 5) Prior to beginning soil removal, the source of the lead contamination of the soil shall be identified and eliminated if possible, to prevent re-contamination of the abated area;
 - 6) Removal of the lead-contaminated soil shall be accompanied by dust suppression methods to keep the generation of dust to a minimum;
 - 7) Soil that is stockpiled prior to disposal shall be:
 - A) Placed on a layer of impermeable plastic;
 - B) Kept moist to avoid dust generation; and
 - C) Covered with impermeable plastic that is secured to the ground.

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- 8) Removed lead-contaminated soil shall be transported to disposal areas in sealed containers or in a covered vehicle in accordance with disposal requirements outlined in Section 845.290. Off-site vehicular or foot tracking of contaminated soil shall be avoided;
 - 9) Any removed soil that is to be replaced shall be replaced with soil that has been tested and confirmed to have a lead concentration less than 400 ppm. The testing shall be conducted by a licensed lead inspector or lead risk assessor, with analysis performed by an accredited laboratory as defined in Section 845.20.
- b) Soil abatement, including the installation of a permanent cover, such as concrete or asphalt, over lead-contaminated soil shall be conducted in accordance with methodologies outlined in Section 845.15 and shall meet the following requirements:
- 1) Soil abatement work, including the installation of a permanent cover, may be conducted by non-licensed persons, provided that the abatement activities do not involve removal of the existing lead-contaminated soil;
 - 2) Dust suppression methods shall be employed to keep the generation of dust to a minimum;
 - 3) Equipment decontamination procedures shall be employed to prevent the spread of lead contamination. Disposable items are not to be reused and shall be discarded as provided in Section 845.290;
 - 4) Prior to beginning soil covering, the source of the lead contamination of the soil shall be identified and eliminated, if possible, to prevent re-contamination of the work area.
- c) Soil mitigation, including the installation of a non-permanent cover, such as mulch, stone, gravel, soil, sod, etc., over lead-contaminated soil shall be conducted in accordance with documented methodologies outlined in Section 845.15 and shall meet the following requirements:
- 1) Soil mitigation work, including the installation of a non-permanent cover, may be conducted by non-licensed persons, provided that the mitigation activities do not include the removal of the existing lead-contaminated soil;

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- 2) Dust suppression methods shall be employed to keep the generation of dust to a minimum;
- 3) Equipment decontamination procedures shall be employed to prevent the spread of lead contamination. Disposable items are not to be reused and shall be discarded as provided in Section 845.290;
- 4) Prior to beginning soil mitigation, the source of the lead contamination of the soil shall be identified and eliminated if possible to prevent re-contamination of the mitigation area;
- 5) The non-permanent cover material shall be tested and confirmed to have a lead concentration less than 400 ppm. The testing shall be conducted by a licensed lead inspector or lead risk assessor, with analysis conducted by an accredited laboratory.

Section 845.285 Clean-Up Procedures

- a) Clean up of interior and exterior work areas shall be conducted at least daily at the end of the work shift, and upon completion of the lead mitigation and lead abatement work.
- b) Clean Up of Interior Work Areas. The lead abatement contractor shall complete the following procedures in the order that they appear:
 - 1) All work area isolation systems required in Section 845.265 shall remain in place until completion of the compliance investigation in accordance with Section 845.225.
 - 2) All waste and debris shall be removed from the work area and disposed of in accordance with Section 845.290.
 - 3) All surfaces and plastic containment barriers in the work area shall be HEPA vacuumed and wet washed with a detergent and water solution or a phosphate-free lead-dissolving detergent.
 - 4) After wet washing and allowing all surfaces to dry, HEPA vacuuming of all surfaces in the work area shall be repeated.

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- 5) All plastic barriers used for containment, excluding isolation barriers, if present, shall be removed and disposed of.
 - 6) All surfaces in the work area shall be HEPA vacuumed.
 - 7) All lead waste, isolation barriers and material from clean up, including mop heads, sponges, filters and disposable clothing, shall be deposited in double plastic bags at least 4 mils thick or single bags 6 mils thick, and the bags shall be sealed.
- c) Clean Up of Exterior Work Area. The lead abatement contractor shall conduct exterior clean up according to the following:
- 1) All waste and debris shall be removed from the work area and disposed of in accordance with Section 845.290.
 - 2) All plastic barriers used for containment shall be removed and disposed of. The plastic sheeting shall be removed in a manner to prevent release of any remaining debris.
 - A) Any surface in the work area with visible debris remaining after removal of plastic sheeting shall be HEPA vacuumed.
 - B) All exterior horizontal components in the work area shall be wet washed with a detergent and water solution or a phosphate-free lead-dissolving detergent as appropriate.
 - 3) All lead waste, work area barriers and material from clean up, including mop heads, sponges, filters and disposable clothing, shall be deposited in double plastic bags at least 4 mils thick or single bags 6 mils thick, and the bags shall be sealed.

Section 845.290 Disposal Procedures

Waste Disposal. The lead abatement contractor shall dispose of all waste generated from the lead abatement or lead mitigation in accordance with State, local and federal laws.

Section 845.295 Reoccupation of the Work Area

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- a) Before a work area may be released for reoccupancy, the work area must meet the following requirements:
 - 1) The work area shall pass the visual inspection outlined in Section 845.225, ensuring that all abated or mitigated surfaces and all floors have been treated to provide smooth and easily cleanable surfaces; and
 - 2) Lead dust levels on horizontal surfaces shall be below the levels established in Section 845.205. All environmental lead samples must be submitted and analyzed by an accredited laboratory, as defined in 845.20.
- b) Upon the work area's passing of the visual inspection and achieving acceptable dust sample clearance results, the licensed lead abatement contractor shall obtain a signed copy of the compliance investigation report required by Section 845.225 before being released from the work area.
- c) Upon receipt of the signed compliance investigation report required by Section 845.225, the licensed lead abatement contractor shall remove the remaining isolation barriers and may release the work area for reoccupancy.

Section 845.300 Record Keeping Requirements for Lead Mitigation and Lead Abatement Activities

- a) The lead abatement contractor shall retain the following information for every lead abatement or lead mitigation project conducted in a regulated facility in Illinois:
 - 1) The name and address of the owner or its agent for whom the project was conducted;
 - 2) A copy of the abatement/mitigation notification form submitted to the Department prior to commencement;
 - 3) Copies of the results of any lead inspection or lead risk assessment conducted in the regulated facility and provided to the lead abatement contractor;
 - 4) A copy of the Work Practice and Occupant Protection Plan developed for the regulated facility;

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- 5) A copy of the OSHA personal monitoring results conducted for the project;
 - 6) A list of the names of the licensed lead workers and lead supervisors employed for each project, including their license numbers;
 - 7) A copy of the written assurance statement provided by the licensed lead supervisor as required in Section 845.155, which states that all lead mitigation and lead abatement identified in the Work Practice and Occupant Protection Program have been completed; and
 - 8) A copy of the written compliance investigation report required by Section 845.225, indicating that the project met the clearance criteria.
- b) The records shall be retained for at least 6 years from the date the lead mitigation or lead abatement project was completed.
 - c) The lead abatement contractor shall provide a copy of the items listed in subsection (a)(1)-(8) to the owner of the regulated facility within 60 days after completion of the lead mitigation and/or abatement project.
 - d) The lead abatement contractor shall maintain the following records pertaining to lead abatement contractor license application records and supporting documents for as long as the company is licensed:
 - 1) Completed license application form;
 - 2) Proof of liability insurance for all of the time that the lead abatement contractor is licensed;
 - 3) Medical monitoring records for all employees;
 - 4) Copies of all correspondence from the Department; and
 - 5) Records of all legal proceedings, lawsuits or claims that have been filed or levied against the Contractor during the time that it is licensed by the Department as a lead abatement contractor.

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- e) The lead abatement contractor shall allow the Department or its representative access to records pertaining to all lead mitigation and lead abatement projects conducted in regulated facilities.

SUBPART G: FINES, PENALTIES AND ADMINISTRATIVE HEARINGS

Section 845.350 Denial, Suspension and Revocation of Lead Training Course Approval

- a) Suspension, Revocation, or Denial of Training Courses. The Director of Public Health, after notice and opportunity for hearing, may deny the application for, or suspend or revoke the approval of, a lead training program, or the approval of an individual training course, in any case in which the Department finds substantial or continued failure to comply with the requirements of this Part, including fraud, misrepresentation, working without approval, or not adhering to approved training materials.
- b) The hearing notice shall be made by certified mail or by personal service and shall set forth the particular reasons for the proposed action and provide the applicant or approved provider with an opportunity to request a hearing. If a written hearing request is not received within 15 days after the date of mailing by the Department, the right to a hearing is waived.

Section 845.355 Denial, Suspension and Revocation of Licenses

- a) In any case in which the Director of Public Health finds substantial or continued failure to comply with the requirements of this Part, including fraud, misrepresentation, working without a license, or not adhering to work practice standards, the Director, after notice and opportunity for hearing, may deny the application for, or suspend or revoke the license of, a lead abatement contractor, lead supervisor, lead worker, lead risk assessor or lead inspector.
- b) The notice shall be made by certified mail or by personal service and shall set forth the particular reasons for the proposed action and provide the applicant or licensee with an opportunity to request a hearing. If a written hearing request is not received within 15 days after the date of mailing by the Department, the right to a hearing is waived.

Section 845.360 Fines and Penalties

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- a) In addition to any other action authorized by the Act or this Part, *the Department may assess civil penalties against any licensed lead worker, licensed lead professional, licensed lead abatement contractor or approved lead training provider for violation of any provision of the Act or this Part.* (Section 11.2 of the Act) The Department shall determine whether a fine will be assessed and the amount of any such fine.
- b) The Department shall consider the following criteria independently and aggregately to determine whether a fine shall be assessed:
 - 1) Whether the Department issued a stop work order and whether the person strictly obeyed the order;
 - 2) Whether the person has previously been cited for a violation of the Act or this Part, except that any previously cited violation shall not be considered if the violation was held to be unfounded by a final order of the Department or by a court, or if any previous citations for violations occurred more than 3 years ago;
 - 3) Whether the violation is of such nature as to result in the possibility of injury or other harm to the environment; to the person's agents or employees; to the building owner, users or occupants; or to the general public;
 - 4) Whether the violation appears to be the result of any degree of negligence by the person or by the person's agents or employees;
 - 5) Whether the person demonstrated good faith efforts to correct the violation upon receipt of oral or written notice of the violation and whether such actions in fact corrected the violation;
 - 6) Whether the person has falsified any lead license or certificate or represents himself or herself as authorized to conduct work without a valid license in a fraudulent manner; and
 - 7) Whether the person falsified any record keeping information required by the Act or this Part.
- c) Criteria to determine the amount of a fine and/or penalty for a violation of any provision of the Act or of this Part are as follows. All amounts determined

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pursuant to these criteria shall be added together to determine the total fine against the person.

- 1) First violation - the person may be issued a fine of up to \$1,000.
- 2) Each day that a violation exists shall constitute a separate or repeat violation.
- 3) Repeat violation - the person may be issued a minimum fine of \$1,000 plus additional fines calculated according to subsection (c)(4) of this Section.
 - A) For each violation that may cause or result in harm or injury to the health or safety of the agents or employees of the person present: \$100 multiplied by the number of agents or employees present at any time on the date of the violation.
 - B) For each violation that may cause or result in harm or injury to the health or safety of the building owners or users, occupants of the building or the general public: \$100 multiplied by the number of persons present in or around the regulated facility at any time on the date of violation.
 - C) For each violation that may cause or result in contamination with lead dust or debris of any part of the regulated facility other than the work area: \$1,000.
 - D) For each violation that may cause or result in contamination with lead dust or debris of any surrounding areas to the regulated facility: \$1,000.
- 4) For a third violation of a provision of the Act or this Part, a licensee or approved training program provider, in addition to the fines and penalties in subsection (c)(3), may have his/her license or Department approval denied, suspended or revoked in accordance with Sections 845.350 and 845.355.
- 5) Notwithstanding any other provision of this Part, the Department may at any time, upon a finding of 5 or more violations during the same inspection that may cause or result in harm or injury to the health and

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safety of persons, assess a fine and/or penalty pursuant to subsection (c)(3).

- d) The Department shall serve notice of fine and/or penalty assessments, and shall provide the same rights and opportunity for hearing as provided in Section 12 of the Act and this Section. In the event that a person fails to request a hearing within the time provided in the notice, the person shall be deemed to have waived the right to an administrative hearing, and the fine and/or penalty assessments that are upheld in whole or in part by final order of the Department shall be due in full at the conclusion of the time period for filing for administrative review pursuant to the Administrative Review Law.
- e) All fine and/or penalty assessments that are upheld in whole or in part by final order of the Department shall be due in full at the conclusion of the time period for filing for administrative review pursuant to the Administrative Review Law, unless the person has within that time filed proceedings in administrative review specifically appealing the fine and/or penalty assessment and unless the court has stayed enforcement of the fine and/or penalty assessment.

Section 845.365 Emergency Stop Work Orders for Regulated Facilities

In circumstances of substantial danger to the environment or to the health of persons, the Department may direct a person to cease and desist lead activities conducted pursuant to the Act and this Part, to halt the activity causing or contributing to the danger, or to take such other action as may be necessary. The persons, licensed lead worker, licensed lead professional, licensed lead contractor or approved lead training course provider subject to the order will be removed from the Department's list of approved and/or licensed individuals or firms. The Department shall authorize the reinstatement of the lead activities and reinstatement of the individual and/or firm to the Department's list when the activities that are the subject of the emergency stop work order have been brought into compliance with applicable State and federal requirements and this Part.

Section 845.370 Administrative Hearings

All hearings shall be conducted pursuant to the Act and the Department's Rules of Practice and Procedure in Administrative Hearings.

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Section 845.APPENDIX A Instructions for Childhood Blood Lead Poisoning Reporting System**Section 845.EXHIBIT A Instructions for Completing the Laboratory-Based Report of Childhood Lead Poisoning**

The Childhood Lead Poisoning Report form shall be completed for all blood lead test results on all persons 15 years of age and younger. Each laboratory in Illinois certified by the Department to conduct a blood lead analysis is required to complete the Childhood Lead Poisoning Report form, unless the laboratory is reporting to the Department using the electronic reporting system.

- 1) Complete the following information on the child's complete name:

LAST NAME: Enter the child's complete last name.

FIRST NAME: Enter the child's complete first name.

MIDDLE INITIAL: Enter the child's middle initial.

- 2) Complete the following information on the child's parent or guardian, if available:

LAST NAME: Enter the parent/guardian's complete last name.

FIRST NAME: Enter the parent/guardian's complete first name.

MAIDEN NAME: Enter the parent/guardian's complete maiden last name.

- 3) TELEPHONE NUMBER: If available, enter the child's telephone number (area code and 7-digit number).

- 4) DATE OF BIRTH: Enter the child's date of birth. Use 2 digits for the month, 2 digits for the day and 2 digits for the year (e.g., 01/01/01).

- 5) ADDRESS OF CHILD: Complete the following elements on the form. All elements refer to the current address for the child.

NUMBER: Enter the number of the child's current street address.

DIRECTION: Enter the direction that appears in the child's current street address (e.g., North).

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STREET NAME: Enter the name of the of the child's current street address.

TYPE: Enter the applicable type of street address (e.g., street, boulevard, avenue).

APARTMENT NUMBER: If applicable, enter the apartment number of the child's address.

COUNTY: Enter the complete name of the county where the child currently resides.

CITY: Enter the complete name of the city where the child current resides.

STATE: Enter the state where the child currently resides. Use the standard 2-character abbreviation.

ZIP: Enter the 5-digit zip code where the child currently resides.

- 6) **SEX:** Check the appropriate box to indicate the child's sex.
- 7) **RACE:** Check the appropriate box to indicate the child's race.
- 8) **HISPANIC:** Check the appropriate box to indicate whether the child is Hispanic.

TEST DATA

- 1) **DATE OF FIRST TEST:** Enter the month, day and year the first blood lead sample to be reported was collected. Use 2 digits for the month, 2 digits for the day and 2 digits for the year (e.g., 01/01/01).
- 2) **TYPE:** Check the appropriate box to indicate the specimen type (venous or capillary).
- 3) **TEST RESULTS:** Enter the blood lead level of the sample in micrograms per deciliter (mcg/dL).
- 4) **DATE OF SECOND TEST:** Enter the month, day and year that the second blood lead sample to be reported was collected. Use 2 digits for the month, 2 digits for the day and 2 digits for the year (e.g., 01/01/01).
- 5) **TYPE:** Check the appropriate box to indicate the specimen type (venous or capillary).

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- 6) **TEST RESULTS:** Enter the blood lead level of the sample in micrograms per deciliter (mcg/dL).
- 7) **NAME OF LABORATORY:** Enter the name of the laboratory analyzing the blood lead sample or the laboratory code number.
- 8) **LABORATORY TELEPHONE NUMBER:** Enter the telephone number of the laboratory that analyzed the blood lead sample.

SUBMITTING PARTY DATA

- 1) **NAME:** Enter the name of the physician, hospital staff member, laboratory technician, clinic employee or other person submitting the report of blood lead results.
- 2) **TELEPHONE NUMBER:** Enter the telephone number of the submitting party (area code and 7-digit number).
- 3) **CLINIC/HOSPITAL:** Enter the name of clinic or hospital.
- 4) **ADDRESS:** Enter the address of the physician, hospital, laboratory, clinic or other person/facility submitting the report of the blood lead test. The street number, direction, street name, suite, city, state, zip code and county shall be included.

COMPLETION DATA

- 1) **SIGNATURE/TITLE:** On the line provided on the form, the usual signature of the person (first and last name) completing the form shall be affixed. Enter the title of the person completing the form.
- 2) **DATE OF REPORT:** Enter the month, day and year the form is completed. Use 2 digits for the month, 2 digits for the day and 2 digits for the year (e.g., 01/01/01).

All elevated blood lead levels of 45 mcg/dL shall be reported by telephone within 24 hours to the Childhood Lead Poisoning Prevention Program at (217) 785-9464 or (217) 782-0403.

Mail completed report within 48 hours to:

Illinois Department of Public Health
Division of Health Assessment and Screening
Childhood Lead Poisoning Prevention Program

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535 West Jefferson Street
Springfield, Illinois 62761

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Section 845.APPENDIX A Instructions for Childhood Blood Lead Poisoning Reporting System**Section 845.EXHIBIT B Instructions for Submitting Follow-Up Data for Children With Blood Lead Levels = 15 mcg/dL**

Medical follow-up should be completed by delegate agencies for all persons 15 years of age and younger having had a blood lead test analyzed and confirmed at 15 mcg/dL or higher.

All medical and environmental follow-up data must be entered into a STELLAR database maintained by the delegate agency. A STELLAR report and any additional reports requested by the Illinois Department of Public Health should be run regularly, at intervals determined by the Department. Detailed instructions on the STELLAR procedures are available from the Department upon request.

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Section 845.APPENDIX B Information Agreement

The Illinois Department of Public Health ("Department") and _____ ("Applicant"), agree as follows:

- 1) The Department will provide data dealing with children who have been tested for lead poisoning in Illinois as outlined in the letter of application.
- 2) The applicant agrees that:
 - a) Use of data is restricted to the purpose outlined in the letter of application (Attachment A), and any other or additional use of the data may result in immediate termination of this agreement by the Department;
 - b) Any and all data that may lead to the identity of any child or parent, research subject, physician, informant, other person or hospital is strictly privileged and confidential. Applicant agrees to keep all such data strictly confidential at all times;
 - c) All officers, applicants and employees of Applicant will keep all such data strictly confidential. Applicant will communicate the requirements of this Section to all officers, applicants and employees, will discipline all persons who may violate the requirement of this section, and will notify the Department in writing within 48 hours after any violation of this section, including full details of the violation and corrective actions to be taken;
 - d) All data provided by the Department pursuant to this agreement are the sole property of the Department. Any copies by applicant of data provided by the Department pursuant to this agreement are subject to all provisions contained in this agreement. Any copies of data created by Applicant will be destroyed upon completion of the purpose outlined in the application;
 - e) The applicant agrees to forward to the Department copies of proposed publications containing data or interpretation of data received as a result of this agreement for the sole purpose of confirming compliance with this agreement;
 - f) Any breach of any of the provisions of this agreement will void the agreement.
- 3) The Applicant further agrees to state in publications and presentations concerning research that is the subject of this agreement that the Department was the source of data

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and conclusions, opinions and recommendations are not necessarily those of the Department.

- 4) The Applicant and the Department understand and agree that this agreement may not be sold, assigned or transferred in any matter and that any actual or attempted sale, assignment or transfer shall render this agreement null, void and of no further effect.
- 5) This agreement shall take effect upon signature by the Applicant and the Director of Public Health.
- 6) All notices required or requested by either the Department or the Applicant shall be sent to the following addresses:

To the Department:

Illinois Department of Public Health
 Childhood Lead Poisoning Prevention Program
 535 West Jefferson Street
 Springfield, Illinois 62761

To the Applicant:

- 7) The Applicant and the Department understand and agree that this agreement constitutes the total agreement between them and that no promises, terms or conditions, either oral or written, express or implied, not recited, incorporated or referenced in this agreement shall be binding.

Applicant

Department

(Signature)

(Recommended by)

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(Title)

(Director, Department)

(Typed/printed name)

(Execution date)

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NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Private Sewage Disposal Code
- 2) Code Citation: 77 Ill. Adm. Code 905
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
905.10	Amend
905.15	Amend
905.20	Amend
905.30	Amend
905.40	Amend
905.50	Amend
905.55	Amend
905.60	Amend
905.70	Amend
905.80	Amend
905.90	Amend
905.95	Amend
905.100	Amend
905.110	Amend
905.120	Amend
905.125	Amend
905.130	Amend
905.140	Amend
905.180	Amend
905.190	Amend
905.195	New
905.200	Amend
905.205	Amend
905.APPENDIX A	
905.ILLUSTRATION C	Amend
905.ILLUSTRATION D	Amend
905.ILLUSTRATION G	Amend
905.ILLUSTRATION L	
905.EXHIBIT C	Amend
905.ILLUSTRATION M	
905.EXHIBIT A	Amend
905.ILLUSTRATION N	
905.EXHIBIT B	Amend
905.EXHIBIT C	Amend

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905.ILLUSTRATION Y	New
905.EXHIBIT A	New
905.EXHIBIT B	New
905.ILLUSTRATION Z	New
905.APPENDIX B	Amend

- 4) Statutory Authority: Implementing and authorized by the Private Sewage Disposal Licensing Act [225 ILCS 225]
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking addresses the ongoing maintenance and inspection for private sewage disposal systems. The rulemaking requires the use of suitable soils for subsurface seepage private sewage disposal systems when possible. The rulemaking also addresses requirements for compliance regarding the Illinois Environmental Protection Agency and National Pollutant Discharge Elimination System permits for surface discharging private sewage disposal systems. The rulemaking also clarifies the Department's ability to provide statewide approval for technology that has already been tested by another governmental entity.
- The rulemaking addresses requirements for sizing of chambers, sample ports, and effluent reduction trenches. The rulemaking also addresses the design of sample ports, effluent reduction trenches, and subsurface seepage private sewage disposal systems. In addition, location and restrictions of surface discharges from surface discharging private sewage disposal systems are addressed. The rulemaking provides updated reference materials, sizing data, contact information, and dates. The rulemaking also provides clarification and additional definitions of terms that are included in the Act. The rulemaking also addresses contractor requirements, as well as consequences for failing to attend examinations. The rulemaking also sets out the minimum set back distances for IEPA, Class V wells and treated effluent discharge points.
- 6) Published studies or reports, and sources of underlying data used to compose this rulemaking: NSF International/ANSI Standard 40, NSF International/ANSI Standard 41 and NSF International/ANSI Standard 46.
- 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

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- 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 this rulemaking within 45 days after the publication of this issue of the *Illinois Register* to:

Susan Meister
Division of Legal Services
Illinois Department of Public Health
535 W. Jefferson St., 5th Floor
Springfield, Illinois 62761

217/782-2043
e-mail: IDPH.RULES@illinois.gov

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: Installation contractors
- B) Reporting, bookkeeping or other procedures required for compliance: Reporting of service and maintenance they have conducted.
- C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: January 2007

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

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NOTICE OF PROPOSED AMENDMENTS

TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER r: WATER AND SEWAGEPART 905
PRIVATE SEWAGE DISPOSAL CODE

Section	
905.10	Definitions
905.15	Incorporated and Referenced Materials
905.20	General Requirements
905.30	Approved Private Sewage Disposal Systems
905.40	Septic Tanks
905.50	Distribution Boxes
905.55	Subsurface Seepage System Design Requirements
905.60	Subsurface Seepage System Construction Requirements
905.70	Buried Sand Filters
905.80	Recirculating Sand Filter
905.90	Waste Stabilization Ponds
905.95	Illinois Raised Filter Bed
905.96	Peat Filter Systems
905.100	Aerobic Treatment Plants and NSF International/ANSI Standard 40 Wastewater Treatment Systems
905.110	Effluent Discharges
905.120	Disinfection
905.125	Pumps, Pumping/Dosing Chambers and Ancillary Equipment
905.130	Human Waste Disposal
905.140	Holding Tanks
905.150	Sanitary Dump Stations
905.160	Swimming Pool Wastewater
905.170	Servicing, Cleaning, Transporting and Disposing of Wastes from Private Sewage Disposal Systems
905.180	Examinations for Licensure
905.190	Installation Approval
905.195	Operational Permits
905.200	Licenses and Fees
905.205	Civil Penalties and Time Allowances for Corrective Action
905.210	Notification of Disposal Site (Repealed)
905.APPENDIX A	Illustrations and Exhibits

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905.ILLUSTRATION A	Quantity of Sewage Flows
905.ILLUSTRATION B	Approved Plastic Pipe Materials (Repealed)
905.ILLUSTRATION C	List of Approved Plastic Pipe for Private Sewage Disposal System
905.ILLUSTRATION D	Location of Components of Private Sewage Disposal Systems
905.ILLUSTRATION E	Septic Tanks
905.EXHIBIT A	Septic Tank with Slip-In Baffles
905.EXHIBIT B	Septic Tank with T-Baffles
905.EXHIBIT C	Typical Gas Deflection Devices
905.ILLUSTRATION F	Minimum Volumes for Septic Tanks Serving Residential Units
905.ILLUSTRATION G	Instructions for Conducting Percolation Tests
905.ILLUSTRATION H	Subsurface Seepage System Size Determination
905.EXHIBIT A	Gravel System
905.EXHIBIT B	Gravelless System
905.ILLUSTRATION I	Seepage Field Construction
905.EXHIBIT A	Gravel System
905.EXHIBIT B	Size and Spacing – Gravel System
905.EXHIBIT C	Gravelless and Chamber System
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AUTHORITY: Implementing and authorized by the Private Sewage Disposal Licensing Act [225 ILCS 225].

SOURCE: Filed October 19, 1974, effective October 25, 1974; rules repealed, new rules adopted at 6 Ill. Reg. 3095, effective March 9, 1982; amended at 8 Ill. Reg. 8552, effective June 4, 1984; codified at 8 Ill. Reg. 19821; amended at 9 Ill. Reg. 20738, effective January 3, 1986; amended at 10 Ill. Reg. 11054, effective July 1, 1986; amended at 20 Ill. Reg. 2431, effective March 15, 1996; amended at 23 Ill. Reg. 5080, effective April 10, 1999; amended at 27 Ill. Reg. 3074, effective February 10, 2003; amended at 32 Ill. Reg. _____, effective _____.

Section 905.10 Definitions

In addition to the definitions contained in the Private Sewage Disposal Licensing Act [225 ILCS 225], the following definitions shall apply:

"Aerobic Treatment Plant" means equipment or devices for the treatment of sewage by the forced addition of air or oxygen.

"Act" means the Private Sewage Disposal Licensing Act [225 ILCS 225].

"Ag- Experiment Station" means the University of Illinois Agricultural Experiment Station.

"Approved" or "Approval" means accepted by or acceptable to the Department or local authority.

"Approved Certification Agency" means an organization that has been accredited by the American National Standards Institute (ANSI) and found to meet the requirements specified in the International Organization for Standardization (ISO)/International Electrotechnical Commission Guide 65, to evaluate wastewater treatment units and components for compliance with NSF International/ANSI Standard 40, NSF International/ANSI Standard 41 and NSF International/ANSI Standard 46.

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"ASTM" means the American Society for Testing and Materials.

"Building Drain" means that part of the lowest horizontal piping of a drainage system that receives the discharge from soil, waste and other drainage pipes inside the walls of the building and conveys it to the building (house) sewer. The building drain's developed length terminates 5 feet outside the building foundation wall.

"Building Sewer" means that part of the horizontal piping of a drainage system which extends from the end of the building drain, receives the discharge of the building drain and conveys it to a public sanitary sewer ~~or~~; private sewer, ~~individual~~ sewage disposal system, ~~or other point of disposal~~. The building sewer commences 5 feet outside the building foundation wall.

"Clear Water" means cooling water and condensate waste from refrigeration or air conditioning equipment, cooled condensate from steam heating systems and seepage water.

"Common Collector" means an underground, enclosed conduit designed to carry treated sewage effluent exclusive of stormwater, ~~from 3 or fewer properties provided the combined treated sewage effluent is less than 1500 gallons per day and has a surface discharge. An example of a common collector is a solid plastic pipe installed to carry treated sewage effluent from 2 or 3 discharging systems with a combined design flow of less than 1500 gallons per day. Examples of what is not a common collector are road ditches, field ditches, curbs and gutters, grassed waterways, concrete or other lined drainage ways.~~

"Component" means an integral part of a private sewage disposal system that is necessary for the satisfactory design, construction and operation of the system.

"Department" means the Illinois Department of Public Health.

"Discharge Point" means the point at which treated effluent discharges from an approved private sewage disposal system.

"Effective Size" means the size of screen opening where 90 percent by weight of a sample of filter media is retained on the screen and 10 percent passes through the screen.

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"Effluent" means something that flows out.

"Estimated Seasonal High Water Table" means the highest level to which the soil is saturated as determined by direct observation or as may be determined by examining soil color patterns, other features of the soil profile, landscape position, the vegetation growing on the site and additional information on water table fluctuations in the local soil-landscape as may be provided in the soil survey report for the area.

"Gravelless Seepage System" means the use of approved perforated 8-inch or ~~10-inch~~ 10-inch diameter, filter-wrapped, plastic pipe, in lieu of 4 inch pipe and gravel, in subsurface fields and serial distribution systems.

"Hot Tub" means an artificial container of water with a liquid capacity greater than 100 gallons and designed with a mechanical air injection system and/or recirculating device. These devices may filter and/or disinfect the water for reuse and are not intended to be drained between uses.

"Influent" means something that flows in.

"Limiting Layer" means a horizon or condition in the soil profile or underlying strata ~~thatwhich~~ includes:

An estimated~~A~~ seasonal high-water table, whether perched or regional; ~~determined by direct observation of the water table or indicated by soil mottling where common mottles comprise at least 2% to 20% of the soil, in a progressive downward direction in the soil.~~

Masses of loose rock fragments, including gravel, with insufficient fine soil to fill the voids between the fragments; ~~and~~.

Rock formation, other stratum or soil condition ~~thatwhich~~ is so slowly permeable that it effectively limits downward passage of effluent.

"Liquid Capacity" means the volume of a tank below the invert of the outlet line.

"Local Authority" means a local unit of government ~~thatwhich~~ enforces a private sewage disposal ordinance ~~thatwhich~~ has been approved by the Department; or a local health department ~~thatwhich~~ has been designated an agent of the State for

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conduct of the Private Sewage Disposal Program.

"Non-Residential Property" means any property that is not residential property.

"NPDES Permit" means any general or individual National Pollutant Discharge Elimination System Permit issued by the Illinois Environmental Protection Agency.

"NRCS" means the USDA Natural Resource Conservation Service.

"NSF International" means the National Sanitation Foundation International, an independent testing laboratory.

"NSF International/ANSI Standard 40, Wastewater Treatment System" means any system that has been certified by an approved certification agency to meet NSF International/ANSI Standard Number 40, Residential Wastewater Treatment Systems.

"Residential Property" means a single family home or multi-family unit intended for occupation as living quarters, ~~which~~ is not used to conduct any business that generates wastewater or domestic sewage.

"Septage" means the solid and liquid wastes removed from private sewage disposal systems.

"Shall" means the stated provision is mandatory.

"Soil Boring" means an observation pit, dug by hand or backhoe, or an undisturbed soil core taken intact and undisturbed by a probe.

"Soil Classifier" means one of the following:

A Certified Professional Soil Classifier~~certified soil classifier~~ of the Illinois Soil Classifiers Association (ISCA) or a Certified Professional Soil Classifier~~certified soil classifier~~ with the Soil Science Society of America (SSSA), formerly the American Registry of Certified Professionals in Agronomy, Crops and Soils (ARCPACS).

A person who is a full member or associate member of the Illinois Soil

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Classifiers Association (ISCA), provided that direct supervision is provided to this person by an ISCA or SSSA Certified Professional Soil Classifier ~~ARCPACS certified soil classifier~~ who accompanies the person on at least 25% of the soil investigations and reviews and signs all of that person's soil investigation reports.

"Surface Discharging System" is an approved private sewage disposal system that discharges properly treated effluent to an approved discharge point.

"Subsurface Seepage System" means a subsurface seepage field of seepage bed; ~~or an 8 inch or 10 inch gravelless seepage system.~~

"Uniformity Coefficient" means a number obtained by dividing that size of sand in millimeters of which 60% by weight is smaller, by that size of sand in millimeters of which 10% by weight is smaller.

"Wastewater Source" means any equipment, facility, or other source of any type whatsoever that discharges wastewater, directly or indirectly, to the waters of the State.

"Water Table" means the upper limit of the portion of the soil ~~that~~ which is completely saturated with water. ~~The seasonal high water table is the highest level to which the soil is saturated, as may be indicated by mottling (soil color patterns).~~

Soil science terms used throughout the text of this Part ~~Code~~ are defined in the Soil Science Society of America, Glossary of Soil Science Terms (2001 ~~July 1987~~) unless otherwise defined.

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

Section 905.15 Incorporated and Referenced Materials

The following standards of nationally recognized organizations and federal and State regulations are incorporated or referenced in this Part:

- a) The following materials are incorporated by reference:
 - 1) NSF International/ANSI, ~~ANSI/NSF~~ Standard 46, Evaluation of Components and Devices Used in Wastewater Treatment Systems

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(~~October 22, 2004~~~~May 2, 2002~~) published by:

NSF International
789 Dixboro Road
Ann Arbor, Michigan 48105

Referenced in [Sections 905.40, 905.120](#)~~Section 905.30~~

- 2) [NSF International/ANSI/ANSI/NSF](#), Standard 40, Residential Wastewater Treatment Systems (~~August 1, 2005~~~~July 12, 2000~~) published by:

NSF International
789 Dixboro Road
Ann Arbor, Michigan 48105

Referenced in Section 905.100

- 3) [NSF International/ANSI/ANSI/NSF](#), Standard 41, Non-Liquid Saturated Treatment Systems (~~March 28, 2005~~~~1998~~) published by:

NSF International
789 Dixboro Road
Ann Arbor, Michigan 48105

Referenced in Section 905.130

- 4) American Society for Testing and Materials (ASTM) required standards are listed under Section 905. Appendix A of this Part. List of approved plastic pipe for private sewage disposal system uses and standards may be obtained from:

American Society for Testing and Materials
100 Barr Harbor Drive
West Conshohocken, Pennsylvania 19428-2959

Referenced in Sections 905.40, 905.60, 905.70

- 5) Standard Methods for Examination of Water and Wastewater ([21st edition, October 2005](#)) published by:

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American Public Health Association
1015 8th Street
Washington, D.C. 20036

Referenced in Section 905.110

- 6) Glossary of Soil Science Terms (~~2001 July 1987~~) published by:

The Soil Science Society of America
677 South Segoe Road
Madison, Wisconsin 53711

Referenced in Section 905.10

- 7) Title 40 of the Code of Federal Regulations, Standards for the Use or Disposal of Sewage Sludge (40 CFR 503)
Referenced in Section 905.170

- 8) National Electrical Code, ~~2005+993~~ Edition, published by:

National Fire Protection Association
1 Batterymarch Park
Quincy, Massachusetts 02269

Referenced in Section 905.20

- 9) International Organization for Standardization (ISO)/International Electrotechnical Commission (IEC) Guide 65 (December 18, 2006) published by:

ISO Central Secretariat
International Organization for Standardization (ISO)
1, ch. de la Voie-Creuse
Case Postale 56
CH-1211 Geneva 20
Switzerland

IEC Central Office

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3, rue de Varembé
P.O. Box 131
CH-1211 Geneva 20
Switzerland

Referenced in Section 905.100

- b) The following materials are referenced in this Part:
- 1) Department of Public Health regulations
 - A) Private Sewage Mound Code (77 Ill. Adm. Code 906)
Referenced in Section 905.30
 - B) Illinois Plumbing Code (77 Ill. Adm. Code 890)
Referenced in Sections 905.20, 905.140, 905.150 and Appendix A:
Illustration C
 - C) Recreational Area Code (77 Ill. Adm. Code 800)
Referenced in Section 905.150
 - D) Rules of Practice and Procedure in Administrative Hearings (77 Ill.
Adm. Code 100)
 - 2) Pollution Control Board regulations
 - A) Introduction (35 Ill. Adm. Code 301)
Referenced in Section 905.110
 - B) Permits (35 Ill. Adm. Code 309)
Referenced in Sections 905.110 and 905.170
 - C) Waste Disposal (35 Ill. Adm. Code Subtitle G)
Referenced in Sections 905.20 and 905.140
 - D) Classification of Injection Wells (35 Ill. Adm. Code 704.106)
Referenced in Appendix A, Illustration D
 - 3) Illinois Department of Transportation Specifications for Road and Bridge

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Construction (January 1, ~~2007~~²⁰⁰²) published by:

Illinois Department of Transportation
Manuals Office, Room ~~128~~⁰¹²
2300 S. Dirksen Parkway
Springfield, Illinois 62764

Referenced in Section 905.95

4) [Statutes](#)

[A\)](#) [Environmental Protection Act \[415 ILCS 5\]](#)
[Referenced in Section 905.140](#)

[B\)](#) [Illinois Highway Code \[605 ILCS 5/9-123\]](#)
[Referenced in Section 905.110](#)

- c) All incorporations by reference of federal regulations and the standards of nationally recognized organizations refer to the regulations and standards on the date specified and do not include any ~~amendments or editions~~^{additions or deletions} subsequent to the date specified.
- d) All citations to federal regulations in this Part concern the specified regulation in the ~~2005~~¹⁹⁹⁴ Code of Federal Regulations, unless another date is specified.
- e) All materials incorporated by reference are available for inspection and copying at the ~~Illinois Department of Public Health, Department's Central Office~~, Division of Environmental Health, 525 West Jefferson, Springfield, Illinois 62761.

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

Section 905.20 General Requirements

- a) Rate of Flow for Domestic Sewage. Each unit of the private sewage disposal system shall be designed to treat the volume of domestic sewage discharged to it. The volume of sewage flow shall be determined from Appendix A, Illustration A of this Part. For non-residential establishments, the Department will consider the use of actual flow volumes obtained from similar installations in lieu of the quantities contained in Appendix A, Illustration A of this Part, when the flow data

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is documented. Examples of the documentation that could be accepted would be actual measurements of the quantity of wastewater, or water use receipts. In the design of a private sewage disposal system, peak flows shall be designed for and/or attenuated. When the sewage flow exceeds 1500 gallons per day, and there is a surface discharge, then approval shall be obtained from the Illinois Environmental Protection Agency.

- b) Type of Waste. A private sewage disposal system shall be designed to receive all waste from the buildings served. ~~No cooling water, groundwater, discharge from roof drains, discharge from footing tile drains, swimming pool wastewater, or other clear water discharges shall be directed to the private sewage disposal system. Drains or fixtures receiving any product other than domestic sewage shall be discharged to a holding tank and not to a private sewage disposal system.~~
- 1) Prohibited Influent. No groundwater, discharge from roof drains, discharge from footing tile drains, swimming pool wastewater or clear water discharges shall be directed to the private sewage disposal system. Backwash water from a water softener shall discharge to one of the following:
- A) ~~A septic tank followed by a seepage field, sand filter or waste stabilization pond.~~
- B) ~~A separate subsurface seepage system, provided the seepage field is designed to accommodate the flow from this device on a daily basis. A septic tank is not required in front of a seepage field receiving flow from this device.~~
- 2) Water Softener and Hot Tub Wastewater. Backwash water from a water softener or waste water from a hot tub or similar device shall discharge to one of the following: Wastewater generated by a hot tub or other similar device shall be discharged to one of the following:
- A) A separate building drain in accordance with the Illinois Plumbing Code. The seepage field serving the domestic wastewater flow, provided that the seepage field is increased in size to accommodate the additional flow from the water softener and/or hot tub on a daily basis. This drainage shall be piped so that it does not enter the septic tank, but is directed into the subsurface seepage field. A

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~~separate subsurface seepage system, provided the seepage field is designed to accommodate the liquid capacity of the hot tub on a daily basis. A septic tank is not required in front of a seepage field receiving flow from this device.~~

- B) A separate building drain in accordance with the Illinois Plumbing Code that will discharge to a separate subsurface seepage system, provided the seepage field is designed to accommodate the flow from this device on a daily basis. A septic tank is not required in front of a seepage field receiving flow from this device. The seepage field serving the domestic wastewater flow, provided the seepage field is increased in size to accommodate the additional flow from the hot tub on a daily basis. This drainage shall be piped around the septic tank and directly into the seepage field.

- 3) Motorized Equipment. Waste products such as automotive grease, oils, solvents, and chemicals shall not discharge to a private sewage disposal system. These waste products shall be handled according to rules for disposal of oil, gas and grease promulgated under the Environmental Protection Act, or according to 35 Ill. Adm. Code, Subtitle G, or shall be taken to an oil and gas reclamation center. The floor drain of any non-residential property that meets the requirements of subsection (b)(3)(A) or (B) of this Section, and is connected to a public sewer, shall be connected to an approved gas and oil interceptor meeting the requirements of Section 890.520 of the Illinois Plumbing Code. Wastes from floor drains in areas where vehicles or motorized equipment are serviced and parked shall be treated in accordance with the following:

- A) For any non-residential property in which a floor drain may receive fluids from vehicle or motorized equipment repair or maintenance activities, floor drains shall be connected to a public sewer or holding tank and not to a private sewage disposal system. Repair and maintenance facilities shall include, but shall not be limited to, service stations and auto body, muffler, transmission, small engine, and brake repair shops. Floor drains in any facility that performs vehicle or motorized equipment repair work shall be connected to a public sewer or holding tank. If the floor drain is connected to a public sewer, then the floor drain shall be connected to an approved gas and oil interceptor meeting the requirements of

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Section 890.520 of the Illinois Plumbing Code. If the floor drain is connected to a holding tank, a gas and oil interceptor is not required.

- B) For any non-residential property in which vehicles or motorized equipment ~~is~~are parked or stored and repair or maintenance ~~is~~are not performed, floor drains may discharge to a public sewer or a private sewage disposal system, provided floor drains are only used to receive water from motorized equipment or vehicle washing or to drain melted snow. When floor drains in such properties are connected to a private sewage disposal system, the system must be increased in size based upon the anticipated daily flow. When a maintenance area is adjacent to a parking area, physical barriers, such as a raised curb or recessed floor in the maintenance area, ~~shall~~must be provided to assure ~~that~~ oil and gas are not discharged to floor drains.
- C) For any residential property with a garage of any size, floor drains may discharge directly to a private sewage disposal system. No increase in size of the residential private sewage disposal system is required to handle this liquid waste.
- 4) Other Waste. Drains or fixtures receiving any product other than domestic sewage or wastewater specified in subsection (b)(2) of this Section shall be discharged to a holding tank and not to a private sewage disposal system.
- c) Individual Service. The use of a private sewage system to serve more than one property is prohibited except where a common property is provided, under joint ownership of the users, or where the system is under public jurisdiction or managed by a district established for the maintenance of such systems.
- d) Water and Sewer Line Separation. The following criteria shall govern the separation of water supply lines and sewer lines:
- 1) Horizontal Separation. Sewers shall be installed at least 10 feet horizontally from any existing or proposed water line. When local conditions prevent a lateral separation of 10 feet, a sewer may be laid closer than 10 feet to a water line provided that the elevation of the crown

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of the sewer is at least 18 inches below the invert of the water line.

- 2) Crossings. Where sewer lines must cross water lines, the sewer line shall be laid at such an elevation that the crown of the sewer line is at least 18 inches below the invert of the water line. This vertical separation shall be maintained for that portion of the sewer line located within 10 feet horizontally of any water line it crosses. When sewer lines must cross above water lines, the sewer lines shall be Schedule 40 or equivalent material with watertight joints.
- e) Sanitary Sewer. New or renovated private sewage disposal systems shall not be approved where a sanitary sewer operated and maintained under permit of the Illinois Environmental Protection Agency is available for connection. A sanitary sewer is available for connection when it is within 300200 feet of a residential property or a non-residential property with a sewage flow less than 1500 gallons per day, or within 1000 feet of a non-residential property with a sewage flow greater than or equal to 1500 gallons per day unless a physical barrier or local ordinance exists thatwhich prevents connection to the sewer. If connection from the property to the sanitary sewer cannot be made with an individual line (i.e., 4" line), then a private sewage disposal system may be installed.
- f) Acceptable Pipe Materials:
 - 1) All piping located more than 5 feet from the building foundation, used to convey wastewater to a private sewage disposal system, shall be considered a part of the private sewage disposal system and shall be watertight. This piping shall be ductile iron, vitrified clay, or plastic pipe. Only vitrified clay or plastic pipe shall be used from the septic tank and after the distribution box (where used). Perforated pipe or open-jointed tile shall be used only as provided in this PartCode.
 - 2) Use of plastic pipe and fittings shall conform to the uses designated in Appendix A, Illustration C of this Part.
 - 3) Piping used to carry domestic sewage under areas such as driveways, roads, or parking areas shall be Schedule 40 equivalent or greater.
- g) Pipe Size and Slope. Solid pipes carrying treated effluent by gravity shall have a nominal diameter of 4 inches and a minimum slope of 6 inches per 100 feet. All

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solid pipes carrying domestic sewage by gravity flow shall have a nominal diameter of at least 4 inches and a minimum slope of 12 inches per 100 feet. Solid header lines used for equal distribution shall be level.

- h) Prohibited Discharges. There shall be no discharge of raw or improperly treated domestic sewage to the surface of the ground or to farm tiles, streams, rivers, ponds, lakes, or other collectors of water. Improperly treated domestic sewage is sewage that does not meet the effluent requirements of Section 905.110(b) or sewage ~~that~~which comes directly from a septic tank or building sewer. Domestic sewage or effluent from any private sewage disposal system or component shall not be discharged into any well, cistern ~~or~~; basement or into any underground mine, cave, sinkhole or tunnel.
- i) Pipe Length. Building sewers in excess of 50 feet in length ~~that~~which carry wastewater from the buildings served to the septic tank, distribution box or aeration treatment plant shall be provided with at least one ~~cleanout~~clean-out every 50 feet that terminates at grade.
- j) Private Sewage Disposal System Development. The following factors shall govern the development of a private sewage disposal system:
- 1) Drainage. A private sewage disposal system shall not be located in areas where surface water will accumulate. Provisions shall be made to minimize flow of surface water over the private sewage system. Examples of such provisions would be the use of dikes, embankments, ditches or flow diverters.
 - 2) Distances. The location of the various components of a private sewage disposal system shall comply with Appendix A, Illustration D of this Part.
 - 3) Area Reserved for Sewage Disposal. The area to be used for a private sewage disposal system shall be selected and maintained so that it is free from encroachment by driveways, accessory buildings, swimming pools, parking areas, buried lawn sprinkling systems and underground utility services, patios, slabs, and additions to the original structure or any other structure ~~that~~which limits free access to the system for maintenance, servicing or proper operation. The designated area shall be marked to deter any traffic in the area of the proposed subsurface system.

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- 4) Creviced Limestone Formations. A subsurface seepage system shall not be constructed in an area where there is less than 4 feet of soil between the lowest point in a subsurface seepage system and the top of a creviced limestone formation. In areas where creviced limestone is known to occur, a soil boring to a depth of at least 4 feet below the bottom of the subsurface seepage system shall be made to verify that creviced limestone is not present.
- 5) After March 1, 2008, every proposal for installation or replacement of a private sewage disposal system shall meet the requirements of Section 905.55 of this Part to determine the feasibility for the use of a subsurface seepage system. If the soils on the lot are identified within Design Groups II through VII as illustrated in Appendix A, Illustration M, Exhibit A, a subsurface system shall be used when there is sufficient area for a subsurface seepage system, excluding the area for the structure served by a private sewage disposal system and provided that the minimum distance can be met as established in Section 905.60(a)(7) and Appendix A, Illustration D of this Part.
- k) Electrical Devices. All electrical devices shall be wired in accordance with the National Electrical Code or a municipal, county or local electrical code, whichever is more stringent.
- 1) Any component of a private sewage disposal system ~~that~~^{which} is electrically activated shall be provided with a visible and audible warning device ~~placed within the building served. All electrical devices shall be wired in accordance with the National Electrical Code or a municipal, county, or local electrical code, whichever is more stringent.~~
- 2) Alarms installed after March 1, 2008 shall be located outside of the building served. The power supply for the alarm shall be on a dedicated circuit. The design of the alarm shall meet the requirements specified in Section 5.8 of NSF International/ANSI Standard 40 requirements. The alarm shall be housed in a weather-proof box.
- 3) Electrical devices installed after March 1, 2008 shall be provided with an electrical disconnect that is located within sight of and not more than 50 feet away from the device.

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- l) Variances. If conditions exist at a proposed installation ~~that~~which make ~~impractical or impossible~~ compliance with the requirements of this Part impractical or impossible, a variance may be requested by submitting to the Illinois Department of Public Health, Division of Environmental Health, or appropriate local authority a written proposal that is to be used in lieu of compliance with this Part. Such written request shall include pertinent data such as soil conditions, water table elevations, drainage patterns and distances to water supplies in order to support the request. The capability of the system to comply with the intent of this Part will be the basis for approval or denial of the variances. The Department or local authority will notify the applicant in writing of its decision to either grant or deny the variance. A variance shall be requested and approved before construction begins.
- m) Experimental Use Permits. If a private sewage disposal system or component is of a new and/or innovative type and does not comply with the requirements of this ~~Part-Code~~, the homeowner or private sewage contractor or manufacturer may request an experimental use permit. Such a request shall be submitted in writing to the Illinois Department of Public Health, Division of Environmental Health, and a permit issued prior to construction or installation. The request ~~and~~ shall include ~~meet~~ the following requirements:
- 1) The request shall specify the type of proposed system or component to be used and be accompanied by plans, specifications, and engineering data to support the system's compliance with the general requirements under this Section ~~905.20~~ and with the effluent criteria under Section 905.110 for surface discharges, if applicable.
 - 2) Information (such as topographical or plat maps) regarding the location of each installation shall be provided to the Department.
 - 3) The homeowner, private sewage disposal system installation contractor, and/or manufacturer shall provide the Department with proof that area is available for installation of an approved system should the experimental system fail.
 - 4) The homeowner, private sewage disposal system installation contractor, and/or manufacturer shall guarantee in writing the replacement of the experimental system with an approved system if the experimental system fails to perform in accordance with any of the Sections of this Part, or with

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criteria established as a condition to approval of the system.

- 5) The private sewage disposal system installation contractor and/or the manufacturer shall notify the homeowner, or the person obtaining the experimental use permit, of the aforementioned guarantee, and of the requirement s~~minimum standards~~ of this Part~~the Illinois Private Sewage Disposal Code which~~ must be met, as determined through the process described in subsections (n)(3) and (4) of this Section for developing criteria to be used in the evaluation of the experimental system.
 - 6) Upon receipt of the information required by this subsection (m), the Department will review the experimental system to determine the system's capability of being considered equal to or more stringent than applicable Sections in this Part~~Code~~, and will notify the applicant, in writing, of its decision to grant or deny the request for an experimental use permit. If the request is approved, the Department will issue an "Experimental Use Permit" for each installation, up to 30 installations in the State.
- n) Experimental Use Evaluation
- 1) A minimum of 10 experimental installations shall be evaluated before an unconditional approval may be granted.
 - 2) The experimental permit shall be valid for a period of up to two~~2~~ years, during which time the Department will evaluate the performance of the experimental system. At the end of the two-~~2~~year evaluation period, the Department will determine~~make a determination as to~~ whether the system will be approved.
 - 3) The Department, in consultation with the experimental use permit applicant, shall develop a test method for the experimental system, which~~that~~ will include the following information:
 - A) purpose of the test;
 - B) length of the test;
 - C) analytical methods to be used;

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- D) wastewater characteristics;
 - E) loading requirements; and
 - F) test criteria, including installation procedures, operating procedures, site evaluation criteria, control system criteria, start-up procedures, sampling procedures, and observation procedures.
- 4) The Department, in consultation with the permit applicant, shall develop performance requirements that will detail the criteria to be used to evaluate the product to determine its ability to become an approved private sewage disposal system. [The](#) ~~Sueh~~ performance requirements shall include, but are not limited to, ponding in subsurface systems indicating that failure of the system is imminent.
- 5) The experimental system will be deemed unacceptable:
- A) when sewage erupts from the ground;
 - B) when effluent from the system does not meet the criteria of Section 905.110(d); or
 - C) when the experimental system does not comply with the requirements of subsections (n)(3) and (4) of this Section.
- 6) If acceptable, the experimental system shall become an approved private sewage system. If found to be unacceptable, the experimental system shall not be approved for use as a private sewage disposal system and shall be replaced with an approved private sewage disposal system. The Department shall notify the applicant, in writing, of its determination.
- 7) A homeowner, private sewage contractor or manufacturer whose experimental system has been denied approval for use as a private sewage disposal system may request a hearing to appeal the Department's determination. The request shall be submitted in writing within 10 days after receipt of the Department's determination. The Department's Rules of Practice and Procedure in Administrative Hearings (77 Ill. Adm. Code 100) shall apply to all proceedings conducted under this Section.

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- 8) When an experimental system has been designated by the Department as an approved private sewage disposal system, the Department will amend this Part to include design, construction, operation and maintenance criteria for the newly approved system and will add the system to a list of approved systems maintained by the Department.
- o) Garbage Grinders. When garbage grinders are used in residential property, solids shall be retained by one of the following methods:
 - 1) A solids retention tank constructed in accordance with Section 905.40 shall be placed between the wastewater source and the septic tank to intercept solids from the garbage grinder. This tank shall receive waste from the garbage grinders or the kitchen wastes only. No other fixtures shall discharge into this tank. The solids retention tank shall be at least 50% in liquid volume of the septic tank sized for the waste from the rest of the property; however, the minimum size tank to be used shall be 500 gallons.
 - 2) A septic tank receiving all flows from the property sized in accordance with Appendix A, Illustration F of this Part.
- p) Whenever an existing private sewage disposal system is repaired or replaced, that portion of the system being repaired or replaced shall comply with all the requirements of this Part.
- q) Maintenance of Private Sewage Disposal Systems
 - 1) After March 1, 2008, private sewage disposal systems permitted under Section 905.190 are required to be maintained and serviced to ensure proper operation in accordance with the following:
 - A) Septic tank or septic tank followed by a sand filter discharging to a subsurface seepage system.
 - i) Private sewage disposal systems serving residential properties shall be pumped out and have maintenance performed at the frequency specified in Appendix A, Illustration Z.

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- ii) Private sewage disposal systems serving non-residential property shall have the tanks pumped out and have maintenance performed at least annually. If annual pumping is not sufficient to maintain the septic tank, then it shall be pumped out on a more frequent basis.
 - B) An aerobic treatment unit (ATU) requires maintenance at least once every six months.
 - C) Sand filters and lagoons with surface discharges require maintenance at least once annually.
 - D) All other private sewage disposal systems that are not listed in subsection (q)(1)(A)-(C) shall be maintained in accordance with the manufacturer's specifications or based on a maintenance interval approved by the Department.
 - E) The owner of a private sewage disposal system may submit an alternative maintenance interval to the Department for approval. The alternative interval will be evaluated by the Department on a case-by-case basis and shall be evaluated upon change of property ownership or use.
- 2) After March 1, 2008, as a condition of applying for an installation approval required by Section 905.190, the signature by the property owners on the installation approval submission for any private sewage disposal system being installed, repaired or renovated serves as written acknowledgement that the property owners are aware of and accept the responsibility to service and maintain the private sewage disposal system in accordance with the Act and this Part.
- 3) All maintenance shall be recorded on forms provided by the Department. The person providing maintenance of the private sewage disposal systems and/or the homeowner shall submit the completed form to the Department within 60 days after the date of maintenance.
- 4) Failure to maintain a private sewage disposal system is a violation of the Act and this Part.

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- r) Installation Contractor Onsite. A licensed private sewage disposal system installation contractor shall be present at the site during construction, installation, repair, modification or maintenance of a private sewage disposal system. Cleaning, pumping, disposing and hauling of waste from a private sewage disposal system shall be performed by a licensed private sewage disposal system pumping contractor. A person who owns and occupies a single family dwelling and who constructs, installs, maintains, services or cleans the private sewage disposal system that serves his or her single family residence shall not be required to be licensed under the Act; however, such person shall comply with all other provisions of the Act and this Part. [225 ILCS 225/4]
- s) Construction and Excavation. Any construction or excavation performed by any individual other than the person who owns and occupies a single family dwelling shall be performed by a licensed private sewage disposal system contractor.
- t) The Department may issue approval for a private sewage disposal system or a component of a private sewage disposal system that has been approved by another governmental body or an approved certification agency, based upon, but not limited to, the Department's review of the following information: submittals to other governmental bodies, analysis from third party testing, testing results from other governmental bodies, historical use within the jurisdiction of other governmental bodies.

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

Section 905.30 Approved Private Sewage Disposal Systems

- a) The following systems are approved for private sewage disposal when designed, constructed, operated, and maintained in accordance with this PartCode:
- 1) Septic tank, Imhoff tank or aerobic treatment plants followed by:
 - A) Subsurface seepage field;
 - B) Seepage bed;
 - C) Sand filter (buried or recirculating);
 - D) Waste stabilization pond;

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- E) 8 inch or 10 inch gravelless seepage system;
 - F) Chamber system; or
 - G) Peat filter system.
- 2) Aerobic treatment plant and NSF International/ANSI Standard 40 wastewater treatment systems discharging to supplementary treatment or to the surface, as provided in Sections~~Section~~ 905.100 and 905.110.
 - 3) Privies, chemical toilets, recirculating toilets, incinerator toilets, compost toilets.
 - 4) Mounds designed in accordance with the requirements of the Private Sewage Mound Code (77 Ill. Adm. Code 906).
 - 5) Holding tanks installed in accordance with Section 905.140.
 - 6) Any other system for which a variance in accordance with Section 905.20(l) has been issued or for which an experimental permit in accordance with Section 905.20(m) has been issued.
 - 7) Illinois raised filter bed preceded by a batch treatment aeration system.
 - 8) Technologies approved by the Department under Section 905.20(t).
- b) All other systems or components are not approved.

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

Section 905.40 Septic Tanks

- a) Septic Tank Approval. Manufacturers of prefabricated septic tanks shall submit ~~three~~³ sets of plans for each size and configuration of septic tank to the Department for approval. Such plans shall be drawn to scale and show all dimensions, baffles, tees, cleanouts, and material specifications. The Department will provide a written approval for each size tank ~~shall be provided by the Department~~ when the plans are found to conform to the requirements of this

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Part Code.

- 1) The Department shall issue an approval number to each manufacturer for each series of approved septic tanks, and shall maintain a listing of the approved manufacturers and approved septic tank series.
- 2) No prefabricated septic tank shall be sold, offered for sale, or installed other than those which have been approved by the Department. The tank shall bear the manufacturer's approval number and the liquid capacity of the tank, in gallons, prominently displayed on the outside end wall of the tank above, or next to, the outlet pipe so that this information is readily visible after installation and prior to covering. The Illinois Department of Public Health approval number shall not be used on any tank other than the septic tank for which it ~~is~~ has been issued.
- 3) All persons who manufacture, sell, offer for sale or deliver septic tanks or aerobic treatment plants in or into the State of Illinois shall record the following information about each septic tank or aerobic treatment plant sold or delivered. This information shall be available for inspection by the Department or local authority upon request.
 - A) Name of purchaser and/or property owner (if different);
 - B) Location of delivery (county and address, legal description or driving directions);
 - C) Date of sale and delivery; and
 - D) Size of septic tank or model of aerobic unit.
- b) Septic Tank Construction. Septic tanks shall be designed and constructed in accordance with the following: (Appendix A, Illustration E ~~of this Part~~ is an illustration of these requirements.)
 - 1) A septic tank shall be watertight and constructed of sound and durable materials not subject to excessive corrosion, decay, frost damage, or cracking due to settling or backfilling.
 - 2) Engineering Specifications-

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- A) The tank shall support a top-dead load of not less than 500 pounds per square foot, and concrete tanks shall have a minimum 28-day compressive strength of 3000 pounds per square inch (psi).
 - B) Tanks must be designed and constructed so that they will not collapse or rupture when subjected to anticipated earth and hydrostatic pressures when the tanks are either full or empty. The manufacturer, design engineer, and/or structural engineer shall certify in writing to the Department that the tank is designed and constructed to meet the load requirements of this Part. If additional loading is anticipated, the tank shall be strengthened to accommodate the additional loading.
- 3) Materials. Septic tanks shall be constructed of the following approved materials:
- A) Poured-in-place reinforced concrete.
 - B) Precast reinforced concrete.
 - C) Concrete block, provided that the core is filled with concrete and reinforcing rods are inserted in the core prior to pouring.
 - D) Reinforced plastic.
 - E) Reinforced fiberglass.
 - F) Thermoplastic.
- 4) Depth. The minimum liquid depth of the tank shall be 42 inches, and the maximum liquid depth shall be 72 inches.
- 5) Inlet and Outlet Connections-
- A) The invert elevation of the inlet shall be at least 2 inches above the liquid level in the tank.
 - B) The inlet and outlet openings of the septic tank shall be provided

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with cast-in watertight openings.

- 6) Baffles. Septic tank baffles shall meet the following requirements:
- A) Inlet baffles shall be provided and shall extend at least 6 inches below the surface of the liquid.
 - B) Inlet baffles shall be located no farther than 12 inches from the inlet orifice.
 - C) Inlet and outlet baffles shall have a clearance of at least ~~1~~one inch but not greater than 3 inches of free space between the underside of the tank lid and the baffles.
 - D) Outlet baffles shall be provided and shall extend to a depth ~~equal to~~ 40% of the liquid depth ~~level~~.
 - E) Outlet baffles shall be located no farther than 6 inches from the outlet end wall.
 - F) Slip-in baffles shall extend the full width of the tank.
 - G) The sides of "V" or semi-circular type baffles shall fit tightly against the end wall of the tank.
 - H) Venting shall be provided through all baffles, and a free vent area equal to the cross-sectional area of the ~~building~~house sewer shall be provided.
 - I) Submerged pipe T-branches or sanitary tees may be used at the inlets and outlets in lieu of baffles, provided ~~that~~ all of the ~~above stated~~ distances and depths stated in this subsection (b)(6) are maintained.
 - J) Submerged pipe T-branches or sanitary tees used as inlet baffles shall be 6 inches in diameter or larger. Outlet baffles shall be 4 inches in diameter.
 - K) Submerged pipe T-branches or sanitary tees shall meet the

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requirements of ASTM 2661, ASTM 2665 or ASTM 3034, ~~ASTM 3033~~, or ASTM 2751 provided the pipe does not have an SDR (Standard Dimension Ratio) number greater than 35.

- L) When submerged pipe T-branches or sanitary tees are used as baffles, it shall be the responsibility of the septic tank manufacturer to assure proper location of components during initial installation.
 - M) When a single compartment septic tank is manufactured or used, a gas deflection baffle shall be provided below the outlet baffle of the tank configured to deflect rising gas bubbles away from the outlet structure and toward the interior of the tank. This baffle shall be constructed of a durable material not subject to corrosion or decay. (Appendix A, Illustration E, Exhibit C ~~of this Part~~ is an illustration.) An NSF International/ANSI Standard 46, Section 10 septic tank filter may be used in lieu of the gas deflector baffle. The septic tank filter baffle shall be installed so that it is extended or suspended to a depth equal to 40% of the liquid level of the tank.
- 7) Access. Access shall be provided over the inlet and outlet of the tank to facilitate inspection and cleaning. The manhole or access opening shall have a fitted lid with a minimum dimension of 12 inches (width or diameter). Risers shall be watertight and constructed of a durable material. If the top of the tank is greater than 12 inches below the ground surface, a riser with a minimum dimension of 12 inches (width or diameter) shall be provided to bring access over the inlet and outlet to within 12 inches of the ground surface. The joint between the septic tank and the risers shall be watertight. If a ~~two~~ compartment tank is used, and the tank has an opening over the wall between the compartments, the center opening shall have access provided within 12 inches of the ground surface.
- c) Capacity
- 1) Septic tanks for individual residences shall be sized in accordance with Appendix A, Illustration F ~~of this Part~~. Septic tanks for any establishment other than residential property shall be sized in accordance with the estimated flow provided in Appendix A, Illustration A ~~of this Part~~ and as

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follows:

- 2) The volume below the liquid level for flows up to 500 gallons per day shall be at least 750 gallons. For flows greater than 500 gallons per day, the volume shall be equal to at least one and one-half times the estimated daily sewage flow. When the total flow exceeds 1,350 gallons per day, 2 or more tanks in series, or a multi-compartment tank, shall be installed.
- d) Multiple Tanks or Compartments. When multiple compartment septic tanks or multiple septic tanks in series are used, the capacity of the first compartment or tank shall be one-half to two-thirds of the total required capacity. Two-compartment tanks shall also comply with the following:
- 1) The wall separating the first and second compartments shall be tight-fitting and designed to handle the differential in pressure if one side is pumped.
 - 2) The wall separating the compartments shall extend to within 3 inches of the tank lid and shall have a free vent area equal to the cross-sectional area of the house sewer.
 - 3) The center of the opening between compartments shall be in line with the center of the inlet and outlet openings.
 - 4) The depth to the invert of the opening between compartments shall be 40% of the liquid depth.
 - 5) A gas deflection baffle shall be provided below the outlet baffle of the tank, configured to deflect rising gas bubbles away from the outlet structure and toward the interior of the tank. This baffle shall be constructed of a durable material that is not subject to corrosion or decay. An NSF International/ANSI Standard 46, Section 10 septic tank filter may be used in lieu of the gas deflector baffle. The septic tank filter baffle shall be installed so that it is extended or suspended to a depth equal to 40% of the liquid level of the tank.
 - 6) For a two-2 compartment tank, openings with a minimum dimension of 18 inches shall be located over the inlet and outlet of the tank or 12-inch openings as follows:

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- A) one located over the inlet,
 - B) one over the outlet, and
 - C) one centered over the compartment wall.
- e) Septic Tank Installation.
- 1) The septic tank shall be set level and backfilled to prevent floatation or drifting of the tank. Level shall mean plus or minus one-half inch in any direction (length or width or diameter of the tank).
 - 2) If the inlet, outlet or access openings are to be set at or below the seasonal high water table, all openings in the tank shall be made watertight using mastic, tar, silicone caulk, etc.
 - 3) There shall be no connections such as joints, splices, or fittings within the area of overdig around the septic tank.
- f) Abandoned Treatment Units. Septic tanks, cesspools, pit privies, aerobic treatment plants and seepage pits that are no longer in use shall be completely pumped. The floor and walls shall be cracked or crumbled so the tank will not hold water, and the tank shall be filled with sand or soil. If the tank is removed from the ground, the excavation shall be filled with soil.

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

Section 905.50 Distribution Boxes

- a) General. Distribution boxes may be installed between a septic tank, aerobic treatment plant or NSF Standard 40 wastewater treatment system ~~or aerobic treatment plant~~ and a subsurface seepage system or buried sand filter. If a distribution box is used, it shall be installed level on unexcavated earth, and shall provide equal distribution of flow to the subsequent disposal system.
- b) Connecting Pipe. The pipe connecting the septic tank, aerobic treatment plant or NSF Standard 40 wastewater treatment system to the distribution box and the pipe connecting the distribution box to the disposal system shall be watertight.

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- c) Construction. Distribution boxes shall be constructed of a durable, watertight, non-corrosive material. They shall be designed to accommodate the necessary distribution lines.
- d) Access. Distribution boxes shall be provided with an opening that~~which~~ will serve as a ready access for inspection, cleaning, and general maintenance.
- e) There shall be no connection such as joints, splices or fittings within the area of the overdig around the distribution box.

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

Section 905.55 Subsurface Seepage System Design Requirements

When designing a subsurface seepage system the absorption capacity of the soil shall be determined by subsection (a) or (b) of this Section. On or after January 1, 2009, when designing a subsurface seepage system, the absorption capacity of the soil shall be determined by subsection (a). After January 1, 2009, subsection (b) shall be used to judge if the soils may be suitable for a subsurface system. as follows:

- a) ~~Soil Investigation:~~
 - 1) Soil investigations shall be conducted in the following manner:
 - A) Determination of soil characteristics on sites proposed for development with private sewage disposal systems shall be based on soil boring data collected by a soil classifier or an Illinois licensed professional engineer.
 - B) There shall be a minimum of 3 borings per soil absorption system site. The soil borings shall be at least 50 feet apart, and the proposed subsurface seepage system shall be located within the area where the soil borings were located. More soil borings may be necessary for accurate and appropriate evaluation of a site where there is some concern about the consistency of the soil materials. One of the borings shall be made at the lowest elevation of the proposed absorption field area. Borings shall extend a minimum of 60 inches below the natural ground surface. An

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observation pit shall be used in gravelly materials.

- C) Observation and determination of soil characteristics may also be ~~also~~-determined from a pit dug by a backhoe or other excavating equipment. The Department or local authority may require soil pits (backhoe excavation) in cases where ground is frozen, where the soil materials are considerably varied in texture, where there has been previous or current fill material, cutting of soils, or where gravelly soils are encountered. Such soil pits shall be prepared at the perimeter of the expected soil absorption area to minimize damage to natural soil structure. Soil pits shall extend a minimum of 60 inches below the natural ground surface.
 - D) Site characteristics to be described include zones of seasonal and permanent water saturation, ~~USDAU.S.D.A.~~ soil textural changes, ~~USDAU.S.D.A.~~ soil structural features, slope, compaction and depth, soil coloration, depth of limiting layer, depth of soil mottling (depth to low chroma equal to or less than 2 and a value of 4 or more - Munsell Color System), internal drainage classification, and permeability range, and other limiting soil characteristics that may reduce permeability.
- 2) The following persons are qualified to conduct soil investigations:
- A) any person who meets the definition of soil classifier in Section 905.10;
 - B) an Illinois Licensed Professional Engineer~~a licensed professional engineer~~;
 - C) an Illinois Licensed Professional Geologist;
 - ~~DC)~~ an employee of a local health department who has 3 years of experience in designing or approving private sewage disposal systems using soil classification information and has 6 semester hours of soils-related coursework;
 - ~~ED)~~ an employee of a local health department with 5 years experience reviewing the design and~~designing or~~ approving private sewage

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disposal systems using soil classification information under the direct supervision of those persons listed in subsection (a)(2)(A), (B), ~~or (C) or (D) of this subsection (a)(2).~~

~~A list of qualified persons will be available from the Department upon request.~~

- 3) If conflicting soils investigation information is provided about a given site, an NRCS soil scientist who is a Certified Professional Soil Classifier may be ~~required~~requested to provide ~~additional professional~~ information or help to resolve the conflict.
- b) Percolation Tests:
- 1) Performance of Percolation Tests. At least ~~three~~3 separate percolation tests, a minimum of 50 feet apart, shall be performed at the site of each proposed subsurface seepage system.
 - 2) Procedure for Performing Percolation Tests. Percolation tests shall be performed in accordance with the procedure outlined in Appendix A₂: Illustration G ~~of this Part~~. Alternate procedures for performing percolation tests may be submitted to the Department for review. If determined to be as stringent as that described in Appendix A₂: Illustration G ~~of this Part~~, the alternate procedure shall be approved.
 - 3) The Department or its agent may not accept percolation data results and may require a soil analysis if soils information, permits for private sewage disposal systems in proximity to the proposed site, direct observation or other information shows conditions that will have an impact on the design, construction, installation, modification or performance of the private sewage disposal system. If soils information, permits for private sewage disposal systems in close proximity to the proposed site, direct observations or other information show conditions which will impact the design, construction, installation, modification or performance of the private sewage disposal system, the Department or local authority shall cause the determination of the seasonal high water table, fill, soil compaction, poor soil structure, high bulk density, dense unleached glacial till, fragipans, sodic horizons or other limiting soil characteristics that may reduce permeability or impact on design, construction or location of a

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~~subsurface seepage system.~~

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

Section 905.60 Subsurface Seepage System Construction Requirements

- a) Seepage Field Requirements – Gravel, Gravelless and Chamber Systems-
Subsurface seepage fields shall be designed and constructed in accordance with Appendix A, Illustrations H, I, and J ~~of this Part~~ and the following:
- 1) All subsurface seepage systems using soils information for sizing shall use the soil suitability table in Appendix A, Illustration M ~~of this Part~~ to determine the size requirements of the subsurface seepage system. The least permeable soil profile between the top of the gravel or gravelless pipe or chamber system and the limiting layer shall be used to determine the size of the subsurface seepage system.
 - 2) The bottom of the subsurface seepage field, each trench and its distribution line shall be level. Level, for purposes of this Part, shall mean plus or minus ½ inch in any direction over the entire area of the subsurface seepage system.
 - 3) There shall be a minimum of 6 inches and a maximum of 24 inches of earth backfill over the bedding materials, gravelless pipe or chamber system.
 - 4) There shall be a minimum of 5 feet of undisturbed earth between the septic tank and the nearest trench.
 - 5) If precipitation falls onto the excavation and evidence of soil washing into the excavation of the subsurface seepage system exists, that portion of the seepage system damaged shall be reconstructed to conform with this Section.
 - 6) The top of the gravel, gravelless pipe, or chamber system in the subsurface seepage field shall be at least one inch below the invert of the outlet pipe from the septic tank or distribution box in a gravity flow system.
 - 7) Site evaluation for subsurface seepage systems. Subsurface seepage

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systems receiving septic tank effluent ~~shall~~ should have at least 2 feet of vertical separation distance between the bottom of the subsurface seepage system and the top of the limiting layer. For soils in Design Group I-VI or with a loading rate of greater than 0.62 gallons per day per square foot, there ~~shall~~ should be at least a vertical separation distance of 3 feet between the bottom of the subsurface seepage system and the top of the limiting layer. When the limiting layer is the estimated seasonal high water table, drainage systems that are designed to lower the estimated seasonal high water table can be installed to achieve the specified vertical separation distances.

- 8) Sizing of a ~~Seepage System~~ seepage system in ~~Fill Soil~~ fill soil.
- A) The least permeable soil profile between the top of the gravel, gravelless pipe, or chamber system and the limiting layer shall be used to determine the size of the subsurface seepage system.
 - B) The use of fill for installing subsurface seepage systems shall not be approved for lots platted after March 15, 1996.
 - C) Fill soils may be used to cover a private sewage disposal system, provided that no part of the system is located in the fill and the fill material is at least equal to or better than the original soil or meets the requirements in subsection (a)(9) of this Section.
- 9) Soil ~~Criteria~~ criteria for ~~Use~~ use of ~~Fill~~ fill for ~~Subsurface Seepage Systems~~ subsurface seepage systems.
- A) Soils to be utilized for fill shall be identified by a soil classifier or licensed professional engineer and a report submitted to the Department or local authority. The report shall contain specific information on the fill soil, including location, depth, permeability, and texture. Soils that can be used as fill are those identified in Appendix A, Illustration M ~~of this Part~~ as 2A, 2K, 3A, 3B, 3C, 3K, 3L, 4B and 4K (Design Group II, III and IV).
 - B) In addition to the above requirements, fill soil shall not contain extraneous material such as tires, concrete, brick, reinforcing bar, demolition material, etc.

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- C) All of the following conditions shall be met for a subsurface seepage system to be installed in fill.
- i) Satisfactory original soil shall be at least 3 feet above bedrock.
 - ii) A maximum of 2 feet of fill soil shall be used.
 - iii) Fill shall not be placed on original soil with a slope greater than 10%.
 - iv) The fill shall be placed at the site so that a minimum of compaction occurs, and the fill shall be allowed to settle undisturbed for a period of at least 12 months. Soils in Design Group II, when used for fill, shall not be required to settle for a period of at least 12 months.
 - v) After the fill has been settled, a percolation test shall be conducted in accordance with the procedure outlined in Appendix A, Illustration G ~~of this Part~~, and a percolation rate of not greater than 270 minutes/6 inch fall or less than 60 minutes/6 inch fall shall be achieved.
- 10) Site Preparation for ~~Use~~ of ~~Fill Soil~~ ~~fill soil~~.
- A) Excess vegetation shall be cut and removed. The site shall be plowed with a mold board plow 7 to 8 inches deep with the plowing done perpendicular to the slope. It shall not be done with the furrow running up and down the slope. Chisel plowing may be used in place of mold board. Roto-tilling is prohibited.
 - B) Once the site is plowed, all traffic must be kept off the site. The fill material can be deposited on the top with a backhoe or pushed on from the side, preferably the upslope side, using a track type tractor, keeping 6 inches of fill beneath the tracks. At no time shall ruts be made in the plowed area. The fill shall be placed immediately after site preparation to avoid the possibility of precipitation falling on the plowed area.

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- C) Traffic on the downslope side of the fill area shall be minimal to reduce compaction. All work shall be performed from the ends and upslope side. Compaction of the natural soil downslope will reduce the lateral movement of the effluent.
- D) The fill shall not be placed on frozen ground or when the soil is wet. Moisture content of the soil is very important when filling. Site preparation shall not take place when the soil is too wet. To check moisture content, ~~take~~ a soil sample may be taken from the plow layer (7 to 8 inches) and ~~rolled~~roll it between the palms of the hands. If the soil rolls into a ribbon, it is too wet to prepare. If the soil crumbles, site preparation can then proceed.
- b) Gravel Seepage Field Requirements:
- 1) Bedding Material. The bedding material shall be clean gravel or clean stone that is free of mud, silt, or clay, with particle size ranging from $\frac{3}{4}$ inch minimum to 4 inches maximum. The bedding material shall extend the full width of the trench and to a depth of at least 6 inches below the bottom of the distribution line. The bedding material shall extend at least 2 inches above the top of the distribution line.
 - 2) Distribution Lines. Distribution lines shall be constructed of materials as approved in Section 905.20(f). The lines shall be perforated or open-joint tile. Where open joint tile is used, the tile sections shall be spaced not less than $\frac{1}{4}$ inch or more than $\frac{1}{2}$ inch apart. Perforated piping, with the exception of 8-inch or 10-inch gravelless seepage beds, shall have $\frac{1}{2}$ - to $\frac{3}{4}$ - inch diameter openings on 3- to 5- inch centers with a minimum of 2 rows. The openings in the pipe shall be placed downward.
 - 3) Separation Material. Bedding materials shall be covered by straw, newspaper, untreated building paper, geotextile fabric or other permeable or biodegradable material to support the backfill as the laying of the distribution line proceeds. Tar paper, plastic, or other impervious material shall not be used between the bedding material and the earth backfill.
 - 4) The ends of a gravel seepage field shall be looped except in serial distribution systems.

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- c) Gravelless Seepage Field Requirements. In addition to Section 905.20(f), 8- or 10-inch gravelless seepage systems shall comply with the following specifications:
- 1) 8- and 10-inch inside diameter (I.D.) corrugated polyethylene tubing shall meet the requirements of ASTM F667-84, Standard Specification for Large Diameter Corrugated Polyethylene Tubing, with the following exceptions:
 - A) Perforations shall be uniformly spaced along the length of the tubing as follows: ~~two~~ rows of holes $\frac{1}{2}$ inch in diameter for 8-inch tubing and $\frac{1}{2}$ inch in diameter for 10-inch tubing, located 120° to 140° apart along the bottom half of the tubing, each row 60° to 70° up from the bottom center line. The perforations shall be staggered so that there is at least one hole in each corrugation.
 - B) The pipe shall be marked to indicate the top of the pipe.
 - 2) All gravelless drainfield pipe shall be encased at the point of manufacture with a filter wrap having the following characteristics:

Physical Properties	Minimum Value
Grab Strength, lbs. (ASTM D1682-64 Reapproved 1975 or ASTM D4632-91(2003))	
Machine Direction	19
Traverse Direction	11
Burst strength, psi (ASTM D3786-06e1-80a)	26
Air Permeability, cfm per sq. ft. (ASTM D737- 0475, Reapproved 1980)	500
Particle Size Distribution (ASTM F662-80)	
Polyethylene particles in water and alcohol solution, coulter counter analysis, single pass:	

Particle Size (Microns)	% Retained
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70

80

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60	68
50	56
40	40
30	22
20	5

- 3) 8- or 10-inch gravelless seepage trenches shall comply with the following Illustrations in all requirements that apply to standard gravel trench systems as stated in Appendix A unless otherwise stated in this Part:-
- A) Illustration D.
 - B) Illustration H, Exhibit B.
 - C) Illustration I, Exhibit C.
 - D) Illustration I, Exhibit D.
 - E) Illustration J, Exhibit C.
 - F) Illustration J, Exhibit D.
 - G) Illustration K, Exhibits E through H.
 - H) Illustration M, Exhibit A.
- 4) Bedding Material. 8- and 10-inch gravelless seepage systems or chamber systems may be bedded with material excavated to construct the system. The backfill material shall not contain large clods of earth, demolition material or other extraneous material.
- 5) Separation Material. No straw, newspaper or untreated building paper shall be placed between the gravelless seepage system or chamber system and the earth backfill.
- 6) Bending. 8-inch and 10-inch gravelless pipe shall not be bent around corners on a radius of less than 5 feet. If a sharper radius is required, a tee shall be used.

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- 7) Gravelless seepage systems or chamber systems are not required to be looped. Gravelless seepage systems or chamber systems that are not looped shall be capped on the end.
- d) Serial Distribution. Serial distribution shall be used in areas where the slope of the terrain prohibits the installation of conventional subsurface seepage systems. The following criteria shall be used in the design and construction of a serial distribution system: (See Appendix A, Illustration K. ~~of this Part~~):
- 1) The bottom of each trench and its distribution line shall be level.
 - 2) There shall be a minimum of 6 inches of earth backfill over the bedding material or chamber system or the gravelless pipe in the trenches.
 - 3) The trench shall follow the ground surface contours so that variation in trench depth will be minimized.
 - 4) There shall be a minimum of 5 feet of undisturbed earth between the septic tank and the nearest trench.
 - 5) Adjacent trenches shall be connected with a relief line or a drop box arranged so that each trench is completely filled to the full depth of the gravel or gravelless pipe or chamber system before effluent flows to the succeeding trench.
 - 6) The relief lines connecting the trenches shall have watertight joints and direct connections to the distribution lines in adjacent trenches. Tight joint T's and 45° ells, or a drop box arrangement shall be used to connect adjacent trenches.
 - 7) Where the relief pipe trench connects with the higher trench, it shall not be deeper than the top of the gravel or gravelless pipe or chamber system in the higher trench. Relief lines shall rest on undisturbed earth and the backfill shall be carefully tamped.
 - 8) The invert of the first relief line shall be at least ~~one~~ inch lower than the invert of the septic tank or aerobic treatment plant outlet. (See Appendix A, Illustration K. ~~of this Part~~.)

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- 9) All other construction features of the serial distribution field shall comply with subsections (a) through (d) of this Section.
- e) Seepage Beds. The total bottom area of the seepage bed shall be 1½ times the area specified in Appendix A, Illustration H, Exhibit A or Illustration M, Exhibit A of this Part. Construction features shall conform to subsections (a) and (b) of this Section. Distribution lines shall be spaced no further than 6 feet center to center and shall be equally spaced. Lines adjacent to the bed sidewalls shall be 18 inches from the bed sidewall. (See Appendix A, Illustration L of this Part.) Seepage beds shall be constructed so that construction equipment does not drive over the bottom of the bed.
- f) Chamber Systems. Chamber systems shall be sized and installed in accordance with the following:
- 1) Center-to-center spacing for chamber systems shall be in compliance with Appendix A, Illustration I, Exhibit D. The minimum center-to-center spacing of chambers shall be 7 feet.
 - 2) Chamber systems shall be sized in accordance with Appendix A, Illustration I, Exhibit E.
 - 3) Chamber systems shall be designed to support all weight of earth backfill without collapsing.
 - 4) Chamber systems shall be designed to prevent earth backfill from restricting flow within the chamber.

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

Section 905.70 Buried Sand Filters

- a) General. Buried sand filters may be used, provided that the effluent is discharged in accordance with the requirements of Section 905.110.
- b) Size. Buried sand filters shall be sized as follows:
- 1) Residential. The sand filter surface area for residential property shall be 200 square feet per bedroom. Where a sand filter is used in conjunction

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with an approved aerobic treatment plant, the surface area of the sand filter may be reduced by 50 percent.

- 2) Non-Residential. All of the following shall be met when a buried sand filter is to be installed on non-residential property.
 - A) The surface area of the sand filter shall be designed for one square foot per gallon per day for waste with an influent Biochemical Oxygen Demand (BOD) not to exceed 300 parts per million (ppm).
 - B) A sand filter with flows of 801 gallons or more per day shall have the ~~influent/effluent~~ distributed into the sand filter by a pressure dosing system designed according to subsection (1) of this Section, and the sand filter shall be dosed 4 times per day with equal flows not to exceed the design capacity of the filter.
 - ~~C) The sand filter shall be dosed 4 times per day with equal flows not to exceed the design capacity of the filter.~~
- c) A single individual sand filter shall be used to treat flows from a wastewater source. Splitting flows prior to treatment or the use of multiple sand filters shall be prohibited unless subsurface disposal of the effluent is used. Where allowed, splitting of flows shall be done by pumps.
- d) Minimum Size. The minimum size buried sand filter shall be designed to treat at least 100 gallons of waste per day.
- e) Sand Filter Media. The depth of filter media shall be a minimum of 24 inches. The sand shall have an effective size of 0.5 to 2.0 millimeters, and a uniformity coefficient of less than 3.5. It shall be clean and free of clay and silt.
- f) Alternate Media. Other filter media may be used in a subsurface filter provided that it meets the criteria of subsection (e) of this Section and complies with the following requirements.
 - 1) Is chemically and biologically inert;
 - 2) Will support biological growth and.

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- 3) Has a hardness equivalent to, or greater than, that of sand.
- g) Filter Media Cover. The filter media shall be covered with a minimum of 10 inches of clean coarse gravel or clean stone ~~that~~which is free of mud, silt or clay, ranging in size from $\frac{3}{4}$ to $2\frac{1}{2}$ inches in diameter. The gravel or stone shall be covered with straw, untreated building paper, or other permeable material prior to backfilling. A minimum of 12 inches earth cover shall be provided. (See Appendix A₂: Illustration N ~~of this Part~~.)
- h) Distribution and Collection Lines. The distribution and collection lines shall conform to the requirements for distribution lines as given in Section 905.60(b)(2). The distribution lines shall be level, shall be located 18 inches from sidewalls, and shall be spaced on 3 foot centers. There shall be solid pipe to the filter media. The collection lines shall have a slope of 6 inches per 100 feet, and one collection line shall be provided for each 10 feet of width or fraction thereof. The upper end of the collection line shall be capped.
- i) Bedding Material. The bedding material for the collection lines shall be placed as shown in Appendix A₂: Illustration N ~~of this Part~~ and, shall be clean gravel or clean stone ~~that~~which is free of mud, silt or clay. The coarse gravel shall range in size from $\frac{3}{4}$ to $2\frac{1}{2}$ inches in diameter, and pea gravel shall range from ? to ? inches in diameter. A minimum of 2 inches of coarse gravel shall be placed on the excavation before placement of the collection lines.
- j) Venting. A minimum of one vent shall be placed on the downstream end of the distribution lines as shown in Appendix A₂: Illustration N ~~of this Part~~. These vents shall be placed as close as possible to the corners on the downstream distribution lines. The vents shall extend above the ground surface and be screened with $\frac{1}{4}$ inch mesh screen or equivalent.
- k) Drainage. Surface drainage shall be directed away from the filter. If conditions prohibit gravity drainage of the filter effluent, a pumping chamber shall be installed. The chamber shall be constructed of a watertight, non-corrosive material and shall be provided with a removable lid, which will serve as an access for inspection, cleaning, and general maintenance. An access port or extension collar shall extend at least 6 inches above the ground surface, and the access shall have a minimum dimension of 12 inches. The chamber shall have sufficient depth and the pump controls shall be set in a manner to allow for complete drainage of the filter to eliminate any ponding of effluent within the filter. (See

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Section 905.125 Pumps, Pump Chambers and Ancillary Equipment.)

- 1) Distribution of Effluent. Buried sand filters designed to treat non-residential property with flows of 801 gallons or more per day shall have the effluent distributed into the sand filter by pumping. The pumps, pumping chamber and ancillary equipment shall comply with Section 905.125 and the following:
 - 1) Dosing ~~Volume~~ ~~volume~~. ~~Dosing shall not exceed 4 times a day.~~ The dosing volume is the amount of liquid pumped or siphoned during each cycle minus the amount ~~that~~ ~~which~~ drains back from the ~~sand filter~~ ~~system~~ after each dose.
 - 2) Pump Selection. The pump shall be a submersible pump designed for corrosive liquids.
 - 3) Siphons. Siphons can be designed where elevation exists between the sand filter and the siphon chamber. However, the siphon shall be designed to deliver the same flow rate at the same head at the distribution system as a pump system. The distribution system consisting of manifold and laterals shall be designed so that it will drain after each siphon. This shall be accomplished by placing the manifold above the laterals.

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

Section 905.80 Recirculating Sand Filter

- a) General. The recirculating sand filter system (Appendix A, ~~Illustration O~~ ~~of this Part~~) consists of a septic tank, recirculation tank, open sand filter, and flow splitter. It may be used provided the effluent is discharged in accordance with the requirements of Section 905.110.
- b) Septic Tank. The septic tank shall be sized and installed as described in Section 905.40.
- c) Recirculation Tank. The recirculation tank volume shall be 500 gallons and the tank shall be equivalent in strength and materials to the septic tank as provided in Section 905.40. No baffles are necessary. An access manhole, as described in Section 905.40(b)(7), shall be provided for pump maintenance or replacement.

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- d) Sand Filter. The sand filter shall be sized at one square foot of filter surface for every 3 gallons per day of domestic sewage flow. Appendix A₂: Illustration P ~~of this Part~~ has a size chart for residences based on numbers of bedrooms. Unless otherwise stated in Appendix A₂: Illustration P ~~of this Part~~ the sizes shown are required. The filter media shall comply with requirements of Section 905.70(e) and (f) and shall be 30 inches in depth.
- e) Bedding Material. The bedding material for the collection lines shall be the same as that in a buried sand filter. The coarse gravel shall be $\frac{3}{4}$ to $2\frac{1}{2}$ inch diameter and the pea gravel shall be from ? to ? inches diameter. A minimum of 2 inches of coarse gravel shall be placed on the excavation prior to placement of collection lines.
- f) Distribution and Collection Lines. The collection lines shall be constructed of materials as approved in Section 905.20(f) and shall be 4 inches inside diameter perforated piping laid with perforations facing downward. The distribution piping shall have an inside diameter of $1\frac{1}{2}$ inches. The perforated pipe shall have $\frac{1}{2}$ to $\frac{3}{4}$ inches diameter openings on 3 to 5 inch centers with 2 rows at 120 from each other. Distribution piping shall be spaced on 3 foot centers and shall be located a minimum of $1\frac{1}{2}$ feet from sidewalls.
- g) Pumps. The pump shall be a submersible pump designed for corrosive liquids and shall have a capacity of 15 to 25 gallons per minute at the 10 foot total dynamic head (TDH). The pump shall be controlled by a time clock which can be set to activate the pump at one hour or longer intervals. Pump shut-off shall be controlled by a low level float switch which allows the entire contents of the recirculation tank to be pumped during each pump cycle. A high level float switch shall be provided that energizes a visible and audible alarm to indicate pump failure or malfunction. (See Appendix A₂: Illustration Q ~~of this Part~~.)
- h) Flow Splitter. The flow splitter shall be designed so that recirculation rates can be controlled between no recirculation and a 5 to 1 recirculation ratio. An example of one type of splitter is shown in Appendix A₂: Illustration O ~~of this Part~~.

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

Section 905.90 Waste Stabilization Ponds

General. Waste stabilization ponds may be used if designed and constructed in accordance with

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the following criteria and provided the effluent is discharged in accordance with the requirements of Section 905.110 (See Appendix A₂: Illustration R-~~of this Part~~ as an illustration of these requirements). A septic tank sized according to 905.Appendix A₂: Illustration F-~~of this Part~~ or an aerobic treatment plant shall precede a waste stabilization pond.

- a) Location: A waste stabilization pond shall be located as distant as practical from residences, but in no case closer than the distances shown in Appendix A₂: Illustration D-~~of this Part~~, and in an area where trees will not interfere with sunlight on the surface.
- b) Dimensions. Ponds shall have a length not exceeding 3 times the width.
- c) Capacity. When domestic sewage from a septic tank is to be discharged to the waste stabilization pond, the capacity of the pond shall be equivalent to 60 times the average daily flow. When preceded by a Class II aerobic treatment plant, the capacity of the pond shall be equivalent to 18 times the average daily flow.
- d) Depth. The wastewater depth for a waste stabilization pond shall be uniform and 3 feet to 5 feet.
- e) Freeboard. A minimum freeboard of 2 feet shall be provided.
- f) Embankments. Embankments shall be constructed of impermeable materials and shall be compacted. Embankment slopes shall be in 1 to 2 (vertical to horizontal) below the water line and 1 to 3 or flatter above the water line. The top width of the embankment shall be a minimum of 2 feet. Embankments shall be seeded or rip-rapped from the outside toe to the high water line. Perennial, low growing, spreading grasses that withstand erosion and can be kept mowed are most satisfactory for seeding of embankments.
- g) Inlet. The inlet line shall be placed 12 to 24 inches above the bottom of the pond at a point opposite the overflow structure and shall be supported at no greater than 10 foot intervals along its length. It shall discharge at least 10 feet from the water's edge. The inlet line shall be sloped in accordance with Section 905.20(g).
- h) Outlet. The outlet structure shall be designed to prevent the discharge of floating solids. This shall be accomplished through baffling. The baffle shall consist of a sanitary T or 90° elbow. If the 90° elbow is used, a ¼-inch hole shall be drilled into the top of the elbow to provide an air break. The outlet baffle shall extend 12

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inches below the invert of the overflow. The outlet baffle shall be 3 to 5 feet from the embankment.

- i) Bottom. The bottom of the waste stabilization pond shall be cleared and leveled to the required elevation and shall be lined with an impermeable natural or man-made material. The pond shall be kept free of vegetation that would grow to or above the water surface.
- j) Drainage. All surface water shall be diverted away from the waste stabilization pond.

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

Section 905.95 Illinois Raised Filter Beds

- a) Illinois raised filter bed disposal systems shall have a filter loading rate of 4 gallons per square foot per day for residential systems of up to 1,500 GPD flows. Non-residential systems of any size or residential systems in excess of 1,500 GPD shall use a filter loading rate of 2.5 gallons per square foot per day. The system shall be designed in accordance with Appendix A, Illustration X, Exhibits A through E.
- b) An aeration batch treatment system that has been approved by NSF in accordance with NSF Standard 40 shall be used. The aeration tank volume shall hold at least 2 times the average daily wastewater flow for residential use (including the use of a garbage disposal). Non-residential systems shall have a tank volume size of 3 times the daily wastewater flow. Multiple tanks shall be used to achieve the volume required. Multiple tanks require connection at the bottom of each tank for flow equalization.
- c) Filter beds shall not exceed 600 square feet. If a larger area is needed, multiple beds must be used, separated by a minimum distance of 15 feet, using a common mantle. The filter beds can be placed at any point on the mantle in order to accommodate existing ground contours.
- d) The filter length shall not exceed 3 times the width.
- e) The sand filter media shall have an effective size of 0.5 to 2.0 millimeters, a uniformity coefficient of less than 3.5, and a 30 inch depth.

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- f) The mantle shall be sized in accordance with the formula $A = QT/25$, where A = Mantle Area, Q = Quantity of wastewater per day, and T = Percolation time of the original soil in minutes per inch. (See Section 905.Appendix A, Illustration X, Exhibit E to convert soil investigation information to T (percolation time).)
- g) The mantle shall be at least equal to the area of the filter bed. The mantle shall not be designed for percolation rates that exceed 120 minutes per inch.
- h) The mantle area is to be cut into original soil to a depth of 6 inches and back-filled with 12 inches of torpedo sand that is graded as FA1-FA8 in accordance with Standard Specifications for Road and Bridge Construction, adopted January 1, 2002 by the Illinois Department of Transportation.
- i) The slope of the bottom of the mantle shall be level, plus or minus 1 inch. The slope of the earth sidewalls of the filter shall be a maximum of 3 feet horizontal to 1 foot vertical.
- j) The mantle area must be at least 12 inches deep. If the maximum high groundwater table is less than 6 inches from the bottom of the filter bed, additional torpedo sand must be used to increase the isolation distance between the bottom of the filter bed and the high groundwater table to at least 6 inches. Other separation distances (e.g., well, property line, etc.) shall be measured from the toe of the filter bed.
- k) The distribution piping (4-inch perforated pipe) shall be placed level to 15-inch centers in 12 inches of $\frac{3}{4}$ -inch stone.
- l) Sod shall be placed over the filter beds and mantle.

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

Section 905.100 Aerobic Treatment Plants and NSF International/ANSI Standard 40 Wastewater Treatment Systems

- a) General. Aerobic treatment plants and NSF International/ANSI Standard 40 wastewater treatment systems shall be tested and listed by NSF International or a laboratory approved by ANSI and certified compliant with the International Organization for Standardization (ISO)/International Electrotechnical

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Commission (IEC) Guide 65 to determine compliance with the requirements of ANSI/NSF International/ANSI Standard 40, Residential Wastewater Treatment Systems, August 1, 2005~~July 12, 2000~~. Standard 40 is a standard that covers an organized and coordinated system of components that functions to treat wastewater generated by individual residences. This Part shall allow approved aerobic treatment plants and NSF International/ANSI Standard 40 wastewater treatment systems to serve residential property that is occupied on a year-round or full-time basis. Aerobic treatment plants shall not be used to serve residential property that is used as a seasonal, weekend or part-time residence.

- b) Class II Effluent. Aerobic treatment ~~systems~~plants listed by NSF International or a laboratory approved by ANSI to determine compliance with ANSI/NSF International/ANSI Standard 40 for Class II effluent shall discharge to one of the following:
- 1) A subsurface seepage system designed and constructed in accordance with the requirements of Section 905.60.
 - 2) A sand filter designed and constructed in accordance with the requirements of Section 905.70 or 905.80.
 - 3) A waste stabilization pond designed and constructed in accordance with the requirements of Section 905.90.
- c) Class I Effluent. NSF International/ANSI Standard 40 wastewater treatment systems~~Aerobic treatment plants~~ listed by NSF International or a laboratory approved by ANSI to determine compliance with ANSI/NSF International/ANSI Standard 40 for Class I effluent shall discharge to one of the following:
- 1) A subsurface seepage field designed and constructed to be at least ? the size determined necessary by Section 905.60. The subsurface system shall be installed as shallow as possible while maintaining a minimum of 6 inches of cover and, if feasible, at least 1 foot above the shallowest limiting layer; or
 - 2) A~~To a~~ surface discharge in accordance with Section 905.110.
- d) Sizing. Aerobic treatment plants that are listed by NSF International or a laboratory approved by ANSI to determine compliance with ANSI/NSF

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International/ANSI Standard 40 as Class I and rated at 500 gallons per day will be allowed for the treatment of sewage from residential property having up to and including 4 bedrooms. Other aerobic treatment plants that are listed by NSF International or a laboratory approved by ANSI to determine compliance with ~~ANSI/NSF~~ International/ANSI Standard 40 as Class I shall be sized as follows:

Bedrooms	Minimum Rated Treatment Capacity-Gallons
1	400
2	400
3	500
4	500
5	750
6	900
7	1000
8	1200
9	1350
10	1500

- e) Installation. All components of aerobic treatment plants shall be installed at the time of the original installation. If this is not possible, a solid end cap shall be securely placed over the end of the discharge line until the system can be completed. This will prevent the discharge of raw sewage to the ground surface.
- f) Accessibility for inspection and maintenance. The aerobic treatment plants or NSF International/ANSI Standard 40 wastewater treatment systems shall be equipped with one or more grade-level access manholes having a minimum inside dimension of 18 inches, which extends a minimum of 3 inches above the ground surface. The manhole shall be equipped with a lid that is secured in compliance with Section 5.7.2 of NSF International/ANSI Standard 40. These manholes shall be located to permit periodic physical inspection and maintenance of all compartments and component parts. Component parts include submerged bearings, moving parts, tubes, intakes, slots, filters, and other devices. ~~Grade level access manholes shall be installed in a manner to prohibit the entry of soil, water and dirt into the unit.~~
- g) Service. Devices falling within the scope of Standard 40 require periodic maintenance to achieve performance consistent with demonstrated capabilities.

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Implicit in Standard 40 is the recognition that assured professional service is imperative. Standard 40 and this Part require a two2-year service policy to be provided as part of the initial service agreement. (Note: The following initial service policy includes items not included in the NSF International/ANSI Standard 40 service policy.)

- 1) Initial service policy: A two2-year policy shall be furnished to the purchaser by the private sewage disposal installation contractor through the manufacturer or the distributor of the aerobic treatment unit. This policy shall provide:
 - A) Four inspection/service calls, at least one every six6 months, which includes inspection, adjustment, and servicing of the mechanical and the applicable component parts to ensure proper function;
 - B) For an effluent quality inspection consisting of a visual check for color, turbidity, scum overflow, and an examination for odors;
 - C) For improper operation thatwhich cannot be corrected at that time, to be reported to the owner immediately. This shall be followed with a written report that includes the date for the condition to be corrected.
- 2) Continuing service policy: Each manufacturer shall make available for purchase by the owner a continuing service policy with terms equal to the initial service policy.
- 3) Standby parts: Standby mechanical and electrical component parts shall be stocked by the local distributor for use when the plant's mechanical or electrical components must be removed from the site for repairs.
- 4) Component parts: The mechanical and electrical component parts shall be guaranteed against any defects in materials and workmanship as warranted.
- 5) Service: Service shall be available within two2 working days following a request.
- 6) Owner's manual: An owner's manual shall be provided by the

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manufacturer with each unit. The manual shall include the following information:

- A) Model numbers.
 - B) Functional description of unit, including a statement of minimum performance requirements as established by test.
 - C) Design and flow diagrams.
 - D) Warranty.
 - E) Replacement policy and service policy.
 - F) Installation instructions.
 - G) Detailed operation and maintenance requirements (including user responsibility, parts and service).
 - H) Rated service flow in GPM (gallons per minute) or GPD (gallons per day).
 - I) Energy source and energy required for proper operation of the plant.
 - J) Specification of models tested under [ANSI/NSF International/ANSI Standard 40](#).
- 7) Service label: A clearly visible, permanently attached label or plate giving instructions for obtaining service shall be placed at the audible and visual alarm.
- 8) Responsibility of property owner: The property owner shall be responsible for maintaining and operating the plant in accordance with this Part and the manufacturer's specifications.
- h) Operation. Aerobic treatment plants [and NSF International/ANSI Standard 40 wastewater treatment systems](#) shall produce an effluent meeting the physical, chemical and biological requirements of Section 905.110. Under normal

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operation and in the event of an electrical or mechanical failure or other performance failure or malfunction, the design and construction of the aerobic treatment plant [or NSF International/ANSI Standard 40 wastewater treatment system](#) shall prevent the discharge of wastewater from any opening that is not part of the designed flow path of the entire treatment process and shall prevent the discharge of wastewater that is not in compliance with Section 905.110.

- i) Maintenance. In the event that a routine service call indicates an electrical, mechanical or performance failure or malfunction or if routine laboratory test results indicate improper treatment, the property owner shall immediately take action to bring the aerobic treatment plant [or NSF International/ANSI Standard 40 wastewater treatment system](#) into compliance with this Part.
- j) Non-residential use. Aerobic treatment plants [and NSF International/ANSI Standard 40 wastewater treatment systems](#) that are listed by NSF [International](#) or a laboratory approved by ANSI to determine compliance with [ANSI/NSF International/ANSI Standard 40](#) as Class I will be considered for use to serve a non-residential property provided all of the following are met:
 - 1) Total daily flows from the wastewater source into the plant are at least 75% of the rated hydraulic capacity and do not exceed the rated hydraulic capacity of the plant.
 - 2) Wastewater influent shall not exceed the manufacturer's design specifications for BOD5 loading as established by NSF [International](#) or a laboratory approved by ANSI to determine compliance with [ANSI/NSF International/ANSI Standard 40](#) during testing of the plant.
 - 3) Hourly flows from the wastewater source into the plant are less than or equal to the treatment capacity of the plant divided by 24. This may require the installation of a flow equalization device.
 - 4) A buried sand filter sized with a surface area equal to 2 gallons per square foot per day and dosed at least once but not more than 4 times per day shall immediately follow the aerobic treatment plant.
- k) ~~Splitting of flowsAny wastewater source shall be served by a single individual aerobic treatment plant.~~ Splitting of flows from a wastewater source or the use of multiple aerobic treatment plants [or NSF International/ANSI Standard 40](#)

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wastewater treatment systems shall be prohibited unless subsurface disposal of the effluent is used. Where allowed, splitting of flows shall be done by pumps.

- l) Private sewage disposal installation contractors or homeowners who maintain or service aerobic treatment plants and NSF International/ANSI Standard 40 wastewater treatment systems shall be required to maintain the integrity of the NSF International seal or the seal of a laboratory approved by ANSI to determine compliance with ANSI/NSF International/ANSI Standard 40. Only component parts approved for use in an individual plant may be used. No design changes or component part changes may be made that will void the NSF International seal or the seal of a laboratory approved by ANSI to determine compliance with ANSI/NSF International/ANSI Standard 40. Any person who voids the NSF International seal or the seal of a laboratory approved by ANSI to determine compliance with ANSI/NSF International/ANSI Standard 40 shall be responsible for repairing the plant so it can bear the NSF seal or the seal of a laboratory approved by ANSI to determine compliance with ANSI/NSF Standard 40 or shall replace the plant with an approved private sewage disposal system.

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

Section 905.110 Effluent Discharges

- a) General. Buried sand filters, recirculating sand filters, waste stabilization ponds, and aerobic treatment plants and NSF International/ANSI Standard 40 wastewater treatment systems listed by NSF International/ANSI for Class I effluent (See Section 905.100(a) and (c)) may be discharged to any one of the following three options:
 - 1) A receiving stream, river, lake, or pond that which provides greater than a five to one dilution of the effluent, based on the seven-day, 10-year low flow rate. A discharge within 10 feet of the above shall be considered to be a discharge to the receiving body of water. Discharges greater than 10 feet from the receiving body of water shall comply with subsection (a)(2) or (3) of this Section. Discharges to a lake or pond shall be limited to two discharges per surface acre of water. More than two discharges may occur per individual surface acre of water; however, the total number of discharges to total surface acres of water shall not exceed a ratio of two to one. An example of this is as follows: In a 20-acre lake, several discharges may enter the lake in a ½-acre cove; however, the total

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discharges entering the lake would be limited to 40. Where discharges are not equally distributed around a lake or pond, the Department or local authority shall be consulted to assure that nuisance conditions are not created.

- 2) ~~A common collector provided that the collector does not discharge within one mile upstream from a public water supply intake, public bathing beach, or to any public use area. A public use area is any area which is frequently used by the public. Examples of a public use area are playgrounds and picnic areas. Common collectors used to carry treated effluent for 2 or more discharging systems with a combined design flow of less than 1500 gallons per day shall be constructed of materials as listed in Appendix A: Illustration C of this Part, and shall discharge in accordance with subsections (a)(1) and (3) of this Section. If the flow from any number of discharging systems is combined and exceeds 1500 gallons per day, then the owner of the property shall provide a copy of the construction permit obtained in accordance with 35 Ill. Adm. Code 309.202(a) and (b) and a National Pollutant Discharge Elimination System (NPDES) permit issued by the Illinois Environmental Protection Agency to the Department or local authority to demonstrate that the effluent from this private sewage disposal system can discharge to this location.~~
 - 23) The ground surface, where the discharge points of private sewage disposal systems with surface discharges does not exceed an average of one per acre and the effluent does not pond or create a nuisance condition.
 - 3) A subsurface seepage field designed and constructed to be at least two-thirds the size determined necessary by Section 905.60. The subsurface system needs to be installed as shallow as possible while maintaining a minimum of 6 inches of cover and, if feasible, at least 1 foot above the shallowest limiting layer.
- b) Whenever a subdivision is platted that does not provide private sewage disposal systems in compliance with Section 905.60 or subsection (a) of this Section, then a sewage system in compliance with 35 Ill. Adm. Code 301 shall be provided.
 - c) Where lots have been platted prior to March 15, 1996, the applicant for plan approval or local authority approval may apply for a variance to this Section in accordance with the provisions of Section 905.20(1).

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- d) Effluent ~~Limitations Standards:~~
- 1) ~~After March 1, 2008, the owners of a new, repaired, renovated or replaced surface discharging private sewage disposal system that is required to obtain a National Pollutant Discharge Elimination System (NPDES) Permit shall comply with all requirements and effluent limitations of the permit issued for the surface discharging private sewage disposal system. Surface discharging private sewage disposal systems that are not required to obtain an NPDES Permit shall not exceed the following effluent standards: All surface discharges from private sewage disposal systems shall comply with United States Environmental Protection Agency Secondary Treatment Guidelines for BOD5 and Suspended Solids:~~
- A) ~~The system shall comply with NSF International/ANSI Standard 40, Section 8.5.2.1.1 for carbonaceous five-day biochemical oxygen demand (CBODs) and Section 8.5.2.1.2 for total suspended solids (TSS). BOD5~~
- i) ~~Arithmetic mean of all effluent samples collected in a period of 30 consecutive days; 30 mg/l (milligrams per liter) and 85 percent removal.~~
- ii) ~~Arithmetic mean of all effluent samples collected in a period of 7 consecutive days; 45 mg/l.~~
- B) ~~Suspended Solids:~~
- i) ~~Arithmetic mean of all effluent samples collected in a period of 30 consecutive days; 30 mg/l and 85 percent removal.~~
- ii) ~~Arithmetic mean of all effluent samples collected in a period of 7 consecutive days; 45 mg/l.~~
- ~~B~~C) No effluent shall contain settleable solids.
- ~~C~~D) Color, odor, and turbidity ~~shall~~ must be reduced to below discernable levels.

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- ~~D~~E) No effluent shall contain floating debris, visible oil, grease, scum, or sludge solids.
- ~~E~~F) ~~Fecal~~A-fecal coliform bacteria concentration shall not exceed~~exceeding~~ 400 organisms per 100 ml (~~milliliter~~) ~~except where chlorination is not required.~~
- F) Sample Ports. After March 1, 2008, any surface discharging system installed, repaired, renovated or replaced shall have a sample port or free fall discharge of at least 12 inches located after the disinfection component for all surface discharging systems.
- G) After March 1, 2008, effluent-receiving trenches shall be required for all systems designed to have a surface discharge of treated effluent. The effluent-receiving trenches shall be designed in accordance with Section 905.60 and Appendix A, Illustration Y, Exhibits A and B, except for the minimum separation to the limiting layer required by Appendix A, Illustration H and Illustration M, Exhibit A. Effluent-receiving trenches shall be installed as shallow as possible while maintaining a minimum of 6 inches of cover and, if feasible, at least 1 foot above the shallowest limiting layer.
- H) Any system designed to have a surface discharge of treated effluent that is installed, renovated or replaced after March 1, 2008 shall not be connected to a common collector.
- I) A surface discharging system shall not discharge to a roadside ditch, as stipulated in the Illinois Highway Code [605 ILCS 5/9-123].
- 2) Samples shall be analyzed in accordance with the "Standard Methods for the Examination of Water and Wastewater".

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

Section 905.120 Disinfection

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- a) ~~As of March 1, 2008, the effluent from any new, repaired or replaced private sewage disposal system that is designed and approved to have a discharge point shall be disinfected prior to discharge. General. Surface discharges shall be disinfected with a chlorine solution under the following conditions:~~
- 1) ~~When the effluent is discharged to the ground surface and the effluent leaves the property.~~
 - 2) ~~When an individual effluent or the effluent from a common collector is discharged to a pond, lake, or stream in which swimming, water skiing, or other water contact recreation occurs.~~
- b) Chlorine Feeders. Chlorination equipment shall have a means of removal of solids. Appendix A₂: Illustration S ~~of this Part~~ provides an example of a typical chlorine feeder. All chlorine feeders shall meet the requirements of Appendix A₂: Illustration S ~~of this Part~~. Other feeders ~~that which~~ meet the requirement of this Section are also acceptable.
- c) Chlorine Contact Tanks. Chlorine contact tanks shall be baffled and shall provide a contact time of at least 30 minutes based on ~~two and one half~~^{2 1/2} times the average flow. The minimum contact tank capacity shall be 30 gallons. Access to the distribution feeder shall extend to the ground surface.
- ~~d) Sample Port. A sampling port at least 4 inches in diameter shall be provided on the effluent line or into the chlorine contact tank, unless a free fall discharge from the system is easily accessible within 200 feet of the system.~~
- de) Chlorine Residual. A final effluent-free chlorine residual of 0.2 to 1.5 mg/1 shall be maintained.
- ef) Chlorine products used for the disinfection of treated wastewater effluent shall be used according to the product's labeling.
- f) After March 1, 2008, any disinfection process or equipment that does not meet the requirements of NSF International/ANSI Standard 46, Section 11 or does not provide proper disinfection as determined by adequate third party testing will not be approved for installation.

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

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Section 905.125 Pumps, Pumping/Dosing Chambers and Ancillary Equipment

- a) Pumps shall meet the following requirements:
- 1) The pump shall be submersible.
 - 2) The pump shall be designed to handle wastewater and a minimum of ½ inch diameter solids.
 - 3) The pump shall be capable of delivering the required flow at the design total dynamic head. The discharge pipe shall be the same size or larger than the discharge of the pump.
 - 4) The pump shall be constructed of corrosion resistant materials.
 - 5) Performance curves and specification sheets indicating that the above criteria in subsections (a)(1) through (4) have been met shall be submitted with the plan review application when pumps are to be used in a system.
- b) Pump Chambers
- 1) Pumping Chamber. The pumping chamber shall be watertight. Watertight shall consist of sealing all joints. The pumping chamber shall be filled with water after being installed and backfilled to prevent the pumping chamber from floating out of position due to hydrostatic pressures, unless the tank is installed in dry soil.
 - 2) The volume of the pumping chamber shall be sufficient to provide the desired dosing volume, space for controls, space for setting the pump, reserve capacity malfunction and flow-back after the pump shuts off (volume of manifold and laterals).
 - 3) A reserve capacity above the active pumping volume equal to one-half day's design flow shall be provided if single pumps are used. A reserve volume is not needed if siphons or dual pumps are used.
 - 4) An access riser shall extend at least 6 inches above the ground surface.

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- 5) Dosing Volume. The dosing volume shall be at least 5 times the pipe volume of the dosing network plus provide for filling and drainback of the network. The average flow shall be used to determine the dosing volume.
 - 6) Pump and Alarm Control. The pump control device shall be adjustable so that the required dosing volume is discharged during each pumping cycle. The control system for the pumping chamber shall consist of a control for operating the pump and an alarm system to detect when the system is malfunctioning. Pump controls shall allow flexibility in adjusting the on-off depth. An example of acceptable controls is shown in Appendix A₂: Illustration Q ~~of this Part~~.
 - 7) Electrical and Alarm System. A high water alarm shall be provided with audible and visual signals and a test function. The alarm shall be on a separate circuit and located in the home or facility served. The alarm control device shall be a sealed float or diaphragm switch and shall be located to activate 2 to 3 inches above the pump turn-on level or siphon activation level. After March 1, 2008, all electrical devices shall comply with Section 905.20(k).
- c) Ancillary Equipment
- 1) A quick disconnect device shall be included in the discharge piping to facilitate removal of the pump for inspection, repair, or replacement. The disconnect device shall be a threaded union, pitless adapter, or lift-out rail system.
 - 2) A corrosion resistant rope or cable of adequate strength shall be affixed to the pump to facilitate installation and removal so that personnel need not enter the chamber to disconnect the pump.
 - 3) A pump control device must be adjustable so that the desired dosing volume can be discharged during each pumping cycle. The control device may consist of one or more sealed float or diaphragm switches which may cooperate with a relay or contact. Separate control panels located outside the chamber must be protected from the weather and must provide no air path between the panel and the pump chamber.
 - 4) A check valve between the pump and the piping network shall not be

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allowed unless this piping system is below the frost line.

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

Section 905.130 Human Waste Disposal

- a) General. Privies, portable toilets, recirculation toilets, incinerator toilets, and compost toilets are approved for private sewage disposal of human wastes. Other domestic wastes shall be disposed of in a conventional system (Section 905.30); however, the size of all components may be reduced 25 percent (except that septic tanks may not be smaller than 750 gallons). Note: Compost toilets may be used to dispose of other organic domestic wastes.
- b) Privy Construction. All privies shall be constructed and maintained in accordance with the following and Appendix A~~2~~: Illustration T~~of this Part~~:
 - 1) Pit Construction. The pit shall be constructed of materials and in such a manner as to be able to endure the anticipated load and use and to withstand the local environmental conditions without deteriorating. The pit shall be constructed such that there shall be access to the pit for pumping and cleaning purposes.
 - 2) Pit Size. The pit shall have a minimum capacity of 50 cubic feet per seat.
 - 3) Floor and Seat Riser. The floor and seat riser shall be constructed of an impervious material and in a manner to exclude insects and rodents. The seat riser shall be bonded to the floor to prevent seepage through the riser onto the floor.
 - 4) Seat Cover. The seat opening shall be covered with a hinged lid ~~that~~which forms a tight seal.
 - 5) Vent. Each pit or vault privy shall be provided with a vent to the outside that creates airflow out of the building through the vent. The vent opening shall be screened with 16 mesh screen to prevent the entry of flies and shall terminate through the roof.
 - 6) Maintenance and Abandonment. When any privy is abandoned or filled to within 18 inches of the bottom of the riser, it shall be pumped by a private

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sewage disposal system pumping contractor. Any abandoned privy pit shall be filled with compacted sand or soil~~earth~~.

- c) Vault Privy. Watertight, non-metal vaults are required where privies are used in areas where the groundwater or limestone formations are within 4 feet of the bottom of the pit. The vault shall be provided with a readily accessible cleanout that which prohibits the entry of rodents, insects, and surface water. (See Appendix A₂; Illustration T~~of this Part~~.)
- d) Septic Privy. The vault of a septic privy shall be watertight. The subsurface seepage field shall consist of a minimum of one 10-foot distribution line placed in a 2-foot wide trench constructed in accordance with Section 905.60 and Appendix A₂; Illustration U~~of this Part~~.
- e) Standards for the Construction and Servicing of Non-Sewered (Portable) Toilet Systems. A portable toilet is a self-contained unit equipped with a waste receiving holding container. Non-sewered toilet systems shall be constructed and maintained in the following manner:
 - 1) Rooms, buildings or shelters housing toilets shall be of solid construction, easy to clean, providing shelter and privacy. The toilet room shall be ventilated to the outside, with the vent covered with 16-mesh screen. Internal latches shall be provided to prevent inadvertent entry.
 - 2) Waste containers shall be fabricated from impervious materials such as plastic, steel, fiberglass or their equivalents. Containers shall be watertight and capable of containing the waste. Containers shall be adequate in size to be used by the number of persons anticipated without filling the container to more than half of its volume before regularly scheduled service.
 - 3) Servicing shall include removing waste from containers, recharging containers with an odor-controlling solution, installing a supply of toilet tissue based on the system's intended use, and cleaning urinals and seats. Employers and event sponsors are responsible for contracting service intervals frequent enough to ensure clean, sanitary facilities.
 - 4) Any defective or inadequate toilet unit shall be repaired or withdrawn from service by locking or removal.

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- 5) Removal of waste shall be handled in a sanitary manner by means of a vacuum hose and discharge to a leak-proof tank truck. All ports on the tank shall be valved and capped.
 - 6) Service trucks shall have access to the toilets to be serviced.
 - 7) Disposal of waste from tank trucks shall be in accordance with Section 905.170(g).
- f) ~~Recirculating Toilets-~~
- 1) Self-contained toilets ~~that~~^{which} treat and recirculate the flushing liquid shall be constructed of an impervious, easily cleanable material and vented to the outside air through a screened pipe. The effluent, if any, from the recirculating toilet shall discharge into a subsurface seepage field or into a disposal bag. The subsurface seepage field shall consist of a minimum of one 10-foot long distribution line placed in a 2-foot wide trench constructed in accordance with Section 905.60. The owner of a recirculating toilet shall dispose of any residual from the unit in an approved public or private sewage disposal system.
 - 2) Recirculating toilets shall comply with the requirements of ~~the National Sanitation Foundation~~ (NSF International/ANSI) Standard 41 and shall bear the NSF International seal.
- g) ~~Incinerator Toilets-~~
- 1) Incinerator toilets shall be designed and operated to provide complete incineration of the contents without production of odors. The owner of an incinerator toilet shall maintain the toilet and dispose of the contents in accordance with Section 905.170(e).
 - 2) Incinerator toilets shall comply with the requirements of ~~the National Sanitation Foundation~~ (NSF International/ANSI) Standard 41 and shall bear the NSF International seal.
- h) ~~Compost Toilets-~~

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- 1) Compost toilets shall be designed in accordance with the manufacturer's recommendations to serve the anticipated number of persons. The owner of a compost toilet shall maintain the toilet and dispose of the contents in accordance with Section 905.170.
- 2) Compost toilets shall comply with the requirements of ~~the National Sanitation Foundation~~ (NSF International/ANSI) Standard 41 and shall bear the NSF International Seal.

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

Section 905.140 Holding Tanks

- a) General. Holding tanks are approved for private sewage disposal only under the following circumstances:
 - 1) To serve a seasonal use, single family residence, such as a cabin used only on weekends ~~or~~, short vacations, and other similar situations.
 - 2) As a temporary measure while awaiting the availability of a municipal sewer extension. This temporary condition shall not exceed one year in length.
 - 3) As a sanitary dumping station to receive the discharge from holding facilities on recreational vehicles.
 - 4) To receive the discharge from fixtures or drains that receive waste products such as automotive grease, oils, solvents and chemicals that are not allowed to be discharged into a private sewage disposal system. These waste products shall be handled according to rules for the disposal of oil, gas and grease promulgated under the Environmental Protection Act, or according to 35 Ill. Adm. Code Subtitle G, or shall be taken to an oil and gas reclamation center. (Note: Also see Illinois Plumbing Code (77 Ill. Adm. Code 890).) Holding tanks to be used for applications within this Section shall be Underwriters Laboratories, Inc. (UL) certified and constructed of materials approved for gas and oil interceptors as specified in 77 Ill. Adm. Code 890.520 (Illinois Plumbing Code), and shall be properly anchored to prevent flotation.

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- b) Approval. Approval for holding tanks shall be obtained in writing from the Department or local authority prior to installation. ~~Approval~~~~Such approval~~ shall be based on compliance with this Section.
- c) Construction and Location. Holding tanks shall be designed and constructed in compliance with Section 905.40, "Septic Tanks", except that the outlet shall be permanently sealed. Holding tanks shall be located to comply with the requirements for "Septic Tanks or Aerobic Treatment Plants" as listed in Appendix A ~~;~~ ~~Illustration D~~ ~~of this Part~~.
- d) Conversion to Conventional Private Sewage Disposal Systems. Holding tanks installed under subsection (a)(2) of this Section shall be converted to a conventional private sewage disposal system if a municipal sewer has not been extended to serve the property within one year of the original installation.

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

Section 905.180 Examinations for Licensure

- a) Applications
- 1) Each person who desires to apply for admittance to the examination for a Private Sewage Disposal System Installation Contractor license or a Private Sewage Disposal System Pumping Contractor license shall file an application for examination on forms provided by the Department. These forms may be obtained by writing to the Illinois Department of Public Health, Division of Environmental Health.
 - 2) Examination dates and locations shall be established by the Department. A completed application, a photograph of the applicant, and a fee of \$~~100~~ ~~for each examination shall~~ ~~25.00~~ ~~must~~ be filed with the Department at least 30 days prior to the examination date.
- b) Examination Requirements and Results
- 1) Installation License Examination. The examination for a Private Sewage Disposal System Installation Contractor license shall test the applicant's knowledge of the design, installation, operation, maintenance, repairing and servicing of private sewage disposal systems.

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- 2) Pumping Licensing Examination. The examination for a Private Sewage Disposal System Pumping Contractor license shall test the applicant's knowledge of the pumping, hauling, and disposal of wastes removed from private sewage disposal systems.
- 3) Individuals desiring both the installation contractor license and pumping contractor license ~~shall~~must pass the examination for each license.
- 4) Passing Grade. The examination shall consist of questions with a combined grade value of 100 points. In order to successfully pass the examination, a grade of not less than 70 shall~~75 must~~ be obtained.
- 5) Failure to Attend an Examination. Any person who fails to notify the Department in writing by letter, fax or e-mail within two working days prior to the date of the exam and fails to attend the exam will be required to resubmit a new application and fee to be eligible to take an exam on another date.~~Failure to Pass. Any person who fails to pass the examination shall be admitted to a subsequent regularly scheduled examination after filing a new application and fee with the Department in accordance with subsection (a) of this Section. However, persons who fail to pass the exam 2 times in a calendar year shall be required to wait at least one calendar year from the date of the last examination before taking the examination again.~~

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

Section 905.190 Installation Approval

- a) Plan approval shall be obtained from the Department or local authority prior to beginning any construction of a new private sewage disposal system. A new private sewage disposal system shall consist of, but not necessarily be limited to, the following:
 - 1) A system where a septic tank is replaced or where a major component of the system is removed or added. Examples of major components would be the replacement or addition of an aeration unit, recirculating sand filter, sand filter, seepage pit, seepage bed or waste stabilization pond.

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- 2) A system where the size of the absorption field is increased in size by 25% or more or where 25% or more of the existing absorption field is removed and replaced with new piping and backfill material.
- b) Submittal for approval shall be made on the forms provided by the Department or local authority. At a minimum, the necessary information ~~that~~^{which} must be submitted to the Department or local authority for approval shall consist of:
- 1) Plans or drawings to scale indicating lot size with dimensions showing the location of the system; type of system to be constructed; the dimensions and the length of lateral to be installed, showing type of backfill material, if applicable; distances to water lines, water wells, potable water storage tanks and buildings; site elevations and ground surface elevations sufficient to determine the elevation of system components and the slope of the ground surface; location of sanitary sewer, if available, within 200 feet of the property and typical cross section of the system.
 - 2) Number of bedrooms or design volume.
 - 3) Soil investigation results or percolation test results and the separation distance from the trench bottom to a limiting layer. The private sewage disposal system installation contractor or homeowner shall submit information with the plan approval application or local authority permit application that a limiting layer does not exist within the distances provided in Section 905.60(a)(7)~~(A)~~ of this Part.
 - 4) Owner's name and address.
 - 5) Name and signature of applicant.
 - 6) Signature by the property owners on the installation approval submission required by this Section for any private sewage disposal system being installed, repaired or renovated after March 1, 2008 serves as written acknowledgement that the property owners are aware of and accept the responsibility to service and maintain the private sewage disposal system in accordance with the Act and this Part.
- c) Persons who construct, install, repair or modify a private sewage disposal system shall notify the Department or local authority at least 48 hours prior to

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commencement of the work.

- d) If any person constructs, installs, repairs or modifies a private sewage disposal system without complying with the requirements of subsections (a) through (c) ~~of this Section~~ and backfills any portion of the system or covers any portion of the system with earth, cinders, gravel, shale or any other material that will prevent the Department or local authority from viewing the system to determine compliance with this Part, the property owner and/or private sewage disposal installation contractor shall uncover the backfilled or covered portions of the system.
- e) Contractor Responsibility. The private sewage disposal system installation contractor is responsible for the following:
- 1) Constructing, installing, repairing, modifying or maintaining the private sewage disposal system in accordance with this Part.
 - 2) Percolation test results and the sewage disposal system that is designed and constructed using those results. Acceptance of percolation tests from other sources does not relieve the installation contractor from responsibility.
 - 3) Providing the results of soil classification information and/or percolation tests used to design a private sewage disposal system to the property owner and retaining copies of this information for at least ~~five~~5 years.
 - 4) Providing service to aerobic treatment plants at least equal to Section 905.100(g).
 - 5) Assuring compliance with all codes that may apply to the system, including the National Electrical Code.
- f) Soil Classifier Responsibility. The soil classifier or Illinois licensed professional engineer shall be responsible for the accuracy of the information ~~from~~ soil investigations used to design private sewage disposal systems.
- g) Systems that require an operational permit (see Section 905.195) shall be reviewed and approved by the local health department, and the Department as necessary, prior to construction.

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

Section 905.195 Operational Permits

- a) The following private sewage disposal systems are required to obtain an operational permit:
- 1) Those serving four or more single family residences or multi-family residences having four or more units.
 - 2) Non-residential private sewage disposal systems with a design flow of greater than 2,000 gallons per day.
 - 3) Experimental use permit systems.
- b) All operational permits are good for a period of two years from the date on which the permit was issued and shall be renewed upon expiration.
- c) Operational permits shall include, but not be limited to, the following:
- 1) Ownership of the system;
 - 2) Date of issuance and expiration;
 - 3) Performance standards for the system;
 - 4) Frequency of maintenance;
 - 5) Procedures for emergency service or maintenance, should the system need repair and/or unanticipated service outside of the regular maintenance schedule;
 - 6) Declaration by the owner of the system that all service, maintenance, repair and renovation shall be done by a licensed private sewage disposal system installation contractor.
- d) Application for an operational permit shall be made on forms provided by the Department. The system shall not be put in operation until the operational permit has been issued.

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- e) If the Department, at any time, has determined that any portion of the standards established within the operational permit have been violated, the violation shall be corrected immediately and the system shall be repaired, renovated or replaced.
- f) When service, maintenance or minor repair has been conducted on the system, the private sewage disposal system contractor or private sewage disposal system pumping contractor shall notify the Department within 14 days. The notification shall be submitted on forms provided and/or approved by the Department and shall illustrate all activities and services conducted.

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

Section 905.200 Licenses and Fees

- a) An individual may obtain a license as a Private Sewage Disposal System Pumping Contractor or a Private Sewage Disposal System Installation Contractor upon successfully passing the examinations given for each, then, making application on forms provided by the Department and submitting the annual license fee of ~~\$10050.00~~ to the Department.
- b) *Each person who holds a currently valid plumbing license issued under the Illinois Plumbing License Law [225 ILCS 320] is not required to pay an annual license fee, but must comply with all other provisions of the Act and this Part. (Section 5(a) of the Act)[225 ILCS 225/5(a)]*
- c) The fee to be paid for the annual renewal of either a Private Sewage Disposal System Pumping Contractor or a Private Sewage Disposal System Installation Contractor license shall be ~~\$10050.00~~.
- d) The fee to be paid for the reinstatement of a Private Sewage Disposal System Pumping Contractor license or a Private Sewage Disposal System Installation Contractor license ~~thatwhich~~ has expired for a period of less than 3 years shall be ~~\$5020.00~~, plus all lapsed renewal fees.
- e) A license ~~thatwhich~~ has expired for more than 3 years may be restored only by passing the written examination and paying the required fees.
- f) A person who does not obtain a license within 2 years after successfully

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completing the appropriate examination shall be required to file a new application and fee with the Department in accordance with Section 905.180(a) and again successfully pass the examination prior to applying for a license.

- g) *No reinstatement fee will be charged and no examination will be required of an applicant who is seeking reinstatement within two years of terminating military service, upon payment of annual license fee and submission of evidence of military service. [225 ILCS 225/5(b)]*
- h) As of March 1, 2008, all individuals licensed as a private sewage disposal system pumping contractor or a private sewage disposal system installation contractor shall be required to obtain 2 hours of continuing education, relevant to each license, every 2 years. The CE courses shall be approved by the Department. The contractor shall submit the certificate of completion of the required education to the Department prior to the reissuing of the license.

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

Section 905.205 Civil Penalties and Time Allowances for Corrective Action

- a) Amount of Penalty
- 1) The Department may assess civil fines against any person who constructs, installs, repairs, modifies or maintains a private sewage disposal system, or any person who pumps, hauls and/or disposes of wastes from a private sewage disposal system in violation of any Section of the Private Sewage Disposal Licensing Act or this Part.
 - 2) The Department shall determine the amount of the fine based upon the seriousness of the violation. The seriousness of the violation will be determined as follows:
 - A) Type A – violations considered the most grievous, which shall be grounds to assess a larger fine, shall be activities that create a health hazard, unlicensed activities and repeat violations. Examples of these activities include violations of vertical or horizontal separation distances, falsifying information on permits or reports, addition of prohibited materials to a private sewage disposal system, use of improper septage disposal methods and

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prohibited discharges. The amount of the fine shall not exceed \$1,000 for each violation in addition to \$100 per day for each day the violation continues.

- B) Type B – violations relating to improper construction practices, the use of improper materials, failure to install a system according to the approved plan and pumper equipment violations shall be considered more serious. The maximum fine shall not exceed \$750 for each violation in addition to \$100 per day for each day the violation continues.
- C) Type C – administrative violations involving paperwork, such as failure to obtain a permit or improper pumping truck lettering, shall be considered the least serious. The maximum fine shall not exceed \$500 for each violation, in addition to \$100 per day for each day the violation continues.
- D) For the purposes of determining a repeat violation, an initial violation means the first violation of a particular Section of the Act or this Part within the previous ~~three~~3 years. If the same or a similar violation (example: a violation of vertical or horizontal separation distance or septage disposal) occurs within a ~~three~~3 year period, it will be considered a repeat violation.
- b) Correction of Violation. Correction of violations that are considered serious health hazards as determined by the Department or local health department shall begin immediately and be completed within ~~seven~~7 days. Other violations shall be corrected within 30 days after notification by the Department or the local health department. An exception to this requirement may be authorized by the Department or local health department when extenuating circumstances prevent correction in a timely manner. Examples of such circumstances include weather, physical conditions that prevent construction or repair, lack of adequate materials, etc. The Department or local health department may also grant an extension of time for correction based on the type and seriousness of the violation, and demonstrated effort on the part of the violator to make progress in correcting the violation.
- c) Any violation may be referred to the State's Attorney of the county in which it occurs or to the Attorney General for prosecution.

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

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Section 905.APPENDIX A Illustrations and Exhibits**Section 905.ILLUSTRATION C List of Approved Plastic Pipe for Private Sewage Disposal System**

TYPES OF PIPES	ASTM STANDARD	BUILDING SEWER ¹ OR COMMON COLLECTOR	SEWER LINES ¹	ALL SUBSURFACE SEEPAGE SYSTEMS
		5 ft. from building to septic-aeration tank to 5 ft. beyond the septic tank, aeration tank or distribution box	Additional treatment facilities and sand filter distribution lines and collection lines	
PVC (Type PS-46)	F789-82	x	x	x
ABS (DWV Schedule 40)	F628- 0685	x	x	x
ABS (DWV Schedule 40)	D2661- 0678	x	x	x
ABS	D1527- 99 (2005)77	x	x	x
ABS (Sewer Pipe)	D2751- 0580	x ²	x ²	x ²
PVC	D1785- 0676	x	x	x
PVC (DWV Schedule 40)	D2665- 0778	x	x	x
PVC (DWV Schedule 40)	F891- 0486	x	x	x
PVC (Type PSM) (SDR 35)	D3034- 0680	x ²	x ²	x ²
PVC (Type PSP) (SDR 35)	D3033-81	x²	x²	x²
PVC (Sewer & Drain PS-50)	F891- 0486	x	x	x
PVC (Sewer & Drain PS-25)	F891- 0486	x	x	
PVC (Corrugated-Smoothwall)	F949- 0685	x	x	

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PVC	(Std. or Perforated)	D2729- 0380	x	x	
PE	(Smoothwall)	R810- 0783 AASHTO Standard M252- 06851	x	x	
PE	(Corrugated- Perforated)	F405- 0582 (Heavy Duty Only)		x	
PE	(Corrugated- Perforated)	F667- 0684		x	

x – Indicates approved use.

¹Commingling of plastic materials shall not be done within this area except through the use of proper adapters. (See Illinois Plumbing Code (77 Ill. Adm. Code 890).) When the building sewer is of a type of material that is different from the building drain, proper transition fittings shall be used.

²Pipe shall be SDR (Standard Dimension Ratio) 35 only.

Note: The last 2 numbers of the ASTM Standard indicate the date of the edition.

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

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Section 905.APPENDIX A Illustrations and Exhibits**Section 905.ILLUSTRATION D Location of Components of Private Sewage Disposal Systems**

COMPONENT PART OF SYSTEM	MINIMUM DISTANCE ALLOWABLE FROM ^{1,2}					
	Cistern, Well, or Suction Line from Pump To Well FEET	Water Supply Line ³ Pressure FEET	Lake, Stream, In-ground Swimming Pool or Other Body of Water FEET	Property Dwelling FEET	Property Line ⁴ FEET	Artificial Drain FEET
Building Sewer ^{5,2}	50	10	25	–	–	–
Septic Tank or Aerobic Treatment Plant	50	10	25	5	5	–
Distribution Box	75	10	25	10	5	–
Subsurface Seepage System	75	25	25	10	5	10
Sand Filter	75	25	15	10	5	10
Privy	75	25	25	20	5	10
Waste Stabilization Pond	75	25	25	20	5	10
Surface Discharge Effluent Line ²	50	10	–	–	5	–
Effluent Receiving Trench	75	25	15	10	5	10
<u>Treated Effluent Discharge Point⁶</u>	<u>50</u>	<u>10</u>	<u>–</u>	<u>20</u>	<u>25</u>	<u>25</u>
<u>Class V Injection Wells⁷</u>	<u>200⁸</u>	<u>25</u>	<u>25</u>	<u>10</u>	<u>5</u>	<u>10</u>

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- ¹ These distances have been determined for use in clay, silt and loam soils only. The minimum distances required for use in sand or other types of soil shall be determined for the proposed private sewage disposal system and approved by ~~the~~this Department. Such approval will be given where the Department determines that the soil will provide treatment of the sewage.
- ² ~~For separation distances to closed loop wells reference 77 Ill. Adm. Code 920.180, Water Well Construction Code. The building sewer or surface discharge effluent line may be located to within 10 feet of a well or suction line from the pump to the well when cast iron pipe with mechanical joints or Schedule 40 PVC pipe with watertight joints is used for the building sewer or surface discharge effluent line.~~
- ³ See Section 905.20(d) for additional details on water line and sewer separation. ~~This includes lawn irrigation piping.~~
- ⁴ If a common area is used, the boundary of the common area shall be used.
- ⁵ The building sewer or surface discharge effluent line may be located to within 10 feet of a well or suction line from the pump to the well when cast iron pipe with mechanical joints or Schedule 40 PVC pipe with watertight joints is used for the building sewer or surface discharge effluent line.
- ⁶ Any surface discharging system installed, repaired or renovated after March 1, 2008.
- ⁷ Illinois Environmental Protection Agency (IEPA), Class V Injection Wells are defined in 35 Ill. Adm. Code 704.105.
- ⁸ A lesser separation distance may be obtained with approval or a waiver from IEPA.

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

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Section 905.APPENDIX A Illustrations and Exhibits**Section 905.ILLUSTRATION G Instructions for Conducting Percolation Tests**

Percolation tests shall not be made in frozen ground or ground that has been filled in the preceding 12 months. Percolation tests shall be performed in accordance with the following procedures:

1. **Number and Location of Percolation Tests.** Select an area where the seepage field will be located. When digging the holes, avoid animal burrows, large root channels, etc. At least ~~three~~3 separate percolation tests shall be performed at the site of each proposed disposal area. The percolation test holes shall be at least 50 feet apart. At least one hole shall be located at the lowest elevation of the proposed absorption field area. The ~~two~~2 holes with the highest results shall be used to determine percolation rate.
2. **Depth of Percolation Test Hole.** Dig or bore the holes with horizontal dimensions approximately 4 to 6 inches in diameter to the depth of the proposed seepage field or seepage bed.
3. **Preparation of Test Hole.**
 - a) Carefully pick the bottom and sides of the hole with a knife blade or sharp pointed instrument to remove smeared or smoothed soil and to provide a natural soil interface into which water may percolate.
 - b) Remove all loose material from the hole.
 - c) Add 2 inches of coarse gravel to protect the bottom from scouring and sediment. A removable hardware cloth screen to line the lower part of the hole also helps prevent sloughing of the hole sides during testing.
4. **Saturation and Swelling of Soil.:** It is important to distinguish between saturation and swelling. Saturation means the void spaces between soil particles are full of water. This can be accomplished in a very short period of time. Swelling is caused by the intrusion of water into the individual soil particle. This is a slow process, especially in a clay type soil and is the reason for requiring a prolonged soaking period.

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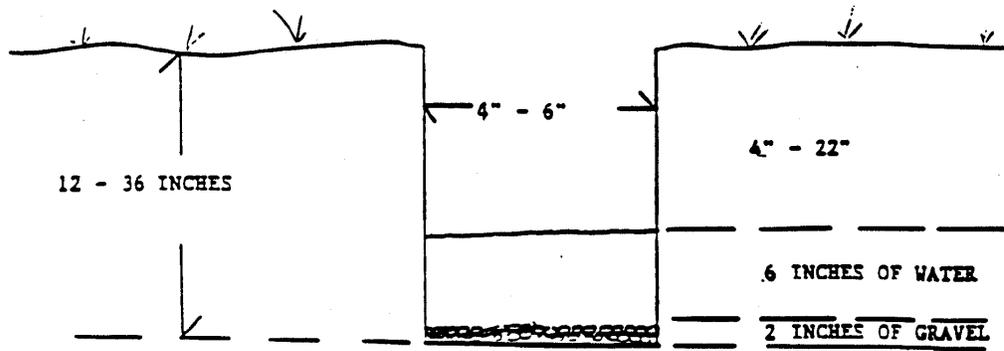
- a) On the day prior to conducting the percolation test, carefully fill the hole with water and keep it full for at least four4 hours. The percolation test shall be conducted on the day following this presoaking at least 18 hours after presoaking is completed but prior to 30 hours after presoaking is completed. Cover the hole during this 18-30 hour waiting period. In sandy soils with greater than 70% sand and less than 15% clay (sand and loamy sand), after the four4 hour presoak, a percolation test may be attempted without the 18 hour waiting period. If the percolation test results are greater than 45 minutes for a 6 inch drop in water, the test must be repeated after the 18 hour waiting period. If the percolation test results are 45 minutes or less, the percolation rate shall be used to size the system.
 - b) On the day of conducting the percolation test, carefully fill the hole with water to 12 inches above the gravel.
 - c) Allow the water level to drop to a point 6 inches above the gravel. If the water does not fall from 12 inches to 6 inches in six6 hours, the percolation test is terminated and an alternate system is required.
 - d) Measure the last 6 inch drop in water level at thirty minute intervals until all the water has seeped away. Warning: Under no conditions shall measurements be taken from water filled to the top of the hole or on water 12 inches deep in the hole. Such results are completely invalid and will not be accepted. Results from the last 6 inches of drop in water are the only results that will be accepted.
5. Recording of Results. Record results of all tests as the total minutes required for the last 6 inches of seepage. If the last 6 inches of water has not seeped away at the end of six6 hours, the soil must be considered unsuitable for seepage field disposal and the appropriate statement marked on the results form. If there is more than a 30 minute difference between the highest two2 percolation tests, use the larger result or perform additional percolation tests.
 6. Calculating the Percolation Rate. Add the total minutes required for the last 6 inches of water to fall from the two2 holes with the highest result and divide by two2. If the average is less than 60 minutes, use the percolation rate of 60 minutes. If the average is greater than 60 minutes, refer to [Section 905](#).Appendix A₂; Illustration H ~~of this Part~~. Locate in the first column (Time (minutes) required for last 6 inches of water to fall) where the highest two2 hole average fits and use

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the next highest result as the percolation rate for sizing and design. An example of this procedure is as follows: If ~~three~~3 percolation tests are conducted with results of 120 minutes, 140 minutes, and 155 minutes, the highest ~~two~~2 hole average would be $(140 + 155)/2$ or 147.5 minutes. Looking at [Section 905](#).Appendix A₂: Illustration H of this Part, the next highest result would be 150 minutes. The 150 minute rate would be used to size and design the subsurface seepage system.

7. Distribution of Results. The results of the percolation tests shall be given to the homeowner and shall be retained by the contractor for at least ~~five~~5 years. The percolation test data report shall be returned to the appropriate regional office or local authority.



TEST HOLE:

TEST HOLE #1

TEST HOLE #2

TEST HOLE #3

READING #	TIME (in min.)	WATER LEVEL (in inches)	TIME (in min.)	WATER LEVEL (in inches)	TIME (in min.)	WATER LEVEL (in inches)
1	0		0		0	
2	30		30		30	
3	60		60		60	
4	90		90		90	

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5	120	120	120
6	150	150	150
7	180	180	180
8	210	210	210
9	240	240	240
10	270	270	270
11	300	300	300
12	330	330	330
13	360	360	360

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

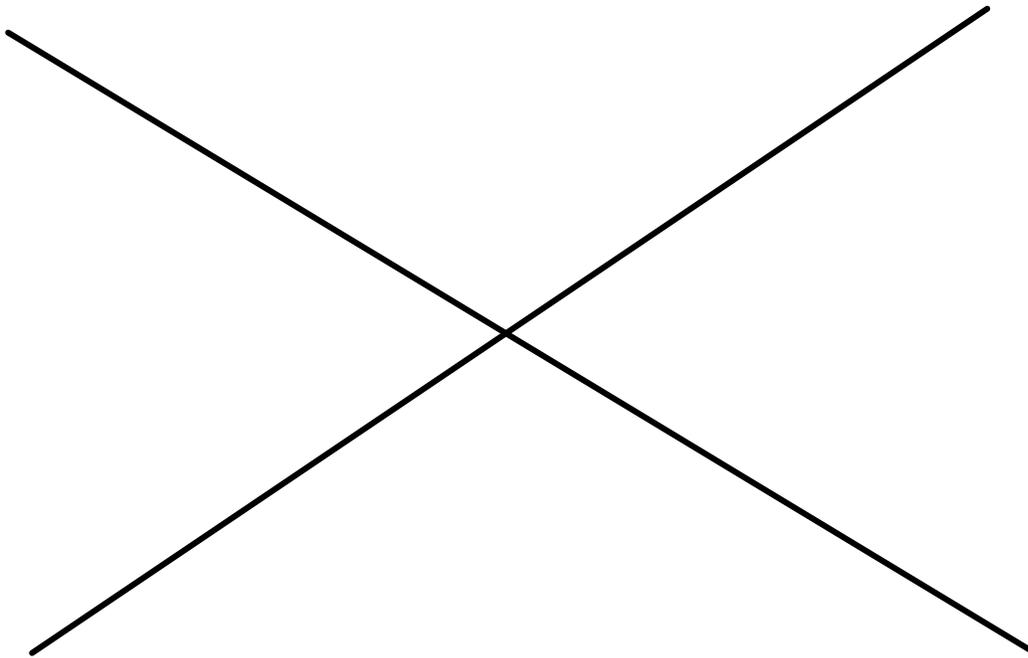
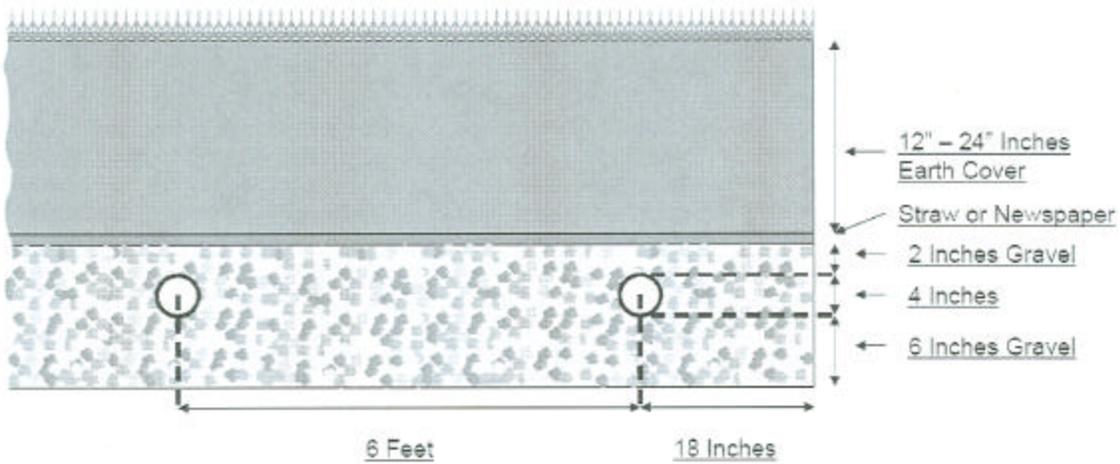
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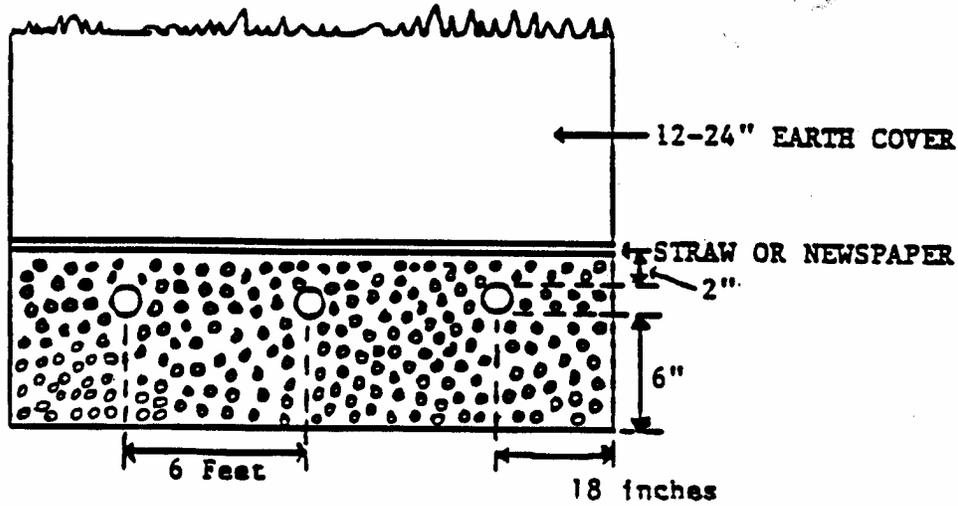
Section 905.ILLUSTRATION L Seepage Bed

Section 905.EXHIBIT C End View



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

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Section 905.APPENDIX A Illustrations and Exhibits**Section 905.ILLUSTRATION M Soil Suitability for On-Site Sewage Design****Section 905.EXHIBIT A Loading Rates in Square Feet Per Bedroom and Gallons/Square Feet/Day**

Design Group	Soil Group (Most limiting Layer)	Minimum Separation To Limiting Layer ⁽¹⁾	Permeability Range	Size of System	
				Residential Reg. Absorption (ft ² /bedroom)	Institutional/Commercial Allowable Application Rate (GPD/ft ²)
I	1A	NR/NA	Very Rapid	NR/NA	NR/NA
II	2A; 2B; 2K	3 feet	Rapid	200	1.0
III	3B; 3K	3 feet	High Moderately Rapid	220	0.91
IV	3A; 3C; 3L; 4D4B; 4K	3 feet	Low Moderately Rapid	240	0.84
V	4A; 4B4C; 4H4D; 4L; 4M; 5B; 5D	3 feet	Very High Moderate	265	0.75
VI	4F; 4M; 5B5C; 5E; 5K; 6F	3 feet	High Moderate	290	0.69
VII	4N; 5A; 5C; 5H; 5K; 6D	2 feet	Moderate	325	0.62
VIII	6A; 6B; 6E; 6H; 6I; 6K	2 feet	Low Moderate	385	0.52
IX ⁽²⁾	5F; 5M; 6C; 6H; 6L; 7A; 7D; 7F	2 feet	High Moderately Slow	445	0.45
X ⁽²⁾	5G; 6F; 6I; 7E; 7C; 7H8A	2 feet	Low Moderately Slow	500	0.40

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XI ⁽²⁾	5N; <u>6G</u> ; 6J; 6M; <u>7F</u> ; 7I; 7K	2 feet	Slow	740	0.27
XII ⁽²⁾	<u>7G</u> ; 7J; 7L; <u>8E</u> ; 8I	2 feet	Very Slow	1000	0.20
XII ⁽²⁾	<u>5O</u> ; 6N; <u>6O</u> ; 7M; 7N; <u>7O</u> ; 8J; 8N; <u>8M</u> ; <u>8O</u>	<u>NR/N/A</u>	<u>NR/N/A</u>	<u>NR/N/A</u>	0.00
XIII	9	SUBSURFACE DISPOSAL NOT RECOMMENDED			

NOTES:

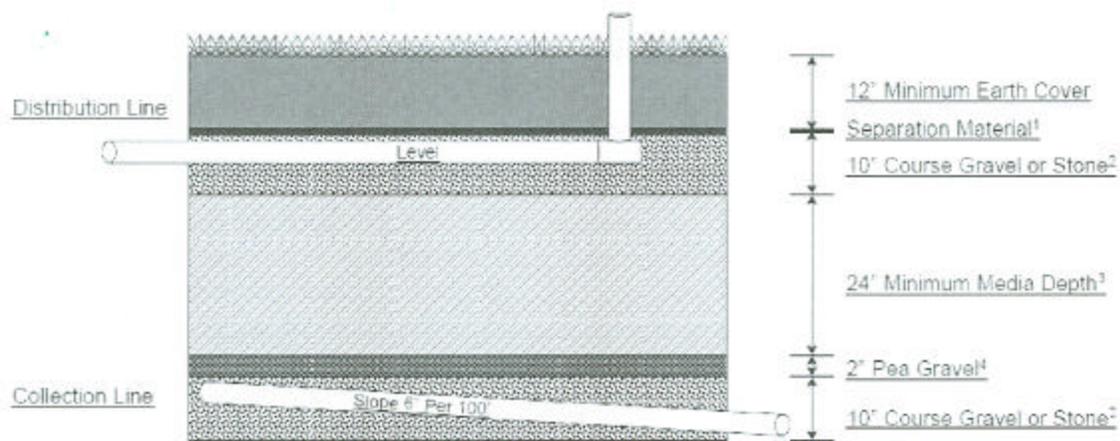
- ⁽¹⁾ Limiting layers include fragipans; bedrock; compact glacial tills; seasonal high water table or other soil profile features that will materially affect the absorption of liquid from the disposal field.
- ⁽²⁾ Soils in this group are less than the minimum percolation rate established in Section 905.Illustration H of this Part as suitable for subsurface seepage systems.

NR = Subsurface disposal is not recommended.

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

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Section 905.APPENDIX A Illustrations and Exhibits**Section 905.ILLUSTRATION N Buried Sand Filter****Section 905.EXHIBIT B Section View**

¹ Separation Materials: straw, newspaper, untreated building paper, geotextile fabric or other permeable or biodegradable material to support the backfill

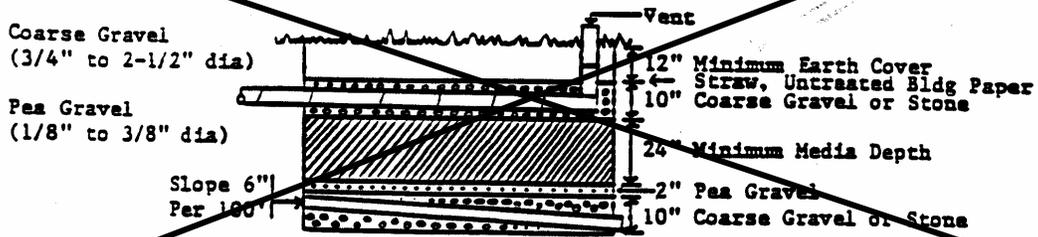
² Coarse Gravel or Stone: ¾" to 2½" diameter

³ Sand Filter Media: The sand shall have an effective size of 0.5 to 2.0 mm, and a uniformity coefficient of less than 3.5.

⁴ Pea Gravel: ? " to ? " diameter

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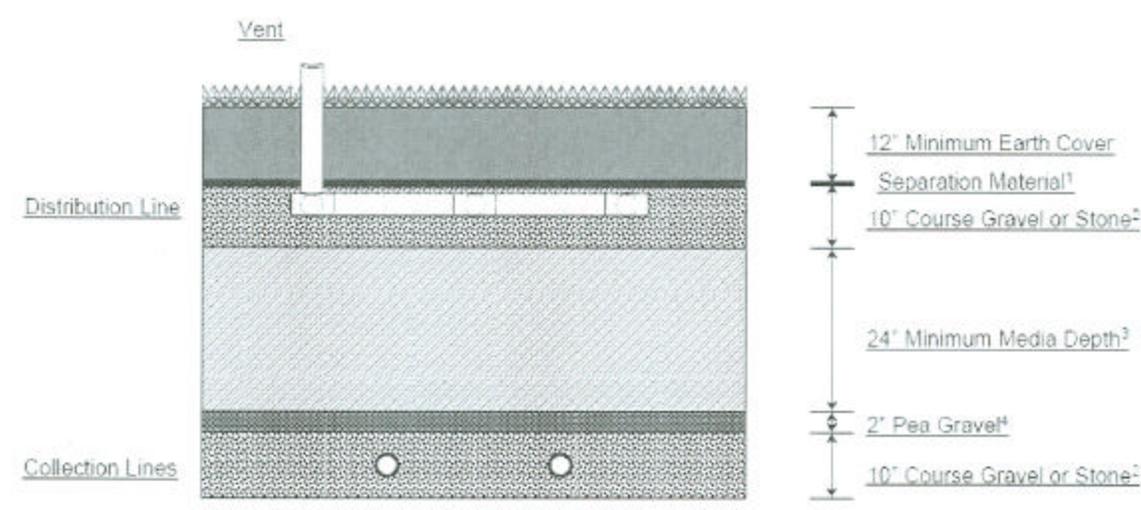
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(Source: Amended at 32 Ill. Reg. _____, effective _____)

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Section 905.APPENDIX A Illustrations and Exhibits**Section 905.ILLUSTRATION N Buried Sand Filter****Section 905.EXHIBIT C End View**

¹ Separation Materials: straw, newspaper, untreated building paper, geotextile fabric or other permeable or biodegradable material to support the backfill

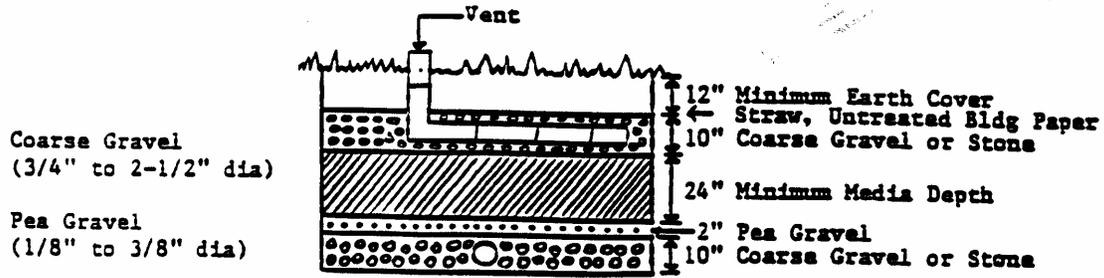
² Coarse Gravel or Stone: ¾" to 2½" diameter

³ Sand Filter Media: The sand shall have an effective size of 0.5 to 2.0 mm, and a uniformity coefficient of less than 3.5.

⁴ Pea Gravel: ? " to ? " diameter

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

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Section 905.APPENDIX A Illustrations and ExhibitsSection 905.ILLUSTRATION Y Effluent Receiving TrenchesSection 905.EXHIBIT A Effluent Receiving Trench Sizing Requirements¹Aerobic Treatment Plants and NSF International/ANSI Standard 40 Wastewater Treatment Systems

<u>Bedrooms</u>	<u>Square Feet of Effluent Receiving Trench</u>
<u>1 & 2</u>	<u>300</u>
<u>3 & 4</u>	<u>600</u>
<u>5 & 6</u>	<u>800</u>
<u>7 & 8</u>	<u>1,000</u>
<u>9 & 10</u>	<u>1,200</u>

Non-residential Surface Discharging Systems Sizing Requirements

<u>Gallons Per Day</u>	<u>Square Feet of Effluent Receiving Trench</u>
<u>Less than 500</u>	<u>400</u>
<u>500 to 750</u>	<u>600</u>
<u>751 to 1,000</u>	<u>800</u>
<u>1,000 to 1,250</u>	<u>1,000</u>
<u>1,250 to 1,500</u>	<u>1,200</u>

¹ Lagoons and sand filters are not required to utilize effluent reduction trenches.

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

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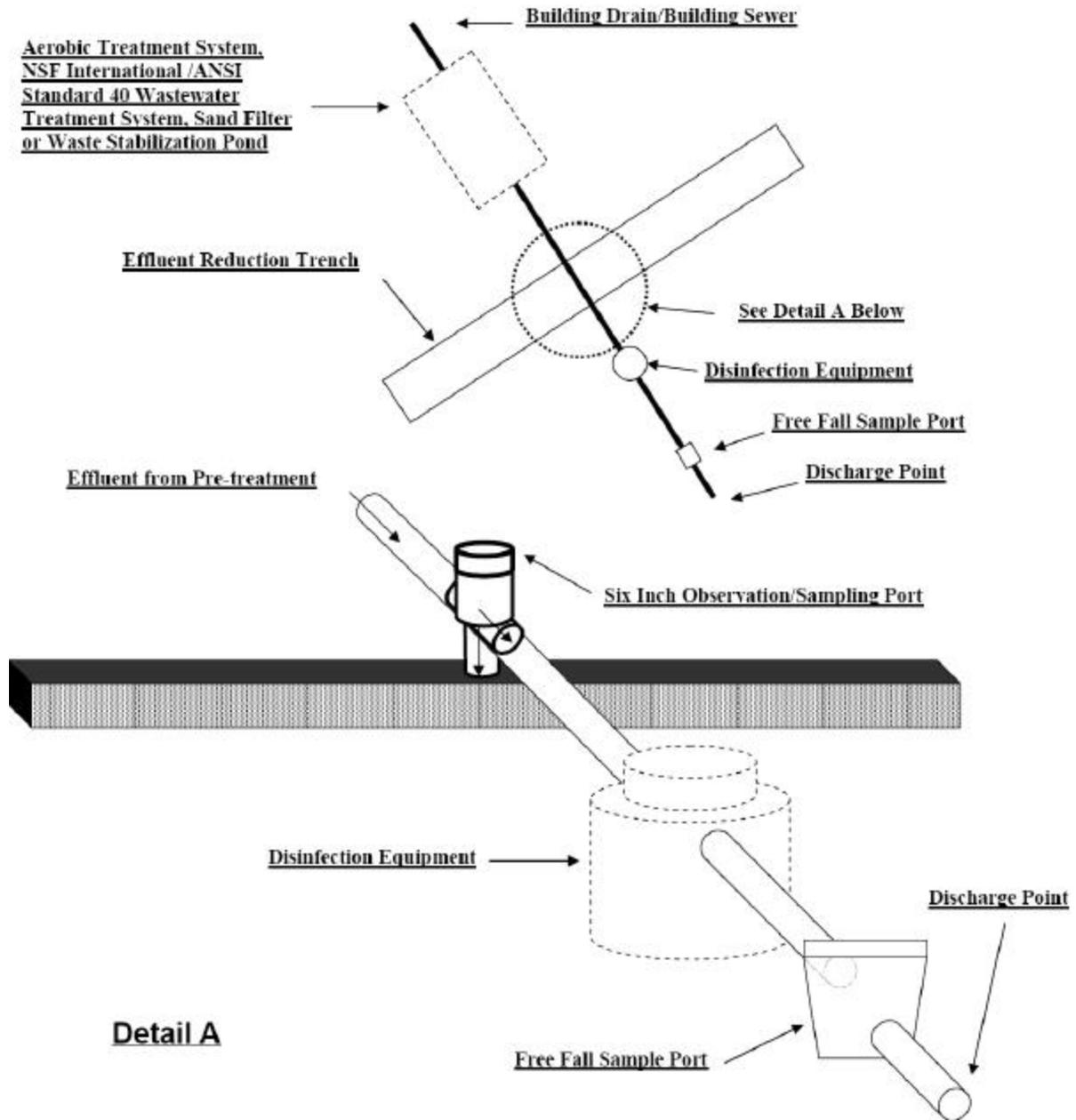
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Section 905.APPENDIX A Illustrations and Exhibits

Section 905.ILLUSTRATION Y Effluent Receiving Trenches

Section 905.EXHIBIT B Effluent Receiving Trench Configuration

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

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Section 905.APPENDIX A Illustrations and Exhibits**Section 905.ILLUSTRATION Z Residential Septic Tank Maintenance Schedule**

Pumping Frequency for a Residential Septic Tank or Septic Tanks Followed by a Sand Filter with a Discharge to a Subsurface Seepage System

Pumping Frequency in Years with No Garbage Grinder

<u>TANK SIZE</u>	<u>Household Size or Average Number of Users</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>
<u>750</u>	<u>5</u>	<u>4.2</u>	<u>2.6</u>	<u>1.8</u>	<u>1.3</u>	<u>1</u>	<u>0.7</u>	<u>0.6</u>
<u>1000</u>	<u>5</u>	<u>5</u>	<u>3.7</u>	<u>2.6</u>	<u>2</u>	<u>1.5</u>	<u>1.2</u>	<u>1</u>
<u>1250</u>	<u>5</u>	<u>5</u>	<u>4.8</u>	<u>3.4</u>	<u>2.6</u>	<u>2.1</u>	<u>1.7</u>	<u>1.4</u>
<u>1500</u>	<u>5</u>	<u>5</u>	<u>5</u>	<u>4.2</u>	<u>3.3</u>	<u>2.6</u>	<u>2.1</u>	<u>1.8</u>
<u>1750</u>	<u>5</u>	<u>5</u>	<u>5</u>	<u>5</u>	<u>3.9</u>	<u>3.1</u>	<u>2.6</u>	<u>2.2</u>
<u>2000</u>	<u>5</u>	<u>5</u>	<u>5</u>	<u>5</u>	<u>4.5</u>	<u>3.7</u>	<u>3.1</u>	<u>2.6</u>
<u>2250</u>	<u>5</u>	<u>5</u>	<u>5</u>	<u>5</u>	<u>5</u>	<u>4.2</u>	<u>3.5</u>	<u>3</u>
<u>2500</u>	<u>5</u>	<u>5</u>	<u>5</u>	<u>5</u>	<u>5</u>	<u>4.8</u>	<u>4</u>	<u>4</u>

Pumping Frequency in Years with Garbage Grinder

<u>TANK SIZE</u>	<u>Household Size or Average Number of Users</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>
<u>750</u>	<u>5</u>	<u>3.3</u>	<u>2</u>	<u>1.4</u>	<u>1</u>	<u>0.8</u>	<u>0.5</u>	<u>0.4</u>
<u>1000</u>	<u>5</u>	<u>4.7</u>	<u>2.9</u>	<u>2</u>	<u>1.6</u>	<u>1.2</u>	<u>0.9</u>	<u>0.8</u>
<u>1250</u>	<u>5</u>	<u>5</u>	<u>3.8</u>	<u>2.7</u>	<u>2</u>	<u>1.6</u>	<u>1.3</u>	<u>1.1</u>
<u>1500</u>	<u>5</u>	<u>5</u>	<u>4.7</u>	<u>3.3</u>	<u>2.6</u>	<u>2</u>	<u>1.6</u>	<u>1.4</u>
<u>1750</u>	<u>5</u>	<u>5</u>	<u>5</u>	<u>4</u>	<u>3.1</u>	<u>2.4</u>	<u>2</u>	<u>1.7</u>
<u>2000</u>	<u>5</u>	<u>5</u>	<u>5</u>	<u>4.7</u>	<u>3.6</u>	<u>2.9</u>	<u>2.4</u>	<u>2</u>
<u>2250</u>	<u>5</u>	<u>5</u>	<u>5</u>	<u>5</u>	<u>4.1</u>	<u>3.3</u>	<u>2.8</u>	<u>2.4</u>

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<u>2500</u>	<u>5</u>	<u>5</u>	<u>5</u>	<u>5</u>	<u>4.7</u>	<u>3.8</u>	<u>3.2</u>	<u>3.2</u>
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NOTE: Interpolate for tank sizes within the range provided in the tables. For instance: An 1125 gallon tank should be pumped out at a frequency half way between the frequencies provided for a 1000 gallon and a 1250 gallon tank. Contact the Department for larger tank sizes or when the number of users is greater than what is provided in the tables.

CAUTION: Pumping a tank in an area where the water table is elevated may cause the tank to float or collapse.

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

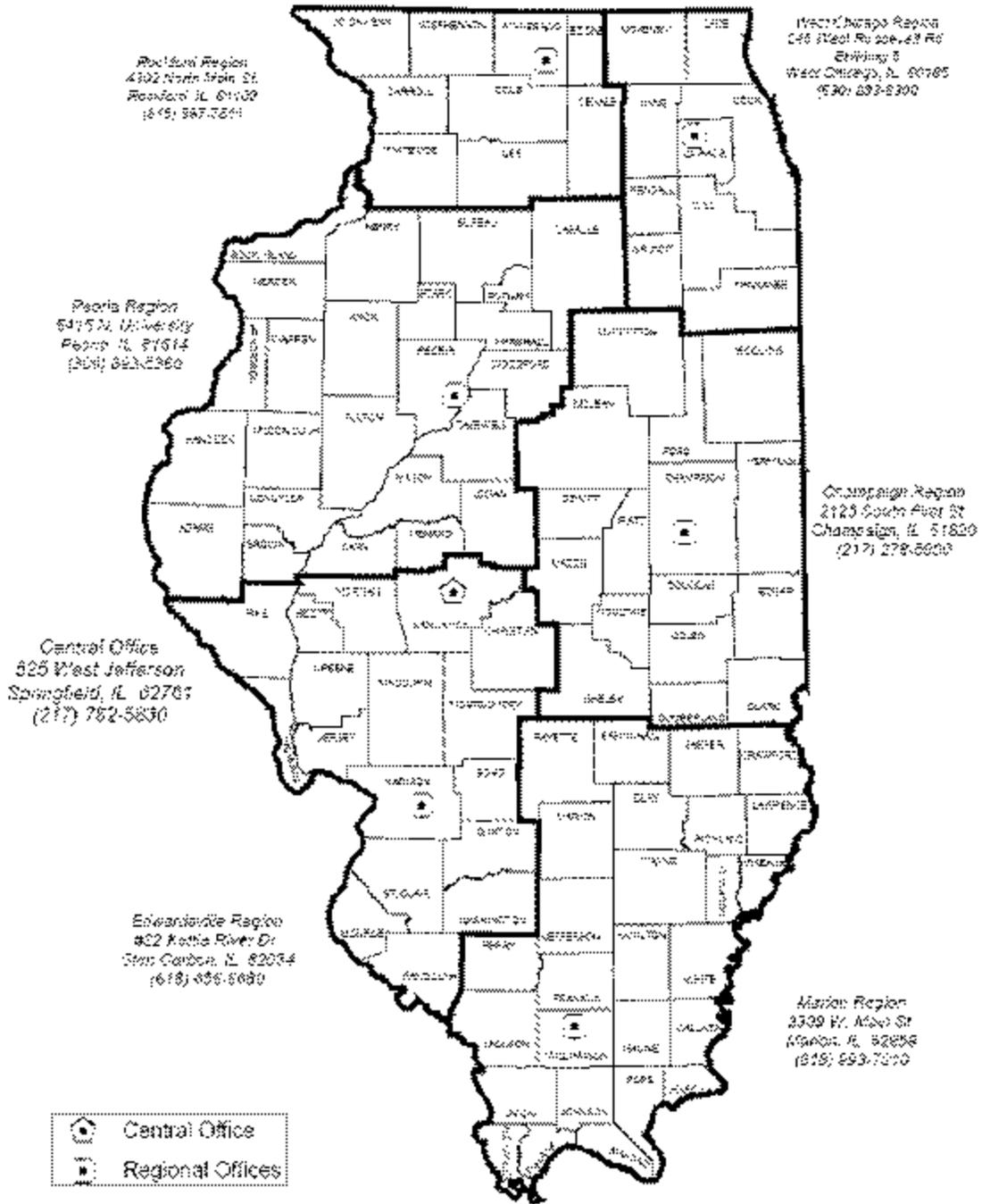
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Section 905.APPENDIX B Contact Information for the Central and Regional Offices
~~Telephone or Address Inquiries to the Regional Office~~

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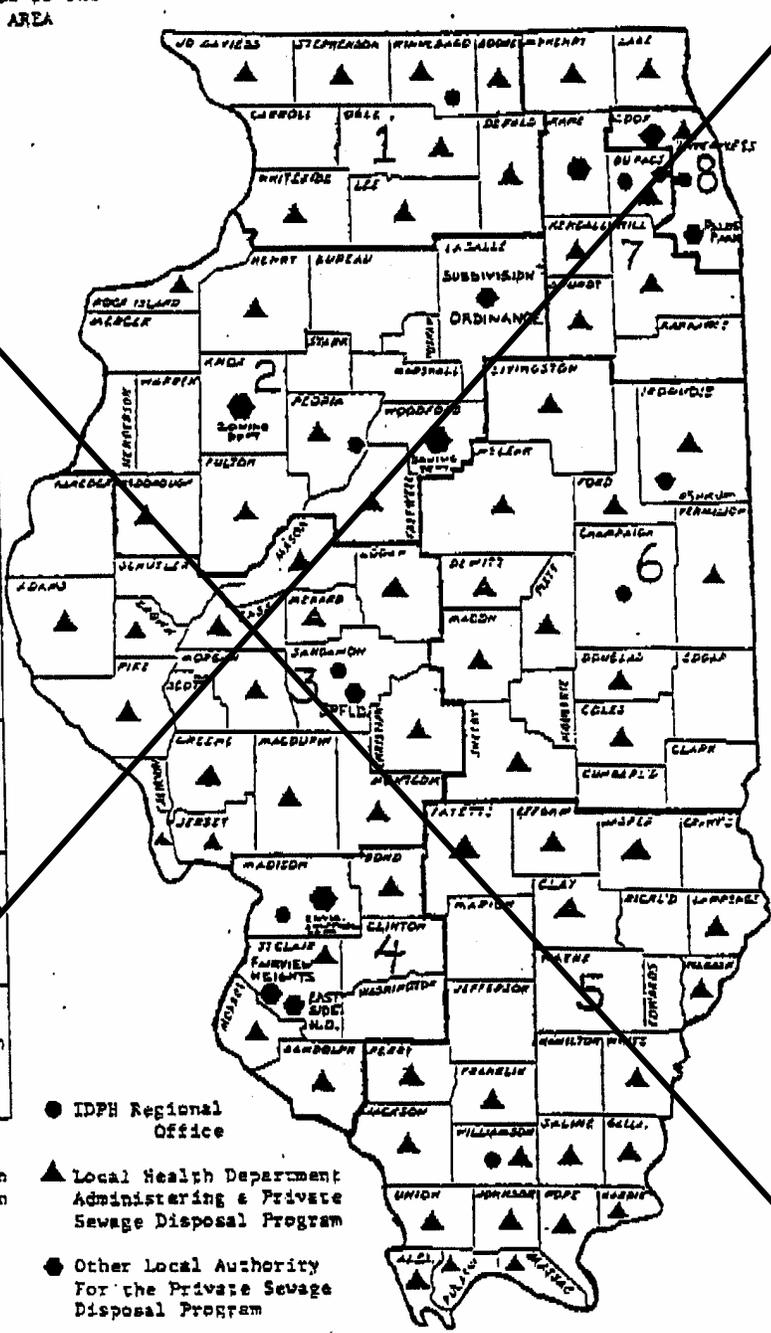
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ILLINOIS DEPARTMENT OF PUBLIC HEALTH
Division of Engineering and Sanitation
TELEPHONE OR ADDRESS INQUIRIES TO THE
REGIONAL OFFICE SERVING YOUR AREA

- REGION 1 - Rockford**
Roger Rosen, R.E.
Ill. Dept. of Public Health
4302 N. Main Street
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- REGION 8 - Berkeley**
Paul Levin, R.E.
Ill. Dept. of Public Health
5813 Elm Avenue
Berkeley, IL 60165
Phone 312/449-2777-9, 2870

CENTRAL OFFICE
Ill. Dept. of Public Health
Office of Health Regulation
Division of Eng. & San.
555 West Jefferson Street
Springfield, IL 62761
Phone 217/782-5830



- IDPH Regional Office
- ▲ Local Health Department Administering a Private Sewage Disposal Program
- Other Local Authority For the Private Sewage Disposal Program

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

(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: 100.2450 Proposed Action:
New Section
- 4) Statutory Authority: 35 ILCS 5/203(a)(2)(H), (b)(2)(F), (c)(2)(J) and (d)(2)(F) and 5/1401
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking provides guidance on the subtraction allowed to taxpayers for Illinois income tax refunds included in their federal taxable income or adjusted gross income.
- 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; 08/24/07
100.2185	Amendment	31 Ill. Reg. 12449; 08/31/07
100.7110	Amendment	31 Ill. Reg. 12670; 09/07/07
100.2110	Amendment	31 Ill. Reg. 13086; 09/14/07
100.2160	Amendment	31 Ill. Reg. 13331; 09/21/07
100.5070	New Section	31 Ill. Reg. 13697; 10/05/07
100.5080	New Section	31 Ill. Reg. 13697; 10/05/07
100.2197	Amendment	31 Ill. Reg. 14217; 10/11/07
100.2406	New Section	31 Ill. Reg. 15240; 11/16/07

- 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: Any small business subject to Illinois income tax will benefit from the guidance in this rulemaking.
 - 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
- 100.2450 IITA Section 203(a)(2)(H), (b)(2)(F), (c)(2)(J) and (d)(2)(F) - IIT Refunds
- 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)

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

100.3020 Resident (IITA Section 301)

SUBPART J: COMPENSATION

Section

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

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

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

Section
100.4500 Carryovers of Tax Attributes (IITA Section 405)

SUBPART N: TIME AND PLACE FOR FILING RETURNS

Section
100.5000 Time for Filing Returns: Individuals (IITA Section 505)
100.5010 Place for Filing Returns: All Taxpayers (IITA Section 505)
100.5020 Extensions of Time for Filing Returns: All Taxpayers (IITA Section 505)
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

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

100.5250	Liability for Combined Tax, Penalty and Interest
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)

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- 100.7330 Payment of Tax Deducted and Withheld (IITA Section 704)
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

DEPARTMENT OF REVENUE

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100.9500	Access to Books and Records (IITA Section 913)
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)

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

SUBPART DD: MISCELLANEOUS

Section	
100.9900	Tax Shelter Voluntary Compliance Program

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].

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

SOURCE: Filed July 14, 1971, effective July 24, 1971; amended at 2 Ill. Reg. 49, p. 84, effective November 29, 1978; amended at 5 Ill. Reg. 813, effective January 7, 1981; amended at 5 Ill. Reg. 4617, effective April 14, 1981; amended at 5 Ill. Reg. 4624, effective April 14, 1981; amended at 5 Ill. Reg. 5537, effective May 7, 1981; amended at 5 Ill. Reg. 5705, effective May 20, 1981; amended at 5 Ill. Reg. 5883, effective May 20, 1981; amended at 5 Ill. Reg. 6843, effective June 16, 1981; amended at 5 Ill. Reg. 13244, effective November 13, 1981; amended at 5 Ill. Reg. 13724, effective November 30, 1981; amended at 6 Ill. Reg. 579, effective December 29, 1981; amended at 6 Ill. Reg. 9701, effective July 26, 1982; amended at 7 Ill. Reg. 399, effective December 28, 1982; amended at 8 Ill. Reg. 6184, effective April 24, 1984; codified at 8 Ill. Reg. 19574; amended at 9 Ill. Reg. 16986, effective October 21, 1985; amended at 9 Ill. Reg. 685, effective December 31, 1985; amended at 10 Ill. Reg. 7913, effective April 28, 1986; amended at 10 Ill. Reg. 19512, effective November 3, 1986; amended at 10 Ill. Reg. 21941, effective December 15, 1986; amended at 11 Ill. Reg. 831, effective December 24, 1986; amended at 11 Ill. Reg. 2450, effective January 20, 1987; amended at 11 Ill. Reg. 12410, 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

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

25 Ill. Reg. 4640, effective March 15, 2001; amended at 25 Ill. Reg. 4929, effective March 23, 2001; amended at 25 Ill. Reg. 5374, effective April 2, 2001; amended at 25 Ill. Reg. 6687, effective May 9, 2001; amended at 25 Ill. Reg. 7250, effective May 25, 2001; amended at 25 Ill. Reg. 8333, effective June 22, 2001; amended at 26 Ill. Reg. 192, effective December 20, 2001; amended at 26 Ill. Reg. 1274, effective January 15, 2002; amended at 26 Ill. Reg. 9854, effective June 20, 2002; amended at 26 Ill. Reg. 13237, effective August 23, 2002; amended at 26 Ill. Reg. 15304, effective October 9, 2002; amended at 26 Ill. Reg. 17250, effective November 18, 2002; amended at 27 Ill. Reg. 13536, effective July 28, 2003; amended at 27 Ill. Reg. 18225, effective November 17, 2003; emergency amendment at 27 Ill. Reg. 18464, effective November 20, 2003, for a maximum of 150 days; 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 E: ADDITIONS TO AND SUBTRACTIONS FROM TAXABLE INCOME OF
INDIVIDUALS, CORPORATIONS, TRUSTS AND ESTATES AND PARTNERSHIPS

Section 100.2450 IITA Section 203(a)(2)(H), (b)(2)(F), (c)(2)(J) and (d)(2)(F) - IIT Refunds

- a) The "tax benefit rule" codified in Internal Revenue Code section 111 applies when a taxpayer receives a tax benefit from claiming a deduction for an expense in one year and recovers or is compensated or reimbursed for the expense in a subsequent taxable year. Under the tax benefit rule, the recovery or compensation for the expense is included in income in the year it is received. Thus, when the taxpayer deducts State income taxes paid in one taxable year and receives a refund of some or all of the payment in a subsequent year, the tax benefit rule requires the taxpayer to include the refund in federal taxable income or adjusted gross income for the taxable year of the refund. If, however, the expense did not reduce the taxpayer's federal income tax, the recovery or compensation is excluded from income under Internal Revenue Code section 111(a).

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

- b) The regular income tax imposed directly on an individual is allowed only as an itemized deduction for federal income tax purpose and so is not deducted in computing adjusted gross income. Because Illinois does not allow itemized deductions, and any Personal Property Tax Replacement Income Tax deducted in computing adjusted gross income because it is passed through from a partnership, Subchapter S corporation, or trust is added back under IITA Section 203(a)(2)(B), IITA Section 203(a)(2)(H) allows individuals to subtract any such refund included in adjusted gross income. The purpose of this subtraction and the addition of IITA Section 203(a)(2)(B) is to render the payment of Illinois income tax and replacement income tax neutral in the computation of adjusted gross income.
- c) All other taxpayers are required to add back any Illinois regular income tax or replacement tax deducted in computing their federal taxable income. (See IITA Section 203(b)(2)(B) (corporations), (c)(2)(C) (trusts and estates) and (d)(2)(B) (partnerships)). Because these taxpayers receive no Illinois income tax benefit from these deductions, any refund of Illinois regular income tax or replacement tax that is included in the taxpayer's federal taxable income may be subtracted under IITA Section 203(b)(2)(F) (corporations), (c)(2)(J) (trusts and estates) and (d)(2)(F) (partnerships).

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

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF PROPOSED RULES

- 1) Heading of the Part: Fire Safety Standards for Cigarettes
- 2) Code Citation: 41 Ill. Adm. Code 400
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
400.10	New
400.20	New
400.30	New
400.40	New
400.50	New
400.60	New
400.70	New
400.80	New
400.90	New
400.100	New
400.110	New
- 4) Statutory Authority: Implementing and authorized by the Cigarette Fire Safety Standard Act [425 ILCS 8]
- 5) A Complete Description of the Subjects and Issues Involved: This proposed rulemaking implements the regulation of testing, certification and sale of cigarettes meeting the standards of the Act.
- 6) Published Studies or Reports, and sources of underlying data used to compose this rulemaking: Sources of data were obtained as a result of the investigation of similar standards in the State of New York and Vermont, along with data received from the National Association of Attorney Generals.
- 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
- 10) Are there any other proposed rulemakings pending on this Part? No

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF PROPOSED RULES

- 11) Statement of Statewide Policy Objective: This proposed rulemaking does not create or expand a State mandate, as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)].
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Persons wishing to comment on this proposed rulemaking may submit comments no later than 45 days after the publication of this Notice to:

John J. Fennell Jr., General Counsel
Office of the State Fire Marshal
1035 Stevenson Dr.
Springfield, IL 62703-4259

312/814-6322
Facsimile: 217/558-4992
- 13) Initial Regulatory Flexibility Analysis:
 - A) Types of small businesses, small municipalities and not for profit corporations affected: This Part applies to businesses that manufacture, distribute or sell cigarettes at whole sale or retail.
 - B) Reporting, bookkeeping or other procedures required for compliance: Manufacturers of cigarettes are required to certify to the OSFM and the Attorney General Office the initial certification of brands sold in the State and to annually update the listing of the brands. The manufacturers are also required to supply the distributors and retailers copies of the certifications.
 - C) Types of Professional skills necessary for compliance: The manufacturer must have access to laboratories capable of conducting the required testing of the cigarette material for compliance with the performance standards listed in the Act.
- 14) Regulatory Agenda on which this rulemaking was summarized: January 2007

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

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF PROPOSED RULES

TITLE 41: FIRE PROTECTION
CHAPTER I: OFFICE OF THE STATE FIRE MARSHALPART 400
FIRE SAFETY STANDARDS FOR CIGARETTES

Section

400.10	Scope
400.20	Definitions
400.30	Test Method
400.40	Performance Standard
400.50	Test Data
400.60	Certification
400.70	Notification of Certification
400.80	Marking of Cigarette Packaging
400.90	Penalties
400.100	Federal Fire Safety Standards

AUTHORITY: Implementing and authorized by the Cigarette Fire Safety Standard Act [425 ILCS 8].

SOURCE: Adopted at 32 Ill. Reg. _____, effective _____.

Section 400.10 Scope

- a) On and after January 1, 2008, no cigarettes subject to the provisions of the Cigarette Fire Safety Standard Act or this Part shall be sold or offered for sale in this State unless:
 - 1) the cigarettes have been tested in accordance with the test method prescribed in Section 400.30;
 - 2) the cigarettes meet the performance standard specified in Section 400.40; and
 - 3) a written certification has been filed by the manufacturer with the Office of the State Fire Marshal, Division of Safety Compliance, 1035 Stevenson Drive, Springfield IL 62703 and the Office of the Attorney General,

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Tobacco Enforcement Bureau, 500 S. Second Street, Springfield IL
62706, in accordance with Section 400.60.

- b) Nothing in this Part shall prohibit wholesale dealers or retail dealers from selling their inventory of cigarettes existing on January 1, 2008, provided that the wholesale dealer or retail dealer can establish that Illinois State tax stamps were affixed to these cigarettes prior to January 1, 2008, and provided further that the wholesale dealer or retail dealer can establish that the inventory was purchased prior to January 1, 2008 in comparable quantity to the inventory purchased during the same period in the prior year.

Section 400.20 Definitions

For the purposes of this Part:

"Act" means the Cigarette Fire Safety Standard Act [425 ILCS 8].

"Agent" means any person licensed by the Department of Revenue to purchase and affix adhesive or meter stamps on packages of cigarettes.

"Cigarette" means any roll for smoking, whether made wholly or in part of tobacco or any other substance, irrespective of size or shape, and whether or not such tobacco or substance is flavored, adulterated, or mixed with any other ingredient, the wrapper or cover of which is made of paper or any other substance or material except tobacco.

"Manufacturer" means:

any entity that manufactures or otherwise produces cigarettes or causes cigarettes to be manufactured or produced anywhere that the manufacturer intends to be sold in this State, including cigarettes intended to be sold in the United States through an importer;

The first purchaser anywhere that intends to resell in the United States cigarettes manufactured anywhere that the original manufacturer or maker does not intend to be sold in the United States; or

any entity that becomes a successor of an entity described above.

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"OSFM" means Office of the State Fire Marshal.

"Quality Control and Quality Assurance Program" means the laboratory procedures implemented to ensure that operator bias, systematic and nonsystematic methodological errors, and equipment-related problems do not affect the results of the testing. This program ensures that the testing repeatability remains within the required repeatability values stated in Section 400.30(e) of this Part for all test trials used to certify cigarettes in accordance with the Act.

"Repeatability" means the range of values within which the repeat results of cigarette test trials from a single laboratory will fall 95% of the time.

"Retail Dealer" means any person, other than a manufacturer or wholesale dealer, engaged in selling cigarettes or tobacco products.

"Sale" means any transfer of title or possession or both, exchange or barter, conditional or otherwise, in any manner or by any means whatever or any agreement therefore. In addition to cash and credit sales, the giving of cigarettes as samples, prizes, or gifts and the exchanging of cigarettes for any consideration other than money are considered sales.

"Sell" means to sell or to offer or agree to sell.

"Wholesale Dealer" means any person who sells cigarettes or tobacco products to retail dealers or other persons for purposes of resale, and any person who owns, operates or maintains one or more cigarette or tobacco product vending machines in, at or upon premises owned or occupied by any other person. [425 ILCS 8/5]

Section 400.30 Test Method

- a) *Testing of cigarettes shall be conducted in accordance with the American Society of Testing and Materials (ASTM) Standard E2187-04 (2004) "Standard Test Method for Measuring the Ignition Strength of Cigarettes". [425 ILCS 8/15(a)] This standard may be obtained from the publisher at ASTM International, 100 Barr Harbor Drive, P.O. Box C700, West Conshohocken PA 19428-2959. This material is available for public inspection and distribution at the Office of the State Fire Marshal, 1035 Stevenson Drive, Springfield IL 62703.*

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- b) *Testing shall be conducted on 10 layers of filter paper.* [425 ILCS 8/15(b)]
- c) *Forty replicate tests shall comprise a complete test trial for each cigarette tested.* [425 ILCS 8/15(c)]
- d) *The performance standard required by Section 400.40 shall only be applied to a complete test trial.* [425 ILCS 8/15(d)]
- e) *Laboratories conducting testing in accordance with this Section shall implement a quality control and quality assurance program that includes a procedure that will determine the repeatability of the testing results. The repeatability value shall be no greater than 0.19 pursuant to Section 400.40.* [425 ILCS 8/15(e)]
- f) *This Part does not require additional testing if cigarettes are tested consistent with the Act for any other purpose.* [425 ILCS 8/15(f)] OSFM may, at its sole discretion, conduct random independent tests of certified brands to verify the accuracy of the information submitted to OSFM by the manufacturer.

Section 400.40 Performance Standard

- a) *When tested in accordance with Section 400.30, no more than 25 percent of the cigarettes tested in a test trial shall exhibit full length burns.* [425 ILCS 8/20(a)]
- b) *Each cigarette listed in a certification submitted pursuant to Section 400.60 that uses lowered permeability bands in the cigarette paper to achieve compliance with the performance standard set forth in subsection (a) shall have at least 2 nominally identical bands on the paper surrounding the tobacco column. At least one complete band shall be located at least 15 millimeters from the lighting end of the cigarette. For cigarettes on which the bands are positioned by design, there shall be at least 2 bands fully located at least 15 millimeters from the lighting end and 10 millimeters from the filter end of the tobacco column or 10 millimeters from the labeled end of the tobacco column for a non-filtered cigarette.* [425 ILCS 8/20(b)]
- c) *The manufacturer of a cigarette that the OSFM determines cannot be tested in accordance with the test method prescribed in Section 400.30 shall propose a test method and performance standard for that cigarette to the OSFM. Upon approval of the proposed test method and a determination by the OSFM that the*

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performance standard proposed by the manufacturer is equivalent to the performance standard prescribed in Section 400.40, the manufacturer may employ that test method and performance standard to certify the cigarette pursuant to Section 400.60. [425 ILCS 8/20(c)] All other applicable requirements of this Part shall apply to the manufacturer.

- d) *If the OSFM determines that another state, with reduced cigarette ignition propensity standards that are the same as those contained in the Act, has adopted an alternative test method and performance standard for a particular cigarette proposed by a manufacturer as meeting the fire safety standards of that state's law or regulation, then the State Fire Marshal shall authorize that manufacturer to employ the alternative test method and performance standard to certify that cigarette for sale in this State unless the State Fire Marshal demonstrates reasonable basis for not accepting the alternative test method and performance standard. [425 ILCS 8/20(c)]*

Section 400.50 Test Data

In order to ensure compliance with the performance standard specified in Section 400.40, data from testing conducted by manufacturers to comply with this performance standard shall be kept on file by the manufacturers for a period of 3 years and shall be sent to the OSFM upon its request, and to the Office of the Attorney General upon its request, at the addresses specified in Section 400.10(a)(3). [425 ILCS 8/25]

Section 400.60 Certification

- a) *Each manufacturer shall submit a written certification attesting that:*
- 1) *each cigarette listed in the certification has been tested in accordance with Section 400.30 prior to January 1, 2008 for the initial certification; and*
 - 2) *each cigarette listed in the certification meets the performance standard set forth in Section 400.40 or meets the performance standard of any other state having equal or stricter performance standards. [425 ILCS 8/30(a)]*
- b) *Each cigarette listed in the certification shall be described with the following information:*

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- 1) *brand (i.e., the trade name on the package);*
 - 2) *style (e.g., light, ultra light);*
 - 3) *length in millimeters;*
 - 4) *circumference in millimeters;*
 - 5) *flavor (e.g., menthol, chocolate), if applicable;*
 - 6) *filter or non-filter;*
 - 7) *package description (e.g., soft pack, box); and*
 - 8) *marking approved in accordance with Section 400.80. [425 ILCS 8/30(b)]*
- c) *Each cigarette certified under this Section shall be re-certified every 3 years. [425 ILCS 8/30(c)]* Recertification may be coordinated with recertification required by other states with the same standard.
- d) In addition to the certification, each manufacturer shall provide identification of the wholesale dealers and agents that are provided markings by the manufacturer and the number of copies of the markings provided by the manufacturer to each wholesale dealer and agent. Each manufacturer shall also provide such additional information as may be required by the OSFM.

Section 400.70 Notification of Certification

- a) After the approval of the certification by the OSFM, *manufacturers certifying cigarettes in accordance with Section 400.60 shall provide a copy of the certifications to all wholesale dealers and agents to which they sell cigarettes. Manufacturers shall also provide sufficient copies of an illustration of the cigarette packaging marking utilized by the manufacturer pursuant to Section 400.80 for each retailer to which the wholesale dealers and agents sell cigarettes. Wholesale dealers and agents shall provide a copy of these cigarette packaging markings received from manufacturers to all retail dealers to which they sell cigarettes. Wholesale dealers, agents and retail dealers shall permit the OSFM,*

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Department of Revenue, and the Office of the Attorney General to inspect cigarette packaging marked in accordance with Section 400.80. [425 ILCS 8/35]

- b) The OSFM and the Office of the Attorney General will cooperate to produce a list of cigarette brands and styles that are legal for sale under any and all of the laws of the State of Illinois.
- c) If the OSFM intends to remove a brand from the certified list, it will send a notice of intent to deny to the manufacturer. The notice of intent to deny shall include:
 - 1) the factual and legal deficiencies upon which the OSFM's intended action rests;
 - 2) the actions that the manufacturer must undertake to cure the factual or legal deficiencies upon which the intended action is based; and
 - 3) a notification that the manufacturer shall have 10 calendar days to cure deficiencies and submit documentation or other information of its attempt to cure to the OSFM. The OSFM may extend the time period for a manufacturer to cure its deficiencies.

Section 400.80 Marking of Cigarette Packaging

- a) *Cigarettes that have been certified by a manufacturer in accordance with Section 400.60 shall be marked to indicate compliance with the requirements of this Part. Marking shall be in 8 point type or larger and consist of:*
 - 1) *Modification of the product UPC Code to include a visible mark printed at or around the area of the UPC Code. The mark may consist of alphanumeric or symbolic characters permanently stamped, engraved, embossed or printed in conjunction with the UPC [425 ILCS 8/40(a)]; or*
 - 2) *A manufacturer's marking that is approved for use in the State of New York. [425 ILCS 8/40(d)]*
- b) The marking shall be unique to packages that meet Illinois standards.

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- c) *A manufacturer must use only one marking, and must apply this marking uniformly for all packages (including but not limited to packs, cartons and cases) and brands marketed by that manufacturer. [425 ILCS 8/40(b)]*
- d) *The OSFM must be notified at the address specified in Section 400.10(a)(3) as to the marking that is selected [425 ILCS 8/40(c)].*
- e) *Prior to the certification of any cigarette, a manufacturer shall present its proposed marking to the OSFM for approval. Upon receipt of the request, the OSFM will approve or disapprove the marking offered. Proposed markings shall be deemed approved if the OSFM fails to act within 10 business days after receiving a request for approval. [425 ILCS 8/40(d)]*
- f) *No manufacturer shall modify its approved marking unless the modification has been approved by the OSFM in accordance with this Section. [425 ILCS 8/40(e)]*

Section 400.90 Penalties

Penalties are set forth in Section 45 of the Act.

Section 400.100 Federal Fire Safety Standards

If federal fire safety standards for cigarettes preempt the Act or this Part, the OSFM will repeal this Part.

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- 1) Heading of the Part: Veterinary Medicine and Surgery Practice Act of 2004
- 2) Code Citation: 68 Ill. Adm. Code 1500
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
1500.5	Amendment
1500.10	Amendment
1500.11	Amendment
1500.15	Amendment
1500.20	Amendment
1500.25	Amendment
1500.30	Amendment
1500.35	Amendment
1500.45	Amendment
1500.47	Amendment
1500.50	Amendment
1500.51	Amendment
1500.70	Amendment
- 4) Statutory Authority: Veterinary Medicine and Surgery Practice Act of 2004 [225 ILCS 115]
- 5) Effective Date of Amendments: November 13, 2007
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these amendments contain incorporations by reference? No
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Date Notice of Proposal Published in Illinois Register: July 6, 2007; 31 Ill. Reg. 9356
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Differences between proposal and final version: There were no substantive changes to the rulemaking between the proposed and final version.

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- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will these amendments replace any emergency amendments currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendments: Increases the number of hours of continuing education required to renew a license and removes the limitation on self-study courses. In Section 1500.20, specifies that an applicant may not take the licensing examination more than 5 times in a 5-year period. Makes various non-substantive changes, including changing references throughout the entire Part from "Department" to "Division" to reflect the consolidation of agencies into the Department of Financial and Professional Regulation and the creation of the Division of Professional Regulation. Obsolete language is also being removed and other non-substantive changes are being made.
- 16) Information and questions regarding these adopted amendments shall be directed to:

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

217/785-0813

Fax #: 217/557-4451

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

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NOTICE OF ADOPTED AMENDMENTS

TITLE 68: PROFESSIONS AND OCCUPATIONS

CHAPTER VII: DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION
SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

PART 1500

VETERINARY MEDICINE AND SURGERY PRACTICE ACT OF 20041994

Section

1500.5	Approved Veterinary Medicine and Surgery Programs
1500.10	Application for Examination by Graduates of Approved Programs
1500.11	Application by Graduates of Unapproved Programs
1500.15	Temporary Permit
1500.20	Examination
1500.25	Continuing Education
1500.30	Endorsement
1500.35	Restoration
1500.45	Renewals
1500.47	Fees
1500.49	Supervision
1500.50	Standards of Professional Conduct
1500.51	Impaired Veterinarian Program of Care, Counseling or Treatment
1500.55	Advertising
1500.60	Conduct of Hearings (Repealed)
1500.65	Annual Report of Board (Repealed)
1500.70	Granting Variances

AUTHORITY: Implementing the Veterinary Medicine and Surgery Practice Act of 2004 [225 ILCS 115] and authorized by Section 2105-15(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/2105-15(7)].

SOURCE: Rules and Regulations promulgated for the Administration of the Illinois Veterinary Medicine and Surgery Practice Act, effective January 1, 1984; amended at 2 Ill. Reg. 23, p. 13, effective June 10, 1978; codified at 5 Ill. Reg. 11070; amended at 6 Ill. Reg. 2004, effective January 30, 1982; Part repealed, new Part adopted at 9 Ill. Reg. 16327, effective October 10, 1985; amended at 11 Ill. Reg. 20966, effective December 9, 1987; transferred from Chapter I, 68 Ill. Adm. Code 500 (Department of Registration and Education) to Chapter VII, 68 Ill. Adm. Code 1500 (Department of Professional Regulation) pursuant to P.A. 85-225, effective January 1, 1988, at 12 Ill. Reg. 2982; amended at 13 Ill. Reg. 3826, effective March 10, 1989; amended at 15 Ill. Reg. 16702, effective October 30, 1991; amended at 18 Ill. Reg. 11212, effective June

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30, 1994; amended at 19 Ill. Reg. 12488, effective August 18, 1995; amended at 22 Ill. Reg. 15353, effective August 10, 1998; amended at 24 Ill. Reg. 653, effective December 31, 1999; amended at 26 Ill. Reg. 12294, effective July 24, 2002; amended at 28 Ill. Reg. 9621, effective June 28, 2004; amended at 31 Ill. Reg. 15767, effective November 13, 2007.

Section 1500.5 Approved Veterinary Medicine and Surgery Programs

a) Approved Veterinary Medicine and Surgery Programs

- 1) The Department of Financial and Professional Regulation-Division of Professional Regulation (~~Divisionthe Department~~) shall approve a veterinary medicine and surgery program as reputable and in good standing if it meets the following minimum criteria:

- A) The institution is legally recognized and authorized by the jurisdiction in which it is located to confer the Doctor of Veterinary Medicine degree or its equivalent.
- B) Has a faculty that consists of a sufficient number of full-time instructors to make certain that the educational obligations to the student are fulfilled. The faculty must have demonstrated competence in their area of teaching as evidenced by appropriate degrees from reputable professional colleges or institutions.
- C) Has a curriculum of at least 4 academic years, including at least the following subject areas, as applied to the various species of animals:

Anatomy

Anesthesiology

Applied Clinical Training

Clinical Chemistry

Epidemiology

Federal and State Laws

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Food Quality and Safety

General and Special Pathology

Immunology

Internal Medicine

Microbiology

Nutrition

Parasitology

Pharmacology

Physiology

Preventive Medicine

Professional Ethics

Radiology

Surgery and Obstetrics

- D) Accepts only persons who have graduated from accredited high schools or who have obtained equivalent education through such programs as the General Education Development Examination, and have successfully completed at least 2 years of pre-veterinary collegiate training in an accredited college or university.
- E) Maintains permanent student records that summarize the credentials for admission, attendance, grades and other records of performance.
- F) Maintains or is formally affiliated with a hospital for the care and treatment of animals, which provides a sufficient number and

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variety of surgical and medical cases for the students' clinical instruction.

- 2) In determining whether a program should be approved, the ~~Division~~Department shall take into consideration but not be bound by accreditation or approval by the American Veterinary Medical Association, Council on Education.
 - 3) The ~~Division~~Department has determined that all veterinary medicine and surgery programs accredited or approved by the American Veterinary Medical Association, Council on Education (AVMA) as of September 1, 2005~~August 1, 1998~~, meet the minimum criteria set forth in subsection (a)(1) and are, therefore, approved.
- b) Withdrawal of Approval
- 1) The Director of the Division of Professional Regulation (Director), with the authority delegated by the Secretary, may withdraw, suspend or place on probation the approval of a veterinary medicine and surgery program when the quality of the program has been materially affected by any of the following causes:
 - A) Gross or repeated violations of any provision of the Veterinary Medicine and Surgery Practice Act of 2004 [225 ILCS 115] (the Act);
 - B) Gross or repeated violations of any portion of this Part;
 - C) Fraud or dishonesty in furnishing documentation for evaluation of the program; or
 - D) Failure to continue to meet the criteria of an approved program as set out in this Section.
 - 2) The officials in charge of a veterinary medicine and surgery program whose approval is being reconsidered by the ~~Division~~Department shall be given written notice prior to action by the ~~Division~~Department and ~~those such~~ officials may either submit written comments or request a hearing before the Veterinarian Licensing and Disciplinary Board (the

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Board).

- c) Program Evaluation
- 1) An applicant from a program that has not been evaluated will be requested by the ~~Division~~Department to provide documentation concerning the criteria in this Section.
 - 2) Once the ~~Division~~Department has received the documentation or after 6 months have elapsed from the date of application, whichever is later, the ~~Division~~Department will evaluate the program based on all documentation forwarded from the school and any additional information the ~~Division~~Department has received that it deems to be reliable.

(Source: Amended at 31 Ill. Reg. 15767, effective November 13, 2007)

Section 1500.10 Application for Examination by Graduates of Approved Programs

- a) An applicant for examination for licensure to practice veterinary medicine and surgery who is a graduate of an approved program of veterinary medicine and surgery that meets the requirements set forth in Section 1500.5 shall file an application with the ~~Division~~Department or its designated testing service on forms supplied by the ~~Division~~Department at least 60 days prior to an examination date. The application shall include:
- 1) ~~A complete work history indicating all employment since graduation from an approved veterinary program to the time of application; 2) Certification of successful completion of at least 2 years of pre-veterinary collegiate training, and~~ graduation from an approved program of veterinary medicine and surgery;
 - ~~23)~~ The required fee specified in Section 1500.47 of this Part; and
 - ~~34)~~ Certification of licensure from all jurisdictions in which the applicant has ever been licensed and is currently licensed, if applicable, stating:
 - A) The time during which the applicant was licensed in that jurisdiction, including the date of original issuance of the license;

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- B) A description of the licensure examination in that jurisdiction;
- C) Whether the file on the applicant contains any record of any disciplinary actions taken or pending.
- b) Examination ~~Prior~~ to ~~Graduation~~graduation
- 1) An applicant enrolled in an approved veterinary program will be admitted to an examination prior to graduation if he/she provides certification from the college of veterinary medicine from which the applicant is expected to graduate. If certification of graduation is not received within 90 days after the scheduled graduation date, the results of the examination ~~examination(s)~~ shall be void.
 - 2) The results of ~~thesuch examination~~examination(s) shall be made available to the applicant but no license shall be issued until the ~~Division~~Department has received certification of the applicant's graduation, within 90 days after the scheduled graduation date specified in subsection (b)(1)~~above~~.
 - 3) In the case of failure of the examination, the applicant must submit his/her certificate of graduation to the ~~Division~~Department or its designated testing service prior to taking the next examination.
- c) An applicant who has taken and passed the examination pursuant to Section 1500.20 in another jurisdiction shall file an application in accordance with subsection (a)~~above~~ and have the examination scores submitted to the ~~Division~~Department directly from the testing entity.

(Source: Amended at 31 Ill. Reg. 15767, effective November 13, 2007)

Section 1500.11 Application by Graduates of Unapproved Programs

- a) An applicant for examination who is a graduate of an unapproved program of veterinary medicine and surgery shall file an application, on forms supplied by the ~~Division~~Department, and shall be accompanied by the following:
- 1) ~~A complete work history indicating all employment since graduation from an unapproved veterinary program to the time of application; 2)A~~

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verification of enrollment in either the Program for the Assessment of Veterinary Education Equivalence (PAVE) from the American Association of Veterinary State Boards or from the American Veterinary Medical Association Educational Commission of Foreign Veterinary Graduates (ECFVG) indicating that the applicant has met all of the requirements for certification except for completion of clinical skills assessment;

- ~~23~~) The required fee specified in Section 1500.47;
 - ~~34~~) Certification of licensure from all jurisdictions in which the applicant has ever been licensed and is currently licensed, if applicable, stating:
 - A) The time during which the applicant was licensed in that jurisdiction, including the date of original issuance of the license;
 - B) A description of the licensure examination in that jurisdiction;
 - C) Whether the file on the applicant contains any record of disciplinary actions taken or pending;
 - ~~45~~) ~~For applicants~~ Applicants who submit any document in a foreign language, shall submit an original, notarized English translation.
- b) An applicant for licensure who is a graduate of an unapproved program of veterinary medicine and surgery must hold a certificate from the American Veterinary Medical Association Educational Commission of Foreign Veterinary Graduates (ECFVG) or Program for the Assessment of Veterinary Education Equivalence (PAVE). Application shall be filed on forms supplied by the ~~Division~~Department and shall be accompanied by the following:
- 1) ~~A complete work history indicating employment since graduation from a veterinary program to the time of application.~~ 2) An original certificate from ECFVG or PAVE indicating completion of the proficiency examination or the completion of 1 year of clinical experience.
 - ~~2)3~~) The required fee specified in Section 1500.47.
 - ~~3)4~~) Certification of licensure from all jurisdictions in which the applicant has

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ever been licensed and is currently licensed, if applicable, stating:

- A) The time during which the applicant was licensed in that jurisdiction, including the date of original issuance of the license;
- B) A description of the licensure examination in that jurisdiction;
- C) Whether the file on the applicant contains any record of disciplinary actions taken or pending.

~~4)5)~~ ~~For applicants~~ Applicants who submit any document in a foreign language, shall submit an original, notarized English translation.

- c) Examination prior to graduation
 - 1) An applicant enrolled in an unapproved veterinary program will be admitted to an examination prior to graduation if he/she provides certification from the college of veterinary medicine from which the applicant is expected to graduate and verification of enrollment from ECFVG or PAVE. If certification of graduation is not received within 90 days after the scheduled graduation date, the results of the examination shall be void.
 - 2) The results of the examination shall be made available to the applicant but no license shall be issued until the ~~Division~~Department has received certification of the applicant's graduation and an original certificate from ECFVG or PAVE.
 - 3) In the case of failure of the examination, the applicant must submit his/her certificate of graduation to the ~~Division~~Department or its designated testing service prior to taking the next examination.
- d) At the time a foreign graduate obtains the ECFVG or PAVE certificate and applies for licensure in Illinois, the scores shall be sent to the ~~Division~~Department directly from the reporting entity. The passing score on the examinations shall be the passing scores established by the testing entity. Prior to January 1994, the passing score on the examination was a converted score of 75 based on 1.5 standard deviations below the mean.

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(Source: Amended at 31 Ill. Reg. 15767, effective November 13, 2007)

Section 1500.15 Temporary Permit

- a) A person who desires to obtain a temporary permit and who qualifies under Section 11 of the Act shall submit a written request with the application to the ~~Division~~Department or its designated testing service and a statement of employment completed by the supervising licensed veterinarian on forms supplied by the ~~Division~~Department or its designated testing service. A temporary permit is nonrenewable.
- ba) For an applicant for original licensure, the temporary permit shall be valid from the date he/she takes the examination until the results of that examination are reported.
- cb) For a person who is a licensed veterinarian in another jurisdiction and who has applied for licensure on the basis of endorsement, the temporary permit shall be valid for 6 months or until the withdrawal or denial of the application, whichever occurs first.

(Source: Amended at 31 Ill. Reg. 15767, effective November 13, 2007)

Section 1500.20 Examination

- a) The examinations for licensure shall be provided by the National Board of Veterinary Medical Examiners (NBVME).
- b) The passing score for the examinations shall be the passing score established by the testing entity. Prior to January 1994, the passing score on the National Board Examination and the Clinical Competency Examination was a total converted score of 75 based on 1.5 standard deviations below the mean.
- c) Effective with the November 2007 North American Veterinary Licensing Examination (NAVLE), a candidate may not sit for the NAVLE more than 5 times during a 5 year period from the first attempt. Each of the final 2 attempts must be at least 1 year from the previous attempt.

(Source: Amended at 31 Ill. Reg. 15767, effective November 13, 2007)

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Section 1500.25 Continuing Education

- a) Continuing Education Hours Requirements
- 1) Each person who applies for renewal of a license as a veterinarian is required to complete ~~40~~²⁰ hours of continuing education (CE) relevant to the practice of veterinary medicine and surgery during the prerenewal period.
 - 2) A prerenewal period is the 24 months preceding the expiration date of the license~~January 1 in the year of the renewal~~.
 - 3) A renewal applicant is not required to comply with CE requirements for the first renewal.
 - 4) ~~A maximum of 10 hours CE credit may be earned for completion of self assessment examinations in "Compendium for Practicing Veterinarians," sponsored by Veterinary Learning Systems, or by completing any other approved method of self study.~~^{5) CE}Continuing education credit hours used to satisfy the CE requirements of another state may be applied to fulfillment of the CE requirements of the State of Illinois if the CE required by the other state is consistent with the CE requirements set forth in this Section.
 - 5) CE credit hours used to satisfy this requirement may be achieved through self study courses offered by an approved provider.
 - 6) A licensee who serves as an instructor, speaker or discussion leader of an approved provider will be allowed CE course credit for actual presentation time, plus actual preparation time of up to 2 hours for each hour of presentation. Time shall not be allowed for repetitious presentations of the same course.
 - 7) CE course credit will be allowed for actual authorship of published articles and books, provided the subject matter of such article or book complies with this Section. CE course credit shall be allowed for actual time spent in writing or researching.
- b) Approved CE Providers~~Programs~~

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- 1) CE credit may be earned for verified attendance at or participation in any program given or approved by one of the following:
 - A) An approved veterinary program, as provided in Section 1500.5(a)(2) and (a)(3);
 - B) The American Veterinary Medical Association or any of its constituent organizations;
 - C) The Illinois State Veterinary Medical Association or any other state or provincial veterinary medical association or any of its constituent organizations;
 - D) The American Animal Hospital Association;
 - E) National Registry of Approved Continuing Education (RACE) of the American Association of Veterinary State Boards (AAVSB); and
 - F) Programs provided by, or appropriate for, veterinary specialty organizations; and
 - ~~G) Any other program that the Department determines to be substantially equivalent to the programs listed above. A program application shall be submitted to the Department for approval accompanied by a \$100 processing fee.~~

- 2) Course Requirements
 - A) All courses or programs shall:
 - iA) Be a minimum of 1 hour in duration. An hour is defined as 50 to 60 minutes of contact time;
 - iiB) Contribute to the advancement, extension and enhancement of professional skills and/or scientific knowledge in the practice of veterinary medicine;

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- iii~~C~~) Provide experiences that contain scientific integrity, relevant subject matter and course materials;
 - iv~~D~~) Be developed and presented by persons with education and/or experience in the subject matter of the program; and
 - v~~E~~) Specify the number of CE hours that may be applied toward Illinois CE requirements for licensure renewal.
 - B) The Division may periodically review approved providers to ensure compliance.
- c) The licensees shall maintain their CE records for 4~~5~~ years.
- d) Certification of Compliance with CE Requirements
 - 1) Each renewal applicant shall certify, on the renewal application, full compliance with the CE requirements set forth in subsection (a).
 - 2) The Division~~Department~~ may require additional evidence demonstrating compliance with CE requirements. It is the responsibility of each renewal applicant to retain or otherwise produce evidence of compliance.
- e) Continuing Education Earned in Other Jurisdictions
 - 1) If a licensee has earned or is seeking CE hours offered in another jurisdiction for a program not approved by the Division~~Department~~ for which the licensee will be claiming credit toward full compliance in Illinois, the applicant shall submit an individual program approval request form, along with a \$25 processing fee, prior to participation in the program or within 90 days prior to expiration of the license. The Board shall review and recommend approval or disapproval of the program using the criteria set forth in this Section.
 - 2) If a licensee fails to submit an out-of-state CE approval form within the required time frame, late approval may be obtained by submitting the approval request form with the \$25 processing fee plus a \$100 per hour of CE late fee not to exceed \$500. The Board shall review and recommend approval or disapproval of the program using the criteria set forth in this

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- f) Waiver of CE Requirements
- 1) Any renewal applicant seeking renewal of a license or certificate without having fully complied with these CE requirements shall file with the ~~Division~~Department a renewal application, a statement setting forth the facts concerning noncompliance, a request for waiver of the CE requirements on the basis of such facts and, if desired, a request for an interview before the Board. If the ~~Division~~Department finds from the statement, or any other evidence submitted, that good cause has been shown for granting a waiver of the CE requirements, or any part thereof, the ~~Division~~Department shall waive enforcement of CE requirements for the renewal period for which the applicant has applied. At that time, the renewal applicant will be requested to submit the required renewal fee.
 - 2) Good cause shall be defined as an inability to devote sufficient hours to fulfilling the CE requirements during the applicable prerenewal period because of:
 - A) Full-time service in the armed forces of the United States of America during a substantial part of the prerenewal period;
 - B) An incapacitating illness; or
 - C) Undue hardship (e.g., prolonged hospitalization, being disabled or unable to practice veterinary medicine for a majority of the duration of the renewal cycle~~on a temporary basis~~) as determined by the Board. Every attempt should be made by the applicant to comply with CE through self-study.
 - 3) If an interview is requested at the time the request for a waiver is filed with the ~~Division~~Department, the renewal applicant shall be given at least 20 days written notice of the date, time and place of the interview by certified mail, return receipt requested.

(Source: Amended at 31 Ill. Reg. 15767, effective November 13, 2007)

Section 1500.30 Endorsement

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- a) An applicant who is licensed under the laws of another jurisdiction of the United States shall file an application with the ~~Division~~Department, together with:
- 1) A certification from the licensing authority of all jurisdictions in which the applicant has ever been licensed and is currently licensed, stating:
 - A) The time during which the applicant was licensed;
 - B) Whether the file on the applicant contains any record of disciplinary actions taken or pending;
 - C) A brief description of the examination and the grades received;
 - 2) ~~A complete work history indicating all employment since graduation from an approved veterinary program to the time of application;~~ 3) Certification of ~~successful completion of at least 2 years of preveterinary collegiate training and~~ graduation from an approved program of veterinary medicine and surgery; and
 - ~~34)~~ The required fee set forth in Section 1500.47.
- b) The ~~Division~~Department shall examine each application to determine compliance with Section 13 of the Act. The applicant may be required to appear before the Board:
- 1) To clarify or explain information contained on the submitted documentation; or
 - 2) To determine the substantial equivalence of the applicant's qualifications to the licensing requirements in this State.

(Source: Amended at 31 Ill. Reg. 15767, effective November 13, 2007)

Section 1500.35 Restoration

- a) A licensee seeking restoration of a license that has been expired for 5 years or less shall have the license restored upon payment of \$20 plus all lapsed renewal fees as specified in Section 1500.47 and proof of completion of the continuing

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education requirements set forth in Section 1500.25 for a single renewal period.

- b) A licensee seeking restoration of a license that has been expired or on inactive status for more than 5 years shall file an application, on forms supplied by the ~~Division~~Department, together with the fee specified in Section 1500.47. The licensee shall also submit:
- 1) Sworn evidence of active practice in another jurisdiction. This evidence shall include a statement from the appropriate board or licensing authority in the other jurisdiction that the licensee was authorized to practice during the term of active practice;
 - 2) An affidavit attesting to military service as provided in Section 15 of the Act; or
 - 3) Evidence of ~~other~~ experience within the profession, other than active practice (such as research, teaching or publishing) during the time when the license was expired, and proof of completion of the continuing education requirements for a single renewal period.
- c) A licensee seeking restoration of a license that has been on inactive status for 5 years or less shall file an application, on forms provided by the ~~Division~~Department, together with proof of completion of continuing education requirements for a single renewal period and the current renewal fee.
- d) Any person seeking restoration of a license within 2 years after discharge from military service pursuant to Section 15 of the Act will be required to pay only the current renewal fee and will not be required to submit proof of meeting the continuing education requirements.
- e) When the accuracy of any submitted documentation or the relevance or sufficiency of the course work or experience is questioned by the ~~Division~~Department or the Board because of a lack of information, discrepancies or conflicts in information given or a need for clarification, the applicant seeking restoration shall be requested to:
- 1) Provide such information as may be necessary; and/or
 - 2) Appear for an interview before the Board to explain such relevance or

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sufficiency, clarify information or clear up any discrepancies or conflicts in information.

(Source: Amended at 31 Ill. Reg. 15767, effective November 13, 2007)

Section 1500.45 Renewals

- a) Every license as a veterinarian issued under the Act shall expire on January 31 of each odd numbered year. The holder of a license may renew ~~the~~~~such~~ license or certificate during the month preceding the expiration date by paying the required fee and completion of the continuing education requirements set forth in Section 1500.25.
- b) It is the responsibility of each registrant to notify the ~~Division~~~~Department~~ of any change of address. Failure to receive a renewal form from the ~~Division~~~~Department~~ shall not constitute an excuse for failure to pay the renewal fee.
- c) Practicing after a license has expired shall be considered the unlicensed practice of veterinary medicine and subject to discipline pursuant to Section 25 of the Act.

(Source: Amended at 31 Ill. Reg. 15767, effective November 13, 2007)

Section 1500.47 Fees

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

- a) **Application Fees.** The fee for application for a veterinary license is \$100. In addition, applicants for an examination shall be required to pay, either to the Department or to the designated testing service, a fee covering the cost of determining an applicant's eligibility and providing the examination. Failure to appear for the examination on the scheduled date, at the time and place specified, after the applicant's application for examination has been received and acknowledged by the Department or the designated testing service, shall result in the forfeiture of the examination fee.
- b) **Renewal Fees.** The fee for the renewal of a license shall be calculated at the rate of \$50 per year.

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- c) General Fees-
- 1) The fee for the restoration of a license other than from inactive status is \$20 plus payment of all lapsed renewal fees, but not to exceed \$300.
 - 2) The fee for the issuance of a duplicate license, for the issuance of a replacement license for a license that has been lost or destroyed, or for the issuance of a license with a change of name or address, other than during the renewal period, is \$20. No fee is required for name and address changes on ~~Division~~~~Department~~ records when no duplicate license is issued.
 - 3) The fee for a certification of a licensee's record for any purpose is \$20.
 - 4) The fee to have the scoring of an examination authorized by the ~~Division~~~~Department~~ reviewed and verified is \$20 plus any fees charged by the applicable testing service.
 - 5) The fee for a wall certificate showing licensure shall be the actual cost of producing the certificate.
 - 6) The fee for a roster of persons licensed as veterinarians in this State shall be the actual cost of producing the roster.

(Source: Amended at 31 Ill. Reg. 15767, effective November 13, 2007)

Section 1500.50 Standards of Professional Conduct

- a) In determining what constitutes dishonorable, unethical or unprofessional conduct of a character likely to deceive, defraud or harm the public, the Board or hearing officer shall consider the following standards as they relate to the person who is the subject of the proposed disciplinary action. ~~The Such~~ standards shall include, but not be limited to:
- 1) Being convicted of any crime, an essential element of which is larceny, embezzlement, obtaining money, property or credit by false pretenses or by means of a confidence game, dishonesty, fraud, misstatement or moral turpitude;

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- 2) Wilfully violating or knowingly assisting in the violation of any law relating to the use or dispensing of any medicine or drug as specified in Section 17 of the Act;
- 3) Wilfully administering or prescribing illegal drugs for animals;
- 4) Wilfully administering or prescribing prescription drugs illegally. Illegally means:
 - A) In violation of the rules governing a competition or exhibition of animals, including but not limited to the rules of the Illinois Racing Board (11 Ill. Adm. Code 509), the American Kennel Club and the American Show Horse Association;
 - B) Contrary to State or federal law with regard to food producing animals;
- 5) Wilfully preparing or signing false statements in order to induce payment for medical or ancillary services by insurance companies;
- 6) Wilfully making or causing to be made any false report to the ~~Division~~Department of Professional Regulation regarding compliance with continuing education requirements;
- 7) Wilfully omitting to make or file any report or record or wilfully making or filing or causing to be made or filed any false report or record pertaining to a veterinarian's practice as required by any ~~State~~state agency;
- 8) Failing to possess and apply the knowledge and use the skill and care in treating a condition that is ordinarily used by a reasonably well-qualified veterinarian in the locality in which he/she practices or in similar localities in similar cases and circumstances;
- 9) Delegating of patient care responsibility to any individual when the veterinarian has reason to believe that the person may not be competent;
- 10) Misrepresenting as to educational background, training, credentials, competence or veterinary medical staff memberships;

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- 11) Failing to maintain adequate medical records, including but not limited to the following:
- A) Patient identification;
 - B) Client identification;
 - C) Dated reason for visit and pertinent history;
 - D) Physical exam findings;
 - E) Diagnostic, medical, surgical or therapeutic procedures performed;
 - F) All medical treatment must include identification of each medication given in the practice, together with the date, dosage, and route of administration and frequency and duration of treatment;
 - G) All medicines dispensed or prescribed must be recorded, including directions for use and quantity;
 - H) Any changes in medications or dosages, including telephonically or electronically initiated changes, must be recorded;
 - I) If a necropsy is performed, the record must reflect the findings;
 - J) Patient records must be maintained for a minimum of 5~~three~~ years from the date of the last known contact;
 - K) Copies of patient records must be released to the client upon written request;
- 12) Failing to properly supervise subordinate health professional and paraprofessional staff under his/her supervision and control in patient care responsibilities; or
- 13) Committing of any other act or omission that violates veterinarian's responsibility to a client according to accepted veterinary standards of practice.

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- b) In determining what constitutes gross malpractice resulting in serious injury or death of a patient, the Board or hearing officer shall consider the following standards as they relate to the person who is the subject of the proposed disciplinary action. The standards shall include but not be limited to:
- 1) A consideration whether the act or acts of the person are of a flagrant or glaringly obvious nature, or are repetitiously committed and resulted in a breach of the veterinary standards of practice;
 - 2) A consideration that ~~the said~~ act or acts committed constituted a breach of veterinary standards of practice to possess and apply the knowledge and use the skill and care in treating a condition that is ordinarily used by a reasonably well-qualified veterinarian in the locality in which he/she practices or in similar localities in similar cases and circumstances;
 - 3) A consideration that ~~the said~~ act or acts committed, if committed by a person who holds himself/herself out as a specialist and undertakes service in a particular branch of medical, surgical or other healing service, must possess and apply the knowledge and use the skill and care ~~that which~~ reasonably competent specialists in the same field, practicing in the same locality, or in similar localities, ordinarily would use in the same or similar cases and circumstances;
 - 4) A consideration that a mere mistake ~~that which~~ is not indicative of a lack of knowledge, skill and care does not constitute malpractice. Nor is a bad or unexpected result evidence of malpractice unless ~~the such a~~ result would not ordinarily occur in the absence of malpractice.

(Source: Amended at 31 Ill. Reg. 15767, effective November 13, 2007)

Section 1500.51 Impaired Veterinarian Program of Care, Counseling or Treatment

- a) Section 24.1 of the Act requires the ~~Division~~~~Department~~ to establish a program of care, counseling or treatment for impaired veterinarians.
- b) Definitions
- 1) *"Impaired veterinarian" means a veterinarian who is unable to practice*

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veterinary medicine with reasonable skill and safety because of a physical or mental disability as evidenced by a written determination or written consent based on clinical evidence, including deterioration through the aging process, loss of motor skills, or abuse of drugs or alcohol of sufficient degree to diminish a person's ability to deliver competent patient care.

- 2) *"Program of care, counseling, or treatment" means a written schedule of organized treatment care, counseling, activities, or education satisfactory to the Board, designed for the purpose of restoring an impaired person to a condition whereby the impaired person can practice veterinary medicine with reasonable skill and safety of sufficient degree to deliver competent patient care. [225 ILCS 115/24.1]*

c) Program of Care, Counseling or Treatment

- 1) A veterinarian who has been determined by a qualified health care professional to be impaired shall enter into an agreement with the DivisionDepartment in which the veterinarian agrees to participate in a program designed to provide care and treatment specifically for health care professionals and which has been approved by the DivisionDepartment. The agreement may include, but not be limited to, the length of the program, the status of the licensee while in a treatment program, and a termination clause whereby both parties may terminate the agreement at any time.
- 2) All progress reports of treatment and participation in a treatment program shall be sent to the DivisionDepartment every 60 days. A relapse or non-compliance with the treatment program shall be reported to the DivisionDepartment immediately. All reports shall be signed by a licensed physician, clinical psychologist, licensed clinical social worker, licensed professional counselor or clinical professional counselor or other substance abuse professional approved by the DivisionDepartment.
- 3) An impaired veterinarian shall continue in an after care program until he/she is released upon successful completion of the structured treatment program.
- 4) If a veterinarian is being treated for alcohol or drug abuse:

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- A) The person shall submit progress reports from any sponsors in Narcotics Anonymous or Alcoholics Anonymous or other after care programs to the ~~Division~~Department on a quarterly basis.
- B) The person shall submit to random drug and alcohol screenings and the results shall be submitted to the ~~Division~~Department by the treatment program. The impaired veterinarian is responsible for the cost of ~~thesuch~~ reports. The ~~Division~~Department shall be notified immediately by the treatment program if the person fails to submit to the random drug and alcohol screenings.
- d) All reports required shall be submitted to the Probation Compliance Supervisor, Illinois Department of ~~Financial and~~ Professional Regulation-~~Division of~~ Professional Regulation, 100 West Randolph Street, Suite 9-300, Chicago, Illinois 60601.
- e) The contents of any report shall be strictly confidential and shall be exempt from public disclosure. The reports shall be reviewed only by the following:
- 1) The Veterinary Licensing and Disciplinary Board.
 - 2) Designated Department ~~attorney~~attorney(s).
 - 3) Administrative personnel assigned to open mail containing reports and to process and distribute the reports to authorized persons, and to communicate with senders of reports.
 - 4) The individual who is the subject of the report, his/her attorney or his/her authorized representative.
- f) The reports may also be handled or processed by other designated ~~person~~person(s) in a limited manner necessary to implement reports required under the Act or this Section by computer, word processing equipment or other mechanical means. The data record shall be limited to the name and address of the originator of the report, the date the initial report was received, the date of the most recent report and the professional license number of the subject of the report.
- g) The contents of the confidential reports relating to impaired ~~person~~person(s)

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shall not be used or made available in any other administrative proceedings before the ~~Division~~Department of Professional Regulation or any other department; however, violations of the treatment or supervision plan will result in a review of the person's status by the Veterinary Licensing and Disciplinary Board or its designee for possible discipline or revision in the treatment program. The reports shall not be disclosed, made available or subject to subpoena or discovery proceedings in any civil or criminal court proceedings.

- h) Upon determination by the Board that a ~~report~~report(s) on an impaired person is no longer required for review and consideration, the Board shall notify the maker of the reports to cease sending the reports, and the Board and ~~Division~~Department records shall be purged of information contained in the reports. ~~Board~~Such determinations shall be based on, but not be limited to: the type of impairment and the type of rehabilitation program, length of supervision, occurrence of any relapses and present status of the license.

(Source: Amended at 31 Ill. Reg. 15767, effective November 13, 2007)

Section 1500.70 Granting Variances

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

(Source: Amended at 31 Ill. Reg. 15767, effective November 13, 2007)

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- 1) Heading of the Part: Certified Veterinary Technicians
- 2) Code Citation: 68 Ill. Adm. Code 1505
- 3)

<u>Section Numbers</u> :	<u>Adopted Action</u> :
1505.10	Amendment
1505.30	Amendment
1505.40	Amendment
1505.50	Amendment
1505.52	Amendment
1505.55	Amendment
1505.70	Amendment
- 4) Statutory Authority: Veterinary Medicine and Surgery Practice Act of 2004 [225 ILCS 115]
- 5) Effective Date of Amendments: November 13, 2007
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Date Notice of Proposal Published in Illinois Register: July 6, 2007; 31 Ill. Reg. 9381
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Differences between proposal and final version: No substantive differences.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will these amendments replace any emergency amendments currently in effect? No
- 14) Are there any amendments pending on this Part? No

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15) Summary and Purpose of Amendments: Increases the number of hours of continuing education required to renew a license and removes the limitation on self-study courses. Makes various non-substantive changes, including changing references throughout the entire Part from "Department" to "Division" to reflect the consolidation of agencies into the Department of Financial and Professional Regulation and the creation of the Division of Professional Regulation. Obsolete language is also being removed and other non-substantive changes are being made.

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

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

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

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

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TITLE 68: PROFESSIONS AND OCCUPATIONS

CHAPTER VII: DEPARTMENT OF [FINANCIAL AND PROFESSIONAL REGULATION](#)
SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

PART 1505

CERTIFIED VETERINARY TECHNICIANS

Section

1505.10	Application for Examination
1505.20	Examination
1505.30	Endorsement
1505.40	Restoration
1505.50	Renewals
1505.52	Fees
1505.55	Continuing Education
1505.60	Permissible Functions for Veterinary Technicians
1505.70	Granting Variances

AUTHORITY: Implementing the Veterinary Medicine and Surgery Practice Act of 2004 [225 ILCS 115] and authorized by Section 2105-15(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/2105-15(7)].

SOURCE: Adopted at 10 Ill. Reg. 19500, effective November 5, 1986; transferred from Chapter I, 68 Ill. Adm. Code 505 (Department of Registration and Education) to Chapter VII, 68 Ill. Adm. Code 1505 (Department of Professional Regulation) pursuant to P.A. 85-225, effective January 1, 1988, at 12 Ill. Reg. 2918; amended at 18 Ill. Reg. 11180, effective June 30, 1994; amended at 24 Ill. Reg. 501, effective December 31, 1999; amended at 26 Ill. Reg. 12300, effective July 24, 2002; amended at 31 Ill. Reg. 15792, effective November 13, 2007.

Section 1505.10 Application for Examination

- a) An applicant for a certificate as a veterinary technician shall file an application, on forms supplied by the Department of [Financial and Professional Regulation-Division of Professional Regulation](#) (~~Divisionthe Department~~), at least 60 days prior to an examination date. The application shall include:
 - 1) Certification of graduation from a veterinary technician program accredited by the American Veterinary Medical Association, [Council on Education](#);

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- 2) ~~A complete work history since completion of a veterinary technician program;~~ 3) Certification of licensure from state of original and current licensure, if applicable, stating:
 - A) The time during which the applicant was licensed in that jurisdiction, including the date of original issuance of the license;
 - B) A description of the licensure examination in that jurisdiction;
 - C) Whether the file on the applicant contains any record of disciplinary actions taken or pending; and
- 34) The required fee set forth in ~~Section 1505.52~~ Section 14(2) of the Act.
- b) Examination ~~Prior~~ Prior to ~~Graduation~~ graduation
 - 1) An applicant enrolled in an approved veterinary technician program will be admitted to the May or December examination prior to graduation if he/she provides certification from a veterinary technician program from which the applicant is expected to graduate. If certification of graduation is not received within 90 days after the scheduled graduation date, the results of the ~~examination~~ examination(s) shall be void.
 - 2) The results of ~~the such examination~~ examination(s) shall be made available to the applicant but no license shall be issued until the ~~Division~~ Department has received certification of the applicant's graduation, within 90 days after the scheduled graduation date specified in subsection ~~(b)(1)-above.~~
 - 3) In the case of failure of the examination, the applicant must submit his/her certificate of graduation to the ~~Division~~ Department or its designated testing service prior to taking the next examination.
- c) Applicants who have successfully completed the Veterinary Technician National Examination prepared by the Professional Examination Service in another state will receive credit for that examination if the applicant passed the examination according to the testing entity's standard. The examination score report must be forwarded to the ~~Division~~ Department from Interstate Reporting Service.

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(Source: Amended at 31 Ill. Reg. 15792, effective November 13, 2007)

Section 1505.30 Endorsement

- a) An applicant who is certified as a veterinary technician under the laws of another state or territory of the United States shall file an application with the ~~Division~~Department, together with:
- 1) A certification from the licensing authority of the state or territory of original licensure stating:
 - A) The time during which the applicant was licensed in that state;
 - B) Whether the file on the applicant contains any record of disciplinary actions taken or pending;
 - C) A brief description of the examination and the grades received. If the examination is the examination prepared by the Professional Examination Service, the grades must be forwarded directly to the ~~Division~~Department from Interstate Reporting Service and must reflect the grade received in the state of original licensure;
 - 2) Certification of licensure from the state in which the applicant is currently licensed if it is other than the state of original licensure;
 - 3) A completed Certification of Education form that must be signed by the dean or registrar of the school from which the applicant received his/her professional training; and
 - 4) ~~A complete work history since completion of the applicant's training; and~~
5) The required fee set forth in Section 1505.52~~Section 14(15) of the Act.~~
- b) The ~~Division~~Department shall examine each application to determine compliance with Section 13 of the Veterinary Medicine and Surgery Practice Act of ~~2004~~1994 (the Act) [225 ILCS 115]. The applicant may be required to appear before the Veterinary Licensing and Disciplinary Board (the Board) to clarify or explain information contained on the submitted documentation in order for the Board to determine the substantial equivalence of the applicant's qualifications to the

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licensing requirements in this State at the time of licensure.

(Source: Amended at 31 Ill. Reg. 15792, effective November 13, 2007)

Section 1505.40 Restoration

- a) A veterinary technician seeking restoration of a certificate that has expired for less than 5 years shall have the certificate restored upon payment of the ~~required~~ fees required by Section 1505.52(c)(1). However, a veterinary technician seeking restoration of a certification within 2 years after termination of military service as provided in Section 15 of the Act shall, upon submission of an affidavit attesting to such service, be excused from the payment of any fees.
- b) A veterinary technician seeking restoration of a certificate that has expired or been on inactive status for more than 5 years shall file an application, on forms supplied by the ~~Division~~Department, together with the ~~required~~ fee required by Section 1505.52(c)(1). The veterinary technician shall also submit ~~either~~:
 - 1) Sworn evidence of active practice in another jurisdiction. ~~The~~Such evidence shall include a statement from the appropriate board or licensing authority in the other jurisdiction that the ~~person~~licensee was authorized to practice during the term of ~~the~~said active practice; or
 - 2) Two affidavits attesting to the applicant's practice as a veterinary technician in a jurisdiction where licensure is not required; or
 - 3) An affidavit attesting to military service as provided in Section 15 of the Act; or
 - 4) Evidence of ~~other~~ experience within the profession, other than active practice (such as research, teaching or publishing) during the time in which the certificate was expired.
- c) A veterinary technician seeking restoration of a certificate that has been on inactive status for less than 5~~five~~ years shall have the certificate restored upon filing an application, on forms provided by the ~~Division~~Department, and paying the current renewal fee.
- d) After January 31, 1997, a veterinary technician seeking restoration of a license

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shall be required to complete the continuing education requirements set forth in Section 1505.55 for one renewal period.

- e) When the accuracy of any submitted documentation or the relevance or sufficiency of the course work or experience is questioned by the ~~Division~~Department or the Board because of a lack of information, discrepancies or conflicts in information given or a need for clarification, the applicant seeking restoration shall be requested to:
- 1) Provide such information as may be necessary; and/or
 - 2) Appear for an interview before the Board to explain ~~thesueh~~ relevance or sufficiency of course work or experience, clarify information, or clear up any discrepancies or conflicts in information.

(Source: Amended at 31 Ill. Reg. 15792, effective November 13, 2007)

Section 1505.50 Renewals

- a) Each certificate as a veterinary technician issued under the Veterinary Medicine and Surgery Practice Act shall expire on January 31 of each odd numbered year. The holder of the certificate may renew ~~thesueh~~ certificate during the month preceding the expiration date ~~thereof~~ by paying the required fee.
- b) For the January 31, 1997 renewal and every renewal thereafter, a licensee shall be required to meet the continuing education requirements set forth in Section 1505.55.
- c) It is the responsibility of each certified veterinary technician to notify the ~~Division~~Department of any change of address. Failure to receive a renewal form from the ~~Division~~Department shall not constitute an excuse for failure to pay the renewal fee.

(Source: Amended at 31 Ill. Reg. 15792, effective November 13, 2007)

Section 1505.52 Fees

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

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- a) **Application Fees.** The fee for application for a certificate as a veterinary technician is \$50. In addition, applicants for an examination shall be required to pay, either to the Department or to the designated testing service, a fee covering the cost of determining an applicant's eligibility and providing the examination. Failure to appear for the examination on the scheduled date, at the time and place specified, after the applicant's application for examination has been received and acknowledged by the Department or the designated testing service, shall result in the forfeiture of the examination fee.
- b) **Renewal Fees.** The fee for the renewal of a certificate shall be calculated at the rate of \$25 per year.
- c) **General Fees:**
- 1) The fee for the restoration of a certificate other than from inactive status is \$20 plus payment of all lapsed renewal fees, but not to exceed \$150.
 - 2) The fee for the issuance of a duplicate certificate, for the issuance of a replacement certificate for a certificate that has been lost or destroyed, or for the issuance of a certificate with a change of name or address, other than during the renewal period, is \$20. No fee is required for name and address changes on ~~Division~~~~Department~~ records when no duplicate certificate is issued.
 - 3) The fee for a certification of a registrant's record for any purpose is \$20.
 - 4) The fee to have the scoring of an examination authorized by the ~~Division~~~~Department~~ reviewed and verified is \$20 plus any fees charged by the applicable testing service.
 - 5) The fee for a wall certificate showing registration shall be the actual cost of producing the certificate.
 - 6) The fee for a roster of persons ~~certified~~~~licensed~~ as veterinary technicians in this State shall be the actual cost of producing the roster.

(Source: Amended at 31 Ill. Reg. 15792, effective November 13, 2007)

Section 1505.55 Continuing Education

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- a) Continuing Education Hours Requirements
- 1) Each person who applies for renewal of a certificate license as a veterinarian technician is required to complete 1540 hours of continuing education (CE) relevant to veterinary medicine and surgery during the prerenewal period.
 - 2) A prerenewal period is the 24 months preceding January 1 in the year of the renewal.
 - 3) A renewal applicant is not required to comply with CE requirements for the first renewal following the original issuance of the certificate.
 - 4) ~~A maximum of 5 hours of CE credit may also be earned for completion of self assessment examinations in the "Veterinary Technician Journal" sponsored by Veterinary Learning Systems, or by completing any other approved method of self study.~~ 5) CE Continuing education credit hours used to satisfy the CE requirements of another state may be applied to fulfillment of the CE requirements of the State of Illinois.
 - 5) CE credit hours used to satisfy this requirement may be achieved through self study courses offered by an approved provider.
- b) Approved CE Providers~~Programs~~
- 1) CE credit may be earned for verified attendance at or participation in any program given by one of the following:
 - A) An approved veterinary program, as provided in 68 Ill. Adm. Code 1500.5, or a veterinary technician program;
 - B) The American Veterinary Medical Association Committee on Veterinary Technician Education and Activities (CVTEA)~~or any of its constituent organizations;~~
 - C) The Illinois State Veterinary Medical Association or any other state or provincial veterinary medical association or any of its constituent organizations;

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- D) The American Animal Hospital Association;
 - E) National Registry of Approved Continuing Education (RACE) of the American Association of Veterinary State Boards (AAVSB);
and
 - F) Programs provided by, or appropriate for, veterinary specialty organizations;
~~and~~
 - ~~G) Any other program that the Department determines to be substantially equivalent to the programs listed above. A program application shall be submitted to the Department for approval, accompanied by a \$100 processing fee.~~
- 2) Courses Requirements~~All courses or programs shall:~~
- A) All courses or programs shall:
 - ~~iA)~~ Be a minimum of 1 hour in duration. An hour is defined as 50 to 60 minutes of contact time;
~~;~~
 - ~~iiB)~~ Contribute to the advancement, extension and enhancement of professional skills and/or scientific knowledge in the practice of veterinarian medicine;
 - ~~iiiC)~~ Provide experiences that contain scientific integrity, relevant subject matter and course materials;
 - ~~ivD)~~ Be developed and presented by persons with education and/or experience in the subject matter of the program; and
 - ~~vE)~~ Specify the number of CE hours that may be applied toward Illinois CE requirements for licensure renewal.
 - B) The Division may periodically review approved providers to ensure compliance.
- ~~cd)~~ The certificate holder~~licensee~~ shall maintain CE records for 45 years.

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- de) Certification of Compliance with CE Requirements
- 1) Each renewal applicant shall certify, on a renewal application, full compliance with the CE requirements set forth in subsection (a).
 - 2) The ~~Division~~Department may require additional evidence demonstrating compliance with CE requirements. It is the responsibility of each renewal applicant to retain or otherwise produce evidence of compliance.
- ef) Continuing Education Earned in Other Jurisdictions
- 1) If ~~an individual a license~~ has earned or is seeking CE hours offered in another jurisdiction for a program not approved by the ~~Division~~Department for which the ~~individual license~~ will be claiming credit toward full compliance in Illinois, the applicant shall submit an individual program approval request form, along with a \$25 processing fee, prior to participation in the program or within 90 days prior to expiration of the ~~certificate license~~. The Board shall review and recommend approval or disapproval of the program using the criteria set forth in this Section.
 - 2) If ~~an individual a license~~ fails to submit an out-of-state CE approval form within the required time frame, late approval may be obtained by submitting the approval request form with the \$25 processing fee plus a \$50 per hour of CE late fee not to exceed \$250. The Board shall review and recommend approval or disapproval of the program using the criteria set forth in this Section.
- fg) Waiver of CE Requirements
- 1) Any renewal applicant seeking renewal of a ~~license or~~ certificate without having fully complied with these CE requirements shall file with the ~~Division~~Department a renewal application, a statement setting forth the facts concerning noncompliance, a request for waiver of the CE requirements on the basis of ~~those such~~ facts and, if desired, a request for an interview before the Board. If the ~~Division~~Department finds from the statement or any other evidence submitted, that good cause has been shown for granting a waiver of the CE requirements, or any part thereof,

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the ~~Division~~Department shall waive enforcement of CE requirements for the renewal period for which the applicant has applied. At that time, the renewal applicant will be requested to submit the required renewal fee.

- 2) Good cause shall be defined as an inability to devote sufficient hours to fulfilling the CE requirements during the applicable prerenewal period because of:
 - A) Full time service in the armed forces of the United States of America during a substantial part of the prerenewal period;
 - B) An incapacitating illness; or
 - C) Undue hardship (e.g., prolonged hospitalization, being disabled or unable to practice as a veterinary technician for a majority of the duration of the renewal cycle~~on a temporary basis~~) as determined by the Board. Every attempt should be made by the applicant to comply with CE through self-study.
- 3) If an interview is requested at the time the request for waiver is filed with the ~~Division~~Department, the renewal applicant shall be given at least 20 days written notice of the date, time and place of the interview by certified mail, return receipt requested.

(Source: Amended at 31 Ill. Reg. 15792, effective November 13, 2007)

Section 1505.70 Granting Variances

- a) The Director of the Division of Professional Regulation (Director), with the authority granted by the Secretary, may grant variances from ~~this Part~~these rules in individual cases ~~when~~where he/she finds that:
 - 1) The provision from which the variance is granted is not statutorily mandated;
 - 2) No party will be injured by the granting of the variance; and
 - 3) The rule from which the variance is granted would, in the particular case, be unreasonable or unnecessarily burdensome.

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- b) The Director shall notify the Veterinary Licensing and Disciplinary Board of the granting of ~~the~~such variance, and the reasons for granting the variance~~therefor~~, at the next meeting of the Board. |

(Source: Amended at 31 Ill. Reg. 15792, effective November 13, 2007)

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- 1) Heading of the Part: Medicaid Community Mental Health Services Program
- 2) Code Citation: 59 Ill. Adm. Code 132
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
132.10	Amended
132.150	Amended
132.165	Amended
- 4) Statutory Authority: Implementing and authorized by the Community Services Act [405 ILCS 30] and Section 15.3 of the Mental Health and Developmental Disabilities Administrative Act [20 ILCS 1705/15.3]
- 5) Effective date of Amendments: November 8, 2007
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these amendments contain incorporations by reference? No
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in the Illinois Register: 31 Ill. Reg. 9735; July 13, 2007
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version: There were no substantive changes to the rulemaking between the proposed and final version.
- 12) Have all changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? There were no agreements issued by JCAR.
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? Yes
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking: This rulemaking affects the Division of Mental Health and will bring this rulemaking into compliance with State Medicaid Plan

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amendments that were effective July 1, 2007 as approved by the federal Centers for Medicare and Medicaid Services.

- 16) Information and questions regarding these adopted 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

- 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:

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TITLE 59: MENTAL HEALTH
CHAPTER IV: DEPARTMENT OF HUMAN SERVICESPART 132
MEDICAID COMMUNITY MENTAL
HEALTH SERVICES PROGRAM

SUBPART A: GENERAL PROVISIONS

Section

132.10	Purpose
132.15	Incorporation by Reference
132.20	Clients' Rights and Confidentiality (Repealed)
132.25	Definitions
132.30	Application, Certification and Recertification Processes
132.35	Recertification and Reviews (Repealed)
132.40	Certification for Additional Medicaid Community Mental Health Services and/or New Site(s) (Repealed)
132.42	Post-Payment Review
132.44	Appeal of Post-Payment Review Findings
132.45	Compliance with Certification Requirements
132.50	Revocation of Certification
132.55	Appeal of Certification Decisions
132.60	Rate Setting

SUBPART B: PROVIDER ADMINISTRATIVE REQUIREMENTS

Section

132.65	Organizational Requirements
132.70	Personnel and Administrative Recordkeeping
132.75	Program Evaluation (Repealed)
132.80	Fiscal Requirements
132.85	Recordkeeping
132.90	Provider Sites
132.91	Accreditation
132.95	Utilization Review
132.100	Clinical Records
132.105	Continuity and Coordination of Services (Repealed)
132.110	Availability of Services (Repealed)

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- 132.115 Provisions (Repealed)
- 132.120 Service Needs Evaluation (Repealed)
- 132.125 Treatment Plan Development and Modification (Repealed)
- 132.130 Psychiatric Treatment (Repealed)
- 132.135 Crisis Intervention (Repealed)
- 132.140 Day Treatment

SUBPART C: MENTAL HEALTH SERVICES

Section

- 132.142 Clients' Rights
 - 132.145 General Provisions
 - 132.148 Evaluation and Planning
 - 132.150 Mental Health Services
 - 132.155 Family Intervention, Stabilization and Reunification Services (Repealed)
 - 132.160 Provisions (Repealed)
 - 132.165 Mental Health Case Management Services
 - 132.170 Rehabilitative Case Management Services (Repealed)
- 132.APPENDIX A Medicaid Community Mental Health Services Application Components (Repealed)
- 132.APPENDIX B Utilization Parameters (Repealed)
- 132.TABLE A Mental Health Clinic Program Client Services (Repealed)
 - 132.TABLE B Rehabilitative Mental Health Services (Repealed)
 - 132.TABLE C Family Intervention, Stabilization and Reunification Services (Repealed)

AUTHORITY: Implementing and authorized by the Community Services Act [405 ILCS 30] and Section 15.3 of the Mental Health and Developmental Disabilities Administrative Act [20 ILCS 1705/15.3].

SOURCE: Emergency rules adopted at 16 Ill. Reg. 211, effective December 31, 1991, for a maximum of 150 days; new rules adopted at 16 Ill. Reg. 9006, effective May 29, 1992; amended at 18 Ill. Reg. 15593, effective October 5, 1994; emergency amendment at 19 Ill. Reg. 9200, effective July 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 16178, effective November 28, 1995; amended at 21 Ill. Reg. 8292, effective June 25, 1997; recodified from the Department of Mental Health and Developmental Disabilities to the Department of Human Services at 21 Ill. Reg. 9321; amended at 22 Ill. Reg. 21870, effective December 1, 1998; emergency amendment at 23 Ill. Reg. 4497, effective April 1, 1999, for a maximum of 150 days;

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amended at 23 Ill. Reg. 10205, effective August 23, 1999; amended at 24 Ill. Reg. 17737, effective November 27, 2000; amended at 26 Ill. Reg. 13213, effective August 20, 2002; amended at 28 Ill. Reg. 11723, effective August 1, 2004; amended at 31 Ill. Reg. 9097, effective July 1, 2007; emergency amendments at 31 Ill. Reg. 10159, effective July 1, 2007, for a maximum of 150 days; amended at 31 Ill. Reg. 15805, effective November 8, 2007.

SUBPART A: GENERAL PROVISIONS

Section 132.10 Purpose

- a) The requirements set forth in this Part establish criteria for participation by providers in the Medicaid community mental health services program. The Medicaid community mental health services program shall include the provision of specific mental health services pursuant to this Part supported financially in whole or in part by a public payer, as defined in Section 132.25.
- b) These requirements are for the purpose of assuring that clients receiving Medicaid community mental health services shall receive services in accordance with this Part and in accordance with 42 CFR 440 and 456 (2003) for Medicaid-eligible clients.
- c) The Department of Human Services (DHS) and the Department of Children and Family Services (DCFS) and the Department of Corrections (DOC), pursuant to an executed interagency agreement with the Department of Healthcare and Family Services (HFS), shall use these requirements to certify, recertify, and periodically review providers participating in the Medicaid community mental health services program, including the certification and recertification of the provider's eligibility for enrollment in the Illinois medical assistance program (89 Ill. Adm. Code 140).
- d) The Medicaid community mental health services program is for clients who require mental health services as indicated by a diagnosis contained in the International Classification of Diseases, 9th Revision, Clinical Modification (ICD-9-CM) (Centers for Medicare and Medicaid Services (CMMS) (2003)) or the Diagnostic and Statistical Manual of Mental Disorders, 4th Edition (DSM-IV) (1994) or DSM-IV-TR (2000) (American Psychiatric Association). This shall include services designed to benefit clients:
 - 1) Who require an evaluation to determine the need for mental health treatment; or

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- 2) Who are assessed to require medically necessary mental health treatment to ~~reduce the mental disability and to restore an individual to the maximum possible functioning level; or promote growth or maintenance of age appropriate or independent role functioning; or~~
 - 3) Who are experiencing a substantial change/deterioration in age appropriate or independent role functioning, acute symptomatology, and who require crisis intervention services to achieve stabilization; or
 - 4) Who, because of substantial impairment in role functioning, require multiple coordinated mental health services delivered in a variety of settings.
- e) Transition. In order to effectuate a smooth transition from the Part 132 rules as they existed prior to July 1, 2007 revisions and as they existed after that date, the State agencies will, until October 1, 2007, recognize any previous valid documentation presented by a provider that has not been updated to reflect the new requirements effective July 1, 2007. After October 1, 2007, this Part is fully applicable.

(Source: Amended at 31 Ill. Reg. 15805, effective November 8, 2007)

SUBPART C: MENTAL HEALTH SERVICES

Section 132.150 Mental Health Services

- a) All services defined in this Section shall be provided and terminated in accordance with the following criteria unless exceptions are noted:
 - 1) The services shall be provided:
 - A) Following a mental health assessment or Admission Note, as applicable, and consistent with the client's ITP or Admission Note, as applicable;
 - B) Through face-to-face, video conference or telephone contact;

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- C) To clients and their families, at the client's request or agreement; with groups of clients; or with the client's family as it relates to the primary benefit and well being of the client and when related to an assessed need and goal on the client's ITP; and
 - D) Services may be provided on- or off-site, as indicated under the specific service.
- 2) Service termination criteria shall include:
- A) Determination that the client's acute symptomatology has improved and improvement can be maintained;
 - B) Determination that the client's level of role functioning has significantly deteriorated to a degree where referral or transfer to a more intensive mental health treatment is indicated; or
 - C) Documentation in the client's clinical record that the client terminated participation in the program.
- b) Crisis intervention services are activities to stabilize a client in a psychiatric crisis to avoid more restrictive levels of treatment and that have the goal of immediate symptom reduction, stabilization and restoration to a previous level of role functioning. A crisis is defined as a deterioration in the level of role functioning of the client within the past 7 days or an increase in acute symptomatology.
- 1) Crisis intervention services shall be provided to clients who are experiencing a psychiatric crisis and acute symptomatology. For a child or adolescent, a crisis may include events that threaten safety or functioning of the client or extrusion from the family or the community. Children in psychiatric crisis who are believed to be in need of admission to a psychiatric inpatient facility and for whom public payment may be sought shall be provided with crisis intervention pre-hospitalization screening. The child shall be screened for inpatient psychiatric admission and shall have his or her mental health needs assessed, according to the requirements of the SASS (Screening, Assessment and Support Services) Program (59 Ill. Adm. Code 131).

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- 2) Crisis intervention services may be provided prior to a mental health assessment and prior to a mental health diagnosis.
 - 3) Crisis intervention services shall include an immediate preliminary assessment that includes written documentation in the clinical record of presenting symptoms and recommendations for remediation of the crisis. Crisis intervention services may also include, if appropriate, brief and immediate mental health services or referral, linkage and consultation with other mental health services.
 - 4) The preliminary assessment shall be incorporated into the mental health assessment and ITP, as applicable.
 - 5) Crisis intervention services shall be delivered by at least an MHP with access to a QMHP who is available for immediate consultation and clinical supervision.
 - 6) During regular hours of operation, the provider shall be able to provide immediate face-to-face or video conference crisis intervention services. Outside regular hours of operation, the provider shall be able to provide, at a minimum, crisis assessment and referral to mental health services, as necessary.
- e) ~~Client-centered consultation services are individual client-focused professional communications among provider staff, or staff of other agencies, or with others, including family members, who are involved with providing services to a client.~~
- 1) ~~Services may consist of:~~
 - A) ~~A meeting or conference for professional communication among provider staff, staff of other agencies, and child care systems, including school personnel or other professionals involved in the treatment process.~~
 - B) ~~A meeting or conference for professional communication between provider staff and family members involved in the treatment process.~~

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- ~~2) Services must be provided in conjunction with one or more mental health services identified in this Section and in accordance with the ITP.~~
- ~~3) Client-centered consultation does not include advice given in the course of clinical staff supervisory activities, in-service training, treatment planning or utilization review and may not be billed as part of the assessment process.~~
- ~~4) Client-centered consultation services shall be provided by at least an RSA.~~
- ~~cd) Psychotropic medication services~~
 - 1) Documentation requirements
 - A) If prescribed by a physician or an advanced practice nurse, employed by or on contract with the provider, there shall be evidence that psychotropic medication has been prescribed by the physician or advanced practice nurse per the collaborative agreement that includes physician-delegated prescription authority.
 - B) If a physician is employed by or on contract with the provider, there shall be evidence that psychotropic medication is reviewed at least every 90 days by a physician or advanced practice nurse.
 - C) Notations shall be made in the client's clinical record regarding psychotropic medication and other types of medication. Notations shall include:
 - i) All medication being taken by the client;
 - ii) Current psychotropic medication: name, dosage, frequency and method of administration;
 - iii) Any problems with psychotropic medication administration and activities implemented to address these problems;
 - iv) A statement indicating that the client has been informed of the purpose of the psychotropic medication ordered and the side effects of the medication; and

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- v) Assessment of the client's ability to self-administer medications.
- 2) Psychotropic and other medication shall be stored under proper conditions of sanitation, temperature, light, moisture, ventilation, segregation, and security and in accordance with Department of Public Health's rules at 77 Ill. Adm. Code 300.1640.
 - 3) Services shall be provided face-to-face.
 - 4) Psychotropic medication administration
 - A) Psychotropic medication administration consists of preparing the client and the medication for administration, administering psychotropic medications, observing the client for possible adverse reactions, and returning the medication to proper storage.
 - B) Psychotropic medication shall be administered by personnel licensed to administer medication pursuant to the Nursing and Advanced Practice Nursing Act [225 ILCS 65] or the Medical Practice Act of 1987 [225 ILCS 60].
 - 5) Psychotropic medication monitoring
 - A) Psychotropic medication monitoring includes observation and evaluation of target symptom response, adverse effects, including tardive dyskinesia screens, and new target symptoms or medication. This may include discussing laboratory results with the client.
 - B) Psycho tropic medication monitoring shall be provided by staff designated in writing by a physician or advanced practice nurse per the collaborative agreement. The authorized staff shall not provide the service prior to the date of the signature.
 - 6) Psychotropic medication training

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- A) Psychotropic medication training includes training the client or the client's family or guardian to administer the client's medication, to monitor proper levels and dosage, and to watch for side effects.
 - B) Psychotropic medication training shall be provided by staff designated in writing by a physician or an advanced practice nurse per the collaborative agreement.
 - C) Psychotropic medication training shall be provided to clients in the following areas:
 - i) Purpose of taking psychotropic medications;
 - ii) Psychotropic medications, effects, side effects and adverse reactions;
 - iii) Self-administration of medications;
 - iv) Storage and safeguarding of medications;
 - v) Communicating with professionals regarding medication issues; or
 - vi) Communicating with family/caregivers regarding medication issues.
 - D) Services may be provided individually or in a group setting.
- de) Therapy/counseling is a treatment modality to promote emotional, cognitive, behavioral or psychological changes as identified in the ITP. Services shall be provided face-to-face, by telephone or videoconference. Therapy/counseling intervention utilizes psychotherapy theory and techniques.
- 1) Therapy/counseling services may be provided to:
 - A) An individual client;
 - B) A group of 2 or more clients; or

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- C) A family, including parents, spouses and siblings (client need not be present).
- 2) Therapy/counseling services shall be provided by at least an MHP.
 - 3) Examples of therapy/counseling include:
 - A) Cognitive behavioral therapy;
 - B) Functional family therapy;
 - C) Motivational enhancement therapy;
 - D) Trauma counseling;
 - E) Anger management; and
 - F) Sexual offender treatment.
- ef) Community Support - Individual (CSI) |
- 1) Community Support - Individual services are mental health rehabilitation services and supports for children, adolescents, families and adults necessary to assist clients in achieving and maintaining rehabilitative, resiliency and recovery goals. The service consists of therapeutic interventions that facilitate illness self-management, skill building, identification and use of natural supports, and use of community resources.
 - 2) Service Activities and Interventions shall include:
 - A) Coordination and assistance with the identification of individual strengths, resources, preferences and choices;
 - B) Assistance with the identification of existing natural supports for development of a natural support team;
 - C) Assistance with the development of crisis management plans;

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- D) Assisting with the identification of risk factors related to relapse and development of relapse prevention plans and strategies;
 - E) Support and promotion of client self-advocacy and participation in decision making, treatment and treatment planning;
 - F) Assisting the client to build a natural support team for treatment and recovery;
 - G) Support and consultation to the client or his/her support system that is directed primarily to the well-being and benefit of the client; and
 - H) Skill building in order to assist the client in the development of functional, interpersonal, family, coping and community living skills that are negatively impacted by the client's mental illness.
- 3) Program requirements
- A) CSI services shall be provided face-to-face, by telephone or by video conference.
 - B) A minimum of 60% of all Community Support - Individual services must be delivered in natural settings and out of the provider's offices. This requirement will be monitored in the aggregate for a provider for an identified billing period but will not be required for each individual.
 - C) CSI services shall occur during times and at locations that reasonably accommodate the client's needs for services in community locations and other natural settings, and at hours that do not interfere with the client's work, educational and other community activities.
- 4) Staffing requirements
CSI services shall be delivered by at least an RSA.
- 5) Service exclusions
CSI is an integral part of ACT and Community Support Team and shall

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not be considered a separate service for clients who receive ACT or CST. CSI services may be provided for a maximum of 30 days on an individual basis as authorized by the public payer and in accordance with a treatment plan in order to facilitate transition to and from the ACT or CST.

- fg)** Community Support - Group (CSG) |
- 1) Community Support - Group services consist of mental health rehabilitation services and supports for children, adolescents, families and adults necessary to assist a group of clients to achieve and maintain rehabilitative, resiliency and recovery goals. The service consists of therapeutic interventions delivered by individuals or multidisciplinary teams that facilitate illness self-management, skill building, identification and use of natural supports, and use of community resources.
 - 2) Service Activities and Interventions shall include those activities and interventions described in subsection **ef**(2). |
 - 3) Program requirements
 - A) CSG services shall be provided face-to-face in group settings ranging in size from 2 to 15 clients;
 - B) A minimum of 60% of all Community Support Group services must be delivered in natural settings and out of the provider's offices. This requirement will be monitored in the aggregate for a provider for an identified billing period, but will not be required for each individual client.
 - C) CSG services shall occur during times and at locations that reasonably accommodate the client's needs for services in community locations and other natural settings and at hours that do not interfere with the client's work, educational and other community activities.
 - 4) Staffing requirements
CSG services shall be delivered by at least an RSA.
 - 5) Service exclusions

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CSG services is an integral part of ACT and shall not be considered a separate service for clients who receive ACT. CSG services may be provided for a maximum of 30 days on an individual basis as authorized by the public payer in accordance with a treatment plan in order to facilitate transition to and from the ACT.

gh) Community Support - Residential (CSR)

- 1) Community Support - Residential services consist of mental health rehabilitation services and supports for children, adolescents and adults necessary to assist individuals in achieving and maintaining rehabilitative, resiliency and recovery goals. The service consists of therapeutic interventions that facilitate illness self-management, skill building, identification and use of natural supports, and use of community resources for individuals who reside in sites designated by the public payer.
- 2) Service Activities and Interventions shall include those activities and interventions described in subsection (e)(2).
- 3) CSR services shall be provided face-to-face, by telephone or by video conference in group or individual settings.
- 4) Eligibility criteria: Individuals eligible for CSR shall include individuals whose mental health needs require active assistance and support to function independently as developmentally appropriate within home, community, work and/or school settings and who are in public payer designated residential settings.
- 5) Staffing requirements
CSR services shall be delivered by at least an RSA.
- 6) Service exclusions
Many CSR activities are an integral part of ACT and CST and shall not be considered a separate service for clients who receive ACT or CST. CSR services may be provided for a maximum of 30 days on an individual basis as authorized by the public payer and in accordance with a treatment plan in order to facilitate transition to and from the ACT or CST or while a client is receiving residential services to stabilize a crisis.

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- hi)** Community Support - Team (CST)
- 1) Community Support - Team services consist of mental health rehabilitation services and supports available 24 hours per day and 7 days per week for children, adolescents, families and adults to decrease hospitalization and crisis episodes and to increase community functioning in order for the client to achieve and maintain rehabilitative, resiliency and recovery goals. The service consists of therapeutic interventions delivered by a team that facilitates illness self-management, skill building, identification and use of natural supports, and use of community resources.
 - 2) Service Activities and Interventions shall include those activities and interventions described in subsections ~~(de)~~ and ~~(ef)~~(2).
 - 3) Program requirements
 - A) CST services shall be provided face-to-face, by telephone or by video conference to an individual or family member;
 - B) A minimum of 60% of all Community Support Team services must be delivered in natural settings and out of the provider's offices. This requirement will be monitored in the aggregate for a provider for an identified billing period, but will not be required for each individual client;
 - C) CST services shall occur during times and at locations that reasonably accommodate the client's needs for services in community locations and other natural settings and at hours that do not interfere with the client's work, educational and other community activities;
 - D) CST shall maintain a client-to-staff ratio of no more than 18 clients per full time equivalent staff;
 - E) Documentation shall demonstrate that more than one member of the team is actively engaged in the direct service to the individual.
 - 4) Eligibility criteria

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Individuals eligible for CST services are those who require team-based outreach and support for their moderate to severe mental health symptoms and who, with such coordinated clinical and rehabilitative support, may access and benefit from a traditional array of psychiatric services. A less intensive service must have been tried and failed or must have been considered and found inappropriate at this time, and the individual must exhibit 3 or more of the following:

- A) Multiple and frequent psychiatric inpatient readmissions, including long-term hospitalization;
- B) Excessive use of crisis/emergency services with failed linkages;
- C) Chronic homelessness;
- D) Repeat arrest and re-incarceration;
- E) History of inadequate follow-through with elements of an ITP related to risk factors, including lack of follow-through, taking medications, following a crisis plan, or maintaining housing;
- F) High use of detoxification services (e.g., 2 or more episodes per year);
- G) Medication resistance due to intolerable side effects or the individual's illness interfering with consistent self-management of medications;
- H) Child and/or family behavioral health issues that have not shown improvement in traditional outpatient settings and require coordinated clinical and supportive interventions;
- I) Because of behavioral health issues, the child or adolescent has shown risk of out-of-home placement or is currently in out-of-home placement and reunification is imminent;
- J) Clinical evidence of suicidal ideation or gesture in the last 3 months;

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- K) Ongoing inappropriate public behavior within the last 3 months, including public intoxication, indecency, disturbing the peace, etc.;
 - L) Self-harm or threats of harm to others within the last 3 months; or
 - M) Evidence of significant complications such as cognitive impairment, behavioral problems or medical problems.
- 5) There shall be documentation in the assessment or client record that the individual meets 3 of the above eligibility criteria.
- 6) Staffing requirements
CST services shall be delivered by:
- A) A full-time team leader who is at least a QMHP and serves as the clinical and administrative supervisor of the team and also functions as a practicing clinician on the team;
 - B) An RSA or MHP who works under the supervision of the QMHP and who works on the team in sufficient full-time equivalents to meet the required client-to-staff ratio;
 - C) Preferably, one team member who is an individual in recovery; and
 - D) No fewer than 3 full-time equivalent staff meeting the required team components (shall include the team leader).
- 7) Service exclusions
CST is an integral part of ACT and CSI and shall not be considered a separate service for clients who receive ACT and CSI. CST services may be provided for a maximum of 30 days on an individual basis as authorized by the public payer and in accordance with a treatment plan in order to facilitate transition to and from the ACT or CSI.
- ij) Assertive community treatment (ACT)
- 1) ACT is an intensive integrated rehabilitative crisis, treatment and rehabilitative support service for adults (18 years of age and older) provided by an interdisciplinary team to individuals with serious and

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persistent mental illness or co-occurring mental health and alcohol/substance abuse disorders. The service is intended to promote symptom stability and appropriate use of psychotropic medications, as well as restore personal care, community living and social skills.

- 2) Service Activities and Interventions
The ACT team shall assume responsibility for assisting the client to achieve improved community functioning by providing:
 - A) Comprehensive assessment;
 - B) Individualized treatment and recovery planning;
 - C) Service coordination;
 - D) Crisis assessment and intervention;
 - E) Symptom assessment and management;
 - F) Supportive counseling and psychotherapy;
 - G) Medication prescription, administration, monitoring and documentation;
 - H) Dual diagnosis substance abuse services;
 - I) Work and education related services;
 - J) Activities of daily living, including residential supports;
 - K) Social/interpersonal relationship and leisure time skill building;
 - L) Peer support services;
 - M) Environmental and other support services; and
 - N) Family psychoeducation.
- 3) Program requirements

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- A) ACT shall be provided face-to-face, by telephone or by video conference.
 - B) ACT services shall be available 24 hours per day, 7 days per week, with emergency response coverage, including psychiatric coverage. Crisis services shall be available 24 hours per day, 7 days per week.
 - C) A minimum of 75% of all team contacts shall occur out of the office.
 - D) A minimum of 3 contacts per week shall be provided to most ACT clients and all clients shall receive a minimum of 4 face-to-face contacts per month.
 - E) The ACT team shall conduct organizational staff meetings at least 4 times per week at regularly scheduled times, according to a schedule established by the team leader.
- 4) Eligibility criteria
- A) Adults who require assertive outreach and support in order to remain connected with necessary mental health and support services and to maintain stable community living and who have not benefited from traditional services and modes of delivery as evidenced by any of the following:
 - i) Multiple and frequent psychiatric inpatient readmissions;
 - ii) Excessive use of crisis/emergency services with failed linkages;
 - iii) Chronic homelessness;
 - iv) Repeat arrests and incarcerations;

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- v) Client has multiple service needs requiring intensive assertive efforts to ensure coordination among systems, services and providers;
 - vi) Client exhibits functional deficits in maintaining treatment continuity, self-management of prescription medication, or independent community living skills; or
 - vii) Client has persistent or severe psychiatric symptoms, serious behavioral difficulties, a mentally ill/substance abuse diagnosis, and/or high relapse rate.
- B) DHS shall authorize ACT services for eligible individuals.
- 5) Staff qualifications
- A) Each ACT team shall consist of at least 6 full-time equivalent staff. The psychiatrist and program assistant shall not be counted toward meeting the 6 full-time equivalent requirement. All teams are required to minimally consist of:
- i) A full-time team leader who is the clinical and administrative supervisor of the teams and also functions as an ACT clinician. The team leader shall be a licensed clinician;
 - ii) A psychiatrist who works on a full or part-time basis for a minimum of 10 hours per week for every 60 enrolled clients. With a waiver by the public payer, an Advanced Practice Nurse may substitute for up to half of the psychiatrist's time;
 - iii) A full-time registered nurse who provides services to all ACT team enrollees and who works with the ACT team to monitor each client's clinical status and response to treatment. The registered nurse functions as a primary practitioner on each ACT team for a caseload of clients. Existing ACT providers may use an LPN with 2 years experience in mental health services as part of an ACT

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team until July 1, 2009. After that date, a registered nurse is required as a member of the ACT team. New ACT providers shall be required to utilize an RN on all ACT teams.

- iv) Four rehabilitative services associates who work under the supervision of a licensed clinician and function as primary practitioners for a caseload of clients and who provide rehabilitation and support functions; and
 - v) A program/administrative assistant who is responsible for organizing, coordinating and monitoring all non-clinical operations of ACT.
- B) At least one of the members of the core team shall have special training and certification in substance abuse treatment and/or treating clients with co-occurring mental health and substance abuse disorders.
- C) At least one of the members of the team shall be an individual in recovery. This staff person is a fully integrated ACT team member who provides consultation to the ACT team and highly individualized services in the community, and who promotes self-determination and decision making.
- D) At least one member of the core team shall have special training in rehabilitation counseling, including vocational, work readiness and educational support.
- E) Each team shall be expected to maintain a staff to client ratio of no more than one full time equivalent staff per 10 clients, which shall not include the psychiatrist and program assistant. As the number of clients increase, ACT teams shall add staff to maintain the required ratio.
- 6) Services may be provided following a determination of eligibility for ACT services and may commence prior to the completion of a mental health assessment and the ITP when immediate assistance is needed to obtain food, shelter or clothing.

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- 7) Case management is an integral part of ACT and shall not be considered a separate service.
- 8) ACT shall not be provided in combination with other Part 132 services, except under the following conditions:
 - A) In accordance with an ITP to facilitate transition to and from ACT services; and
 - B) While a client is receiving community support residential services to stabilize a crisis.

jk) Psychosocial Rehabilitation

- 1) Psychosocial rehabilitation services are facility-based rehabilitative skill-building services for adults age 18 and older with serious mental illness or co-occurring psychiatric disabilities and addictions. The focus of treatment interventions includes skill building to facilitate independent living and adaptation, problem solving and coping skills development. The service is intended to assist clients' ability to:
 - A) Live as independently as possible;
 - B) Manage their illness and lives with as little professional intervention as possible; and
 - C) Achieve functional, social, educational and vocational goals.
- 2) Psychosocial rehabilitation services shall include the following service interventions and activities to assist the client in achieving improved community functioning:
 - A) Individual or group skill building activities that focus on the development of skills to be used by clients in their living, learning, social and working environments, which includes skill development for:
 - i) Socialization, adaptation, problem solving and coping;

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- ii) Self-management of symptoms or recovery;
 - iii) Prevocational and work readiness; and
 - iv) Pre-educational and education readiness;
 - B) Cognitive behavioral intervention;
 - C) Interventions to address co-occurring psychiatric disabilities and substance abuse;
 - D) Promotion of self-directed engagement in leisure, recreational and community social activities; and
 - E) Client participation in setting individualized goals and assisting his or her own skills and resources related to goal attainment.
- 3) Program requirements
- A) Psychosocial rehabilitation services shall be provided in an organized program through individual and group interventions;
 - B) Psychosocial rehabilitation services shall be available at least 25 hours per week and on at least 4 days per week;
 - C) Services may be provided during day, evening and weekend hours;
 - D) Each psychosocial rehabilitation services provider shall designate a staff member to assist in assessing client needs and progress toward achievement of treatment goals and objectives.
- 4) Staff qualifications
- A) Each psychosocial rehabilitation program shall have a clinical supervisor or program director who is at least a QMHP;
 - B) PSR services shall be provided by at least an RSA;

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- C) The clinical supervisor or program director shall be on-site at least 50 percent of the time;
 - D) When the clinical supervisor is not physically on-site, the clinical supervisor or designated QMHP shall be accessible to psychosocial rehabilitation staff;
 - E) Each psychosocial rehabilitation program shall include at least one staff person with documented experience or training to provide services and interventions to clients with co-occurring psychiatric and substance abuse disorders; and
 - F) The staffing ratio shall not exceed one full-time equivalent staff to 15 clients.
- 5) Psychosocial rehabilitation shall not be provided in combination with any of the following services:
- A) ACT;
 - B) Intensive Outpatient; or
 - C) Hospital-Based Psychiatric Clinic Service Type A.
- 6) Psychosocial rehabilitation may be provided on an individual basis and in accordance with an ITP to facilitate transition to and from ACT services.
- k4) Mental health intensive outpatient services are scheduled group therapeutic sessions made available for at least 4 hours per day, 5 days per week.
- 1) Mental health intensive outpatient services are for clients at risk of, or with a history of, psychiatric hospitalization who currently have ITP objectives to reduce or eliminate symptoms that have, in the past, led to the need for hospitalization.
 - 2) Services shall be provided by at least a QMHP.
 - 3) Mental health intensive outpatient services shall be provided with a staff to client ratio that does not exceed 1:8 for adults and 1:4 for children and

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adolescents. For purposes of this subsection (k1) only, a child or adolescent is defined as any individual who is 17 years of age or younger.

4) Services shall be provided on a face-to-face or video conference basis.

~~m) Intensive family based services are interactions with the client, or with a member of the client's family on behalf of the client, to restore the client to prior levels of functioning, to reduce the risk of more restrictive treatment for the client such as psychiatric hospitalization, to reduce the risk of alternative placement, or to avert a family crisis.~~

~~1) Intensive family based services shall be provided only to a child or adolescent:~~

~~A) Who is served by a provider under contractual obligation to provide Screening, Assessment and Support Services (SASS), when such services have been authorized by the State's mental health crisis telephone line in accordance with the provisions of 59 Ill. Adm. Code 131 (Children's Mental Health Screening and Support Services Program); or~~

~~B) For a child for whom DCFS is legally responsible who is served by a provider under contract with DCFS to provide, and be reimbursed for, this service.~~

~~2) Services shall be provided by at least an MHP.~~

~~3) Services shall be provided on a face to face or video conference basis.~~

~~ln) Comprehensive mental health services~~

1) Comprehensive mental health services are an array of services as described in Subpart C that have been approved by the public payer. One or more of these services is provided on a daily basis in order to restore or maintain the client's emotional or behavioral functioning to a level determined to be necessary for his/her successful functioning in a family, school, or community.

2) Comprehensive mental health services require that at least one of the

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allowable services in Subpart C is provided each day. Each service must be provided in accordance with the requirements of this Part for the respective service.

- 3) Comprehensive mental health services shall be provided by individuals possessing the required qualifications for each discrete service.

me) Short-term diagnostic and mental health services

- 1) Short-term diagnostic and mental health services are an array of services, as described in Subpart C, that have been approved by the public payer. One or more of these services is provided on a daily basis in order to assess, restore or maintain the client's emotional or behavioral functioning necessary to be at a level determined to be appropriate for his/her successful functioning in a family, school or community.
- 2) Short-term diagnostic and mental health services shall last no more than 45 days. One extension of an additional 45 days may be authorized, in writing, by an LPHA.
- 3) Short-term diagnostic and mental health services require that at least one of the allowable services in Subpart C be provided each day. Each service shall be provided in accordance with the requirements of this Part for the respective service.
- 4) Short-term diagnostic and mental health services shall be provided by individuals possessing the required qualifications for each discrete service.

(Source: Amended at 31 Ill. Reg. 15805, effective November 8, 2007)

Section 132.165 Case Management Services

- a) Mental health case management services include assessment, planning, coordination and advocacy services for clients who need multiple services and require assistance in gaining access to and in using mental health, social, vocational, educational, housing, public income entitlements and other community services to assist the client in the community. Case management activities may also include identifying and investigating available resources, explaining options to the client and linking them with necessary resources.

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- 1) Mental health case management services shall be provided following a mental health assessment and be authorized consistent with the client's ITP, with the following exceptions:
 - A) Case management provided during the 30 days immediately preceding completion of the assessment.
 - B) The client has refused all other appropriate services under this Part.
- 2) Mental health case management services shall be provided by at least an RSA.

b) Client-centered consultation services are individual client-focused professional communications among provider staff, or staff of other agencies, or with others, including family members, who are involved with providing services to a client.

- 1) Services may consist of:
 - A) A meeting or conference for professional communication among provider staff, staff of other agencies, and child care systems, including school personnel or other professionals involved in the treatment process.
 - B) A meeting or conference for professional communication between provider staff and family members involved in the treatment process.
- 2) Services must be provided in conjunction with one or more mental health services identified in this Section and in accordance with the ITP.
- 3) Client-centered consultation does not include advice given in the course of clinical staff supervisory activities, in-service training, treatment planning or utilization review and may not be billed as part of the assessment process.
- 4) Client-centered consultation services shall be provided by at least an RSA.

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- cb)** Transition linkage and aftercare services shall be provided to assist in an effective transition in living arrangements consistent with the client's welfare and development. This includes discharge from inpatient psychiatric care (in Institutions for Mental Diseases (IMD), general hospitals and nursing facilities), transition to adult services, and assisting the client or the client's family or caretaker with the transition.
- 1) Transition linkage and aftercare services may consist of:
 - A) Planning with staff of a client's current or receiving living arrangements (including foster or legal parents as necessary);
 - B) Locating placement resources;
 - C) Arranging/conducting pre- or post-placement visits;
 - D) Developing an aftercare services plan; or
 - E) Planning a client's discharge and linkage from an inpatient psychiatric facility, including an IMD or nursing facility, for continuing mental health services and community/family support.
 - 2) Transition linkage and aftercare services shall be provided by at least an MHP.

(Source: Amended at 31 Ill. Reg. 15805, effective November 8, 2007)

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- 1) Heading of the Part: Illinois Military Family Relief Fund Act
- 2) Code Citation: 95 Ill. Adm. Code 200
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
200.5	Amend
200.10	Amend
200.20	Amend
200.30	Amend
200.40	Amend
200.50	Amend
200.60	Amend
200.70	Amend
200.80	Amend
200.90	Amend
- 4) Statutory Authority: Implementing and authorized by Section 22-9 of the Illinois Military Code [20 ILCS 1805/22-9]
- 5) Effective Date of Rulemaking: January 1, 2008
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: 31 Ill. Reg. 9400; July 6, 2007
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Differences between proposal and final version: The implementation date for this rulemaking was changed from July 1, 2007 to January 1, 2008.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? No changes were requested by JCAR.
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No

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- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking: Clarify rules and remove fiscal year limitations for payment processing. Also, increases grant eligibility for each six months of continuous service.
- 16) Information and questions regarding these adopted amendments shall be directed to:

Illinois Department of Military Affairs
Jack Pascoe
Camp Lincoln
1301 N. MacArthur Blvd.
Springfield, IL 62702

217/761-3452
Fax: 217/761-2292

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

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TITLE 95: VETERANS AND MILITARY AFFAIRS
CHAPTER II: DEPARTMENT OF MILITARY AFFAIRSPART 200
ILLINOIS MILITARY FAMILY RELIEF FUND ACT

SUBPART A: DEFINITIONS

Section	
200.5	General Purpose
200.10	Definition of Terms Used

SUBPART B: ELIGIBILITY

Section	
200.20	Determination of Eligibility for Family Need Based Grants
200.30	Determination of Eligibility for Status Based Grants
200.40	Determination of Eligibility for Casualty Based Grants

SUBPART C: GRANTS

Section	
200.50	Family Need Based Grant Levels and Limits
200.60	Status Based Grant Levels and Limits
200.70	Casualty Based Grant Levels and Limits
200.80	Documentation, Application, Payment and Denial

SUBPART D: REPORTING

Section	
200.90	Reporting Requirements

AUTHORITY: Implementing and authorized by Section 22-9 of the Illinois Military Code [20 ILCS 1805/22-9].

SOURCE: Emergency rule adopted at 27 Ill. Reg. 8468, effective May 6, 2003, for a maximum of 150 days; emergency expired October 2, 2003; adopted at 27 Ill. Reg. 16436, effective October 15, 2003; emergency amendment at 28 Ill. Reg. 16355, effective December 7, 2004, for

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a maximum of 150 days; emergency expired May 5, 2005; amended at 29 Ill. Reg. 21033, effective December 16, 2005; amended at 31 Ill. Reg. 15834, effective January 1, 2008.

SUBPART A: DEFINITIONS

Section 200.5 General Purpose

The intent of Section 22-9 of the Illinois Military Code and this Part is to provide an opportunity on standard individual income tax forms to allow taxpayers to contribute to the Illinois Military Family Relief Fund, and to provide the Illinois Department of Military Affairs the power to make grants from the ~~Fund fund~~ to ~~members or~~ families of ~~the~~ Illinois National Guard ~~members~~ or other Reserve ~~component~~~~component members~~ (including National Guard members of other states) who are Illinois residents and were called to active military service as a result of the September 11, 2001 terrorist attacks. The grants shall be in the form of three types of payments:

- a) payments based on ~~the need, of the member or the member's family~~ as determined ~~eligible~~ under Section 200.20;
- b) payments based on the member's status ~~as a member of the Illinois National Guard or other Reserve component~~, as determined ~~eligible~~ under Section 200.30; and
- c) payments based on the member's casualty status, as determined under Section 200.40.

(Source: Amended at 31 Ill. Reg. 15834, effective January 1, 2008)

Section 200.10 Definition of Terms Used

"Active duty" means: Military service performed ~~as State Active Duty under the Illinois Military Code [20 ILCS 1805], or corresponding provision of the applicable State statute for Illinois residents who are National Guard members of other states; military service performed under 32 USC or 10 USC~~~~the provisions of Title 32, United States Code; or military service performed under the provisions of Title 10, United States Code.~~

"Duty as a result of ~~the~~ September 11, 2001 terrorist attacks" means: ~~Active~~~~active~~ duty ~~military~~ service of a minimum of 30 consecutive days, directly related to the President's Partial Mobilization Authority in response to the attacks. ~~(currently~~

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~~referred to as Operation Noble Eagle and Operation Enduring Freedom); any future operations as determined by the President; or any future operations as determined by the Governor of Illinois.~~

"Family of members" means: A husband, wife, child, mother, father, brother, sister, or other person who has been approved as a dependent and is enrolled in the Defense Enrollment Eligibility Reporting System (DEERS) in accordance with applicable military regulations. A custodial parent or guardian of a member's dependent may apply for a grant on behalf of that dependent provided a copy of a custodial agreement or Power of Attorney is included with the application.

"Fund" means: The Illinois Military Family Relief Fund.

(Source: Amended at 31 Ill. Reg. 15834, effective January 1, 2008)

SUBPART B: ELIGIBILITY

Section 200.20 Determination of Eligibility for Family Need Based Grants

- a) The grant applicant must show proof of the following:
- 1) He or she is, at the time of entry on mobilization, a member of the Illinois National Guard or an Illinois resident who is a member of another U.S. Armed Forces Reserve component, ~~applying on behalf of his or her family, or is a family member of the service~~that member. Proof of residency for military members will consist of information obtained from the supporting documents provided; Department of Defense Form 214 (DD 214) (Certificate of Release or Discharge from Active Duty), item 7b; or orders and military pay statement, along with the individual's certification on the application~~DEERS~~. Proof of a familial relationship will ~~also~~ consist of information obtained from Defense Enrollment Eligibility Reporting System (DEERS).
 - 2) The Illinois National Guard or Reserve component member was on active military duty for at least 30 consecutive days as a result of the September 11, 2001 terrorist attacks. Proof of active duty will consist of a DD 214, Department of Defense Form 220 (Report of Active Duty), or copy of the orders issued by an authorized headquarters ordering the member to such

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duty, and a military pay statement reflecting documentation showing that such duty performance was actually performed. Eligible active duty includes any active duty since September 11, 2001.

- 3) A copy of a payroll record from the member's civilian employer that indicates member's monthly salary, a copy of a recent Inactive Duty Training (IDT) Leave and Earnings Statement (LES) within 90 days prior to mobilization reflecting four IDT periods of pay, plus a copy of a military payroll record that indicates the member's monthly military salary. W2s and completed income tax returns may serve as supporting documentation.
- 4) Proof that the military salary (including Basic Allowance for Housing) of the member has decreased by 30% or greater from his or her civilian salary and part time (Inactive Duty Training) military pay. With the implementation of the Department of Defense (DOD) Reserve Income Replacement Program, applicants requesting the Family Needs Based Grant must report if they have applied for, or are receiving, payments under this program and that amount will be included in total military income.
- 5) ~~Proof that the member or family member has incurred or is about to incur a specific monetary expense relating to clothing, food, housing, utilities, medical services, medical prescriptions, insurance or vehicle payments. Such proof shall include, but is not limited to, a copy of a bill, invoice, estimate, cancellation notice, or any other similar record.~~
- 6) ~~A signed statement that the grant request is for the purpose identified in the application and that the grant funds will be used for the purposes requested.~~
- 5)7) The Illinois National Guard or Reserve component member holds a pay grade no higher than O-3, if an officer, or W-3, if a warrant officer. Individuals or families will be eligible for the grant based upon rank at the time the period of service for which applying begins of the mobilization. Proof of pay grades will consist of information obtained from supporting documents, DEERS or Re-Enlistment Eligibility Data Display (REDD) from the Defense Manpower Data Center (DMDC) Database.

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- ~~6)8)~~ If a custodial parent or guardian is applying for a grant on behalf of a service member's dependent, then the custodial parent or guardian must provide proof of guardianship of a member's dependent currently enrolled in DEERS or a Power of Attorney that authorize s such transactions.
- b) The following members are ineligible to receive grants:
- 1) All officers and warrant officers with pay grades of O-4 and W-4, or higher;
 - 2) Personnel serving in Active Guard/Reserve (AGR) or similar full-time unit support programs unless called to Title 10 service for duty as prescribed in subsection (a)(2);
 - 3) Members who ~~are unmarried and~~ have no dependent family members enrolled in DEERS;
 - 4) Members who, at any time prior to the ~~approval~~disbursement of ~~funds pursuant to~~ a grant application under this Section, receive a punitive discharge, or an administrative discharge with service characterized as Under Other Than Honorable Conditions or a lower characterized discharge :-
 - 5) Service members who were unemployed upon entry into current mobilization.

(Source: Amended at 31 Ill. Reg. 15834, effective January 1, 2008)

Section 200.30 Determination of Eligibility for Status Based Grants

- a) The grant applicant must show proof of the following:
- 1) He or she is, at the time of entry on mobilization, a member of the Illinois National Guard or an Illinois resident who is a member of another U.S. Armed Forces Reserve component, ~~applying on behalf of his or her family~~, or is a family member of the service that member. Proof of residency for military members will consist of information obtained from the supporting documents provided; DD 214, item 7b; or orders and military pay statement, along with the individual's certification on the

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~~application. Defense Enrollment Eligibility Reporting System (DEERS).~~
Proof of a familial relationship will ~~also~~ consist of information obtained from DEERS.

- 2) The Illinois National Guard or Reserve component member was on active military duty for at least 30 consecutive days as a result of the September 11, 2001 terrorist attacks. Proof of active duty will consist of a DD 214, DD 220, or copy of the orders issued by an authorized headquarters ordering the member to such duty, and a military pay statement reflecting documentation showing that such duty performance was actually performed. Eligible active duty includes any active duty since September 11, 2001.
 - 3) The Illinois National Guard or Reserve component member holds a pay grade no higher than O-3, if an officer, or W-3, if a warrant officer. Individuals or families will be eligible for the grant based upon rank at the time the period of service for which applying begins of mobilization. Proof of pay grades will consist of information obtained from supporting documents, DEERS or REDD.
 - 4) Service members deployed for a consecutive (not cumulative) period of duty of more than six months will become eligible for additional status based grants for each consecutive six month period. After the beginning of the seventh, thirteenth, etc, months, applicants may reapply. The subsequent application must include sufficient documentation to validate that the continuous duty was performed in support of operations as defined in Section 200.10. (This subsection (a)(4) is effective January 1, 2008. Members on active duty on January 1, 2008 will become eligible once they have completed six months on or after January 1, 2008.)
 - 5) If a custodial parent or guardian is applying for a grant on behalf of a service member's dependent, then the custodial parent or guardian must provide proof of guardianship of a member's dependent currently enrolled in DEERS or a Power of Attorney that authorizes such transactions.
- b) The following members are ineligible to receive grants:
- 1) All officers and warrant officers with pay grades of O-4 and W-4, or higher;

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- 2) Personnel serving in Active Guard/Reserve (AGR) or similar full-time unit support programs unless called to Title 10 service for duty as prescribed in subsection (a)(2);
- 3) Members who, at any time prior to approval ~~disbursement~~ of funds pursuant to a grant application under this Section, receive a punitive discharge or an administrative discharge with service characterized as Under Other Than Honorable Conditions or a lower characterized discharge.

(Source: Amended at 31 Ill. Reg. 15834, effective January 1, 2008)

Section 200.40 Determination of Eligibility for Casualty Based Grants

- a) The grant applicant must show proof of the following:
 - 1) He or she is, at the time of entry on mobilization, a member of the Illinois National Guard or an Illinois resident who is a member of another U.S. Armed Forces Reserve component ~~or, applying on behalf of himself or herself or his or her family, or who~~ is a family member of the that service member. Proof of residency for military members will consist of information obtained from the supporting documents provided; DD 214, item 7b; or orders and military pay statement, along with the individual's certification on the application ~~DEERS~~. Proof of a familial relationship will ~~also~~ consist of information obtained from DEERS.
 - 2) The Illinois National Guard or Reserve component member was on active military duty for at least 30 consecutive days as a result of the September 11, 2001 terrorist attacks. Proof of active duty will consist of a DD 214, DD 220, or copy of the orders issued by an authorized headquarters ordering the member to such duty, and a military pay statement reflecting documentation showing that such duty performance was actually performed. ~~Eligible active duty includes any active duty since September 11, 2001.~~
 - 3) The Adjutant General is authorized to waive the 30-day requirement in subsection (a)(2) upon a written request indicating the circumstances

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justifying such a waiver. The Adjutant General may use discretion in granting or denying such requests.

- 4) The Department of Military Affairs ~~will~~must verify the member's casualty status with official documents provided by the service member or official message from the U.S. Department of Defense. Proof that the service member sustained an injury as a result of terrorist activity; sustained an injury in combat, or related to combat, as a direct result of hostile action; or sustained an injury going to or returning from a combat mission, provided that the incident leading to the injury was directly related to hostile action. This includes injuries to service members who are wounded mistakenly or accidentally by friendly fire directed at a hostile force or what is thought to be a hostile force. This rule is retroactive, but does not apply to applications for casualty based grants that were ~~disbursed~~dispersed prior to December 7, 2004. No payments shall be made without such verification.
 - 5) If a custodial parent or guardian is applying for a grant on behalf of a service member's dependent, then the custodial parent or guardian must provide proof of guardianship of a member's dependent currently enrolled in DEERS or a Power of Attorney that authorizes such transactions.
 - 6) There are no grade limitations to eligibility for the casualty based grant.
- b) Applications submitted under this Section shall take precedence over all other applications.
- c) The following members are ineligible to receive grants under this Section:
- 1) Members who, at any time prior to the ~~approval of~~disbursement of funds pursuant to a grant application under this Section, receive a punitive discharge, or an administrative discharge with service characterized as Under Other Than Honorable Conditions or a lower characterized discharge;
 - 2) Members whose casualty status is the result of a self-inflicted wound or other misconduct or willful negligence by the member, or if the casualty occurs when the member is in an AWOL, deserter, or dropped-from-rolls status;

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- 3) Personnel serving in Active Guard/Reserve (AGR) or similar full-time unit support programs unless called to Title 10 service for duty as prescribed in subsection (a)(2);
- 4) Deceased members, as other compensations are paid by the State of Illinois.

(Source: Amended at 31 Ill. Reg. 15834, effective January 1, 2008)

SUBPART C: GRANTS

Section 200.50 Family Need Based Grant Levels and Limits

- a) Payments to an Illinois National Guard or Reserve component member's family shall be a flat rate of not exceed \$2,000, to include any amounts paid under the provision of Section 200.60, during any State of Illinois fiscal year.
- b) ~~If a grant payment is to be used for the purpose of payments for food, housing, utilities, medical services or medical prescriptions, it shall be noted on the application and this information shall be sent to the Illinois Comptroller's office when a payment request is granted. These payments shall be identified as responsive to health and welfare issues.~~
- b)e) ANo additional applications from a member or a member's family may apply for and receive a \$2,000 grant each six month period of continuous deployment. Applications will not be approved unless at least six months have elapsed from the date of receipt of the previous application. (This subsection (b) is effective January 1, 2008. Members on active duty on January 1, 2008 will become eligible once they have completed six months on or after January 1, 2008.)shall be accepted within a 180 day time frame from receipt of any prior applications.
- c) For periods of deployment of less than six months, a member or a member's family may apply for each new deployment period as long as six months have elapsed from the beginning date of each deployment. Applications will not be approved unless at least six months have elapsed from the date of receipt of the previous application.

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- d) ~~The Adjutant General is authorized to waive the requirements in subsections (a) and (c) of this Section upon a written request indicating the circumstances justifying such a waiver. The Adjutant General may use discretion in granting or denying such requests; however, in no event will payments authorized by this Section exceed \$3,000 during any State of Illinois fiscal year.~~

(Source: Amended at 31 Ill. Reg. 15834, effective January 1, 2008)

Section 200.60 Status Based Grant Levels and Limits

- a) All grants will be a flat rate of \$500, ~~unless the number of requests and fund balance necessitate a lesser amount as determined by the State Comptroller.~~
- b) ~~There is no limit on the number of grants payable. Illinois National Guard or Reserve component members' families may receive a grant only one time per State of Illinois fiscal year, and only one time per active duty order.~~

(Source: Amended at 31 Ill. Reg. 15834, effective January 1, 2008)

Section 200.70 Casualty Based Grant Levels and Limits

- a) All grants will be a flat rate of \$2,000, ~~unless the number of requests and fund balance necessitate a lesser amount, as determined by the State Comptroller.~~
- b) Illinois National Guard or Reserve component members, or their family members, may receive only one casualty ~~based~~status grant for injuries received during, or arising out of, the same engagement or incident.

(Source: Amended at 31 Ill. Reg. 15834, effective January 1, 2008)

Section 200.80 Documentation, Application, Payment and Denial

- a) Application and Documentation. The rules governing the acceptance of applications are as follows:
- 1) To receive consideration for a grant, applicants must request and submit an application provided by the Illinois Department of Military Affairs.

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- 2) All necessary documentation, as stated in Section 200.20, 200.30 or 200.40, must be included with the application, unless otherwise provided under DEERS, REDD or other systems, and the applicant shall authorize access to any systems or records as may be necessary to grant the request~~DEERS~~ for purposes of verification.
 - 3) Supporting documents~~Applications~~ can be submitted via facsimile, but the original signed application~~documentation~~ must be submitted before any grant payments can be authorized.
 - 4) Incomplete applications will be retained by the program manager. The program manager will send a letter identifying the missing requirements within 30 days ~~after receipt of application~~returned to the applicant.
 - 5) The Department of Military Affairs, upon receipt of a complete original application, will ~~verify required information under DEERS and will then process~~ the the information for payment. The application within 30 days, subject to availability of funds as indicated in subsections (b)(2) and (b)(3) shall be processed in an expeditious manner.
- b) Payments.
- 1) Payment will be made to the applicant who has met all eligibility requirements under Section 200.20, 200.30 or 200.40. Payments will not be made to creditors and payments will be subject to applicable deductions.
 - 2) The timeliness of payment will be determined by the amount of funds available at the time of application.
 - 3) If adequate funds are not available, the application will be held in a queue until funds are available.
 - 4) Applications for casualty based grants shall take precedence over all others.
- c) Denials.

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- 1) Grant applications from those not meeting eligibility requirements will be denied.
- 2) A letter explaining the denial, ~~as well as providing additional sources of available relief,~~ will be sent to the applicant within 30 days after receipt of the application.

(Source: Amended at 31 Ill. Reg. 15834, effective January 1, 2008)

SUBPART D: REPORTING

Section 200.90 Reporting Requirements

- a) The Adjutant General shall provide the Governor, Lieutenant Governor and Comptroller a monthly report detailing the funds requested and ~~processed amount~~ disbursed.
- ~~b) If an application is denied for any reason, the Adjutant General shall include this information in the report called for in subsection (a).~~
- ~~b)e) The Adjutant General shall provide the Governor, Lieutenant Governor and Comptroller a monthly report detailing the amounts disbursed and containing a monthly accounting of the amount of funds donated to the Fund for the current fiscal year fund.~~
- c) Periodically, at the request of the Governor or Lieutenant Governor, other reports may be provided.

(Source: Amended at 31 Ill. Reg. 15834, effective January 1, 2008)

STATE UNIVERSITIES CIVIL SERVICE SYSTEM

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- 1) Heading of the Part: State Universities Civil Service System
- 2) Code Citation: 80 Ill. Adm. Code 250
- 3) Section Number: 250.140 Proposed Action: Amendment
- 4) Statutory Authority: 110 ILCS 70
- 5) Effective Date of Amendment: November 13, 2007
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendment, 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 the Illinois Register: 31 Ill. Reg. 3620; March 9, 2007
- 10) Has JCAR issued a Statement of Objection to this amendment? No
- 11) Differences between proposal and final version: All nonsubstantive technical changes recommended by JCAR were made. In subsection (e), the sentence "Alternative temporary rules and procedures may be developed for these demonstration projects or pilot/study programs for a period of up to five years" was deleted. New subsections (e)(1) through (5) were added.
- 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 amendment currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendment: The adopted amendment will provide specific guidelines for the Merit Board to approve demonstration projects or pilot/study programs on a limited basis in order to investigate, research and gather information on various new human resource processes. These demonstration projects or pilot/study programs will

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serve as prototypes or trial versions of new human resource procedures appropriate for our system in order to evaluate their applicability, efficiency, and usefulness in the public higher education arena. Data and evaluation information collected from these programs will assist the Merit Board in evaluating the overall effectiveness of those programs and provide direction for future formal rulemaking activities.

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

Mary C. Follmer
Assistant Director, Legal Services
State Universities Civil Service System
1717 Philo Road, Suite 24
Urbana, IL 61802

217/278-3150, ext. 226

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

STATE UNIVERSITIES CIVIL SERVICE SYSTEM

NOTICE OF ADOPTED AMENDMENT

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES
SUBTITLE A: MERIT EMPLOYMENT SYSTEMS
CHAPTER VI: STATE UNIVERSITIES CIVIL SERVICE SYSTEMPART 250
STATE UNIVERSITIES CIVIL SERVICE SYSTEM

Section	
250.5	Definitions
250.10	Purpose, Adoption, and Amendment of Rules
250.20	The State Universities Civil Service System and its Divisions
250.30	The Classification Plan
250.40	Military Service Preference, Veterans Preference
250.50	Examinations
250.60	Eligible Registers
250.70	Nonstatus Appointments
250.80	Status Appointments
250.90	Probationary Period
250.100	Reassignments and Transfers
250.110	Separations and Demotions
250.120	Seniority
250.130	Review Procedures
250.140	Delegation of Authority and Responsibilities
250.150	Training
250.160	Suspension of Rules

AUTHORITY: Implementing and authorized by the State Universities Civil Service Act [110 ILCS 70].

SOURCE: Rules: State Universities Civil Service System, approved January 16, 1952, effective January 1, 1952; amended at 3 Ill. Reg. 13, p. 68, effective April 1, 1979; amended at 4 Ill. Reg. 10, p. 262, effective February 25, 1980; amended at 6 Ill. Reg. 2620, effective February 22, 1982; amended at 6 Ill. Reg. 7236, effective June 3, 1982; amended at 8 Ill. Reg. 4948 and 4950, effective March 29, 1984; codified at 8 Ill. Reg. 12936; amended at 8 Ill. Reg. 24732, effective December 6, 1984; amended at 9 Ill. Reg. 17422, effective October 23, 1985; amended at 11 Ill. Reg. 8942, effective May 8, 1987; amended at 12 Ill. Reg. 3457, effective February 1, 1988; amended at 12 Ill. Reg. 17079, effective October 7, 1988; amended at 13 Ill. Reg. 7324, effective May 1, 1989; amended at 13 Ill. Reg. 19427, effective February 6, 1990; amended at 18 Ill. Reg. 1901, effective January 21, 1994; amended at 20 Ill. Reg. 4440, effective February 29, 1996;

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amended at 30 Ill. Reg. 17384, effective October 23, 2006; amended at 31 Ill. Reg. 15848, effective November 13, 2007.

Section 250.140 Delegation of Authority and Responsibilities

- a) Delegation to the Executive Director. The Executive Director is delegated the authority and responsibility to effectively administer the State Universities Civil Service System in accordance with the Act and this Part. The Executive Director may be further delegated the authority and responsibility to act on behalf of the Merit Board by specific authorization or direction of the Merit Board.
- b) Delegation by the Executive Director. The Executive Director is authorized to delegate to the employer, and to members of the University System staff, such duties and responsibilities as, in his/her judgment, are appropriate and effective for the efficient administration of the service of the System to its constituent institutions and agencies.
- c) Conduct of Audits. The Executive Director shall conduct ongoing audit programs of all Civil Service operations at all places of employment for the purpose of assuring compliance with the Act/Statute and this Part and for improving the programs of personnel administration of its constituent employers and shall prepare, distribute, and follow up on audit reports in accordance with Merit Board direction.
- d) Authority to Correct Errors. The University System may, on its own initiative, or at the request of an applicant or interested party, correct any clerical error or errors in computation of a score or register of candidates, or any other document affecting the rights of the System, the applicant, or interested party, and shall have the power to correct any such score, register, or document, and issue in lieu thereof a corrected score or document.
- e) Authority to Research New Programs. With respect to their obligation to efficiently and effectively establish a sound program of personnel administration, the University System Office may, upon direction and authority of the Merit Board, create new temporary demonstration projects or pilot/study programs to investigate and research the efficiency and effectiveness of such programs prior to formal implementation.

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- 1) Application Process. The University System Office, in conjunction with any employers seeking to conduct a demonstration project or pilot/study program under this subsection (e), may submit an application, in the form required by the Executive Director, which will include:
 - A) a description of the proposed project;
 - B) the percentage of employees and number of places of employment in which the proposed project would be conducted;
 - C) a statement of the period during which the proposed project would be conducted;
 - D) a discussion of the benefits that are expected from the proposed project;
 - E) a statement of program requirements for which waivers would be needed to permit the proposed project to be conducted including a specific citation to any rule that, if not waived under this Section, would prohibit the conducting of the project, or any part of the project as proposed; and
 - F) any additional information the Executive Director may require.
- 2) Review Process. Upon receipt of an application, the University System Office will evaluate the proposed project and will provide interested parties an opportunity for comment prior to Merit Board consideration.
- 3) Waiver Authority. The Merit Board may waive compliance with any requirement of this Part if the requirement prevents the purpose of demonstration project or pilot/study program; however, the Merit Board may not waive:
 - A) any remedy available to any employee or applicant for employment provided by this Part;
 - B) compliance with any other State or Federal law; and

STATE UNIVERSITIES CIVIL SERVICE SYSTEM

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- C) any requirement of this Part if the project would violate a collective bargaining agreement.
- 4) Limitations. The Merit Board may not approve a demonstration project or pilot/study program if:

 - A) it would cause more than five demonstration projects or pilot/study programs to run concurrently at any time;
 - B) it exceeded a three-year term, excluding plan development and preparation time, but including actual implementation, administration and evaluation of the project; and
 - C) it involves more than 10% of all civil service status employees or more than half of the University System employers.
- 5) Evaluations.

 - A) An evaluation report in the form required by the University System Office shall be prepared setting forth the results of each demonstration project or pilot/study program and its impact on improving personnel administration.
 - B) Nothing in this subsection (e) shall be construed so as to prohibit or hinder the University System Office from requesting additional information to assist the University System Office with evaluating the demonstration project or pilot/study program or conducting its regularly scheduled audits of employers conducting demonstration projects or pilot/study programs.

(Source: Amended at 31 Ill. Reg. 15848, effective November 13, 2007)

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

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- 1) Heading of the Part: Medical Assistance Programs
- 2) Code Citation: 89 Ill. Adm. Code 120
- 3)

<u>Section Numbers:</u>	<u>Emergency Action:</u>
120.32	Amendment
120.33	New Section
- 4) Statutory Authority: Sections 5/5.2(2) and 12-13 of the Illinois Public Aid Code [305 ILCS 5/5.2(2) and 5/12-13]
- 5) Effective Date: November 7, 2007
- 6) If this emergency amendment is to expire before the end of the 150-day period, please specify the date on which it is to expire: These emergency amendments will not expire before the end of the 150-day period unless the identical proposed rulemaking is adopted.
- 7) Date Filed with the Index Department: November 7, 2007
- 8) A copy of the emergency amendments, including any materials incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Reason for Emergency: The emergency amendment is necessary to respond to the President's veto of federal legislation reauthorizing the federal State Children's Health Insurance Program (SCHIP). Just before sunset of SCHIP on September 30, 2007, the U.S. Congress sent the President reauthorizing legislation that the President vetoed on October 3, 2007. On October 18, 2007, the U.S. House of Representatives failed to override the President's veto. This federal action puts the healthcare of between 15,000 and 20,000 parents in jeopardy.

In addition, the Department has determined that FamilyCare coverage must be extended immediately to approximately 147,000 parents and other caretaker relatives with income up to 400 percent of the federal poverty level. Many working families in Illinois lack access to affordable health insurance. Numerous studies show that lack of insurance negatively affects the health status of individuals posing a threat to their health and wellbeing. In addition, worker productivity is affected to the detriment of the economy of Illinois. The health care system shifts the cost of the uninsured to those that pay for insurance, increasing costs to Illinois companies that provide insurance to their

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

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employees and making them non-competitive in the global economy. The lack of access to insurance has reached a crisis level requiring immediate action.

HFS has examined the relationship between enrollment of children and making coverage available to their parents. The Department has identified a close positive correlation between making coverage available to parents and increasing the enrollment of children. One of the themes emerging from the national debate concerning the reauthorization of SCHIP is that, states may be held accountable for very high performance enrollment targets among children. That is, when SCHIP is eventually reauthorized, it is likely to make some portion of funding contingent on states having very low numbers of uninsured children. It is therefore incumbent upon the State to act now to do all it can, including covering more parents, to enroll all eligible children.

- 10) Complete Description of the Subjects and Issues Involved: This emergency rulemaking preserves FamilyCare benefits for approximately 15,000 to 20,000 parents and other caretaker relatives with income above 133 percent up to and to include 185 percent of poverty who were previously covered under 89 Ill. Adm. Code 125. Further, the emergency rulemaking expands FamilyCare to cover an additional 147,000 uninsured parents and other caretaker relatives with income up to and including 400 percent of poverty.

Illinois provides benefits to parents and other caretaker relatives raising dependent children under the authority of the *Public Aid Code* and the *Children's Health Insurance Program Act* (CHIPA). The coverage of adults under CHIPA is contingent upon federal approval of a waiver to permit the State to receive matching funds under the federal State Children's Health Insurance Program (SCHIP) for their costs. As SCHIP has not been reauthorized, Illinois cannot obtain federal matching funds using that statute.

With this rulemaking, the Department will establish eligibility for all parents and other caretaker relatives using its authority under the *Public Aid Code*.

- 11) Are there any other proposed rulemakings pending on this Part? No
- 12) Statement of Statewide Policy Objectives: These emergency amendments neither create nor expand any State mandate affecting units of local government. These emergency amendments preserve FamilyCare coverage at levels in place since January 1, 2006 and further expand coverage to uninsured parents and caretakers with income up to and including 400 percent of poverty.

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

Tamara Tanzillo Hoffman
Chief of Staff
Illinois Department of Healthcare and Family Services
201 South Grand Avenue East, 3rd Floor
Springfield IL 62763-0002

217/557-7157

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

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NOTICE OF EMERGENCY AMENDMENTS

TITLE 89: SOCIAL SERVICES

CHAPTER I: DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 120

MEDICAL ASSISTANCE PROGRAMS

SUBPART A: GENERAL PROVISIONS

Section

120.1 Incorporation by Reference

SUBPART B: ASSISTANCE STANDARDS

Section

120.10 Eligibility For Medical Assistance

120.11 MANG(P) Eligibility

120.12 Healthy Start – Medicaid Presumptive Eligibility Program For Pregnant Women

120.14 Presumptive Eligibility for Children

120.20 MANG(AABD) Income Standard

120.30 MANG(C) Income Standard

120.31 MANG(P) Income Standard

120.32 ~~FamilyCareKidCare Parent Coverage Waiver~~ Eligibility and Income Standard

EMERGENCY

120.33 FamilyCare Expansion Eligibility

EMERGENCY

120.40 Exceptions To Use Of MANG Income Standard

120.50 AMI Income Standard (Repealed)

SUBPART C: FINANCIAL ELIGIBILITY DETERMINATION

Section

120.60 Cases Other Than Long Term Care, Pregnant Women and Certain Children

120.61 Cases in Intermediate Care, Skilled Nursing Care and DMHDD –

MANG(AABD) and All Other Licensed Medical Facilities

120.62 Department of Mental Health and Developmental Disabilities (DMHDD)

Approved Home and Community Based Residential Settings Under 89 Ill. Adm. Code 140.643

120.63 Department of Mental Health and Developmental Disabilities (DMHDD)

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- 120.64 Approved Home and Community Based Residential Settings
MANG(P) Cases
120.65 Department of Mental Health and Developmental Disabilities (DMHDD)
Licensed Community – Integrated Living Arrangements

SUBPART D: MEDICARE PREMIUMS

- Section
120.70 Supplementary Medical Insurance Benefits (SMIB) Buy-In Program
120.72 Eligibility for Medicare Cost Sharing as a Qualified Medicare Beneficiary (QMB)
120.73 Eligibility for Medicaid Payment of Medicare Part B Premiums as a Specified
Low-Income Medicare Beneficiary (SLIB)
120.74 Qualified Medicare Beneficiary (QMB) Income Standard
120.75 Specified Low-Income Medicare Beneficiary (SLIB) Income Standards
120.76 Hospital Insurance Benefits (HIB)

SUBPART E: RECIPIENT RESTRICTION PROGRAM

- Section
120.80 Recipient Restriction Program

SUBPART F: MIGRANT MEDICAL PROGRAM

- Section
120.90 Migrant Medical Program (Repealed)
120.91 Income Standards (Repealed)

SUBPART G: AID TO THE MEDICALLY INDIGENT

- Section
120.200 Elimination Of Aid To The Medically Indigent
120.208 Client Cooperation (Repealed)
120.210 Citizenship (Repealed)
120.211 Residence (Repealed)
120.212 Age (Repealed)
120.215 Relationship (Repealed)
120.216 Living Arrangement (Repealed)
120.217 Supplemental Payments (Repealed)
120.218 Institutional Status (Repealed)

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NOTICE OF EMERGENCY AMENDMENTS

120.224	Foster Care Program (Repealed)
120.225	Social Security Numbers (Repealed)
120.230	Unearned Income (Repealed)
120.235	Exempt Unearned Income (Repealed)
120.236	Education Benefits (Repealed)
120.240	Unearned Income In-Kind (Repealed)
120.245	Earmarked Income (Repealed)
120.250	Lump Sum Payments and Income Tax Refunds (Repealed)
120.255	Protected Income (Repealed)
120.260	Earned Income (Repealed)
120.261	Budgeting Earned Income (Repealed)
120.262	Exempt Earned Income (Repealed)
120.270	Recognized Employment Expenses (Repealed)
120.271	Income From Work/Study/Training Program (Repealed)
120.272	Earned Income From Self-Employment (Repealed)
120.273	Earned Income From Roomer and Boarder (Repealed)
120.275	Earned Income In-Kind (Repealed)
120.276	Payments from the Illinois Department of Children and Family Services (Repealed)
120.280	Assets (Repealed)
120.281	Exempt Assets (Repealed)
120.282	Asset Disregards (Repealed)
120.283	Deferral of Consideration of Assets (Repealed)
120.284	Spend-down of Assets (AMI) (Repealed)
120.285	Property Transfers (Repealed)
120.290	Persons Who May Be Included in the Assistance Unit (Repealed)
120.295	Payment Levels for AMI (Repealed)

SUBPART H: MEDICAL ASSISTANCE – NO GRANT

Section	
120.308	Client Cooperation
120.309	Caretaker Relative
120.310	Citizenship
120.311	Residence
120.312	Age
120.313	Blind
120.314	Disabled
120.315	Relationship

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- 120.316 Living Arrangements
- 120.317 Supplemental Payments
- 120.318 Institutional Status
- 120.319 Assignment of Rights to Medical Support and Collection of Payment
- 120.320 Cooperation in Establishing Paternity and Obtaining Medical Support
- 120.321 Good Cause for Failure to Cooperate in Establishing Paternity and Obtaining Medical Support
- 120.322 Proof of Good Cause for Failure to Cooperate in Establishing Paternity and Obtaining Medical Support
- 120.323 Suspension of Paternity Establishment and Obtaining Medical Support Upon Finding Good Cause
- 120.324 Health Insurance Premium Payment (HIPP) Program
- 120.325 Health Insurance Premium Payment (HIPP) Pilot Program
- 120.326 Foster Care Program
- 120.327 Social Security Numbers
- 120.330 Unearned Income
- 120.332 Budgeting Unearned Income
- 120.335 Exempt Unearned Income
- 120.336 Education Benefits
- 120.338 Incentive Allowance
- 120.340 Unearned Income In-Kind
- 120.342 Child Support and Spousal Maintenance Payments
- 120.345 Earmarked Income
- 120.346 Medicaid Qualifying Trusts
- 120.347 Treatment of Trusts
- 120.350 Lump Sum Payments and Income Tax Refunds
- 120.355 Protected Income
- 120.360 Earned Income
- 120.361 Budgeting Earned Income
- 120.362 Exempt Earned Income
- 120.363 Earned Income Disregard – MANG(C)
- 120.364 Earned Income Exemption
- 120.366 Exclusion From Earned Income Exemption
- 120.370 Recognized Employment Expenses
- 120.371 Income From Work/Study/Training Programs
- 120.372 Earned Income From Self-Employment
- 120.373 Earned Income From Roomer and Boarder
- 120.375 Earned Income In-Kind
- 120.376 Payments from the Illinois Department of Children and Family Services

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120.379	Provisions for the Prevention of Spousal Impoverishment
120.380	Assets
120.381	Exempt Assets
120.382	Asset Disregard
120.383	Deferral of Consideration of Assets
120.384	Spend-down of Assets (AABD MANG)
120.385	Property Transfers for Applications Filed Prior to October 1, 1989 (Repealed)
120.386	Property Transfers Occurring On or Before August 10, 1993
120.387	Property Transfers Occurring On or After August 11, 1993
120.390	Persons Who May Be Included In the Assistance Unit
120.391	Individuals Under Age 18 Who Do Not Qualify For AFDC/AFDC-MANG And Children Born October 1, 1983, or Later
120.392	Pregnant Women Who Would Not Be Eligible For AFDC/AFDC-MANG If The Child Were Already Born Or Who Do Not Qualify As Mandatory Categorically Needy
120.393	Pregnant Women And Children Under Age Eight Years Who Do Not Qualify As Mandatory Categorically Needy Demonstration Project
120.395	Payment Levels for MANG (Repealed)
120.399	Redetermination of Eligibility
120.400	Twelve Month Eligibility for Persons under Age 19

SUBPART I: SPECIAL PROGRAMS

Section

120.500	Health Benefits for Persons with Breast or Cervical Cancer
120.510	Health Benefits for Workers with Disabilities
120.520	SeniorCare (Repealed)
120.530	Home and Community Based Services Waivers for Medically Fragile, Technology Dependent, Disabled Persons Under Age 21
120.540	Illinois Healthy Women Program
120.550	Asylum Applicants and Torture Victims
120.TABLE A	Value of a Life Estate and Remainder Interest
120.TABLE B	Life Expectancy

AUTHORITY: Implementing Articles III, IV, V and VI and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. III, IV, V and VI and 12-13].

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NOTICE OF EMERGENCY AMENDMENTS

SOURCE: Filed effective December 30, 1977; peremptory amendment at 2 Ill. Reg. 17, p. 117, effective February 1, 1978; amended at 2 Ill. Reg. 31, p. 134, effective August 5, 1978; emergency amendment at 2 Ill. Reg. 37, p. 4, effective August 30, 1978, for a maximum of 150 days; peremptory amendment at 2 Ill. Reg. 46, p. 44, effective November 1, 1978; peremptory amendment at 2 Ill. Reg. 46, p. 56, effective November 1, 1978; emergency amendment at 3 Ill. Reg. 16, p. 41, effective April 9, 1979, for a maximum of 150 days; emergency amendment at 3 Ill. Reg. 28, p. 182, effective July 1, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amended at 3 Ill. Reg. 33, p. 415, effective August 18, 1979; amended at 3 Ill. Reg. 38, p. 243, effective September 21, 1979; peremptory amendment at 3 Ill. Reg. 38, p. 321, effective September 7, 1979; amended at 3 Ill. Reg. 40, p. 140, effective October 6, 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. 9, p. 259, effective February 22, 1980; amended at 4 Ill. Reg. 10, p. 258, effective February 25, 1980; amended at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; amended at 4 Ill. Reg. 27, p. 387, effective June 24, 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. 37, p. 800, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 27, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1134, effective January 26, 1981; peremptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; amended at 5 Ill. Reg. 7104, effective June 23, 1981; amended at 5 Ill. Reg. 8041, effective July 27, 1981; amended at 5 Ill. Reg. 8052, effective July 24, 1981; peremptory amendment at 5 Ill. Reg. 8106, effective August 1, 1981; peremptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10079, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10095, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10113, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10124, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10131, effective October 1, 1981; amended at 5 Ill. Reg. 10730, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 10760, effective October 1, 1981; amended at 5 Ill. Reg. 10767, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 11647, effective October 16, 1981; peremptory amendment at 6 Ill. Reg. 611, effective January 1, 1982; amended at 6 Ill. Reg. 1216, effective January 14, 1982; emergency amendment at 6 Ill. Reg. 2447, effective March 1, 1982, for a maximum of 150 days; peremptory amendment at 6 Ill. Reg. 2452, effective February 11, 1982; peremptory amendment at 6 Ill. Reg. 6475, effective May 18, 1982; peremptory amendment at 6 Ill. Reg. 6912, effective May 20, 1982; emergency amendment at 6 Ill. Reg. 7299, effective June 2, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 8115, effective July 1, 1982; amended at 6 Ill. Reg. 8142, effective July 1, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10970, effective August 26, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982;

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amended at 6 Ill. Reg. 12293, effective October 1, 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. 6082; amended at 7 Ill. Reg. 8256, effective July 1, 1983; amended at 7 Ill. Reg. 8264, effective July 5, 1983; amended (by adding Section being codified with no substantive change) at 7 Ill. Reg. 14747; amended (by adding Sections being codified with no substantive change) at 7 Ill. Reg. 16108; amended at 8 Ill. Reg. 5253, effective April 9, 1984; amended at 8 Ill. Reg. 6770, effective April 27, 1984; amended at 8 Ill. Reg. 13328, effective July 16, 1984; amended (by adding Sections being codified with no substantive change) at 8 Ill. Reg. 17897; amended at 8 Ill. Reg. 18903, effective September 26, 1984; peremptory amendment at 8 Ill. Reg. 20706, effective October 3, 1984; amended at 8 Ill. Reg. 25053, effective December 12, 1984; emergency amendment at 9 Ill. Reg. 830, effective January 3, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 4515, effective March 25, 1985; amended at 9 Ill. Reg. 5346, effective April 11, 1985; amended at 9 Ill. Reg. 7153, effective May 6, 1985; amended at 9 Ill. Reg. 11346, effective July 8, 1985; amended at 9 Ill. Reg. 12298, effective July 25, 1985; amended at 9 Ill. Reg. 12823, effective August 9, 1985; amended at 9 Ill. Reg. 15903, effective October 4, 1985; amended at 9 Ill. Reg. 16300, effective October 10, 1985; amended at 9 Ill. Reg. 16906, effective October 18, 1985; amended at 10 Ill. Reg. 1192, effective January 10, 1986; amended at 10 Ill. Reg. 3033, effective January 23, 1986; amended at 10 Ill. Reg. 4907, effective March 7, 1986; amended at 10 Ill. Reg. 6966, effective April 16, 1986; amended at 10 Ill. Reg. 10688, effective June 3, 1986; amended at 10 Ill. Reg. 12672, effective July 14, 1986; amended at 10 Ill. Reg. 15649, effective September 19, 1986; amended at 11 Ill. Reg. 3992, effective February 23, 1987; amended at 11 Ill. Reg. 7652, effective April 15, 1987; amended at 11 Ill. Reg. 8735, effective April 20, 1987; emergency amendment at 11 Ill. Reg. 12458, effective July 10, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 14034, effective August 14, 1987; amended at 11 Ill. Reg. 14763, effective August 26, 1987; amended at 11 Ill. Reg. 20142, effective January 1, 1988; amended at 11 Ill. Reg. 20898, effective December 14, 1987; amended at 12 Ill. Reg. 904, effective January 1, 1988; amended at 12 Ill. Reg. 3516, effective January 22, 1988; amended at 12 Ill. Reg. 6234, effective March 22, 1988; amended at 12 Ill. Reg. 8672, effective May 13, 1988; amended at 12 Ill. Reg. 9132, effective May 20, 1988; amended at 12 Ill. Reg. 11483, effective June 30, 1988; emergency amendment at 12 Ill. Reg. 11632, effective July 1, 1988, for a maximum of 150 days; emergency amendment at 12 Ill. Reg. 11839, effective July 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 12835, effective July 22, 1988; emergency amendment at 12 Ill. Reg. 13243, effective July 29, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 17867, effective October 30, 1988; amended at 12 Ill. Reg. 19704, effective November 15, 1988; amended at 12 Ill. Reg. 20188, effective November 23, 1988; amended at 13 Ill. Reg. 116, effective January 1, 1989; amended at 13 Ill. Reg. 2081, effective February 3, 1989; amended at 13 Ill. Reg. 3908, effective March 10, 1989; emergency amendment at 13 Ill. Reg. 11929, effective June 27, 1989, for a maximum of 150 days; emergency expired November 25, 1989;

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NOTICE OF EMERGENCY AMENDMENTS

emergency amendment at 13 Ill. Reg. 12137, effective July 1, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 15404, effective October 6, 1989; emergency amendment at 13 Ill. Reg. 16586, effective October 2, 1989, for a maximum of 150 days; emergency expired March 1, 1990; amended at 13 Ill. Reg. 17483, effective October 31, 1989; amended at 13 Ill. Reg. 17838, effective November 8, 1989; amended at 13 Ill. Reg. 18872, effective November 17, 1989; amended at 14 Ill. Reg. 760, effective January 1, 1990; emergency amendment at 14 Ill. Reg. 1494, effective January 2, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 4233, effective March 5, 1990; emergency amendment at 14 Ill. Reg. 5839, effective April 3, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 6372, effective April 16, 1990; amended at 14 Ill. Reg. 7637, effective May 10, 1990; amended at 14 Ill. Reg. 10396, effective June 20, 1990; amended at 14 Ill. Reg. 13227, effective August 6, 1990; amended at 14 Ill. Reg. 14814, effective September 3, 1990; amended at 14 Ill. Reg. 17004, effective September 30, 1990; emergency amendment at 15 Ill. Reg. 348, effective January 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 5302, effective April 1, 1991; amended at 15 Ill. Reg. 10101, effective June 24, 1991; amended at 15 Ill. Reg. 11973, effective August 12, 1991; amended at 15 Ill. Reg. 12747, effective August 16, 1991; amended at 15 Ill. Reg. 14105, effective September 11, 1991; amended at 15 Ill. Reg. 14240, effective September 23, 1991; amended at 16 Ill. Reg. 139, effective December 24, 1991; amended at 16 Ill. Reg. 1862, effective January 20, 1992; amended at 16 Ill. Reg. 10034, effective June 15, 1992; amended at 16 Ill. Reg. 11582, effective July 15, 1992; amended at 16 Ill. Reg. 17290, effective November 3, 1992; amended at 17 Ill. Reg. 1102, effective January 15, 1993; amended at 17 Ill. Reg. 6827, effective April 21, 1993; amended at 17 Ill. Reg. 10402, effective June 28, 1993; amended at 18 Ill. Reg. 2051, effective January 21, 1994; amended at 18 Ill. Reg. 5934, effective April 1, 1994; amended at 18 Ill. Reg. 8718, effective June 1, 1994; amended at 18 Ill. Reg. 11231, effective July 1, 1994; amended at 19 Ill. Reg. 2905, effective February 27, 1995; emergency amendment at 19 Ill. Reg. 9280, effective July 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 11931, effective August 11, 1995; amended at 19 Ill. Reg. 15079, effective October 17, 1995; amended at 20 Ill. Reg. 5068, effective March 20, 1996; amended at 20 Ill. Reg. 15993, effective December 9, 1996; emergency amendment at 21 Ill. Reg. 692, effective January 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 7423, effective May 31, 1997; amended at 21 Ill. Reg. 7748, effective June 9, 1997; amended at 21 Ill. Reg. 11555, effective August 1, 1997; amended at 21 Ill. Reg. 13638, effective October 1, 1997; emergency amendment at 22 Ill. Reg. 1576, effective January 5, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 7003, effective April 1, 1998; amended at 22 Ill. Reg. 8503, effective May 1, 1998; amended at 22 Ill. Reg. 16291, effective August 28, 1998; emergency amendment at 22 Ill. Reg. 16640, effective September 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 19875, effective October 30, 1998; amended at 23 Ill. Reg. 2381, effective January 22, 1999; amended at 23 Ill. Reg. 11301, effective August 27, 1999; amended at 24 Ill. Reg. 7361, effective May 1, 2000; emergency amendment at 24 Ill. Reg. 10425, effective July 1, 2000, for a maximum of 150 days;

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amended at 24 Ill. Reg. 15075, effective October 1, 2000; amended at 24 Ill. Reg. 18309, effective December 1, 2000; amended at 25 Ill. Reg. 8783, effective July 1, 2001; emergency amendment at 25 Ill. Reg. 10533, effective August 1, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 16098, effective December 1, 2001; amended at 26 Ill. Reg. 409, effective December 28, 2001; emergency amendment at 26 Ill. Reg. 8583, effective June 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 9843, effective June 26, 2002; emergency amendment at 26 Ill. Reg. 11029, effective July 1, 2002, for a maximum of 150 days; emergency amendment at 26 Ill. Reg. 15051, effective October 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 16288, effective October 25, 2002; amended at 27 Ill. Reg. 4708, effective February 25, 2003; emergency amendment at 27 Ill. Reg. 10793, effective July 1, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 18609, effective November 26, 2003; amended at 28 Ill. Reg. 4701, effective March 3, 2004; amended at 28 Ill. Reg. 6139, effective April 1, 2004; emergency amendment at 28 Ill. Reg. 6610, effective April 19, 2004, for a maximum of 150 days; emergency amendment at 28 Ill. Reg. 7152, effective May 3, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 11149, effective August 1, 2004; emergency amendment at 28 Ill. Reg. 12921, effective September 1, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 13621, effective September 28, 2004; amended at 28 Ill. Reg. 13760, effective October 1, 2004; amended at 28 Ill. Reg. 14541, effective November 1, 2004; amended at 29 Ill. Reg. 820, effective January 1, 2005; amended at 29 Ill. Reg. 10195, effective June 30, 2005; amended at 29 Ill. Reg. 14939, effective September 30, 2005; emergency amendment at 30 Ill. Reg. 521, effective January 1, 2006, for a maximum of 150 days; amended at 30 Ill. Reg. 10314, effective May 26, 2006; emergency amendment at 30 Ill. Reg. 15029, effective September 1, 2006, for a maximum of 150 days; amended at 31 Ill. Reg. 2629, effective January 28, 2007; emergency amendment at 31 Ill. Reg. 7323, effective May 1, 2007, for a maximum of 150 days; amended at 31 Ill. Reg. 11667, effective August 1, 2007; amended at 31 Ill. Reg. 12756, effective August 27, 2007; emergency amendment at 31 Ill. Reg. 15854, effective November 7, 2007, for a maximum of 150 days.

SUBPART B: ASSISTANCE STANDARDS

Section 120.32 ~~FamilyCare KidCare Parent Coverage Waiver~~ Eligibility and Income Standard
EMERGENCY

- a) A caretaker relative (see Section 120.390) who is 19 years of age or older qualifies for medical assistance when countable income is at or below the appropriate income standard and all MANG(C) eligibility requirements in this Part, with the exception of Sections 120.320 through 120.323, are met.

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- b) The appropriate income standard is 133 per cent of the Federal Poverty Income Guidelines, as published annually in the Federal Register, for the appropriate family size.
- c) If income is greater than this amount, it is compared to the MANG(C) Income Standard in Section 120.30 to determine the spenddown amount.

(Source: Amended by emergency rulemaking at 31 Ill. Reg. 15854, effective November 7, 2007, for a maximum of 150 days)

Section 120.33 FamilyCare Expansion Eligibility
EMERGENCY

- a) A caretaker relative (see Section 120.390), including a pregnant woman or her spouse if living together, who is 19 years of age or older qualifies for medical assistance under Section 120.32 if all of the following are met:
 - 1) The individual is not otherwise eligible under this Part or 89 Ill. Adm. Code 123 or 125.200;
 - 2) All MANG(C) eligibility requirements in this Part, with the exception of Sections 120.320 through 120.323, are met, and
 - 3) The individual meets one of the following:
 - A) Upon initial determination of eligibility:
 - i) The individual has been without health insurance for at least 12 months prior to the date of application unless the individual is a pregnant woman, in which case the individual was without health insurance when her pregnancy was medically confirmed;
 - ii) The individual lost employer-sponsored health insurance when their job or their spouse's job ended;
 - iii) The individual has exhausted the lifetime benefit limit of his or her health insurance;

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- iv) The individual's health insurance is purchased under the provisions of Consolidated Omnibus Budget Reconciliation Act (COBRA);
 - v) The individual was disenrolled for medical assistance under the Public Aid Code or benefits, including rebates, under the Children's Health Insurance Program Act or the Covering ALL KIDS Health Insurance Act within one year prior to applying under this Section unless the individual has State-sponsored health insurance;
 - vi) The individual aged out of coverage under a parent's health insurance; or
 - vii) The individual's income, as determined for establishing the appropriate premium payment under subsection (g) of this Section, is at or below 200 percent of poverty.
- B) Upon determination of eligibility:
- i) The individual's income, as determined for establishing the appropriate premium payment under subsection (g) of this Section, is at or below 200 percent of poverty;
 - ii) The individual was initially enrolled under subsection (a)(3)(A)(i), (v) or (vi) of this Section; or
 - iii) Affordable health insurance is not available to the individual. For the purpose of this Section, affordable health insurance for the individual does not exceed four percent of the family's monthly countable income. The amount of income disregarded under subsection (b) of this Section shall not be disregarded when making this determination.
 - iv) For the purposes of this subsection (a)(3)(B), health insurance shall be considered unavailable to the individual if subsection (a)(3)(A)(iii) or (iv) apply.

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- b) For the purpose of determining eligibility under this Section, the Department shall disregard income in an amount equal to the difference between 133 percent and 400 percent of the Federal Poverty Level Guidelines for the appropriate family size.
- c) If after the application of subsection (b) of this Section, the caretaker relative is not eligible, total countable income is compared to the MANG(C) Income Standard in Section 120.30 to determine the spenddown amount.
- d) Eligibility shall commence as follows:
- 1) Eligibility determinations for the program made by the 15th day of the month will be effective the first day of the following month. Eligibility determinations for the program made after the 15th day of the month will be effective no later than the first day of the second month following that determination.
 - 2) Individuals with income at or below 200 percent of the Federal Poverty Level Guidelines found eligible under this Section may obtain coverage for a period prior to the date of application for the program subject to the following:
 - A) The individual must request prior coverage within six months following the initial date of coverage.
 - B) The prior coverage shall be individual specific and will only be available the first time the individual is enrolled under this Section.
 - C) The prior coverage shall begin with services rendered during the two weeks prior to the date the individual's application was filed and will continue until the individual's coverage under subsection (d)(1) of this Section is effective.
- e) Eligibility shall be reviewed annually.
- f) Caretaker relatives enrolled under this Section must pay monthly premiums as follows:

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENTS

- 1) Individuals who are not American Indians or Alaska Natives in families with countable income above 150 percent and at or below 200 percent of poverty shall pay premiums as set forth in 89 Ill. Adm. Code 125.320(b).
 - 2) Individuals in families with countable income above 200 percent but at or below 300 percent of the Federal Poverty Level Guidelines shall pay premiums of \$80 per person per month.
 - 3) Individuals in families with countable income above 300 percent but at or below 400 percent of the Federal Poverty Level Guidelines shall pay premiums of \$140 per person per month.
- g) Individuals who are American Indians or Alaska Natives shall have no co-payments if their family income is at or below 200 percent of the Federal Poverty Level Guidelines.
 - h) The amount of income disregarded under subsection (b) of this Section shall not be disregarded in determining premium levels, or co-payments or eligibility for prior coverage or rebates.
 - i) Premiums are billed by and payable to the Department or its authorized agent, on a monthly basis.
 - j) The premium due date is the last day of the month preceding the month of coverage.
 - k) Individuals will have a grace period through the month of coverage to pay the premium.
 - l) Failure to pay the full monthly premium by the last day of the grace period will result in termination of coverage.
 - m) Partial premium payments will not be refunded.
 - n) When termination of coverage is recorded by the 15th day of the month, it will be effective the first day of the following month. When termination of coverage is recorded after the 15th day of the month, it will be effective no later than the first day of the second month following that determination.

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENTS

- o) Following termination of an individual's coverage under this Section, the following action is required before the individual can be re-enrolled:
- 1) A new application must be completed and the individual must be determined otherwise eligible;
 - 2) There must be full payment of premiums due under this Part or 89 Ill. Adm. Code 123 or 125, for periods in which a premium was owed and not paid for the individual;
 - 3) If the termination was the result of non-payment of premiums, the individual must be out of the program for three months before re-enrollment; and
 - 4) The first month's premium must be paid if there was an unpaid premium on the date the individual's previous coverage was canceled.
- p) For the purposes of this Section, "Health Insurance" means any health insurance coverage as defined in 215 ILCS 105/2.

(Source: Added by emergency rulemaking at 31 Ill. Reg. 15854, effective November 7, 2007, for a maximum of 150 days)

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 November 6, 2007 through November 12, 2007 and have been scheduled for review by the Committee at its December 11, 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>
12/20/07	<u>Environmental Protection Agency</u> , Review of Remediation Costs for River Edge Redevelopment Zone Site Remediation Tax Credit (35 Ill. Adm. Code 888)	9/14/07 31 Ill. Reg. 13053	12/11/07
12/20/07	<u>Department of Revenue</u> , Income Tax (86 Ill. Adm. Code 100)	9/21/07 31 Ill. Reg. 13331	12/11/07
12/20/07	<u>Department of Central Management Services</u> , Pay Plan (80 Ill. Adm. Code 310)	9/14/07 31 Ill. Reg. 13050	12/11/07
12/20/07	<u>Secretary of State</u> , Uniform Partnership Act (1997) (14 Ill. Adm. Code 166)	9/7/07 31 Ill. Reg. 12690	12/11/07
12/20/07	<u>Secretary of State</u> , Uniform Limited Partnership Act (2001) (14 Ill. Adm. Code 171)	9/7/07 31 Ill. Reg. 12703	12/11/07

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

JANUARY 2008 REGULATORY AGENDA

Part: Pay Plan, 80 Ill. Admin. Code 310

Rulemaking:

Description:

Projected amendments to the Department of Central Management Services' Pay Plan include the following revisions to the following sections:

In Section 310.130, Effective Date, changes will include advancing the effective date to the new fiscal year 2009 and the Section 310.Appendix A, Negotiated Rates of Pay tables to the contracted rates effective during fiscal year 2009.

In Section 310.280, Designated Rate, changes in salaries, the addition of new positions, and deletion of positions no longer utilized as approved by the Governor.

In Section 310.Appendix A, Negotiated Rates of Pay tables, changes based on bargaining unit agreements that are signed before July 1, 2008.

In various sections, changes to classifications either being established, revised or removed with the approval of the Civil Service Commission.

In various sections, changes to the format of the Pay Plan to reduce duplicate information and provide easier access to information contained within the Pay Plan.

Statutory Authority:

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

Scheduled meeting/hearing dates:

Interested persons may send specific criticisms, suggestions, and/or comments to the Department of Central Management

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

JANUARY 2008 REGULATORY AGENDA

Services in writing during the First Notice Period of the Pay Plan amendments.

Date agency anticipates First Notice:

Proposed amendments to Section 310.130, Effective Date, and if available the Section 310.Appendix A, Negotiated Rates of Pay tables for the new fiscal year 2009 will be filed in late February or early March 2006 for adoption by the beginning of fiscal year 2009, July 1, 2008. Otherwise, peremptory amendments based on new memoranda of understanding or other bargaining unit agreements will be filed as negotiations are completed.

Amendments to Section 310.280, Designated Rate, will be filed as the Governor approves changes throughout the year.

Peremptory amendments based on new, revised, or abolished classifications represented by the bargaining units, and proposed amendments based on new, revised, or abolished classifications not represented by the bargaining units, will be filed as the classification actions are approved by the Civil Service Commission.

Amendments to sections to add clarity will be filed as the Governor approves changes.

Affect on small businesses, small municipalities or not for profit corporations:

These amendments to the Pay Plan pertain only to state employees subject to the Personnel Code under the Governor. They do not set out guidelines that are to be followed by local or other jurisdictional bodies within the State.

Agency contact person for information:

Mr. Jason Doggett
Manager
Compensation Section
Division of Technical Services and Agency Training and
Development

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

JANUARY 2008 REGULATORY AGENDA

Bureau of Personnel
Department of Central Management Services
504 William G. Stratton Building
Springfield IL 62706

Telephone: (217) 782-7964
Fax: (217) 524-4570
CMS.PayPlan@Illinois.gov

Related rulemakings and other pertinent information:

Other amendments may be necessary based on emergent issues regarding state employee salary rates and policies.

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PUBLIC INFORMATION

LISTING OF DERIVED WATER QUALITY CRITERIA

Pursuant to 35 Ill. Adm. Code 302.595 and 302.669, the following water quality criteria have been derived as listed. This listing updates revisions to existing criteria for the period July 1, 2007 through September 30, 2007.

A cumulative listing of criteria as of July 31, 1993 was published in 17 Ill. Reg. 18904, October 29, 1993. Listings of waterbodies for which water quality criteria were used during subsequent three month periods were published in 18 Ill. Reg. 318, January 7, 1994; 18 Ill. Reg. 4457, March 18, 1994; 18 Ill. Reg. 8734, June 10, 1994; 18 Ill. Reg. 14166, September 9, 1994; 18 Ill. Reg. 17770, December 9, 1994; 19 Ill. Reg. 3563, March 17, 1995; 19 Ill. Reg. 7270, May 26, 1995; 19 Ill. Reg. 12527, September 1, 1995; 20 Ill. Reg. 649, January 5, 1996; 20 Ill. Reg. 4829, March 22, 1996; 20 Ill. Reg. 7549, May 30, 1996; 20 Ill. Reg. 12278, September 6, 1996; 20 Ill. Reg. 15619, December 6, 1996; 21 Ill. Reg. 3761, March 21, 1997; 21 Ill. Reg. 7554, June 13, 1997; 21 Ill. Reg. 12695, September 12, 1997; 21 Ill. Reg. 16193, December 12, 1997; 22 Ill. Reg. 5131, March 13, 1998; 22 Ill. Reg. 10689, June 12, 1998; 22 Ill. Reg. 16376, September 11, 1998; 22 Ill. Reg. 22423, December 28, 1998; 23 Ill. Reg. 3102, March 12, 1999; 23 Ill. Reg. 6979, June 11, 1999; 23 Ill. Reg. 11774, September 24, 1999; 23 Ill. Reg. 14772, December 27, 1999; 24 Ill. Reg. 4251, March 17, 2000; 24 Ill. Reg. 8146, June 9, 2000; 24 Ill. Reg. 14428, September 29, 2000; 25 Ill. Reg. 270, January 5, 2001; 25 Ill. Reg. 4049, March 16, 2001; 25 Ill. Reg. 7367, June 8, 2001; 25 Ill. Reg. 12186, September 21, 2001; 25 Ill. Reg. 16175, December 14, 2001; 26 Ill. Reg. 4974, March 29, 2002; 26 Ill. Reg. 13370, September 6, 2002; 27 Ill. Reg. 1736, January 31, 2003; 27 Ill. Reg. 7350, April 18, 2003; 27 Ill. Reg. 17128, November 7, 2003; 28 Ill. Reg. 5038, March 19, 2004; 28 Ill. Reg. 8363, June 11, 2004; 28 Ill. Reg. 12943, September 17, 2004; 29 Ill. Reg. 1449, January 21, 2005; 29 Ill. Reg. 7239, May 20, 2005; 29 Ill. Reg. 12672, August 12, 2005; 29 Ill. Reg. 18963, November 18, 2005; 30 Ill. Reg. 5458, March 17, 2006, 30 Ill. Reg. 9195, May 12, 2006 and 30 Ill. Reg. 14377, September 1, 2006; 31 Ill. Reg. 4941, March 23, 2007; 31 Ill. Reg. 7477, May 25, 2007 and 31 Ill. Reg. 13233, September 14, 2007.

Water quality criteria for General Use and Lake Michigan Basin Waters are listed below.

General Use human health criteria are derived for protection of primary contact waters, criteria derived for waters not supportive of primary contact recreation are specified, where applicable. Lake Michigan Basin criteria apply within waters of the Lake Michigan Basin as designated in 35 Ill. Adm. Code 303.443. Newly derived criteria or criteria used in NPDES permitting this quarter are highlighted in bold print.

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PUBLIC INFORMATION

LISTING OF DERIVED WATER QUALITY CRITERIA

General Use Criteria

Chemical: Acenaphthene	CAS #83-32-9
Acute criterion: 120 ug/l	Chronic criterion: 62 ug/l
Date criteria derived: November 14, 1991; revised February 1999	
Applicable waterbodies: Not used during this period.	
Chemical: Acenaphthylene	CAS # 208-96-8
Acute criterion: 190 ug/L	Chronic criterion: 15 ug/L
Date criteria derived: March 1, 1998	
Applicable waterbodies: Not used during this period.	
Chemical: Acetochlor	CAS #34256-82-1
Acute criterion: 150 ug/l	Chronic criterion: 12 ug/l
Date criteria derived: September 26, 2007	
Applicable waterbodies: Not used during this period.	
Chemical: Acetone	CAS #67-64-1
Acute criterion: 1,500 mg/l	Chronic criterion: 120 mg/l
Date criteria derived: May 25, 1993	
Applicable waterbodies: Not used during this period.	
Chemical: Acetonitrile	CAS #75-05-8
Acute criterion: 380 mg/l	Chronic criterion: 30 mg/l
Human health criterion (HTC): non-primary contact, 20 mg/L	
Date criteria derived: December 7, 1993; revised January 23, 2007	
Applicable waterbodies: Not used during this period.	
Chemical: Acrylonitrile	CAS #107-13-4
Acute criterion: 910 ug/l	Chronic criterion: 73 ug/l
Human health criterion (HNC): 0.21 ug/l	
Date criteria derived: November 13, 1991	
Applicable waterbodies: Not used during this period.	
Chemical: Anthracene	CAS #120-12-7
Acute criterion: 0.66 ug/L	Chronic Criterion: 0.53 ug/L
Human health criterion (HTC): 35 mg/l	
Date criteria derived: August 18, 1993, revised May 30, 2007	
Applicable waterbodies: Not used during this period.	

ENVIRONMENTAL PROTECTION AGENCY

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LISTING OF DERIVED WATER QUALITY CRITERIA

Chemical: Atrazine	CAS #1912-24-9
Acute criterion: 82 ug/l	Chronic criterion: 9.0 ug/L
Date criteria derived: May 2, 2005	
Applicable waterbodies: Not used during this period.	
Chemical: Benzo(a)anthracene	CAS #56-55-3
Human health criterion (HNC): 0.16 ug/l	
Date criteria derived: August 10, 1993; revised February 1999	
Applicable waterbodies: Not used during this period.	
Chemical: Benzo(a)pyrene	CAS #50-32-8
Human health criterion (HNC): 0.016 ug/l	
Date criteria derived: August 10, 1993; revised February 1999	
Applicable waterbodies: Not used during this period.	
Chemical: Benzo(b)fluoranthene	CAS # 205-99-2
Human health criterion (HNC): 0.16 ug/l	
Date criteria derived: August 10, 1993; revised February 1999	
Applicable waterbodies: Not used during this period.	
Chemical: Benzo(k)fluoranthene	CAS #207-08-9
Human health criterion (HNC): 1.6 ug/l	
Date criteria derived: August 10, 1993; revised February 1999	
Applicable waterbodies: Not used during this period.	
Chemical: Carbon tetrachloride	CAS #56-23-5
Acute criterion: 3,500 ug/l	Chronic criterion: 280 ug/l
Human health criterion (HNC): 1.4 ug/l	
Date criteria derived: June 18, 1993	
Applicable waterbodies: Not used during this period.	
Chemical: Chlorobenzene	CAS #108-90-7
Acute criterion: 990 ug/l	Chronic criterion: 79 ug/l
Date criteria derived: December 11, 1991	
Applicable waterbodies: Not used during this period.	
Chemical: Chloroethane	CAS #75-00-3
Acute criterion: 13 mg/l	Chronic criterion: 1 mg/l
Date criteria derived: December 11, 1991	
Applicable waterbodies: Not used during this period.	

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LISTING OF DERIVED WATER QUALITY CRITERIA

Chemical: Chloromethane	CAS #74-87-3
Acute criterion: 16 mg/l	Chronic criterion: 1.3 mg/l
Date criteria derived: December 11, 1991	
Applicable waterbodies: Not used during this period.	
Chemical: Chloroform	CAS #67-66-3
Acute criterion: 1,900 ug/l	Chronic criterion: 150 ug/l
Human health criterion (HNC): 130 ug/l	
Date criteria derived: October 26, 1992	
Applicable waterbodies: Not used during this period.	
Chemical: Chrysene	CAS #218-01-9
Human health criterion (HNC): 16 ug/l	
Date criteria derived: August 10, 1993; revised February 1999	
Applicable waterbodies: Not used during this period.	
Chemical: Dibenz(a,h)anthracene	CAS #53-70-3
Human health criterion (HNC): 0.016 ug/l	
Date criteria derived : February, 1999, reviewed June 2007	
Applicable waterbodies: Not used during this period.	
Chemical: 1,2-dichlorobenzene	CAS #95-50-1
Acute criterion: 210 ug/l	Chronic criterion: 17 ug/l
Date criteria derived: December 1, 1993	
Applicable waterbodies: Not used during this period.	
Chemical: 1,3-dichlorobenzene	CAS #541-73-1
Acute criterion: 500 ug/l	Chronic criterion: 200 ug/l
Date criteria derived: July 31, 1991	
Applicable waterbodies: Not used during this period.	
Chemical: 1,1-dichloroethane	CAS #75-34-3
Acute criterion: 20 mg/l	Chronic criterion: 2 mg/l
Date criteria derived: July 31, 1991	
Applicable waterbodies: Not used during this period.	
Chemical: 1,2-dichloroethane	CAS #107-06-2
Acute criterion: 25 mg/l	Chronic criterion: 4.5 mg/l
Human health criterion (HNC): 23 ug/l	
Date criteria derived: March 19, 1992	
Applicable waterbodies: Not used during this period.	

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<p>Chemical: 1,1-dichloroethylene CAS #75-35-4 Acute criterion: 3,000 ug/l Chronic criterion: 240 ug/l Human health criterion (HNC): 0.95 ug/l Date criteria derived: March 20, 1992 Applicable waterbodies: Not used during this period.</p>
<p>Chemical: 2,4-dichlorophenol CAS #120-83-2 Acute criterion: 630 ug/l Chronic criterion: 83 ug/l Date criteria derived: November 14, 1991 Applicable waterbodies: Not used during this period.</p>
<p>Chemical: 1,2-dichloropropane CAS #78-87-5 Acute criterion: 4,800 ug/l Chronic criterion: 380 ug/l Date criteria derived: December 7, 1993 Applicable waterbodies: Not used during this period.</p>
<p>Chemical: 1,3-dichloropropylene CAS #542-75-6 Acute criterion: 99 ug/l Chronic criterion: 7.9 ug/l Date criteria derived: November 13, 1991 Applicable waterbodies: Not used during this period.</p>
<p>Chemical: 2,4-dimethyl phenol CAS #105-67-9 Acute criterion: 740 ug/l Chronic criterion: 220 ug/l Date criteria derived: October 26, 1992 Applicable waterbodies: Not used during this period.</p>
<p>Chemical: 4,6-dinitro-o-cresol = 2-methyl-4,6-dinitrophenol CAS #534-52-1 Acute criterion: 29 ug/l Chronic criterion: 2.3 ug/l Date criteria derived: November 14, 1991 Applicable waterbodies: Not used during this period.</p>
<p>Chemical: 2,4-dinitrophenol CAS #51-28-5 Acute criterion: 85 ug/l Chronic criterion: 4.1 ug/l Date criteria derived: December 1, 1993 Applicable waterbodies: Not used during this period.</p>
<p>Chemical: 2,6-dinitrotoluene CAS #606-20-2 Acute criterion: 1,900 ug/l Chronic criterion: 150 ug/l Date criteria derived: February 14, 1992 Applicable waterbodies: Not used during this period.</p>

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Chemical: Diquat Acute criterion: 990 ug/l Date criteria derived: January 30, 1996 Applicable waterbodies: Not used during this period.	CAS #85-00-7 Chronic criterion: 80 ug/l
Chemical: Ethyl mercaptan (ethanethiol) Acute criterion: 17 ug/l Date criteria derived: April 8, 2002 Applicable waterbodies: Not used during this period.	CAS #75-08-1 Chronic criterion: 2 ug/l
Chemical: Fluoranthene Acute criterion: 4.3 ug/L Human health criterion (HTC): 120 ug/l Date criteria derived: August 10, 1993; revised June 6, 2007 (Acute/Chronic) Applicable waterbodies: Not used during this period.	CAS #206-44-0 Chronic Criterion: 1.8 ug/L
Chemical: Fluorene Acute criterion: 59 ug/L Date criteria derived: June 6, 2007 Applicable waterbodies: Not used during this period.	CAS #86-73-7 Chronic Criterion: 16 ug/L
Chemical: Formaldehyde Acute criterion: 4.9 mg/l Date criteria derived: January 19, 1993 Applicable waterbodies: Not used during this period.	CAS #50-00-0 Chronic criterion: 0.39 mg/l
Chemical: Hexachlorobenzene Human health criterion (HNC): 0.00025 ug/l Date criteria derived: November 15, 1991 Applicable waterbodies: Not used during this period.	CAS #118-74-1
Chemical: Hexachlorobutadiene Acute criterion: 35 ug/l Date criteria derived: March 23, 1992 Applicable waterbodies: Not used during this period.	CAS #87-68-3 Chronic criterion: 2.8 ug/l
Chemical: Hexachloroethane Acute criterion: 380 ug/l Human health criterion (HNC): 2.9 ug/l Date criteria derived: November 15, 1991 Applicable waterbodies: Not used during this period.	CAS #67-72-1 Chronic criterion: 31 ug/l

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LISTING OF DERIVED WATER QUALITY CRITERIA

Chemical: n-Hexane Acute criterion: 250 ug/l Date criteria derived: April 8, 2002 Applicable waterbodies: Not used during this period.	CAS #110-54-3 Chronic criterion: 20 ug/l
Chemical: Indeno(1,2,3-cd)pyrene Human health criterion (HNC): 0.16 ug/l Date criteria calculated: February, 1992, reviewed June 2007 Applicable waterbodies: Not used during this period.	CAS #193-39-5
Chemical: Isobutyl alcohol = 2-methyl-1-propanol Acute criterion: 430 mg/l Date criteria derived: December 1, 1993 Applicable waterbodies: Not used during this period.	CAS #78-83-1 Chronic criterion: 35 mg/l
Chemical: Methylene chloride Acute criterion: 17 mg/l Human health criterion (HNC): 340 ug/l Date criteria derived: January 21, 1992 Applicable waterbodies: Not used during this period.	CAS #75-09-2 Chronic criterion: 1.4 mg/l
Chemical: Methyl ethyl ketone Acute criterion: 320 mg/l Date criteria derived: July 1, 1992 Applicable waterbodies: Not used during this period.	CAS #78-93-3 Chronic criterion: 26 mg/l
Chemical: 4-methyl-2-pentanone Acute criterion: 46 mg/l Date criteria derived: January 13, 1992 Applicable waterbodies: Not used during this period.	CAS #108-10-1 Chronic criterion: 1.4 mg/l
Chemical: 2-methyl phenol Acute criterion: 4.7 mg/l Date criteria derived: November 8, 1993 Applicable waterbodies: Not used during this period.	CAS #95-48-7 Chronic criterion: 0.37 mg/l
Chemical: 4-methyl phenol Acute criterion: 670 ug/l Date criteria derived: January 13, 1992 Applicable waterbodies: Not used during this period.	CAS #106-44-5 Chronic criterion: 120 ug/l

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<p>Chemical: Methyl tert-butyl ether (MTBE) CAS #134-04-4 Acute criterion: 67 mg/l Chronic criterion: 5.4 mg/l Date criteria derived: September 18, 1997 Applicable waterbodies: Not used during this period.</p>
<p>Chemical: Naphthalene CAS #91-20-3 Acute criterion: 510 ug/l Chronic criterion: 68 ug/l Date criteria derived: November 7, 1991; revised February 1999 Applicable waterbodies: Not used during this period.</p>
<p>Chemical: 4-nitroaniline CAS #100-01-6 Acute criterion: 1.5 mg/l Chronic criterion: 0.12 mg/l Date criteria derived: May 5, 1996 Applicable waterbodies: Not used during this period.</p>
<p>Chemical: Nitrobenzene CAS #98-95-3 Acute criterion: 15 mg/l Chronic criterion: 8.0 mg/l Human health criterion (HTC): 0.52 mg/l Date criteria derived: February 14, 1992; revised February 1999 Applicable waterbodies: Not used during this period.</p>
<p>Chemical: Pentachlorophenol Acute criterion: 20 ug/l Chronic criterion: 13 ug/l Date criteria derived: national criterion at pH of 7.8, September 1986 Applicable waterbodies: Not used during this period.</p>
<p>Chemical: Phenanthrene CAS #85-01-8 Acute criterion: 46 ug/l Chronic criterion: 3.7 ug/l Date criteria derived: October 26, 1992 Applicable waterbodies: Not used during this period.</p>
<p>Chemical: Propylene CAS #115-07-1 Acute criterion: 4.0 mg/l Chronic criterion 0.40 mg/l Date criteria derived: April 8, 2002 Applicable waterbodies: Not used during this period.</p>
<p>Chemical: Pyrene CAS #120-00-0 Human health criterion (HTC): 3.5 mg/l Date criteria derived: December 22, 1992 Applicable waterbodies: Not used during this period.</p>

ENVIRONMENTAL PROTECTION AGENCY

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Chemical: Tetrachloroethylene Acute criterion: 1,200 ug/l Date criteria derived: March 23, 1992 Applicable waterbodies: Not used during this period.	CAS #127-18-4 Chronic criterion: 150 ug/l
Chemical: Tetrahydrofuran Acute criterion: 220 mg/l Date criteria derived: March 16, 1992 Applicable waterbodies: Not used during this period.	CAS #109-99-9 Chronic criterion: 17 mg/l
Chemical: 1,2,4-trichlorobenzene Acute criterion: 370 ug/l Date criteria derived: December 14, 1993; revised February 1999 Applicable waterbodies: Not used during this period.	CAS #120-82-1 Chronic criterion: 72 ug/l
Chemical: 1,1,1-trichloroethane Acute criterion: 4,900 ug/l Date criteria derived: October 26, 1992 Applicable waterbodies: Not used during this period.	CAS #71-55-6 Chronic criterion: 390 ug/l
Chemical: 1,1,2-trichloroethane Acute criterion: 19 mg/l Human health criterion (HNC): 12 ug/l Date criteria derived: December 13, 1993; revised February 1999 Applicable waterbodies: Not used during this period.	CAS #79-00-5 Chronic criterion: 4.4 mg/l
Chemical: Trichloroethylene Acute criterion: 12,000 ug/l Human health criterion (HNC): 25 ug/l Date criteria derived: October 23, 1992 Applicable waterbodies: Not used during this period.	CAS #79-01-6 Chronic criterion: 940 ug/l
Chemical: Vinyl chloride Acute criterion: 40 mg/l Human health criterion (HNC): non-primary contact, 164 ug/l Date criteria derived: October 23, 1992; revised January 23, 2007 Applicable waterbodies: Not used during this period.	CAS #75-01-4 Chronic criterion: 4 mg/l

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LISTING OF DERIVED WATER QUALITY CRITERIA

Lake Michigan Basin Criteria

Chemical: Bis(2-ethylhexyl)phthalate <u>Aquatic Life Criteria:</u> Acute criterion: 76 ug/l <u>Human Health Non-threshold Criteria:</u> Drinking water: 2.8 ug/l Date criteria derived: June 20, 2006 Applicable waterbodies: Not used during this period.	CAS #117-81-7 Chronic criterion: 17 ug/l Non-drinking water: 3.2 ug/l
Chemical: Methylene Chloride <u>Aquatic Life Criteria:</u> Acute criterion: 10,803 ug/l <u>Human Health Non-threshold Criteria:</u> Drinking water: 47 ug/l Date criteria derived: June 20, 2006 Applicable waterbodies: Not used during this period.	CAS #75-09-2 Chronic criterion: 1,200 ug/l Non-drinking water: 2,600 ug/l
Chemical: Vinyl Chloride <u>Aquatic Life Criteria:</u> Acute criterion: 8,380 ug/l <u>Human Health Non-threshold Criteria:</u> Drinking water: 0.25 ug/l Date criteria derived: June 20, 2006 Applicable waterbodies: Not used during this period.	CAS #75-01-4 Chronic criterion: 931 ug/l Non-drinking water: 14.4 ug/l

For additional information concerning these criteria or the derivation process used in generating them, please contact:

Brian Koch
 Illinois Environmental Protection Agency
 Division of Water Pollution Control
 1021 North Grand Avenue East
 Post Office Box 19276
 Springfield, Illinois 62794-9276
 217-558-2012

PROCLAMATIONS

**2007-387
Chalet Day**

- WHEREAS, this year marks the 90th Anniversary of Chalet, a family-owned business that started as a simple yard care company called L.J. Thalmann Architectural Landscaping; and
- WHEREAS, over the years, Chalet has grown considerably and expanded into other markets, including lighting, irrigation, fencing and hardscape design and installation services; and
- WHEREAS, today, Chalet employs nearly 200 hundred employees and serves thousands of customers annually; and
- WHEREAS, the store, which helped give birth to the American tradition of the backyard barbeque by selling the first Weber Grill, is also a destination attraction that has drawn notable celebrities like Charlton Heston and William Peterson; and
- WHEREAS, in the age of big box stores, Chalet has managed to survive as a family-owned business that continues to provide their customers with the best possible service:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby declare November 17, 2007 as **CHALET DAY** in Illinois in recognition of their success as they celebrate 90 years in business.

Issued by the Governor November 1, 2007
Filed by the Secretary of State November 9, 2007

**2007-388
Adopt A Soldier Day**

- WHEREAS, The Postal Shoppe in Rockford organized an Adopt A Soldier event at its Edgebrook location for November 5 to collect materials for shipment to U.S. military personnel who are serving in harm's way in the Middle East. Monetary donations also make it possible for them to assist local families by providing discounted or free shipping to local troops serving abroad; and
- WHEREAS, the idea for the Adopt A Soldier collection event was inspired by Larry and Patty Hinkle, who own and operate The Postal Shoppe and have their own fond memories of mail sent to and received by Larry while he was serving in the Middle East with the Army; and

PROCLAMATIONS

WHEREAS, both B103 and WTVO of Rockford agreed to cover the November 5 event with a live radio and television broadcast; and

WHEREAS, in addition to monetary donations, The Postal Shoppe collects materials such as recent magazines, batteries, CDs/DVDs, prepackaged food products, personal hygiene items, and other products that lend comfort and care to U.S. military personnel serving abroad; and

WHEREAS, a commemorative DVD of the event will be produced for shipment to our troops serving abroad, who deserve our utmost respect and admiration for their courage and selfless service:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby declare November 5, 2007 as **ADOPT A SOLDIER DAY** in Illinois in recognition of Larry and Patty Hinkle for the wonderful service they provide our men and women in uniform, and to encourage support for their terrific cause.

Issued by the Governor November 5, 2007

Filed by the Secretary of State November 9, 2007

2007-389**Latino Mental Health Awareness Day**

WHEREAS, in 1992, the Latino Mental Health Conference was created in response to the lack of resource and information available for Spanish-speaking residents suffering from mental health problems and substance abuse. Latinos are identified as a high-risk group for depression, anxiety and substance abuse; and

WHEREAS, the 2007 Latino Mental Health Conference will be held on November 8 and features a keynote speaker, one panel and ten workshops focused on issues impacting the Latino community. Special consideration has been taken to provide the theoretical and practical tools on topics and issues relevant to mental health professionals, social service workers and educators; and

WHEREAS, this year's conference is a collaborative effort by the Latino Mental Health Conference Task Force, which includes the Illinois Department of Human Services, Pilsen-Little Village Community Mental Health Center, Latino Social Workers Organizations, LSW Behavioral Health and Consulting, Mercy Home for Boys and Girls, Latino Family Institute, Illinois Migrant Council, Chicago Advisory Council on Latino Affairs and their sponsors; and

PROCLAMATIONS

WHEREAS, the conference strives to increase awareness, knowledge and skills on mental health and substance abuse treatment needs of Latinos, to increase access to bicultural and bilingual treatment, and to increase the competence of professionals in the treatment of Latinos through lectures and workshops:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim November 8, 2007 as **LATINO MENTAL HEALTH AWARENESS DAY** in Illinois, and encourage all citizens to unite to improve the quality of life for those in Illinois suffering from mental health problems and substance abuse.

Issued by the Governor November 5, 2007

Filed by the Secretary of State November 9, 2007

2007-390**Prince Home at Manteno Day**

WHEREAS, hundreds of thousands of U.S. veterans are homeless on any given night, which is a national disgrace; and

WHEREAS, the men and women who put their lives on the line to serve our country deserve better, and that is why we are doing something about it here in Illinois; and

WHEREAS, last year I announced plans for a new pilot program that would help provide housing and supportive services for 15 Illinois veterans who are homeless and disabled at the State Veterans' Home in Manteno; and

WHEREAS, today that dream becomes a reality with the grand opening of the Prince Home at Manteno, and I wish to thank everyone who contributed to the realization of this terrific project; and

WHEREAS, I also wish to thank all our veterans in advance of Veterans Day for their selfless service and devotion to our country. The Prince Home at Manteno is for them and will serve as a national model for how to overcome challenges in providing permanent housing for homeless and disabled veterans, including veterans suffering from Post Traumatic Stress Disorder:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim November 7, 2007 as **PRINCE HOME AT MANTENO DAY** in Illinois in celebration of its grand opening.

PROCLAMATIONS

Issued by the Governor November 5, 2007
Filed by the Secretary of State November 9, 2007

2007-391
Harvard Club of Chicago Day

WHEREAS, in November of 2006, the Harvard Club of Chicago kicked off a year-long celebration of its 150th anniversary with a series of educational and entertaining events; and

WHEREAS, the Harvard Club of Chicago was founded in 1857 by alumni from Harvard University to encourage the social and economic development of the City of Chicago; and

WHEREAS, today, the Harvard Club of Chicago is the oldest, continuously operating Harvard Club in the world, as well as one of the largest urban clubs with a membership of over 1,300 Harvard alumni in the greater Chicago area; and

WHEREAS, the Harvard Club of Chicago and its members have devoted and continue to devote a considerable amount of time and resources to supporting programs, scholarships and educational lectures for the business community and educational institutions; and

WHEREAS, throughout its history, the Harvard Club of Chicago has continually grown and evolved to meet new challenges while enriching the lives of countless individuals; and

WHEREAS, the Harvard Club of Chicago's 150th anniversary celebration will culminate with a dinner program on November 9 to recognize the contributions the club has made to business, education and culture throughout the state:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim November 9, 2007 as **HARVARD CLUB OF CHICAGO DAY** in Illinois in recognition of the club's 150th anniversary, and I wish them continued success for many more years to come.

Issued by the Governor November 8, 2007
Filed by the Secretary of State November 9, 2007

2007-392
Drunk and Drugged Driving Prevention Month

PROCLAMATIONS

WHEREAS, driving under the influence of mind-altering drugs is a grave problem that destroys individual lives, rips families apart, and strains local communities; and

WHEREAS, motor vehicle crashes killed 1,254 people in Illinois during 2006; and

WHEREAS, 47 percent of those deaths were in alcohol-related crashes; and

WHEREAS, driving under the influence of alcohol and drugs also causes staggering economic costs. Billions of dollars are spent for property damage and healthcare every year as a direct result of alcohol- and drug-related automobile accidents; and

WHEREAS, today, the terrible consequences of driving under the influence of mind-altering drugs are widely acknowledged, and the government and private sector are actively engaged in campaigns to address the problem; and

WHEREAS, the December holiday season is traditionally one of the deadliest times of the year for impaired driving. Consequently, communities and organizations all across our state and throughout the country are joined with the "You Drink & Drive. You Lose." and other campaigns that foster public awareness of the dangers of impaired driving; and

WHEREAS, the State of Illinois is proud to partner with cities, towns and villages, and traffic safety organizations in an effort to make our roads and streets safer:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim December 2007 as **DRUNK AND DRUGGED DRIVING PREVENTION MONTH** in Illinois, and urge all citizens to drive responsibly so that no one else becomes a victim of drunk or drugged driving.

Issued by the Governor November 9, 2007

Filed by the Secretary of State November 9, 2007

2007-393**Family Caregivers Month**

WHEREAS, family caregivers selflessly provide physical, emotional and spiritual support to loved ones who are chronically ill, elderly and/or disabled; and

WHEREAS, according to the Illinois Departments on Aging and Human Services, more than one in four Illinoisans are caring for a person over age 60, 85 percent of all long-term care services are provided by unpaid caregivers, and the number of people

PROCLAMATIONS

age 70 and above who need assistance with daily activities is expected to grow substantially in the coming years; and

WHEREAS, it is estimated that it would cost the citizens of the United States a collective \$45 to \$94 billion per year if the services provided by family caregivers were replaced with those of professionals; and

WHEREAS, the Illinois Department on Aging, the Area Agencies on Aging, the Illinois Department of Human Services and many other human service agencies are committed to raising awareness of the needs of caregivers and continue to work to meet these needs; and

WHEREAS, over 1.1 million family caregivers in the State of Illinois are able to utilize programs through the Illinois Department on Aging's *Caregiver Support Program*. Among many other services available, they are able to grow with individual counseling, support groups or caregiver training; and

WHEREAS, Illinois caregivers are diverse in their characteristics and circumstances, but share the common goal of enabling their family member or friend to remain active in the community whenever possible. For that, and many other reasons, family caregivers deserve our utmost respect and commendation:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim November 2007 as **FAMILY CAREGIVERS MONTH** in Illinois, and encourage all citizens to join in reaffirming our appreciation for family caregivers and the tremendous efforts they put forth each day.

Issued by the Governor November 9, 2007

Filed by the Secretary of State November 9, 2007

ILLINOIS ADMINISTRATIVE CODE

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