

# 2009

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# ILLINOIS

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# REGISTER

RULES  
OF GOVERNMENTAL  
AGENCIES



Volume 33, Issue 37  
September 11, 2009  
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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 preemptory 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.].

### ILLINOIS REGISTER PUBLICATION SCHEDULE FOR 2009

<b><u>Issue #</u></b>	<b><u>Rules Due Date</u></b>	<b><u>Date of Issue</u></b>
1	December 22, 2008	January 2, 2009
2	December 29, 2008	January 9, 2009
3	January 5, 2009	January 16, 2009
4	January 12, 2009	January 23, 2009
5	January 20, 2009	January 30, 2009
6	January 26, 2009	February 6, 2009
7	February 2, 2009	February 13, 2009
8	February 9, 2009	February 20, 2009
9	February 17, 2009	February 27, 2009
10	February 23, 2009	March 6, 2009
11	March 2, 2009	March 13, 2009
12	March 9, 2009	March 20, 2009
13	March 16, 2009	March 27, 2009
14	March 23, 2009	April 3, 2009
15	March 30, 2009	April 10, 2009
16	April 6, 2009	April 17, 2009
17	April 13, 2009	April 24, 2009
18	April 20, 2009	May 1, 2009
19	April 27, 2009	May 8, 2009
20	May 4, 2009	May 15, 2009
21	May 11, 2009	May 22, 2009

22	May 18, 2009	May 29, 2009
23	May 26, 2009	June 5, 2009
<b><u>Issue #</u></b>	<b><u>Rules Due Date</u></b>	<b><u>Date of Issue</u></b>
24	June 1, 2009	June 12, 2009
25	June 8, 2009	June 19, 2009
26	June 15, 2009	June 26, 2009
27	June 22, 2009	July 6, 2009
28	June 29, 2009	July 10, 2009
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33	August 3, 2009	August 14, 2009
34	August 10, 2009	August 21, 2009
35	August 17, 2009	August 28, 2009
36	August 24, 2009	September 4, 2009
37	August 31, 2009	September 11, 2009
38	September 8, 2009	September 18, 2009
39	September 14, 2009	September 25, 2009
40	September 21, 2009	October 2, 2009
41	September 28, 2009	October 9, 2009
42	October 5, 2009	October 16, 2009
43	October 13, 2009	October 23, 2009
44	October 19, 2009	October 30, 2009
45	October 26, 2009	November 6, 2009
46	November 2, 2009	November 13, 2009
47	November 9, 2009	November 20, 2009
48	November 16, 2009	November 30, 2009
49	November 23, 2009	December 4, 2009
50	November 30, 2009	December 11, 2009
51	December 7, 2009	December 18, 2009
52	December 14, 2009	December 28, 2009

## DEPARTMENT OF HUMAN RIGHTS

## NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Access to Information
- 2) Code Citation: 2 Ill. Adm. Code 926
- 3) Section Number: 926.221                      Proposed Action:  
New Section
- 4) Statutory Authority: Implementing Section 5-15 of the Illinois Administrative Procedure Act [5 ILCS 100/5-15] and the Freedom of Information Act [5 ILCS 140], and authorized by Section 7-101(A) of the Illinois Human Rights Act [775 ILCS 5/7-101(A)]
- 5) A Complete Description of the Subjects and Issues Involved: The proposed rulemaking describes the circumstances under which the Department may charge for training conducted by the Department's Training Institute.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: The proposed rulemaking will not affect units of local government.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested parties may submit comments in writing within 45 days after publication to:

David T. Rothal  
Staff Attorney  
Illinois Department of Human Rights – Legal Division  
100 W. Randolph St., Ste. 10-100  
Chicago, IL 60601

## DEPARTMENT OF HUMAN RIGHTS

## NOTICE OF PROPOSED AMENDMENT

312/814-6257 or 217/785-5125 (TTY)

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: The amendment will affect not for profit corporations with more than 50 employees if the corporation requests training from the Department and if the training is not offered to the general public.
  - 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: The rulemaking was not anticipated.

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

## DEPARTMENT OF HUMAN RIGHTS

## NOTICE OF PROPOSED AMENDMENT

TITLE 2: GOVERNMENTAL ORGANIZATION  
SUBTITLE D: CODE DEPARTMENTS  
CHAPTER X: DEPARTMENT OF HUMAN RIGHTSPART 926  
ACCESS TO INFORMATION

## SUBPART A: GENERAL PROVISIONS

## Section

926.10	Summary and Purpose (Repealed)
926.20	Definitions (Renumbered)
926.110	Publications (Repealed)
926.120	Speakers Bureau (Repealed)
926.130	Requests and Inquiries (Repealed)
926.200	Definitions
926.210	Investigation Records and Files
926.220	Conciliation Records (Repealed)
<a href="#">926.221</a>	<a href="#">Training</a>
926.230	Public Contracts Records
926.231	Other Record Systems
926.235	Access by Government Agencies
926.236	Copies
926.240	Other Record Systems (Renumbered)

## SUBPART B: FOIA

926.250	Requests for Access to Records
926.260	Response to Request
926.270	Appeal of Denial of Access
926.280	Copies (Renumbered)
926.290	Access by Governmental Agencies (Renumbered)

**AUTHORITY:** Implementing Section 5-15 of the Illinois Administrative Procedure Act [5 ILCS 100/5-15] and the Freedom of Information Act [5 ILCS 140], and authorized by Section 7-101(A) of the Illinois Human Rights Act [775 ILCS 5/7-101(A)].

**SOURCE:** Access to Records rules adopted November 17, 1975, by the Fair Employment Practices Commission; transferred to the Department of Human Rights by P.A. 81-1216,

## DEPARTMENT OF HUMAN RIGHTS

## NOTICE OF PROPOSED AMENDMENT

effective July 1, 1980; emergency amendment at 4 Ill. Reg. 39, p. 335, effective September 17, 1980, for a maximum of 150 days; amended at 5 Ill. Reg. 1627, effective February 9, 1981; amended at 7 Ill. Reg. 7940, effective July 1, 1983; repealed by operation of law October 1, 1984; new rules adopted at 8 Ill. Reg. 20678, effective October 10, 1984; amended at 18 Ill. Reg. 512, effective January 4, 1994; expedited correction at 20 Ill. Reg. 7559, effective January 4, 1994; amended at 22 Ill. Reg. 1346, effective December 29, 1997; amended at 26 Ill. Reg. 17212, effective November 18, 2002; amended at 33 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART A: GENERAL PROVISIONS

**Section 926.221 Training**

- a) Illinois Department of Human Rights Institute for Training and Development (Training Institute) provides training to governmental as well as to non-governmental entities. The Training Institute course offerings may be found at [www.state.il.us/dhr](http://www.state.il.us/dhr).
- b) A request for training may be submitted by telephone, via mail or via e-mail to the Department's Training Institute. The request should state the course desired, the number of anticipated participants in the training and the name of the contact person. The Department's Training Institute will respond to the request for training by providing the cost of training and dates when Department staff is available.
- c) Effective January 1, 2010, the cost for on-site training for non-governmental entities, regardless of the number of employees, and not-for-profit entities with more than 50 employees will be \$1,050 for a 3-hour training session for up to 35 attendees, plus reimbursement for travel expenses. The Training Institute will charge \$5 for each person over 35 attendees. The entity seeking training shall send its payment in the form of certified check, money order or cashier's check payable to "Illinois Department of Human Rights", along with confirmation of the scheduled training date to Illinois Department of Human Rights, Institute for Training and Development, 100 West Randolph Street, Suite 10-100, Chicago IL 60601. The Department may cancel the training if payment is not received 5 business days prior to the scheduled training date.
- d) Access to open-to-the-public training sessions offered by the Training Institute is free.

DEPARTMENT OF HUMAN RIGHTS

NOTICE OF PROPOSED AMENDMENT

| (Source: Added at 33 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Standards for the Management of Used Oil
- 2) Code Citation: 35 Ill. Adm. Code 739
- 3) 

<u>Section Numbers:</u>	<u>Proposed Action:</u>
739.146	Amend
739.156	Amend
739.165	Amend
739.174	Amend
- 4) Statutory Authority: Implementing Sections 21, 22, 22.01 and 22.9, and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/21, 22, 22.01, 22.9, 27]
- 5) A Complete Description of the Subjects and Issues Involved: For a more detailed description of this rulemaking, see the Board's August 20, 2009 opinion and order Proposed Amendments to the Board's Special Waste Regulations Concerning Used Oil: 35 Ill. Adm. Code 739, 808, 809 (R06-20). NORA, an Association of Responsible Recyclers, formerly known as the National Oil Recycling Association, initiated these amendments by filing an amended rulemaking proposal with the Board on September 22, 2008. The proposed amendments are intended to exempt from the manifesting requirements of Parts 808 and 809 (35 Ill. Adm. Code 808, 809), used oil that is defined by, and managed in accordance with, Part 739 (35 Ill. Adm. Code 739) and also to exempt from those requirements four specific mixture of used oil and other materials. The proposal also amends used oil tracking provisions in Part 739 to include information required by a manifest for those specified mixtures.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: NORA, which filed this rulemaking with the Board, did not use a published study or report in developing its original or amended proposal.
- 7) Will this rulemaking replace any emergency rulemakings 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 rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: The proposed amendments do not create or

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

expand a State mandate as defined in Section 3 of the State Mandates Act [30 ILCS 805].

- 12) Time, place and manner in which interested persons may comment on this proposed rulemaking: The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference docket R06-20 and be addressed to:

Clerk's Office  
Illinois Pollution Control Board  
Thompson Center, Suite 11-500  
100 W. Randolph St.  
Chicago IL 60601

Address questions to Tim Fox at 312/814-6085.

Interested persons may request copies of the Board's opinion and order by calling the Clerk's office at 312/814-3620, or download them from the Board's Web site at [www.ipcb.state.il.us](http://www.ipcb.state.il.us).

- 13) Initial regulatory flexibility analysis:
- A) Types of small businesses, small municipalities, and not-for-profit corporations affected: NORA, a trade association of companies providing used oil collection and recycling services, originally proposed these regulations. The substantive amendments affect any generators and transporters of used oil defined by, and managed in accordance with, the Board's used oil management regulations.
  - 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 2008

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

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION  
SUBTITLE G: WASTE DISPOSAL  
CHAPTER I: POLLUTION CONTROL BOARD  
SUBCHAPTER c: HAZARDOUS WASTE OPERATING REQUIREMENTS

PART 739  
STANDARDS FOR THE MANAGEMENT OF USED OIL

SUBPART A: DEFINITIONS

Section  
739.100 Definitions

SUBPART B: APPLICABILITY

Section  
739.110 Applicability  
739.111 Used Oil Specifications  
739.112 Prohibitions  
739.113 Electronic Reporting

SUBPART C: STANDARDS FOR USED OIL GENERATORS

Section  
739.120 Applicability  
739.121 Hazardous Waste Mixing  
739.122 Used Oil Storage  
739.123 On-Site Burning in Space Heaters  
739.124 Off-Site Shipments

SUBPART D: STANDARDS FOR USED OIL COLLECTION CENTERS  
AND AGGREGATION POINTS

Section  
739.130 Do-It-Yourselfer Used Oil Collection Centers  
739.131 Used Oil Collection Centers  
739.132 Used Oil Aggregate Points Owned by the Generator

SUBPART E: STANDARDS FOR USED OIL TRANSPORTER

POLLUTION CONTROL BOARD  
NOTICE OF PROPOSED AMENDMENTS  
AND TRANSFER FACILITIES

Section

- 739.140 Applicability
- 739.141 Restrictions on Transporters that Are Not Also Processors
- 739.142 Notification
- 739.143 Used Oil Transportation
- 739.144 Rebuttable Presumption for Used Oil
- 739.145 Used Oil Storage at Transfer Facilities
- 739.146 Tracking
- 739.147 Management of Residues

SUBPART F: STANDARDS FOR USED OIL PROCESSORS

Section

- 739.150 Applicability
- 739.151 Notification
- 739.152 General Facility Standards
- 739.153 Rebuttable Presumption for Used Oil
- 739.154 Used Oil Management
- 739.155 Analysis Plan
- 739.156 Tracking
- 739.157 Operating Record and Reporting
- 739.158 Off-Site Shipments of Used Oil
- 739.159 Management of Residues

SUBPART G: STANDARDS FOR USED OIL BURNERS THAT BURN  
OFF-SPECIFICATION USED OIL FOR ENERGY RECOVERY

Section

- 739.160 Applicability
- 739.161 Restriction on Burning
- 739.162 Notification
- 739.163 Rebuttable Presumption for Used Oil
- 739.164 Used Oil Storage
- 739.165 Tracking
- 739.166 Notices
- 739.167 Management of Residues

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

## SUBPART H: STANDARDS FOR USED OIL FUEL MARKETERS

## Section

739.170	Applicability
739.171	Prohibitions
739.172	On-Specification Used Oil Fuel
739.173	Notification
739.174	Tracking
739.175	Notices

## SUBPART I: DISPOSAL OF USED OIL

## Section

739.180	Applicability
739.181	Disposal
739.182	Use As a Dust Suppressant

**AUTHORITY:** Implementing Sections 7.2 and 22.4 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/7.2, 22.4, and 27].

**SOURCE:** Adopted in R93-4 at 17 Ill. Reg. 20954, effective November 22, 1993; amended in R93-16 at 18 Ill. Reg. 6931, effective April 26, 1994; amended in R94-17 at 18 Ill. Reg. 17616, effective November 23, 1994; amended in R95-6 at 19 Ill. Reg. 10036, effective June 27, 1995; amended in R96-10/R97-3/R97-5 at 22 Ill. Reg. 767, effective December 16, 1997; amended in R98-21/R99-2/R99-7 at 23 Ill. Reg. 2274, effective January 19, 1999; amended in R04-16 at 28 Ill. Reg. 10706, effective July 19, 2004; amended in R06-5/R06-6/R06-7 at 30 Ill. Reg. 4094, effective February 23, 2006; amended in R06-16/R06-17/R06-18 at 31 Ill. Reg. 1413, effective December 20, 2006; amended in R07-5/R07-14 at 32 Ill. Reg. 13047, effective July 14, 2008; amended in R06-20 at 33 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

SUBPART E: STANDARDS FOR USED OIL TRANSPORTER  
AND TRANSFER FACILITIES**Section 739.146 Tracking**

- a) Acceptance. A used oil transporter must keep a record of each used oil shipment accepted for transport. Records for each shipment must include the following:
  - 1) The name and address of the generator, transporter, or processor that

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

provided the used oil for transport;

- 2) The USEPA identification number and Illinois special waste identification number (if applicable) of the generator, transporter, or processor that provided the used oil for transport;
- 3) The quantity of used oil accepted;
- 4) The date of acceptance; ~~and~~
- 5) The signature:
  - A) Except as provided in subsection (a)(5)(B) of this Section, the signature, dated upon receipt of the used oil, of a representative of the generator, transporter, or processor or re-refiner that provided the used oil for transport.
  - B) An intermediate rail transporter is not required to sign the record of acceptance; ~~and~~.
- 6) If the transporter has accepted any shipment of mixtures of used oil and materials identified in 35 Ill. Adm. Code 808.121(b)(6), the following:
  - A) Information stating when and where the special waste was generated;
  - B) The classification and quantity of the special waste delivered to the transporter;
  - C) Any special handling instructions pertinent to emergency personnel in the event of an accident; and
  - D) A generator's certification as follows: "I hereby declare that the contents of this consignment are fully and accurately described above by the proper shipping name, and are classified, packaged, marked and labeled/placarded, and are in all respects in proper condition for transport according to applicable international and national governmental regulations. If export shipment and I am the Primary Exporter, I certify that the contents of this consignment conform to the terms of the attached EPA Acknowledgement of Consent. I

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

certify that the waste minimization statement identified in 40 CFR 262.27(a) (if I am a large quantity generator) or (b) (if I am a small quantity generator) is true."

- b) Deliveries. A used oil transporter must keep a record of each shipment of used oil that is delivered to another used oil transporter, or to a used oil burner, processor, or disposal facility. Records of each delivery must include the following:
- 1) The name and address of the receiving facility or transporter;
  - 2) The USEPA identification number and Illinois special waste identification number of the receiving facility or transporter;
  - 3) The quantity of used oil delivered;
  - 4) The date of delivery;
  - 5) The signature.
    - A) Except as provided in subsection (b)(5)(B) of this Section, the signature, dated upon receipt of the used oil, of a representative of the receiving facility or transporter.
    - B) An intermediate rail transporter is not required to sign the record of acceptance.
- c) Exports of used oil. A used oil transporter must maintain the records described in subsections (b)(1) through (b)(4) of this Section for each shipment of used oil exported to any foreign country.
- d) Record retention. The records described in subsections (a), (b), and (c) of this Section must be maintained for at least three years.

(Source: Amended at 33 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART F: STANDARDS FOR USED OIL PROCESSORS

**Section 739.156 Tracking**

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

- a) Acceptance. A used oil processor must keep a record of each used oil shipment accepted for processing. These records may take the form of a log, invoice, manifest, bill of lading or other shipping documents. Records for each shipment must include the following information:
- 1) The name and address of the transporter that delivered the used oil to the processor;
  - 2) The name and address of the generator or processor from whom the used oil was sent for processing;
  - 3) The USEPA identification number and Illinois special waste identification number of the transporter that delivered the used oil to the processor;
  - 4) The USEPA identification number and Illinois special waste identification number (if applicable) of the generator or processor from whom the used oil was sent for processing;
  - 5) The quantity of used oil accepted; ~~and~~
  - 6) The date of acceptance; ~~and~~
  - 7) If the transporter has accepted any shipment of mixtures of used oil and materials identified in 35 Ill. Adm. Code 808.121(b)(6), the following:
    - A) Information stating when and where the special waste was generated;
    - B) The classification and quantity of the special waste delivered to the transporter;
    - C) Any special handling instructions pertinent to emergency personnel in the event of an accident; and
    - D) A generator's certification as follows: "I hereby declare that the contents of this consignment are fully and accurately described above by the proper shipping name, and are classified, packaged, marked and labeled/placarded, and are in all respects in proper condition for transport according to applicable international and national governmental regulations. If export shipment and I am the Primary

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

Exporter, I certify that the contents of this consignment conform to the terms of the attached EPA Acknowledgement of Consent. I certify that the waste minimization statement identified in 40 CFR 262.27(a) (if I am a large quantity generator) or (b) (if I am a small quantity generator) is true."

- b) Deliveries. A used oil processor must keep a record of each shipment of used oil that is delivered to another used oil burner, processor, or disposal facility. These records may take the form of a log, invoice, manifest, bill of lading or other shipping documents. Records of each delivery must include the following information:
- 1) The name and address of the transporter that delivers the used oil to the burner, processor, or disposal facility;
  - 2) The name and address of the burner, processor, or disposal facility that will receive the used oil;
  - 3) The USEPA identification number and Illinois special waste identification number of the transporter that delivers the used oil to the burner, processor or disposal facility;
  - 4) The USEPA identification number and Illinois special waste identification number of the burner, processor, or disposal facility that will receive the used oil;
  - 5) The quantity of used oil shipped;
  - 6) The date of shipment; ~~and-~~
  - 7) If the transporter has accepted any shipment of mixtures of used oil and materials identified in 35 Ill. Adm. Code 808.121(b)(6), the following:
    - A) Information stating when and where the special waste was generated;
    - B) The classification and quantity of the special waste delivered to the transporter;
    - C) Any special handling instructions pertinent to emergency personnel

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

in the event of an accident; and

D) A generator's certification as follows: "I hereby declare that the contents of this consignment are fully and accurately described above by the proper shipping name, and are classified, packaged, marked and labeled/placarded, and are in all respects in proper condition for transport according to applicable international and national governmental regulations. If export shipment and I am the Primary Exporter, I certify that the contents of this consignment conform to the terms of the attached EPA Acknowledgement of Consent. I certify that the waste minimization statement identified in 40 CFR 262.27(a) (if I am a large quantity generator) or (b) (if I am a small quantity generator) is true."

- c) Record retention. The records described in subsections (a) and (b) of this Section must be maintained for at least three years.

(Source: Amended at 33 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

SUBPART G: STANDARDS FOR USED OIL BURNERS THAT BURN  
OFF-SPECIFICATION USED OIL FOR ENERGY RECOVERY

**Section 739.165 Tracking**

- a) Acceptance. A used oil burner must keep a record of each used oil shipment accepted for burning. These records may take the form of a log, invoice, manifest, bill of lading, or other shipping documents. Records for each shipment must include the following information:
- 1) The name and address of the transporter that delivered the used oil to the burner;
  - 2) The name and address of the generator or processor from whom the used oil was sent to the burner;
  - 3) The USEPA identification number and Illinois special waste identification number of the transporter that delivered the used oil to the burner;
  - 4) The USEPA identification number and Illinois special waste identification

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

number (if applicable) of the generator or processor from whom the used oil was sent to the burner;

- 5) The quantity of used oil accepted; ~~and~~
- 6) The date of acceptance; ~~and~~.
- 7) If the transporter has accepted any shipment of mixtures of used oil and materials identified in 35 Ill. Adm. Code 808.121(b)(5) or (b)(6), the following:
  - A) Information stating when and where the special waste was generated;
  - B) The classification and quantity of the special waste delivered to the transporter;
  - C) Any special handling instructions pertinent to emergency personnel in the event of an accident; and
  - D) A generator's certification as follows: "I hereby declare that the contents of this consignment are fully and accurately described above by the proper shipping name, and are classified, packaged, marked and labeled/placarded, and are in all respects in proper condition for transport according to applicable international and national governmental regulations. If export shipment and I am the Primary Exporter, I certify that the contents of this consignment conform to the terms of the attached EPA Acknowledgement of Consent. I certify that the waste minimization statement identified in 40 CFR 262.27(a) (if I am a large quantity generator) or (b) (if I am a small quantity generator) is true."

- b) Record retention. The records described in subsection (a) of this Section must be maintained for at least three years.

(Source: Amended at 33 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART H: STANDARDS FOR USED OIL FUEL MARKETERS

**Section 739.174 Tracking**

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

- a) Off-specification used oil delivery. Any used oil fuel marketer that directs a shipment of off-specification used oil to a burner must keep a record of each shipment of used oil to a used oil burner. These records may take the form of a log, invoice, manifest, bill of lading or other shipping documents. Records for each shipment must include the following information:
- 1) The name and address of the transporter that delivers the used oil to the burner;
  - 2) The name and address of the burner that will receive the used oil;
  - 3) The USEPA identification number and Illinois special waste identification number of the transporter that delivers the used oil to the burner;
  - 4) The USEPA identification number and Illinois special waste identification number of the burner;
  - 5) The quantity of used oil shipped; ~~and~~
  - 6) The date of shipment; ~~and~~;
  - 7) If the transporter has accepted any shipment of mixtures of used oil and materials identified in 35 Ill. Adm. Code 808.121(b)(5) or (b)(6), the following:
    - A) Information stating when and where the special waste was generated;
    - B) The classification and quantity of the special waste delivered to the transporter;
    - C) Any special handling instructions pertinent to emergency personnel in the event of an accident; and
    - D) A generator's certification as follows: "I hereby declare that the contents of this consignment are fully and accurately described above by the proper shipping name, and are classified, packaged, marked and labeled/placarded, and are in all respects in proper condition for transport according to applicable international and national

## POLLUTION CONTROL BOARD

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governmental regulations. If export shipment and I am the Primary Exporter, I certify that the contents of this consignment conform to the terms of the attached EPA Acknowledgement of Consent. I certify that the waste minimization statement identified in 40 CFR 262.27(a) (if I am a large quantity generator) or (b) (if I am a small quantity generator) is true."

- b) On-specification used oil delivery. A generator, transporter, processor or re-refiner, or burner that first claims that used oil that is to be burned for energy recovery meets the fuel specifications under Section 739.111 must keep a record of each shipment of used oil to the facility to which it delivers the used oil. Records for each shipment must include the following information:
- 1) The name and address of the facility receiving the shipment;
  - 2) The quantity of used oil fuel delivered;
  - 3) The date of shipment or delivery; and
  - 4) A cross-reference to the record of used oil analysis or other information used to make the determination that the oil meets the specification as required under Section 739.172(a).
- c) Record retention. The records described in subsections (a) and (b) of this Section must be maintained for at least three years.

(Source: Amended at 33 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Special Waste Classifications
- 2) Code Citation: 35 Ill. Adm. Code 808
- 3) 

<u>Section Number:</u> 808.121	<u>Proposed Action:</u> Amend
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- 4) Statutory Authority: Implementing Sections 21, 22, 22.01 and 22.9, and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/21, 22, 22.01, 22.9, 27].
- 5) A Complete Description of the Subjects and Issues Involved: For a more detailed description of this rulemaking, see the Board's August 20, 2009, opinion and order Proposed Amendments to the Board's Special Waste Regulations Concerning Used Oil: 35 Ill. Adm. Code 739, 808, 809 (R06-20). NORA, an Association of Responsible Recyclers, formerly known as the National Oil Recycling Association, initiated these amendments by filing an amended rulemaking proposal with the Board on September 22, 2008. The proposed amendments are intended to exempt from the manifesting requirements of Parts 808 and 809 (35 Ill. Adm. Code 808, 809), used oil that is defined by, and managed in accordance with, Part 739 (35 Ill. Adm. Code 739) and also to exempt from those requirements four specific mixtures of used oil and other materials. The proposal also amends used oil tracking provisions in Part 739 to include information required by a manifest for those specified mixtures.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: NORA, which filed this rulemaking with the Board, did not use a published study or report in developing its original or amended proposal.
- 7) Will this proposed rulemaking replace any emergency rulemaking currently in effect?  
No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this proposed rulemaking contain incorporations by reference? No
- 10) Are there any other amendments pending on this Part? No
- 11) Statement of Statewide Policy Objectives: The proposed amendments do not create or expand a State mandate as defined in Section 3 of the State Mandates Act [30 ILCS 805].

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENT

- 12) Time, place and manner in which interested persons may comment on this proposed rulemaking: The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference docket R06-20 and be addressed to:

Clerk's Office  
Illinois Pollution Control Board  
Thompson Center, Suite 11-500  
100 W. Randolph St.  
Chicago, IL 60601

Address all questions to Tim Fox at 312/814-6085.

Interested persons may request copies of the Board's opinion and order by calling the Clerk's office at 312/814-3620, or download them from the Board's Web site at [www.ipcb.state.il.us](http://www.ipcb.state.il.us).

- 13) Initial regulatory flexibility analysis:
- A) Types of small businesses, small municipalities, and not-for-profit corporations affected: NORA, a trade association of companies providing used oil collection and recycling services originally proposed these regulations. The substantive amendments affect any generators and transporters of used oil defined by, and managed in accordance with, the Board's used oil management regulations.
  - 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 /State reasons for this rulemaking if it was not included in either of the two most recent regulatory agendas: January 2008. On May 1, 2008, the Board adopted its first first notice opinion and order in this docket, as anticipated in that Regulatory Agenda. See 32 Ill. Reg. 8085, 8091 (May 30, 2008).

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

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENT

TITLE 35: ENVIRONMENTAL PROTECTION  
SUBTITLE G: WASTE DISPOSAL  
CHAPTER I: POLLUTION CONTROL BOARD  
SUBCHAPTER i: SOLID WASTE AND SPECIAL WASTE HAULING

PART 808  
SPECIAL WASTE CLASSIFICATIONS

SUBPART A: GENERAL PROVISIONS

Section	
808.100	Purpose, Scope and Applicability
808.101	Transitional Rule
808.110	Definitions
808.111	Incorporations by Reference
808.121	Generator Obligations
808.122	Manifests
808.123	Small Quantity Generators

SUBPART B: CLASSES OF SPECIAL WASTE

Section	
808.240	Special Waste Classes
808.241	Default Classification of Special Wastes
808.242	Special Handling Waste
808.243	Wastes Categorized by Source
808.244	Wastes Categorized by Characteristics
808.245	Classification of Wastes

SUBPART C: CRITERIA AND DATA REQUIREMENTS

Section	
808.300	Introduction
808.301	Degree of Hazard Determination by Computer
808.302	Data Base and Bioassay Procedures

SUBPART D: REQUEST FOR WASTE CLASSIFICATION

Section	
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POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENT

- 808.400 Introduction
- 808.401 Application Forms
- 808.402 Application for Waste Classification
- 808.410 Physical and Chemical Analysis
- 808.411 Significant Trace Constituents
- 808.412 Common Names
- 808.413 Wastestream Description
- 808.420 Quality Assurance Plan
- 808.430 Degree of Hazard Data
- 808.431 Toxicological Testing

SUBPART E: REVIEW OF CLASSIFICATION REQUESTS

- Section
- 808.501 Order of Requesting Information
- 808.502 Completeness
- 808.503 Standard for Classification

SUBPART F: WASTESTREAM CLASSIFICATION DETERMINATIONS

- Section
- 808.520 Time for Agency Action
- 808.521 Conditions of Wastestream Classification
- 808.522 Final Agency Action

SUBPART G: MODIFICATION, APPEAL AND ENFORCEMENT

- Section
- 808.541 Request for Modification
- 808.542 Appeal
- 808.543 Effect of Classification
- 808.544 Enforcement
- 808.545 Modification

SUBPART H: CATEGORICAL AND CHARACTERISTIC WASTES

- Section
- 808.600 Introduction

## POLLUTION CONTROL BOARD

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808.APPENDIX A           Assignment Of Special Waste To Classes  
808.APPENDIX B           Toxicity Hazard

AUTHORITY: Implementing Sections 21, 22, 22.01 and 22.9, and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/21, 22, 22.01, 22.9, 27].

SOURCE: Adopted in R89-13A at 14 Ill. Reg. 14043, effective August 15, 1990; amended in R98-29 at 23 Ill. Reg. 6875, effective July 1, 1999; amended in R06-20 at 33 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART A: GENERAL PROVISIONS

**Section 808.121 Generator Obligations**

- a) Each person who generates waste shall determine whether the waste is a special waste.

BOARD NOTE: 35 Ill. Adm. Code 722 requires the person to also determine if the waste is a hazardous waste.

- b) No person shall deliver special waste to a transporter unless the waste is accompanied by a manifest as specified in Section 808.122, and the transporter has a special waste hauling permit issued pursuant to 35 Ill. Adm. Code 809. The following are exceptions to this prohibition:
- 1) The person is subject to the small quantity generator exemption of Section 808.123.
  - 2) The transporter and waste are subject to a transporter exemption under 35 Ill. Adm. Code 809.211.
  - 3) The Agency has determined pursuant to this Part that the waste is not a special waste.
  - 4) The waste consists of municipal water or wastewater treatment plant sludge regulated under a sludge management plan approved by the Agency pursuant to 35 Ill. Adm. Code 309.208.

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- 5) The generator is not required to complete a manifest for used oil that is defined by and managed in accordance with 35 Ill. Adm. Code 739.
  - 6) The generator is not required to complete a manifest for the following materials, provided that the generator complies with the informational requirements of 35 Ill. Adm. Code 739.146(a) and 35 Ill. Adm. Code 809.501(b):
    - A) Mixtures of used oil as defined by and managed in accordance with 35 Ill. Adm. Code 739 and hazardous waste, both generated and mixed by a conditionally exempt small quantity generator of hazardous waste, provided that the mixture contains more than 50 percent used oil by either volume or weight;
    - B) Mixtures of used oil as defined by and managed in accordance with 35 Ill. Adm. Code 739 and characteristic hazardous waste, with a Btu per pound content greater than 5,000, when:
      - i) the characteristic has been extinguished;
      - ii) both the used oil and the characteristic hazardous waste have been generated and mixed by the same generator; and
      - iii) the mixture contains more than 50 percent used oil by either volume or weight;
    - C) Mixtures of used oil as defined by and managed in accordance with 35 Ill. Adm. Code 739 and fuel or other fuel products; and
    - D) Used oil as defined by and managed in accordance with 35 Ill. Adm. Code 739 contaminated by or mixed with nonhazardous wastewater, when the used oil and the nonhazardous wastewater are generated by the same generator, and when the mixture results from use or unintentional contamination.
- c) *No person shall cause, threaten or allow the treatment, storage or disposal of special waste in Illinois except:*
- 1) *At a facility permitted or otherwise authorized to manage the special*

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waste pursuant to 35 Ill. Adm. Code 703 or 807 [\[415 ILCS 5/21\(d\) and \(e\)\]](#)~~(Sections 21(d) and (e) of the Act)~~; or

2) *At a facility owned and operated by such person and subject to the on-site disposal exemption of Section 21(d) of the Act* [\[415 ILCS 5/21\(d\)\]](#)~~(Section 21(d) of the Act)~~.

- d) No person shall deliver special waste to a transporter or a permitted facility without a supplemental wastestream permit.
- e) No person shall deliver to a transporter or permitted facility special waste with a wastestream identification number unless the waste conforms with the wastestream description in the wastestream classification determination.

(Source: Amended at 33 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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- 1) Heading of the Part: Nonhazardous Special Waste Hauling and the Uniform Program
- 2) Code Citation: 35 Ill. Adm. Code 809
- 3) 

<u>Section Numbers:</u>	<u>Proposed Action:</u>
809.301	Amend
809.302	Amend
809.501	Amend
- 4) Statutory Authority: Implementing Sections 5, 10, 13, 21, 22, 22.01, and 22.2 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/5, 10, 13, 21, 22, 22.01, and 22.2 and 27] (see P.A. 90-219)
- 5) A Complete Description of the Subjects and Issues Involved: For a more detailed description of this rulemaking, see the Board's August 20, 2009, opinion and order Proposed Amendments to the Board's Special Waste Regulations Concerning Used Oil: 35 Ill. Adm. Code 739, 808, 809 (R06-20). NORA, An Association of Responsible Recyclers, formerly known as the National Oil Recycling Association, initiated these amendments by filing an amended rulemaking proposal with the Board on September 22, 2008. The proposed amendments are intended to exempt from the manifesting requirements of Parts 808 and 809 (35 Ill. Adm. Code 808, 809), used oil that is defined by, and managed in accordance with, Part 739 (35 Ill. Adm. Code 739) and also to exempt from those requirements four specific mixtures of used oil and other materials. The proposal also amends used oil tracking provisions in Part 739 to include information required by a manifest for those specified mixtures.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: NORA, which filed this rulemaking with the Board, did not use a published study or report in developing its original or amended proposal.
- 7) Will this proposed rulemaking replace any emergency rulemaking currently in effect?  
No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this proposed rulemaking contain incorporations by reference? No
- 10) Are there any other rulemakings pending on this Part? No

## POLLUTION CONTROL BOARD

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- 11) Statement of Statewide Policy Objectives: The proposed amendments do not create or expand a State mandate as defined in Section 3 of the State Mandates Act [30 ILCS 805].
- 12) Time, place and manner in which interested persons may comment on this proposed rulemaking: The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference Docket R06-20 and be addressed to:

Clerk's Office  
Illinois Pollution Control Board  
Thompson Center, Suite 11-500  
100 W. Randolph St.  
Chicago, IL 60601

Address all questions to Tim Fox at 312/814-6085.

Interested persons may request copies of the Board's opinion and order by calling the Clerk's office at 312/814-3620, or download them from the Board's Web site at [www.ipcb.state.il.us](http://www.ipcb.state.il.us).

- 13) Initial regulatory flexibility analysis:
  - A) Types of small businesses, small municipalities, and not-for-profit corporations affected: NORA, a trade association of companies providing used oil collection and recycling services, originally proposed these regulations. The substantive amendments affect any generators and transporters of used oil defined by, and managed in accordance with, the Board's used oil management regulations.
  - 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 /State reasons for this rulemaking if it was not included in either of the two most recent regulatory agendas. January 2008. On May 1, 2008, the Board adopted its first first notice opinion and order in this docket, as anticipated in that regulatory agenda. See 32 Ill. Reg. 8085, 8091 (May 30, 2008).

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

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION  
SUBTITLE G: WASTE DISPOSAL  
CHAPTER I: POLLUTION CONTROL BOARD  
SUBCHAPTER i: SOLID WASTE AND SPECIAL WASTE HAULINGPART 809  
NONHAZARDOUS SPECIAL WASTE HAULING  
AND THE UNIFORM PROGRAM

## SUBPART A: GENERAL PROVISIONS

Section	
809.101	Authority, Policy and Purposes
809.102	Severability
809.103	Definitions
809.104	Incorporations by Reference
809.105	Public Records

## SUBPART B: NONHAZARDOUS SPECIAL WASTE HAULING PERMITS

Section	
809.201	Nonhazardous Special Waste Hauling Permits – General
809.202	Applications for Nonhazardous Special Waste Hauling Permit – Contents
809.203	Applications for Nonhazardous Special Waste Hauling Permit – Signatures and Authorization
809.204	Applications for Nonhazardous Special Waste Hauling Permit – Filing and Final Action by the Agency
809.205	Nonhazardous Special Waste Hauling Permit Conditions
809.206	Nonhazardous Special Waste Hauling Permit Revision
809.207	Transfer of Nonhazardous Special Waste Hauling Permits
809.208	Nonhazardous Special Waste Hauling Permit Revocation
809.209	Permit No Defense
809.210	General Exemption from Nonhazardous Special Waste Hauling Permit Requirements
809.211	Exemptions for Nonhazardous Special Waste Transporters
809.212	Duration of Nonhazardous Special Waste Hauling Permits

## SUBPART C: DELIVERY AND ACCEPTANCE

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- Section 809.301 Requirements for Delivery of Nonhazardous Special Waste to Transporters
- 809.302 Requirements for Acceptance of Nonhazardous Special or Hazardous Waste from Transporters

SUBPART D: PERMIT AVAILABILITY AND SYMBOLS

- Section 809.401 Permit Availability
- 809.402 Nonhazardous Special Waste Symbols

SUBPART E: MANIFESTS, RECORDS AND REPORTING

- Section 809.501 Manifests, Records, Access to Records, Reporting Requirements and Forms

SUBPART F: DURATION OF PERMITS AND TANK NUMBERS

- Section 809.601 Duration of Special Waste Hauler Permits and Tank Numbers (Repealed)

SUBPART G: EMERGENCY CONTINGENCIES FOR SPILLS

- Section 809.701 General Provision

SUBPART H: EFFECTIVE DATES

- Section 809.801 Compliance Date
- 809.802 Exceptions (Repealed)

SUBPART I: HAZARDOUS (INFECTIOUS) HOSPITAL WASTE

- Section 809.901 Definitions (Repealed)
- 809.902 Disposal Methods (Repealed)
- 809.903 Rendering Innocuous by Sterilization (Repealed)
- 809.904 Rendering Innocuous by Incineration (Repealed)

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- 809.905 Recordkeeping Requirements for Generators (Repealed)  
809.906 Defense to Enforcement Action (Repealed)

## SUBPART J: UNIFORM PROGRAM

- Section  
809.910 Uniform State Hazardous Waste Transportation Registration and Permit Program  
809.911 Application for a Uniform Permit  
809.912 Application for Uniform Registration  
809.913 Payment of Processing and Audit Fees  
809.914 Payment of Apportioned Mile Fees  
809.915 Submittal of Fees  
809.916 Previously Permitted Transporters  
809.917 Uniform Registration and Uniform Permit Conditions  
809.918 Uniform Registration and Uniform Permit Revision  
809.919 Transfer of Uniform Registration and Uniform Permits  
809.920 Audits and Uniform Registration and Uniform Permit Revocation  
809.921 Permit No Defense

- 809.APPENDIX A Old Rule Numbers Referenced (Repealed)

AUTHORITY: Implementing Sections 5, 10, 13, 21, 22, 22.01, and 22.2 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/5, 10, 13, 21, 22, 22.01, 22.2, and 27] (see P.A. 90-219).

SOURCE: Adopted in R76-10, 33 PCB 131, at 3 Ill. Reg. 13, p. 155, effective March 31, 1979; emergency amendment in R76-10, 39 PCB 175, at 4 Ill. Reg. 34, p. 214, effective August 7, 1980, for a maximum of 150 days; emergency amendment in R80-19, 40 PCB 159, at 5 Ill. Reg. 270, effective January 1, 1981, for a maximum of 150 days; amended in R77-12(B), 41 PCB 369, at 5 Ill. Reg. 6384, effective May 28, 1981; amended in R80-19, 41 PCB 459, at 5 Ill. Reg. 6378, effective May 31, 1981; codified in R81-9, 53 PCB 269, at 7 Ill. Reg. 13640, effective September 30, 1983; recodified in R84-5, 58 PCB 267, from Subchapter h to Subchapter i at 8 Ill. Reg. 13198; amended in R89-13A at 14 Ill. Reg. 14076, effective August 15, 1990; amended in R91-18 at 16 Ill. Reg. 130, effective January 1, 1992; amended in R95-11 at 20 Ill. Reg. 5635, effective March 27, 1996; amended in R98-29 at 23 Ill. Reg. 6842, effective July 1, 1999; amended in R00-18 at 24 Ill. Reg. 14747, effective September 25, 2000; amended in R06-20 at 33 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART C: DELIVERY AND ACCEPTANCE

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**Section 809.301 Requirements for Delivery of Nonhazardous Special Waste to Transporters**

No person may deliver any special waste generated within Illinois or for disposal, storage or treatment within Illinois unless that person concurrently delivers a manifest completed in accordance with Subpart E of this Part to a special waste transporter who holds a current nonhazardous special waste hauling permit or Uniform Program Registration and Permit issued by the Agency under Subpart B or C of this Part. [The following are exceptions to this requirement:](#)

- a) [The generator or transporter is not required to complete a manifest for used oil that is defined by and managed in accordance with 35 Ill. Adm. Code 739.](#)
- b) [The generator or transporter is not required to complete a manifest for the following materials, provided that the generator complies with the informational requirements of 35 Ill. Adm. Code 739.146\(a\) and 35 Ill. Adm. Code 809.501\(b\):](#)
  - 1) [Mixtures of used oil as defined by and managed in accordance with 35 Ill. Adm. Code 739 and hazardous waste, both generated and mixed by a conditionally exempt small quantity generator of hazardous waste, provided that the mixture contains more than 50 percent used oil by either volume or weight;](#)
  - 2) [Mixtures of used oil as defined by and managed in accordance with 35 Ill. Adm. Code 739 and characteristic hazardous waste, with a Btu per pound content greater than 5,000, when:](#)
    - A) [the characteristic has been extinguished;](#)
    - B) [both the used oil and the characteristic hazardous waste have been generated and mixed by the same generator; and](#)
    - C) [the mixture contains more than 50 percent used oil by either volume or weight;](#)
  - 3) [Mixtures of used oil as defined by and managed in accordance with 35 Ill. Adm. Code 739 and fuel or other fuel products; and](#)

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- 4) [Used oil as defined by and managed in accordance with 35 Ill. Adm. Code 739 contaminated by or mixed with nonhazardous wastewater, when the used oil and the nonhazardous wastewater are generated by the same generator, and when the mixture results from use or unintentional contamination.](#)

(Source: Amended at 33 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 809.302 Requirements for Acceptance of Nonhazardous Special or Hazardous Waste from Transporters**

- a) No person may accept any special waste for disposal, storage or treatment within Illinois from a special waste transporter unless the special waste transporter has a valid nonhazardous special waste hauling permit or Uniform Program Registration and Permit issued by the Agency under Subpart B or J of this Part and concurrently presents to the receiver of the special waste, or the receiver's agent, a completed, signed manifest as required by Subpart E of this Part, which manifest designates the receiver's facility as the destination for the special waste. [The following are exceptions to this requirement:](#)
  - 1) [The generator or transporter is not required to complete a manifest for used oil that is defined by and managed in accordance with 35 Ill. Adm. Code 739.](#)
  - 2) [The generator or transporter is not required to complete a manifest for the following materials, provided that the generator or transporter complies with the informational requirements of 35 Ill. Adm. Code 739.146\(a\) and 35 Ill. Adm. Code 809.501\(b\):](#)
    - A) [Mixtures of used oil as defined by and managed in accordance with 35 Ill. Adm. Code 739 and hazardous waste, both generated and mixed by a conditionally exempt small quantity generator of hazardous waste, provided that the mixture contains more than 50 percent used oil by either volume or weight;](#)
    - B) [Mixtures of used oil as defined by and managed in accordance with 35 Ill. Adm. Code 739 and characteristic hazardous waste, with a Btu per pound content greater than 5,000, when:](#)

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- i) [the characteristic has been extinguished;](#)
  - ii) [both the used oil and the characteristic hazardous waste have been generated and mixed by the same generator; and](#)
  - iii) [the mixture contains more than 50 percent used oil by either volume or weight;](#)
- C) [Mixtures of used oil as defined by and managed in accordance with 35 Ill. Adm. Code 739 and fuel or other fuel products; and](#)
- D) [Used oil as defined by and managed in accordance with 35 Ill. Adm. Code 739 contaminated by or mixed with nonhazardous wastewater, when the used oil and the nonhazardous wastewater are generated by the same generator, and when the mixture results from use or unintentional contamination.](#)
- b) No person may deliver special waste in Illinois for disposal, storage or treatment unless the person who accepts the special waste has a current, valid operating permit issued by the Agency and the necessary supplemental permits required by 35 Ill. Adm. Code 807, as well as all other applicable permits as required by the Act and Board regulations.

(Source: Amended at 33 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART E: MANIFESTS, RECORDS AND REPORTING

**Section 809.501 Manifests, Records, Access to Records, Reporting Requirements and Forms**

- a) Any person who delivers special waste to a permitted nonhazardous special or hazardous waste transporter shall complete a uniform hazardous waste manifest to accompany the special waste from delivery to the destination of the special waste. The manifest form will be provided or prescribed by the Agency. [The following are exceptions to this requirement:](#)
- 1) [The generator or transporter is not required to complete a manifest for used oil that is defined by and managed in accordance with 35 Ill. Adm. Code 739.](#)

## POLLUTION CONTROL BOARD

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- 2) The generator or transporter is not required to complete a manifest for the following materials, provided that the generator or transporter complies with the informational requirements of 35 Ill. Adm. Code 739.146(a) and 35 Ill. Adm. Code 809.501(b):
- A) Mixtures of used oil as defined by and managed in accordance with 35 Ill. Adm. Code 739 and hazardous waste, both generated and mixed by a conditionally exempt small quantity generator of hazardous waste, provided that the mixture contains more than 50 percent used oil by either volume or weight;
- B) Mixtures of used oil as defined by and managed in accordance with 35 Ill. Adm. Code 739 and characteristic hazardous waste, with a Btu per pound content greater than 5,000, when:
- i) the characteristic has been extinguished;
- ii) both the used oil and the characteristic hazardous waste have been generated and mixed by the same generator; and
- iii) the mixture contains more than 50 percent used oil by either volume or weight;
- C) Mixtures of used oil as defined by and managed in accordance with 35 Ill. Adm. Code 739 and fuel or other fuel products; and
- D) Used oil as defined by and managed in accordance with 35 Ill. Adm. Code 739 contaminated by or mixed with nonhazardous wastewater, when the used oil and the nonhazardous wastewater are generated by the same generator, and when the mixture results from use or unintentional contamination.
- b) The transporter shall include in the manifest the following:
- 1) The name of the generator of the special waste and generator number;
- 2) Information stating when and where the special waste was generated;

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- 3) The name of the person from whom delivery is accepted and the name of the site from which delivered;
  - 4) The name and permit number of the transporter;
  - 5) The date of delivery; and
  - 6) The classification and quantity of the special waste delivered to the transporter.
- c) Manifest copies to be sent to the Agency:
- 1) Every person who delivers RCRA hazardous waste or polychlorinated biphenyl (PCB) wastes to a transporter shall submit a copy of the Illinois manifest to the Agency within two days after the shipment. Every person who accepts RCRA hazardous waste or PCB waste from a transporter shall submit a copy of the Illinois manifest to the Agency within 30 days after receipt.
  - 2) A person who delivers RCRA hazardous waste or PCB wastes to a transporter on another state's manifest, such as where the destination state requires use of its manifest, does not have to submit manifest copies to the Agency.
  - 3) A person who delivers non-RCRA hazardous wastes or non-PCB wastes to a transporter does not have to send a copy of the manifest to the Agency. A person who accepts non-RCRA hazardous waste or non-PCB wastes from a transporter does not have to send a copy of the manifest to the Agency.
- d) The manifest will consist of at least four parts, in contrasting colors, such that an entry or signature on one part will be directly reproduced upon all underlying parts. The top part of the manifest shall be signed by the person who delivers special waste to a special waste transporter, acknowledging the delivery. The top part of the manifest shall also be signed by the special waste transporter, acknowledging receipt of the special waste. The person who delivers special waste to a special waste transporter shall retain the designated parts of the manifest as a record. The remaining parts of the manifest shall accompany the special waste shipment. At the destination, the manifest shall be signed by the

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person who accepts special waste from a special waste transporter, acknowledging receipt of the special waste.

- e) A permitted site that receives special waste for disposal, storage or treatment of special waste must be designated on the manifest as the final destination point. Any subsequent delivery of the special waste or any portion or product thereof to a special waste transporter shall be conducted under a manifest initiated by the permitted disposal, storage or treatment site.
- f) In all cases, the special waste transporter shall deliver the designated parts of the complete, signed manifest to the person who accepts delivery of special waste from the transporter. The special waste transporter shall retain the designated part of the complete, signed manifest as a record of delivery to a permitted disposal, storage or treatment site. In addition, at the end of each month, or longer if approved by the Agency, the owner and the operator of the permitted disposal, storage or treatment site who accepts special waste from a special waste transporter shall send the designated part of the completed manifest to the person who delivered the special waste to the special waste transporter.
- g) Every generator who delivers special waste to a special waste transporter, every person who accepts special waste from a special waste transporter and every special waste transporter shall retain their respective parts of the special waste manifest as a record of all special waste transactions. These parts shall be retained for three years and will be made available at reasonable times for inspection and photocopying by the Agency.

BOARD NOTE: The manifest requirements of 35 Ill. Adm. Code 722, 724 and 725 relative to RCRA hazardous wastes are not affected by this subsection. Generators and receiving facilities subject to those Parts shall continue to supply designated copies of all manifests to the Agency.

- h) Every generator who delivers nonhazardous special waste via a transporter to a facility located outside Illinois shall file a report, on forms prescribed or provided by the Agency, summarizing all such activity during the preceding calendar year. Such reports shall, at a minimum, include the information specified in subsection (i) of this Section and should be received by the Agency no later than February 1.
- i) Every annual report required to be filed with the Agency by a generator for waste going out of state pursuant to subsection (h) of this Section shall include the

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following:

- 1) The IEPA identification number, name and address of the generator;
  - 2) The period (calendar year) covered by the report;
  - 3) The IEPA identification number, name and address for each off-site treatment, storage or disposal facility to which waste was shipped during the period;
  - 4) The name and IEPA special waste hauling number of each transporter used during the period for shipments to a treatment, storage or disposal facility;
  - 5) A description and the total quantity of each nonhazardous special waste shipped out of state, listed by IEPA identification number of each receiving site;
  - 6) The method of treatment, storage or disposal for each nonhazardous special waste; and
  - 7) A certification signed by the generator or the generator's authorized representative.
- j) Every in-State facility that accepts nonhazardous special waste from a nonhazardous special waste transporter shall file a report, on forms prescribed or provided by the Agency, summarizing all such activity during the preceding calendar year. Such reports should, at a minimum, include the information specified in subsection (k) of this Section and be received by the Agency no later than February 1. This subsection is applicable to all nonhazardous special wastes that are delivered to a nonhazardous special waste transporter on or after January 1, 1991.
- k) Every annual report required to be filed with the Agency by a person accepting nonhazardous special waste from a nonhazardous special waste transporter pursuant to subsection (j) of this Section shall include the following information:
- 1) The IEPA identification number, name and address of the facility;

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- 2) The period (calendar year) covered by the report;
- 3) The IEPA identification number, name and address of each nonhazardous special waste generator from which the facility received a nonhazardous special waste during the period;
- 4) A description and the total quantity of each nonhazardous special waste the facility received from off-site during the period. This information shall be listed by IEPA identification number of each generator;
- 5) The method of treatment, storage or disposal for each nonhazardous special waste; and
- 6) A certification signed by the owner or operator of the facility or the owner's or operator's authorized representative.

(Source: Amended at 33 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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- 1) Heading of the Part: Illinois Swimming Pool and Bathing Beach Code
- 2) Code Citation: 77 Ill. Adm. Code 820
- 3) 

<u>Section Numbers:</u>	<u>Proposed Action:</u>
820.10	Amend
820.20	Amend
820.120	Amend
820.145	New
820.200	Amend
820.210	Amend
820.230	Amend
820.250	Amend
820.320	Amend
820.330	Amend
820.340	Amend
- 4) Statutory Authority: Swimming Facility Act [210 ILCS 125]
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking will implement amendments to Part 820 Illinois Swimming Pool and Bathing Beach Code to address changes in federal law resulting from passage of the Virginia Graeme Baker Pool and Spa Safety Act (15 USC Sec. 8001 et seq.). These changes require that all public and commercial pools and spas be equipped with devices and systems designed to prevent entrapment by pool or spa drains; that pools and spas existing after the date of December 19, 2008 must have: more than 1 drain, one or more unblockable drains, or no main drain; and that every swimming pool and spa that has a main drain, other than an unblockable drain, be equipped with a drain cover that meets the consumer product safety standard established by section 8003 of the federal Act. Regulated entities must alter their drains to be in compliance with federal mandate. However, IDPH will not have any regulatory authority to ensure that these bather entrapment requirements are enforced because the federal act does not authorize enforcement by states. Because the current Illinois rules are not equal to the new federal requirements, and it is impossible for owner/operators of swimming facilities in Illinois to be in compliance with both the state and federal requirements, this rulemaking is being proposed. The new certified safety covers protrude from the pool floor, which is not allowed in the current code.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: The Virginia Graeme Baker Pool and Spa Safety Act ("VGB Act") is a

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newly implemented federal law (15 USC sec. 8001 et seq.) designed to prevent accidental drowning deaths of small children by requiring the installation and proper use of barriers or fencing around swimming pools and spas as well as specifying entrapment protection standards for swimming pool or spa drain covers. The VGB Act covers all swimming pools and spas, including residential pools and spas. Congress set out a one-year timeframe in which pool and spa owners/operators were required to comply with the federal mandates.

When the VGB Act was initially enacted on December 19, 2007, the law required the federal Consumer Product Safety Commission (CPSC) to provide a 12 month window to allow pool operators/owners to come into compliance. The deadline for compliance was set for December 19, 2008; however, CPSC did not issue formal guidance and interpretation regarding the provisions of the VGB Act until October 1, 2008, leaving only a short window for the states, industry and operators to comply. CPSC has issued subsequent interpretations and guidance documents as states, industry and the regulated public identified questions and areas of concern.

- 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
- 11) Statement of Statewide Policy Objectives: This rulemaking does not create or expand any State mandates on units of local government because they have been responsible for compliance with the federal requirements of the Virginia Graeme Baker Pool and Spa Safety Act (15 USC Sec. 8001 et seq.) since December 2009.
- 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., 5<sup>th</sup> floor  
Springfield, Illinois 62761

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217/782-2043

e-mail: DPH.RULES@illinois.gov

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: Swimming pool facility owners/operators
  - 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 not included on either of the two most recent Regulatory Agendas because: the need for the rulemaking was not apparent at the time that the Regulatory Agendas were published.

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

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TITLE 77: PUBLIC HEALTH  
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH  
SUBCHAPTER n: RECREATIONAL FACILITIES

PART 820  
ILLINOIS SWIMMING POOL AND BATHING BEACH CODE

SUBPART A: GENERAL

Section

- 820.10 Definitions
- 820.20 Incorporated [and Referenced](#) Materials

SUBPART B: SWIMMING POOLS AND BATHING BEACHES

Section

- 820.100 Permits
- 820.110 Water Supplies
- 820.120 Wastewater Disposal
- 820.130 Food Service Sanitation
- 820.140 Exemptions
- [820.145](#) [Swimming Facilities in Existence Prior to January 1, 2009](#)
- 820.150 Variances

SUBPART C: SWIMMING ~~FACILITY~~~~POOL~~ DESIGN REQUIREMENTS

Section

- 820.200 General Design Requirements
- 820.210 Swimming ~~Facility~~~~Pool~~ Water Treatment System
- 820.220 Swimming Pool Bather Preparation Facilities
- 820.230 Wading Pools
- 820.240 Spray Pools
- 820.250 Slides
- 820.260 New Equipment, Construction and Materials (Repealed)
- 820.270 Lazy Rivers

SUBPART D: OPERATIONAL REQUIREMENTS

Section

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820.290	Applicability of Operation Requirements
820.300	Personnel
820.310	Safety Equipment
820.315	Notification
820.320	Water Quality
820.330	Swimming Pool Closing
820.340	Operation and Maintenance
820.350	Operation Reports and Routine Sampling
820.360	Patron Regulations
820.370	Swimming Suits and Towels Furnished by Management
820.380	Wading Pools, Spray Pools and Therapy Pools
820.390	Refuse Disposal

## SUBPART E: BATHING BEACH DESIGN AND OPERATION

## Section

820.400	Minimum Sanitary Requirements for Bathing Beaches
820.500	Minimum Sanitary Requirements for Bathing Beaches (Renumbered)

## 820.APPENDIX A Illustrations

820.ILLUSTRATION A	Slope of Pool Floor
820.ILLUSTRATION B	Pool Walls
820.ILLUSTRATION C	General Pool Diving Area Dimensions
820.ILLUSTRATION D	Pools with Diving Facilities in Excess of Three Meters in Height
820.ILLUSTRATION E	Slide Dimensions (Repealed)
820.ILLUSTRATION F	Slide Position (Repealed)
820.ILLUSTRATION G	Flow Meter Installation
820.ILLUSTRATION H	Skimmer Construction
820.ILLUSTRATION I	Installation of a Pressure Sand Filter System
820.ILLUSTRATION J	Installation of a Pressure Diatomaceous Earth Filter System
820.ILLUSTRATION K	Installation of a Vacuum Filter System
820.ILLUSTRATION L	Chlorine Injection into Return Line to Pool Using Pump Discharge Pressure
820.ILLUSTRATION M	Chlorine Injection into Return Line to Pool Using External Water Source Pressure (Repealed)
820.ILLUSTRATION N	Chlorine Injection into Return Line to Pool Using Booster Pump

## 820.APPENDIX B Tables

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820.TABLE A	Dimensions of Swimming Pools with Diving Facilities in Excess of Three Meters in Height
820.TABLE B	First Aid Kit Contents
820.TABLE C	Flows Carried by Inlets
820.TABLE D	Sizing Swimming Pool Chlorinators
820.TABLE E	Shower, Lavatory and Toilet Fixtures Required Per Bather Load

AUTHORITY: Implementing and authorized by the Swimming Facility Act [210 ILCS 125].

SOURCE: Adopted October 22, 1974; amended and effective February 9, 1976; amended at 4 Ill. Reg. 46, p. 1283, effective November 5, 1980; amended at 5 Ill. Reg. 9593, effective September 16, 1981; rules repealed and new rules adopted at 5 Ill. Reg. 13623, effective December 2, 1981; amended and codified at 8 Ill. Reg. 12366, effective July 5, 1984; amended at 11 Ill. Reg. 12308, effective July 15, 1987; amended at 14 Ill. Reg. 786, effective January 1, 1990; amended at 20 Ill. Reg. 6971, effective May 25, 1996; emergency amendment at 21 Ill. Reg. 7536, effective May 28, 1997, for a maximum of 150 days; amended at 22 Ill. Reg. 9357, effective May 15, 1998; amended at 23 Ill. Reg. 6079, effective May 20, 1999; emergency amendment at 23 Ill. Reg. 6551, effective May 20, 1999, for a maximum of 150 days; emergency expired October 16, 1999; amended at 24 Ill. Reg. 11271, effective July 15, 2000; amended at 25 Ill. Reg. 8291, effective July 1, 2001; emergency amendment at 27 Ill. Reg. 4223, effective February 15, 2003, for a maximum of 150 days, emergency expired July 14, 2004; emergency amendment at 33 Ill. Reg. 7177, effective May 18, 2009, for a maximum of 150 days; amended at 33 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART A: GENERAL

**Section 820.10 Definitions**

In addition to the definitions in the Illinois Swimming ~~Facility~~~~Pool and Bathing Beach~~ Act, the following additional definitions shall apply:

"Act" means the Swimming ~~Facility~~~~Pool and Bathing Beach~~ Act [210 ILCS 125].

"Appurtenance" means an accessory facility or feature at a swimming pool or bathing beach, such as a diving board, slide, wading pool, plunge pool, spray pool, or bathhouse. The term does not refer to a therapy pool as defined in this Section.

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"Approval" means compliance with the Act and this Part.

"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 ANSI Z 34.1 (1993), Third Party Certification Program, to evaluate swimming pool equipment for compliance with [NSF-Standard 50, "Circulation system components and related materials for swimming pools, spas/hot tubs"](#), published by NSF International (NSF).

"Attendant" means a person at least 16 years of age, stationed at the top of a water slide and responsible for ensuring safe use of the slide.

"Bather Load" means the maximum number of persons that may be allowed in the pool area at one time without creating undue health or safety hazards. (See Section 820.200(b).)

"Bathing Beach" means a Public Bathing Beach as defined in the Act.

["Certified Safety Cover" means a cover for a pool suction outlet that has been certified for conformance to American Society of Mechanical Engineers \(ASME\)/ANSI Standard A112.19.8-2007.](#)

"Community Water System" means a public water system ~~that~~<sup>which</sup> serves at least 15 service connections used by residents or regularly serves at least 25 residents for at least 60 days a year.

"Construction" means the process of building or fabricating a swimming pool, bathing beach or appurtenance.

"Construction in a Flood Plain" means the placement or erection of structures or earthworks; land filling, excavation or non-agricultural alteration of the ground surface; installation of public utilities; channel modification; storage of materials or any other activity undertaken to modify the existing physical features of a flood plain with respect to the storage and conveyance of flood waters.

"Deep Area" means an area of a swimming pool in which the water depth exceeds five feet.

"Development" means improvement of a site for the purpose of establishing a

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bathing beach, the addition of an appurtenance to an existing swimming pool or bathing beach, modifying the shape, water surface area or depth of a swimming pool, or changing the design of the water recirculation or water treatment system of a swimming pool. It does not include repairs to existing facilities that do not alter the design of the facility.

"Diving Pool" means a pool designed and intended for use exclusively for diving.

"Drop Slide" means a slide with an exit angle exceeding 11 degrees measured downward from the horizontal.

"Field-Fabricated Suction Outlet" means a suction outlet having a cover that is not a certified safety cover or a safety cover installed in a manner that is not specified by the manufacturer. The term includes suction outlet covers consisting of a certified safety cover installed together with other components and covers comprising multiple certified safety covers covering a single suction outlet.

"Flume" means the inclined channel of a water slide.

"Homeowner's Association" is a not-for-profit corporation ~~composed~~comprised of members who have common ownership interest in property owned or operated by the association for the benefit of all the members.

"Inlet" means an opening or fitting through which filtered water enters the pool.

"Installation" means the emplacement of a swimming pool manufactured and transported to the intended site.

"Lazy River" means a pool intended for use with flotation devices and consisting of a closed loop with an artificially induced current.

"Major Alteration" means a substantial modification of a swimming facility. The term includes, but is not limited to, an alteration of a pool that changes the water surface area, depth or volume; addition of a permanently installed recreational appurtenance such as a diving board, slide or starting platform to a pool or beach; modification of the design of the recirculation system for a pool; or addition, replacement or modification of a bather preparation facility for a swimming facility. Examples of alterations that are not major include, but are not limited to, painting of a swimming pool, replacement of a pool filter or pump having

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identical characteristics or replacement of plumbing fixtures in a bather preparation facility.

"Main Drain" means the outlet or outlets in the floor of the pool.

"Make-up Water" means the water added to a pool to replace that which is lost.

"Manager/Operator" means the person or entity responsible for the actual daily operation, or for the supervision of the operation, of a swimming pool or bathing beach.

"Office of Water Resources" means the Illinois Department of Natural Resources, Office of Water Resources, One Natural Resources Way~~3215 Executive Park Dr.~~, Springfield IL 62702~~62703~~.

"Perimeter Overflow System" means a channel normally extending completely around the pool used to skim the surface layer of water. Also known as an overflow gutter.

"Permit" means a certificate issued by the Department allowing the construction, development or installation of a swimming pool or bathing beach under the provisions of the Act.

"Plunge Area" means a location in a pool or bathing beach at the exit of a slide, or the area in a pool below and in front of a diving board or platform.

"Plunge Pool" means a pool used exclusively as a plunge area for one or more slides.

"Pool" means a swimming pool ~~or a wading pool~~, plunge pool, spa, or other ~~recreational~~ water basin used by the public~~utilized in conjunction with or as an appurtenance to a swimming pool~~. The term does not refer to ~~spas and therapy pools not designed or intended for swimming or to~~ basins for individual use that are drained after each use.

"Pool Depth" means the vertical distance between the pool floor and the water level.

"Project Designer" means a licensed design professional primarily responsible for

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the design of the construction, development or installation of a swimming pool or bathing beach.

"Recirculation Piping" means the piping from the pool to the filters and back to the pool, through which the pool water circulates.

"Safety Vacuum Release System" means a device or combination of devices that has been designed to prevent bather entrapment on a suction fitting in a pool. Methods include, but are not limited to, immediately admitting air into the suction piping and/or de-energizing the pump upon sensing an increase in vacuum in the suction pipe, or reversing the circulation flow.

"Safety Vent Pipe" means a piping arrangement designed to admit air into suction piping to break a vacuum caused by a blocked suction fitting in a pool.

"Shallow Area" means an area in a swimming pool, in which the water depth does not exceed five feet at any point.

"Skimmer" means a mechanical device connected to the recirculation piping thatwhich is used to skim the pool surface.

"Slide" means a recreational feature, including a water slide or drop slide, with a smooth, inclined flume or channel by which a rider is conveyed downward to a plunge area.

"Slip-Resistant" means not conducive to slipping under contact with bare feet when wet.

"Spa" means a basin of water designed for recreational or therapeutic use that is not drained, cleaned, or refilled for each user. It may include hydrojet circulation, hot water, cold water mineral bath, air induction bubbles, or some combination thereof. It includes "therapeutic pools", "hydrotherapy pools", "whirlpools", "hot spas", and "hot tubs". It does not include these facilities at individual residences intended for use by the occupant and his or her guests. (Section 3.10 of the Act) The term does not apply to a swimming pool as defined in the Act.

"Spray Pool" means an artificially constructed area over which water is sprayed but is not allowed to pool.

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"Suction outlet" means a fitting or opening in a pool basin through which water flows out of the pool. The term does not include a skimmer or a drain for a perimeter overflow system.

"Superchlorination" means the establishment of an elevated chlorine residual in pool water for the purpose of removing combined chlorine (chlorine that has reacted with nitrogenous compounds) or destroying unwanted organisms in the pool.

~~"Surge Weir" means an opening into a perimeter overflow system channel that allows skimming of the pool water surface when the surface is below the level of the overflow lip of the perimeter overflow system.~~

"Swimming facility" means a swimming pool, spa, public bathing beach, water slide, lazy river, or other similar aquatic feature. (Section 3.12 of the Act)

"Swimming pool" means any artificial basin of water which is modified, improved, constructed or installed for the purpose of public swimming, wading, floating, or diving, and includes: pools for community use, pools at apartments, condominiums, and other groups or associations having 5 or more living units, clubs, churches, camps, schools, institutions, Y.M.C.A.'s, Y.W.C.A.'s, parks, recreational areas, motels, hotels and other commercial establishments. It does not include pools at private residences intended only for the use of the owner and guests. (Section 3.01 of the Act) The term refers to swimming pools used for swimming, wading pools, lazy rivers, therapy pools, and plunge pools. The term does not refer to spas or to spray pools.

"Therapy Pool" means a pool that is not a spa and is intended only for medical treatment, physical therapy or muscle relaxation, and not intended for swimming or instruction in swimming, and includes spas, whirlpools and hot spas.

"Transition Point" means a location in a shallow area of a swimming pool where an area, having a floor slope of no more than one foot vertical in 12 feet horizontal, adjoins an area where the floor slope exceeds one in 12.

"Turnover Period" means the time required to recirculate a volume of water equivalent to the water volume of the pool through the filtration system.

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"Wading Area" means a portion of a pool, other than an area of limited extent such as a stair, seat or ramp, where the water depth does not exceed 30 inches; or the portion of a bathing beach where the water depth is less than five feet, or that portion thereof designated by the installation of a buoyed line to separate this area from deeper water.

"Wading Pool" means a swimming pool having a maximum water depth not exceeding 30 inches.

"Water Level" means the level of the overflow lip of a perimeter overflow system ~~or the mid-level of surge weirs, if present,~~ or the mid-level of the skimmer operating range.

"Water Slide" means a slide with a flow of water and having a flume exceeding 30 feet in length.

"Wave Pool" means a swimming pool designed for the purpose of producing wave action in the water.

"Zero-Depth Edge" means that portion of the perimeter of a zero-depth pool where the pool floor intersects the pool water surface.

"Zero-Depth Pool" means a swimming pool where the pool floor intersects the water surface along a portion of its perimeter.

(Source: Amended at 33 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 820.20 Incorporated and Referenced Materials**

a) The following materials are ~~incorporated or~~ referenced in this Part and are available for inspection at the Department's Springfield office:

1)a) Statute  
Swimming ~~Facility~~Pool and Bathing Beach Act [210 ILCS 125]

2)b) Rules~~Regulations~~

A)4) Illinois Plumbing Code (77 Ill. Adm. Code 890). (See Sections 820.200(r), 820.2109(c)(1), and 820.210(f)(1)(A).)

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- B)2) Regulation of Construction Within Flood Plains (92 Ill. Adm. Code 706). (See Sections 820.10 and 820.100 (b)(3)(A).)
- C)3) Drinking Water Systems Code (77 Ill. Adm. Code 900). (See Section 820.110(a).)
- D)4) Private Sewage Disposal Code (77 Ill. Adm. Code 905). (See Section 820.120.)
- E)5) Food Service Sanitation Code (77 Ill. Adm. Code 750). (See Section 820.130.)
- F)6) Public Water Supplies (35 Ill. Adm. Code: Subtitle F, Chapters I and II). (See Section 820.110(a).)
- G)7) Public Area Sanitary Practice Code (77 Ill. Adm. Code 895). (See Section 820.110(a).)
- b)e) The following materials are incorporated in this Part and are available for inspection at the Department's Springfield office:~~Other Materials~~
- 1) National Electrical Code (~~2008~~1999 Edition)  
National Fire Protection Association  
1 Batterymarch Park, ~~Quincy MA 02269~~  
Quincy MA 02169
  - 2) ~~NSF International~~  
NSF Standard 50, "Circulation system components and related materials for swimming pools, spas/hot tubs" (~~February 15, 2008~~July 1996)  
NSF International  
789 N. Dixboro Road~~3475 Plymouth Road~~  
P.O. Box 130140~~13014~~  
Ann Arbor MI, Michigan 48113-0140
  - 3) ANSI Z 34.1 (1993), Third Party Certification Program  
American National Standards Institute  
11 West 42<sup>nd</sup> Street  
New York NY 10036

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- 4) ASME/ANSI Standard A112.19.8-2007, "Suction Fittings for Use in Swimming Pools, Wading Pools, Spas, and Hot Tubs"  
The American Society of Mechanical Engineers  
345 East 47<sup>th</sup> Street  
New York NY 10017
- 5) ASME/ANSI A112.19.17-2002, "Manufactured Safety Vacuum Release Systems (SVRS) for Residential and Commercial Swimming Pool, Spa, Hot Tub and Wading Pool Suction Systems"  
The American Society of Mechanical Engineers  
345 East 47<sup>th</sup> Street  
New York NY 10017
- 6) ASTM F2387-04, "Standard Specification for Manufactured Safety Vacuum Release Systems (SVRS) for Swimming Pools, Spas and Hot Tubs"  
ASTM International  
100 Barr Harbor Dr., P.O. Box C700  
West Conshohocken PA 19428-2959
- 7) IAPMO SPS4-2000, "Material and Property Standard for Special Use Suction Fittings for Swimming Pools, Spas and Hot Tubs (For Suction Side Automatic Swimming Pool Cleaners)"  
The International Association of Plumbing and Mechanical Officials  
5001 E. Philadelphia St.  
Ontario CA 91761

c)d) 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.

(Source: Amended at 33 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART B: SWIMMING POOLS AND BATHING BEACHES

**Section 820.120 Wastewater Disposal**

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- a) Sewage generated from the operation of a swimming pool or bathing beach shall discharge to a public sanitary sewer or to a system ~~that~~<sup>which</sup> complies with the Department's Private Sewage Disposal Code (77 Ill. Adm. Code ~~905940~~).
- b) Deck or surface area drainage water may be discharged directly to storm sewers, natural drainage areas, or the ground surface. Such drainage shall not result in nuisance conditions that create an offensive odor, produce a stagnant wet area, or create an environment for the breeding of insects.
- c) Wash or backwash water from filters shall be discharged to natural drainage areas, sanitary sewers, storm sewers, or to the ground surface in a manner that does not result in a nuisance condition.

(Source: Amended at 33 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 820.145 Swimming Facilities in Existence Prior to January 1, 2009**

- a) All swimming facilities with suction outlets located in the pool shall comply with Section 820.200(e) and Section 820.210(f)(3). Compliance with Section 820.210(f)(3) is not required when suction outlets comply with one or more of the following:
  - 1) The suction outlet piping system is equipped with a safety vent pipe that will introduce air into the suction pipe if the water level in the vent pipe drops to a level of no more than 5 feet below the water level in the pool, but shall not introduce air into the suction piping when there is no obstruction of a suction outlet or in suction piping. The diameter of the vent pipe shall be at least ½ the diameter of the suction pipe, but not less than 1½ inches. The top of the vent pipe shall be open to the atmosphere and shall not be accessible to the public. The opening shall be protected against entry of dirt, rodents, birds, leaves, and other objects, and shall be accessible for cleaning and inspection; or
  - 2) The suction outlet piping system is equipped with a safety vacuum release system, which shall be installed in accordance with the manufacturer's specifications. A safety vacuum release system shall be certified in accordance with ASME/ANSI A112.19.17-2002 or ASTM F2387-04; or

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- 3) Water flows from the suction outlet to a surge tank, vacuum filter tank or balance tank by force of gravity, and the pump suction pipe draws water from the surge, vacuum filter or balance tank and is not directly connected to the suction outlet. The vacuum filter, surge or balance tank shall be vented to the atmosphere. The vent shall be designed to prevent blockage.
- b) Existing skimmer equalizer lines shall be permanently disabled or the piping shall be rerouted as required by Section 820.210(f)(5)(F).

(Source: Added at 33 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

SUBPART C: SWIMMING ~~FACILITY~~~~POOL~~ DESIGN REQUIREMENTS**Section 820.200 General Design Requirements**

Swimming ~~facilities~~~~pools~~ and appurtenances, including other pools associated with or provided as appurtenances to swimming pools, shall comply with this Subpart.

- a) Enclosures
  - 1) The swimming pool area shall be completely enclosed by a protective wall, fence or other barrier, at least ~~4~~~~four~~ feet high, measured on the inside and outside, and not providing ready footing for climbing. The height of an opening under the bottom of the barrier shall not exceed ~~4~~~~four~~ inches. The openings in any barrier shall not exceed ~~4~~~~four~~ inches in width and height.
  - 2) Each entrance into the pool enclosure shall be equipped with a door or gate that is self-closing and self-latching. This requirement is not necessary when people enter the pool area through the bathhouse and lifeguards are provided in the pool area. Doors and gates at all entrances to the pool enclosure must be equipped with hardware that permits secure locking of the entrance.
  - 3) A balcony shall not overhang or extend within 10 feet horizontally of any portion of the water surface of a swimming pool.
  - 4) Sand areas shall not be allowed inside of the pool enclosure unless a barrier is provided to control access to the pool. If access is allowed to

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such areas, an arrangement must be provided that requires bathers passing from the sand area to the pool area to pass through a shower facility with heated or tempered water for removal of sand.

- b) **Bather Load.** The Department will compute a bather load for each swimming pool area. A bather load shall be specified with the issuance of a construction permit for a new swimming pool. In the case of multiple swimming pools contained within a common enclosure, the Department may compute a combined bather load for the pool enclosure. The criteria to be used for computing the bather load are as follows:
- 1) **Shallow Area.** Fifteen square feet of water surface shall be required for each bather.
  - 2) **Deep Area.** Twenty-five square feet of water surface shall be required for each bather, with 300 square feet deducted for each diving board or platform.
  - 3) **The bather load for wading pools shall be computed at 15 square feet of pool water surface for each bather.**
  - 4) **A designated plunge area or landing area for a slide, as specified in Section 820.250 of this Part, shall not be considered in computing a bather load.**
  - 5) **One bather shall be allowed for each 50 square feet of pool deck area in excess of the minimum specified in Section 820.200(j)(1).**
- c) **Structure.** A licensed architect or structural engineer shall certify that the pool is designed to withstand all anticipated hydraulic structural loadings for both full and empty conditions. All appurtenances to the pool, such as diving boards and slides, shall be designed to carry the anticipated load.
- d) **Material.** Pools shall be constructed of materials ~~that~~which provide a rigid, watertight shell with a smooth, impervious, light-colored finish that is non-toxic and easily cleaned. The floor of shallow areas shall have a slip-resistant finish. Pool vinyl liners may ~~only~~ be installed only over a base of concrete, steel or other such rigid material.

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- e) Obstruction. An obstruction creating a safety hazard shall not extend into or above the pool, or shall not protrude from the floor of the pool. Certified safety covers for suction outlets shall not protrude more than two inches from the floor or walls of the pool.
- f) Slope of Pool Floor. The floor of a pool shall slope downward toward the main drain. The slope in shallow areas shall not exceed one foot vertical in 12 feet horizontal except for a slope directed downward from a transition point, which shall not exceed one foot vertical in 3three feet horizontal. In portions of the pool with a depth greater than 5five feet, the front slope of the deep area shall not be steeper than one foot in 3three feet. The slope requirements are illustrated in Appendix A: Illustration A.
- g) Transition Point. Transition points shall be marked with a stripe on the pool floor having a width of at least 4four inches and a color that contrasts with that of the floor, and with a buoyed safety rope with colored buoys, installed at least one foot on the shallow side of the transition point. In other pools having adjoining shallow and deep areas, a safety rope with colored buoys shall be installed where the water depth reaches 5five feet.
- h) Pool Walls
- 1) Pool walls shall meet the following requirements:
    - A) Where the pool depth is 42 inches or less, pool walls shall be vertical to the floor. The junction of the wall with the floor shall consist of a cove with a radius not exceeding 6six inches.
    - B) Where the pool depth exceeds 42 inches, pool walls shall meet one of the following criteria:
      - i) The wall shall be vertical for a distance of at least 5five feet below the water level, below which the wall may angle to the floor; or
      - ii) The wall shall be vertical for a distance of at least 3three feet below the water level, below which the wall shall form a curve to the floor. The curve shall be tangent to the pool wall and shall have a radius of curvature at least equal to

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the vertical distance between the center of curvature and the pool floor.

- 2) If pool ledges are provided, they shall have a maximum ~~6~~six inch width, shall be located at least ~~3~~three feet below the water level, shall slope away from the pool wall and shall have a slip-resistant surface with a color that contrasts with the pool walls and floor. The pool wall below the ledge shall be constructed in accordance with the requirements of this Section except that the pool wall may slope inward toward the pool at an angle not exceeding 11 degrees from vertical.
  - 3) Underwater seat benches shall be located a maximum of 20 inches below the water level, be visually set apart, have a slip-resistant surface, and be recessed into the pool wall or be installed so that there are no exposed corners or vertical edges in the pool.
  - 4) All junctions between pool walls, and between pool walls and the pool floor, shall be covered with a minimum radius of one inch.
  - 5) Devices for anchoring safety ropes and racing lane divider ropes shall be recessed into the pool wall.
  - 6) An effective handhold shall be provided at or near the water level where the pool depth is 30 inches or greater. The handhold may consist of the rounded lip of a perimeter overflow system or bullnose coping with round, raised handhold not exceeding ~~2½~~two and one-half inches in thickness, or other effective handhold. The handhold shall not protrude more than ~~2~~two inches into or over the pool.
- i) Depth Markers
- 1) The water depth shall be marked at or above the water surface on the wall of the pool and on the edge of the deck next to the pool so as to be readable by persons entering or in the pool. Where depth markers cannot be placed on the walls at or above the water level such that at least 50% of the marking is above water level, they shall be placed on the pool wall as high as practicable and also on the fencing or pool enclosure so as to be plainly visible to persons in the pool. Depth markings shall be provided at the shallow and deep ends of the pool, the transition point, and the point of

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maximum depth, and shall be spaced at not more than 25 foot intervals measured peripherally, except that depth markings are not required at a zero-depth edge.

- 2) Depth markers shall indicate pool depth in either feet, feet and inches, or feet and fractions of a foot, and shall be of a color that contrasts with the background. Numerals indicating depth shall be a minimum of ~~4four~~ inches high.
- 3) In shallow areas, "no diving" markers or symbols at least ~~4four~~ inches high must be located at not more than 25 foot intervals around the pool perimeter except at a zero-depth edge.

## j) Walkways and Deck Areas

- 1) Except for plunge pools, wave pools and lazy rivers, pools shall be completely surrounded by a deck that is at least ~~4four~~ feet in width and extends completely around and adjacent to the pool. Except as allowed for wave pools in subsection (u)(3), there shall be no obstructions or interruptions of the pool deck within the ~~4four~~ feet adjacent to the pool other than necessary structural supports, or appurtenances such as diving boards, slides, perimeter overflow systems, or handrails. A clear, unobstructed walkway at least 42 inches in width shall be maintained at such obstructions or interruptions.
- 2) Structural supports located within the minimum required deck width or within ~~4four~~ feet of the swimming pool shall be no closer than 10 feet apart measured parallel to the adjacent perimeter of the pool, with the dimension of any single support in a plane parallel to the adjacent pool perimeter no greater than ~~3three~~ feet and the sum of all such support dimensions no greater than 10 percent of the pool perimeter.
- 3) The deck between two adjacent swimming pools shall be at least ~~8eight~~ feet wide. All decks and walkways shall have an unobstructed overhead clearance of at least ~~7seven~~ feet.
- 4) Deck Coverings. Synthetic material may be installed if it meets the following criteria:

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- A) It is non-fibrous and allows drainage such that it will not remain wet or retain moisture;
  - B) It is inert and will not support bacterial or fungal growth;
  - C) It is durable;
  - D) It is cleanable; and
  - E) It provides a slip-resistant finish.
- 5) The deck shall slope at least one inch per ~~10~~<sup>ten</sup> feet to deck drains or to the surrounding ground surface. The maximum slope of the pool deck shall not exceed one inch per foot.
- 6) Except for linear drains, deck drains shall be located so that not more than 900 square feet of deck area is tributary to each drain, and deck drains shall not be more than 30 feet apart. Deck drains shall be located so that water does not drain more than 15 feet in any one direction. Where deck widths are 15 feet or less, deck drains are not required, provided that the deck drains to the ground surface. The deck drains shall not be connected to the pool water recirculation system. Pools designed to operate where the pool water level is at the deck level, may be allowed to drain the first ~~4~~<sup>four</sup> feet of deck into the pool perimeter overflow system. Up to 10 feet of the deck adjacent to a zero-depth edge may be drained into the pool.
- 7) The decks and walkways shall have a paved surface. The surface of the pool deck, and other surfaces used for foot contact, such as gratings of perimeter overflow systems, shall be slip-resistant.
- 8) The outer perimeter of the deck for outdoor pools shall be at least ~~4~~<sup>four</sup> inches higher than the surrounding ground surface except where access is provided to adjacent turf areas.
- 9) Any opening in the deck shall have a locking type cover ~~that~~<sup>which</sup> is flush with the deck.
- 10) Hose bibbs shall be provided for cleaning all parts of the pool and deck (maximum separation 150 feet).

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- 11) Except for wave pools, the vertical distance between the surface of the deck, pool curb or pool rim and the water level shall not exceed 10 inches.
  - 12) A pool perimeter curb or raised rim, if provided, shall be at least ~~4~~four inches in height, measured above the adjacent pool deck surface. This requirement does not apply to a handhold provided in accordance with subsection (h)(6).
- k) Ladders, Step-Holes, Steps and Ramps
- 1) Swimming pools shall have at least two means of egress, located near opposite ends. Pools 30 feet or more in width shall have at least four means of egress, ~~which that~~ shall be located near each end and on opposite sides. A means of egress shall consist of a ladder, step-holes and grab rails, stair, ramp, or zero-depth edge. The distance from any point with a depth greater than 30 inches in the swimming pool to a means of egress shall not exceed 50 feet. At least two ladders or sets of step-holes shall be located at the deep area of the swimming pool when more than one diving board is provided.
  - 2) Step-holes shall have a minimum tread depth of ~~5~~five inches. Where step-holes or ladders are provided, there shall be a handrail or grabrail at the top on both sides ~~thatwhich~~ extends to the edge of the pool.
  - 3) Steps shall be of contrasting color or marked to contrast ~~withfrom~~ the pool floor and have uniform size treads of at least 12 inches and a rise of no more than 12 inches. Steps shall be located where the water depth is ~~3½three and one half~~ feet or less and shall have no pointed or sharp edges. One sturdy handrail or grabrail per 12 feet of step width or fraction thereof, extending the length of the steps, shall be provided.
  - 4) All ladders, step-holes, and steps shall have slip-resistant surfaces.
  - 5) Ramps shall slope at no more than one ~~foot~~ foot in 12, shall have a slip-resistant surface, shall be no more than ~~4~~four feet wide, and shall have handrails on both sides.
- 1) Drinking Fountains. A drinking fountain shall be provided on the pool deck for

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the use of bathers ~~on the pool deck~~.

## m) Diving Area

- 1) Handrails shall be provided at all steps and ladders leading to diving boards, except for those ladders set at 15° or less from the vertical. Platforms and diving boards ~~that which~~ are one meter or higher shall be protected with guard railings. One meter diving board guard rails shall be at least 30 inches above the diving board and extend to the pool water's edge. All platforms or diving boards higher than one meter shall have guard rails ~~that which~~ are at least 36 inches above the diving board or platform and extend to the pool water's edge. Three-meter platforms and boards shall have a side rail barrier.
- 2) The dimensions of the diving area of a pool that has diving boards or platforms of ~~three~~ meters or less in height shall conform to those shown in Appendix A, Illustration C. In such pools, the distance from the plummet to the pool wall ahead shall be at least 34 feet.
- 3) Swimming pools constructed with diving facilities in excess of ~~three~~ meters in height shall comply with dimensions given in Appendix B, Table A and illustrated in Appendix A, Illustration D. If the pool is used for swimming as well as diving and if slope N transitions from the deep to the shallow end, then transition slope N shall not be steeper than one foot in ~~three~~.
- 4) There shall be no obstruction extending from the wall or the floor into the clear area of the diving portion of the pool. There shall be an unobstructed distance of 16 feet above the diving board, measured from the center of the front end of the board, and this clearance shall extend at least ~~eight~~ feet behind, ~~eight~~ feet to each side, and 16 feet ahead of the measuring point.
- 5) A plunge area shall be designated for each diving board or platform. There shall be no overlap from plunge areas of other diving facilities or slides. The plunge area for a diving board of one meter height or less shall extend ~~four~~ feet laterally from the center of the board on either side and for a distance of 28 feet in front of the tip of the board. For diving boards or platforms greater than one meter in height, the plunge area shall extend

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~~Six~~ feet laterally from the center of a diving board or from the side of a platform on either side and for a distance of at least 34 feet in front of the board or platform.

## n) Starting Platforms

- 1) For swimming pools issued a construction permit after May 20, 1999, or starting platforms installed after that date at existing pools, starting platforms shall ~~only~~ be installed only where the water depth is at least 3½ feet.
- 2) The top front edge of the platform shall be no more than 30 inches above the water level for water depths 4 feet or more. For water depths between 3½ and 4 feet, the top front edge of the platform shall not exceed 20 inches above the water level.

## o) Electrical Installation – Lighting

- 1) All aspects of the facility shall conform with the ~~2008~~1999 National Electrical Code.
- 2) Artificial lighting shall be provided at all indoor pools and at all outdoor pools that are open for use after sunset in accordance with one of the following:
  - A) Underwater lighting of at least 8.35 lumens or 0.5 watts per square foot of pool water surface area, located to provide illumination of the entire pool floor; plus area lighting of at least 10 lumens or 0.6 watts per square foot of deck area.
  - B) If underwater lights are not provided, at least 33.5 lumens or 2.0 watts per square foot of pool water surface area and deck area.
- 3) Where portable electric vacuum cleaning equipment is used, electrical receptacles with ground-fault circuit interrupter protection shall be provided. Separation between receptacles shall be a maximum of 100 feet. All receptacles installed in the swimming pool area shall have waterproof covers and ground-fault circuit interrupter protection.

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- 4) Light dimmers ~~shall~~~~may~~ not be installed on underwater lighting or lights for the pool deck.
- 5) Lighting controls shall not be accessible to the public.
- p) Acoustics. Indoor pools shall receive acoustical treatment.
- q) Ventilation. Indoor pools shall be mechanically ventilated and have humidity control. The ventilation system shall be capable of admitting 0.5 cubic feet per minute of outdoor air per square feet of floor area, including water surface area, in the pool enclosure.
- r) Plumbing. All plumbing shall be in accordance with the Illinois Plumbing Code (77 Ill. Adm. Code 890).
- s) Emergency Telephone. Every swimming pool shall have a telephone ~~that~~~~which~~ is accessible within the confines of the pool area or within 300 feet of the pool area, in case of emergencies.
- t) Equipment Rooms
- 1) Equipment for swimming pool water treatment shall be housed in a lighted and ventilated room ~~that~~~~which~~ affords protection from the weather and prevents unauthorized access.
- 2) The equipment room floor shall slope toward drains and shall have a slip-resistant finish.
- 3) A hose bibb shall be installed in the equipment room.
- 4) Suitable space, if not provided in the equipment room, shall be provided within the premises for storage of chemicals, tools, equipment, supplies and records and shall be weatherproof and protected from unauthorized access.
- 5) Electrical receptacles in the equipment room shall have ground-fault circuit interrupter protection.
- u) Wave Pools. Wave pools shall comply with the following, and, except as

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specified below, with the requirements of this Section and Sections 820.210 and 820.220 of this Part:

- 1) Overflow gutters, skimmers, and inlets are not required along the deep end wall from which waves are generated.
- 2) Wave-generating equipment ~~shall~~**must** be installed and shall be provided with an emergency shut-off located at lifeguard chairs or stations on each side of the deep end of the pool.
- 3) A deck as specified in subsection (j) of this Section is required, except at the end of the pool where wave-generating equipment is located. Railings or other barriers may be installed on the deck adjacent to the sidewalls of the pool to control entry into the pool from the sides.
- 4) A safety rope will not be required if the pool is to be used only as a wave pool.

(Source: Amended at 33 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 820.210 Swimming ~~Facility~~**Pool** Water Treatment System**

- a) General. A water treatment system, consisting of pumps, piping, filters, water conditioning, disinfection equipment and other accessory equipment shall be provided to clarify, chemically balance and disinfect the swimming pool water. The system shall be designed for a recirculation flow rate that will result in a turnover period in each pool not exceeding those specified below. Systems serving pools with skimmers shall be designed for a flow rate of at least 30 gallons per minute for each skimmer.

Type of Pool	Maximum Turnover Period
Diving Pools	8 Hours
Wading Pools, Wading Areas	2 Hours
Plunge Pools and Plunge Areas for Water Slides	2 Hours
Lazy Rivers	2 Hours
Other Pools	6 Hours

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Other than equipment for circulating, heating, filtering and chemically treating water, as specified in this Section, or for automation of water quality control, no other type of device may be utilized as part of a pool water treatment system.

- b) Pumping Equipment
- 1) The recirculation pump shall deliver the flow necessary to obtain a turnover as specified in subsection (a) of this Section. A valve for regulating the rate of flow shall be provided in the recirculation pump discharge piping.
  - 2) The pump shall provide a minimum backwash rate of 15 gallons per minute per square foot of filter area in sand filter systems. The pump shall supply the required recirculation rate at a total dynamic head of at least 50 feet for all vacuum filters, 70 feet for pressure sand or cartridge filters, or 80 feet for pressure diatomaceous earth filters, unless a lower head is shown by the designer to be hydraulically appropriate.
  - 3) If the pump operates with static suction lift, it shall be self-priming.
  - 4) Where vacuum filters are used, a vacuum limit switch shall be provided on the pump suction line. The vacuum limit switch shall be set for a maximum vacuum of 18 inches of mercury.
  - 5) A compound vacuum-pressure gauge shall be installed on the pump suction line as close to the pump as possible. A vacuum gauge may be used for pumps with suction lift. A pressure gauge shall be installed on the pump discharge line adjacent to the pump, with no valves between the pump and the gauge. Gauges shall be installed where they can be easily read.
  - 6) Hair and Lint Strainer. A hair and lint strainer shall be installed on the suction side of the pump except on vacuum filter systems. The strainer basket shall be easily removable. Valves shall be installed to allow the flow to be shut off during cleaning, switching baskets, or inspection.
- c) Water Heater. A water heater shall be installed at all indoor pools. Pool water heaters shall be installed in accordance with the manufacturer's recommendations.

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- 1) The heater piping system shall be equipped with a valve bypass pipe around the heater, sized for the swimming pool design flow rate. The influent and effluent heater piping shall be valved, and shall conform to material specifications as approved for water distribution applications in the Illinois Plumbing Code.
- 2) A heating coil, pipe or steam hose shall not be installed in a swimming pool.
- 3) Thermometers shall be provided in the piping to check the temperature of the water returning from the pool and the temperature of the blended water returning to the pool.
- 4) The design of the water heating system shall prevent the introduction of water in excess of 115° F. to the pool.
- 5) A pressure relief valve with a maximum pressure rating of 75 pounds per square inch and having a thermal capacity at least equal to the heat input rating of the heater shall be provided, with the discharge piped to within ~~six~~ inches of the floor.
- 6) Venting of gas or other fuel burning water heaters to the outdoors shall be provided.
- 7) Heaters for indoor pools shall be capable of maintaining a minimum pool water temperature of 76° F.
- 8) Combustion and ventilation air shall be provided for fuel burning water heaters as required by the heater manufacturer.
- 9) Heaters for indoor swimming pools shall be sized on a basis of 150 BTU per hour input per square foot of pool water surface area.  
  
(1 kilowatt = 3,412 BTU/hr.)
- 10) Heat exchangers used to heat pool water by use of a toxic transfer fluid, as defined in Section 890.122(a)(4) of the Illinois Plumbing Code, shall be of double-wall construction, with the space between the two walls having a drain open to the atmosphere.

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- d) Flowmeter. Flowmeters shall be located so that the rate of recirculation and the backwash rate of sand filters can be read. In a multiple pool system, flowmeters shall be provided for each pool. Separate flowmeters shall be provided to monitor the flow for each area of a pool with a turnover rate that differs from adjacent areas according to subsection (b)(1). Flowmeters shall be provided on inlet supply piping in accordance with subsection (f)(2)(F). Flowmeters shall be installed on a straight length of pipe with no valves, elbows or other sources of turbulence within 10 pipe diameters upstream or 5five diameters downstream from the flowmeter. (See Appendix A, Illustration G.)
- e) Vacuum Cleaning System
- 1) A vacuum cleaning system capable of reaching all parts of the pool floor shall be provided.
  - 2) When the vacuum cleaning system is an integral part of the pool recirculation system, the wall fitting shall connect to ~~the~~ the suction side of the pump ahead of the hair and lint strainer. Vacuum outlets in pools shall be equipped with covers that automatically close and latch when the vacuum hose is removed. A shut-off valve shall be installed in the piping. The suction outlet fitting shall comply with IAPMO SPS4-2000.
- f) Piping, Skimmer and Overflow System
- 1) Piping.
    - A) The pool recirculation piping shall comply with the Illinois Plumbing Code for water service pipe or water distribution pipe as listed in 77 Ill. Adm. Code 890, Appendix A, Table A.
    - B) The piping shall be designed to carry the required flow at velocities not exceeding 5five feet per second in suction piping, and 10 feet per second in pressure piping, unless greater velocities can be hydraulically provided. Gravity piping shall be sized so that the head loss in piping, fittings, valves, etc., does not exceed the head available during normal operating conditions.
    - C) The following waste lines shall be provided with 6-six inch air

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gaps at their points of discharge to the waste sump or sewer:

- i) Main drain bypass or other connections to waste.
- ii) Sub-surface drains or deck drains around a pool that discharge to a sanitary or combined sewer.
- iii) Filter backwash or drain lines and overflow lines.
- iv) Surge tank drain and overflow lines.
- v) Pump discharge to waste lines.
- vi) Gutter bypass to waste lines.

2) Inlets.

- A) Inlets for filtered water shall be located and directed to produce uniform circulation of water to facilitate the maintenance of a uniform disinfectant residual throughout the entire pool without the existence of dead spots, and to produce surface flow patterns that effectively assist skimming. In pools with skimmers, inlets installed where the water depth is 18 inches or more shall be installed in the pool wall at a depth of eight inches to 16 inches below the mid-point on the skimmer throat. Each inlet installed in a wall of a pool where skimmers are utilized shall be directional.
- B) The velocity of flow through any inlet orifice shall be in the range of 5 to 20 feet per second, except that in pools equipped with skimmers it shall be in the range of 10 to 20 feet per second. Velocities for various flows are shown in Appendix B, Table C.
- C) Inlets installed in pool walls shall be spaced as follows:
  - i) In the shallow end wall, each inlet shall serve a linear distance of no more than eight feet. In the deep end wall, each inlet shall serve a linear distance of not more than 15 feet.

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- ii) In pools with a water surface area greater than 1,500 square feet or length in excess of 60 feet, additional inlets shall be provided along side walls at no more than 15 foot intervals.
  - iii) The location of inlets in pools with skimmers may vary from the above requirements to allow locations that will assist in skimming.
- D) At least one inlet shall be located in each recessed stairwell or other space where water circulation might be impaired.
- E) Where floor inlets are used, inlets shall be uniformly spaced at a distance of no greater than 20 feet apart, and rows of inlets shall be within 15 feet of each side wall. Floor inlets shall be flush with the pool floor and shall include a diffuser plate to evenly distribute the flow in all directions.
- F) Floor inlets are required in wading areas that are more than 30 feet in width.
- G) If both wall and floor inlets are utilized in a swimming pool, the wall inlets and the floor inlets shall be supplied by separate piping, with valves and flowmeters installed in each so that the flow can be individually regulated and monitored.
- 3) Outlets.
- A) Each pool shall be provided with a main drain system installed at the deepest point, which shall be connected to the pool recirculation system. For multiple-purpose pools, with a floor consisting of more than one drainage area, at least one drain shall be provided in each basin, so that each portion of the pool floor is sloped to drain.
  - ~~A) All pools shall be provided with a main drain at the deepest point. The main drain shall be connected to the recirculation system. Openings must be covered by grating which cannot be removed by bathers without the use of tools. Openings of the grating shall be at least four times the area of the main drain pipe or have an open~~

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~~area so that the maximum velocity of the water passing through the grate does not exceed one and one-half feet per second, or six feet per second when drain grate is of the anti-vortex type. The maximum width of grate openings shall be one-half inch. Main drains and all other suction outlets installed in a pool shall be designed to prevent bather entrapment by one of the following methods:~~

- ~~i) Multiple drains located at least three feet apart, center to center;~~
  - ~~ii) One anti-vortex drain;~~
  - ~~iii) A single drain with a grate of at least 18 inches by 18 inches.~~
- B) ~~Main drains~~Multiple outlets shall be provided where the width of the pool is more than 45 feet. In such cases, outlets shall be spaced not less than ~~3~~three feet apart, nor more than 30 feet apart, nor more than 15 feet from side walls, and shall be connected in parallel.
- C) A hydrostatic relief valve shall be provided for in-ground pools.
- D) Main drain piping shall be sized for removal of the water through it at a rate of at least 100% of the design recirculation flow rate. The piping system shall be valved to permit adjustment of flow through it.
- E) In cases where the pool cannot be drained completely through the main drain, a portable pump ~~that~~which will effect complete pool drainage shall be provided.
- F) Each outlet, including main drains and suction outlets, but not including skimmers, shall be covered with a certified safety cover having openings not exceeding 1/2 inch that is not removable without the use of tools or meets the requirements of subsection (f)(3)(K). The water flow rate through certified safety covers shall

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not exceed the maximum flow rate recommended by the manufacturer.

- G) Suction outlets shall be equipped with a certified safety cover with dimensions of at least 18 by 23 inches or 29 inches diagonally, or the suction system shall include a minimum of two hydraulically balanced outlets spaced at least 3 feet apart, center to center. In a spa, the two outlets may be installed closer than 3 feet apart if installed on different surfaces, e.g., one outlet in the floor and one in a wall.
- H) For systems with multiple suction outlets, the sum of the maximum flow rates for the covers shall be at least twice the system maximum flow rate.
- I) A suction outlet shall not be installed on a horizontal surface of a stair or seat.
- J) Suction outlets and certified safety covers shall be installed in accordance with the manufacturer's requirements. For suction outlets with field-fabricated sumps or other sumps not specified by the manufacturer of a certified safety cover installed on the outlet, there shall be a spacing of at least 1½ pipe diameters between the outlet pipe or fitting and the bottom of the cover.
- K) Field-fabricated suction outlets that are at least 18 inches by 23 inches in size shall be certified for conformance to ASME Standard A112.19.8-2007 by a professional engineer licensed to practice in Illinois. Documentation of the testing and a certification document shall be issued by the engineer to the property owner. The engineer shall certify a maximum flow rate for each such outlet. Copies of all documentation shall be retained on the swimming facility premises for inspection by the Department.
- L) The following documentation is required to certify a field-fabricated suction outlet for conformance to the ASME/ANSI A112.19.8-2007 standard:

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- i) The suction fitting shall not protrude from the installed surface more than 2 inches.
  - ii) The maximum allowable flow through the cover shall be calculated and specified.
  - iii) The maximum system flow rate for the pool pump shall be specified.
  - iv) The design of a field-fabricated suction outlet shall be specified by a licensed engineer to fully address the considerations of cover/grate loadings, durability, hair, finger and limb entrapment issues, cover/grate secondary layer of protection, related sump design and other features specific to the site.
  - v) Field-fabricated suction outlets shall have the following information specified by the licensed engineer: compliance with ASME A112.19.8-2007; statement of single or multiple drain use; maximum certified flow rate; installed life of the fitting in years; installation position of the outlet (wall or floor); and instructions on installation and service for the fitting.
- 4) Perimeter Overflow Systems.
- A) Pools ~~that~~which have a width exceeding 30 feet shall have a continuous perimeter overflow system.
  - B) A perimeter overflow system shall:
    - i) ~~Extend~~extend completely around the pool except that interruptions not exceeding 25% of the pool perimeter nor 30 feet each may be allowed for steps, water slide entries, and side walls adjacent to zero-depth edges;
    - ii) ~~Permit~~permit inspection, cleaning, and repair;
    - iii) ~~Be~~be designed so that no ponding or retention of water

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occurs;

- iv) ~~Bebe~~ designed to prevent the entrapment of bather's arms, legs, and feet;
- v) ~~Exceptexcept~~ at a zero-depth edge, have an overflow lip that provides a good handhold and is level to within one eighth of an inch. At a zero-depth edge, a trench drain covered with a slip-resistant grating installed flush with the pool deck and with the pool floor, and level to within ~~1/8one eighth~~ inch measured along the pool perimeter, shall be provided;
- vi) ~~Provideprovide~~ for the removal of all surface debris skimmed from the pool;
- vii) ~~Bebe~~ designed for removal of water from the pool surface at a rate of at least 100% of the design turnover flow rate;
- viii) ~~Dischargedischarge~~ to the recirculation system;
- ix) ~~Bebe~~ provided with drains and piping ~~thatwhich~~ will not allow the overflow channel to become flooded when the pool is in use; and
- x) ~~Havehave~~ drain gratings with open area at least equal to two times the area of the outlet pipe and ~~thatwhich~~ can be removed for cleaning.

- C) Surge Capacity. Perimeter overflow systems shall be provided with a surge capacity of at least 0.6 gallon per square foot of pool water surface area. Surge capacity shall be provided either in a vacuum filter tank, ~~in the perimeter overflow system, in the pool in conjunction with provision of surge weirs in the perimeter overflow system, in~~ a surge tank, or combination thereof. Valving shall be provided to maintain the proper operating water level in the pool. ~~Surge weirs shall pass at least 50 percent of the design recirculation flow rate with the water level at the mid level of the weir. A minimum of one weir shall be provided for each 500~~

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~~square feet of pool water surface area or fraction thereof. The combined flow rate through all the surge weirs shall not exceed the design recirculation flow rate. Surge weirs shall be uniformly spaced around the pool perimeter. The mid-level of the weir opening shall be at least one inch but no more than two inches below the overflow lip of the perimeter overflow system. A flow-regulating device that will maintain a relatively constant flow rate as the water level is varied shall be included. Surge weirs shall not be utilized at a zero depth pool.~~

- 5) Skimmers. Skimmers are permitted on pools where the width does not exceed 30 feet. Where skimmers are provided, the following shall be met:
- A) At least one skimmer shall be provided for each 500 square feet of water surface area or fraction thereof;
  - B) Skimmers shall be located to optimize skimming;
  - C) Each skimmer and piping shall be designed so that it is capable of providing a flow-through rate of not less than 30 gallons per minute;
  - D) Skimmers shall be piped to provide approximately equal flow through each skimmer;
  - E) The surface skimmer piping shall have a valve to permit adjustment of flow through it;
  - F) If an equalizer pipe is installed, the skimmer shall be equipped with a valve~~Each skimmer shall be provided with an equalizer line at least ½ inches in diameter, located at least 1 foot below the lowest overflow level of the skimmer. (See Appendix A, Illustration H) A device~~ that will restrict flow through the equalizer pipe during normal operation of the skimmer. The equalizer pipe shall be connected to the main drain pipe~~shall be installed, and a grate shall be installed at the intake to the equalizer pipe in the pool. The grate shall be a convex grate intended for this purpose or one that complies with subsection (f)(3);~~

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- G) The skimmer shall be tested in accordance with NSF Standard 50 and listed by an approved certification agency;
  - H) Skimming devices shall be built into the pool wall;
  - I) A basket ~~that~~which can be removed without the use of tools, and through which all overflow water must pass, shall be provided;
  - J) The skimmer shall be provided with a floating weir and shall operate at variations in water level over a range of at least 4 inches.
- g) Make-up Water. Make-up water shall be added through a fixed air gap of at least ~~6~~six inches to the pool, surge tank, vacuum filter tank, or other receptacle. When make-up water is added directly to the pool, the fill-spout shall be located under a low diving board or immediately adjacent to a ladder rail, grab rail, or fixed lifeguard chair. There shall be no connection between a therapy pool or associated water treatment system ~~and~~with a swimming pool or its recirculation system.
- h) Filtration
- 1) Filters shall be certified to comply with NSF Standard 50 and listed as such by an approved certification agency. The design filtration rate in the particular application in which the filter is utilized shall not exceed the maximum design filtration rate for which the filter was certified. An official certification label from the certifying agency shall be permanently affixed to the filter.
  - 2) Pressure gauges that indicate the inlet and outlet pressures of pressure filters shall be installed.
  - 3) For pressure filters, an observable free fall discharge, sight glass or other means of determining the clarity of backwash water shall be provided.
  - 4) Overflow piping shall be connected to vacuum filters if the rim of the filter tank is below the pool water level. Drain piping for vacuum filter tanks shall be provided.
  - 5) The backwash rate for sand filters shall be at least 15 gallons per minute per square foot of filter area. A lesser backwash rate may be allowed

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when air scouring is utilized in accordance with the filter manufacturer's specifications.

- 6) A filter backwash disposal facility, designed so that flooding, overflowing or excessive splashing does not occur when the filter is backwashed at the required flow rate, shall be provided where filters designed to be backwashed are utilized.
  - 7) A filter precoat pot or funnel shall be installed on the pump suction piping when diatomaceous earth filters are utilized, unless a precoat pot is provided as an integral part of the filter. The filter piping shall allow recycling or disposal of filter effluent during the precoating operation.
  - 8) If continuous feeding of diatomaceous earth is utilized with a vacuum diatomaceous filter in order to permit a design filtration rate higher than would otherwise be allowable, equipment capable of feeding diatomaceous earth at a rate of at least 1.5 ounces per day per square foot of filter area shall be provided.
  - 9) Filter media for sand filters shall be as specified by the filter manufacturer.
  - 10) ~~Prior to disposal, wash~~Wash or backwash water from diatomaceous earth filters shall be passed through a separation tank designed for removal of suspended diatomaceous earth and solids, ~~prior to disposal~~.
- i) Chemical Feeders
- 1) Equipment Capacity.
    - A) Chlorine. Equipment for supplying chlorine or chlorine compounds shall be of sufficient capacity to feed chlorine at a rate of ~~eight~~ parts per million for outdoor pools and three parts per million for indoor pools, based on the flow rate required by the table in subsection (a). Feed rates for various chlorinators and solutions are shown in Appendix B, Table D.
    - B) Bromine. Equipment for supplying bromine shall be capable of delivering at least 15 parts per million for outdoor pools and ~~five~~ parts per million for indoor pools based on a minimum design flow

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rate as required by the table in subsection (a).

## C) Ozone.

- i) Ozone may be used as a supplement to chlorination or bromination as required in subsection (i)(1). Ozone-generating equipment and its components shall be tested in accordance with NSF Standard 50 and listed by an approved certification agency.
- ii) The ambient air ozone concentration shall be less than 0.10 parts per million (p.p.m.) in the vicinity of the ozonator and at the pool water surface. Ambient ozone monitors shall be installed in the equipment room, in the vicinity of the ozone-generating equipment, and, when the ozonation system is utilized at an indoor swimming pool facility, in the swimming pool enclosure. Audible and visual alarms that are activated by ozone concentrations in excess of .10 parts per million shall be connected to the ozone monitor. The ozone-generating equipment shall automatically shut off when the ozone concentration in the air exceeds 0.30 p.p.m. or when the pool recirculation flow is interrupted.
- iii) All corona discharge systems shall include a method for removing ozone in the water in excess of 0.1 p.p.m. prior to return to the pool.

- 2) Positive Displacement Pumps (Hypochlorinators). ~~Positive~~Where positive displacement pumps ~~that~~ are used to inject the disinfectant solution into the recirculation line, ~~they~~ shall be of variable flow type, ~~shall~~ be of sufficient capacity to feed the amount of disinfectant required by subsection (i)(1), and shall be installed such that feeding of chemicals is interrupted whenever the swimming pool recirculation flow is interrupted. Positive displacement pumps for feeding chlorine compounds or chemicals for control of pH shall be certified by a certified laboratory to conform to NSF Standard 50. If calcium hypochlorite is used, the concentration of calcium hypochlorite in the solution shall not exceed ~~5~~five percent by weight. The solution container shall have a minimum capacity equal to the volume of solution required per day at the feed rate

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required in subsection (i)(1).

3) Gas Chlorinators.

- A) The chlorine supply and gas feeding equipment shall be housed in a separate, relatively air-tight room with an out-swinging door. The room shall be provided with an exhaust system ~~that~~<sup>which</sup> takes its suction not more than ~~eight~~ inches from the floor and discharges outdoors in a direction to minimize exposure to toxic fumes. The fan shall be capable of producing one air change per minute. Means for introducing a fresh air supply to the enclosure through appropriate openings such as filters, grill openings, etc., at a high point opposite the exhaust fan intake shall be provided. The intake to the make-up air supply shall be located where the discharge from the exhaust system will not be drawn back into the room. The room shall have a window with an area of at least 100 sq. inches and shall have artificial lighting. Electrical switches for lighting and ventilation shall be outside and adjacent to the door. Scales for weighing chlorine cylinders in service shall be provided.
- B) The chlorine feeding device shall be designed so that during interruptions of the flow of the water supply, gas feed is automatically terminated. In addition, the release of chlorine shall be terminated when the recirculation pump is shut off. Where other than swimming pool recirculated water is used, the supply line shall be equipped with an electric shutoff valve wired to the recirculation pump and shall be equipped with a suitable backflow preventer. (See Appendix A, Illustrations L and N for methods of installation.)
- C) Chlorinator vent lines shall terminate outdoors. A screen made from a chlorine-resistant material shall be installed where the vent line terminates outdoors in order to exclude insects.
- D) The gas chlorinator shall be the solution feed type capable of delivering chlorine at its maximum rate without releasing chlorine gas to the atmosphere.
- E) The water supply for the gas feeding equipment shall produce the

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flow rate and pressure required according to the manufacturer's specifications for proper operation of the equipment.

- 4) pH Control Feeders. At pools with a volume greater than 100,000 gallons, or pools utilizing gas chlorine as a disinfectant, a chemical feed system shall be installed to maintain the pH of pool water within the range of 7.2 to 7.6. The system ~~shall~~must be installed so that the feeding of the pH controlling chemical is automatically interrupted whenever the swimming pool recirculation flow is interrupted. A solution tank of at least 15 gallons capacity shall be provided and shall be marked as containing a chemical to control pH. Alternatively, a system incorporating a cylinder of carbon dioxide and injecting mechanism may be employed to lower pH.
- 5) Erosion Type Chemical Chlorine Feeders.
  - A) Erosion type chlorine and bromine feeders shall be tested in accordance with NSF Standard 50 and listed by an approved certification agency.
  - B) Only the chemical specified by the feeder manufacturer shall be used as the disinfecting agent.
  - C) Erosion type chemical feeders shall be installed in accordance with the equipment manufacturer's instructions.
- 6) Copper/Silver and Copper Ion Generators. All copper/silver and copper ion generators shall be tested in accordance with NSF Standard 50 and listed by an approved certification agency and may ~~only~~ be used only as a supplement to chlorination or bromination as required in subsection (i)(1).

(Source: Amended at 33 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 820.230 Wading Pools**

- a) Floor. The floor shall be slip-resistant and sloped to the main drain. The slope shall not exceed one vertical foot in 12 horizontal. No obstructions such as raised drains or steps on which children may fall or become injured, shall be placed in the wading pool area. Designed play items shall be designed of a design and ~~so~~ located to provide maximum safety to the children.

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- b) Material. The floor and walls shall be of light-colored impervious materials. All corners shall be coved.
- c) Walk Area. ~~A~~ ~~There shall be a~~ walkway at least ~~4~~~~four~~ feet wide ~~shall~~ ~~extend~~~~extending~~ entirely around the pool ~~and shall be~~ sloped to drain away from the pool. The walks shall be constructed of impervious material with a slip-resistant finish. The walks shall slope not less than one inch in 10 feet away from the pool edge. A hose bibb shall be installed in the pool area.
- d) Barrier. A fence or other effective barrier, at least 3½ feet in height, shall totally enclose the wading pool and shall separate the wading pool from other pools. Except with regard to height, the barrier shall comply with Section 820.200(a). Any entrance into the wading pool enclosure shall be equipped with a self-closing and self-latching door or gate.
- e) Inlets. Inlets shall be provided as specified for swimming pools by Section 820.210(f)(2). At least two water inlets shall be installed.
- f) Drains. A minimum of two main drains shall be provided at the low point, located at least ~~3~~~~three~~ feet apart center to center and connected to the recirculation system. The drains shall be piped and valved so that water from the wading pool can be drained by bypassing the filter. Drains shall be provided with ~~certified~~ ~~safety covers~~~~grates~~ in compliance with Section 820.210(f)(3)~~(A)~~ ~~and shall be~~ ~~flush with the pool floor~~.
- g) Overflow System. A perimeter overflow system shall be provided along at least ~~1/6~~~~one sixth~~ of the perimeter or a skimmer shall be provided for each 500 square feet of water surface area or fraction thereof. The design of the overflow system shall conform to the requirements listed in Section 820.210, except that, if a skimmer equalizer line is provided, it shall be connected to the main drain line.
- h) Water Treatment. Recirculation and filtration equipment shall be installed and operated at wading pools that cannot be adequately served by an adjacent swimming pool recirculation system or when existing equipment on adjacent swimming pool recirculation systems cannot meet the requirements of Section 820.210. A separate disinfection system shall be installed and operated for the wading pool. The design of water recirculation, filtration, and disinfection systems shall be in conformance with Section 820.210.

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(Source: Amended at 33 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 820.250 Slides**

## a) General Requirements

- 1) Structure. All slides shall be designed and constructed in accordance with the manufacturer's instructions to carry the anticipated load. Plans for water slides shall be signed and sealed by a structural engineer licensed to practice in Illinois.
- 2) Steps. Slide steps shall be slip-resistant and have a minimum tread of ~~2two~~ inches and a minimum length of 12 inches. The riser height of the steps shall not exceed 12 inches. Specific requirements that apply to water slides are included in subsection (b)(1) of this Section.
- 3) Plunge Pools. Plunge pools shall comply with Sections 820.200 and 820.210 except that, for a plunge pool for a water slide, a deck is not required where the slide exits into the pool.

## b) Water Slides

- 1) Design and ~~Construction~~construction. All curves, turns, and tunnels on the path of a flume shall be designed and constructed in accordance with the manufacturer's instructions.
- 2) Walkways. Walkways or stairs leading to the top of water slides shall be slip-resistant, rigid, and have a ~~4 feet~~four-foot minimum clear width.
- 3) Slide Position.
  - A) A flume shall be perpendicular to the pool wall for a distance of at least 10 feet from the exit end of the slide. The last 10 feet of the flume shall have a slope that is not steeper than one ~~foot~~ in 10.
  - B) A flume shall terminate between a depth of ~~6six~~ inches below to ~~2two~~ inches above the pool water surface level.

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- C) The plunge area water depth shall be between ~~2½two and one half~~ and ~~4four~~ feet at the end of the flume and for at least 10 feet beyond. The pool floor slope in the plunge area shall not exceed one foot vertical in 12 feet horizontal.
- 4) Surge Reservoir. A surge storage reservoir shall be provided except where the pool water elevation will not be lowered more than one inch when the water slide pumps are in operation. The surge reservoir shall not be accessible to the public.
- 5) Plunge Area. There shall be a slide plunge area extending at least ~~5five~~ feet on either side of the centerline of the slide terminus and 25 feet in front of the slide. This area shall not infringe on the plunge area for any other slides or diving equipment. Steps shall not infringe on this area. A water slide plunge area in a swimming pool shall be roped off from the rest of the pool when the slide is in operation. A means of egress shall be provided near the side of the plunge area opposite the flume terminus.
- 6) Grates. The intake openings for water pumped from ~~at the pool or~~ beach must be covered by grating that cannot be removed without the use of tools. The grate openings shall be at least four times the area of the intake pipe or have an open area so that the maximum velocity of the water passing through the grate does not exceed ~~1½one and one half~~ feet per second. The maximum width of the grate openings shall be ~~½one half~~ inch. Pump suction intakes at a beach shall be located or protected so as to be inaccessible to bathers. Drains shall be designed to prevent bather entrapment as specified in Section 820.210(f)(3)(A).
- c) Drop Slides
- 1) Slide Position. ~~A There shall be a~~ slide landing area ~~shall extend extending~~ at least ~~5five~~ feet on either side of the centerline of the slide terminus and 20 feet in front of the slide. This area shall not infringe on the landing area for any other slides or diving equipment. Steps shall not infringe on this area.
- 2) Water Depth. The water depth directly below the slide discharge point and for a distance of 12 feet beyond shall comply with the following requirements:

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Slide Platform Height <del>above</del> <u>Above</u> Water Level in Feet	Minimum Water Depth in Feet
3.5 to 5	8
5 to 10	10
10 to 12	12

- 3) Platform Height. The drop slide platform shall not exceed 12 feet in height, measured above the water level in the plunge area.

## d) Other Slides

- 1) ~~A~~ ~~There shall be a~~ slide plunge area ~~shall extend~~ extending at least ~~3½~~ three feet ~~six inches~~ on either side of the centerline of the slide terminus and 20 feet in front of the slide. This area shall not infringe on the landing area for any other slides, water slides, drop slides, or diving equipment.
- 2) Unless the slide is designed by the manufacturer for safe exits at lesser water depths, the water depth and slide exit height above the water shall be in accordance with the following table. The exit height shall not exceed 48 inches above the water surface.

Exit Height Above Waterline, Inches	Minimum Water Depth <del>in</del> <u>in</u> Feet
0 to 6	2.0
6 to 12	2.5
12 to 8	3.5
18 to 24	5.0
24 to 30	6.0
30 to 42	8.0
42 to 48	10.0

- 3) Slides shall be positioned so that any water flowing off the end of the slide terminus drops into the pool.
- 4) Handrails. Slides shall be equipped with handrails to aid the slider in safely making the transition from the ladder to the runway. Handrails

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shall begin at a point no more than ~~4~~four feet above the pool deck.

(Source: Amended at 33 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART D: OPERATIONAL REQUIREMENTS

**Section 820.320 Water Quality**

- a) Testing Equipment.
- 1) Water testing equipment for determining pH and disinfectant level of pool water shall be provided. The equipment for determining pH shall include at least five color standards with a range of pH 6.8 to 8.0, as a minimum.
  - 2) Where chlorine is used as a disinfectant, a DPD-type test kit shall be provided that includes at least four chlorine color standards with a range of 0.5 to 3.0 p.p.m., as a minimum.
  - 3) Where bromine is used as a disinfectant, a colorimetric test kit shall be provided that will determine free bromine residual and pH. The test kit shall include at least five bromine standards covering a range of 1.0 to 5.0 p.p.m.
  - 4) Pools using chlorinated cyanurates for disinfection shall have a test kit to measure cyanuric acid concentration. The cyanuric acid test kit shall permit readings up to 100 p.p.m.
  - 5) Where silver/copper or copper ion generators are used, a test kit to determine the concentration of copper shall be provided.
- b) Disinfectant Residual.
- 1) Where chlorine is used as a disinfectant, the chlorine residual shall be maintained between 1.0 and 4.0 p.p.m. as free chlorine residual. A free chlorine residual of at least 2.0 p.p.m. shall be maintained when the pool water temperature exceeds 85° F.
  - 2) Where bromine is used as a disinfectant, abromine residual shall be maintained between 2.0 and 8.0 p.p.m. as total bromine. A bromine

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residual of at least 4.0 p.p.m. shall be maintained when the pool water temperature exceeds 85° F.

- 3) Where chlorinated cyanurates are used, the cyanuric acid concentration shall not exceed 100 p.p.m.
  - 4) When combined chlorine in excess of 0.5 p.p.m. is detected, the pool shall be superchlorinated to attain a free chlorine concentration of at least 10 times the combined chlorine concentration, or oxidized by other means to eliminate the combined chlorine.
  - 5) Where silver/copper or copper ion generators are used, the concentration of copper shall not exceed 1.3 p.p.m. and the concentration of silver shall not exceed 0.05 p.p.m.
  - 6) Where ozone is used, the ambient air ozone concentration shall be less than 0.1 p.p.m. at all times either in the vicinity of the ozonator or at the pool water surface.
- c) pH. The pH of the pool water shall be maintained between 7.2 and 7.6.
  - d) Turbidity. The pool water shall be sufficiently clear that the entire pool basin~~main drain grate~~ is clearly visible from the pool deck.
  - e) Alkalinity. The alkalinity of the pool water shall not be less than 50 nor more than 200 p.p.m. as calcium carbonate.
  - f) Temperature. The pool water temperature for indoor swimming pools shall not be less than 76° F. nor more than 92° F. Air temperature at an indoor pool shall be higher than the water temperature.

(Source: Amended at 33 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 820.330 Swimming Pool Closing**

The manager/operator shall immediately close the pool whenever any of the following conditions exist:

- a) The manager/operator determines that conditions at a swimming pool or

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bathhouse create an immediate danger to health or safety.

- b) Bacteriological results show any of the following:
  - 1) Coliform concentration of 10 per 100 ml in two consecutive samples;
  - 2) Presence of fecal coliform, E coli, beta hemolytic Streptococcus or Pseudomonas in any sample.
- c) Turbidity exceeds the criteria outlined in Section 820.320(d).
- d) A disinfectant residual consisting of a minimum of 0.5 p.p.m. free chlorine or 1.0 p.p.m. bromine is not present or the disinfection system is inoperable.
- e) The total chlorine concentration exceeds 5 p.p.m. or the total bromine concentration exceeds 10 p.p.m.
- f) ~~The~~When the recirculation pumps and/or the filters are inoperable.
- g) ~~The~~When the pH of the pool water is less than 6.8 or greater than 8.0.
- h) ~~A~~When a patron has defecated or vomited in the pool. When this occurs, the manager/operator shall remove visible foreign matter and superchlorinate the affected area of the pool. The pool ~~shall~~must remain closed for a minimum of 30 minutes following superchlorination, or longer if necessary, for the disinfectant residual to return to prescribed levels. When an incident occurs in a pool with a capacity greater than 50,000 gallons, the pool operator may elect to prohibit use of only the affected area ~~only~~ in lieu of closing the pool.
- i) ~~A~~When a suction ~~outlet cover~~or main drain grate is loose, improperly installed, damaged or missing.
- j) ~~A~~When a written notice to close is issued by the Department, in which case the notice shall be posted by the owner, operator or licensee at the entrance to the pool area. The pool shall remain closed until the Department has authorized the reopening of the pool.
- k) Lightning~~When lightning~~ is sighted or thunder is heard at outdoor pool facilities (see Section 820.360).

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(Source: Amended at 33 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 820.340 Operation and Maintenance**

## a) Pool and Pool Area

- 1) The swimming pool shall be maintained free from sediment, lint, dirt and hair. Cracks and other defects in the pool shall be repaired. The walls, ceilings, floors, equipment and the pool proper shall be maintained so that they are protected from deterioration. All equipment shall be maintained in proper condition, with all required components in place. Equipment required to be NSF Standard 50 certified, including filters, skimmers and chemical feeding equipment, shall not be altered or modified in any way.
- 2) Pool decks shall be rinsed daily. Indoor pool decks shall be disinfected at least weekly. The walks, overflow gutters, counters, lockers, equipment, furniture, interior partitions and walls shall be kept in good repair, clean, and sanitary. No furniture, plants or other furnishings shall be placed within four feet of the pool. This area shall be kept free of obstructions such as chairs and baby strollers. The deck shall be kept free of tripping hazards, such as deck surface irregularities, hoses, baby strollers, and maintenance equipment. The deck, walkways and floors shall be free of areas with poor drainage that retain water.
- 3) Floats or tubes not in use ~~shall~~ must be removed from the pool.
- 4) Starting Platforms. Starting blocks shall not be used for any ~~other~~ purpose other than competitive swimming activities. Starting blocks shall be securely anchored when in use but removed or prohibited from use when not being used in conjunction with competitive swimming or training. The maximum height of the platform above the water shall be 30 inches where the water depth is 4 feet or greater and 20 inches when the water depth is less than 4 feet.
- 5) Safety ropes shall be kept in place except when the swimming pool is being used exclusively for lap swimming or competition.
- 6) Access to grass areas shall be prevented when bare areas develop, when

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the grass is not regularly maintained, when debris is allowed to accumulate, or an unsightly condition, offensive odor, or a muddy condition exists.

- b) Perimeter Overflow, Suction Outlet Covers and Skimmers. The perimeter overflow systems, suction outlet covers or automatic surface skimmers shall be clean and free of leaves or other debris ~~that~~which would restrict flow. The strainer baskets for skimmers shall be cleaned daily. Broken or missing skimmer weirs shall be replaced. Broken or missing suction outlet covers shall be replaced immediately and installed in accordance with the manufacturer's requirements. The flow through each skimmer shall be adjusted as often as necessary to maintain a vigorous skimming action ~~that~~which will remove all floating matter from the surface of the water. The pool water shall be maintained at an elevation such that effective surface skimming is accomplished. A higher water level may be maintained during official swimming competition. For pools with perimeter overflow systems, adequate surge storage capacity shall be maintained so that flooding of the perimeter overflow system does not occur during periods of peak usage. The flow returning from the pool shall be balanced or valved such that the majority of flow is returned through the perimeter overflow or skimmer system.
- c) Inlet Fittings. Inlets shall be checked frequently so that the rate of flow through each inlet establishes a uniform distribution pattern. Inlets in pools with surface skimmers shall be adjusted as necessary to provide vigorous skimming.
- d) Bather Preparation Facilities
- 1) Floors shall be cleaned and disinfected daily.
  - 2) Toilet rooms and fixtures shall be kept clean, free of dirt and debris and in good repair. Floors shall be maintained in a slip-resistant condition. Soap dispensers shall be filled and operable. A supply of toilet paper shall be provided at each toilet at all times.
- e) Foot Baths. Foot baths shall be free of dirt, debris and other floating matter and shall be operated by continuously introducing fresh water and discharging used water to waste.
- f) Security. Doors or gates in the swimming pool enclosure shall be kept closed and locked when the swimming pool is closed.

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- g) Bather Loads. The number of persons within a swimming pool enclosure shall not exceed the permissible bather load established by the Department. Additional patrons may be allowed at other recreational features within the pool enclosure, such as sand play areas, turf sun-bathing areas and picnic areas, if additional toilet facilities are provided. However, the number of patrons in swimming pools, wading pools or on the pool deck shall not exceed the bather load. The bather load shall be posted at the pool entrance or at a location where it can be seen by all patrons and shall be enforced by the manager/operator.
- h) Electrical Systems. Electrical systems shall be maintained in accordance with the National Electrical Code.
- i) Diving Equipment. Diving equipment shall be maintained in a safe condition, be securely anchored, and have a slip-resistant surface.
- j) Vacuum Cleaners. Vacuum cleaning shall not be conducted when the pool is in use.
- k) Operation of Mechanical Equipment
- 1) Manufacturers' instructions for operation and maintenance of mechanical and electrical equipment, as well as pump performance curves, shall be kept available at the pool. All valves and piping in the equipment room ~~shall~~must be permanently identified as to use and direction of flow. A valve operating procedure ~~shall~~must be provided in the equipment room for each operation (e.g., recirculation, filtration, backwashing, ~~etc.~~).
  - 2) Pumps, filters, disinfectant feeders, flow indicators, gauges, and all related components of the pool water recirculation system shall be kept in continuous operation 24 hours a day. A recirculation and filtration flow rate that will result in a turnover period as specified in Section 820.210 shall be maintained at all times, except for wading areas in swimming pools constructed prior to May 20, 1999 where such a flow rate cannot be attained without alteration of the recirculation system, in which case a recirculation flow rate that will result in a turnover period of no more than six hours shall be maintained in the wading area.
  - 3) Recirculation Pumps. The pump shall not be throttled on the suction side

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during normal operation except for necessary regulation of flow through main drain piping. Recirculation pumps shall be kept in good repair and condition. The pump discharge or inlet supply line valve shall be adjusted as necessary to maintain the design flow rate.

## 4) Filtration.

A) The filtration flow rate shall not exceed the maximum filtration design flow rate specified by the filter manufacturer for public swimming pool usage in accordance with NSF Standard 50. Where this rate is not known or has not been determined, the flow rate shall not exceed 15 gallons per minute per square foot of filter area for high-rate sand filters, 3 gallons per minute per square foot for other sand filters, 1.5 gallons per minute per square foot for diatomaceous earth filters, or 0.375 gallons per minute per square foot for cartridge filters, except that a filtration flow rate of up to 2.0 gallons per minute per square foot may be allowed where continuous feeding of diatomaceous earth is utilized with a diatomaceous earth filter in accordance with subsection (k)(3)(C)(iii).

## B) Sand Filters.

- i) The filter air release valve shall be opened as necessary, to remove air ~~that~~<sup>which</sup> collects in the filter, and following each backwash.
- ii) The filter shall be backwashed when the design flow rate can no longer be achieved, or when specified by the filter manufacturer, whichever occurs first.

## C) Diatomaceous Earth Filters.

- i) The dosage of diatomaceous earth precoat shall be at least ~~1½ one and one half~~ ounces per square foot of element surface area. Pressure diatomaceous earth filters shall be backwashed when the design flow rate can no longer be achieved or when specified by the filter manufacturer, whichever occurs first. Whenever the recirculation pump

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stops or is shut off, the filter shall be thoroughly backwashed and the elements shall be precoated before placing the pump back into operation. Vacuum diatomaceous earth filters shall be washed when the design flow rate can no longer be achieved or when specified by the filter manufacturer, whichever occurs first. Backwashing shall not be performed when the pool is in use.

- ii) During the precoating operation, the initial filter effluent shall be either recirculated through the filter until the filter effluent is clear, or the initial filter effluent shall be discharged to waste until properly clarified water is produced.
- iii) When continuous diatomaceous earth feed is utilized so that a filter may be operated at a filtration rate higher than would otherwise be allowable, it shall be applied at a rate of ~~1/2 one half~~ to ~~1 1/2 one and one half~~ ounces per square foot of surface area per day, or as needed to extend filter cycles.

D) Cartridge Filters. A clean extra set of filter cartridges shall be available at the pool.

- 5) Hair and Lint Strainers. Hair and lint strainers shall be cleaned to prevent clogging of the suction line and cavitation. The pump shall be stopped before the strainer is opened to avoid drawing air into the pump and losing the prime. In the case of diatomaceous earth filters, the hair strainer basket shall be cleaned immediately prior to precoating the filter.
- 6) Flowmeters. Flowmeters shall be maintained in an accurate operating condition and readable.
- 7) Vacuum and Pressure Gauges. The lines leading to the gauges shall be bled occasionally to prevent blockage.
- 8) Gas Chlorinators.
  - A) Gas chlorinators shall be repaired only by a person trained in

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servicing these units. The manager/operator shall post the telephone numbers of the appropriate emergency personnel to contact in the event of a chlorine gas emergency.

- B) Chlorine cylinders shall be stored indoors in the area designed for that purpose and away from a direct source of heat. They shall be chained or strapped to a rigid support to prevent accidental tipping. Cylinders shall not be moved unless the protection cap is secured over the valve. A National Institute of Occupational Safety and Health (NIOSH) or Mine Safety and Health Administration (MSHA) approved gas mask, approved for use in a chlorine atmosphere, shall be kept outside the chlorine room in an unlocked container at all times. The gas mask canister shall be replaced regularly as per the manufacturer's recommendations.
- C) Chlorinators, gas lines, injectors, vent lines and cylinders shall be checked daily for leaks. In case of a chlorine leak, corrective measures shall be undertaken only by trained persons wearing proper safety equipment. All other persons shall leave the dangerous area until conditions are again safe.
- 9) Positive Displacement Feeders.
- A) Positive displacement feeders shall be periodically inspected and serviced.
- B) When a chemical feeder is used with calcium hypochlorite solution, to minimize sludge accumulation in the unit, the lowest practicable concentration of solution shall be used, and in no case shall this concentration exceed five percent (about 20 pounds of 65% chlorine powder in 50 gallons of water). If liquid chlorine solution is used, the dilution with water is not critical to the operation of the unit. After first thoroughly rinsing with water, a small amount of mild acid solution may be fed through the unit periodically, to dissolve sludge accumulations.
- 10) [Safety Vacuum Release System and Safety Vent Pipe. Safety vacuum release systems shall be maintained in operable conditions and in accordance with the manufacturer's requirements. Safety vent pipes and](#)

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atmospheric vents for gravity drainage systems shall be maintained free of blockages.

- l) Chlorinated Cyanurates. The use of chlorinated cyanurates is subject to the following requirements:
  - 1) Superchlorination shall be accomplished by using a chlorine product other than a cyanurate; and
  - 2) When the cyanuric acid level exceeds the maximum permissible limit of 100 p.p.m., the pool water must be partially wasted and replenished with fresh water until the cyanuric acid concentration is less than 50 p.p.m.
- m) pH Adjustment
  - 1) Soda ash or caustic soda may be used to raise the pool water pH.
  - 2) Caustic soda shall ~~only~~ be used only in accordance with the manufacturer's instructions. Protective equipment and clothing, including rubber gloves and goggles, ~~shall~~must be available for the handling and use of this chemical.
  - 3) Sodium bisulfate, carbon dioxide gas or muriatic acid shall be used to lower pool water pH. Carbon dioxide cylinders shall be securely chained or otherwise restrained in a manner that will prevent tipping.
  - 4) Hydrochloric (muriatic) acid shall only be used in accordance with the manufacturer's instructions. Protective equipment and clothing, including rubber gloves and goggles, ~~shall~~must be available for handling this chemical.
  - 5) The Department shall be consulted in the event of unusual pH problems including corrosion or scaling or wide fluctuations in pH.
- n) Algae Control
  - 1) The development of algae shall be eliminated by superchlorinating to 10 p.p.m. and maintaining this level for several hours. The pool shall not be open for use during this treatment. If this fails to eliminate the algae, the

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Department shall be consulted for further advice.

- 2) Treated algae ~~that~~which cling to the floor and sides of the pool ~~shall~~must be brushed loose, and removed by the suction cleaner and filtration system.
- o) Miscellaneous Chemicals
- 1) Chemicals shall be kept covered and stored in the original, labeled container, away from flammables and heat and in a clean, dry, well-ventilated place ~~that~~which prevents unauthorized access to the chemicals.
  - 2) The chemicals used in controlling the quality of water shall be used only in accordance with the manufacturer's instructions.
  - 3) If polyphosphates are used for sequestering iron, the concentration of polyphosphates shall not exceed 10 p.p.m.
- p) Acoustics. If noise is excessive, such that safety instructions cannot be heard, corrective action shall be taken.
- q) Slides
- 1) Water slide equipment shall be maintained in a safe condition and securely anchored.
  - 2) Only one rider at a time shall be allowed to enter a slide except when designed by the manufacturer for two or more riders.
  - 3) For water slides and drop slides, when the plunge area is not visible from the top of the slide, a means of communication shall be provided between the attendant at the top and the lifeguard at the bottom.
  - 4) At the entrance to water slides and drop slides, a sign shall be posted at the top of the slide warning all sliders not to proceed down the slide until instructed to do so by the slide attendant.

(Source: Amended at 33 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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- 1) Heading of the Part: Departmental Duties
- 2) Code Citation: 2 Ill. Adm. Code 552
- 3) Section Number: 552.10                      Proposed Action:  
Amendment
- 4) Statutory Authority: Securities Law of 1953 (815 ILCS 5/10; 5/11; 5/13) Business Corporation Act of 1983 (805 ILCS 5/1.05) and the Illinois Vehicle code [625 ILCS 5/2-104(b)] and 625 ILCS 5/2-118
- 5) Complete Description of the Subjects and Issues Involved: The proposed rulemaking updates the addresses at which the Secretary of State receives service of process for cases involving Securities, Non-Residents involved in motor vehicles accidents on the roadways of Illinois, Business Corporations and Administrative Reviews. Citations are also updated to reflect the related Compiled Statutes.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency amendments 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: The proposed amendments do not require expenditures by units of local government.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Texts of the proposed amendments are posted on Secretary of State's web site, [www.sos.state.il.us/departments/index/home](http://www.sos.state.il.us/departments/index/home) as part of the *Illinois Register*. Interested persons may present their comments concerning this proposed rulemaking in writing within 45 days after publication of this notice to:

Cynthia Grant  
Assistant General Counsel

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298 Howlett Building  
Springfield, Illinois 62756

or

cgrant@ilsos.net

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
  - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the most recent regulatory agendas because: the Department did not anticipate this rulemaking at the time the agendas were filed.

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

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TITLE 2: GOVERNMENTAL ORGANIZATION  
SUBTITLE C: CONSTITUTIONAL OFFICERS  
CHAPTER III: SECRETARY OF STATEPART 552  
DEPARTMENTAL DUTIES

## Section

552.10	Service of Process Upon the Secretary of State
552.20	Filing of Miscellaneous Documents with the Secretary of State
552.30	Initiating, Conducting and Completing Investigations

AUTHORITY: Sections 10, 11 and 13 of the Securities Law of 1953 [815 ILCS 5/10, 11 and 13], Section 1.05 of the Business Corporation Act of 1983 [805 ILCS 5/1.05], Sections 2-104(b) and 2-118 of the Illinois Vehicle Code [625 ILCS 5/2-104(b) and 2-118].

SOURCE: Adopted at 12 Ill. Reg. 3022, effective February 1, 1988; amended at 14 Ill. Reg. 6854, effective May 1, 1990; amended at 30 Ill. Reg. 15786, effective September 18, 2006; amended at 33 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**Section 552.10 Service of Process Upon the Secretary of State**

The following procedure for substitute service of process upon the Secretary of State shall apply for the specific statute cited. The specific ~~department~~Department of the Office of the Secretary of State stated ~~in this Section~~herein, shall receive the service of process and retain the records ~~of the service~~hereof in accordance with the applicable statutes and rules. Nothing in this Section or Section 552.20 shall affect in any way any substantive or procedural rights granted by the statutes referred to ~~in this Section~~herein. Any service of process sent to the incorrect department within the Office of the Secretary of State shall be sent by that department's staff to the correct department as designated by this ~~Section~~section and Section 552.20. These ~~Sections~~sections are intended only to allocate the responsibilities for the receipt and storage of service of process within the Office of the Secretary of State.

- a) In cases involving the sale of securities, service of process upon the Secretary of State under Section 10 ~~of~~ the Illinois Securities Law of 1953 (~~815 ILCS 5/10~~ ~~Ill. Rev. Stat. 1987, ch. 121½, par. 137.10~~); shall be made in accordance with 14 Ill. Adm. Code 130.120; and delivered to the Securities Department, ~~300 West Jefferson, Suite 300A, Springfield, Illinois 62702~~900 South Spring Street, Springfield, Illinois 62704, except that services of process by the Securities

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Department itself, pursuant to ~~Section~~Sections 10, 11, or 13 of the Illinois Securities Law of 1953, should be made upon the Index Department.

- b) In cases involving corporations under the Business Corporation Act of 1983 (~~805 ILCS 5~~Ill. Rev. Stat. 1987, ch. 32, par. 1.01 et seq.) or the General Not For Profit Corporation Act of 1986 (~~805 ILCS 105~~Ill. Rev. Stat. 1987, ch. 32, par. 101.01 et seq.) ~~or~~on the Corporate Fiduciary Act (~~205 ILCS 620~~Ill. Rev. Stat. 1987, ch. 17, par. 155.1 et seq.), service of process upon the Secretary of State shall be made in accordance with 14 Ill. Adm. Code 150, Subpart E and 14 Ill. Adm. Code 160.17, and delivered to the Business Services Department, Room ~~350300~~, ~~HowlettCentennial~~ Building, Springfield, Illinois 62756.
- c) In cases involving a motor vehicle collision involving a non-resident, service of process upon the Secretary of State under Section ~~10-301 of 10-1~~ the Illinois Vehicle Code (~~625 ILCS 5/10-301~~Ill. Rev. Stat. 1987, ch. 95½, par. 10-301), shall be delivered to the ~~Office of the General Counsel~~Department of Administrative Hearings, Room ~~298207~~, ~~HowlettCentennial~~ Building, Springfield, Illinois 62756.
- d) In cases ~~in which~~where service of process upon the Secretary of State is permitted under one of the following statutes, and in all other cases to which ~~subsections~~subsections (a), (b), or (c) of this Section do not apply, service shall be made upon the Index Department, 111 East Monroe Street, Springfield, Illinois 62756:
- ~~235 ILCS 5/8-14~~Ill. Rev. Stat. 1987, ch. 43, par. 165(a), (~~The~~ Liquor Control Act of 1934)
- ~~820 ILCS 405/2208~~Ill. Rev. Stat. 1987, ch. 48, par. 688, (Illinois Insurance Code~~The Unemployment Compensation Insurance Act~~)
- ~~215 ILCS 5/121-6 and 121-7~~Ill. Rev. Stat. 1987, ch. 73, par. 733-6 et seq., (Illinois Insurance Code~~The Illinois Unauthorized Insurance Companies Code~~)
- ~~735 ILCS 5/2-209~~Ill. Rev. Stat. 1987, ch. 110, par. 2-209, (Civil Practice Law (Products Liability – \$5.00 filing fee))
- ~~735 ILCS 5/2-210~~Ill. Rev. Stat. 1987, ch. 110, par. 2-210, (Civil Practice Law (Aircraft and Ship Owners and Operators – \$2.00 filing fee))

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[35 ILCS 5/1404](#)~~Ill. Rev. Stat. 1987, ch. 120, par. 14-1404,~~ (The Illinois Income Tax Act)

[35 ILCS 105/12a](#)~~Ill. Rev. Stat. 1987, ch. 120, par. 439.12a,~~ (Use Tax Act)

[35 ILCS 110/13](#)~~Ill. Rev. Stat. 1987, ch. 120, par. 439.43,~~ (Service Use Tax Act)

[35 ILCS 115/13](#)~~Ill. Rev. Stat. 1987, ch. 120, par. 439.113,~~ (Service Occupation Tax Act)

[35 ILCS 120/5i](#)~~Ill. Rev. Stat. 1987, ch. 120, par. 444(i),~~ (Retailers' Occupation Tax Act)

[765 ILCS 1036/15 and 30 \(Trademark Registration and Protection Act\)](#)~~Ill. Rev. Stat. 1987, ch. 140, pars. 10 and 16, (Trademarks "AN ACT to provide for the registration and protection of trade marks, service marks and trade names, to make an appropriation in connection therewith, and to repeal an Act herein named.")~~

- e) In cases involving the Secretary of State as a party, such as any administrative review actions contesting a rule or procedure of any Secretary of State department, any civil rights actions and personnel action, service of process shall be made upon the [Office of the General Counsel](#), Room 298, [HowlettCentennial Building](#), Springfield, Illinois 62756.

(Source: Amended at 33 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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- 1) Heading of the Part: Sale of Information
- 2) Code Citation: 92 Ill. Adm. Code 1002
- 3) 

<u>Section Numbers:</u>	<u>Proposed Action:</u>
1002.30	Amendment
1002.60	Amendment
- 4) Statutory Authority: Implementing Section 2-123, and authorized by Sections 2-104, 2-107, and 2-123, of the Illinois Vehicle Title and Registration Law [625 ILCS 5/2-123, 2-104 and 2-107] and 18 USC 2721
- 5) A Complete Description of the Subjects and Issues Involved: States that no refunds will be given for information already provided to purchasers as the Illinois Vehicle Code does not provide for such refunds. Also, clarifies that all agencies, whether commercial or business purchaser or governmental entity, are required to enter into an access agreement in order to receive driver's, vehicle, or title lists, or driving or identification card abstracts.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: This rulemaking will not create or enlarge a State mandate.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Written comments may be submitted within 45 days to:

Brenda Glahn, Assistant Legal Advisor  
Office of the Secretary of State, General Counsel  
298 Howlett Building

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Springfield, Illinois 62756

bglahn@ilsos.net

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
  - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the most recent regulatory agendas because: the Department did not anticipate this rulemaking at the time the agendas were filed.

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

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TITLE 92: TRANSPORTATION  
CHAPTER II: SECRETARY OF STATEPART 1002  
SALE OF INFORMATION

Section	
1002.10	Applicability
1002.20	Definitions
1002.30	Fees
1002.40	Requests
1002.42	Impermissible Use of Personally Identifying Information
1002.45	Request for an Individual's Driving, Registration, or Title Information
1002.50	Lists of Purchasers
1002.60	Access Agreement
1002.70	Public Records
1002.80	Lists of Licenses
1002.90	Social Security Numbers

**AUTHORITY:** Implementing Section 2-123, and authorized by Sections 2-104, 2-107, and 2-123, of the Illinois Vehicle Title and Registration Law [625 ILCS 5/2-123, 2-104 and 2-107] and 18 USC 2721.

**SOURCE:** Emergency rules adopted at 7 Ill. Reg. 11760, effective September 14, 1983; adopted and codified at 8 Ill. Reg. 2522, effective February 11, 1984; amended at 16 Ill. Reg. 13088, effective August 11, 1992; amended at 18 Ill. Reg. 18118, effective December 9, 1994; amended at 21 Ill. Reg. 466, effective January 1, 1997; amended at 31 Ill. Reg. 11337, effective July 23, 2007; amended at 33 Ill. Reg. 3177, effective January 30, 2009; amended at 33 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**Section 1002.30 Fees**

Drivers, vehicle, and title information shall not be sold for commercial solicitation purposes.

- a) Fees for drivers lists:
  - 1) for the sale of a drivers list pursuant to IVC Section 2-123(a) is \$500.
  - 2) for the sale of a drivers list pursuant to IVC Section 2-123(b) is \$500 plus

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\$50 per 1,000 names, with a minimum cost of \$500.

- b) Fees for title and vehicle information provided to public entities pursuant to IVC Section 2-123(a) shall be as follows:
  - 1) for title lists or parts of a list, \$600;
  - 2) for lists of recent title transactions, \$100;
  - 3) for passenger vehicle lists or parts of a list, \$300;
  - 4) for miscellaneous vehicle lists or parts of a list, \$200;
  - 5) for International Reciprocity Plan vehicle lists or parts of a list, \$100;
  - 6) for computer searches of specific vehicle registration plate numbers, \$100.
- c) The fees for title and vehicle information provided to private entities pursuant to IVC Section 2-123(b) shall be as follows:
  - 1) for title lists or parts of a list, \$200 plus \$20 per 1,000 records, or the actual cost or \$600, whichever is greater;
  - 2) for lists of recent title transactions, \$200 plus \$20 per 1,000 records, or the actual cost, whichever is greater;
  - 3) for passenger vehicle lists or parts of a list, \$200 plus \$20 per 1,000 records, or the actual cost of \$300, whichever is greater;
  - 4) for International Reciprocity Plan vehicle lists or parts of a list, \$200 plus \$20 per 1,000 records or the actual cost thereof, whichever is greater;
  - 5) for computer searches of specific vehicle registration plate numbers, \$200 plus \$20 per 1,000 records, or the actual cost thereof, whichever is greater.
- d) The information sold pursuant to subsection (a) or (b) of this Section shall be provided on a computer processible medium as prescribed by the Secretary.
- e) The fees for additional copies of registration lists provided to public entities

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pursuant to IVC Section 2-123(d) shall be as follows:

- 1) for a complete list, \$80;
- 2) for a partial list (up to one-half of the complete list), \$40.
- f) The information sold pursuant to subsection (e) of this Section shall be provided on a computer processible medium as prescribed by the Secretary.
- g) All fees, other than those paid by governmental agencies, shall be paid in advance of the delivery of any list to any purchaser.
- h) Fees for information supplied by means of computer connections between the Secretary's computers and those of any other agency, corporation, or person may be paid on a daily or monthly basis for all information delivered during that day or month, and shall be determined by the Secretary to be the most economically feasible way of billing.
- i) No refunds shall be given by the Secretary of State to any purchaser after the information has been provided to the purchaser.
- ji) No fees shall be charged from those local, state, and federal governmental agencies that obtain information from the Secretary to enforce criminal laws.
- kj) Computer terminal connections to the Secretary's computer may be provided to other State agencies. This service may be made available at no charge as long as the requesting agency incurs all terminal costs and as long as the service does not substantially increase costs or network traffic on the Secretary's computer.
- lk) Computer terminal connection may be allowed to non-governmental agencies provided that the expense of the equipment and communication costs are borne by the non-governmental agency. The allowance of computer terminal connections shall be contingent upon the best interests of the Office of the Secretary of State, which is based upon the volume of requests received, the cost-effectiveness of providing the information through computer terminal connections, as opposed to other methods, and other factors that may impede the operations of the Office of the Secretary of State. Should the connection interfere with the Secretary's internal work schedules and processing, this service may be suspended at any time.

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(Source: Amended at 33 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 1002.60 Access Agreement****a) Access Agreement Required**

All commercial or business purchasers or any federal, State or local entities in receipt of the drivers, vehicle, or title lists, or driving or identification card abstracts, and all entities receiving drivers, vehicle or title lists or driving or identification card abstracts in bulk or via a computer connection, shall sign an Access Agreement with the Secretary.

**b) Content of Access Agreement**

**1)** The Access Agreement shall include disclosure of:

**A)** the ~~specific commercial~~ use, which shall not include commercial solicitation purposes; or

**B)** ~~disclosure of~~ the permissible use of personal information, if applicable.

**2)** The Access Agreement shall contain those terms the Secretary deems necessary and appropriate to protect the integrity of the lists and abstracts, including, but not limited to:

**A)** a requirement that the data not be used for criminal or immoral purposes; and,

**B)** a statement that violation of any terms of the Access Agreement could result in the Secretary's denial of sale or disclosure of the data to the purchaser or recipient for a term of 5 years and the return of the data to the Secretary.

**c) Redisclosure**

**1)** The redisclosure of the data is prohibited, except to the extent necessary to effectuate the purpose for which the original disclosure of the data was permitted.

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- |            2)    Any authorized recipient that resells or rediscloses personal data covered by this Part must keep, for a period of 5 years, records identifying each person or entity that receives information and the permitted purpose for which the data will be used. The purchaser must make these records available to the Secretary of State upon request.

(Source: Amended at 33 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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- 1) Heading of the Part: Certificates of Title, Registration of Vehicles
- 2) Code Citation: 92 Ill. Adm. Code 1010
- 3) Section Numbers: 1010.421                      Proposed Action: Amendment
- 4) Statutory Authority: 625 ILCS 5/3-407
- 5) Complete Description of the Subjects and Issues Involved: This rulemaking would allow the Secretary of State's Office to suspend or revoke an automobile dealer or remittance agent's authority to issue temporary registration permits if certain violations are committed. The rulemaking would allow for the affected dealer or remittance agent to have an administrative hearing to contest the revocation.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: The proposed amendments do not require expenditures by units of local government.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Texts of the proposed amendments are posted on Secretary of State's web site, [www.sos.state.il.us/departments/index/home](http://www.sos.state.il.us/departments/index/home) as part of the *Illinois Register*. Interested persons may present their comments concerning this proposed rulemaking in writing within 45 days after publication of this notice to:

Cynthia Grant  
Assistant General Counsel  
298 Howlett Building  
Springfield, Illinois 62756

## SECRETARY OF STATE

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cgrant@ilsos.net

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].

13) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not-for-profit corporations affected: Automobile dealers, remitters and currency exchanges who are permitted to issue temporary registration permits.

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 Secretary of State 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 Secretary of State.

- 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 not included on either of the most recent regulatory agendas because: the Department did not anticipate this rulemaking at the time the agendas were filed.

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

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TITLE 92: TRANSPORTATION  
CHAPTER II: SECRETARY OF STATEPART 1010  
CERTIFICATES OF TITLE, REGISTRATION OF VEHICLES

## SUBPART A: DEFINITIONS

Section	
1010.10	Owner – Application of Term
1010.20	Secretary and Department

## SUBPART B: TITLES

Section	
1010.110	Salvage Certificate – Additional Information Required to Accompany Application for a Certificate of Title for a Rebuilt or a Restored Vehicle Upon Surrendering Salvage Certificate
1010.120	Salvage Certificate – Assignments and Reassignments
1010.130	Exclusiveness of Lien on Certificate of Title
1010.140	Documents Required to Title and Register Imported Vehicles Not Manufactured in Conformity with Federal Emission or Safety Standards
1010.150	Transferring Certificates of Title Upon the Owner's Death
1010.160	Repossession of Vehicles by Lienholders and Creditors
1010.170	Junking Notification
1010.180	Specially Constructed Vehicles – Defined
1010.185	Specially Constructed Vehicles – Required Documentation for Title and Registration
1010.190	Issuance of Title and Registration Without Standard Ownership Documents – Bond

## SUBPART C: REGISTRATION

Section	
1010.210	Application for Registration
1010.220	Vehicles Subject to Registration – Exceptions
1010.230	Refusing Registration or Certificate of Title
1010.240	Registration Plates To Be Furnished by the Secretary of State
1010.245	Electronic Registration and Titling (ERT) Program Provisions

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1010.250 Applications For Reassignment

SUBPART D: REVOCATION, SUSPENSION AND  
CANCELLATION OF REGISTRATION

## Section

1010.300 Operation of Vehicle after Cancellation, Suspension, or Revocation of any  
Registration  
1010.310 Improper Use of Evidences of Registration  
1010.320 Suspension, Cancellation or Revocation of Illinois Registration Plates and Cards  
and Titles  
1010.330 Operation of Vehicle Without Proper Illinois Registration  
1010.350 Suspension or Revocation  
1010.360 Surrender of Plates, Decals or Cards

SUBPART E: SPECIAL PERMITS AND PLATES

## Section

1010.410 Temporary Registration – Individual Transactions  
1010.420 Temporary Permit Pending Registration In Illinois  
1010.421 Issuance of Temporary Registration Permits by Persons or Entities Other Than the  
Secretary of State  
1010.425 Non-Resident Drive-Away Permits  
1010.426 Five Day Permits  
1010.430 Registration Plates for Motor Vehicles Used for Transportation of Persons for  
Compensation and Tow Trucks  
1010.440 Title and Registration of Vehicles with Permanently Mounted Equipment  
1010.450 Special Plates  
1010.451 Purple Heart License Plates  
1010.452 Special Event License Plates  
1010.453 Retired Armed Forces License Plates  
1010.454 Gold Star License Plates  
1010.455 Collectible License Plates  
1010.456 Sample License Plates For Motion Picture and Television Studios  
1010.457 Korean War Veteran License Plates  
1010.458 Collegiate License Plates  
1010.460 Special Plates for Members of the United States Armed Forces Reserves  
| [1010.465 Requests for General Issuance Specialty Plates](#)  
1010.470 Dealer Plate Records

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1010.480 State of Illinois In-Transit Plates

## SUBPART F: FEES

## Section

1010.510 Determination of Registration Fees  
1010.520 When Fees Returnable  
1010.530 Circuit Breaker Registration Discount  
1010.540 Fees

## SUBPART G: MISCELLANEOUS

## Section

1010.610 Unlawful Acts, Fines and Penalties  
1010.620 Change of Engine

## SUBPART H: SECOND DIVISION VEHICLES

## Section

1010.705 Reciprocity  
1010.710 Vehicle Proration  
1010.715 Proration Fees  
1010.720 Vehicle Apportionment  
1010.725 Trip Leasing  
1010.730 Intrastate Movements, Foreign Vehicles  
1010.735 Interline Movements  
1010.740 Trip and Short-term Permits  
1010.745 Signal 30 Permit for Foreign Registration Vehicles (Repealed)  
1010.750 Signal 30-Year-round for Prorated Fleets of Leased Vehicles (Repealed)  
1010.755 Mileage Tax Plates  
1010.756 Suspension or Revocation of Illinois Mileage Weight Tax Plates  
1010.760 Transfer for "For-Hire" Loads  
1010.765 Suspension or Revocation of Exemptions as to Foreign Registered Vehicles  
1010.770 Required Documents for Trucks and Buses to detect "intrastate" movements  
1010.775 Certificate of Safety

1010.APPENDIX A Uniform Vehicle Registration Proration and Reciprocity Agreement  
1010.APPENDIX B International Registration Plan  
1010.APPENDIX C Affirmation Supporting Salvage Certificate

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## 1010.APPENDIX D Specialty License Plates Request Form

**AUTHORITY:** Implementing Chapter 3 and authorized by Section 2-104(b) of the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code [625 ILCS 5/Ch. 3 and 2-104(b)].

**SOURCE:** Filed and effective December 15, 1970; emergency amendment at 2 Ill. Reg. 25, p. 119, effective June 14, 1978, for a maximum of 150 days; amended at 3 Ill. Reg. 12, p. 76, effective March 23, 1979; amended at 3 Ill. Reg. 29, p. 123, effective July 20, 1979; amended at 4 Ill. Reg. 17, p. 247, effective April 11, 1980; emergency amendment at 4 Ill. Reg. 21, p. 99, effective May 14, 1980, for a maximum of 150 days; amended at 6 Ill. Reg. 2241, effective February 1, 1982; amended at 6 Ill. Reg. 11076, effective August 26, 1982; codified at 6 Ill. Reg. 12674; amended at 7 Ill. Reg. 1432, effective January 21, 1983; amended at 7 Ill. Reg. 1436, effective January 21, 1983; amended at 8 Ill. Reg. 5329, effective April 6, 1984; amended at 9 Ill. Reg. 3358, effective March 1, 1985; amended at 9 Ill. Reg. 9176, effective May 30, 1985; amended at 9 Ill. Reg. 12863, effective August 2, 1985; amended at 9 Ill. Reg. 14711, effective September 13, 1985; amended at 10 Ill. Reg. 1243, effective January 6, 1986; amended at 10 Ill. Reg. 4245, effective February 26, 1986; amended at 10 Ill. Reg. 14308, effective August 19, 1986; recodified at 11 Ill. Reg. 15920; amended at 12 Ill. Reg. 14711, effective September 15, 1988; amended at 12 Ill. Reg. 15193, effective September 15, 1988; amended at 13 Ill. Reg. 1598, effective February 1, 1989; amended at 13 Ill. Reg. 5173, effective April 1, 1989; amended at 13 Ill. Reg. 7965, effective May 15, 1989; amended at 13 Ill. Reg. 15102, effective September 15, 1989; amended at 14 Ill. Reg. 4560, effective March 1, 1990; amended at 14 Ill. Reg. 6848, effective April 18, 1990; amended at 14 Ill. Reg. 9492, effective June 1, 1990; amended at 14 Ill. Reg. 19066, effective November 15, 1990; amended at 15 Ill. Reg. 12782, effective August 15, 1991; amended at 16 Ill. Reg. 12587, effective August 1, 1992; amended at 19 Ill. Reg. 11947, effective August 1, 1995; amended at 19 Ill. Reg. 16289, effective November 27, 1995; amended at 20 Ill. Reg. 11349, effective August 1, 1996; amended at 21 Ill. Reg. 8408, effective June 23, 1997; amended at 21 Ill. Reg. 13372, effective September 17, 1997; amended at 22 Ill. Reg. 8521, effective April 28, 1998; amended at 22 Ill. Reg. 22059, effective January 1, 1999; amended at 25 Ill. Reg. 7731, effective June 6, 2001; emergency amendment at 25 Ill. Reg. 14201, effective October 22, 2001, for a maximum of 150 days; emergency expired March 20, 2002; amended at 26 Ill. Reg. 14282, effective September 16, 2002; amended at 27 Ill. Reg. 4790, effective February 27, 2003; amended at 29 Ill. Reg. 8915, effective June 10, 2005; amended at 31 Ill. Reg. 2668, effective January 29, 2007; amended at 32 Ill. Reg. 17253, effective October 15, 2008; amended at 32 Ill. Reg. 17590, effective October 16, 2008; amended at 33 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**Section 1010.421 Issuance of Temporary Registration Permits by Persons or Entities**

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**Other Than the Secretary of State**

- a) In addition to the issuance of Temporary Permits to specific applicants, the Secretary of State may supply, upon request, Temporary Permit plates to the following for issuance by them, provided they have the necessary computer hardware, software and communication devices for accessing the Secretary of State's Internet site for the registration of Temporary Permit plates:
- 1) Licensed vehicle dealers registered and in good standing with the Secretary of State. Each dealer may issue Temporary Permits only to persons purchasing vehicles from that dealer and only after application for title and registration has been completed. ~~The Secretary shall, upon determination by any court proceeding or at an administrative hearing, decline to issue such Permits to any dealer or demand return of unused Permits for violating any provision of the Illinois Vehicle Code, or any administrative rule adopted pursuant to the Vehicle Code, for the failure to keep records or make computer entries as required by this Section, or for any other violation relating to the use or issuance of Temporary Permits. Secretary of State personnel may initiate an action against a dealer by filing a complaint with the Secretary of State's Administrative Hearings Department. Thereafter, a notice of hearing shall be issued to the dealer specifying the alleged violations. The dealer shall be entitled to an administrative hearing pursuant to Section 2-118 of the Illinois Vehicle Code [625 ILCS 5/2-118] and regulations promulgated thereunder.~~ All dealers receiving ~~such~~ Temporary Permits shall maintain records reflecting the information required for completion of the receipt form for a Temporary Permit plate. Failure to do so ~~may~~could result in the denial, revocation, or suspension of a dealer's license under IVC Section 5-501 ~~of the Illinois Vehicle Code.~~
  - 2) Licensed remittance agents registered and in good standing with the Secretary of State. Each remittance agent may issue Temporary Permits only to persons whose applications the remittance agent accepts for transmittal to the Secretary of State. ~~The Secretary shall, upon determination by any court proceeding or at an administrative hearing, decline to issue such Permits to any remittance agent or demand return of unused Permits for violating any provision of the Illinois Vehicle Code, or any administrative rule adopted pursuant to the Vehicle Code, for failure to keep records or make computer entries as required by this Section, or~~

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~~for any other violation relating to the use or issuance of Temporary Permits. Secretary of State personnel may initiate an action against a remittance agent by filing a complaint with the Secretary of State's Administrative Hearings Department. Thereafter, a notice of hearing shall be issued to the remittance agent specifying the alleged violations. The remittance agent shall be entitled to an administrative hearing pursuant to Section 2-118 of the Illinois Vehicle Code [625 ILCS 5/2-118] and regulations promulgated thereunder. All Remittance Agents receiving such Temporary Permits shall maintain records reflecting the information required for completion of the receipt form for a Temporary Permit. Failure to do so may result in the denial, revocation, or suspension of a Remittance Agent's license under IVC Sections 3-906 and 3-907 of the Illinois Vehicle Code.~~

- 3) Currency ~~exchanges~~ Exchanges licensed by, and in good standing with, the Department of Financial and Professional Regulation Institutions. Currency ~~exchanges~~ Exchanges shall complete and submit an application in a manner prescribed by the Secretary of State to be eligible to receive Temporary Permits. Each ~~currency exchange~~ Currency Exchange may issue Temporary Permits only to persons whose applications the ~~currency exchange~~ Currency Exchange accepts for transmittal to the Secretary of State. A Temporary Permit may only be issued in connection with an application for title and registration or registration only, but may not be issued in connection with an application for renewal of a registration. All ~~currency exchanges~~ Currency Exchanges receiving Temporary Permits shall maintain records of their issuance reflecting the information required for completion of the receipt form for a Temporary Permit plate. ~~The Secretary shall, upon determination by any court proceeding or at an administrative hearing, decline to issue Temporary Permits to any Currency Exchange that has committed any violation of the Illinois Vehicle Code, or any administrative rule adopted pursuant to the Vehicle Code, for failure to keep records or make computer entries as required by this Section, or for any other violation relating to the use or issuance of Temporary Permits. Secretary of State personnel may initiate an action against a Currency Exchange by filing a complaint with the Secretary of State's Administrative Hearings Department. Thereafter, a notice of hearing shall be issued to the Currency Exchange specifying the alleged violations. The Currency Exchange shall be entitled to an administrative hearing pursuant to Section 2-118 of the Illinois Vehicle Code [625 ILCS~~

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~~5/2-118] and regulations promulgated thereunder.~~

- b) Issuers of Temporary Permits must be in compliance with the following:
- 1) Within two business days after receipt of Temporary Permit plates from the Secretary of State the issuer shall access the Secretary of State's Internet site for the registration of Temporary Permit plates and acknowledge receipt of the plates. The issuer shall store the Temporary Permit plates in a secure location to prevent theft, loss or misuse of the plates. Temporary Permit plates shall be issued in numerical sequence as received from the Secretary of State. Temporary Permit plates shall be issued only in conjunction with applications for vehicle registration and all required information regarding the Temporary Permit plate shall be completed on the vehicle registration application form.
  - 2) Contemporaneous with the issuance of a Temporary Permit plate, the issuer shall access the Secretary of State's Internet site for the registration of Temporary Permit plates and enter all requested information with regard to the vehicle for which the Temporary Permit plate was issued and the ~~individuals~~individual(s) or entity to which the Temporary Permit plate was issued. When accessing the Secretary of State's Internet site and entering information, issuers shall comply with all protocols provided by the Secretary of State, including, but not limited to, user identification procedures and passwords.
  - 3) Prior to delivering a Temporary Permit plate to the applicant or attaching a Temporary Permit plate to a vehicle, the issuer shall lift the clear overlay covering the expiration date area, blacken in with a permanent black marker the month and year during which the Temporary Permit will expire, making certain to blacken in the entire box including the portion of the silver hologram strip running through the box designating the month, and remove the white backing from the overlay and apply the overlay securely over the expiration date area.
  - 4) Temporary Permit plates issued for motor driven cycles or motorcycles shall be of the reduced size designed for motor driven cycles or motorcycles.
  - 5) Temporary Permit plates shall be issued only by the ~~dealer~~Dealer,

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~~remittance agent~~Remittance Agent, or ~~currency exchange~~Currency Exchange that received the Temporary Permit from the Secretary of State.

- 6) Temporary Permit plate receipt forms shall contain all of the information requested, where applicable. The original of the plate receipt form shall be given to the applicant and the copy shall be maintained by the issuer.
  - 7) Temporary Permit plate receipt forms shall bear the name of the issuing entity and the signature of the issuing employee.
  - 8) Issuers of Temporary Permits shall reimburse the Secretary of State \$50 per Temporary Permit for lost, missing, stolen, or destroyed Temporary Permits. The Secretary of State shall have the discretion to waive this fee upon satisfactory proof that the Temporary Permits were destroyed by fire or flood, or stolen in connection to a theft of the premises. In the decision to waive the fee, the Secretary of State shall consider whether an insurance claim or police report was filed, or other evidence suggesting that the issuer's loss is the result of fire, flood, or theft of the premises.
  - 9) Issuers shall maintain copies of receipt forms for all Temporary Permit plates issued for a period of 3 years.
  - 10) When the issuer is no longer engaged in the business of issuing Temporary Permits, the issuer shall return all unissued Temporary Permit plates to the Secretary of State. Issuer shall bear risk of loss until all Temporary Permits are received by the Secretary of State.
- c) The Secretary of State shall have free access to the offices and places of business to examine fully all Temporary Permit books and other business records, documents, and files of the issuer to determine whether such issuer is complying with the provisions of this Section.
  - d) The issuer is responsible for acts or omissions of issuer's employees while engaged in the distribution of Temporary Permits.
  - e) Denial or Revocation of the Authority to Issue Temporary Permits
    - 1) The Secretary of State may refuse to issue Temporary Permits to any dealer, remittance agent or currency exchange that has committed any

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violation of IVC Chapter 3 or Chapter 5 or any administrative rule adopted pursuant to those statutes. The Secretary of State may demand the return of any unused Temporary Permits from any dealer, remittance agent or currency exchange for any violation of IVC Chapter 3 or Chapter 5 or any administrative rule adopted pursuant to those statutes, or for any other violation relating to the use or issuance of Temporary Permits.

2) If the Secretary of State refuses to issue or revokes unused Temporary Permits, he or she shall so order in writing and notify the dealer, remittance agent or currency exchange by mail. A dealer, remittance agent or currency exchange may request an administrative hearing to review the order.

3) If the Secretary of State revokes unused Temporary Permits, the affected dealer, remittance agent or currency exchange shall not be entitled to apply for or issue any Temporary Permits for a period of 90 days following receipt of the revocation order. A second or subsequent offense resulting in the revocation of Temporary Permits may result in the dealer, remittance agent or currency exchange being prohibited from receiving any Temporary Permits from the Secretary of State.

4) Secretary of State personnel may initiate an action against a dealer, remittance agent or currency exchange by filing a complaint with the Secretary of State's Administrative Hearings Department. Thereafter, a notice of hearing shall be issued to the dealer, remittance agent or currency exchange specifying the alleged violation. The dealer, remittance agent or currency exchange shall be entitled to an administrative hearing pursuant to IVC Section 2-118 and regulations promulgated under that Section.

(Source: Amended at 33 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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- 1) Heading of the Part: Requirements for Accounting, Budgeting, Financial Reporting, and Auditing
- 2) Code Citation: 23 Ill. Adm. Code 100
- 3) 

<u>Section Numbers:</u>	<u>Proposed Action:</u>
100.120	Amendment
100.130	New Section
100.TABLE C	Amendment
- 4) Statutory Authority: 105 ILCS 5/2-3.17a, 2-3.27, 2-3.28, 3-7, 17-1, and 34-43.1
- 5) A Complete Description of the Subjects and Issues Involved: These amendments provide for uniformity in accounting for the federal funds that Illinois school districts will receive under the American Recovery and Reinvestment Act of 2009. New account numbers are being established so that the specific federal sources of funding can be tracked and so that expenditures related to those funds can be distinguished from expenditures of funds from the same sources that were received in the normal course of the federal budget process. In addition, new Section 100.130 will provide districts with information about what to expect as a result of their receipt of this federal funding. This rule identifies basic information related to the topics already covered by Part 100: accounting, budgeting, financial reporting, and auditing.
- 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
- 11) Statement of Statewide Policy Objective: This rulemaking will not create or enlarge a State mandate.

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- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Written comments may be submitted within 45 days after the publication of this Notice to:

Shelley Helton  
Agency Rules Coordinator  
Illinois State Board of Education  
100 North First Street (S-493)  
Springfield, Illinois 62777

217/782-5270

Comments may also be submitted via e-mail, addressed to:

rules@isbe.net

- 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 not included on either of the 2 most recent agendas because: The ramifications of Illinois' receipt of federal stimulus funds have only been clarified in recent weeks.

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

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TITLE 23: EDUCATION AND CULTURAL RESOURCES  
 SUBTITLE A: EDUCATION  
 CHAPTER I: STATE BOARD OF EDUCATION  
 SUBCHAPTER c: FINANCE

PART 100  
 REQUIREMENTS FOR ACCOUNTING, BUDGETING,  
 FINANCIAL REPORTING, AND AUDITING

## Section

100.10	Purpose and Applicability
100.20	Definitions
100.30	General Requirements
100.40	Types of Funds, Basis of Accounting, and Recognition of Transactions
100.50	Intra-Fund and Inter-Fund Transactions
100.60	Capital Assets and Depreciation
100.70	Revolving Funds
100.80	Student Activity Funds
100.90	Submission of Budgets and Deficit Reduction Plans
100.100	Annual Financial Reports
100.110	Annual Audit Requirements
100.120	Provisions Related to Debt
<u>100.130</u>	<u>Requirements Specific to Funds Received Pursuant to the American Recovery and Reinvestment Act of 2009 (ARRA)</u>
100.TABLE A	Classification of Funds
100.TABLE B	Balance Sheet Accounts
100.TABLE C	Revenue Accounts
100.TABLE D	Expenditure Accounts
100.TABLE E	"Sources and Uses" Accounts; Miscellaneous
100.TABLE F	Expenditure Object Accounts

**AUTHORITY:** Implementing and authorized by Sections 2-3.17a, 2-3.27, 2-3.28, 3-7, 17-1, and 34-43.1 of the School Code [105 ILCS 5/2-3.17a, 2-3.27, 2-3.28, 3-7, 17-1, and 34-43.1].

**SOURCE:** Old Part repealed at 10 Ill. Reg. 20507, effective December 2, 1986; new Part adopted at 31 Ill. Reg. 14874, effective October 19, 2007; amended at 32 Ill. Reg. 16439, effective September 24, 2008; emergency amendment at 33 Ill. Reg. 6313, effective April 17, 2009, for a maximum of 150 days; emergency amendment at 33 Ill. Reg. 12589, effective August 26, 2009, for a maximum of 150 days; amended at 33 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

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**Section 100.120 Provisions Related to Debt**

- a) For purposes of Section 19-1(b) of the School Code [105 ILCS 5/19-1(b)], the State Superintendent of Education shall concur with a district's enrollment projection and approve the need for additional school sites or building facilities and the cost of these only when:
- 1) the enrollment information presented to demonstrate that the level of growth required under Section 19-1(b)(1) of the School Code consists of either:
    - A) a comparison between actual enrollment figures for the current school year and those for the immediately preceding school year from the same source (e.g., the enrollment reported as of the last school day in September of those two consecutive years~~two consecutive fall enrollment and housing reports~~); or
    - B) a comparison between the actual enrollment figure for the current school year and the estimated enrollment figure for the immediately following school year; and
  - 2) the same criteria and procedures have been met as are used by the Capital Development Board in making comparable decisions related to the School Construction Program (see 71 Ill. Adm. Code 40.130).
- b) For purposes of Section 19-1(q) of the School Code [105 ILCS 5/19-1(q)], a district shall notify the State Superintendent of Education no fewer than 30 days *before issuing any form of long-term or short-term debt that will result in outstanding debt that exceeds 75% of the applicable debt limit.*

(Source: Amended at 33 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 100.130 Requirements Specific to Funds Received Pursuant to the American Recovery and Reinvestment Act of 2009 (ARRA)**

This Section applies only to funds received pursuant to P.L. 111-5, the American Recovery and Reinvestment Act of 2009.

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- a) Accounting; Treatment of Funds
- 1) Records of expenditures shall identify the source of the ARRA funds by using the account numbers set forth in Table C of this Part, as well as the applicable funds, functions, and object classes, using the account numbers set forth in Tables A, D, and F of this Part, respectively.
  - 2) ARRA General State Aid funds received in account number 4850 or 4870 (see Table C of this Part) may be deposited into any fund other than the Working Cash Fund and may be spent for any lawful purpose, except as limited by Section 14003 of the ARRA. That Section prohibits a local education agency from using Education Stabilization funds for:
    - A) payment of maintenance costs;
    - B) stadiums or other facilities used primarily for athletic contests, exhibitions, or other events for which admission is charged to the general public;
    - C) purchasing or upgrading vehicles;
    - D) improvements to stand-alone facilities whose purpose is not the education of children, including facilities housing central office administration, operations, or logistical support functions; or
    - E) school modernization, renovation, or repair that is inconsistent with State law.
  - 3) No Education Stabilization funds or Government Services funds may be used to provide financial assistance to students to attend private elementary or secondary schools, unless the funds are used to provide special education and related services to children with disabilities as authorized by the Individuals with Disabilities Education Improvement Act. (Section 14011 of the ARRA)
  - 4) Funds received under any other account number in the range from 4851 through 4880 shall be expended only for the purposes authorized by the relevant federal law, regulations, and guidance.

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- b) Budgeting  
Each local education agency intending to spend ARRA funds during Fiscal Year 2009 shall amend its budget as necessary, pursuant to the provisions of Section 17-1 of the School Code [105 ILCS 5/17-1] and shall submit the amended budget to the State Superintendent of Education pursuant to Section 100.90 of this Part. Subsequent annual budgets shall address the receipt and disbursement of ARRA funds as provided in Section 17-1 and applicable federal regulations and guidance.
- c) Financial Reporting  
In order to comply with federal reporting requirements, each local education agency receiving funds under the ARRA shall include in its annual financial report, in addition to all other requirements set forth in Section 100.100 of this Part, a detailed schedule of its receipts and disbursements of those funds, as distinct from any other receipts and expenditures for the same purposes made from other sources of funds.
- d) Auditing
- 1) The receipt and disbursement of ARRA funds shall be subject to the audit requirements of Section 100.110 of this Part. In addition to the other applicable requirements of Section 100.110 of this Part, the scope of each audit shall include the schedule of receipts and disbursements required under subsection (c) of this Section.
  - 2) Each local education agency receiving ARRA funds shall review its amended budget to determine whether its increased expenditure of federal funds will make the agency subject to the audit requirements of OMB Circular A-133 (available at [www.whitehouse.gov/omb/circulars/index.html](http://www.whitehouse.gov/omb/circulars/index.html)) and, if so, shall maintain records accordingly.

(Source: Added at 33 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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**Section 100.TABLE C Revenue Accounts**

<b>Label</b>	<b>Account Number</b>	<b>Source; Notes</b>
<b>RECEIPTS/REVENUE FROM LOCAL SOURCES</b>	<b>1000</b>	
<b>AD VALOREM TAXES</b>	<b>1100</b>	
Educational Purposes Levy	1110	105 ILCS 5/17-2 and 17-3.
Operations and Maintenance Purposes Levy	1111	105 ILCS 5/17-5.
Bond and Interest Purposes Levy	1112	105 ILCS 5/17-9.
Transportation Purposes Levy	1113	105 ILCS 5/17-4.
Municipal Retirement Purposes Levy	1114	40 ILCS 5/7-171.
Working Cash Purposes Levy	1115	105 ILCS 5/20-3.
Public Building Commission Rent Levy	1116	50 ILCS 20/18.
Capital Improvement Purposes Levy	1117	105 ILCS 5/17-2 and 17-2.3.
Fire Prevention & Safety Purposes Levy	1118	105 ILCS 5/17-2.11.
Emergency Financial Assistance Levy	1119	105 ILCS 5/1B-8 and 1F-62.
Tort Immunity/Judgment Purposes Levy	1120	745 ILCS 10/9-109.
Leasing Purposes Levy	1130	105 ILCS 5/17-2.2c.
Special Education Purposes levy	1140	105 ILCS 5/17-2.2a.
FICA and Medicare Only Levies	1150	Social Security taxes and the employer's share of Medicare Only payments; 40 ILCS 5/21-110, 110.1.

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Area Vocational Construction Purposes Levy	1160	105 ILCS 5/17-2.4.
Summer School Purposes Levy	1170	105 ILCS 5/17-2 and 17-2.1.
Other Tax Levies	1190	Taxes received from other tax levies not specifically identified (describe and itemize).

<b>PAYMENTS IN LIEU OF TAXES</b>	<b>1200</b>	
Mobile Home Privilege Tax	1210	
Payments from Local Housing Authorities	1220	
Corporate Personal Property Replacement Taxes	1230	Amounts received to replace personal property tax revenues lost.
Other Payments in Lieu of Taxes	1290	

<b>TUITION</b>	<b>1300</b>	
Total Regular Tuition	1310	Amounts received for pupils attending the district's regular schools; 105 ILCS 5/10-20.12a.
Regular Tuition from Pupils or Parents (In-State)	1311	
Regular Tuition from Other Districts (In-State)	1312	
Regular Tuition from Other Sources (In-State)	1313	
Regular Tuition from Other Sources (Out-of-State)	1314	
Total Summer School Tuition	1320	Amounts received for pupils attending summer school.
Summer School Tuition from Pupils or Parents (In-State)	1321	

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Summer School Tuition from Other Districts (In-State)	1322	
Summer School Tuition from Other Sources (In-State)	1323	
Summer School Tuition from Other Sources (Out-of-State)	1324	
Total CTE Tuition	1330	Amounts received for pupils attending career and technical education programs.
CTE Tuition from Pupils or Parents (In-State)	1331	
CTE Tuition from Other Districts (In-State)	1332	
CTE Tuition from Other Sources (In-State)	1333	
CTE Tuition from Other Sources (Out-of-State)	1334	
Total Special Education Tuition	1340	Amounts received for pupils attending special education programs.
Special Education Tuition from Pupils or Parents (In-State)	1341	
Special Education Tuition from Other Districts (In-State)	1342	
Special Education Tuition from Other Sources (In-State)	1343	
Special Education Tuition from Other Sources (Out-of-State)	1344	
Total Adult Tuition	1350	Amounts received for pupils attending adult/continuing education programs.
Adult Tuition from Pupils or Parents (In-State)	1351	

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Adult Tuition from Other Districts (In-State)	1352	
Adult Tuition from Other Sources (In-State)	1353	
Adult Tuition from Other Sources (In-State)	1354	

<b>TRANSPORTATION FEES</b>	<b>1400</b>	
Total Regular Transportation Fees	1410	Amounts received for transporting pupils to and from school and school activities (regular school day).
Regular Transportation Fees from Pupils or Parents (In-State)	1411	
Regular Transportation Fees from Other Districts (In-State)	1412	
Regular Transportation Fees from Other Sources (In-State)	1413	
Regular Transportation Fees from Co-curricular Activities (In-State)	1415	
Regular Transportation Fees from Other Sources (Out-of-State)	1416	
Total Summer School Transportation Fees	1420	Amounts received for transporting pupils to and from summer school.
Summer School Transportation Fees from Pupils or Parents (In-State)	1421	
Summer School Transportation Fees from Other LEAs (In-State)	1422	
Summer School Transportation Fees from Other Sources (In-State)	1423	

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Summer School Transportation Fees from Other Sources (Out-of- State)	1424	
Total CTE Transportation Fees	1430	Amounts received for transporting pupils to and from career and technical education classes.
CTE Transportation Fees from Pupils or Parents (In-State)	1431	
CTE Transportation Fees from Other Districts (In- State)	1432	
CTE Transportation Fees from Other Sources (In- State)	1433	
CTE Transportation Fees from Other Sources (Out-of-State)	1434	
Total Special Education Transportation Fees	1440	Amounts received for transporting pupils to and from special education programs.
Special Education Transportation Fees from Pupils or Parents (In- State)	1441	
Special Education Transportation Fees from Other Districts (In-State)	1442	
Special Education Transportation Fees from Other Sources (In-State)	1443	
Special Education Transportation Fees from Other Sources (Out-of- State)	1444	
Total Adult Transportation Fees	1450	Amounts received for transporting pupils to and from adult/continuing education programs.
Adult Transportation Fees from Pupils or Parents (In-State)	1451	

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Adult Transportation Fees from Other Districts (In-State)	1452	
Adult Transportation Fees from Other Sources (In-State)	1453	
Adult Transportation Fees from Other Sources (Out-of-State)	1454	
<b>EARNINGS ON INVESTMENTS</b>	<b>1500</b>	
Interest on Investments	1510	
Gain or Loss on Sale of Investments	1520	Gains or losses realized from the sale of bonds.
<b>FOOD SERVICE</b>	<b>1600</b>	
Sales to Pupils – Lunch	1611	
Sales to Pupils – Breakfast	1612	
Sales to Pupils – A la Carte	1613	
Sales to Pupils – Other	1614	
Sales to Adults	1620	Amounts received from adults for sale of food products and services.
Other Food Service	1690	Amounts received from local sources for other food service activities.
<b>DISTRICT/SCHOOL ACTIVITY INCOME</b>	<b>1700</b>	
Admissions – Athletic	1711	Amounts received from school-sponsored athletic events.
Admissions – Other	1719	Amounts received from admissions to all other school-sponsored events except athletics (describe and itemize).
Fees	1720	Amounts received from pupils for fees such as towel fees, locker fees, and equipment fees (excludes transportation).
Book Store Sales	1730	
Other District/School Activity Revenue	1790	All other revenue from district or school activities not otherwise specified.

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<b>TEXTBOOK INCOME</b>	<b>1800</b>	
Rentals – Regular Textbooks	1811	
Rentals – Summer School Textbooks	1812	
Rentals – Adult/Continuing Education Textbooks	1813	
Rentals – Other	1819	Describe and itemize.
Total Textbook Rentals	1810	105 ILCS 5/10-22.25.
Sales – Regular Textbooks	1821	
Sales – Summer School Textbooks	1822	
Sales – Adult/Continuing Education Textbooks	1823	
Sales – Other	1829	
Total Textbook Sales	1820	105 ILCS 5/28-8.
Textbooks Other	1890	Textbook revenues not provided for elsewhere in the 1800 series of accounts.

<b>OTHER LOCAL REVENUES</b>	<b>1900</b>	
Rentals	1910	Amounts received for rental of school property, real or personal.
Contributions and Donations from Private Sources	1920	Amounts received from a philanthropic foundation, private individual, or private organization for which no repayment or special service to the contributor is expected.
Impact Fees from Municipal or County Governments	1930	Amounts received from a city, town, village, or county government from impact fees assessed in accordance with local ordinances.
Services Provided to Other Districts	1940	Amounts received for services other than tuition and transportation services (e.g., data processing, purchasing, maintenance, accounting, cleaning, consulting, guidance).
Refund of Prior Years' Expenditures	1950	A refund of an expenditure charged to a prior fiscal year's budget.

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Payments of Surplus Moneys from TIF Districts	1960	Amounts received from distributions from Tax Increment Financing districts.
Drivers' Education Fees	1970	105 ILCS 5/27-23.
Proceeds from Vendors' Contracts	1980	Proceeds received pursuant to contracts between the district and various vendors.
School Facility Occupation Tax Proceeds	1983	Amounts received from distributions of School Facility Occupation Tax proceeds.
Payment from Other Districts	1991	Amounts representing a district's share of special education or career and technical education building costs.
Sale of Vocational Projects	1992	Amounts representing gain from the sale of vocational projects.
Other Local Fees	1993	Amounts assessed or received from local sources for district programs not classified elsewhere (describe and itemize).
Other Local Revenues	1999	Amounts received from local sources not provided for elsewhere in the 1000 series of accounts.

<b>FLOW-THROUGH RECEIPTS/REVENUE FROM ONE DISTRICT TO ANOTHER DISTRICT</b>	<b>2000</b>	
FLOW-THROUGH REVENUE FROM STATE SOURCES	2100	State revenues that can be further subdivided to account for individual grants.
FLOW-THROUGH REVENUE FROM FEDERAL SOURCES	2200	Federal revenues that can be further subdivided to account for individual grants.
OTHER FLOW-THROUGH REVENUE	2300	Other revenues that can be further subdivided to account for individual grants (describe and itemize).

<b>RECEIPTS/REVENUE FROM STATE SOURCES</b>	<b>3000</b>	
General State Aid Section 18-8.05 (GSA)	3001	105 ILCS 5/18-8.05.
General State Aid Hold Harmless/Supplemental	3002	105 ILCS 5/18-8.05j.

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Reorganization Incentives – Deficit Fund Balance	3005	105 ILCS 5/18-8.3.
Reorganization Incentives – Attendance	3010	105 ILCS 5/18-8.05i.
Reorganization Incentives – Salary Difference	3015	105 ILCS 5/18-8.2.
Reorganization Incentives – Certified Salary	3020	105 ILCS 5/18-8.5.
Reorganization Incentives – Feasibility Studies	3021	Amounts received pursuant to appropriations for this purpose.
GSA Fast Growth District Grants	3030	105 ILCS 5/18-8.10.
Emergency Financial Assistance Grants	3050	105 ILCS 5/1B-8 and 1F-62.
Tax Equivalent Grants	3055	105 ILCS 5/18-4.4.
GSA Transition Assistance	3095	Amounts received pursuant to appropriations for this purpose.
Other Unrestricted Grants-In-Aid from State Sources	3099	Amounts received pursuant to other appropriations (describe and itemize).
Special Education – Private Facility Tuition	3100	105 ILCS 5/14-7.02.
Special Education – Extraordinary	3105	105 ILCS 5/14-7.02a.
Special Education – Personnel	3110	105 ILCS 5/14-13.01.
Special Education – Orphanage – Individual	3120	105 ILCS 5/14-7.03.
Special Education – Orphanage – Summer	3130	105 ILCS 5/14-7.03.
Special Education – Summer School	3145	105 ILCS 5/18-4.3.
Philip J. Rock Center and School	3155	105 ILCS 5/14-11.02.

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Educational Materials Center	3156	105 ILCS 5/14-11.01.
Special Education – Other	3199	Amounts received pursuant to other appropriations (describe and itemize).
<del>Career and Technical Education (CTE) – Tech Prep</del>	<del>3200</del>	<del>105 ILCS 5/2-3.115.</del>
CTE – <del>Secondary Program</del> Improvement (CTEI)	3220	105 ILCS 435.
CTE – WECEP	3225	105 ILCS 5/2-3.66a.
<del>CTE – Agriculture Education</del>	3235	105 ILCS 5/2-3.80.
<del>CTE – Instructor Practicum</del>	<del>3240</del>	<del>105 ILCS 5/2-3.68.</del>
CTE – Student Organizations	3270	<del>105 ILCS 435</del> Amounts received pursuant to appropriations for student organizations.
CTE – Other	3299	Amounts received pursuant to other appropriations (describe and itemize).
Bilingual Education – Downstate – TPI and TBE	3305	105 ILCS 5/14C-12.
Bilingual Education – Downstate – Transitional Bilingual Education	3310	105 ILCS 5/14C-12.
Gifted Education	3350	105 ILCS 5/Art. 14A.
State Free Lunch and Breakfast	3360	105 ILCS 125/2.
School Breakfast Initiative	3365	105 ILCS 125/2.5.
Driver Education	3370	105 ILCS 5/27-24.2.
Adult Education (from ICCB )	3410	Amounts received from the Community College Board; 105 ILCS 405.
Adult Education – Other	3499	Amounts received pursuant to other appropriations (describe and itemize).
Transportation – Regular/Vocational	3500	105 ILCS 5/29-5.
Transportation – Special Education	3510	105 ILCS 5/14-13.01b.

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Transportation – ROE Bus Driver Training	3520	105 ILCS 5/3-14.23.
Transportation – Other	3599	Amounts received pursuant to other appropriations (describe and itemize).
Learning Improvement – Change Grants	3610	105 ILCS 5/2-3.25, 2-3.63, and 2-3.64.
National Board Certification	3651	105 ILCS 5/21-27.
Administrators Academy	3655	105 ILCS 5/2-3.53.
Scientific Literacy	3660	105 ILCS 5/2-3.94.
Truants' Alternative and Optional Education	3695	105 ILCS 5/2-3.66.
Regional Safe Schools	3696	105 ILCS 5/13A-8.
Early Childhood – Block Grant	3705	105 ILCS 5/1C-2 and 2-3.71.
Reading Improvement Block Grant	3715	105 ILCS 5/2-3.51.
Reading Improvement Block Grant – Reading Recovery	3720	Amounts received from the 2% set-aside under 105 ILCS 5/2-3.51.
Continued Reading Improvement Block Grant	3725	105 ILCS 5/2-3.51a.
Continued Reading Improvement Block Grant	3726	Amounts received from the 2% set aside under 105 ILCS 5/2-3.51a.
ROE/ISC Operations	3730	Amounts received pursuant to 105 ILCS 5/2-3.63, 3-14.23, and 18-6.
ROE Supervisory Expense	3745	Amounts received pursuant to 105 ILCS 5/18-6.
Chicago Teachers Academy for Math & Science (TAMS)	3765	Amounts received pursuant to an appropriation for TAMS.
Chicago General Education Block Grant	3766	105 ILCS 5/1D-1.
Chicago Educational Services Block Grant	3767	105 ILCS 5/1D-1.

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School Safety and Educational Improvement Block Grant	3775	105 ILCS 5/2-3.51.5.
Technology – Learning Technology Centers	3780	105 ILCS 5/2-3.117.
Illinois Government Intern Program	3804	Funds distributed as a grant to Springfield School District 186 to support administration of this program.
State Charter Schools	3815	105 ILCS 5/Art. 27A.
Extended Learning Opportunities (Summer Bridges)	3825	105 ILCS 5/10-20.9a.
Infrastructure Improvements – Planning/Construction	3920	105 ILCS 230/5-35.
School Infrastructure – Maintenance Projects	3925	105 ILCS 230/5-100.
Regular Orphanage Tuition (18-3)	3950	105 ILCS 5/18-3.
Tax Equivalent Grants	3955	105 ILCS 5/18-4.4.
After-School Programs – Mentoring & Student Support	3960	Amounts received pursuant to appropriation.
Advanced Placement Classes	3961	Amounts received pursuant to appropriations.
Arts Education	3962	Amounts received pursuant to appropriations.
Grants to Local Governments, Community Organizations, Not-for-Profit Organizations, and Educational Facilities	3963	Amounts received pursuant to appropriations.
ISBE Special Purpose Trust Fund	3970	105 ILCS 5/2-3.127a.
Class Size Reduction Pilot Project	3981	105 ILCS 5/2-3.136.
<u>Teacher Mentoring Pilot Project</u>	<u>3982</u>	<u>105 ILCS 5/21A-25.</u>

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The "Grow Your Own" Teacher Education Initiative	3983	110 ILCS 48.
<u>Education of Homeless Children and Youth State Grant Program</u>	<u>3984</u>	<u>105 ILCS 45.</u>
Children's Mental Health Partnership	3990	105 ILCS 405/49-15.
<u>Teacher Mentoring Pilot Project</u>	<u>3982</u>	<u>105 ILCS 5/21A-25.</u>
State "On-behalf" Payments	3998	Reserved for on-behalf payments by the State.
Emergency Financial Assistance Grant	3999	105 ILCS 5/1B-8.
Temporary Relocation Expense Grant	3999	105 ILCS 5/2-3.77.
Other Restricted Revenue from State Sources	3999	Amounts received pursuant to other appropriations (describe and itemize).

<b>RECEIPTS/REVENUE FROM FEDERAL SOURCES</b>	<b>4000</b>	
Federal Impact Aid	4001	ESEA Title VIII – Impact Aid (CFDA 84.041).
Other Unrestricted Grants-In-Aid Received Directly from the Federal Government	4009	Amounts received pursuant to other unrestricted appropriations; describe and itemize.
Total Unrestricted Grants Received Directly from the Federal Government	4010	
Head Start	4045	Community Opportunities, Accountability, Training, and Educational Services Act of 1998, Title I (CFDA 93.600).
Construction (Impact Aid)	4050	ESEA, Title VIII (Impact Aid – Facilities Maintenance) (CFDA 84.040).
Magnet	4060	ESEA, Title V, Part C (Magnet Schools Assistance) (CFDA 84.165).

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Other Restricted Grants-In-Aid Received Directly from the Federal Government	4090	Amounts received pursuant to other restricted appropriations; describe and itemize.
Total Restricted Grants Received Directly from the Federal Government	4095	
TOTAL GRANTS RECEIVED DIRECTLY FROM THE FEDERAL GOVERNMENT	4099	Amounts received pursuant to other appropriations.
Title V – Innovation and Flexibility Formula	4100	NCLB, Title V, Part A – State Grants For Innovative Programs (CFDA 84.298).
Title V – SEA Projects	4105	NCLB, Title V, Part A – State Grants For Innovative Programs (CFDA 84.298).
Title V – Rural and Low-Income Schools (REI)	4107	NCLB, Title VI, Part B – Rural Education (CFDA 84.358).
Title V – Other	4199	Amounts received pursuant to other appropriations (describe and itemize).
Breakfast Start-up	4200	Child Nutrition Act – School Breakfast Program for Start-Up (CFDA 10.553).
National School Lunch Program	4210	Child Nutrition Act – National School Lunch Program (CFDA 10.555).
Special Milk Program	4215	Child Nutrition Act – Special Milk Program for Children (CFDA 10.556).
School Breakfast Program	4220	Child Nutrition Act – School Breakfast Program (CFDA 10.553).
Summer Food Service Admin/Program	4225	Child Nutrition Act – Summer Food Service Program for Children (CFDA 10.559).
Child Care Commodity/SFS 13 – Adult Day Care	4226	Child Nutrition Act – Child Care and Adult Food Service Program (CFDA 10.558).
SAE Nutrition Ed. Loan/TNT	4227	Child Nutrition Act of 1966 (42 USC 1771 et seq.) (CFDA 10.574).
<u>Fresh Fruit and Vegetables</u>	<u>4240</u>	<u>Child Nutrition – Cash Payments</u>
Child Nutrition Commodity/Salvage	4250	Child Nutrition Act of 1966 (CFDA 10.550).

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Cash in Lieu of Commodities	4255	Amounts received in lieu of commodities in the food service program.
Food Service – Other	4299	Amounts received pursuant to other appropriations from the U.S. Department of Agriculture for nutrition programs (describe and itemize).
Title I – Low Income	4300	No Child Left Behind Act of 2001 (NCLB; 20 USC 6301 et seq.), Title I, Part A – Improving Academic Achievement of the Disadvantaged (CFDA 84.010).
Title I – Low Income – Neglected, Private	4305	NCLB, Title I, Part D – Neglected and Delinquent (CFDA 84.013).
Title I – Low Income – Delinquent, Private	4306	NCLB, Title I, Part D – Neglected and Delinquent (CFDA 84.013).
Title I – Neglected and Delinquent Juvenile and Adult Corrections (formerly only juvenile)	4315	NCLB, Title I, Part D – Neglected and Delinquent (CFDA 84.013).
<a href="#"><u>Title I – School Improvement and Accountability</u></a>	<a href="#"><u>4331</u></a>	<a href="#"><u>NCLB, Title I, Part A</u></a>
Title I – Comprehensive School Reform	4332	NCLB, Title I, Part F – Comprehensive School Reform (CFDA 84.332).
Title I – Reading First	4334	NCLB, Title I, Part B-1 – Reading First (CFDA 84.357).
Title I – Even Start	4335	NCLB, Title I, Part B-3 – Even Start (CFDA 84.213).
Title I – Reading First SEA Funds	4337	NCLB, Title I, Part B-1 – Reading First SEA Funds (CFDA 84.357).
<a href="#"><u>Title I – School Improvement Grant</u></a>	<a href="#"><u>4339</u></a>	<a href="#"><u>NCLB, Title I, section 1003g (CFDA 84.357).</u></a>
Title I – Migrant Education	4340	NCLB, Title I, Part C – Education of Migrant Children (CFDA 84.011).
Title I – Other	4399	Amounts received pursuant to other appropriations under Title I of NCLB (describe and itemize).
Title IV – Safe and Drug-Free Schools – Formula	4400	NCLB, Title IV, Part A – Safe and Drug Free Schools (CFDA 84.186).
Title IV – Safe & Drug-Free Schools – State-Level Program	4415	NCLB, Title IV, Part A – Safe and Drug Free Schools (CFDA 84.186).
Title IV – 21 <sup>st</sup> Century	4421	NCLB, Title IV, Part B – 21 <sup>st</sup> Century Community Learning Centers (CFDA 84.287).

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Title IV – Other (Describe & Itemize)	4499	Amounts received pursuant to other appropriations under Title IV of NCLB (describe and itemize).
Federal Special Education Preschool Flow-Through	4600	IDEA, Part B – Preschool (CFDA 84.173).
Federal Special Education Preschool Discretionary	4605	IDEA, Part B – Preschool (CFDA 84.173).
Federal Special Education – IDEA Flow-Through/Low Incident	4620	IDEA, Part B (CFDA 84.027).
Federal Special Education – IDEA Room and Board	4625	IDEA, Part B (CFDA 84.027).
Federal Special Education – IDEA Discretionary	4630	IDEA, Part B (CFDA 84.027).
Federal Special Education – IDEA – Part D – Improvement	4631	IDEA, Part D – State Program Improvement Grants for Children with Disabilities (CFDA 84.323).
Federal Special Education – IDEA Title VI C – Deaf/Blind	4635	IDEA, Part D – Technical Assistance and Dissemination to Improve Services and Results for Children with Disabilities (CFDA 84.326).
Federal Special Education – IDEA – Other	4699	Amounts received pursuant to other appropriations under IDEA (describe and itemize).
<u>CTE – Perkins – State Leadership</u>	<u>4720</u>	<u>Carl D. Perkins Career and Technical Education Act of 2006 – State Leadership (CFDA 84.048A)</u>
<u>CTE – Perkins – DHS Ed</u>	<u>4740</u>	<u>Carl D. Perkins Career and Technical Education Act of 2006 – Corrections or Insitutions (CFDA 84.048A)</u>
<u>CTE – Perkins – Secondary</u>	<u>4745</u>	<u>Carl D. Perkins Career and Technical Education Act of 2006 – Secondary (CFDA 84.048A)</u>
<u>CTE – Perkins Title IIHHE – Tech Prep</u>	<u>4770</u>	<u>Carl D. Perkins Career and Technical Education Act of 2006 – Title II – Tech Prep (CFDA 84.243A)</u>
CTE – Other	4799	Amounts received pursuant to other appropriations from federal sources (describe and itemize).
Federal – Adult Education	4810	Adult Education State Grant Program (CFDA 84.002).

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<u>ARRA General State Aid – Education Stabilization</u>	<u>4850</u>	<u>Amounts received pursuant to the American Recovery and Reinvestment Act of 2009 (ARRA); see Section 100.130 of this Part.</u>
<u>ARRA Title I – Low Income</u>	<u>4851</u>	<u>Amounts received pursuant to the ARRA; see Section 100.130 of this Part.</u>
<u>ARRA Title I – Neglected, Private</u>	<u>4852</u>	<u>Amounts received pursuant to the ARRA; see Section 100.130 of this Part.</u>
<u>ARRA Title I – Delinquent, Private</u>	<u>4853</u>	<u>Amounts received pursuant to the ARRA; see Section 100.130 of this Part.</u>
<u>ARRA Title I – School Improvement (Part A)</u>	<u>4854</u>	<u>Amounts received pursuant to the ARRA; see Section 100.130 of this Part.</u>
<u>ARRA Title I – School Improvement (section 1003g)</u>	<u>4855</u>	<u>Amounts received pursuant to the ARRA; see Section 100.130 of this Part.</u>
<u>ARRA IDEA – Part B – Preschool</u>	<u>4856</u>	<u>Amounts received pursuant to the ARRA; see Section 100.130 of this Part.</u>
<u>ARRA IDEA – Part B – Flow-Through</u>	<u>4857</u>	<u>Amounts received pursuant to the ARRA; see Section 100.130 of this Part.</u>
<u>Other ARRA Fund – XII</u>	<u>4860</u>	<u>Available for recording sources of federal funds received pursuant to the ARRA from a source other than those to be recorded with account numbers 4850 through 4857, 4861 through 4872, and 4875 through 4876; describe and itemize; see Section 100.130 of this Part.</u>
<u>ARRA Title IID – Technology – Competitive</u>	<u>4861</u>	<u>Amounts received pursuant to the ARRA; see Section 100.130 of this Part.</u>
<u>ARRA McKinney-Vento Homeless Education</u>	<u>4862</u>	<u>Amounts received pursuant to the ARRA; see Section 100.130 of this Part.</u>
<u>ARRA Child Nutrition Equipment Assistance</u>	<u>4863</u>	<u>Amounts received pursuant to the ARRA; see Section 100.130 of this Part.</u>
<u>Impact Aid Formula Grants</u>	<u>4864</u>	<u>Amounts received pursuant to the ARRA; see Section 100.130 of this Part.</u>
<u>Impact Aid Competitive Grants</u>	<u>4865</u>	<u>Amounts received pursuant to the ARRA; see Section 100.130 of this Part.</u>
<u>Qualified Zone Academy Bond Tax Credits</u>	<u>4866</u>	<u>Amounts received pursuant to the ARRA; see Section 100.130 of this Part.</u>
<u>Qualified School Construction Bond Credits</u>	<u>4867</u>	<u>Amounts received pursuant to the ARRA; see Section 100.130 of this Part.</u>

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<u>Build America Bond Tax Credits</u>	<u>4868</u>	<u>Amounts received pursuant to the ARRA; see Section 100.130 of this Part.</u>
<u>Build America Bond Interest Reimbursement</u>	<u>4869</u>	<u>Amounts received pursuant to the ARRA; see Section 100.130 of this Part.</u>
<u>ARRA General State Aid – Other Government Services Stabilization</u>	<u>4870</u>	<u>Amounts received pursuant to the ARRA; see Section 100.130 of this Part.</u>
<u>Other ARRA Funds – II</u>	<u>4871</u>	<u>Available for recording sources of federal funds received pursuant to the ARRA directly from a federal agency or from a State agency other than ISBE; describe and itemize; see Section 100.130 of this Part.</u>
<u>Other ARRA Funds – III</u>	<u>4872</u>	<u>Available for recording sources of federal funds received pursuant to the ARRA directly from a federal agency or from a State agency other than ISBE; describe and itemize; see Section 100.130 of this Part.</u>
<u>Other ARRA Funds – IV</u>	<u>4873</u>	<u>Available for recording sources of federal funds received pursuant to the ARRA from a source other than those to be recorded with account numbers 4850 through 4857, 4861 through 4872, and 4875 through 4876; describe and itemize; see Section 100.130 of this Part.</u>
<u>Other ARRA Funds – V</u>	<u>4874</u>	<u>Available for recording sources of federal funds received pursuant to the ARRA from a source other than those to be recorded with account numbers 4850 through 4857, 4861 through 4872, and 4875 through 4876; describe and itemize; see Section 100.130 of this Part.</u>
<u>ARRA Early Childhood</u>	<u>4875</u>	<u>Paid with Government Services State Fiscal Stabilization Fund ARRA funds; see Section 100.130 of this Part.</u>
<u>Other ARRA Funds – VII</u>	<u>4876</u>	<u>Available for recording sources of federal funds received pursuant to the ARRA directly from a federal agency or from a State agency other than ISBE; describe and itemize; see Section 100.130 of this Part.</u>
<u>Other ARRA Funds – VIII</u>	<u>4877</u>	<u>Available for recording sources of federal funds received pursuant to the ARRA from a source other than those to be recorded with account numbers 4850 through 4857, 4861 through 4872, and 4875 through 4876; describe and itemize; see Section 100.130 of this Part.</u>

## STATE BOARD OF EDUCATION

## NOTICE OF PROPOSED AMENDMENTS

<u>Other ARRA Funds – IX</u>	<u>4878</u>	<u>Available for recording sources of federal funds received pursuant to the ARRA from a source other than those to be recorded with account numbers 4850 through 4857, 4861 through 4872, and 4875 through 4876; describe and itemize; see Section 100.130 of this Part.</u>
<u>Other ARRA Funds – X</u>	<u>4879</u>	<u>Available for recording sources of federal funds received pursuant to the ARRA from a source other than those to be recorded with account numbers 4850 through 4857, 4861 through 4872, and 4875 through 4876; describe and itemize; see Section 100.130 of this Part.</u>
<u>Other ARRA Funds – XI</u>	<u>4880</u>	<u>Available for recording sources of federal funds received pursuant to the ARRA from a source other than those to be recorded with account numbers 4850 through 4857, 4861 through 4872, and 4875 through 4876; describe and itemize; see Section 100.130 of this Part.</u>
Advanced Placement Fee/International Baccalaureate	4904	ESEA, Title I, Part G – Advanced Placement Program (CFDA 84.330).
Emergency Immigrant Assistance	4905	NCLB, Title III – English Language Acquisition Grants – Immigrant Assistance Grants (CFDA 84.365).
Title III – English Language Acquisition	4909	NCLB, Title III – English Language Acquisition Grants (CFDA 84.365).
Learn & Serve America	4910	National and Community Service Act of 1990 – Learn & Serve America (CFDA 94.004).
Refugee Children School Impact Grants	4915	Refugee Education Assistance Act of 1980, Refugee and Entrant Assistance Discretionary Grants (CFDA 93.576).
McKinney Education for Homeless Children	4920	NCLB, Title X – Education for Homeless Children (CFDA 84.196).
Title II – Teacher Quality	4932	NCLB, Title II, Part A, and ESEA, Title II, Part C, Subpart 1, Chapter B (CFDA 84.350).
Title II – Teacher Quality	4935	ESEA, Title II, Part A – Improving Teacher Quality State Grants (CFDA 84.367).
Title II – Math and Science Initiative	4936	ESEA, Title II, Part B – Math and Science Partnerships (CFDA 84.366).
Federal Charter Schools	4960	NCLB, Title V, Part B – Public Charter Schools.
Title II – Technology – Enhancing Education Formula Grants	4971	ESEA, Title II, Part D, Subparts 1 and 2, as amended – Education Technology State Grants (CFDA 84.318).

## STATE BOARD OF EDUCATION

## NOTICE OF PROPOSED AMENDMENTS

Title II – Technology – Enhancing Education Competitive Grants	4972	ESEA, Title II, Part D, Subparts 1 and 2 – Education Technology State Grants (CFDA 84.318).
Safe Routes to School	4980	Section 1404 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users Act (P.L. 109-59)
Medicaid Matching Funds – Administrative Outreach	4991	Social Security Act, Title XIX – Medicaid Matching – Administrative Outreach (CFDA 93.778).
Medicaid Matching Funds – Fee-for-Service Program	4992	Social Security Act, Title XIX – Medicaid Matching – Fee for Service Programs (CFDA 93.778).
Hurricane Emergency Relief	4995	Hurricane Emergency Relief Act.
Other Restricted Grants Received from Federal Government through State	4998	Amounts received pursuant to other federal appropriations (describe and itemize).

(Source: Amended at 33 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## DEPARTMENT OF AGRICULTURE

## NOTICE OF ADOPTED AMENDMENT

- 1) Heading of Part: Weights and Measures Act
- 2) Code Citation: 8 Ill. Adm. Code 600
- 3) Section Number: 600.310                      Adopted Action:  
Amendment
- 4) Statutory Authority: Weights and Measures Act [225 ILCS 470]
- 5) Effective Date of Amendment: September 1, 2009
- 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) Date Notice of Proposal Published in Illinois Register: May 29, 2009; 33 Ill. Reg. 7047
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? No agreements were necessary.
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendment: The Department is increasing fees for commercial weighing and measuring device inspections and metrology laboratory services. Fee increases are necessary to support the Bureau of Weights and Measures' operating costs. The last fee increase was in 2003.
- 16) Information and questions regarding this adopted amendment shall be directed to:

Linda Rhodes

DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED AMENDMENT

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

Telephone: 217/785-5713

Facsimile: 217/785-4505

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

DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED AMENDMENT

TITLE 8: AGRICULTURE AND ANIMALS  
CHAPTER I: DEPARTMENT OF AGRICULTURE  
SUBCHAPTER p: WEIGHTS AND MEASURES

PART 600  
WEIGHTS AND MEASURES ACT

SUBPART A: PACKAGING AND LABELING

- Section
- 600.1 National Institute of Standards and Technology Handbook 130
- 600.10 Definitions (Repealed)
- 600.20 Application (Repealed)
- 600.30 Identity (Repealed)
- 600.40 Declaration of Identity: Nonconsumer Package (Repealed)
- 600.50 Declaration of Responsibility: Consumer and Nonconsumer Packages (Repealed)
- 600.60 Declaration of Quantity: Consumer Packages (Repealed)
- 600.70 Declaration of Quantity: Nonconsumer Packages (Repealed)
- 600.80 Prominence and Placement: Consumer Packages (Repealed)
- 600.90 Prominence and Placement: Nonconsumer Package (Repealed)
- 600.100 Requirements: Specific Consumer Commodities, Packages, Containers (Repealed)
- 600.110 Exemptions (Repealed)
- 600.120 Variations to be Allowed (Repealed)
- 600.130 Standards of Fill (Repealed)
- 600.140 Wholesale and Retail Exemption
- 600.150 Revocation of Conflicting Regulations (Repealed)
- 600.160 Tables: Weights and Measures Standards for Illinois

SUBPART B: ROOFING AND ROOFING MATERIALS

- Section
- 600.250 Roofing and Roofing Materials Shall Be Sold Either by the "Square" or by the "Square Yard." (Repealed)

SUBPART C: WEIGHING AND MEASURING DEVICES:  
METERS – SCALES – FEES

Section

## DEPARTMENT OF AGRICULTURE

## NOTICE OF ADOPTED AMENDMENT

600.300	Vehicle Scales Regulation
600.310	Fees
600.320	Scales Used for the Enforcement of Highway Weight Laws
600.330	National Institute of Standards and Technology Handbook 44

## SUBPART D: MOISTURE METER TESTING

Section	
600.350	General (Repealed)
600.360	Testing and Inspection (Repealed)
600.370	Rejected Moisture Testing Devices (Repealed)
600.380	Use of Moisture Measuring Devices (Repealed)

SUBPART E: REGISTRATION OF SERVICE AGENCIES, SERVICEMEN,  
AND SPECIAL SEALERS FOR COMMERCIAL  
WEIGHING AND MEASURING DEVICES

Section	
600.450	Policy (Repealed)
600.460	Definitions (Repealed)
600.470	Certificate of Registration (Repealed)
600.480	Types of Certificates (Repealed)
600.490	Examinations (Repealed)
600.500	Exemptions (Repealed)
600.510	Registration Fee (Repealed)
600.520	Reports (Repealed)
600.530	Bonds (Repealed)
600.540	Standards and Testing Equipment (Repealed)
600.550	Revocation of Certificate of Registration (Repealed)
600.560	Publication of Lists (Repealed)

## SUBPART F: LIQUID PETROLEUM MEASURING DEVICES

Section	
600.650	Use of Gasoline Pumps Which Are Not Capable of Computing the Prices Which Exceed 99.9¢ Per Gallon (Repealed)
600.660	Retail Liquid Petroleum Pumps Accurately Marked: Liters or Gallons
600.670	System Used to Sell Petroleum Product
600.680	Unit Price Per Gallon Displayed (Repealed)

## DEPARTMENT OF AGRICULTURE

## NOTICE OF ADOPTED AMENDMENT

600.690	Price of Gasoline (Repealed)
600.700	Unit Price Indicator: Set at One-Half Total Selling Price (Repealed)
600.710	Decals or Stickers Affixed to the Pump Face (Repealed)
600.720	Information Sign Indicating Half Gallon Pricing of Gasoline (Repealed)
600.730	Conversion Kits or Replacement Pumps: Deadline (Repealed)
600.740	Three-Wheel Computers Prohibited
600.750	One-Half Gallon Pricing Applicable to All Metering Pumps at Facility (Repealed)
600.760	Stop Use Order; Hearing
600.770	Maintenance of Equipment

SUBPART G: ADVERTISEMENT OF THE PRICE OF LIQUID  
PETROLEUM PRODUCTS

## Section

600.800	Price Per Gallon or Liter in Advertisement
600.810	Height and Width of Numbers
600.820	Advertised Price Complete
600.830	Advertising Other Commodities; Misleading Advertising Prohibited
600.840	Product Identity and Type of Service
600.850	Advertisement of Price Not Required Except on Pump
600.860	Stop Use Order; Hearing
600.TABLE A	Minimum Height of Numbers and Letters (Repealed)
600.TABLE B	Standard Weight Per Bushel for Agricultural Commodities
600.TABLE C	Illinois Standard Weights and Measures
600.TABLE D	Equivalents: Cubic Inches in U.S. Standard Capacity Measures
600.TABLE E	Weights of Coal Per Cubic Foot
600.TABLE F	Equivalents to be used by Seller in Transposing Weights
600.TABLE G	Measurement of Surfaces and Volumes

AUTHORITY: Implementing and authorized by Section 8 of the Weights and Measures Act [225 ILCS 470/8].

SOURCE: Rules and Regulations Relating to the Weights and Measures Act, filed December 17, 1969, effective January 1, 1970; amended November 5, 1971, effective November 15, 1971; amended August 26, 1975, effective September 4, 1975; amended March 22, 1976, effective April 1, 1976; amended at 3 Ill. Reg. 45, p. 72, effective October 29, 1979; amended at 3 Ill. Reg. 45, p. 81, effective January 1, 1980; codified at 5 Ill. Reg. 10562; amended at 12 Ill. Reg. 8306, effective May 3, 1988; amended at 12 Ill. Reg. 15524, effective September 20, 1988;

DEPARTMENT OF AGRICULTURE

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emergency amendment at 18 Ill. Reg. 4426, effective March 7, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 14692, effective September 13, 1994; amended at 19 Ill. Reg. 8114, effective June 7, 1995; amended at 20 Ill. Reg. 303, effective January 1, 1996; amended at 22 Ill. Reg. 1141, effective January 1, 1998; amended at 23 Ill. Reg. 8813, effective July 26, 1999; amended at 26 Ill. Reg. 8346, effective June 1, 2002; emergency amendment at 27 Ill. Reg. 10434, effective July 1, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 18546, effective November 25, 2003; amended at 28 Ill. Reg. 15456, effective November 22, 2004; emergency amendment at 32 Ill. Reg. 10963, effective July 3, 2008, for a maximum of 150 days; amended at 32 Ill. Reg. 17674, effective November 1, 2008; amended at 33 Ill. Reg. 12564, effective September 1, 2009.

SUBPART C: WEIGHING AND MEASURING DEVICES:  
METERS – SCALES – FEES

Section 600.310 Fees

The Director of Agriculture and each city sealer of weights and measures shall collect and receive fees for the use of the State or city as the case may be at the following rates. Per hour fee is charged for each hour or portion thereof.

<u>DEVICE</u>	
Scales by capacity <del>0-300</del> 50 pounds	<del>20</del> 18
<u>Scales by capacity</u> <u>31-300 pounds</u>	<u>50</u>
<u>Scales by capacity</u> <u>301-1000 pounds</u>	<u>75</u>
Scales by capacity <del>1001-2000</del> 51-2000 pounds	<del>150</del> 39
Scales by capacity 2001+ pounds	<del>200</del> 186
Additional readouts	<del>50</del> 39

## DEPARTMENT OF AGRICULTURE

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Railroad track scales per hour	<u>12594</u>
Use of scale truck per hour	<u>200186</u>
Belt conveyor scales per hour	<u>10094</u>
Livestock scales	<u>300186</u>
Motor fuel dispensers <u>up to 20 gpm</u>	<u>2318</u>
<u>Motor fuel dispensers</u> <u>20+ gpm</u>	<u>50</u>
Motor fuel meters up to 2¾"	<u>10094</u>
Motor fuel meters over 2¾"	<u>200186</u>
LPG meters	<u>165140</u>
Mass flow meters per hour	<u>10094</u>
Grain moisture meters	<u>10094</u>
Metrology lab fee per hour plus shipping	<u>155140</u>
<u>NTEP field lab per hour plus travel</u>	<u>155</u>

(Source: Amended at 33 Ill. Reg. 12564, effective September 1, 2009)

## ILLINOIS RACING BOARD

## NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Medication
- 2) Code Citation: 11 Ill. Adm. Code 603
- 3) 

<u>Section Numbers:</u>	<u>Adopted Action:</u>
603.70	Amend
603.100	Amend
603.120	Amend
603.160	Amend
603.180	Amend
- 4) Statutory Authority: 230 ILCS 5/9(b)
- 5) Effective Date of Rulemaking: August 25, 2009
- 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 central office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: 33 Ill. Reg. 8135; August 24, 2009
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version: In Section 603.70(f)(2), changed "Prior to starting in a race, a horse must participate without furosemide in a qualifying race or perform an official workout without bleeding." to "Prior to starting in a race, a horse must participate without furosemide in a qualifying race or perform an official workout without bleeding, to the satisfaction of the State Veterinarian."  
  
In Section 603.180(d)(3), changed "360 days" to "365 days".
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the letter issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No

## ILLINOIS RACING BOARD

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- 14) Are there any other proposed amendments pending on this Part? No
- 15) Summary and purpose of rulemaking: Section 603.70 has been amended to reflect the ARCI model rules. A provision has been added to Section 603.100 prohibiting children in the detention barn area. There are safety concerns with having children in the detention barn area because racehorses are being brought in and out on a regular basis. This rulemaking also prohibits persons under the age of 16 from entering the detention barn. A provision has been added to Section 603.120 stating that the person requesting the additional testing shall bear the cost of preparing the samples for testing. Language has been added to Section 603.160 requiring suspended trainers to submit to the stewards a current stable roster. In Section 603.180, the threshold level for horses racing on lasix, 39, has been removed. The 37 regulatory threshold level, adopted by the ARCI and contained in the model rules, shall apply to all racehorses. In addition, the penalties contained in Section 603.180(d) have been amended to conform with the model rules.
- 16) Information and questions regarding these adopted amendments shall be directed to:

Mickey Ezzo  
Illinois Racing Board  
100 West Randolph, Suite 7-701  
Chicago, Illinois 60601

312/814-5017

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

## ILLINOIS RACING BOARD

## NOTICE OF ADOPTED AMENDMENTS

TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY  
SUBTITLE B: HORSE RACING  
CHAPTER I: ILLINOIS RACING BOARD  
SUBCHAPTER c: RULES APPLICABLE TO ALL OCCUPATION LICENSEES

PART 603  
MEDICATION

## Section

603.10	Pre-Race Saliva Tests
603.20	Racing Soundness Exam
603.30	Foreign Substances and Pharmaceutical Aids Banned
603.40	Twenty-four Hour Ban
603.50	Trainer Responsibility
603.55	Prima Facie Evidence
603.60	Permitted Use of Foreign Substances and Threshold Levels
603.70	Furosemide
603.75	Environmental Contaminants
603.80	Needles, Syringes and Injectables
603.90	Drugs, Chemicals and Prescription Items
603.100	Detention Barn
603.110	Test Samples
603.120	Referee Samples
603.130	Laboratory Findings and Reports
603.140	Distribution of Purses
603.150	Post Mortems
603.160	Penalties
603.170	Veterinarian's Records
603.180	Carbon Dioxide Tests
603.190	Erythropoietin and Darbepoietin Antibody Testing Program
603.200	Out of Competition Testing
603.210	Anabolic Steroids

AUTHORITY: Implementing and authorized by Section 9(b) of the Illinois Horse Racing Act of 1975 [230 ILCS 5/9(b)].

SOURCE: Adopted at 21 Ill. Reg. 3232, effective March 4, 1997; amended at 22 Ill. Reg. 2217, effective January 1, 1998; amended at 22 Ill. Reg. 3594, effective February 1, 1998; amended at 25 Ill. Reg. 15611, effective December 1, 2001; amended at 26 Ill. Reg. 12360, effective August

## ILLINOIS RACING BOARD

## NOTICE OF ADOPTED AMENDMENTS

1, 2002; amended at 27 Ill. Reg. 5027, effective March 7, 2003; amended at 27 Ill. Reg. 7331, effective April 15, 2003; amended at 28 Ill. Reg. 1374, effective January 19, 2004; amended at 28 Ill. Reg. 4751, effective March 1, 2004; emergency amendment at 28 Ill. Reg. 7565, effective May 11, 2004, for a maximum of 150 days; emergency expired October 7, 2004; amended at 28 Ill. Reg. 11250, effective August 1, 2004; amended at 28 Ill. Reg. 15790, effective December 1, 2004; emergency amendment at 29 Ill. Reg. 2779, effective February 22, 2005, for a maximum of 150 days; emergency amendment at 29 Ill. Reg. 4116, effective February 25, 2005, for a maximum of 150 days; amended at 29 Ill. Reg. 5726, effective April 8, 2005; amended at 29 Ill. Reg. 12265, effective July 24, 2005; amended at 29 Ill. Reg. 14038, effective September 1, 2005; emergency amendment at 30 Ill. Reg. 14371, effective August 21, 2006, for a maximum of 150 days; amended at 30 Ill. Reg. 18729, effective November 20, 2006; amended at 31 Ill. Reg. 1478, effective January 1, 2007; emergency amendment at 31 Ill. Reg. 6680, effective April 23, 2007, for a maximum of 150 days; amended at 31 Ill. Reg. 12982, effective September 1, 2007; amended at 32 Ill. Reg. 7397, effective May 1, 2008; amended at 33 Ill. Reg. 12571, effective August 25, 2009.

**Section 603.70 Furosemide**

- a) The Board recognizes that Exercise Induced Pulmonary Hemorrhage (EIPH) is almost universal in performance horses. The Board also recognizes that the diuretic furosemide is helpful in the management of the EIPH syndrome, this includes horses that already had a bleeding episode as well as horses that have not yet exhibited the epistaxis. In regulating the race day use of furosemide, the Board has placed strict controls on the dose, route and time the medication is administered. Additionally, Board security personnel monitors these horses during and after the administration. Advances in drug testing techniques permit the Board laboratory to quantitate post-race serum samples for furosemide, providing a thorough regulation of the drug. All of these measures are designed to prevent the misuse of furosemide.
- b) ~~Veterinarian's List~~
  - 1) ~~When a horse is added to the furosemide list, it shall be placed on the veterinarian's list and shall be ineligible to race for 14 days. The 14 day ineligibility period begins on the certification date defined in subsections (c)(1)(A), (B), (C), and (D). During this 14 day period, the horse shall not be permitted to race with or without furosemide. Before the horse shall be permitted to enter a race, it must qualify on furosemide by participating in a qualifying race or by performing an official workout without bleeding, to~~

## ILLINOIS RACING BOARD

## NOTICE OF ADOPTED AMENDMENTS

~~the satisfaction of the State Veterinarian. Horses must wait 7 days following the certification date before participating in a qualifying race.~~

- ~~2) A horse bleeding while racing with furosemide shall be barred from racing for a minimum of 30 days.~~
- ~~3) A horse bleeding a second time in any 12 month period while racing with furosemide shall be barred from racing for a minimum of 60 days.~~
- ~~4) A horse bleeding a third time in any 12 month period while racing with furosemide shall be barred from racing for a minimum of 180 days or the remainder of the 12 month period, whichever is greater.~~
- ~~5) After the expiration of the barred periods in subsections (b)(2), (3) and (4), a horse must qualify on furosemide by participating in a qualifying race or performing an official workout without bleeding to the satisfaction of the State Veterinarian. Prior to the workout, a blood sample may be collected by the State Veterinarian and sent to the Board laboratory for testing. After the workout, the State Veterinarian may witness an endoscopic examination of the horse to confirm that it has not bled.~~

be) Eligibility for Furosemide Treatment

~~1) A horse is eligible to race with furosemide if at least one of the following occurs:~~

- ~~1A) The horse is on the Illinois Furosemide List and has complied with subsection (d) It bleeds internally or externally in the presence of an official veterinarian, or if a veterinarian licensed by the State of Illinois attests in writing that he/she witnessed a bleeding episode. The State Veterinarian will then issue a bleeder certificate and place the horse on the furosemide list. The certification date shall be the day the bleeding episode was witnessed by or reported to the State Veterinarian;~~
- ~~2B) The horse is on the Illinois Bleeder List and has complied with subsection (e) A veterinarian licensed by the Board concludes that it will be in the best interest of a horse's health to race with furosemide. The trainer shall submit to the State Veterinarian a certificate signed by the licensed veterinarian requesting approval to place the horse on the furosemide list. The certification date shall be the day the State Veterinarian grants~~

## ILLINOIS RACING BOARD

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~~approval. This subsection (c)(1)(B) applies to thoroughbred horses only;~~

- ~~3C)~~ The trainer provides the ~~State Veterinarian Board~~ or ~~his or her~~s designee with evidence that the horse ~~is on the Furosemide List or Bleeder List~~bled in another racing jurisdiction. Acceptable evidence shall be a ~~furosemide or valid~~ furosemide bleeder certificate approved by an official veterinarian. The certification date shall be the date shown on the furosemide or bleeder certificate;
- ~~4D)~~ The trainer provides the ~~State Veterinarian Board~~ or ~~his or her~~s designee with evidence that the horse has been running consistently, up to its last start, with furosemide in other racing jurisdictions as shown on the official past performance lines. Acceptable past performance lines for thoroughbreds and/or quarter horses shall be Equibase and/or Racing Form. Acceptable past performance lines for ~~standardbred harness horses~~ shall be the official past performances of the United States Trotting Association (USTA) or Canadian Trotting Association (CTA) or the eligibility papers. The certification date shall be the earliest available date the horse shows running with furosemide on the official past performance lines. If the past performance lines of a horse show that the horse has been running on and off furosemide in other racing jurisdictions, the horse shall not be permitted to run with furosemide in Illinois, unless the occasions the horse ran without furosemide were due to rule restrictions imposed on the horse by those particular racing jurisdictions.
- 2) ~~Signing a Furosemide Certification Affidavit~~
- A) ~~The stewards may permit a horse to be treated with furosemide for one race if the certification described in subsection (c)(1)(A), (B), (C) or (D) is not available at the time the horse must be treated with furosemide. The trainer or his/her representative shall sign a Furosemide Certification Affidavit.~~
- B) ~~Within 10 days after the race, the trainer of the horse shall produce for the stewards or their designee written certification from a state where the horse has bled or a statement in an official chart that the named horse bled following a race or a workout in that state. The certification date must comply with the 14 day requirement specified in subsection (b)(1).~~

## ILLINOIS RACING BOARD

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- ~~C) Any purse money earned by the horse in the race shall be held during the 10 day period.~~
- ~~D) If the trainer fails to produce the evidence required in subsection (c)(2)(B), or if the certification date does not comply with the 14 day ineligibility period specified in subsection (b)(1), the stewards shall impose a fine of not less than \$200 and not more than \$1500 and/or suspend the trainer's license and shall redistribute the amount of any purse money earned by the horse.~~

- cd) ~~Removal from Furosemide List~~  
Furosemide shall be administered to a horse that is entered to race only after the State Veterinarian has placed the horse on the Furosemide List. In order for a horse to be placed on the Furosemide List, the following process shall be followed:
- 1) After the horse's licensed trainer and licensed veterinarian determine that it would be in the horse's best interests to race with furosemide, they shall notify the State Veterinarian or his or her designee, using the prescribed form provided by the Board, that they wish the horse to be placed on the Furosemide List.
  - 2) The form must be received by the State Veterinarian or his or her designee no later than the time of entry to ensure public notification prior to race participation.
  - 3) A horse placed on the Furosemide List must remain on that list until the licensed trainer and licensed veterinarian submit a written request to remove the horse from the list. The request must be made to the State Veterinarian or his or her designee, on the proper form, no later than the time of entry.
  - 4) After a horse has been removed from the Furosemide List, the horse may not be placed back on the list for a period of 60 calendar days unless it is determined, in consultation with the State Veterinarian, to be detrimental to the welfare of the horse. If a horse is removed from the Furosemide List a second time in a 365-day period, the horse may not be placed back on the list for a period of 90 calendar days.

## ILLINOIS RACING BOARD

## NOTICE OF ADOPTED AMENDMENTS

- 1) ~~Once a horse is placed on the furosemide list, it must continue to race with furosemide unless the removal from the list is approved by the stewards. The stewards may remove a horse from the furosemide list upon the written request of the trainer if the horse's performance is negatively affected by the use of furosemide, or upon the recommendation of the State Veterinarian if a horse has an adverse physiological reaction to furosemide.~~
- 2) ~~Once removed from the furosemide list, a thoroughbred horse shall be ineligible to participate in a race for a minimum of 30 days. A harness horse shall be ineligible for a minimum of 14 days. The ineligibility period shall be counted from the day the stewards approve the removal of the horse from the furosemide list. Prior to starting in a race, a horse must participate without furosemide in a qualifying race or perform an official workout without bleeding. Prior to the qualifying race or workout, a blood sample may be collected by the State Veterinarian and sent to the Board laboratory for testing. After the qualifying race or workout, the State Veterinarian may witness an endoscopic examination of the horse to confirm that it has not bled.~~

d) Bleeder List

- 1) The State Veterinarian shall maintain a Bleeder List of all horses that have demonstrated:
  - A) External evidences of exercise induced pulmonary hemorrhage from one or both nostrils during or after a race or workout, as observed by an official veterinarian.
  - B) Internal evidences of exercise induced pulmonary hemorrhage via endoscopy reported by a licensed practicing veterinarian on a Board approved form.
- 2) Every confirmed bleeder, regardless of age, shall be placed on the Bleeder List and be ineligible to race for the following time periods:
  - A) First incident – 14 days;

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- B) Second incident within a 365 day period – 30 days;
  - C) Third incident within a 365 day period – 180 days;
  - D) Fourth incident within a 365 day period – Barred from racing for its lifetime.
- 3) For the purposes of counting the number of days a horse is ineligible to run, the day the horse bled is the first day of the recovery period.
  - 4) After the expiration of the barred periods in subsections (d)(2)(A), (B) and (C), a horse must perform a workout, without bleeding, to the satisfaction of the State Veterinarian. Prior to the workout, a blood sample may be collected by the State Veterinarian and sent to the Board laboratory for testing. After the workout, the State Veterinarian may witness an endoscopic examination of the horse to confirm that it has not bled.
  - 5) All horses on the Bleeder List that are eligible to race shall be administered furosemide pursuant to subsection (f).
- e) ~~Administration of Furosemide~~ Administration
- 1) All horses on the ~~Furosemide List~~furosemide list must be treated with furosemide in order to be permitted to participate in a race.
  - 2) Furosemide shall be administered between 4 hours and 15 minutes and 3 hours and 45 minutes ~~prior to the scheduled~~before post time of the race in which a horse is entered.
  - 3) A Board licensed veterinarian shall administer not less than 150 mg and not more than 500 mg of furosemide by single intravenous injection intravenously and shall verify the administration on Board prescribed affidavits ~~no later than one hour prior to~~before the post time ~~for the race for which the horse is entered~~of the first race.
  - 4) The trainer or ~~his or her~~his/her licensed employee shall witness the furosemide administration.
  - 5) The administration of furosemide ~~administration~~ may take place in the

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horse's own stall or in a centralized location.

- 6) Failure to administer furosemide in accordance with~~For violations of this subsection (e)(2e); may result in the horse being scratched from the race by the Stewards~~~~stewards shall scratch a horse from the race~~ and the trainer may be fined not less than \$200 and not more than \$500.

f) Removal from Bleeder List

- 1) Once a horse is placed on the Bleeder List, it must continue to race with furosemide unless the removal from the list is approved by the State Veterinarian. The State Veterinarian may remove a horse from the Bleeder List upon written request of the trainer, if the horse's performance is negatively affected by the use of furosemide or if the horse has an adverse physiological reaction to furosemide.
- 2) Once removed from the Bleeder List, a thoroughbred horse shall be ineligible to participate in a race for a minimum of 30 days. A standardbred horse shall be ineligible for a minimum of 14 days. The ineligibility period shall be counted from the day the State Veterinarian approves the removal of the horse from the Bleeder List. Prior to starting in a race, a horse must participate without furosemide in a qualifying race or perform an official workout without bleeding, to the satisfaction of the State Veterinarian. Prior to the qualifying race or workout, a blood sample may be collected by the State Veterinarian and sent to the Board laboratory for testing. After the qualifying race or workout, the State Veterinarian may witness an endoscopic examination of the horse to confirm that it has not bled.

gf) Absence of Furosemide

In the event a horse listed on the furosemide list races without furosemide, the horse shall be disqualified and any purse money earned by the horse redistributed. In addition, the stewards may suspend or fine the trainer and/or veterinarian not less than \$200 and not more than \$1500.

hg) Excessive Use of Furosemide

- 1) The test level for furosemide shall not be in excess of 100 nanograms (ng) per milliliter (ml) of serum or plasma.

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- 2) The first time the laboratory reports an amount of furosemide in excess of 100 nanograms, the trainer shall be fined \$250.
- 3) The second time the laboratory reports an amount of furosemide in excess of 100 nanograms within 365 days after the first offense, the trainer shall be fined \$500.
- 4) For a third or subsequent laboratory report of an amount of furosemide in excess of 100 nanograms within 365 days after the first offense, the trainer shall be fined \$1,000 and/or suspended for 15 days and the purse shall be redistributed.
- 5) When imposing penalties, the stewards shall consider the criteria in Section 603.160(b)(3), (4), (5) and (6) of this Part.

| [ih](#)) Trainer's Responsibilities for Horses on the Furosemide List

- 1) The trainer shall be responsible for:
  - A) providing the racing office at the time of entry with accurate information regarding the use of furosemide on horses he/she enters to race;
  - B) providing the information required for furosemide approval of his/her horses to Board staff coordinating the administration of furosemide;
  - C) notifying his/her veterinarian of furosemide horses and the date and times for race day treatment;
  - D) having horses on the furosemide list stabled at the barn and in the stall assigned by the Racing Secretary or his/her designee;
  - E) posting a "Security Stall" sign on the stalls of his/her horses entered to race (see 11 Ill. Adm. Code 436);
  - F) ensuring horses are treated with furosemide on race day at the prescribed time, witnessing the administration of furosemide and

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guarding the horse until the horse is taken to the paddock (see 11 Ill. Adm. Code 436).

- 2) The stewards may suspend the trainer or assess a fine of no less than \$200 and no more than \$500 for violation of this subsection (ih).

ji) Veterinarian's Responsibilities

- 1) The practicing veterinarian shall be responsible for:
- A) administering the proper furosemide medication and dose at the proper time to the proper horse.
  - B) providing Board staff, upon request, with any documentation related to horses that are stabled on approved facilities and medication samples and/or paraphernalia used to administer any medication to a horse. Samples and/or paraphernalia may be sent to the Board laboratory for testing.
- 2) The stewards may suspend the veterinarian or assess a fine of no less than \$200 and no more than \$500 for violations of this subsection (jj).

kj) Security

- 1) Each horse racing with furosemide shall be detained in a stall assigned by the Racing Secretary at least 4 hours and 15 minutes before the post time of the race in which it is entered, and shall remain in the stall until taken to the paddock to be saddled or harnessed for the race, except that the stewards may permit horses to leave the "security stall" to engage in exercise blow-outs or warm-up heats.
- 2) The barn area is a secure area and shall be under the supervision of the Board.
- 3) No unauthorized person shall approach the security area. If any unauthorized person does approach the security area, a report of the incident is to be made immediately to one of the State Veterinarians, the stewards or a Board investigator.

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- 4) Board staff may direct a veterinarian to take a blood sample immediately prior to the administration of furosemide to be submitted to the Board's laboratory for analysis.
- 5) Board staff may collect from a veterinarian the syringe containing any medication about to be administered to a horse for testing at the Board laboratory.

**lk)** This Section shall apply to all horses entering in and competing in race meetings as defined in Section 3.07 of the Act [230 ILCS 5/3.07], as well as all horses shipping in from other racing jurisdictions, domestic or foreign.

(Source: Amended at 33 Ill. Reg. 12571, effective August 25, 2009)

**Section 603.100 Detention Barn**

Every organization licensee shall provide a detention barn where test samples shall be taken under the supervision of the State ~~Veterinarian~~veterinarian. ~~The~~Such detention barn shall satisfy standards prescribed by the State ~~Veterinarian~~veterinarian and shall be approved by the Board. In addition, every organization licensee shall furnish, during racing hours, a guard whose duty shall be to assist Board employees in the detention barn. ~~The~~Such guard shall remain on duty until the last specimens have been taken for that racing day. All persons who wish to enter the detention barn area must be a minimum of 16 years old, be currently licensed by the Board and have a legitimate reason for being in the detention barn area.

(Source: Amended at 33 Ill. Reg. 12571, effective August 25, 2009)

**Section 603.120 Referee Samples**

- a) For each horse tested, one portion of the test sample (hereinafter referred to as the "referee sample") shall be preserved by the laboratory. The referee sample shall be available for testing at the request of the owner, trainer or other person charged with a violation of these rules. The referee sample may also be tested by the Board laboratory.
- b) If the owner, trainer or other person charged with a violation of ~~this Section~~these rules desires to send the referee sample to another laboratory for testing, ~~the Board shall bear the cost of preparing the samples for shipment, but~~ the cost of ~~such~~ shipment and of ~~such~~ testing at another laboratory shall be borne by the

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person requesting the additional tests.

- c) If the owner, trainer or other person charged with a violation of this Section desires additional testing to be performed by the Board laboratory, the cost of the testing shall be borne by the person requesting the additional tests.
- de) Whenever a referee sample is opened, a portion of that test sample shall be preserved by the Board laboratory in case further testing is requested.

(Source: Amended at 33 Ill. Reg. 12571, effective August 25, 2009)

**Section 603.160 Penalties**

- a) Any person who administers or conspires to administer any foreign substance to any horse in violation of this Part shall be subject to a fine and/or license suspension or revocation and the purse money won may be re-distributed.
- b) Penalties for violations of this Part shall be based on the following criteria:
  - 1) the nature of the foreign substance; e.g., cough medicine, steroid, narcotic, stimulant, depressant, etc.;
  - 2) the accessibility of the drug; e.g., can be purchased over the counter, only with a prescription, only with a license for controlled substances, cannot be purchased in this country;
  - 3) the age and experience of the violator;
  - 4) whether the violator has ever been the subject of a medication ruling in this or any other racing jurisdiction;
  - 5) what action, if any, was taken by the violator to avoid ~~thesueh~~ violation;
  - 6) the purse of the race.
- c) Any person who violates any provision of this Part for which no specific penalty is provided may be penalized by the stewards or the Board in accordance with the provisions for penalties contained elsewhere in this Chapter or in the Illinois Horse Racing Act of 1975. When imposing penalties, the stewards or the Board

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shall consider all relevant factors including, but not limited to those specified in this Part.

- d) In harness racing, any trainer suspended for a violation of this Part shall, upon notice of the violation, submit to the Stewards a current stable list on a form provided by the Board.
- 1) The horses on the stable list shall be placed on the Steward's List unless:
- A) The owner of each horse on the stable list secures the services of a trainer approved by the Stewards; and
- B) The approved trainer stables the horses on the stable list on the grounds of an organization licensee for the full term of the penalized trainer's suspension;
- 2) Horses on the stable list shall be permitted to leave to race in other racing jurisdictions or for medical reasons.
- ed) Penalties for Class 4 and 5 drug violations:
- 1) Class 4 as defined in the Association of Racing Commissioners International Uniform Classification Guidelines for Foreign Substances (ARCI, 2343 Alexandria Drive, Suite 200, Lexington KY 40504; April 2005; this incorporation includes no later amendments or editions). Except as provided in Sections 603.60 and 603.70 of this Part, upon finding of a Class 4 substance, the trainer shall be subject to a fine and/or license suspension or revocation and the purse money won may be redistributed according to the criteria set forth in subsection (d)(3).
- 2) Class 5 as defined in the Association of Racing Commissioners International Uniform Classification Guidelines for Foreign Substances. Except as provided in Sections 603.75 and 603.60(c) of this Part, upon finding of a Class 5 substance, the trainer shall be subject to a fine and/or license suspension or revocation and the purse money won may be redistributed according to the criteria set forth in subsection (d)(3).
- 3) In determining a disqualification and purse redistribution under this subsection (ed), the Stewards shall use the following criteria:

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- A) A recommendation by the Board veterinarian and/or Board chemist regarding the significance of the concentration of the drug or metabolite present and the estimated withdrawal time.
- B) A recommendation by industry experts, including equine pharmacologists and equine physiologists, regarding the effect of the drug on the horse in the concentration found and/or estimated withdrawal times.
- C) Repeat violations of these medication and prohibited substance rules by the same trainer or with respect to the same horse.
- D) Prior violations of similar rules in other racing jurisdictions by the same trainer or with respect to the same horse.
- E) The criteria set forth in subsection (b).

- 4) The provisions of this subsection (~~ed~~) shall be applied retroactively when substantively applicable, including all actions pending before the Board, without regard to when the cause of action accrued; provided, however, that this subsection (~~e~~)4 shall not operate to affect rights of individuals that have fully vested prior to April 23, 2007.

(Source: Amended at 33 Ill. Reg. 12571, effective August 25, 2009)

**Section 603.180 Carbon Dioxide Tests**

- a) The Board recognizes that an excess level of total carbon dioxide (TCO<sub>2</sub>) in the race horse is considered adverse to the best interests of racing and adverse to the best interest of the horse in that such condition alters its normal physiological state. ~~Accordingly, the State Veterinarian may draw blood samples from a horse for the purpose of obtaining a TCO<sub>2</sub> concentration.~~
- b) Blood samples for TCO<sub>2</sub> ~~levels may~~ shall be drawn pre-race ~~and~~/or post-race.
- c) The TCO<sub>2</sub> level in the blood shall be less than: ~~1)39.0 millimoles per liter if the horse is competing on furosemide in accordance with Section 603.70 (Furosemide).2)37.0 millimoles per liter, plus the measurement uncertainty of the~~

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laboratory analyzing the sample if the horse is not competing on furosemide.

- d) In the event a blood sample from a horse contains an amount of TCO<sub>2</sub> that is equal to or exceeds the levels described in subsection (c), the following penalties shall apply:
- 1) The first time the laboratory reports an excessive TCO<sub>2</sub> level, the trainer shall be fined not less than \$500 and not more than \$1,000~~\$2,000~~, the purse shall be redistributed and the trainer shall be ordered suspended for at least 1560 days but not to exceed 6090 days. In addition, the horse shall be ~~placed on the stewards list or be~~ subject to "early detention" for a period identical to the length of the trainer's suspension. "Early detention" in Illinois shall be defined as pre-race guarded quarantine, on the grounds of the Illinois organization licensee, beginning no less than 6½ hours prior to the scheduled post time for the horse's race. ~~The licensed owner or trainer of the horse shall assign a caretaker to attend and provide surveillance until the horse is brought to the paddock or receiving barn.~~
  - 2) The second time the laboratory reports an excessive TCO<sub>2</sub> level in a 365 day period in any jurisdiction, the trainer shall be ordered suspended for at least 30 days but not to exceed 180 days and fined not less than \$1,000 and not more than \$2,500~~\$5,000~~ and the purse shall be redistributed. In addition, the horse shall be ~~placed on the stewards list or be~~ subject to "early detention" in Illinois for a period identical to the length of the trainer's suspension of 180 days.
  - 3) For a third or subsequent report of an excessive TCO<sub>2</sub> level in a 365 day period in any jurisdiction, the trainer shall be ordered suspended for at least 60 days but not to exceed 365 days~~two years~~ and fined not less than \$2,500 and not more than \$5,000 or 5% of the purse (greater of the two) and the purse shall be redistributed. ~~The~~In addition, the horse shall be ~~placed on the stewards list or be~~ subject to "early detention" in Illinois for a period identical to the length of the trainer's suspension of 180 days. In addition, absent mitigating circumstances, the owner shall be fined \$5,000.
  - 4) ~~The penalties set forth in subsections (d)(2) and (3) must occur within 5 years after the penalties set forth in subsection (d)(1) are levied.~~

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- e) If the levels of TCO<sub>2</sub> are determined to equal or exceed those set forth in subsection (c), and the licensed owner or trainer of that horse contends in writing to the stewards within 24 hours after notification of the results that such levels are physiologically normal for that particular horse, the licensee may, by such writing, request that the horse be held in quarantine. In the event quarantine is requested, the organization licensee shall make guarded quarantine available, for a period of time to be determined by the stewards but in no event more than 72 hours, at the sole expense of the licensee. During any quarantine, the horse shall be re-tested periodically and, although the horse may not race during the quarantine period, it shall be exercised and trained at times prescribed by the organization licensee, consistent with the ability to monitor the horse. The horse will only be fed hay, oats and water during the quarantine period. If the stewards are satisfied, on the basis of the evident facts, the quarantine, and the testing of the horse's blood during the quarantine period, that the level of TCO<sub>2</sub> set forth in subsection (c) is physiologically normal for that particular horse, the stewards shall not order the penalty set forth in subsection (d) ~~and the horse shall be permitted to compete. In such case, the stewards, in their discretion, may require that the horse re-establish that the TCO<sub>2</sub> level is physiologically normal to it pursuant to the quarantine procedure set forth in this subsection.~~
- f) The provisions of Section 603.120 (Referee Samples) shall not apply to blood samples drawn for purposes of carbon dioxide testing. Split sample analyses of TCO<sub>2</sub> must be run in parallel with the official sample at the official laboratory in order to avoid delays in testing that result in lower TCO<sub>2</sub> values as a result of sample degradation.

(Source: Amended at 33 Ill. Reg. 12571, effective August 25, 2009)

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- 1) Heading of the Part: Requirements for Accounting, Budgeting, Financial Reporting, and Auditing
- 2) Code Citation: 23 Ill. Adm. Code 100
- 3) 

<u>Section Numbers:</u>	<u>Emergency Action:</u>
100.130	New Section
100.TABLE C	Amendment
- 4) Statutory Authority: 105 ILCS 5/2-3.17a, 2-3.27, 2-3.28, 3-7, 17-1, and 34-43.1
- 5) Effective Date of Amendment: August 26, 2009
- 6) If this emergency rulemaking is to expire before the end of the 150-day period, please specify the date on which it is to expire: This rulemaking will be in force until replaced by regular rulemaking or until the end of the 150-day period, whichever occurs sooner.
- 7) Date Filed with the Index Department: August 26, 2009
- 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) Reason for Emergency: On April 17, 2009, emergency amendments to Part 100 took effect to establish the procedures for school districts to use to track their receipt of funding under the ARRA. At that time, a significant amount of federal money had begun to flow to the State of Illinois under the ARRA, and nearly \$3 billion was to be directed to Illinois school districts for several different purposes. States are expected to be able to report in detail on the uses to which the funds are put, and districts must track their expenditures very carefully so the reporting that is eventually required can be accomplished. This includes accounting for these funds separately from funds from other sources.

The use of these funds is conditioned on stringent tracking and reporting requirements whose details are currently being finalized. It is clear that school districts will have to be able to show what expenditures they make from these sources and to account for those amounts separately from all other amounts. There will be equally stringent reporting requirements with which ISBE must conform. Consequently, it is crucial that accounting for these sources of funds be consistent throughout the State. ISBE must provide for the

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mandatory use by districts of a uniform set of account codes and must have those codes in place when a portion of the federal stimulus funds is first disbursed.

Failure to collect and report the required information regarding the uses and effects of the stimulus funds could have serious repercussions, possibly including the need to repay funds to the U.S. Department of Education. ISBE therefore finds that failure to have rules in place to govern the necessary accounting and reporting would constitute a threat to the public welfare, warranting emergency rulemaking at this time.

This emergency rulemaking will replace the emergency amendments that are currently in effect.

- 10) A Complete Description of the Subjects and Issues Involved: These amendments provide for uniformity in accounting for the federal funds that Illinois school districts will receive under the American Recovery and Reinvestment Act of 2009. New account numbers are being established so that the specific federal sources of funding can be tracked and so that expenditures related to those funds can be distinguished from expenditures of funds from the same sources that were received in the normal course of the federal budget process. In addition, new Section 100.130 will provide districts with information about what to expect as a result of their receipt of this federal funding. This rule identifies basic information related to the topics already covered by Part 100: accounting, budgeting, financial reporting, and auditing.

Since the time that the first emergency rulemaking took effect, staff have identified a need to allow for additional flexibility for school districts in their accounting for ARRA funds. This rulemaking includes all of the changes promulgated in the April 17, 2009 emergency amendments. In addition, account numbers 4860; 4873 and 4874; and 4877 through 4880 now are being amended to remove a restriction contained in the earlier emergency rulemaking that the reported funds be received directly from a federal agency or from a State agency other than ISBE. Other codes also are being added to account for the use of ARRA funds for the state Early Childhood Block Grant Program (account number 4875) and for the use of other government services stabilization ARRA funds for general state aid (account number 4870) in FY 2010 rather than the education stabilization ARRA funds that were used in FY 2009 (account number 4850).

- 11) Are there any proposed amendments to this Part pending? Yes

<u>Section Number:</u>	<u>Proposed Action:</u>	<u>Register Citation:</u>
100.120	Amendment	September 11, 2009; 33 Ill. Reg. 12538

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100.130	New Section	September 11, 2009; 33 Ill. Reg. 12538
100.TABLE C	Amendment	September 11, 2009; 33 Ill. Reg. 12538

- 12) Statement of Statewide Policy Objective: This rulemaking will not create or enlarge a State mandate.
- 13) Information and questions regarding these amendments shall be directed to:

Debbie Vespa, Division Administrator  
School Business Services Division  
Illinois State Board of Education  
100 North First Street, N-330  
Springfield, Illinois 62777

217/785-8779

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

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TITLE 23: EDUCATION AND CULTURAL RESOURCES  
 SUBTITLE A: EDUCATION  
 CHAPTER I: STATE BOARD OF EDUCATION  
 SUBCHAPTER c: FINANCE

PART 100  
 REQUIREMENTS FOR ACCOUNTING, BUDGETING,  
 FINANCIAL REPORTING, AND AUDITING

## Section

100.10	Purpose and Applicability
100.20	Definitions
100.30	General Requirements
100.40	Types of Funds, Basis of Accounting, and Recognition of Transactions
100.50	Intra-Fund and Inter-Fund Transactions
100.60	Capital Assets and Depreciation
100.70	Revolving Funds
100.80	Student Activity Funds
100.90	Submission of Budgets and Deficit Reduction Plans
100.100	Annual Financial Reports
100.110	Annual Audit Requirements
100.120	Provisions Related to Debt
<a href="#">100.130</a>	<a href="#">Requirements Specific to Funds Received Pursuant to the American Recovery and Reinvestment Act of 2009 (ARRA)</a>
<a href="#">EMERGENCY</a>	
100.TABLE A	Classification of Funds
100.TABLE B	Balance Sheet Accounts
100.TABLE C	Revenue Accounts
<a href="#">EMERGENCY</a>	
100.TABLE D	Expenditure Accounts
100.TABLE E	"Sources and Uses" Accounts; Miscellaneous
100.TABLE F	Expenditure Object Accounts

AUTHORITY: Implementing and authorized by Sections 2-3.17a, 2-3.27, 2-3.28, 3-7, 17-1, and 34-43.1 of the School Code [105 ILCS 5/2-3.17a, 2-3.27, 2-3.28, 3-7, 17-1, and 34-43.1].

SOURCE: Old Part repealed at 10 Ill. Reg. 20507, effective December 2, 1986; new Part adopted at 31 Ill. Reg. 14874, effective October 19, 2007; amended at 32 Ill. Reg. 16439, effective September 24, 2008; emergency amendment at 33 Ill. Reg. 6313, effective April 17,

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2009, for a maximum of 150 days; emergency amendment at 33 Ill. Reg. 12589, effective August 26, 2009, for a maximum of 150 days.

**Section 100.130 Requirements Specific to Funds Received Pursuant to the American Recovery and Reinvestment Act of 2009 (ARRA)**

**EMERGENCY**

This Section applies only to funds received pursuant to P.L. 111-5, the American Recovery and Reinvestment Act of 2009.

- a) Accounting; Treatment of Funds
  - 1) Records of expenditures shall identify the source of the ARRA funds by using the account numbers set forth in Table C of this Part, as well as the applicable funds, functions, and object classes, using the account numbers set forth in Tables A, D, and F of this Part, respectively.
  - 2) ARRA General State Aid funds received in account number 4850 or 4870 (see Table C of this Part) may be deposited into any fund other than the Working Cash Fund and may be spent for any lawful purpose, except as limited by Section 14003 of the ARRA. That Section prohibits a local education agency from using Education Stabilization funds for:
    - A) payment of maintenance costs;
    - B) stadiums or other facilities used primarily for athletic contests, exhibitions, or other events for which admission is charged to the general public;
    - C) purchasing or upgrading vehicles;
    - D) improvements to stand-alone facilities whose purpose is not the education of children, including facilities housing central office administration, operations, or logistical support functions; or
    - E) school modernization, renovation, or repair that is inconsistent with State law.

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- 3) No Education Stabilization funds or Government Services funds may be used to provide financial assistance to students to attend private elementary or secondary schools, unless the funds are used to provide special education and related services to children with disabilities as authorized by the Individuals with Disabilities Education Improvement Act. (Section 14011 of the ARRA)
  - 4) Funds received under any other account number in the range from 4851 through 4880 shall be expended only for the purposes authorized by the relevant federal law, regulations, and guidance.
- b) Budgeting  
Each local education agency intending to spend ARRA funds during Fiscal Year 2009 shall amend its budget as necessary, pursuant to the provisions of Section 17-1 of the School Code [105 ILCS 5/17-1] and shall submit the amended budget to the State Superintendent of Education pursuant to Section 100.90 of this Part. Subsequent annual budgets shall address the receipt and disbursement of ARRA funds as provided in Section 17-1 and applicable federal regulations and guidance.
- c) Financial Reporting  
In order to comply with federal reporting requirements, each local education agency receiving funds under the ARRA shall include in its annual financial report, in addition to all other requirements set forth in Section 100.100 of this Part, a detailed schedule of its receipts and disbursements of those funds, as distinct from any other receipts and expenditures for the same purposes made from other sources of funds.
- d) Auditing
- 1) The receipt and disbursement of ARRA funds shall be subject to the audit requirements of Section 100.110 of this Part. In addition to the other applicable requirements of Section 100.110 of this Part, the scope of each audit shall include the schedule of receipts and disbursements required under subsection (c) of this Section.
  - 2) Each local education agency receiving ARRA funds shall review its amended budget to determine whether its increased expenditure of federal

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[funds will make the agency subject to the audit requirements of OMB Circular A-133 \(available at \[www.whitehouse.gov/omb/circulars/index.html\]\(http://www.whitehouse.gov/omb/circulars/index.html\)\) and, if so, shall maintain records accordingly.](#)

(Source: Added by emergency rulemaking at 33 Ill. Reg. 12589, effective August 26, 2009, for a maximum of 150 days)

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**Section 100.TABLE C Revenue Accounts**

<b>Label</b>	<b>Account Number</b>	<b>Source; Notes</b>
<b>RECEIPTS/REVENUE FROM LOCAL SOURCES</b>	<b>1000</b>	
<b>AD VALOREM TAXES</b>	<b>1100</b>	
Educational Purposes Levy	1110	105 ILCS 5/17-2 and 17-3.
Operations and Maintenance Purposes Levy	1111	105 ILCS 5/17-5.
Bond and Interest Purposes Levy	1112	105 ILCS 5/17-9.
Transportation Purposes Levy	1113	105 ILCS 5/17-4.
Municipal Retirement Purposes Levy	1114	40 ILCS 5/7-171.
Working Cash Purposes Levy	1115	105 ILCS 5/20-3.
Public Building Commission Rent Levy	1116	50 ILCS 20/18.
Capital Improvement Purposes Levy	1117	105 ILCS 5/17-2 and 17-2.3.
Fire Prevention & Safety Purposes Levy	1118	105 ILCS 5/17-2.11.
Emergency Financial Assistance Levy	1119	105 ILCS 5/1B-8 and 1F-62.
Tort Immunity/Judgment Purposes Levy	1120	745 ILCS 10/9-109.
Leasing Purposes Levy	1130	105 ILCS 5/17-2.2c.
Special Education Purposes levy	1140	105 ILCS 5/17-2.2a.
FICA and Medicare Only Levies	1150	Social Security taxes and the employer's share of Medicare Only payments; 40 ILCS 5/21-110, 110.1.

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Area Vocational Construction Purposes Levy	1160	105 ILCS 5/17-2.4.
Summer School Purposes Levy	1170	105 ILCS 5/17-2 and 17-2.1.
Other Tax Levies	1190	Taxes received from other tax levies not specifically identified (describe and itemize).

<b>PAYMENTS IN LIEU OF TAXES</b>	<b>1200</b>	
Mobile Home Privilege Tax	1210	
Payments from Local Housing Authorities	1220	
Corporate Personal Property Replacement Taxes	1230	Amounts received to replace personal property tax revenues lost.
Other Payments in Lieu of Taxes	1290	

<b>TUITION</b>	<b>1300</b>	
Total Regular Tuition	1310	Amounts received for pupils attending the district's regular schools; 105 ILCS 5/10-20.12a.
Regular Tuition from Pupils or Parents (In-State)	1311	
Regular Tuition from Other Districts (In-State)	1312	
Regular Tuition from Other Sources (In-State)	1313	
Regular Tuition from Other Sources (Out-of-State)	1314	
Total Summer School Tuition	1320	Amounts received for pupils attending summer school.
Summer School Tuition from Pupils or Parents (In-State)	1321	

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Summer School Tuition from Other Districts (In-State)	1322	
Summer School Tuition from Other Sources (In-State)	1323	
Summer School Tuition from Other Sources (Out-of-State)	1324	
Total CTE Tuition	1330	Amounts received for pupils attending career and technical education programs.
CTE Tuition from Pupils or Parents (In-State)	1331	
CTE Tuition from Other Districts (In-State)	1332	
CTE Tuition from Other Sources (In-State)	1333	
CTE Tuition from Other Sources (Out-of-State)	1334	
Total Special Education Tuition	1340	Amounts received for pupils attending special education programs.
Special Education Tuition from Pupils or Parents (In-State)	1341	
Special Education Tuition from Other Districts (In-State)	1342	
Special Education Tuition from Other Sources (In-State)	1343	
Special Education Tuition from Other Sources (Out-of-State)	1344	
Total Adult Tuition	1350	Amounts received for pupils attending adult/continuing education programs.
Adult Tuition from Pupils or Parents (In-State)	1351	

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Adult Tuition from Other Districts (In-State)	1352	
Adult Tuition from Other Sources (In-State)	1353	
Adult Tuition from Other Sources (In-State)	1354	
<b>TRANSPORTATION FEES</b>	<b>1400</b>	
Total Regular Transportation Fees	1410	Amounts received for transporting pupils to and from school and school activities (regular school day).
Regular Transportation Fees from Pupils or Parents (In-State)	1411	
Regular Transportation Fees from Other Districts (In-State)	1412	
Regular Transportation Fees from Other Sources (In-State)	1413	
Regular Transportation Fees from Co-curricular Activities (In-State)	1415	
Regular Transportation Fees from Other Sources (Out-of-State)	1416	
Total Summer School Transportation Fees	1420	Amounts received for transporting pupils to and from summer school.
Summer School Transportation Fees from Pupils or Parents (In-State)	1421	
Summer School Transportation Fees from Other LEAs (In-State)	1422	
Summer School Transportation Fees from Other Sources (In-State)	1423	

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Summer School Transportation Fees from Other Sources (Out-of- State)	1424	
Total CTE Transportation Fees	1430	Amounts received for transporting pupils to and from career and technical education classes.
CTE Transportation Fees from Pupils or Parents (In-State)	1431	
CTE Transportation Fees from Other Districts (In- State)	1432	
CTE Transportation Fees from Other Sources (In- State)	1433	
CTE Transportation Fees from Other Sources (Out-of-State)	1434	
Total Special Education Transportation Fees	1440	Amounts received for transporting pupils to and from special education programs.
Special Education Transportation Fees from Pupils or Parents (In- State)	1441	
Special Education Transportation Fees from Other Districts (In-State)	1442	
Special Education Transportation Fees from Other Sources (In-State)	1443	
Special Education Transportation Fees from Other Sources (Out-of- State)	1444	
Total Adult Transportation Fees	1450	Amounts received for transporting pupils to and from adult/continuing education programs.
Adult Transportation Fees from Pupils or Parents (In-State)	1451	

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Adult Transportation Fees from Other Districts (In-State)	1452	
Adult Transportation Fees from Other Sources (In-State)	1453	
Adult Transportation Fees from Other Sources (Out-of-State)	1454	
<b>EARNINGS ON INVESTMENTS</b>	<b>1500</b>	
Interest on Investments	1510	
Gain or Loss on Sale of Investments	1520	Gains or losses realized from the sale of bonds.
<b>FOOD SERVICE</b>	<b>1600</b>	
Sales to Pupils – Lunch	1611	
Sales to Pupils – Breakfast	1612	
Sales to Pupils – A la Carte	1613	
Sales to Pupils – Other	1614	
Sales to Adults	1620	Amounts received from adults for sale of food products and services.
Other Food Service	1690	Amounts received from local sources for other food service activities.
<b>DISTRICT/SCHOOL ACTIVITY INCOME</b>	<b>1700</b>	
Admissions – Athletic	1711	Amounts received from school-sponsored athletic events.
Admissions – Other	1719	Amounts received from admissions to all other school-sponsored events except athletics (describe and itemize).
Fees	1720	Amounts received from pupils for fees such as towel fees, locker fees, and equipment fees (excludes transportation).
Book Store Sales	1730	
Other District/School Activity Revenue	1790	All other revenue from district or school activities not otherwise specified.

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<b>TEXTBOOK INCOME</b>	<b>1800</b>	
Rentals – Regular Textbooks	1811	
Rentals – Summer School Textbooks	1812	
Rentals – Adult/Continuing Education Textbooks	1813	
Rentals – Other	1819	Describe and itemize.
Total Textbook Rentals	1810	105 ILCS 5/10-22.25.
Sales – Regular Textbooks	1821	
Sales – Summer School Textbooks	1822	
Sales – Adult/Continuing Education Textbooks	1823	
Sales – Other	1829	
Total Textbook Sales	1820	105 ILCS 5/28-8.
Textbooks Other	1890	Textbook revenues not provided for elsewhere in the 1800 series of accounts.

<b>OTHER LOCAL REVENUES</b>	<b>1900</b>	
Rentals	1910	Amounts received for rental of school property, real or personal.
Contributions and Donations from Private Sources	1920	Amounts received from a philanthropic foundation, private individual, or private organization for which no repayment or special service to the contributor is expected.
Impact Fees from Municipal or County Governments	1930	Amounts received from a city, town, village, or county government from impact fees assessed in accordance with local ordinances.
Services Provided to Other Districts	1940	Amounts received for services other than tuition and transportation services (e.g., data processing, purchasing, maintenance, accounting, cleaning, consulting, guidance).
Refund of Prior Years' Expenditures	1950	A refund of an expenditure charged to a prior fiscal year's budget.

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Payments of Surplus Moneys from TIF Districts	1960	Amounts received from distributions from Tax Increment Financing districts.
Drivers' Education Fees	1970	105 ILCS 5/27-23.
Proceeds from Vendors' Contracts	1980	Proceeds received pursuant to contracts between the district and various vendors.
School Facility Occupation Tax Proceeds	1983	Amounts received from distributions of School Facility Occupation Tax proceeds.
Payment from Other Districts	1991	Amounts representing a district's share of special education or career and technical education building costs.
Sale of Vocational Projects	1992	Amounts representing gain from the sale of vocational projects.
Other Local Fees	1993	Amounts assessed or received from local sources for district programs not classified elsewhere (describe and itemize).
Other Local Revenues	1999	Amounts received from local sources not provided for elsewhere in the 1000 series of accounts.

<b>FLOW-THROUGH RECEIPTS/REVENUE FROM ONE DISTRICT TO ANOTHER DISTRICT</b>	<b>2000</b>	
FLOW-THROUGH REVENUE FROM STATE SOURCES	2100	State revenues that can be further subdivided to account for individual grants.
FLOW-THROUGH REVENUE FROM FEDERAL SOURCES	2200	Federal revenues that can be further subdivided to account for individual grants.
OTHER FLOW-THROUGH REVENUE	2300	Other revenues that can be further subdivided to account for individual grants (describe and itemize).

<b>RECEIPTS/REVENUE FROM STATE SOURCES</b>	<b>3000</b>	
General State Aid Section 18-8.05	3001	105 ILCS 5/18-8.05.
General State Aid Hold Harmless/Supplemental	3002	105 ILCS 5/18-8.05j.

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Reorganization Incentives – Deficit Fund Balance	3005	105 ILCS 5/18-8.3.
Reorganization Incentives – Attendance	3010	105 ILCS 5/18-8.05i.
Reorganization Incentives – Salary Difference	3015	105 ILCS 5/18-8.2.
Reorganization Incentives – Certified Salary	3020	105 ILCS 5/18-8.5.
Reorganization Incentives – Feasibility Studies	3021	Amounts received pursuant to appropriations for this purpose.
GSA Fast Growth District Grants	3030	105 ILCS 5/18-8.10.
Emergency Financial Assistance Grants	3050	105 ILCS 5/1B-8 and 1F-62.
Tax Equivalent Grants	3055	105 ILCS 5/18-4.4.
GSA Transition Assistance	3095	Amounts received pursuant to appropriations for this purpose.
Other Unrestricted Grants-In-Aid from State Sources	3099	Amounts received pursuant to other appropriations (describe and itemize).
Special Education – Private Facility Tuition	3100	105 ILCS 5/14-7.02.
Special Education – Extraordinary	3105	105 ILCS 5/14-7.02a.
Special Education – Personnel	3110	105 ILCS 5/14-13.01.
Special Education – Orphanage – Individual	3120	105 ILCS 5/14-7.03.
Special Education – Orphanage – Summer	3130	105 ILCS 5/14-7.03.
Special Education – Summer School	3145	105 ILCS 5/18-4.3.
Philip J. Rock Center and School	3155	105 ILCS 5/14-11.02.

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Educational Materials Center	3156	105 ILCS 5/14-11.01.
Special Education – Other	3199	Amounts received pursuant to other appropriations (describe and itemize).
Career and Technical Education (CTE) – Tech Prep	3200	105 ILCS 5/2-3.115.
CTE – Secondary Program Improvement (CTEI)	3220	105 ILCS 435.
CTE – WECEP	3225	105 ILCS 5/2-3.66a.
CTE – Agriculture Education	3235	105 ILCS 5/2-3.80.
CTE – Instructor Practicum	3240	105 ILCS 5/2-3.68.
CTE – Student Organizations	3270	Amounts received pursuant to appropriations for student organizations.
CTE – Other	3299	Amounts received pursuant to other appropriations (describe and itemize).
Bilingual Education – Downstate – TPI and TBE	3305	105 ILCS 5/14C-12.
Bilingual Education – Downstate – Transitional Bilingual Education	3310	105 ILCS 5/14C-12.
Gifted Education	3350	105 ILCS 5/Art. 14A.
State Free Lunch and Breakfast	3360	105 ILCS 125/2.
School Breakfast Initiative	3365	105 ILCS 125/2.5.
Driver Education	3370	105 ILCS 5/27-24.2.
Adult Education (from ICCB )	3410	Amounts received from the Community College Board; 105 ILCS 405.
Adult Education – Other	3499	Amounts received pursuant to other appropriations (describe and itemize).
Transportation – Regular/Vocational	3500	105 ILCS 5/29-5.
Transportation – Special Education	3510	105 ILCS 5/14-13.01b.

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Transportation – ROE Bus Driver Training	3520	105 ILCS 5/3-14.23.
Transportation – Other	3599	Amounts received pursuant to other appropriations (describe and itemize).
Learning Improvement – Change Grants	3610	105 ILCS 5/2-3.25, 2-3.63, and 2-3.64.
National Board Certification	3651	105 ILCS 5/21-27.
Administrators Academy	3655	105 ILCS 5/2-3.53.
Scientific Literacy	3660	105 ILCS 5/2-3.94.
Truants' Alternative and Optional Education	3695	105 ILCS 5/2-3.66.
Regional Safe Schools	3696	105 ILCS 5/13A-8.
Early Childhood – Block Grant	3705	105 ILCS 5/1C-2 and 2-3.71.
Reading Improvement Block Grant	3715	105 ILCS 5/2-3.51.
Reading Improvement Block Grant – Reading Recovery	3720	Amounts received from the 2% set-aside under 105 ILCS 5/2-3.51.
Continued Reading Improvement Block Grant	3725	105 ILCS 5/2-3.51a.
Continued Reading Improvement Block Grant	3726	Amounts received from the 2% set aside under 105 ILCS 5/2-3.51a.
ROE/ISC Operations	3730	Amounts received pursuant to 105 ILCS 5/2-3.63, 3-14.23, and 18-6.
ROE Supervisory Expense	3745	Amounts received pursuant to 105 ILCS 5/18-6.
Chicago Teachers Academy for Math & Science (TAMS)	3765	Amounts received pursuant to an appropriation for TAMS.
Chicago General Education Block Grant	3766	105 ILCS 5/1D-1.
Chicago Educational Services Block Grant	3767	105 ILCS 5/1D-1.

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School Safety and Educational Improvement Block Grant	3775	105 ILCS 5/2-3.51.5.
Technology – Learning Technology Centers	3780	105 ILCS 5/2-3.117.
Illinois Government Intern Program	3804	Funds distributed as a grant to Springfield School District 186 to support administration of this program.
State Charter Schools	3815	105 ILCS 5/Art. 27A.
Extended Learning Opportunities (Summer Bridges)	3825	105 ILCS 5/10-20.9a.
Infrastructure Improvements – Planning/Construction	3920	105 ILCS 230/5-35.
School Infrastructure – Maintenance Projects	3925	105 ILCS 230/5-100.
Regular Orphanage Tuition (18-3)	3950	105 ILCS 5/18-3.
Tax Equivalent Grants	3955	105 ILCS 5/18-4.4.
After-School Programs – Mentoring & Student Support	3960	Amounts received pursuant to appropriation.
Advanced Placement Classes	3961	Amounts received pursuant to appropriations.
Arts Education	3962	Amounts received pursuant to appropriations.
Grants to Local Governments, Community Organizations, Not-for-Profit Organizations, and Educational Facilities	3963	Amounts received pursuant to appropriations.
ISBE Special Purpose Trust Fund	3970	105 ILCS 5/2-3.127a.
Class Size Reduction Pilot Project	3981	105 ILCS 5/2-3.136.
The "Grow Your Own" Teacher Education Initiative	3983	110 ILCS 48.

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Children's Mental Health Partnership	3990	105 ILCS 405/49-15.
Teacher Mentoring Pilot Project	3982	105 ILCS 5/21A-25.
State "On-behalf" Payments	3998	Reserved for on-behalf payments by the State.
Emergency Financial Assistance Grant	3999	105 ILCS 5/1B-8.
Temporary Relocation Expense Grant	3999	105 ILCS 5/2-3.77.
Other Restricted Revenue from State Sources	3999	Amounts received pursuant to other appropriations (describe and itemize).

<b>RECEIPTS/REVENUE FROM FEDERAL SOURCES</b>	<b>4000</b>	
Federal Impact Aid	4001	ESEA Title VIII – Impact Aid (CFDA 84.041).
Other Unrestricted Grants-In-Aid Received Directly from the Federal Government	4009	Amounts received pursuant to other unrestricted appropriations; describe and itemize.
Total Unrestricted Grants Received Directly from the Federal Government	4010	
Head Start	4045	Community Opportunities, Accountability, Training, and Educational Services Act of 1998, Title I (CFDA 93.600).
Construction (Impact Aid)	4050	ESEA, Title VIII (Impact Aid – Facilities Maintenance) (CFDA 84.040).
Magnet	4060	ESEA, Title V, Part C (Magnet Schools Assistance) (CFDA 84.165).
Other Restricted Grants-In-Aid Received Directly from the Federal Government	4090	Amounts received pursuant to other restricted appropriations; describe and itemize.
Total Restricted Grants Received Directly from the Federal Government	4095	

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TOTAL GRANTS RECEIVED DIRECTLY FROM THE FEDERAL GOVERNMENT	4099	Amounts received pursuant to other appropriations.
Title V – Innovation and Flexibility Formula	4100	NCLB, Title V, Part A – State Grants For Innovative Programs (CFDA 84.298).
Title V – SEA Projects	4105	NCLB, Title V, Part A – State Grants For Innovative Programs (CFDA 84.298).
Title V – Rural and Low-Income Schools (REI)	4107	NCLB, Title VI, Part B – Rural Education (CFDA 84.358).
Title V – Other	4199	Amounts received pursuant to other appropriations (describe and itemize).
Breakfast Start-up	4200	Child Nutrition Act – School Breakfast Program for Start-Up (CFDA 10.553).
National School Lunch Program	4210	Child Nutrition Act – National School Lunch Program (CFDA 10.555).
Special Milk Program	4215	Child Nutrition Act – Special Milk Program for Children (CFDA 10.556).
School Breakfast Program	4220	Child Nutrition Act – School Breakfast Program (CFDA 10.553).
Summer Food Service Admin/Program	4225	Child Nutrition Act – Summer Food Service Program for Children (CFDA 10.559).
Child Care Commodity/SFS 13 – Adult Day Care	4226	Child Nutrition Act – Child Care and Adult Food Service Program (CFDA 10.558).
SAE Nutrition Ed. Loan/TNT	4227	Child Nutrition Act of 1966 (42 USC 1771 et seq.) (CFDA 10.574).
Child Nutrition Commodity/Salvage	4250	Child Nutrition Act of 1966 (CFDA 10.550).
Cash in Lieu of Commodities	4255	Amounts received in lieu of commodities in the food service program.
Food Service – Other	4299	Amounts received pursuant to other appropriations from the U.S. Department of Agriculture for nutrition programs (describe and itemize).
Title I – Low Income	4300	No Child Left Behind Act of 2001 (NCLB; 20 USC 6301 et seq.), Title I, Part A – Improving Academic Achievement of the Disadvantaged (CFDA 84.010).

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Title I – Low Income – Neglected, Private	4305	NCLB, Title I, Part D – Neglected and Delinquent (CFDA 84.013).
Title I – Low Income – Delinquent, Private	4306	NCLB, Title I, Part D – Neglected and Delinquent (CFDA 84.013).
Title I – Neglected and Delinquent Juvenile and Adult Corrections (formerly only juvenile)	4315	NCLB, Title I, Part D – Neglected and Delinquent (CFDA 84.013).
Title I – Comprehensive School Reform	4332	NCLB, Title I, Part F – Comprehensive School Reform (CFDA 84.332).
Title I – Reading First	4334	NCLB, Title I, Part B-1 – Reading First (CFDA 84.357).
Title I – Even Start	4335	NCLB, Title I, Part B-3 – Even Start (CFDA 84.213).
Title I – Reading First SEA Funds	4337	NCLB, Title I, Part B-1 – Reading First SEA Funds (CFDA 84.357).
Title I – Migrant Education	4340	NCLB, Title I, Part C – Education of Migrant Children (CFDA 84.011).
Title I – Other	4399	Amounts received pursuant to other appropriations under Title I of NCLB (describe and itemize).
Title IV – Safe and Drug-Free Schools – Formula	4400	NCLB, Title IV, Part A – Safe and Drug Free Schools (CFDA 84.186).
Title IV – Safe & Drug-Free Schools – State-Level Program	4415	NCLB, Title IV, Part A – Safe and Drug Free Schools (CFDA 84.186).
Title IV – 21 <sup>st</sup> Century	4421	NCLB, Title IV, Part B – 21 <sup>st</sup> Century Community Learning Centers (CFDA 84.287).
Title IV – Other (Describe & Itemize)	4499	Amounts received pursuant to other appropriations under Title IV of NCLB (describe and itemize).
Federal Special Education Preschool Flow-Through	4600	IDEA, Part B – Preschool (CFDA 84.173).
Federal Special Education Preschool Discretionary	4605	IDEA, Part B – Preschool (CFDA 84.173).
Federal Special Education – IDEA Flow-Through/Low Incident	4620	IDEA, Part B (CFDA 84.027).

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Federal Special Education – IDEA Room and Board	4625	IDEA, Part B (CFDA 84.027).
Federal Special Education – IDEA Discretionary	4630	IDEA, Part B (CFDA 84.027).
Federal Special Education – IDEA – Part D – Improvement	4631	IDEA, Part D – State Program Improvement Grants for Children with Disabilities (CFDA 84.323).
Federal Special Education – IDEA Title VI C – Deaf/Blind	4635	IDEA, Part D – Technical Assistance and Dissemination to Improve Services and Results for Children with Disabilities (CFDA 84.326).
Federal Special Education – IDEA – Other	4699	Amounts received pursuant to other appropriations under IDEA (describe and itemize).
CTE – Perkins Title III E – Tech Prep	4770	
CTE – Other	4799	Amounts received pursuant to other appropriations from federal sources (describe and itemize).
Federal – Adult Education	4810	Adult Education State Grant Program (CFDA 84.002).
<a href="#"><u>ARRA General State Aid – Education Stabilization</u></a>	<a href="#"><u>4850</u></a>	<a href="#"><u>Amounts received pursuant to the American Recovery and Reinvestment Act of 2009 (ARRA); see Section 100.130 of this Part.</u></a>
<a href="#"><u>ARRA Title I – Low Income</u></a>	<a href="#"><u>4851</u></a>	<a href="#"><u>Amounts received pursuant to the ARRA; see Section 100.130 of this Part.</u></a>
<a href="#"><u>ARRA Title I – Neglected, Private</u></a>	<a href="#"><u>4852</u></a>	<a href="#"><u>Amounts received pursuant to the ARRA; see Section 100.130 of this Part.</u></a>
<a href="#"><u>ARRA Title I – Delinquent, Private</u></a>	<a href="#"><u>4853</u></a>	<a href="#"><u>Amounts received pursuant to the ARRA; see Section 100.130 of this Part.</u></a>
<a href="#"><u>ARRA Title I – School Improvement (Part A)</u></a>	<a href="#"><u>4854</u></a>	<a href="#"><u>Amounts received pursuant to the ARRA; see Section 100.130 of this Part.</u></a>
<a href="#"><u>ARRA Title I – School Improvement (section 1003g)</u></a>	<a href="#"><u>4855</u></a>	<a href="#"><u>Amounts received pursuant to the ARRA; see Section 100.130 of this Part.</u></a>
<a href="#"><u>ARRA IDEA – Part B – Preschool</u></a>	<a href="#"><u>4856</u></a>	<a href="#"><u>Amounts received pursuant to the ARRA; see Section 100.130 of this Part.</u></a>
<a href="#"><u>ARRA IDEA – Part B – Flow-Through</u></a>	<a href="#"><u>4857</u></a>	<a href="#"><u>Amounts received pursuant to the ARRA; see Section 100.130 of this Part.</u></a>

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<u>Other ARRA Fund – XII</u>	<u>4860</u>	<u>Available for recording sources of federal funds received pursuant to the ARRA from a source other than those to be recorded with account numbers 4850 through 4857, 4861 through 4872, and 4875 through 4876; describe and itemize; see Section 100.130 of this Part.</u>
<u>ARRA Title IID – Technology – Competitive</u>	<u>4861</u>	<u>Amounts received pursuant to the ARRA; see Section 100.130 of this Part.</u>
<u>ARRA McKinney-Vento Homeless Education</u>	<u>4862</u>	<u>Amounts received pursuant to the ARRA; see Section 100.130 of this Part.</u>
<u>ARRA Child Nutrition Equipment Assistance</u>	<u>4863</u>	<u>Amounts received pursuant to the ARRA; see Section 100.130 of this Part.</u>
<u>Impact Aid Formula Grants</u>	<u>4864</u>	<u>Amounts received pursuant to the ARRA; see Section 100.130 of this Part.</u>
<u>Impact Aid Competitive Grants</u>	<u>4865</u>	<u>Amounts received pursuant to the ARRA; see Section 100.130 of this Part.</u>
<u>Qualified Zone Academy Bond Tax Credits</u>	<u>4866</u>	<u>Amounts received pursuant to the ARRA; see Section 100.130 of this Part.</u>
<u>Qualified School Construction Bond Credits</u>	<u>4867</u>	<u>Amounts received pursuant to the ARRA; see Section 100.130 of this Part.</u>
<u>Build America Bond Tax Credits</u>	<u>4868</u>	<u>Amounts received pursuant to the ARRA; see Section 100.130 of this Part.</u>
<u>Build America Bond Interest Reimbursement</u>	<u>4869</u>	<u>Amounts received pursuant to the ARRA; see Section 100.130 of this Part.</u>
<u>ARRA General State Aid – Other Government Services Stabilization</u>	<u>4870</u>	<u>Amounts received pursuant to the ARRA; see Section 100.130 of this Part.</u>
<u>Other ARRA Funds – II</u>	<u>4871</u>	<u>Available for recording sources of federal funds received pursuant to the ARRA directly from a federal agency or from a State agency other than ISBE; describe and itemize; see Section 100.130 of this Part.</u>
<u>Other ARRA Funds – III</u>	<u>4872</u>	<u>Available for recording sources of federal funds received pursuant to the ARRA directly from a federal agency or from a State agency other than ISBE; describe and itemize; see Section 100.130 of this Part.</u>

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<u>Other ARRA Funds – IV</u>	<u>4873</u>	<u>Available for recording sources of federal funds received pursuant to the ARRA from a source other than those to be recorded with account numbers 4850 through 4857, 4861 through 4872, and 4875 through 4876; describe and itemize; see Section 100.130 of this Part.</u>
<u>Other ARRA Funds – V</u>	<u>4874</u>	<u>Available for recording sources of federal funds received pursuant to the ARRA from a source other than those to be recorded with account numbers 4850 through 4857, 4861 through 4872, and 4875 through 4876; describe and itemize; see Section 100.130 of this Part.</u>
<u>ARRA Early Childhood</u>	<u>4875</u>	<u>Paid with Government Services State Fiscal Stabilization Fund ARRA funds; see Section 100.130 of this Part.</u>
<u>Other ARRA Funds – VII</u>	<u>4876</u>	<u>Available for recording sources of federal funds received pursuant to the ARRA directly from a federal agency or from a State agency other than ISBE; describe and itemize; see Section 100.130 of this Part.</u>
<u>Other ARRA Funds – VIII</u>	<u>4877</u>	<u>Available for recording sources of federal funds received pursuant to the ARRA from a source other than those to be recorded with account numbers 4850 through 4857, 4861 through 4872, and 4875 through 4876; describe and itemize; see Section 100.130 of this Part.</u>
<u>Other ARRA Funds – IX</u>	<u>4878</u>	<u>Available for recording sources of federal funds received pursuant to the ARRA from a source other than those to be recorded with account numbers 4850 through 4857, 4861 through 4872, and 4875 through 4876; describe and itemize; see Section 100.130 of this Part.</u>
<u>Other ARRA Funds – X</u>	<u>4879</u>	<u>Available for recording sources of federal funds received pursuant to the ARRA from a source other than those to be recorded with account numbers 4850 through 4857, 4861 through 4872, and 4875 through 4876; describe and itemize; see Section 100.130 of this Part.</u>
<u>Other ARRA Funds – XI</u>	<u>4880</u>	<u>Available for recording sources of federal funds received pursuant to the ARRA from a source other than those to be recorded with account numbers 4850 through 4857, 4861 through 4872, and 4875 through 4876; describe and itemize; see Section 100.130 of this Part.</u>
Advanced Placement Fee/International Baccalaureate	4904	ESEA, Title I, Part G – Advanced Placement Program (CFDA 84.330).

## STATE BOARD OF EDUCATION

## NOTICE OF EMERGENCY AMENDMENTS

Emergency Immigrant Assistance	4905	NCLB, Title III – English Language Acquisition Grants – Immigrant Assistance Grants (CFDA 84.365).
Title III – English Language Acquisition	4909	NCLB, Title III – English Language Acquisition Grants (CFDA 84.365).
Learn & Serve America	4910	National and Community Service Act of 1990 – Learn & Serve America (CFDA 94.004).
Refugee Children School Impact Grants	4915	Refugee Education Assistance Act of 1980, Refugee and Entrant Assistance Discretionary Grants (CFDA 93.576).
McKinney Education for Homeless Children	4920	NCLB, Title X – Education for Homeless Children (CFDA 84.196).
Title II – Teacher Quality	4932	NCLB, Title II, Part A, and ESEA, Title II, Part C, Subpart 1, Chapter B (CFDA 84.350).
Title II – Teacher Quality	4935	ESEA, Title II, Part A – Improving Teacher Quality State Grants (CFDA 84.367).
Title II – Math and Science Initiative	4936	ESEA, Title II, Part B – Math and Science Partnerships (CFDA 84.366).
Federal Charter Schools	4960	NCLB, Title V, Part B – Public Charter Schools.
Title II – Technology – Enhancing Education Formula Grants	4971	ESEA, Title II, Part D, Subparts 1 and 2, as amended – Education Technology State Grants (CFDA 84.318).
Title II – Technology – Enhancing Education Competitive Grants	4972	ESEA, Title II, Part D, Subparts 1 and 2 – Education Technology State Grants (CFDA 84.318).
Safe Routes to School	4980	Section 1404 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users Act (P.L. 109-59)
Medicaid Matching Funds – Administrative Outreach	4991	Social Security Act, Title XIX – Medicaid Matching – Administrative Outreach (CFDA 93.778).
Medicaid Matching Funds – Fee-for-Service Program	4992	Social Security Act, Title XIX – Medicaid Matching – Fee for Service Programs (CFDA 93.778).
Hurricane Emergency Relief	4995	Hurricane Emergency Relief Act.
Other Restricted Grants Received from Federal Government through State	4998	Amounts received pursuant to other federal appropriations (describe and itemize).

STATE BOARD OF EDUCATION

NOTICE OF EMERGENCY AMENDMENTS

(Source: Amended by emergency rulemaking at 33 Ill. Reg. 12589, effective August 26, 2009, for a maximum of 150 days)

JOINT COMMITTEE ON ADMINISTRATIVE RULES  
SEPTEMBER AGENDA

JOINT COMMITTEE ON ADMINISTRATIVE RULES

SCHEDULED MEETING:

JAMES R. THOMPSON CENTER  
ROOM 16-503  
CHICAGO, ILLINOIS  
10:30 A.M.  
SEPTEMBER 15, 2009

NOTICES: The scheduled date and time for the JCAR meeting are subject to change. Due to *Register* submittal deadlines, the Agenda below may be incomplete. Other items not contained in this published Agenda are likely to be considered by the Committee at the meeting and items from the list can be postponed to future meetings.

*If members of the public wish to express their views with respect to a rulemaking, they should submit written comments to the Office of the Joint Committee on Administrative Rules at the following address:*

*Joint Committee on Administrative Rules  
700 Stratton Office Building  
Springfield, Illinois 62706  
Email: jcar@ilga.gov  
Phone: 217/785-2254*

**RULEMAKINGS CURRENTLY BEFORE JCAR**

**PROPOSED RULEMAKINGS**

Children and Family Services

1. Indian Child Welfare Services (89 Ill. Adm. Code 307)  
-First Notice Published: 33 Ill. Reg. 5990 – 4/24/09  
-Expiration of Second Notice: 9/24/09

Commerce Commission

2. Licensure of Retail Electric Agents, Brokers, and Consultants (83 Ill. Adm. Code 454)  
-First Notice Published: 32 Ill. Reg. 16291 – 10/10/08

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JOINT COMMITTEE ON ADMINISTRATIVE RULES  
SEPTEMBER AGENDA

-Expiration of Second Notice: 9/19/09

Emergency Management Agency

3. Administrative Hearings (32 Ill. Adm. Code 200)
  - First Notice Published: 33 Ill. Reg. 6592 – 5/15/09
  - Expiration of Second Notice: 9/24/09
4. Licensing of Radon Detection and Mitigation Services (32 Ill. Adm. Code 422)
  - First Notice Published: 33 Ill. Reg. 6786 – 5/22/09
  - Expiration of Second Notice: 10/1/09

Financial and Professional Regulation

5. Podiatric Medical Practice Act of 1987 (68 Ill. Adm. Code 1360)
  - First Notice Published: 33 Ill. Reg. 9225 – 7/6/09
  - Expiration of Second Notice: 10/10/09

Human Services

6. Autism Research Fund Scientific Review Committee (59 Ill. Adm. Code 270)
  - First Notice Published: 33 Ill. Reg. 7054 – 5/29/09
  - Expiration of Second Notice: 10/4/09
7. Electronic Prescription Monitoring Program (77 Ill. Adm. Code 2080)
  - First Notice Published: 33 Ill. Reg. 7060 – 5/29/09
  - Expiration of Second Notice: 9/25/09
8. Temporary Assistance for Needy Families (89 Ill. Adm. Code 112)
  - First Notice Published: 33 Ill. Reg. 5201 – 4/10/09
  - Expiration of Second Notice: 10/13/09
9. General Assistance (89 Ill. Adm. Code 114)
  - First Notice Published: 33 Ill. Reg. 5228 – 4/10/09
  - Expiration of Second Notice: 10/13/09

Insurance

10. Preferred Provider Programs (50 Ill. Adm. Code 2051)
  - First Notice Published: 33 Ill. Reg. 1927 – 2/6/09

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JOINT COMMITTEE ON ADMINISTRATIVE RULES  
SEPTEMBER AGENDA

-Expiration of Second Notice: 10/20/09

11. Preferred Provider Program Administrators (Repealer) (50 Ill. Adm. Code 2051)  
-First Notice Published: 33 Ill. Reg. 2020 – 2/6/09  
-Expiration of Second Notice: 10/20/09

Natural Resources

12. Cock Pheasant, Hungarian Partridge, Bobwhite Quail, and Rabbit Hunting (17 Ill. Adm. Code 530)  
-First Notice Published: 33 Ill. Reg. 7373 – 6/12/09  
-Expiration of Second Notice: 9/19/09
13. Duck, Goose and Coot Hunting (17 Ill. Adm. Code 590)  
-First Notice Published: 33 Ill. Reg. 7402 – 6/12/09  
-Expiration of Second Notice: 9/19/09
14. Squirrel Hunting (17 Ill. Adm. Code 690)  
-First Notice Published: 33 Ill. Reg. 7468 – 6/12/09  
-Expiration of Second Notice: 9/19/09
15. The Taking of Wild Turkeys – Fall Gun Season (17 Ill. Adm. Code 715)  
-First Notice Published: 33 Ill. Reg. 7479 – 6/12/09  
-Expiration of Second Notice: 9/19/09
16. The Taking of Wild Turkeys – Fall Archery Season (17 Ill. Adm. Code 720)  
-First Notice Published: 33 Ill. Reg. 7486 – 6/12/09  
-Expiration of Second Notice: 9/19/09
17. Illinois List of Endangered and Threatened Fauna (17 Ill. Adm. Code 1010)  
-First Notice Published: 33 Ill. Reg. 7498 – 6/12/09  
-Expiration of Second Notice: 10/11/09
18. Illinois List of Endangered and Threatened Flora (17 Ill. Adm. Code 1050)  
-First Notice Published: 33 Ill. Reg. 7516 – 6/12/09  
-Expiration of Second Notice: 10/11/09

Public Health

19. Adverse Health Care Event Reporting Code (77 Ill. Adm. Code 235)

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JOINT COMMITTEE ON ADMINISTRATIVE RULES  
SEPTEMBER AGENDA

- First Notice Published: 32 Ill. Reg. 19425 – 12/19/08
- Expiration of Second Notice: 10/18/09

20. Sexual Assault Survivors Emergency Treatment Code (77 Ill. Adm. Code 545)
- First Notice Published: 33 Ill. Reg. 3904 – 3/6/09
  - Expiration of Second Notice: 10/3/09

Revenue

21. Income Tax (86 Ill. Adm. Code 100)
- First Notice Published: 33 Ill. Reg. 7570 – 6/12/09
  - Expiration of Second Notice: 10/9/09
22. Income Tax (86 Ill. Adm. Code 100)
- First Notice Published: 33 Ill. Reg. 9235 – 7/6/09
  - Expiration of Second Notice: 10/9/09

Secretary of State

23. Issuance of Licenses (92 Ill. Adm. Code 1030)
- First Notice Published: 33 Ill. Reg. 8890 – 6/26/09
  - Expiration of Second Notice: 9/24/09

State Police

24. Bait Car Procedures (20 Ill. Adm. Code 1297)
- First Notice Published: 33 Ill. Reg. 08900 – 6/26/09
  - Expiration of Second Notice: 9/26/09

**EMERGENCY RULEMAKINGS**

Central Management Services

25. Conditions of Employment (80 Ill. Adm. Code 303)
- Notice Published: 33 Ill. Reg. 12032 – 8/21/09

Veterans' Affairs

26. Rules Governing Payment of War on Terrorism Compensation Act (95 Ill. Adm. Code 123)

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JOINT COMMITTEE ON ADMINISTRATIVE RULES  
SEPTEMBER AGENDA

-Notice Published: 33 Ill. Reg. 12273 – 8/28/09

**PEREMPTORY RULEMAKINGS**

Agriculture

27. Meat and Poultry Inspection Act (8 Ill. Adm. Code 125)  
-Notice Published: 33 Ill. Reg. 12040 – 8/21/09

Central Management Services

28. Pay Plan (80 Ill. Adm. Code 310)  
-Notice Published: 33 Ill. Reg. 11895 – 8/14/09

Human Services

29. Collections and Recoveries (89 Ill. Adm. Code 165)  
-Notice Published: 33 Ill. Reg. 11336 – 7/31/09

## ILLINOIS STATE BOARD OF EDUCATION

## NOTICE OF WITHDRAWAL OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Requirements for Accounting, Budgeting, Financial Reporting, and Auditing
- 2) Code Citation: 23 Ill. Adm. Code 100
- 3) 

<u>Section Numbers:</u>	<u>Proposed Action:</u>
100.120	Amendment
100.130	New Section
100.TABLE C	Amendment
- 4) Date Notice of Proposed Amendments Published in the Illinois Register: May 1, 2009; 33 Ill. Reg.6257
- 5) Reason for the withdrawal: These proposed amendments incorporate both technical changes and changes made by an emergency rulemaking that took effect on April 17, 2009 (May 1, 2009; 33 Ill. Reg. 6313). Both rulemakings provide for uniformity in accounting for the federal funds that Illinois school districts have been receiving under the American Recovery and Reinvestment Act of 2009. New account numbers are being established so that the specific federal sources of funding can be tracked and so that expenditures related to those funds can be distinguished from expenditures of funds from the same sources that were received in the normal course of the federal budget process. In addition, new Section 100.130 will provide districts with information about what to expect as a result of their receipt of this federal funding. Section 100.130 identifies basic information related to the topics already covered by Part 100: accounting, budgeting, financial reporting, and auditing.

Since the time that the first emergency rulemaking took effect, staff have identified a need to allow for additional flexibility for school districts in their accounting for ARRA funds. A second emergency rulemaking is being adopted to include both the content of the original emergency rulemaking and the technical changes in the proposal being withdrawn, as well as address the need for additional flexibility for fund accounting. The second emergency amendments will replace the April 17, 2009, emergency rulemaking. For this reason, the proposed amendments are being withdrawn and a new set of amendments will be proposed.

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 August 25, 2009 through August 31, 2009 and have been scheduled for review by the Committee at its September 15, 2009 or October 14, 2009 meetings. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rulemaking should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield IL 62706.

<u>Second Notice Expires</u>	<u>Agency and Rule</u>	<u>Start Of First Notice</u>	<u>JCAR Meeting</u>
10/9/09	<u>Department of Revenue</u> , Income Tax (86 Ill. Adm. Code 100)	7/6/09 33 Ill. Reg. 9235	9/15/09
10/9/09	<u>Department of Revenue</u> , Income Tax (86 Ill. Adm. Code 100)	6/12/09 33 Ill. Reg. 7570	9/15/09
10/10/09	<u>Department of Financial and Professional Regulation</u> , Podiatric Medical Practice Act of 1987 (68 Ill. Adm. Code 1360)	7/6/09 33 Ill. Reg. 9225	9/15/09
10/11/09	<u>Department of Natural Resources</u> , Illinois List of Endangered and Threatened Fauna (17 Ill. Adm. Code 1010)	6/12/09 33 Ill. Reg. 7498	9/15/09
10/11/09	<u>Department of Natural Resources</u> , Illinois List of Endangered and Threatened Flora (17 Ill. Adm. Code 1050)	6/12/09 33 Ill. Reg. 7516	9/15/09
10/14/09	<u>Secretary of State</u> , Commercial Driver Training Schools (92 Ill. Adm. Code 1060)	7/10/09 33 Ill. Reg. 9560	10/14/09
10/14/09	<u>Department of Natural Resources</u> , Illinois	6/19/09	10/14/09

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JOINT COMMITTEE ON ADMINISTRATIVE RULES  
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

Prescribed Burning Act (17 Ill. Adm. Code  
1565)

33 Ill. Reg.  
8054

## PROCLAMATIONS

**2009-259****National Payroll Week**

- WHEREAS, more than 156 million Americans, including approximately 12.5 million Illinoisans, contribute millions of dollars to federal and state treasuries through payroll taxes each year; and
- WHEREAS, payroll taxes help pay for vital civic programs and projects, such as education, Medicare, parks, roads, and Social Security; and
- WHEREAS, by paying and reporting worker wages and collecting and paying employment taxes, which account for 66 percent of United States Treasury revenue from workers, payroll professionals perform an essential role in supporting the country; and
- WHEREAS, payroll professionals also play a key role in maintaining our state's economic health, carrying out such diverse tasks as paying into the unemployment insurance system, providing information for child support enforcement, and carrying out tax withholding, reporting, and depositing; and
- WHEREAS, these dedicated professionals meet regularly with federal and state officials to discuss both improving compliance with government procedures and how compliance can be achieved at less cost to both government and businesses; and
- WHEREAS, during the week in which Labor Day falls, the American Payroll Association and its 23,000 members, conducts a nationwide public awareness campaign that explains the payroll withholding system, promotes the benefits of payroll, and pays tribute to American workers and payroll professionals:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim September 7 – 11, 2009 as **NATIONAL PAYROLL WEEK** in Illinois, in recognition of all the hardworking Americans in this state, and in support of the worthy efforts of our state's payroll professionals.

Issued by the Governor August 14, 2009

Filed by the Secretary of State August 28, 2009.

**2009-260****Illinois Archives Month**

- WHEREAS, Illinois has a long, proud history that is documented in records that go back before statehood; and,

## PROCLAMATIONS

WHEREAS, these documents and records are housed in archives established by state and local governments, religious and medical institutions, colleges and universities, historical societies, libraries, museums, businesses, corporations, and families in order to preserve them so that future generations of Illinoisans may accurately study the past, learn from the experiences of their predecessors, trace their ancestors, and understand their relationship to both time and place; and,

WHEREAS, these records have been administered and made accessible by dedicated, yet often unheralded volunteers, trained caretakers, and professional archivists; and,

WHEREAS, the work of these archivists and the importance of these records programs seldom receive the recognition they deserve; and,

WHEREAS, the Society of American Archivists (SAA) supports an annual observance of Archives Month that serves as a unifying effort to promote archives and the work of archivists:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim October 2009 as **ILLINOIS ARCHIVES MONTH**, and urge all citizens to become more familiar with the archival institutions in their communities and throughout our State and recognize the efforts of all the volunteers, caretakers, and archivists who maintain our valuable archival institutions and historical resources.

Issued by the Governor August 19, 2009

Filed by the Secretary of State August 28, 2009.

**2009-261****Pat Green Day**

WHEREAS, country music is an authentic American art form, drawing on Celtic tradition, Appalachian folk song and gospel music to create a sound and a sensibility that speak to the hearts of Americans throughout our nation; and,

WHEREAS, country music provides solace, entertainment, and patriotic inspiration for millions of listeners and performers throughout the State of Illinois; and,

WHEREAS, Pat Green has contributed greatly to country music with his charismatic, energetic and heartfelt performances of such great songs as Wave on Wave and Feels Just Like it Should; and,

## PROCLAMATIONS

- WHEREAS, Pat Green's outstanding musical achievements have been honored with three Grammy nominations by the National Academy of Recording Arts and Sciences of the United States; and,
- WHEREAS, Pat Green's latest album and its title single, What I'm For, enshrine the core values of Americans everywhere, celebrating the lives of hard-working, resilient, everyday men and women who struggle to retain their dignity and hope during these tough economic times; and,
- WHEREAS, Pat Green, a blood donor since his college days, has used his national fame and enthusiastic fanbase to encourage listeners to give the gift of life by donating blood to the American Red Cross; and,
- WHEREAS, Pat Green is a member of the Red Cross National Celebrity Cabinet and has performed benefit concerts, held fundraisers, led blood drives and appeared in public service announcements in support of the Red Cross and its important work; and,
- WHEREAS, thanks to his great musical talent and his great work for the Red Cross, Pat Green, although Texas-born and Texas-bred, has found a permanent home in the hearts of his many Illinois fans:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, commend and salute Pat Green for his artistry, his creativity, and his commitment to the life-saving work of the American Red Cross and do hereby proclaim August 21, 2009 as **PAT GREEN DAY** in Illinois in recognition of his contribution to country music.

Issued by the Governor August 21, 2009

Filed by the Secretary of State August 28, 2009

**2009-262****Coast Guard Auxiliary Day**

- WHEREAS, the United States Coast Guard Auxiliary has served as the unpaid volunteer uniformed civilian component of the United States Coast Guard since its creation by Congress on June 23, 1939, and more recently, as the lead volunteer force in the Department of Homeland Security; and
- WHEREAS, each year, the 30,000 volunteer men and women of the Auxiliary nationwide save almost 500 lives, assist some 15,000 boaters in distress, conduct more than

## PROCLAMATIONS

150,000 courtesy safety examinations of recreational vessels, and teach over 500,000 students in boating and water safety courses; and

WHEREAS, the Auxiliary, with its traditional boating safety mission, can be found on waterways, in the air, in classrooms, and on the dock assisting the U.S. Coast Guard by providing the boating public with hundreds of hours each year in boating safety education courses and vessel safety checks, which directly contribute to the prevention of countless search and rescue cases and ultimately save lives; and

WHEREAS, there has been an increased need for the Auxiliary to "fill the gaps" in terms of safety and security patrols in and around large ports and critical infrastructure following the events of September 11, 2001, and as the U.S. Coast Guard continues to deploy assets overseas to assist with military operations in the Mideast; and

WHEREAS, Auxiliary members have been incorporated into the U.S. Coast Guard's port, waterways, and security missions, including Maritime Domain Awareness and the American Waterway Watch programs, as well as providing administrative and logistics support at venues ranging from medical clinics to Coast Guard training center classrooms, to foreign interpreter services aboard deployed cutters; and

WHEREAS, Auxiliary members are teaching thousands of recreational boaters as well as public and private stakeholders who live, work, and play around waterfront how to properly identify and report suspicious maritime activity for the benefit of the nation's safety and security; and

WHEREAS, Admiral Thad Allen, Commandant of the United States Coast Guard said, "The Coast Guard Auxiliary is an extremely valuable asset to the Coast Guard, the Department of Homeland Security and our Nation"; and

WHEREAS, on August 26 – 30, members of the United States Coast Guard Auxiliary will gather in Oak Brook for their 2009 National Conference to meet with other members of their organization and attend training workshops, and to commemorate the 70<sup>th</sup> anniversary of the Auxiliary:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim August 29, 2009, as **COAST GUARD AUXILIARY DAY** in Illinois, in recognition of the U.S. Coast Guard Auxiliary's 70 years of dedicated service to our nation in the State of Illinois.

Issued by the Governor August 27, 2009

## PROCLAMATIONS

Filed by the Secretary of State August 28, 2009

**2009-263**

**Life Insurance Awareness Month**

WHEREAS, life insurance provides families and loved ones of deceased individuals with monetary compensation to help them emotionally and financially deal with their losses; and

WHEREAS, surveys consistently indicate that the vast majority of Americans believe that life insurance is an essential part of a sound financial plan; and

WHEREAS, despite the peace of mind that life insurance brings to millions of American families, there are still too many Americans who lack adequate life insurance coverage; and

WHEREAS, when someone who provides for other family members dies prematurely, insufficient life insurance coverage often results in financial hardship for surviving family members, forcing them to take such measures as work additional jobs or longer hours, borrow money from family and friends, scale back educational plans for children, spend down money from savings and investment accounts, and move to less expensive housing; and

WHEREAS, determining how much and what kind of insurance to buy is one of the most important financial decisions consumers will ever make; individuals, families, and businesses can benefit greatly from the expert advice of a qualified life insurance professional; and

WHEREAS, the nonprofit Life and Health Insurance Foundation for Education (LIFE), the National Association of Insurance and Financial Advisors (NAIFA), and a coalition representing hundreds of leading life insurance companies and organizations have designated September as "Life Insurance Awareness Month," whose goal is to make consumers more aware of their life insurance needs, seek professional advice, and take the actions necessary to achieve the financial security of their loved ones:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim September 2009 as **LIFE INSURANCE AWARENESS MONTH** in Illinois, and encourage citizens to learn about life insurance and its benefits.

Issued by the Governor August 27, 2009

## PROCLAMATIONS

Filed by the Secretary of State August 28, 2009.

**2009-264****Fetal Alcohol Syndrome Disorders Awareness Day**

WHEREAS, Fetal Alcohol Syndrome (FAS) is one of the most preventable causes of developmental disabilities and birth defects. Sadly, as many as 40,000 infants are still born every year in the United States with fetal alcohol effects; and

WHEREAS, Fetal Alcohol Syndrome Disorders are the leading cause of developmental disabilities in western civilization, including the United States, and are 100 percent preventable; and

WHEREAS, FAS is a lifelong, mentally and physically disabling condition caused by mothers who drink during pregnancy; and

WHEREAS, research has found that even minimal drinking during pregnancy can kill developing brain cells and result in brain damage, facial deformities, and growth abnormalities. Heart, kidney, and liver defects are also common; and

WHEREAS, those with FAS typically have difficulty communicating, learning, and memorizing. Consequently, they have trouble in school and are often deficient in interpersonal skills; and

WHEREAS, unfortunately, there is no cure for FAS. However, with early detection and diagnosis, children with FAS can receive services that increase their chance for a better life; and

WHEREAS, since 1999, September 9 has been observed as International FAS Day to encourage expectant mothers to abstain from alcohol during their nine months of pregnancy:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim September 9, 2009 as **FETAL ALCOHOL SYNDROME DISORDERS AWARENESS DAY** in Illinois, to raise awareness about Fetal Alcohol Syndrome, and to urge all expectant mothers to take extra precautions while pregnant for the health and well-being of their children.

Issued by the Governor August 27, 2009

Filed by the Secretary of State August 28, 2009

**2009-265**

## PROCLAMATIONS

**National Gymnastics Day**

- WHEREAS, gymnastics provides a great foundation for building strength, flexibility, and fitness and also for life skills, enhancing self-esteem and goal-setting abilities; and
- WHEREAS, USA Gymnastics, whose mission it is to encourage participation and the pursuit of excellence in sports, and its member clubs across the country annually celebrate National Gymnastics Day to showcase the sport of gymnastics and to encourage and promote physical fitness and healthy lifestyles among our nation's youth; and
- WHEREAS, National Gymnastics Day seeks to promote the value of physical fitness and good nutrition for everyone, regardless of age, gender, and ability level; and
- WHEREAS, in support of National Gymnastics Day, gymnastics clubs across the United States partner with USA Gymnastics to heighten the visibility of the sport and encourage participation at the grassroots level; and
- WHEREAS, National Gymnastics Day also aims to serve the greater community good by raising funds for the Children's Miracle Network to provide comfort and assistance to children who are unable to provide for themselves:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim September 12, 2009 as **NATIONAL GYMNASTICS DAY** in Illinois, to encourage citizens of the state to support the worthy efforts of USA Gymnastics.

Issued by the Governor August 27, 2009

Filed by the Secretary of State August 28, 2009

**2009-266****University of Illinois Urban Health Program Day**

- WHEREAS, in 1978, the Illinois Legislature saw fit to mandate the creation of the Urban Health Program at the University of Illinois, a program that would recruit and support students from traditionally underserved populations (namely African Americans, Latinos and Native Americans) into degree programs at the University's health sciences colleges; and
- WHEREAS, this mandate was enacted with the hope of addressing healthcare disparities in predominantly minority-populated communities in urban centers across Illinois, anticipating that students from those communities who earn healthcare degrees

## PROCLAMATIONS

would be more likely to establish practices in those communities where their services were most needed; and

WHEREAS, the Urban Health Program began recruiting and supporting students in the fall of 1979, and since that time the University of Illinois has graduated more than 4,500 minority healthcare providers, making the University of Illinois the most successful institution in the United States at producing such graduates; and

WHEREAS, the Urban Health Program has made a significant impact on the number of minority healthcare providers serving urban populations, so much so that an estimated 70 percent of all African American and Latino healthcare providers practicing in the City of Chicago are graduates of the University of Illinois; and

WHEREAS, the Urban Health Program works not only with students in the health sciences colleges of the University of Illinois, but also works with elementary and high school students to prepare them for the academic rigors of a pre-health undergraduate degree program and encourages them to consider the health sciences as viable career options; and

WHEREAS, the State of Illinois recognizes the importance of a diverse and well-trained healthcare workforce that reflects the State's population and provides service where it is most needed, and also recognizes the role that the Urban Health Program has played in addressing that need since 1978:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim September 19, 2009 as **UNIVERSITY OF ILLINOIS URBAN HEALTH PROGRAM DAY** in Illinois, in recognition of this important program's thirty years of service and contribution to improving and increasing access and equity in education and healthcare for all of Illinois' citizens.

Issued by the Governor August 27, 2009

Filed by the Secretary of State August 28, 2009

**2009-267****Faith in Action Sunday**

WHEREAS, throughout the history of our nation, the spirit of volunteerism has been reflected in neighbors helping neighbors to overcome obstacles; and

WHEREAS, in 1993, Faith in Action was established with support from the Robert Wood Johnson Foundation to provide volunteer care for people with long-term health needs such as arthritis, diabetes, cancer, Alzheimer's and HIV/AIDS; and

## PROCLAMATIONS

WHEREAS, Faith in Action programs are coalitions of local religious congregations, healthcare providers, community organizations and service providers who work together to provide those in need with non-medical assistance; and

WHEREAS, through Faith in Action, Americans of every faith including Christians, Hindus, Jews and Muslims work together to help members of their community with long-term health needs to maintain their independence for as long as possible; and

WHEREAS, there are 650 active Faith in Action programs across the country, including 31 in Illinois, where volunteers assist those in need by performing duties such as shopping for groceries, providing rides to medical appointments, cooking meals, doing light housework, running errands and providing companionship:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim September 20, 2009 as **FAITH IN ACTION DAY** in Illinois, and encourage all citizens to promote the spirit of volunteerism in our families and communities across the Land of Lincoln.

Issued by the Governor August 27, 2009

Filed by the Secretary of State August 28, 2009

**2009-268****National Public Lands Day**

WHEREAS, America's system of public lands includes parks, unique landscapes, forests, wildlife refuges, historic trails, natural streams and wetlands, nature centers, gardens and other landmark areas throughout the nation that individually and collectively represent irreplaceable national resources; and

WHEREAS, public lands provide locally accessible natural and cultural resources for environmental learning, wildlife appreciation and recreation; and

WHEREAS, public lands promote civic ideals that include shared stewardship and recognition of public ownership; and

WHEREAS, shared stewardship requires the goodwill, cooperation and active support of citizens, community, city and state officials, business leaders, children and adults; and

## PROCLAMATIONS

WHEREAS, the Civilian Conservation Corps (1933-1944) gave our nation a magnificent legacy of stewardship of our treasured natural resources that is being passed to younger generations; and

WHEREAS, land conservation builds awareness among urban dwellers with concerns about planned development, shared land use, preservation of wild areas and natural habitats, and the benefits realized by diligent restoration and enhancement efforts; and

WHEREAS, alliances between private citizens, land managers and community leaders improve the condition of publicly held lands for the greater enjoyment and enrichment of all Americans; and

WHEREAS, National Public Lands Day, co-sponsored by the National Environmental Education Foundation, the Bureau of Land Management, the Bureau of Reclamation, the Department of Defense, the National Park Service, U.S. Army Corps of Engineers and USDA Forest Service, and has become an annually anticipated event for local participation on publicly held lands throughout the Land of Lincoln:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim September 26, 2009 as **NATIONAL PUBLIC LANDS DAY** in Illinois, and encourage all citizens to join in this special observance.

Issued by the Governor August 27, 2009

Filed by the Secretary of State August 28, 2009

**2009-269****Helping Citizens With Developmental Disabilities Days**

WHEREAS, a "developmental disability" is defined as a disorder caused by cerebral palsy, epilepsy, autism, or any other condition which results in impairment of or lack of normal development of intellectual capacities. A developmental disability originates before the age of 18 and is expected to continue indefinitely; and

WHEREAS, approximately 1.5 percent of the U.S. population is afflicted with a developmental disability. Due to the early onset and debilitating nature of these disorders, many more children are affected than adults; and

WHEREAS, one of the main purposes of the Knights of Columbus, a fraternal order with 1.7 million members around the world, is to support various charitable causes that

## PROCLAMATIONS

seek to make our families and communities stronger. It has donated more than \$1 billion and volunteered over 400 million hours of service in the past decade; and

WHEREAS, from September 18 – 20, 2009, the Illinois State Council of the Knights of Columbus will hold their 40<sup>th</sup> Annual Fund Drive to benefit programs that serve individuals with developmental disabilities, distributing the funds they raise to more than 300 organizations throughout Illinois:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim September 18 – 20, 2009 as **HELPING CITIZENS WITH DEVELOPMENTAL DISABILITIES DAYS** in Illinois, and encourage all citizens to do what they can to assist the developmentally disabled.

Issued by the Governor August 27, 2009

Filed by the Secretary of State August 28, 2009.

## ILLINOIS ADMINISTRATIVE CODE

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