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INTRODUCTION

The Illinois Register is the official State document for publishing public notice of rulemaking activity initiated by State governmental agencies. The table of contents is arranged categorically by rulemaking activity and alphabetically by agency within each category. Rulemaking activity consists of proposed or adopted new rules; amendments to or repealers of existing rules; and rules promulgated by emergency or peremptory action. Executive Orders and Proclamations issued by the Governor; notices of public information required by State Statute; and activities (meeting agendas; Statements of Objection or Recommendation, etc.) of the Joint Committee on Administrative Rules (JCAR), a legislative oversight committee which monitors the rulemaking activities of State Agencies; is also published in the Register. The Register is a weekly update of the Illinois Administrative Code (a compilation of the rules adopted by State agencies). The most recent edition of the Code, along with the Register, comprise the most current accounting of State agencies' rulemakings. The Illinois Register is the property of the State of Illinois, granted by the authority of the Illinois Administrative Procedure Act [5 ILCS 100/1-1, et seq.].

ILLINOIS REGISTER PUBLICATION SCHEDULE FOR 2010

<u>Issue #</u>	<u>Rules Due Date</u>	<u>Date of Issue</u>
1	December 21, 2009	January 4, 2010
2	December 28, 2009	January 8, 2010
3	January 4, 2010	January 15, 2010
4	January 11, 2010	January 22, 2010
5	January 19, 2010	January 29, 2010
6	January 25, 2010	February 5, 2010
7	February 1, 2010	February 16, 2010
8	February 8, 2010	February 19, 2010
9	February 16, 2010	February 26, 2010
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11	March 1, 2010	March 12, 2010
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21	May 10, 2010	May 21, 2010
22	May 17, 2010	May 28, 2010
23	May 24, 2010	June 4, 2010

<u>Issue #</u>	<u>Rules Due Date</u>	<u>Date of Issue</u>
24	June 1, 2010	June 11, 2010
25	June 7, 2010	June 18, 2010
26	June 14, 2010	June 25, 2010
27	June 21, 2010	July 2, 2010
28	June 28, 2010	July 9, 2010
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40	September 20, 2010	October 1, 2010
41	September 27, 2010	October 8, 2010
42	October 4, 2010	October 15, 2010
43	October 12, 2010	October 22, 2010
44	October 18, 2010	October 29, 2010
45	October 25, 2010	November 5, 2010
46	November 1, 2010	November 12, 2010
47	November 8, 2010	November 19, 2010
48	November 15, 2010	November 29, 2010
49	November 22, 2010	December 3, 2010
50	November 29, 2010	December 10, 2010
51	December 6, 2010	December 17, 2010
52	December 13, 2010	December 27, 2010
53	December 20, 2010	January 3, 2011

Editor's Note: The Regulatory Agenda submission period will end July.1, 2010. The Division will no longer accept Regulatory Agendas after that time. The filing period for January 2011 will start October 1, 2010 with the last day to file being January 3, 2011.

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Hospital Services
- 2) Code Citation: 89 Ill. Adm. Code 148
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
148.120	Amendment
148.122	Amendment
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]
- 5) Complete Description of the Subjects and Issues Involved: This rulemaking proposes changes in methods and standards for setting certain payment rates for inpatient hospital reimbursement. The proposed changes are being made pursuant to implementation of the state fiscal year 2011 budget. The proposed changes include:

Clarifying the definition of "obstetric services" used in the Disproportionate Share (DSH) and Medicaid Percentage Adjustment (MPA) payment programs. This clarification will require eligible hospitals to provide non-emergency inpatient delivery services. This clarification is believed to be in line with the requirements for DSH programs as specified in the Social Security Act, and does not have a cost impact.

Requiring any hospital qualifying for MPA by having a low-income utilization (LIU) rate greater than 25% must have qualified under the same methodology in rate year 2010. This rule change will freeze the number of hospitals that can qualify for MPA payments through the LIU criteria at the 2010 level. This change does not have a cost impact.

Allowing DSH payments for Government-owned hospitals to be calculated using a hospital specific inflator rather than the CMS Hospital Price Index. Although this will result in changes to the DSH payments for individual hospitals, total expenditures should not change as the DSH program has a federally defined annual allotment. Therefore, this change does not have a cost impact.
- 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

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? Yes

<u>SectionNumbers:</u>	<u>Proposed Action:</u>	<u>Illinois Register Citation:</u>
148.20	Amendment	34 Ill. Reg. 10665; July 30, 2010
148.25	Amendment	34 Ill. Reg. 10665; July 30, 2010
148.140	Amendment	34 Ill. Reg. 10665; July 30, 2010
148.117	Amendment	34 Ill. Reg. 691; January 15, 2010
148.126	Amendment	34 Ill. Reg. 691; January 15, 2010
148.295	Amendment	34 Ill. Reg. 691; January 15, 2010
148.462	New Section	34 Ill. Reg. 691; January 15, 2010

- 11) Statement of Statewide Policy Objectives: This rulemaking may affect hospitals that are owned by local government.
- 12) Time, Place, and Manner in Which Interested Persons May Comment on this Proposed Rulemaking: Any interested parties may submit comments, data, views, or arguments concerning this proposed rulemaking. All comments must be in writing and should be addressed to:

Jeanette Badrov
 General Counsel
 Illinois Department of Healthcare and Family Services
 201 South Grand Avenue E., 3rd Floor
 Springfield IL 62763-0002

217/782-1233

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

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

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NOTICE OF PROPOSED AMENDMENTS

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: Government-owned hospitals and Medicaid funded hospitals
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this Rulemaking was Summarized: July 2010

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

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

TITLE 89: SOCIAL SERVICES

CHAPTER I: DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

SUBCHAPTER d: MEDICAL PROGRAMS

PART 148

HOSPITAL SERVICES

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148.82	Organ Transplant Services
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148.112	High Volume Adjustment Payments
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148.130	Outlier Adjustments for Exceptionally Costly Stays
148.140	Hospital Outpatient and Clinic Services

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- 148.150 Public Law 103-66 Requirements
- 148.160 Payment Methodology for County-Owned Hospitals in an Illinois County with a Population of Over Three Million
- 148.170 Payment Methodology for Hospitals Organized Under the University of Illinois Hospital Act
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- 148.350 Definitions (Repealed)
- 148.360 Types of Subacute Alcoholism and Substance Abuse Treatment Services (Repealed)
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- 148.380 Rate Appeals for Subacute Alcoholism and Substance Abuse Treatment Services (Repealed)
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- 148.510 Reimbursement

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AUTHORITY: Implementing and authorized by Articles III, IV, V and VI and Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. III, IV, V, VI and 12-13].

SOURCE: Sections 148.10 thru 148.390 recodified from 89 Ill. Adm. Code 140.94 thru 140.398 at 13 Ill. Reg. 9572; Section 148.120 recodified from 89 Ill. Adm. Code 140.110 at 13 Ill. Reg. 12118; amended at 14 Ill. Reg. 2553, effective February 9, 1990; emergency amendment at 14 Ill. Reg. 11392, effective July 1, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 15358, effective September 13, 1990; amended at 14 Ill. Reg. 16998, effective October 4, 1990; amended at 14 Ill. Reg. 18293, effective October 30, 1990; amended at 14 Ill. Reg. 18499, effective November 8, 1990; emergency amendment at 15 Ill. Reg. 10502, effective July 1, 1991, for a maximum of 150 days; emergency expired October 29, 1991; emergency amendment at 15 Ill. Reg. 12005, effective August 9, 1991, for a maximum of 150 days; emergency expired January 6, 1992; emergency amendment at 15 Ill. Reg. 16166, effective November 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 18684, effective December 23, 1991; amended at 16 Ill. Reg. 6255, effective March 27, 1992; emergency amendment at 16 Ill. Reg. 11335, effective June 30, 1992, for a maximum of 150 days; emergency expired November 27, 1992; emergency amendment at 16 Ill. Reg. 11942, effective July 10, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 14778, effective October 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 19873, effective December 7, 1992; amended at 17 Ill. Reg. 131, effective December 21, 1992; amended at 17 Ill. Reg. 3296, effective March 1, 1993; amended at 17 Ill. Reg. 6649, effective April 21, 1993; amended at 17 Ill. Reg. 14643, effective August 30, 1993; emergency amendment at 17 Ill. Reg. 17323, effective October 1, 1993, for a maximum of 150 days; amended at 18 Ill. Reg. 3450, effective February 28, 1994; emergency amendment at 18 Ill. Reg. 12853, effective August 2, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 14117, effective September 1, 1994; amended at 18 Ill. Reg. 17648, effective November 29, 1994; amended at 19 Ill. Reg. 1067, effective January 20, 1995;

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emergency amendment at 19 Ill. Reg. 3510, effective March 1, 1995, for a maximum of 150 days; emergency expired July 29, 1995; emergency amendment at 19 Ill. Reg. 6709, effective May 12, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 10060, effective June 29, 1995; emergency amendment at 19 Ill. Reg. 10752, effective July 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 13009, effective September 5, 1995; amended at 19 Ill. Reg. 16630, effective November 28, 1995; amended at 20 Ill. Reg. 872, effective December 29, 1995; amended at 20 Ill. Reg. 7912, effective May 31, 1996; emergency amendment at 20 Ill. Reg. 9281, effective July 1, 1996, for a maximum of 150 days; emergency amendment at 20 Ill. Reg. 12510, effective September 1, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 15722, effective November 27, 1996; amended at 21 Ill. Reg. 607, effective January 2, 1997; amended at 21 Ill. Reg. 8386, effective June 23, 1997; emergency amendment at 21 Ill. Reg. 9552, effective July 1, 1997, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 9822, effective July 2, 1997, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 10147, effective August 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 13349, effective September 23, 1997; emergency amendment at 21 Ill. Reg. 13675, effective September 27, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 16161, effective November 26, 1997; amended at 22 Ill. Reg. 1408, effective December 29, 1997; amended at 22 Ill. Reg. 3083, effective January 26, 1998; amended at 22 Ill. Reg. 11514, effective June 22, 1998; emergency amendment at 22 Ill. Reg. 13070, effective July 1, 1998, for a maximum of 150 days; emergency amendment at 22 Ill. Reg. 15027, effective August 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 16273, effective August 28, 1998; amended at 22 Ill. Reg. 21490, effective November 25, 1998; amended at 23 Ill. Reg. 5784, effective April 30, 1999; amended at 23 Ill. Reg. 7115, effective June 1, 1999; amended at 23 Ill. Reg. 7908, effective June 30, 1999; emergency amendment at 23 Ill. Reg. 8213, effective July 1, 1999, for a maximum of 150 days; emergency amendment at 23 Ill. Reg. 12772, effective October 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 13621, effective November 1, 1999; amended at 24 Ill. Reg. 2400, effective February 1, 2000; amended at 24 Ill. Reg. 3845, effective February 25, 2000; emergency amendment at 24 Ill. Reg. 10386, effective July 1, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 11846, effective August 1, 2000; amended at 24 Ill. Reg. 16067, effective October 16, 2000; amended at 24 Ill. Reg. 17146, effective November 1, 2000; amended at 24 Ill. Reg. 18293, effective December 1, 2000; amended at 25 Ill. Reg. 5359, effective April 1, 2001; emergency amendment at 25 Ill. Reg. 5432, effective April 1, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 6959, effective June 1, 2001; emergency amendment at 25 Ill. Reg. 9974, effective July 23, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 10513, effective August 2, 2001; emergency amendment at 25 Ill. Reg. 12870, effective October 1, 2001, for a maximum of 150 days; emergency expired February 27, 2002; amended at 25 Ill. Reg. 16087, effective December 1, 2001; emergency amendment at 26 Ill. Reg. 536, effective December 31, 2001, for a maximum of 150 days; emergency amendment at 26 Ill. Reg. 680, effective January 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg.

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4825, effective March 15, 2002; emergency amendment at 26 Ill. Reg. 4953, effective March 18, 2002, for a maximum of 150 days; emergency amendment repealed at 26 Ill. Reg. 7786, effective July 1, 2002; emergency amendment at 26 Ill. Reg. 7340, effective April 30, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 8395, effective May 28, 2002; emergency amendment at 26 Ill. Reg. 11040, effective July 1, 2002, for a maximum of 150 days; emergency amendment repealed at 26 Ill. Reg. 16612, effective October 22, 2002; amended at 26 Ill. Reg. 12322, effective July 26, 2002; amended at 26 Ill. Reg. 13661, effective September 3, 2002; amended at 26 Ill. Reg. 14808, effective September 26, 2002; emergency amendment at 26 Ill. Reg. 14887, effective October 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 17775, effective November 27, 2002; emergency amendment at 27 Ill. Reg. 580, effective January 1, 2003, for a maximum of 150 days; emergency amendment at 27 Ill. Reg. 866, effective January 1, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 4386, effective February 24, 2003; emergency amendment at 27 Ill. Reg. 8320, effective April 28, 2003, for a maximum of 150 days; emergency amendment repealed at 27 Ill. Reg. 12121, effective July 10, 2003; amended at 27 Ill. Reg. 9178, effective May 28, 2003; emergency amendment at 27 Ill. Reg. 11041, effective July 1, 2003, for a maximum of 150 days; emergency amendment at 27 Ill. Reg. 16185, effective October 1, 2003, for a maximum of 150 days; emergency amendment at 27 Ill. Reg. 16268, effective October 1, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 18843, effective November 26, 2003; emergency amendment at 28 Ill. Reg. 1418, effective January 8, 2004, for a maximum of 150 days; emergency amendment at 28 Ill. Reg. 1766, effective January 10, 2004, for a maximum of 150 days; emergency expired June 7, 2004; amended at 28 Ill. Reg. 2770, effective February 1, 2004; emergency amendment at 28 Ill. Reg. 5902, effective April 1, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 7101, effective May 3, 2004; amended at 28 Ill. Reg. 8072, effective June 1, 2004; emergency amendment at 28 Ill. Reg. 8167, effective June 1, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 9661, effective July 1, 2004; emergency amendment at 28 Ill. Reg. 10157, effective July 1, 2004, for a maximum of 150 days; emergency amendment at 28 Ill. Reg. 12036, effective August 3, 2004, for a maximum of 150 days; emergency expired December 30, 2004; emergency amendment at 28 Ill. Reg. 12227, effective August 6, 2004, for a maximum of 150 days; emergency expired January 2, 2005; amended at 28 Ill. Reg. 14557, effective October 27, 2004; amended at 28 Ill. Reg. 15536, effective November 24, 2004; amended at 29 Ill. Reg. 861, effective January 1, 2005; emergency amendment at 29 Ill. Reg. 2026, effective January 21, 2005, for a maximum of 150 days; amended at 29 Ill. Reg. 5514, effective April 1, 2005; emergency amendment at 29 Ill. Reg. 5756, effective April 8, 2005, for a maximum of 150 days; emergency amendment repealed by emergency rulemaking at 29 Ill. Reg. 11622, effective July 5, 2005, for the remainder of the 150 days; amended at 29 Ill. Reg. 8363, effective June 1, 2005; emergency amendment at 29 Ill. Reg. 10275, effective July 1, 2005, for a maximum of 150 days; emergency amendment at 29 Ill. Reg. 12568, effective August 1, 2005, for a maximum of 150 days; emergency amendment at 29 Ill. Reg. 15629, effective October 1, 2005, for a maximum of

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150 days; amended at 29 Ill. Reg. 19973, effective November 23, 2005; amended at 30 Ill. Reg. 383, effective December 28, 2005; emergency amendment at 30 Ill. Reg. 596, effective January 1, 2006, for a maximum of 150 days; emergency amendment at 30 Ill. Reg. 955, effective January 9, 2006, for a maximum of 150 days; amended at 30 Ill. Reg. 2827, effective February 24, 2006; emergency amendment at 30 Ill. Reg. 7786, effective April 10, 2006, for a maximum of 150 days; emergency amendment repealed by emergency rulemaking at 30 Ill. Reg. 12400, effective July 1, 2006, for the remainder of the 150 days; emergency expired September 6, 2006; amended at 30 Ill. Reg. 8877, effective May 1, 2006; amended at 30 Ill. Reg. 10393, effective May 26, 2006; emergency amendment at 30 Ill. Reg. 11815, effective July 1, 2006, for a maximum of 150 days; amended at 30 Ill. Reg. 18672, effective November 27, 2006; emergency amendment at 31 Ill. Reg. 1602, effective January 1, 2007, for a maximum of 150 days; emergency amendment at 31 Ill. Reg. 1997, effective January 15, 2007, for a maximum of 150 days; amended at 31 Ill. Reg. 5596, effective April 1, 2007; amended at 31 Ill. Reg. 8123, effective May 30, 2007; amended at 31 Ill. Reg. 8508, effective June 1, 2007; emergency amendment at 31 Ill. Reg. 10137, effective July 1, 2007, for a maximum of 150 days; amended at 31 Ill. Reg. 11688, effective August 1, 2007; amended at 31 Ill. Reg. 14792, effective October 22, 2007; amended at 32 Ill. Reg. 312, effective January 1, 2008; emergency amendment at 32 Ill. Reg. 518, effective January 1, 2008, for a maximum of 150 days; emergency amendment at 32 Ill. Reg. 2993, effective February 16, 2008, for a maximum of 150 days; amended at 32 Ill. Reg. 8718, effective May 29, 2008; amended at 32 Ill. Reg. 9945, effective June 26, 2008; emergency amendment at 32 Ill. Reg. 10517, effective July 1, 2008, for a maximum of 150 days; emergency expired November 27, 2008; amended at 33 Ill. Reg. 501, effective December 30, 2008; preemptory amendment at 33 Ill. Reg. 1538, effective December 30, 2008; emergency amendment at 33 Ill. Reg. 5821, effective April 1, 2009, for a maximum of 150 days; emergency expired August 28, 2009; amended at 33 Ill. Reg. 13246, effective September 8, 2009; amended at 34 Ill. Reg. _____, effective _____.

SUBPART B: REIMBURSEMENT AND RELATED PROVISIONS

Section 148.120 Disproportionate Share Hospital (DSH) Adjustments

Disproportionate Share Hospital (DSH) adjustments for inpatient services provided prior to October 1, 2003, shall be determined and paid in accordance with the statutes and administrative rules governing the time period when the services were rendered. The Department shall make an annual determination of those hospitals qualified for adjustments under this Section effective October 1, 2003, and each October 1, thereafter unless otherwise noted.

- a) Qualified Disproportionate Share Hospitals (DSH). For inpatient services provided on or after October 1, 2003, the Department shall make adjustment

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

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payments to hospitals that are deemed as disproportionate share by the Department. A hospital may qualify for a DSH adjustment in one of the following ways:

- 1) The hospital's Medicaid inpatient utilization rate (MIUR), as defined in subsection (i)(4) of this Section, is at least one standard deviation above the mean Medicaid utilization rate, as defined in subsection (i)(3) of this Section.
 - 2) The hospital's low income utilization rate exceeds 25 per centum. For this alternative, payments for all patient services (not just inpatient) for Medicaid, Family and Children Assistance (formerly known as General Assistance) and/or any local or State government-funded care, must be counted as a percentage of all net patient service revenue. To this percentage, the percentage of total inpatient charges attributable to inpatient charges for charity care (less payments for Family and Children Assistance inpatient hospital services, and/or any local or State government-funded care) must be added.
- b) In addition, to be deemed a DSH hospital, a hospital must provide the Department, in writing, with the names of at least two obstetricians with staff privileges at the hospital who have agreed to provide obstetric services to individuals entitled to such services under a State Medicaid plan. In the case of a hospital located in a rural area (that is, an area outside of a Metropolitan Statistical Area, as defined by the Executive Office of Management and Budget), the term "obstetrician" includes any physician with staff privileges ~~at the hospital~~ to perform nonemergency obstetric procedures at the hospital. This requirement does not apply to a hospital in which the inpatients are predominantly individuals under 18 years of age; or does not offer nonemergency obstetric services as of December 22, 1987. Hospitals that do not offer nonemergency obstetrics to the general public, with the exception of those hospitals described in 89 Ill. Adm. Code 149.50(c)(1) through (c)(4), must submit a statement to that effect.
- c) In making the determination described in subsection (a)(1) of this Section, the Department shall utilize:
- 1) Hospital Cost Reports
 - A) The hospital's final audited cost report for the hospital's base fiscal

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year. Medicaid inpatient utilization rates, as defined in subsection (i)(4) of this Section, which have been derived from final audited cost reports, are not subject to the Review Procedure described in Section 148.310, with the exception of errors in calculation.

- B) In the absence of a final audited cost report for the hospital's base fiscal year, the Department shall utilize the hospital's unaudited cost report for the hospital's base fiscal year. Due to the unaudited nature of this information, hospitals shall have the opportunity to submit a corrected cost report for the determination described in subsection (a)(1) of this Section. Submittal of a corrected cost report in support of subsection (a)(1) of this Section must be received or post marked no later than the first day of July preceding the DSH determination year for which the hospital is requesting consideration of such corrected cost report for the determination of DSH qualification. Corrected cost reports which are not received in compliance with these time limitations will not be considered for the determination of the hospital's MIUR as described in subsection (i)(4) of this Section.
- C) In the event of extensions to the Medicare cost report filing process, those hospitals that do not have an audited or unaudited base year Medicaid cost report on file with the Department by the 30th of April preceding the DSH determination are required to complete and submit to the Department a Hospital Day Statistics Collection (HDSC) form. On the form, hospitals must provide total Medicaid days and total hospital days for the hospital's base fiscal year. The HDSC form must be submitted to the Department by the April 30th preceding the DSH determination.
- i) If the Medicare deadline for submitting base fiscal year cost reports falls within the month of June preceding the DSH determination, hospitals, regardless of their base fiscal year end date, will have until the first day of August preceding the DSH determination to submit changes to their Medicaid cost reports for inclusion in the final DSH calculations. In this case, the HDSC form will not be used as a data source for the final rate year DSH determination.

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- ii) If the Medicare deadline for submitting base fiscal year cost reports is extended beyond the month of June preceding the DSH determination, the HDSC form will be used in the final DSH determination for all hospitals that do not have an audited or unaudited Medicaid cost report on file with the Department. Hospitals will have until the first day of July to submit any adjustments to the information provided on the HDSC form sent to the Department on April 30.

 - D) Hospitals' Medicaid inpatient utilization rates, as defined in subsection (i)(4) of this Section, which have been derived from unaudited cost reports or the HDSC form, are not subject to the Review Procedure described in Section 148.310, with the exception of errors in calculation. Pursuant to subsections (c)(1)(B) and (c)(1)(C)(ii) of this Section, hospitals shall have the opportunity to submit corrected information prior to the Department's final DSH determination.

 - E) In the event a subsequent final audited cost report reflects an MIUR, as described in subsection (i)(4) of this Section, which is lower than the Medicaid inpatient utilization rate derived from the unaudited cost report or the HDSC form utilized for the DSH determination, the Department shall recalculate the MIUR based upon the final audited cost report, and recoup any overpayments made if the percentage change in the DSH payment rate is greater than five percent.
- 2) Days Not Available from Cost Report
- Certain types of inpatient days of care provided to Title XIX recipients are not available from the cost report, i.e., Medicare/Medicaid crossover claims, out-of-state Title XIX Medicaid utilization levels, Medicaid Health Maintenance Organization (HMO) days, hospital residing long term care days, and Medicaid days for alcohol and substance abuse rehabilitative care under category of service 35. To obtain Medicaid utilization levels in these instances, the Department shall utilize:
- A) Medicare/Medicaid Crossover Claims.

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- i) For DSH determination years on or after October 1, 1996, the Department will utilize the Department's paid claims data adjudicated through the last day of June preceding the DSH determination year for each hospital's base fiscal year. Provider logs as described in the following subsection (c)(3)(A)(ii) will not be used in the determination process for DSH determination years on or after October 1, 1996.
 - ii) For DSH determination years prior to October 1, 1996, hospitals may submit additional information to document Medicare/Medicaid crossover days that were not billed to the Department due to a determination that the Department had no liability for deductible or coinsurance amounts. That information must be submitted in log form. The log must include a patient account number or medical record number, patient name, Medicaid recipient identification number, Medicare identification number, date of admission, date of discharge, the number of covered days, and the total number of Medicare/Medicaid crossover days. That log must include all Medicare/Medicaid crossover days billed to the Department and all Medicare/Medicaid crossover days which were not billed to the Department for services provided during the hospital's base fiscal year. If a hospital does not submit a log of Medicare/Medicaid crossover days that meets the above requirements, the Department will utilize the Department's paid claims data adjudicated through the last day of June preceding the DSH determination year for the hospital's applicable base fiscal year.
- B) Out-of-state Title XIX Utilization Levels. Hospital statements and verification reports from other states will be required to verify out-of-state Medicaid recipient utilization levels. The information submitted must include only those days of care provided to out-of-state Medicaid recipients during the hospital's base fiscal year.
- C) HMO days. The Department will utilize the Department's HMO claims data available to the Department as of the last day of June preceding the DSH determination year, or specific claim

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information from each HMO, for each hospital's base fiscal year to determine the number of inpatient days provided to recipients enrolled in an HMO.

- D) Hospital Residing Long Term Care Days. The Department will utilize the Department's paid claims data adjudicated through the last day of June preceding the DSH determination year for each hospital's base fiscal year to determine the number of hospital residing long term care days provided to recipients.
 - E) Alcohol and Substance Abuse Days. The Department will utilize its paid claims data under category of service 35 available to the Department as of the last day of June preceding the DSH determination year for each hospital's base fiscal year to determine the number of inpatient days provided for alcohol and substance abuse rehabilitative care.
- d) Hospitals may apply for DSH status under subsection (a)(2) of this Section by submitting an audited certified financial statement, for the hospital's base fiscal year, to the Department of Human Services or the Department of Public Aid. The statements must contain the following breakdown of information prior to submittal to the Department for consideration:
- 1) Total hospital net revenue for all patient services, both inpatient and outpatient, for the hospital's base fiscal year.
 - 2) Total payments received directly from State and local governments for all patient services, both inpatient and outpatient, for the hospital's base fiscal year.
 - 3) Total gross inpatient hospital charges for charity care (this must not include contractual allowances, bad debt or discounts, except contractual allowances and discounts for Family and Children Assistance, formerly known as General Assistance), for the hospital's base fiscal year.
 - 4) Total amount of the hospital's gross charges for inpatient hospital services for the hospital's base fiscal year.
- e) With the exception of cost-reporting children's hospitals in contiguous states that

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provide 100 or more inpatient days of care to Illinois program participants, only those cost-reporting hospitals located in states contiguous to Illinois that qualify for DSH in the state in which they are located based upon the Federal definition of a DSH hospital, as defined in section 1923(b)(1) of the Social Security Act, may qualify for DSH hospital adjustments under this Section. For purposes of determining the MIUR, as described in subsection (i)(4) of this Section and as required in section 1923(b)(1) of the Social Security Act, out-of-state hospitals will be measured in relationship to one standard deviation above the mean Medicaid inpatient utilization rate in their state. Out-of-state hospitals that do not qualify by the MIUR from their state may submit an audited certified financial statement as described in subsection (d) of this Section. Payments to out-of-state hospitals will be allocated using the same method as described in subsection (g) of this Section.

- f) Time Limitation Requirements for Additional Information.
 - 1) Except as provided in subsection (c)(1)(C), the information required in subsections (a), (c), (d) and (e) of this Section must be received or post marked no later than the first day of July preceding the DSH determination year for which the hospital is requesting consideration of such information for the determination of DSH qualification. Information required in subsections (a), (c), (d) and (e) of this Section which is not received or post marked in compliance with these limitations will not be considered for the determination of those hospitals qualified for DSH adjustments.
 - 2) The information required in subsection (b) of this Section must be submitted after receipt of notification from the Department. Information required in this Section that is not received in compliance with these limitations will not be considered for the determination of those hospitals qualified for DSH adjustments.
- g) Inpatient Payment Adjustments to DSH Hospitals. The adjustment payments required by subsection (a) of this Section shall be calculated annually as follows:
 - 1) Five Million Dollar Fund Adjustment for hospitals defined in Section 148.25(b)(1), with the exception of any Illinois hospital that is owned or operated by the State or a unit of local government.
 - A) Hospitals qualifying as DSH hospitals under subsection (a)(1) or

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(a)(2) of this Section will receive an add-on payment to their inpatient rate.

- B) The distribution method for the add-on payment described in subsection (g)(1) of this Section is based upon a fund of \$5 million. All hospitals qualifying under subsection (g)(1)(A) of this Section will receive a \$5 per day add-on to their current rate. The total cost of this adjustment is calculated by multiplying each hospital's most recent completed fiscal year Medicaid inpatient utilization data (adjusted based upon historical utilization and projected increases in utilization) by \$5. The total dollar amount of this calculation is then subtracted from the \$5 million fund.
- C) The remaining fund balance is then distributed to the hospitals that qualify under subsection (a)(1) of this Section in proportion to the percentage by which the hospital's MIUR exceeds one standard deviation above the State's mean Medicaid inpatient utilization rate, as described in subsection (i)(3) of this Section. This is done by finding the ratio of each hospital's percent Medicaid utilization to the State's mean plus one standard deviation percent Medicaid value. These ratios are then summed and each hospital's proportion of the total is calculated. These proportional values are then multiplied by each hospital's most recent completed fiscal year Medicaid inpatient utilization data (adjusted based upon historical utilization and projected increases in utilization). These weighted values are summed and each hospital's proportion of the summed weighted value is calculated. Each individual hospital's proportional value is then multiplied against the \$5 million pool of money available after the \$5 per day base add-on has been subtracted.
- D) The total dollar amount calculated for each qualifying hospital under subsection (g)(1)(C) of this Section, plus the initial \$5 per day add-on amount calculated for each qualifying hospital under subsection (g)(1)(B) of this Section, is then divided by the Medicaid inpatient utilization data (adjusted based upon historical utilization and projected increases in utilization) to arrive at a per day add-on value. Hospitals qualifying under subsection (a)(2) of this Section will receive the minimum adjustment of \$5 per

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inpatient day. The adjustments calculated under this subsection (g)(1) are subject to the limitations described in subsection (h) of this Section. The adjustments calculated under subsection (g) of this Section shall be paid on a per diem basis and shall be applied to each covered day of care provided.

- 2) Department of Human Services (DHS) State-Operated Facility Adjustment for hospitals defined in Section 148.25(b)(6). Department of Human Services State-operated facilities qualifying under subsection (a)(2) of this Section shall receive an adjustment for inpatient services provided on or after March 1, 1995. Effective October 1, 2000, the adjustment payment shall be calculated as follows:
 - A) The amount of the adjustment is based on a State DSH Pool. The State DSH Pool amount shall be the lesser of the federal DSH allotment for mental health facilities as determined in section 1923(h) of the Social Security Act, minus the estimated DSH payments to such facilities that are not operated by the State; or the result of subtracting the estimated DSH payment adjustments made under subsection (g)(1) of this Section and Section 148.170(f)(2) from the aggregate DSH payment allotment as provided for in section 1923(f) of the Social Security Act.
 - B) The State DSH Pool amount is then allocated to hospitals defined in Section 148.25(b)(6) that qualify for DSH adjustments by multiplying the State DSH Pool amount by each hospital's ratio of uncompensated care costs, from the most recent final cost report, to the sum of all qualifying hospitals' uncompensated care costs.
 - C) The adjustment calculated in subsection (g)(2)(B) of this Section shall meet the limitation described in subsection (h)(4) of this Section.
 - D) The adjustment calculated pursuant to subsection (g)(2)(B) of this Section, for each hospital defined in Section 148.25(b)(6) that qualifies for DSH adjustments, is then divided by four to arrive at a quarterly adjustment. This amount is subject to the limitations described in subsection (h) of this Section. The adjustment described in this subsection (g)(2)(D) shall be paid on a quarterly

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basis.

- 3) Assistance for Certain Public Hospitals
 - A) The Department may make an annual payment adjustment to qualifying hospitals in the DSH determination year. A qualifying hospital is a public hospital as defined in section 701(d) of the Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000 (Public Law 106-554).
 - B) Hospitals qualifying shall receive an annual payment adjustment that is equal to:
 - i) A rate amount equal to the amount specified in the Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000, section 701(d)(3)(B) for the DSH determination year;
 - ii) Divided first by Illinois' Federal Medical Assistance Percentage; and
 - iii) Divided secondly by the sum of the qualified hospitals' total Medicaid inpatient days, as defined in subsection (i)(4) of this Section; and
 - iv) Multiplied by each qualified hospital's Medicaid inpatient days as defined in subsection (i)(4) of this Section.
 - C) The annual payment adjustment calculated under this subsection (g)(3), for each qualified hospital, will be divided by four and paid on a quarterly basis.
 - D) Payment adjustments under this subsection (g)(3) shall be made without regard to subsections (h)(3) and (4) of this Section, 42 CFR 447.272, or any standards promulgated by the Department of Health and Human Services pursuant to section 701(e) of the Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000.

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- E) In order to qualify for assistance payments under this subsection (g)(3), with regard to this payment adjustment, there must be in force an executed intergovernmental agreement between the authorized governmental body of the qualifying hospital and the Department.
- 4) Disproportionate Share Payments for Certain Government-Owned or -Operated Hospitals
- A) The following classes of government-owned or -operated Illinois hospitals shall, subject to the limitations set forth in subsection (h) of this Section, be eligible for the Disproportionate Share Hospital Adjustment payment:
- i) Hospitals defined in Section 148.25(b)(1)(A).
 - ii) Hospitals owned or operated by a unit of local government that is not a hospital defined in subsection (g)(4)(A)(i) of this Section.
 - iii) Hospital defined in Section 148.25(b)(1)(B).
- B) The annual amount of the payment shall be the amount computed for the hospital pursuant to federal limitations ~~adjusted from the midpoint of the cost report period to the midpoint of the rate period using the CMS Hospital Price Index.~~
- C) The annual amount shall be paid to the hospital in monthly installments. The portion of the annual amount not paid pending federal approval of payments shall, upon that approval, be paid in a single lump sum payment. Except as indicated in this subsection (g)(4)(C), the annual amount shall be paid to the hospital in 12 equal installments and paid monthly.
- h) DSH Adjustment Limitations.
- 1) Hospitals that qualify for DSH adjustments under this Section shall not be eligible for the total DSH adjustment if, during the DSH determination year, the hospital discontinues provision of nonemergency obstetrical care.

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The provisions of this subsection (h)(1) shall not apply to those hospitals described in 89 Ill. Adm. Code 149.50(c)(1) through (c)(4) or those hospitals that have not offered nonemergency obstetric services as of December 22, 1987. In this instance, the adjustments calculated under subsection (g)(1) shall cease to be effective on the date that the hospital discontinued the provision of such nonemergency obstetrical care.

- 2) Inpatient Payment Adjustments based upon DSH Determination Reviews. Appeals based upon a hospital's ineligibility for DSH payment adjustments, or their payment adjustment amounts, in accordance with Section 148.310(b), which result in a change in a hospital's eligibility for DSH payment adjustments or a change in a hospital's payment adjustment amounts, shall not affect the DSH status of any other hospital or the payment adjustment amount of any other hospital that has received notification from the Department of its eligibility for DSH payment adjustments based upon the requirements of this Section.
- 3) DSH Payment Adjustment. In accordance with Public Law 102-234, if the aggregate DSH payment adjustments calculated under this Section do not meet the State's final DSH Allotment as determined by the federal Centers for Medicare and Medicaid Services, DSH payment adjustments calculated under this Section shall be adjusted to meet the State DSH Allotment. Subject to any limitation, disproportionate share payments will be made to qualifying hospitals in the following order:
 - A) Psychiatric hospitals operated by the Illinois Department of Human Services – the annual amount shall be credited quarterly via certification of public expenditure.
 - B) Hospitals defined in Section 148.25(b)(1)(B).
 - C) Hospitals owned and operated by a unit of local government that is not a hospital defined in Section 148.25(b)(1)(A).
 - D) Hospitals that are not owned or operated by a unit of government – the annual amount shall be paid on each inpatient claim.
 - E) Hospitals defined in Section 148.25(b)(1)(A).

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- 4) Omnibus Budget Reconciliation Act of 1993 (OBRA'93) Adjustments. In accordance with Public Law 103-66, adjustments to individual hospitals' disproportionate share payments shall be made if the sum of estimated Medicaid payments (inpatient, outpatient, and disproportionate share) to a hospital exceed the costs of providing services to Medicaid clients and persons without insurance. Federal upper payment limit requirements (42 CFR 447.272) shall be considered when calculating the OBRA'93 adjustments. The adjustments shall reduce disproportionate share spending until the costs and spending (described in this subsection (h)(4)) are equal or until the disproportionate share payments are reduced to zero. In this calculation, persons without insurance costs do not include contractual allowances. Hospitals qualifying for DSH payment adjustments must submit the information required in Section 148.150.
- 5) Medicaid Inpatient Utilization Rate Limit. Hospitals that qualify for DSH payment adjustments under this Section shall not be eligible for DSH payment adjustments if the hospital's MIUR, as defined in subsection (i)(4) of this Section, is less than one percent.
 - i) Inpatient Payment Adjustment Definitions. The definitions of terms used with reference to calculation of the inpatient payment adjustments are as follows:
 - 1) "Base fiscal year" means, for example, the hospital's fiscal year ending in 2001 for the October 1, 2003 DSH determination year, the hospital's fiscal year ending in 2002 for the October 1, 2004 DSH determination year, etc.
 - 2) "DSH determination year" means the 12 month period beginning on October 1 of the year and ending September 30 of the following year.
 - 3) "Mean Medicaid inpatient utilization rate" means a fraction, the numerator of which is the total number of inpatient days provided in a given 12-month period by all Medicaid-participating Illinois hospitals to patients who, for such days, were eligible for Medicaid under Title XIX of the Federal Social Security Act (42 USC 1396a et seq.), and the denominator of which is the total number of inpatient days provided by those same hospitals. Title XIX specifically excludes days of care provided to Family and Children Assistance (formerly known as General Assistance) but does include the types of days described in subsections (c)(1) and (c)(2) of this

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Section. In this subsection (i)(3), the term "inpatient day" includes each day in which an individual (including a newborn) is an inpatient in the hospital whether or not the individual is in a specialized ward and whether or not the individual remains in the hospital for lack of suitable placement elsewhere.

- 4) "Medicaid inpatient utilization rate" means a fraction, the numerator of which is the number of a hospital's inpatient days provided in a given 12 month period to patients who, for such days, were eligible for Medicaid under Title XIX of the Federal Social Security Act (42 USC 1396a et seq.) and the denominator of which is the total number of the hospital's inpatient days in that same period. Title XIX specifically excludes days of care provided to Family and Children Assistance (formerly known as General Assistance) but does include the types of days described in subsections (c)(1) and (c)(2) of this Section. In this subsection (i)(4), the term "inpatient day" includes each day in which an individual (including a newborn) is an inpatient in the hospital whether or not the individual is in a specialized ward and whether or not the individual remains in the hospital for lack of suitable placement elsewhere.

- 5) "Obstetric services" shall at a minimum include non-emergency inpatient deliveries in the hospital.

(Source: Amended at 34 Ill. Reg. _____, effective _____)

Section 148.122 Medicaid Percentage Adjustments

The Department shall make an annual determination of those hospitals qualified for adjustments under this Section effective October 1, 2003, and each October 1 thereafter unless otherwise noted.

- a) Qualified Medicaid Percentage Hospitals. For inpatient services provided on or after October 1, 2003, the Department shall make adjustment payments to hospitals that are deemed as a Medicaid percentage hospital by the Department. A hospital, except those that are owned or operated by a unit of government, may qualify for a Medicaid Percentage Adjustment in one of the following ways:

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- 1) The hospital's Medicaid inpatient utilization rate (MIUR), as defined in Section 148.120(i)(4), is at least one-half standard deviation above the mean Medicaid utilization rate, as defined in Section 148.120(i)(3).
- 2) The hospital's low income utilization rate exceeds 25 per centum in both the rate year 2010 determination and the current annual determination. For this alternative, payments for all patient services (not just inpatient) for Medicaid, Family and Children Assistance (formerly known as General Assistance) and/or any local or State government-funded care, must be counted as a percentage of all net patient service revenue. To this percentage, the percentage of total inpatient charges attributable to inpatient charges for charity care (less payments for Family and Children Assistance inpatient hospital services, and/or any local or State government-funded care) must be added.
- 3) Illinois hospitals that, on July 1, 1991, had an MIUR, as defined in Section 148.120(i)(4), that was at least the mean Medicaid inpatient utilization rate, as defined in Section 148.120(i)(3), and that were located in a planning area with one-third or fewer excess beds as determined by the Illinois Health Facilities Planning Board (77 Ill. Adm. Code 1100), and that, as of June 30, 1992, were located in a federally designated Health Manpower Shortage Area (42 CFR 5 (1989)).
- 4) Illinois hospitals that:
 - A) Have an MIUR, as defined in Section 148.120(i)(4), that is at least the mean Medicaid inpatient utilization rate, as defined in Section 148.120(i)(3); and
 - B) Have a Medicaid obstetrical inpatient utilization rate, as defined in subsection (g)(3) of this Section, that is at least one standard deviation above the mean Medicaid obstetrical inpatient utilization rate, as defined in subsection (g)(2) of this Section.
- 5) Any children's hospital, as defined in 89 Ill. Adm. Code 149.50(c)(3).
- 6) Out of state hospitals meeting the criteria in Section 148.120(e).

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- b) In making the determination described in subsections (a)(1) and (a)(4)(A) of this Section, the Department shall utilize the data described in Section 148.120(c) and received in compliance with Section 148.120(f).
- c) Hospitals may apply to become a qualified Medicaid Percentage Adjustment hospital under subsection (a)(2) of this Section by submitting audited certified financial statements as described in Section 148.120(d) and received in compliance with Section 148.120(f).
- d) Medicaid Percentage Adjustments. The adjustment payments required by subsection (a) of this Section for qualified hospitals shall be calculated annually as follows for hospitals defined in Section 148.25(b)(1), excluding hospitals defined in Section 148.25(b)(1)(A) and (b)(1)(B).
 - 1) The payment adjustment shall be calculated based upon the hospital's MIUR, as defined in Section 148.120(i)(4), and subject to subsection (e) of this Section, as follows:
 - A) Hospitals with an MIUR below the mean Medicaid inpatient utilization rate shall receive a payment adjustment of \$25;
 - B) Hospitals with an MIUR that is equal to or greater than the mean Medicaid inpatient utilization rate but less than one standard deviation above the mean Medicaid inpatient utilization rate shall receive a payment adjustment of \$25 plus \$1 for each one percent that the hospital's MIUR exceeds the mean Medicaid inpatient utilization rate;
 - C) Hospitals with an MIUR that is equal to or greater than one standard deviation above the mean Medicaid inpatient utilization rate but less than 1.5 standard deviations above the mean Medicaid inpatient utilization rate shall receive a payment adjustment of \$40 plus \$7 for each one percent that the hospital's MIUR exceeds one standard deviation above the mean Medicaid inpatient utilization rate; and
 - D) Hospitals with an MIUR that is equal to or greater than 1.5 standard deviations above the mean Medicaid inpatient utilization rate shall receive a payment adjustment of \$90 plus \$2 for each one

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percent that the hospital's MIUR exceeds 1.5 standard deviations above the mean Medicaid inpatient utilization rate.

- 2) The Medicaid Percentage Adjustment payment, calculated in accordance with this subsection (d), to a hospital, other than a hospital and/or hospitals organized under the University of Illinois Hospital Act, as described in Section 148.25(b)(1)(B), shall not exceed \$155 per day for a children's hospital, as defined in 89 Ill. Adm. Code 149.50(c)(3), and shall not exceed \$215 per day for all other hospitals.
- 3) The amount calculated pursuant to subsections (d)(1) through (d)(2) of this Section shall be adjusted by the aggregate annual increase in the national hospital market basket price proxies (DRI) hospital cost index from DSH determination year 1993, as defined in Section 148.120(i)(2), through DSH determination year 2003, and annually thereafter, by a percentage equal to the lesser of:
 - A) The increase in the national hospital market basket price proxies (DRI) hospital cost index for the most recent 12 month period for which data are available; or
 - B) The percentage increase in the Statewide average hospital payment rate, as described in subsection (g)(5) of this Section, over the previous year's Statewide average hospital payment rate.
- 4) The amount calculated pursuant to subsections (d)(1) through (d)(3) of this Section, as adjusted pursuant to subsection (e) of this Section, shall be the inpatient payment adjustment in dollars for the applicable Medicaid percentage determination year. The adjustments calculated under subsections (d)(1) through (d)(3) of this Section shall be paid on a per diem basis and shall be applied to each covered day of care provided.
- e) Inpatient Adjustor for Children's Hospitals. For a children's hospital, as defined in 89 Ill. Adm. Code 149.50(c)(3), the payment adjustment calculated under subsection (d)(1) of this Section shall be multiplied by 2.0.
- f) Medicaid Percentage Adjustment Limitations.

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- 1) In addition, to be deemed a Medicaid Percentage Adjustment hospital, a hospital must provide to the Department, in writing, the names of at least two obstetricians with staff privileges at the hospital who have agreed to provide obstetric services to individuals entitled to such services under a State Medicaid plan. In the case of a hospital located in a rural area (that is, an area outside of a Metropolitan Statistical Area, as defined by the federal Executive Office of Management and Budget), the term "obstetrician" includes any physician with staff privileges ~~at the hospital~~ to perform non-emergency obstetric procedures at the hospital. This requirement does not apply to a hospital in which the inpatients are predominantly individuals under 18 years of age, or does not offer non-emergency obstetric services as of December 22, 1987. Hospitals that do not offer non-emergency obstetrics to the general public, with the exception of those hospitals described in 89 Ill. Adm. Code 149.50(c)(1) through (c)(4), must submit a statement to that effect.
- 2) Hospitals that qualify for Medicaid Percentage Adjustments under this Section shall not be eligible for the total Medicaid Percentage Adjustment if, during the Medicaid Percentage Adjustment determination year, the hospital discontinues provision of non-emergency obstetrical care. The provisions of this subsection (f)(2) shall not apply to those hospitals described in 89 Ill. Adm. Code 149.50(c)(1) through (c)(4) or those hospitals that have not offered non-emergency obstetrical services as of December 22, 1987. In this instance, the adjustments calculated under subsection (d) shall cease to be effective on the date that the hospital discontinued the provision of such non-emergency obstetrical care.
- 3) Appeals based upon a hospital's ineligibility for Medicaid Percentage payment adjustments, or their payment adjustment amounts, in accordance with Section 148.310(b), which result in a change in a hospital's eligibility for Medicaid Percentage payment adjustments or a change in a hospital's payment adjustment amounts, shall not affect the Medicaid Percentage status of any other hospital or the payment adjustment amount of any other hospital that has received notification from the Department of its eligibility for Medicaid Percentage payment adjustments based upon the requirements of this Section.
- 4) Medicaid Inpatient Utilization Rate Limit. Hospitals that qualify for Medicaid percentage payment adjustments under this Section shall not be

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eligible for Medicaid percentage payment adjustments if the hospital's MIUR, as defined in Section 148.120(i)(4), is less than one percent.

- g) Inpatient Payment Adjustment Definitions. The definitions of terms used with reference to calculation of Inpatient Payment Adjustments are as follows:
- 1) "Medicaid Percentage determination year" means the 12 month period beginning on October 1 of the year and ending September 30 of the following year.
 - 2) "Mean Medicaid obstetrical inpatient utilization rate" means a fraction, the numerator of which is the total Medicaid (Title XIX) obstetrical inpatient days, as defined in subsection (g)(4) of this Section, provided by all Medicaid-participating Illinois hospitals providing obstetrical services to patients who, for such days, were eligible for Medicaid under Title XIX of the Federal Social Security Act (42 USC 1396a), and the denominator of which is the total Medicaid inpatient days, as defined in subsection (g)(6) of this Section, for all such hospitals. That information shall be derived from claims for applicable services provided in the Medicaid obstetrical inpatient utilization rate base year that were subsequently adjudicated by the Department through the last day of June preceding the DSH determination year and contained within the Department's paid claims data base.
 - 3) "Medicaid obstetrical inpatient utilization rate" means a fraction, the numerator of which is the Medicaid (Title XIX) obstetrical inpatient days, as defined in subsection (g)(4) of this Section, provided by a Medicaid-participating Illinois hospital providing obstetrical services to patients who, for such days, were eligible for Medicaid under Title XIX of the federal Social Security Act (42 USC 1396a), and the denominator of which is the total Medicaid (Title XIX) inpatient days, as defined in subsection (g)(6) of this Section, provided by such hospital. This information shall be derived from claims for applicable services provided in the Medicaid obstetrical inpatient utilization rate base year that were subsequently adjudicated by the Department through the last day of June preceding the Medicaid Percentage determination year and contained within the Department's paid claims data base.

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

- 4) "Medicaid (Title XIX) obstetrical inpatient days" means hospital inpatient days that were subsequently adjudicated by the Department through the last day of June preceding the Medicaid Percentage Adjustment determination year and contained within the Department's paid claims data base, for recipients of medical assistance under Title XIX of the Social Security Act, with a Diagnosis Related Grouping (DRG) of 370 through 375, and specifically excludes Medicare/Medicaid crossover claims.
- 5) "Statewide average hospital payment rate" means the hospital's alternative reimbursement rate, as defined in Section 148.270(a).
- 6) "Total Medicaid (Title XIX) inpatient days", as referred to in subsections (g)(2) and (g)(3) of this Section, means hospital inpatient days, excluding days for normal newborns, that were subsequently adjudicated by the Department through the last day of June preceding the Medicaid Percentage determination year and contained within the Department's paid claims data base, for recipients of medical assistance under Title XIX of the Social Security Act, and specifically excludes Medicare/Medicaid crossover claims.
- 7) "Medicaid obstetrical inpatient utilization rate base year" means, for example, fiscal year 2002 for the October 1, 2003, Medicaid Percentage Adjustment determination year; fiscal year 2003 for the October 1, 2004, Medicaid Percentage Adjustment determination year; etc.
- 8) "Obstetric services" shall at a minimum include non-emergency inpatient deliveries in the hospital.

(Source: Amended at 34 Ill. Reg. _____, effective _____)

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED REPEALER

- 1) Heading of the Part: Unearned Premium Reserve Computation
- 2) Code Citation: 50 Ill. Adm. Code 911
- 3)

<u>Section Numbers</u> :	<u>Proposed Action</u> :
911.5	Repeal
911.10	Repeal
911.20	Repeal
- 4) Statutory Authority: Implementing Sections 379.1 and 393.1 and authorized by Section 401 of the Illinois Insurance Code [215 ILCS 5/379.1, 393.1 and 401]
- 5) A Complete Description of the Subjects and Issues Involved: This Part was originally adopted in 1963, with subsequent formal codification into the Illinois Administrative Code in March of 1983. No further revisions to this Part were ever filed.

In 1980, the accounting standard of practice was statutorily set by PA 81-735. Because Section 136 supersedes the requirements of this Part, the Department is repealing this regulation.

This proposed repealer was published at First Notice in the June 5, 2009 issue of the Illinois Register. However, no further action was taken, and because of the time that has elapsed, the rulemaking is being re-submitted now for First Notice publication.

- 6) Any published studies or reports, along with the sources of underlying data, that were used when comprising 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 require a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED REPEALER

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

Eve Blackwell-Lewis
Senior Staff Attorney
Department of Insurance
320 West Washington, 4th Floor
Springfield, Illinois 62767-0001

or

Susan Anders
Rules Coordinator
Department of Insurance
320 West Washington, 4th Floor
Springfield, Illinois 62767-0001

217/782-2867
217/524-9033 (fax)

217/785-8220

- 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: July 2010

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

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED REPEALER

TITLE 50: INSURANCE

CHAPTER I: DEPARTMENT OF INSURANCE

SUBCHAPTER I: PROVISIONS APPLICABLE TO ALL COMPANIES

PART 911

UNEARNED PREMIUM RESERVE COMPUTATION (REPEALED)

Section

- 911.5 Introduction
911.10 Application and Effective Date
911.20 Calculation of the Unearned Premium Reserve

AUTHORITY: Implementing Sections 379.1 and 393.1 and authorized by Section 401 of the Illinois Insurance Code [215 ILCS 5/379.1, 393.1 and 401].

SOURCE: Amended November 8, 1963; codified at 7 Ill. Reg. 3462; repealed at 34 Ill. Reg. _____, effective _____.

Section 911.5 Introduction

This Part is Issued by the Director of Insurance pursuant to Section 401 of the Illinois Insurance Code which empowers the Director "... *to make reasonable rules and regulations as may be necessary for making effective...*" insurance laws of this State. It is the purpose of this Part to implement Sections 379.1 and 393.1 of the Illinois Insurance Code by providing for the method to be used to determine the amount of the unearned premium reserve.

Section 911.10 Application and Effective Date

This Part applies to all insurance companies authorized to transact the kind or kinds of business enumerated in Class 2 and 3 of Section 4 of the Illinois Insurance Code. It shall become effective January 1, 1964.

Section 911.20 Calculation of the Unearned Premium Reserve

The unearned premium reserve shall never be less, in the aggregate, than the company's actual liability to all its insureds for the return of gross unearned premiums, after deducting reinsurance in authorized companies. In the calculation of the company's actual liability to all its insureds, the reserve shall be computed pursuant to the method commonly referred to as the "monthly pro rata method."

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED AMENDMENT

Eve Blackwell-Lewis
Senior Staff Attorney
Department of Insurance
320 West Washington, 4th Floor
Springfield, Illinois 62767-0001

or

Susan Anders
Rules Coordinator
Department of Insurance
320 West Washington, 4th Floor
Springfield, Illinois 62767-0001

217/782-2867
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- 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: Insurance
- 14) Regulatory Agenda on which this rulemaking was summarized: July 2010

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

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED AMENDMENT

TITLE 50: INSURANCE

CHAPTER I: DEPARTMENT OF ~~INSURANCE FINANCIAL AND PROFESSIONAL
REGULATION~~

SUBCHAPTER o: REINSURANCE

PART 1103

LIFE REINSURANCE AGREEMENTS

Section

1103.10	Preamble
1103.20	Scope
1103.25	Definitions
1103.30	Accounting Requirements
1103.40	Written Agreements
1103.50	Existing Agreements (Repealed)
1103.EXHIBIT A	Risk Category

AUTHORITY: Implementing and authorized by Section 401 of the Illinois Insurance Code [215 ILCS 5/401].

SOURCE: Adopted at 18 Ill. Reg. 685, effective January 5, 1994; amended at 30 Ill. Reg. 7766, effective April 6, 2006; amended at 34 Ill. Reg. _____, effective _____.

Section 1103.50 Existing Agreements ~~(Repealed)~~

On or before December 31, 2010, all insurers that are subject to this Part must be able to certify that they have reduced to zero any reserve credits or assets established with respect to reinsurance agreements entered into prior to December 31, 1994 that, under the provisions of this Part, would not be entitled to recognition of the reserve credits or established assets; however, the reinsurance agreements must have been in compliance with the laws and regulations in existence immediately preceding the effective date of this Part (January 5, 1994).

(Source: Old Section repealed at 30 Ill. Reg. 7766, effective April 6, 2006 and new Section added at 34 Ill. Reg. _____, effective _____)

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Portability of Creditable Service Time for Downstate and Suburban Police Pension Funds
- 2) Code Citation: 50 Ill. Adm. Code 4404
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
4404.10	Amendment
4404.30	Amendment
4404.40	Amendment
4404.50	Amendment
4404.60	Amendment
4404.70	Amendment
4404.73	Amendment
4404.76	Amendment
4404.80	Amendment
4404.90	Amendment
4404.100	Amendment
4404.110	Amendment
4404.120	Amendment
4404.130	Amendment
- 4) Statutory Authority: Implementing Section 3-110 and 3-110.7 and authorized by Section 3-110 of the Illinois Pension Code [40 ILCS 5/3-110 and 3-110.7]
- 5) A Complete Description of the Subjects and Issues Involved: Public Act 96-297, effective August 11, 2009, allows police officers to take a reduction in time in lieu of paying an additional contribution to transfer creditable service time from one Article 3 pension fund to another Article 3 pension fund. This option was not previously offered and is therefore not currently included in 50 Ill. Adm. Code 4404, which details the process of transferring creditable service time. The proposed amendments provide a formula for calculating the reduced time to be credited to the current pension fund and instructions on additional information to be given to the police officer and to the Pension Division.
- 6) Any published studies or reports, along with the sources of underlying data, that were used when comprising this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No

DEPARTMENT OF INSURANCE

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- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: This rulemaking will not require a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to comment on this proposed rulemaking may submit written comments no later than 45 days after the publication of this Notice to:

Eve Blackwell-Lewis
Senior Staff Attorney
Department of Insurance
320 West Washington, 4th Floor
Springfield, Illinois 62767-0001

or

Susan Anders
Rules Coordinator
Department of Insurance
320 West Washington, 4th Floor
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- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: Municipal police pension funds established under Article 3 of the Illinois Pension Code [40 ILCS 5 /Art. 3].
- B) Reporting, bookkeeping or other procedures required for compliance: Please review all provisions of this Part.
- C) Types of professional skills necessary for compliance: Administrative
- 14) Regulatory Agenda on which this rulemaking was summarized: January 2010

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

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED AMENDMENTS

TITLE 50: INSURANCE
CHAPTER I: DEPARTMENT OF INSURANCE
SUBCHAPTER aaa: PENSIONSPART 4404
PORTABILITY OF CREDITABLE SERVICE TIME FOR
DOWNSTATE AND SUBURBAN POLICE PENSION FUNDS

Section

4404.10	Purpose
4404.20	Applicability
4404.30	Definitions
4404.40	Request and Recision Notifications
4404.50	Method for Calculation of the True Cost
4404.60	Current Fund Notification Requirement
4404.70	Prior Fund Notification Requirement
4404.73	Calculation of the Amount to be Transferred from the Prior Pension Fund to the Current Pension Fund
4404.76	Calculation of the Amount Required to Reinstate Creditable Service if a Refund was Received
4404.80	Current Fund Payment Schedule, <u>Determination of Creditable Service Time to be Credited and Notification to the Police Officer</u>
4404.90	Final Authorization to Transfer or Withdraw
4404.100	Transfer of Creditable Service Time
4404.110	Failure to Pay, or Death of the Officer
4404.120	Forfeiture
4404.130	Current Pension Fund Reporting Requirements
4404.140	Failure to Comply
4404.ILLUSTRATION A	DOI Information Request for an Officer's Creditable Service Transfer
4404.ILLUSTRATION B	DOI Information Request for a Chief of Police's Creditable Service Transfer (Repealed)

AUTHORITY: Implementing Section 3-110 and 3-110.7, and authorized by Section 3-110 of the Illinois Pension Code [40 ILCS 5/3-110 and 3-110.7].

SOURCE: Emergency rules adopted at 21 Ill. Reg. 16453, effective December 9, 1997, for a maximum of 150 days; adopted at 22 Ill. Reg. 8391, effective May 4, 1998; amended at 24 Ill. Reg. 7287, effective April 26, 2000; amended at 34 Ill. Reg. _____, effective _____.

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Section 4404.10 Purpose

The purpose of this Part is to set forth the underlying calculations involved concerning the transfer of money among the prior pension fund, the current pension fund and the officers; and the associated requirements to transfer ~~all~~ previously accumulated creditable service by an active member of an Article 3 police pension fund pursuant to Sections 3-110 and 3-110.7 of the Illinois Pension Code [40 ILCS 5/3-110 and 3-110.7].

(Source: Amended at 34 Ill. Reg. _____, effective _____)

Section 4404.30 Definitions

Active Member shall be defined as an officer that is in active service and a participant of a pension fund established pursuant to Article 3 of the Illinois Pension Code.

Creditable Service shall be defined by Section 3-110 of the Illinois Pension Code [40 ILCS 5/3-110].

Current Pension Fund shall be defined as the pension fund where the officer is presently a Participant.

Date of Refund shall be defined as the date the officer received a refund from a pension fund pursuant to Section 3-124 of the Illinois Pension Code [40 ILCS 5/3-124].

Date of Transfer shall be defined as the date the officer's application for transfer of creditable service time is received by the current pension fund. [40 ILCS 5/3-110.7(a)(1)].

Director shall be defined as the Director of the Illinois Department of Insurance.

Participant shall be defined as a participating member, or deferred pensioner or annuitant, of a pension fund as provided in Article 3 of the Illinois Pension Code under which the pension fund is established [40 ILCS 5/3-101].

Pension Division shall be defined as the Public ~~Employee~~ Pension Division of the Illinois Department of Insurance.

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Police Officer or Officer shall be defined by Section 3-106 of the Illinois Pension Code [40 ILCS 5/3-106].

Prior Pension Fund shall be defined as the pension fund from which the officer may transfer previously accumulated creditable service to the current pension fund.

Qualified Actuary shall be defined as either a member of the American Academy of Actuaries; or an individual who has demonstrated to the satisfaction of the Director that he or she possesses the educational background necessary for the practice of actuarial science and; who also possesses not less than 7 years of relevant actuarial experience.

Refund shall be defined as the amount of contributions an officer received pursuant to Section 3-124 of the Illinois Pension Code [40 ILCS 5/3-124].

True Cost shall be defined as the increase in the actuarial accrued liability or reserve amount, as applicable, calculated pursuant to Section 4404.50 of this Part and Section 3-110 of the Illinois Pension Code [40 ILCS 5/3-110], resulting from the transfer of creditable service from the prior pension fund to the current pension fund.

(Source: Amended at 34 Ill. Reg. _____, effective _____)

Section 4404.40 Request and Recision Notifications

Any police officer who is an active member of an Article 3 police pension fund must submit a written request to his or her current pension fund board of trustees identifying, by date and time frame, the accumulated creditable service to be transferred from the prior police pension ~~funds~~fund(s) and the prior pension ~~funds~~fund(s). The police officer must also identify any creditable service time ~~that~~which the officer is required to reinstate pursuant to Section 3-110.7(b) of the Illinois Pension Code [40 ILCS 5/3-110.7(b)] in order for it to qualify as creditable service time to be transferred. When requesting to transfer accumulated creditable service, all accumulated creditable service with that prior pension fund must be transferred out of that prior pension fund.

(Source: Amended at 34 Ill. Reg. _____, effective _____)

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Section 4404.50 Method for Calculation of the True Cost

- a) The qualified actuary shall provide the current pension fund with the actuarial accrued liability assuming continuation of active status, and the amount of reserve for each possible status that may apply to the officer as set forth in subsection (b) of this Section. The actuarial accrued liability and reserve amounts shall be computed utilizing the actuarial cost method and the same assumptions that were used for determining the most recent actuarial valuation for the current pension fund.
- b) The possible status choices ~~that~~^{which} may be considered, in addition to the requirement of remaining active as an officer until the completion of the transfer, are: retirement, deferred retirement, disability and withdrawal. For each applicable status choice, the actuary shall provide the current pension fund with two actuarial accrued liability, or reserve, amounts. The first amount shall be the actuarial accrued liability, or reserve, computed using the combined years of service in the current fund and previous ~~funds~~^{fund(s)}. The second amount shall be the actuarial accrued liability, or reserve, computed using only the years of service in the current fund. These amounts shall be computed as of the date the current pension fund receives the request for transfer of creditable service. The benefit amounts used in computing the actuarial accrued liability ~~or, and~~ reserve, amounts shall be consistent with the years of service used in each separate actuarial accrued liability, or reserve, amount calculation. The true cost for each status shall be equal to the excess of the amount computed using the combined years of service in all funds over the amount computed using the years of service in the current pension fund.
- c) The method of calculating the true cost of transferring creditable service time shall be dependent on the anticipated status of the officer as determined by the current pension fund at the time of the service transfer~~;~~ or immediately thereafter. It is the current pension fund's responsibility to determine the most likely status of the officer after the transfer of creditable service time.
- d) The current pension fund board of trustees shall determine the true cost for the requested period of creditable service time with information provided to the current pension fund by either:
- 1) the Illinois Department of Insurance, upon written request submitted in the format prescribed by Illustration A of this Part. The Department will

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return the information requested within 30 days after receipt of ~~the~~^{such} request, if the Department's actuarial valuation was used for determining the most recent funding requirements of the current pension fund; or

- 2) the qualified actuary who was retained by the municipality or pension fund to determine the most recent actuarial valuation used for determining the funding requirements of the current fund.

(Source: Amended at 34 Ill. Reg. _____, effective _____)

Section 4404.60 Current Fund Notification Requirement

Within 30 days after receipt of the police officer's request, the current pension fund shall provide written notification to both the requesting officer and the prior pension ~~fund(s)~~ verifying receipt of ~~the~~^{such} request. The current pension fund shall obtain verification of the creditable service time on record with the prior pension fund, as well as the amount the prior pension fund will transfer to the current pension fund as calculated pursuant to Section 4404.73 of this Part and the amount the police officer is required to pay the prior pension fund in order to reinstate service as calculated pursuant to Section 4404.76 of this Part, ~~if applicable~~. At this time the current pension fund shall also provide written notification to the independent actuary or the Department of Insurance (DOI), as applicable, requesting the actuarial amounts to be used in the true cost determination. The request form prescribed by Illustration A of this Part must accompany the notification if the DOI is requested to perform the actuarial calculations.

(Source: Amended at 34 Ill. Reg. _____, effective _____)

Section 4404.70 Prior Fund Notification Requirement

Within 30 days after receipt of the current pension fund's notification, the prior pension ~~fund(s)~~ shall provide written notification, to both the requesting officer and the current pension fund, verifying receipt of the notification required by Section 4404.60 of this Part. The prior ~~fund(s)~~ must also verify the creditable service time on record, and identify the amount of money due to be transferred to the current fund on behalf of the officer as calculated pursuant to Section 4404.73 of this Part, specifically broken down into categories including employee contributions, employer contributions, and interest. In the event that a refund has been taken, the prior pension fund must also notify the officer and the current pension fund of the amount of money that is owed to the prior pension fund in order to reinstate that service time as calculated pursuant to Section 4404.76 of this Part. The prior fund's notification to the officer and the current pension fund must identify that portion of the amount owed for reinstatement that is

DEPARTMENT OF INSURANCE

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attributable to the refund received by the officer and that portion of the amount that is attributable to the interest on the refund.

(Source: Amended at 34 Ill. Reg. _____, effective _____)

Section 4404.73 Calculation of the Amount to be Transferred from the Prior Pension Fund to the Current Pension Fund

Upon receiving the notification from the current pension fund, as set forth in Section 4404.60 of this Part, the prior pension fund must notify the current pension fund of the amount of money that is to be transferred to the current pension fund upon the police officer's decision to transfer creditable service time. That amount shall equal:

- a) The amounts actually contributed by, or on behalf of, the applicant to the fund as employee contributions, plus interest on those amounts at the rate of 6% per year, compounded annually, from the date of contribution to the date of transfer; and
- b) An amount representing employer contributions, which is equal to the total amount determined under subsection (a) of this Section.

(Source: Amended at 34 Ill. Reg. _____, effective _____)

Section 4404.76 Calculation of the Amount Required to Reinstate Creditable Service if a Refund was Received

If the officer received a refund from the prior pension fund upon leaving that pension fund, ~~in order to reinstate the accumulated creditable service~~ the officer must pay the prior pension fund the amount of the refund plus interest on the refund amount thereon at the rate of 6% per year, compounded annually, in order to reinstate the accumulated creditable service. The interest shall be calculated from the date of refund to the date of transfer.

(Source: Amended at 34 Ill. Reg. _____, effective _____)

Section 4404.80 Current Fund Payment Schedule, Determination of Creditable Service Time to be Credited and Notification to the Police Officer

Within 14 days after receipt of the prior pension ~~fund~~fund(s) notification, the current pension fund shall notify the requesting officer of:

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED AMENDMENTS

- a) ~~The~~ the additional contribution needed from the officer to transfer the designated creditable service time as required by Section 3-110 of the Illinois Pension Code [40 ILCS 5/3-110] should the officer elect to have all creditable service time earned in the prior fund credited to the current fund under 40 ILCS 5/3-110(d)(2), option (A). ~~The additional contribution~~This figure should represent the true cost necessary to transfer the designated creditable service time minus the amount payable by the prior pension ~~fund(s)~~ fund(s) as calculated pursuant to Section 4404.73 of this Part, leaving a balance payable by the officer to satisfy the true cost of effectively transferring the designated creditable service time. This additional contribution is in addition to any amount required to be paid by the officer to reinstate the prior creditable service ~~when~~ where a refund had been received as calculated in Section 4404.76 of this Part. In addition, the current pension fund must:
- 1a) Specify the method of payment as either a lump sum or a schedule of payments, to include 6% annual interest on the declining balance, and any fees, not to exceed the 5 year statutory limit (see 40 ILCS 5/3-110(d)(3)), deemed acceptable by the current pension fund board of trustees and that payment must be made in full before the officer terminates service; and
- 2b) Notify the officer that once final authorization has been given pursuant to Section 4404.90 of this Part, ~~the~~ such transfer cannot be reversed, and failure to satisfy the agreed to payment arrangement will result in a forfeiture of the employer paid portion and any accumulated interest on the designated creditable service time pursuant to Section 3-110.7 of the Illinois Pension Code [40 ILCS 5/3-110.7].
- b) The amount of creditable service time that will be credited to the current pension fund should the officer elect to have the creditable service time earned in the prior pension fund and credited to the current fund reduced in lieu of payment of an additional contribution. The reduced amount of creditable service time to be credited to the current pension fund shall equal the portion of the creditable service time accumulated in the prior pension fund after applying to that creditable service time the ratio of the amount of monies transferred from the prior pension fund to the appropriate true cost amount as determined under Section 4404.50 of this Part. If the ratio of the amount transferred from the prior pension fund to the appropriate true cost amount is greater than one, only the amount of actual creditable service time accumulated in the prior pension fund is credited to the current pension fund. Any amount required to be paid by the

DEPARTMENT OF INSURANCE

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officer to reinstate the prior creditable service when a refund had been received as calculated in Section 4404.76 of this Part must still be paid to the prior pension fund.

$$\frac{\text{Service Credited To Current Fund}}{\text{Service Accumulated In Prior Fund}} = \frac{\text{Service Accumulated In Prior Fund}}{\text{Service Accumulated In Prior Fund}} \times \frac{\text{(Monies from Prior Fund)}}{\text{(Appropriate True Cost)}}$$

In addition, the current pension fund must notify the officer that, once final authorization has been given pursuant to Section 4404.90 of this Part, the transfer cannot be reversed. Creditable service time transferred out of the prior pension fund and not credited to the current pension fund is lost. It may not be transferred to another pension fund and may not be reinstated in the pension fund from which it was transferred.

(Source: Amended at 34 Ill. Reg. _____, effective _____)

Section 4404.90 Final Authorization to Transfer or Withdraw

- a) Within 14 days after receiving notification from the current pension fund, which must include a payment schedule deemed acceptable to meet the additional amount due, if applicable, the officer must either:
- 1a) Provide an irrevocable written authorization to transfer creditable service time to the current pension fund; and, if applicable, repay the prior fund any refund with interest; or
 - 2b) Submit a written request to withdraw the initial application for transferring creditable service to the current pension fund; or
 - 3e) If the officer fails to take action by the 15th day, pursuant to either subsection (a)(1)(a) or (a)(2)(b) of this Section, the initial request to transfer the designated creditable service time will be automatically withdrawn.
- b) If an officer provides an irrevocable written authorization to transfer creditable service time, the officer must include in that letter whether the officer will:
- 1) pay the additional contribution to have all creditable service time earned in the prior pension fund credited to the current pension fund; or

DEPARTMENT OF INSURANCE

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- 2) have the creditable service time earned in the prior pension fund and credited to the current pension fund reduced in lieu of payment of an additional contribution.

(Source: Amended at 34 Ill. Reg. _____, effective _____)

Section 4404.100 Transfer of Creditable Service Time

- a) Within 7 days after final authorization from the officer has been received by the current pension fund, the current pension fund must forward a copy of the final authorization to the prior pension ~~funds~~~~fund(s)~~.
- b) Within 30 days after the prior pension ~~funds receive~~~~fund(s) receives~~ a copy of the officer's final authorization and the repayment of any refund with interest, if applicable, the prior pension fund must transfer the designated creditable service time to the current pension fund along with the payment of all ~~monies~~~~moneys~~ required to be transferred pursuant to Section 4404.73 of this Part.

(Source: Amended at 34 Ill. Reg. _____, effective _____)

Section 4404.110 Failure to Pay, or Death of the Officer

- a) In the event that the officer fails to pay the additional contributions required by the current pension fund to satisfy the effective transfer of the designated creditable service time deemed appropriate by the board of trustees and agreed to by the officer, if applicable, or the officer terminates service before the expiration of the statutory 5 year maximum:
- 1) The officer will receive an amount equal to the amounts actually contributed by, or on behalf of, the applicant to the prior pension fund as employee contributions; and, if applicable, the amount of interest paid by the officer to the prior pension fund to reinstate creditable service as calculated underby Section 4404.76 of this Part within 30 days after failure to meet the terms of the agreed to payment schedule; and
 - 2) All partial payments made by the officer to the current fund.
- b) In the event that the officer dies in service before payment of additional

DEPARTMENT OF INSURANCE

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contributions has been satisfied, if applicable, and prior to the 5 year statutory payment period maximum:

- 1) The surviving spouse has up to 6 months after the officer's death to pay the remaining balance due to satisfy the payment schedule; or
- 2) The surviving spouse shall be entitled to the same refund as specified in subsection (a) of this Section.

(Source: Amended at 34 Ill. Reg. _____, effective _____)

Section 4404.120 Forfeiture

Transferred credit that is not granted due to failure to pay the additional contribution, if applicable, within the required time is lost. ~~It~~ may not be transferred to another pension fund and may not be reinstated in the pension fund from which it was transferred. [40 ILCS 5/3-110(d)(5)]

(Source: Amended at 34 Ill. Reg. _____, effective _____)

Section 4404.130 Current Pension Fund Reporting Requirements

Within 30 days after the designated creditable service time has been transferred to the current pension fund, the current pension fund must file a report with the Pension Division. The report must contain the following:

- a) The name and FEIN of the current pension fund to which creditable service time was transferred;
- b) The name and FEIN of the prior pension fund from which creditable service time was transferred;
- c) The name and Social Security Number of the officer for whom creditable service time was transferred;
- d) The beginning and ending dates for all periods of creditable service time transferred;
- e) The reduced creditable service time credited to the current pension fund, if

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applicable;

- fe) The amount transferred from the prior pension fund, including a breakdown of the total to include:
- 1) The formula and assumptions used to determine the amount representing the officer's contributions, including the amount itself;
 - 2) The formula and assumptions used to determine the amount of interest paid on the amounts in subsection (f)(e)(1) of this Section, including the amount itself;
 - 3) The formula and assumptions used to determine the amount of interest paid by the officer to reinstate service, if any, including the amount itself;
 - 4) The amount designated as the employer contribution; and
 - 5) Any other assumptions used;
- gf) ~~The~~In addition, the report must also contain the date that the designated creditable service time was transferred;
- hg) The true cost of transferred creditable service time;
- ih) If the actuarial accrued liability and reserve amounts used in determining the true cost of transferring creditable service time were calculated by a qualified actuary pursuant to Section 4404.50(d)(2) of this Part, ~~then~~ an actuarial certification must be filed by the current pension fund and must contain a statement that the actuarial accrued liabilities₂ or reserves₂ were calculated by the undersigned actuary in compliance with Section 4404.50(a), (b) and (c) of this Part; and
- ji) The current pension fund must provide a copy of the agreed to payment schedule₂ if applicable, which must identify:
- 1) The total amount of contributions, including any fees or interest₂ needed from the officer to satisfy the effective transfer of the designated creditable service time;
 - 2) The payment schedule itself; and

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- 3) Any contributions paid by the officer.

(Source: Amended at 34 Ill. Reg. _____, effective _____)

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One Natural Resources Way
Springfield IL 62702-1271

217/782-1809

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: The program provides technical, policy, administrative and financial assistance to Ecosystem Partnerships that are watershed or ecosystem-based coalitions of individuals or organizations that are cooperating to improve the natural resource base of the watersheds where they live, work, and play, while promoting compatible and sustainable economic activity.
 - B) Reporting, bookkeeping or other procedures required for compliance: Establishing a board and electing officers; preparing and adopting by-laws; providing minutes of board meetings to the Department; complying with regulations of administrative rule; demonstrating sound fiscal accountability; completing Ecosystem Vision Plan and demonstrating progress; tracking and monitoring of funded grants; utilizing natural resource monitoring; and integrating research and data collecting efforts.
 - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: July 2010

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

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NOTICE OF PROPOSED AMENDMENT

TITLE 17: CONSERVATION
 CHAPTER I: DEPARTMENT OF NATURAL RESOURCES
 SUBCHAPTER d: FORESTRY

PART 1523
 CONSERVATION 2000 – ECOSYSTEMS PROGRAM

Section

1523.10	Program Objective
1523.20	Definitions
1523.30	Ecosystem Partnership Designation
1523.40	Ecosystem Partnership Bylaws
1523.50	Evaluation of Ecosystem Partnership
1523.60	Ecosystem Vision Plan Grants
1523.70	Ecosystem Project Grants
1523.80	Ecosystem Project Grant Eligibility
1523.90	Ecosystem Project Grant Application Process
1523.100	Ecosystem Project Grant Application
1523.110	Review of Ecosystem Project Grant Applications
1523.120	Selection and Notification of Ecosystem Project Grant Awards
1523.130	Ecosystem Partnership Support Grants
1523.140	Ecosystem Vision Plan, Project, and Support Grant Execution and Reimbursement
1523.150	Ecosystem Vision Plan, Project, and Support Grant Compliance Requirements
1523.160	Natural Resources Cost Share
1523.170	Program Information/Contact
1523.180	Program Information/Contact (Repealed)

AUTHORITY: Implementing and authorized by Sections 6z-32, 5.411 and 5.412 of the State Finance Act [30 ILCS 105/6z-32, 5.411 and 5.412].

SOURCE: Adopted at 23 Ill. Reg. 11178, effective August 26, 1999; amended at 27 Ill. Reg. 1145, effective January 9, 2003; amended at 34 Ill. Reg. _____, effective _____.

Section 1523.90 Ecosystem Project Grant Application Process

Pending the availability of funding, applicationsApplications for an Ecosystem Project Grant must be submitted to the Department's Ecosystems Division in Springfield, Illinois as listed in Section 1523.170, ~~via either the Internet or mailed.~~ The Department shall announce the

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~~availability of funds, application procedures and the application deadline using newspapers, Internet and other means of publication. The~~ If the grant application is mailed, the grant application must be typed and submitted electronically via Internet by the application deadline or, if mailed, postmarked on or before the application deadline. ~~February 1 of each year preceding the fiscal year during which the applicant is requesting funding. If the grant application is submitted online, the grant application is due by 5:00 p.m. on the last business day in February of the year preceding the fiscal year during which the applicant is requesting funding (e.g., by February 28, 2003 for Fiscal Year 2004 funding). Project applications must be submitted either online at the Department's Ecosystems Program website or typed on official forms to be considered for funding. Forms Grant application forms may be downloaded from the Department's Ecosystems Program website or requested from the Conservation 2000 Administrator at the contact address, telephone number or email address listed in Section 1523.170. Applications will not be accepted by facsimile machine. The Department encourages applications be submitted over the Internet.~~

(Source: Amended at 34 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Certification and Operation of Environmental Laboratories
- 2) Code Citation: 77 Ill. Adm. Code 465
- 3)

<u>Section Numbers</u> :	<u>Proposed Action</u> :
465.100	Repeal
465.120	Amend
465.125	Amend
465.130	Amend
465.140	Amend
465.170	Amend
465.180	Amend
465.200	Amend
465.210	Amend
465.310	Amend
465.320	Amend
465.330	Amend
465.340	Amend
465.350	Amend
465.360	Amend
465.370	Amend
465.380	Amend
465.390	Amend
465.400	Amend
465.420	Amend
465.430	Amend
- 4) Statutory Authority: Authorized by and implementing Section 1401(1)(D) of the Safe Drinking Water Act (42 USC 300f(1)(D)), Subpart C of the National Primary Drinking Water Regulations (40 CFR 141.21 through 141.30), the Illinois Environmental Protection Act [415 ILCS 5] and the Civil Administrative Code of Illinois [20 ILCS 5], and authorized by Sections 4(o) and (p) of the Illinois Environmental Protection Act [415 ILCS 5/4(o) and (p)] and Sections 2310-575, 2310-580, and 2310-30 of the Civil Administrative Code of Illinois [20 ILCS 2310/2310-575, 2310/2310-580, and 2310/2310-30]
- 5) A Complete Description of the Subjects and Issues Involved: The amendments to this Part establish new analytical methods and update versions of previously adopted analytical methods for the testing of microbiological contaminants in drinking water that

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are regulated pursuant to the federal Safe Drinking Water Act (SDWA) (42 USC 300f) and the Illinois Environmental Protection Act [415 ILCS 5/1]. The proposed amendments to this Part reflect the changes to analytical methods for drinking water that were adopted by the US Environmental Protection Agency. The rules have been reorganized in an effort to enhance readability.

The requirement that all certified laboratories must be certified for the heterotrophic plate count procedure has been dropped. In its place are more detailed criteria for facility requirements. Changes have been made to reflect the requirements in the USEPA Manual for the Certification of Laboratories Analyzing Drinking Water, 5th Edition, January 2005.

The economic effect of this proposed rulemaking is unknown. Therefore, the Department requests any information that would assist in calculating this effect.

The Department anticipates adoption of this rulemaking approximately six to nine months after publication of the Notice in the *Illinois Register*.

- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking:

USEPA Manual for the Certification of Laboratories Analyzing Drinking Water, Fifth Edition, January 2005.

Standard Methods for the Examination of Water and Wastewater (18th Edition, 1992, American Public Health Association, 1015 – 15th Street, N.W., Washington, D.C. 20036)

Standard Methods for the Examination of Water and Wastewater (19th Edition, 1995, American Public Health Association, 1015 – 15th Street, N.W., Washington, D.C. 20036)

Standard Methods for the Examination of Water and Wastewater (20th Edition, 1998, American Public Health Association, 1015 – 15th Street, N.W., Washington, D.C. 20036)

- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? Yes

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- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a State mandate.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning this rulemaking within 45 days after the publication of this issue of the *Illinois Register* to:
- Susan Meister
Division of Legal Services
Illinois Department of Public Health
535 W. Jefferson St., 5th floor
Springfield, Illinois 62761
- 217/782-2043
- e-mail: dph.rules@illinois.gov
- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: Laboratories that are certified by the Department to perform microbiological analysis of public water supplies.
- B) Reporting, bookkeeping or other procedures required for compliance: Information must be maintained on each sample received by the laboratory for testing.
- C) Types of professional skills necessary for compliance: For a laboratory supervisor, professional skills necessary include a bachelor's degree, completion of a Department conducted or approved training course, and Department approval to serve as a laboratory supervisor. For a laboratory analyst, necessary skills include a high school diploma and 30 days of on-the-job training.
- 14) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on the Department's most recent regulatory agenda because: the need for these amendments was not known at the time the agenda was proposed.

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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 d: LABORATORIES AND BLOOD BANKS

PART 465
 CERTIFICATION AND OPERATION OF ENVIRONMENTAL LABORATORIES

SUBPART A: GENERAL PROVISIONS

Section

465.100	Authority (Repealed)
465.110	Scope and Applicability
465.120	Definitions
465.125	Incorporated and Referenced Materials
465.130	Certification Procedure
465.140	Conditions Governing the Use of Certificates
465.150	Provisional Certification
465.170	Changes in Ownership or Operations
465.180	Revocation of Certification
465.190	Subcontracting by Certified Laboratories
465.200	Proficiency Testing Samples (PTs) Performance Evaluation Samples/Quality Assurance Samples
465.210	Authority of Certification Officers
465.220	Hearing, Decision and Appeal
465.230	Liability
465.240	Reciprocity Agreements

SUBPART B: MICROBIOLOGICAL ANALYSES
 OF PUBLIC WATER SUPPLY SAMPLES

Section

465.300	Scope and Applicability
465.310	Personnel Requirements
465.320	Laboratory Facilities
465.330	Laboratory Equipment
465.340	Laboratory Glassware, Plastic Ware and Metal Utensils
465.350	General Laboratory Practices
465.360	Methodology
465.370	Sample Collection, Handling and Preservation

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465.380	Standards for Laboratory Pure Water
465.390	General Quality Control Procedures
465.400	Quality Controls for Media, Equipment and Supplies
465.410	Data Handling
465.420	Record Maintenance
465.430	Action Response to Laboratory Results
465.APPENDIX A	Colisure P/A and Colisure Multiple Tube P/A

AUTHORITY: Implementing Section 1401(1)(D) of the Safe Drinking Water Act (42 U.S.C. 300f(1)(D)), Subpart C of the National Primary Drinking Water Regulations (40 CFR 141.21 through 141.30 (1991)), the Illinois Environmental Protection Act [415 ILCS 5] and the Civil Administrative Code of Illinois [20 ILCS 5], and authorized by Sections 4(o) and (p) of the Illinois Environmental Protection Act [415 ILCS 5/4(o) and (p)] and Sections 2310-575, 2310-580, and 2310-30 of the Civil Administrative Code of Illinois [20 ILCS 2310].

SOURCE: Adopted at 22 Ill. Reg. 14294, effective July 15, 1998; amended at 34 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL PROVISIONS

Section 465.100 Authority ~~(Repealed)~~

~~Pursuant to the authority contained in 20 ILCS 2310/55.10 through 55.12 and 20 ILCS 2005/71(D) that authorizes the Illinois Department of Public Health to establish and enforce minimum standards and establish certification procedures for laboratories making examinations in connection with the diagnosis of disease or tests for the evaluation of health hazards, and also to enter into contracts with other public agencies for the exchange of health services that may benefit the health of the people; and pursuant to the authority contained in Section 4(o) and (p) of the Illinois Environmental Protection Act.~~

(Source: Repealed at 34 Ill. Reg. _____, effective _____)

Section 465.120 Definitions

For purposes of this Part unless otherwise specifically defined or the context clearly requires a different meaning:

"Act" means Sections 4(o) and (p) of the Environmental Protection Act [415 ILCS 5/4(o) and (p)].

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"Analyst" means any person who performs analyses for certain or all parameters on samples submitted to the environmental laboratory and who meets the qualifications set forth in Section 465.310(b).

"ASTM" means the American Society for Testing and Materials, West Conshohocken PA, a not-for-profit, voluntary standards development system.

"Certification" means a status of approval granted to an environmental laboratory that meets the criteria established by this Part or in accordance with a reciprocity agreement entered into pursuant to Section 465.240. Certification is not a guarantee of the validity of the data generated.

"Certification Officer" means any person who is designated by the Department to inspect and evaluate environmental laboratories for compliance in meeting the criteria set forth in this Part. Certification officers shall meet the educational and experience qualifications for laboratory supervisors as set forth in Section 465.310(a).

"Department" means the Illinois Department of Public Health.

"Deficiency" means a failure of an environmental laboratory to meet any requirement of this Part.

"Environmental Laboratory" means any facility that performs analyses on environmental samples in order to determine the quality of food, milk, public water supplies, surface water, ground water, recreational waters, wastewater, air, or land.

"Laboratory Pure Water" means water meeting the standards set forth in Section 465.380.

"Laboratory Supervisor" means a person who supervises the performance of the analytical procedures within an environmental laboratory and who meets the qualifications set forth in Section 465.310(a).

"Major Remodeling" means any remodeling of the laboratory facility ~~that~~^{which} requires the acquisition of a local building permit.

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"MUG" means 4-methyl-umbelliferyl-beta-d-glucuronide.

"NIST" means the United States Department of Commerce, Technology Administration, National Institute of Standards and Technology (formerly National Bureau of Standards).

"P-A Coliform Test" means "Presence-Absence Coliform Test".

~~"Parameter" means a microbiological organism.~~

~~"Performance Evaluation Sample (PES)" means a sample used to determine accuracy, prepared either by the Department or an authority recognized by the certifying agency, in which the true value and acceptance limits are unknown to the laboratory at the time of analysis.~~

"Proficiency Testing Samples or "PTs" means samples provided to a laboratory for the purpose of demonstrating that the laboratory can successfully analyze the sample within acceptance limits specified in 40 CFR 141.2 . The qualitative and/or quantitative composition of the reference material is unknown to the laboratory at the time of the analysis.

"Provisional Certification" means a certification status granted to an environmental laboratory in order to allow time for the correction of a deficiency. Failure to correct a deficiency during the provisional certification period allows the Department to revoke certification as specified in Section 465.180. While on provisional certification, an environmental laboratory remains approved for the analyses covered by its certification.

"Public Water Supply" means all mains, pipes and structures through which water is obtained and distributed to the public, including wells and well structures, intakes and cribs, pumping stations, treatment plants, reservoirs, storage tanks and appurtenances, collectively or severally, actually used or intended for use for the purpose of furnishing water for drinking or general domestic use and ~~that~~which serve at least 15 service connections or ~~that~~which regularly serve at least 25 persons at least 60 days per year.

"Quality Assurance" means an integrated system of management activities involving planning, quality control, quality assessment, reporting and quality

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improvement to ensure that a product or service meets defined standards of quality with a stated level of confidence.

"Quality Assurance Plan" means a comprehensive plan detailing the aspects of quality assurance needed to adequately fulfill the data needs of a program. This document is required before the laboratory is certified.

"Quality Control" means the overall system of technical activities whose purpose is to measure and control the quality of a product or service so that it meets the needs of the users; operational techniques and activities that are used to fulfill requirements for quality.

"Readily Accessible" means the referenced item is located upon the premises.

"Standard Methods" means "Standard Methods for the Examination of Water and Wastewater," 21st Edition, 2005, American Public Health Association, 1015 Fifteenth Street, NW, Washington DC 20001, 202-628-8303.

"Standard Operating Procedure" means a written document that details the method of an operation, analysis or action, the techniques and procedures of which are thoroughly prescribed and that is officially approved as the method for performing certain routine or repetitive tasks.

"State" means the Illinois Environmental Protection Agency for Community Public Water Supply samples and Illinois Department of Public Health for Non-Community Public Water Supply samples.

"TNTC" means "too numerous to count" or greater than 200 colonies on the membrane filter in the absence of detectable coliforms when analyzing drinking water for total coliforms.

(Source: Amended at 34 Ill. Reg. _____, effective _____)

Section 465.125 Incorporated and Referenced Materials

a) Abbreviations and short-name listing of references. The following names and abbreviated names, presented in alphabetical order, are used in this Part to refer to materials incorporated by reference:

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- 1) "Colitag[®] Test" means "Colitag[®] Product as a Test for Detection and Identification of Coliforms and E. coli Bacteria in Drinking Water and Source Water as Required in National Primary Drinking Water Regulations," 2004, available from CPI International, 5580 Skylane Boulevard, Santa Rosa CA 95403, 707-525-5788.
- 2) "Membrane Filter Technique using Chromocult Coliform Agar" means Chromocult Coliform Agar Presence/Absence Membrane Filter Test Method for Detection and Identification of Coliform Bacteria and Escherichia coli in Finished Waters, November 2000. Version 1.0, available from EMD Chemicals Incorporated, 480 South Democrat Road, Gibbstown NJ 08027, 800-222-0342.
- 3) "ONPG-Mug Test" (meaning "minimal medium ortho-nitrophenyl-beta-d-galactopyranoside-4-methyl-umbelliferyl-beta-d-glucuronide test"), also called the "Autoanalysis Colilert System," is Method 9223, available in "Standard Methods for the Examination of Water and Wastewater," 21st Edition, 2005, from American Public Health Association, 1015 Fifteenth Street, NW, Washington DC 20001, 202-628-8303.
- 4) "New medium for the simultaneous detection of total coliform and Escherichia Coli in water" by Brenner, K.P., et al., 1993, Applied and Environmental Microbiology 59:3534-3544. EPA Method 1604, which can be found online at www.epa.gov/microbes, is identical.
- 5) "Readycult Coliforms 100 Presence/Absence Test" means "Readycult Coliforms 100 Presence/Absence Test for Detection and Identification of Coliform Bacteria and Escherichia coli in Finished Waters," Version 1.1, 2007, available from EMD Chemicals Incorporated, 480 South Democrat Road, Gibbstown NJ 08027, 800-222-0342.
- 6) "SimPlate Method" means "IDEXX SimPlate[™] HPC Test Method for Heterotrophs in Water," approved under USEPA 40 CFR 141.74, Vol. 97, No. 209, Oct. 29, 2002, and as included in Standard Methods for Water and Wastewater, On-Line Edition, Section 9215E, available from IDEXX Laboratories, Incorporated, One IDEXX Drive, Westbrook ME 04092, 800-321-0207 www.idexx.com.

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- 7) "Standard Methods" means "Standard Methods for the Examination of Water and Wastewater," 21st Edition, 2005 (referred to as "Standard Methods"). American Public Health Association, 1015 Fifteenth Street, NW, Washington DC 20001, 202-628-8303.
- a) The following document is incorporated by reference in this Part: "Standard Methods for the Examination of Water and Wastewater" (18th Edition), American Public Health Association, Washington, D.C., 1992.
- b) The following publications and federal regulations are incorporated by reference:
- 1) Method 9223, Chromogenic Substrate Coliform Test (Proposed), November 2000, Version 1.0. EMD Chemicals Inc. (an affiliate of Merck KGaA, Darmstadt, Germany), 480 S. Democrat Road, Gibbstown NJ 08027-1297. Telephone: 800-222-0342. www.emdchemicals.com
 - 2) "Chromocult Coliform Agar Presence/Absence Membrane Filter Test Method for Detection and Identification of Coliform Bacteria and Escherichia coli in Finished Waters," November 2000, Version 1.0. EMD Chemicals Inc. (an affiliate of Merck KGaA, Darmstadt, Germany), 480 S. Democrat Road, Gibbstown NJ 08027-1297. Telephone: 800-222-0342. www.emdchemicals.com
 - 3) "Readycult Coliforms 100 Presence/Absence Test for Detection and Identification of Coliform Bacteria and Escherichia coli in Finished Waters," November 2000, Version 1.0. EMD Chemicals Inc. (an affiliate of Merck KGaA, Darmstadt, Germany), 480 S. Democrat Road, Gibbstown NJ 08027-1297. Telephone: 800-222-0342. www.emdchemicals.com
 - 4) "IDEXX SimPlate™ HPC Test Method for Heterotrophs in Water," November 2000. IDEXX Laboratories, Inc., One IDEXX Drive, Westbrook, Maine 04092. Telephone: 800-321-0207.
 - 5) United States Environmental Protection Agency - Manual for the Certification of Laboratories Analyzing Drinking Water, 5th edition, January 2005, U.S. Environmental Protection Agency, Ariel Rios Building, 1200 Pennsylvania Avenue, NW, Washington DC 20460, 202-272-0167.

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- 6) Method 1604: Total Coliforms and Escherichia coli in Water by Membrane Filtration Using a Simultaneous Detection Technique (MI Medium), September 2002, known as EPA 821-R-02-024, U.S. Environmental Protection Agency, Ariel Rios Building, 1200 Pennsylvania Avenue, NW, Washington DC, 20460, 202-272-0167.
- 7) Manual for the Certification of Laboratories Analyzing Drinking Water," USEPA 570/9-90/008A, 5th Edition (January 2005). A copy of this manual can be obtained by contacting the U.S. Environmental Protection Agency, Washington DC 20465. This manual, as published and dated, is exclusive of subsequent amendments or editions.
- 8) United States Environmental Protection Agency National Primary Drinking Water Regulations (40 CFR 141), July 2006, U.S. Environmental Protection Agency, Ariel Rios Building, 1200 Pennsylvania Avenue, NW, Washington DC 20460, 202-272-0167.
- 9) Occupational Safety and Health Standards (29 CFR 1910), July 2007, U.S. Department of Labor, Occupational Safety & Health Administration, 200 Constitution Avenue, NW, Washington DC 20210.
- 10) 40 CFR 141, 142, National Primary Drinking Water Regulations; Total Coliforms (Including Fecal Coliforms and E. coli) (June 29, 1989).
- 11) 40 CFR 9, 141, 142, National Primary Drinking Water Regulations: Interim Enhanced Surface Water Treatment (December 16, 1998).
- 12) 40 CFR 9, 141, 142 National Primary Drinking Water Regulations: Ground Water Rule (November 8, 2006).
- 13) Good Automated Laboratory Practices, EPA 2185, Office of Information Management, Research Triangle Park NC 27711, August 10, 1995.

cb) These incorporations~~This incorporation~~ by reference refer~~refers~~ to the edition of the document on the date specified and does not include any subsequent amendments or editions. ~~A copy of this publication is available for public inspection at the Department's central office.~~

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- d) The following laws and rules are referenced in this Part:
- 1) Safe Drinking Water Act (42 USC 300f(1)(D))
 - 2) Civil Administrative Code of Illinois [20 ILCS 5]
 - 3) Illinois Environmental Protection Act [415 ILCS 5]
 - 4) Illinois Plumbing Code, Illinois Department of Public Health (77 Ill. Adm. Code 890)
 - 5) Primary Drinking Water Standards, Pollution Control Board (35 Ill. Adm. Code 611)
 - 6) Electronic Commerce Security Act [5 ILCS 175]
 - 7) Local Records Act [50 ILCS 205]

(Source: Amended at 34 Ill. Reg. _____, effective _____)

Section 465.130 Certification Procedure

- a) An environmental laboratory that meets or exceeds the minimum criteria for certification may receive certification from the Department for any microbiological parameter for which a methodology has been specified in this Part or for which an alternative methodology has been approved in accordance with the provisions of this Part.
- b) The operational aspects of an environmental laboratory that will be evaluated in considering a request for certification are:
 - 1) laboratory facilities,
 - 2) personnel,
 - 3) methodology and instrumentation,
 - 4) data handling, and

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- 5) quality assurance program.
- c) In seeking certification, the petitioning environmental laboratory shall:
- 1) Submit a formal request for certification to the Department;
 - 2) File with the Department on the applicable administrative questionnaires furnished by the Department, if available, or otherwise in a form approved by the Department, ~~providing~~ complete information on the ~~five~~5 categories listed in subsection (b) ~~above~~;
 - 3) Analyze all ~~proficiency testing samples (PTs)~~~~performance evaluation samples/quality assurance samples~~ required in accordance with the applicable Sections of this Part and report the results of ~~those~~~~such~~ analyses to the Department; and
 - 4) Permit and cooperate in an on-site visit by Department-authorized certification officers. Certification officers shall provide the environmental laboratory with official identification and credentials. The initial visit will be arranged at the mutual convenience of both parties. The Department reserves the right to make subsequent visits without prior notice during regular working hours.
- d) Approval or denial of certification may be made only after the procedure described in subsection (c) of this Section has been completed. If all requirements of subsection (c) of this Section are satisfactory, approval will be granted. Denial of certification shall be in the form of a narrative, giving information as to how deficiencies may be corrected, along with a completed survey form on which all deficiencies are clearly identified.
- e) Environmental laboratories in jurisdictions not having reciprocal agreements with the Department under Section 465.240 may receive certification from the Department under this Part and shall pay all of the expenses to be incurred by the Department, including travel expenses, prior to evaluation.

(Source: Amended at 34 Ill. Reg. _____, effective _____)

Section 465.140 Conditions Governing the Use of Certificates

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- a) Certification of environmental laboratories shall be effective for a ~~two-2~~-year period from the date of issue, unless modified or revoked by the Department. Application for timely renewal of certification shall be made to the Department no later than 90 days prior to the applicable expiration date. Approval of a renewal application shall be contingent upon the environmental laboratory meeting all of the factors considered in granting the original certification, including acceptable results on ~~proficiency testing samples (PTs)performance-evaluation samples/quality assurance samples~~ required under this Part. When a certified environmental laboratory has made timely and sufficient application for renewal of certification or certification for additional parameters, the existing certification shall, unless otherwise modified or revoked in accordance with this Part, continue in full force and effect until the final decision of the Department on the application has been made.
- b) Certification shall be limited to those parameters for which an environmental laboratory has been approved and ~~that~~~~which~~ are listed on the certificate of approval.
- c) The certificate of approval shall be posted or displayed in a prominent place in the laboratory facility.
- d) Information related to the certification of an environmental laboratory shall be accurately represented if used in any advertising and shall prominently include the statement that, "Certification by the State of Illinois is not an endorsement or a guarantee of the validity of the data generated." ~~This~~~~Such~~ information shall also specify the parameters for which the environmental laboratory has been certified. The advertising shall not include any representation that the environmental laboratory is certified to perform a type of analysis for which it lacks proper certification.
- e) An environmental laboratory may surrender its certification voluntarily by notifying the Department in writing and returning the certificate.

(Source: Amended at 34 Ill. Reg. _____, effective _____)

Section 465.170 Changes in Ownership or Operations

- a) Certification shall not be transferable. In the event of a change of ownership, director, supervisor, or analyst, or relocation or major remodeling of the physical

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plant of an environmental laboratory, the Department shall be notified in writing within 15 days and shall be provided with the resumes of any new owners, directors, supervisors, and analysts and a description of any relocation or remodeling of the physical plant.

- b) After receiving notification of any of the changes listed in subsection (a) ~~above~~, unless otherwise specified in this Part for a specific parameter, the Department may, as applicable, review the resume of any new owner, director, supervisor, or analyst, require the analysis of ~~PTs performance evaluation samples/quality assurance samples~~ by any new analyst, or make an on-site visit. However, the Department may waive any of these actions if it finds ~~thesueh~~ actions to be unwarranted in a specific case. Examples of when ~~thesueh~~ waivers would be appropriate include the following circumstances:

- 1) Waiver of submittal of a summary of education and experience when personnel transferring from one certified laboratory to another are responsible for dealing with the same analytical methods and equivalent equipment; and
- 2) Waiver of an on-site visit if the pertinent test procedures involve simple techniques and equipment.

(Source: Amended at 34 Ill. Reg. _____, effective _____)

Section 465.180 Revocation of Certification

- a) The Department may revoke all or any part of an environmental laboratory's certification. Any of the following shall be cause for partial or total revocation of certification:
- 1) Expiration of a period of provisional certification, provided the laboratory has not corrected the deficiencies after being placed on provisional certification in accordance with the provisions of Section 465.150;
 - 2) Unsatisfactory analyses of ~~PTs performance evaluation samples/quality assurance samples~~ as specified in Section 465.200;
 - 3) Failure to notify the Department within 15 days after any of the changes listed in Section 465.170 have occurred;

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- 4) Failure to comply with the requirements regarding advertising as specified in Section 465.140(d);
 - 5) Failure to use the analytical methodology specified in this Part or approved in accordance with this Part;
 - 6) Failure to provide notice in accordance with Section 465.150(b) of its status as a provisionally certified environmental laboratory;
 - 7) Falsification of results of testing ~~PTs of performance evaluation samples/quality assurance samples~~ or any other information material to the certification; or
 - 8) When conducting ~~PT~~~~performance evaluation sample~~ analysis in accordance with Section 465.200, failure to provide results proving satisfactory precision and accuracy in ~~two~~ successive samples shall be cause for revocation of certification for the parameter or method that is not within satisfactory limits.
- b) ~~The Department shall take the~~The following factors ~~shall be taken~~ into account ~~by the Department~~ in determining what action should be taken against a certified environmental laboratory for failing to comply with the requirements of this Section:
- 1) The length of time during which the failure has existed;
 - 2) The laboratory's prior record of failures and response in correcting failures noted by the Department;
 - 3) Whether the laboratory knowingly caused or allowed the failure; and
 - 4) The potential effect of the failure on the quality of analytical data generated by the laboratory.

(Source: Amended at 34 Ill. Reg. _____, effective _____)

Section 465.200 Proficiency Testing Samples (PTs)~~Performance Evaluation Samples/Quality Assurance Samples~~

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- a) An environmental laboratory is required to participate in proficiency testing samples (PTs) ~~performance evaluation sample~~ analyses for each analytical parameter or method for which it seeks or wishes to maintain certification in accordance with the certification procedures of Section 465.130(c), the certification renewal procedures of Section 465.140(a), and the quality assurance requirements contained in Subpart B of this Part.
- b) PT samples shall be analyzed annually (every 12 months). PT samples shall be analyzed in the same manner as routine samples. The laboratory shall be able to provide documentation that the analysts analyzing any PT sample is a laboratory employee who routinely analyzes drinking water compliance samples.
- c) Laboratories shall acquire the PT sample from a supplier acceptable to the Department.
- d) For methods used to test the presence or absence of an organism in a sample, each set shall contain ten samples, all shipped at the same time in either a lyophilized, dehydrated, or aqueous state. The set shall include samples, in various combinations, that contain total coliforms, fecal coliforms, E. coli, non-coliforms, and at least one blank. Each set shall be used only with a single analytical method. To be acceptable, a laboratory shall correctly analyze a minimum of nine of ten samples, with no false negative result (i.e., a single false positive result may be acceptable). For quantitative methods, one PT sample may be analyzed.
- e) Unless otherwise specified in Subpart B of this Part, within 60 days after receipt of a PT sample ~~performance evaluation sample~~, the environmental laboratory shall analyze ~~thesueh~~ sample and report the test results to the Department. ~~No~~ There shall be no fee shall be charged to the Department for ~~thesueh~~ analyses.

(Source: Amended at 34 Ill. Reg. _____, effective _____)

Section 465.210 Authority of Certification Officers

Certification officers shall have all of the following authority with regard to environmental laboratories:

- a) To inspect such laboratories in on-site visits and unannounced on-site visits;

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- b) To require the laboratory to provide information regarding the technical operation of ~~thesueh~~ laboratory relevant to certification;
- c) To inspect quality assurance records and any other records pertinent to certification;
- d) To observe and question analysts at work on parameters or methods for which certification is sought; and
- e) To grant or deny certification based upon the completion of the evaluation process.

(Source: Amended at 34 Ill. Reg. _____, effective _____)

SUBPART B: MICROBIOLOGICAL ANALYSES
OF PUBLIC WATER SUPPLY SAMPLES

Section 465.310 Personnel Requirements

- a) The laboratory supervisor shall be a person holding a minimum of a bachelor's degree in microbiology, biology, chemistry, or related natural or physical science field, shall have completed a training course conducted or approved by the Department, and shall have received Department approval to serve as laboratory supervisor. In addition, the laboratory supervisor shall have had a minimum of 80 hours of on-the-job training in water microbiology at a certified laboratory. of one year of bench experience in an environmental laboratory in the area of analytical responsibility and The supervisor shall demonstrate the ability to properly perform representative test procedures under his or her supervision while under observation by the certification officer. A laboratory supervisor shall be a full-time employee who is on-site at the certified laboratory. If the laboratory supervisor position becomes vacant, then a replacement supervisor shall be in place within 60 days.
- b) An analyst is a person who performs microbiological analyses on water, has a minimum of a high school diploma in academic or laboratory oriented vocational courses, and has had a minimum of ~~three~~6 months bench experience in a microbiological analytical laboratory. The analyst shall have a minimum of 30 days of on-the-job training in drinking water microbiology under an experienced analyst. In addition, an analyst shall demonstrate ability to properly perform

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representative test procedures with which he or she is involved while under observation of the certification officer. Analysts shall be under the direct supervision of the laboratory supervisor. Before analyzing compliance samples, the analyst shall demonstrate acceptable results on samples spiked with known culture controls.

- c) The Department may waive the need for the academic training required by this Section, on a case-by-case basis, for highly experienced analysts. The Department may also waive the need for the above-specified training, on a case-by-case basis, for supervisors of laboratories that analyze only samples from drinking water systems with which the laboratory is associated. If a waiver for supervisor is granted, the Department will prepare a written and signed justification for the waiver.
- e) ~~A person who is serving in the laboratory as an approved supervisor or an approved analyst on July 15, 1998 shall be considered to be in compliance with the personnel requirements, respectively, of subsection (a) or (b) of this Section.~~

(Source: Amended at 34 Ill. Reg. _____, effective _____)

Section 465.320 Laboratory Facilities

The laboratory's physical facilities shall meet the following specifications:

- a) A minimum of 150 square feet of floor space shall be provided for each analyst.
- b) Floors shall be covered with asphalt tile, vinyl, concrete, or other impervious, washable surface ~~thatwhich~~, can be easily maintained.
- c) Floor space shall be available for stationary equipment such as autoclaves, incubators, and hot-air sterilization ovens. Storage space that is free of dust and insects shall be provided for the protection of glassware, media, and portable equipment.
- d) Laboratories analyzing potable water, non-potable source water and recreation water, and sewage by microbiological methods shall have at least ~~two~~² separate rooms (a room for potable water, non-potable source water and recreation water, and a room for sewage).

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- e) A separate bench for preparation and sterilization of media, glassware, and equipment shall be provided.
- f) Walls ~~and ceilings~~ shall be covered with waterproof paint, enamel, ceramic tile, or other surface material that provides a smooth finish that is easily cleaned and disinfected. Ceilings shall be maintained in good condition.
- g) A minimum of 6 linear feet of useable bench space, free of equipment, shall be provided for each analyst.
- h) Bench tops shall be stainless steel, epoxy plastic, or other smooth, impervious material that is inert, is corrosion resistant, has a minimum number of seams, and is level.
- i) Laboratory lighting shall be even and provide a minimum of 100 footcandle light intensity at all working surfaces.
- j) The laboratory shall include a sink with hot and cold running water. All water supply outlets shall be protected by a backflow prevention device as specified in the Illinois Plumbing Code (77 Ill. Adm. Code 890).
- k) Laboratories shall be well ventilated and free of dusts, drafts, and extreme temperature changes. Central air-conditioning is recommended to reduce contamination, permit more stable operation of incubators, and decrease moisture problems with media and analytical balances. The temperature within the laboratory shall be maintained at between 60° and 80° F.
- l) An adequate electrical supply for operation of instruments and mechanical needs shall be provided. The certification officer may require verification from an official inspector or other qualified person that the laboratory meets local and national electrical codes.
- m) All electrical outlets shall be properly grounded.
- n) Instruments shall be properly grounded with an internal or external regulated power supply available to each instrument.
- o) All plumbing shall comply with the Illinois Plumbing Code or any local plumbing code that is more stringent than the Illinois Plumbing Code. The certification

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officer may require verification from an official inspector or other qualified person that the laboratory meets such codes.

- p) The laboratory shall include a vacuum source for use in membrane filter procedures.
- q) The laboratory shall be located in an area sufficiently free from noise and vibrations to prevent interference with its functions.
- r) The laboratory shall have a readily available source of laboratory pure water.
- s) The laboratory shall not be located within a structure that is used as a residence.
- t) No mobile laboratories shall be allowed.
- u) The laboratory shall have provisions for the disposal of microbiological waste.

(Source: Amended at 34 Ill. Reg. _____, effective _____)

Section 465.330 Laboratory Equipment

Only those instruments that are needed to analyze for the parameters for which the laboratory is being certified are required, but those instruments shall meet the following minimum specifications. A laboratory performing all the analyses described in Section 465.360 shall have, or have access to, within the same building, all of the equipment listed in this Section with the minimum specifications cited.

- a) A top loading or trip pan balance shall be clean, not corroded, and provided with standardized Class S or S-1, or equivalent ASTM 1, 2, or 3, weights, certified by the manufacturer as meeting the requirements established by NIST. The certificate of accuracy shall accompany the weights.
 - 1) A torsion or trip pan balance used for weighing materials of 2 grams or more shall detect 100 mg of weight accurately at a 150 gram load.
 - 2) An analytical balance used for weighing quantities of less than 2 grams shall be sensitive to 1 mg at a 10 gram load.
- b) A magnetic stirrer shall be capable of achieving variable speeds and shall be used

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with a Teflon-coated stirring bar. The magnetic stirrer may be equipped with a heating element.

- c) A pH meter shall have an accuracy of at least ± 0.1 units and a scale readability of at least ± 0.1 units. The pH meter may be either line/bench or battery/portable operated.
- d) A conductivity meter and cell combination, suitable for checking laboratory pure water quality, shall be readable in ohms or mhos, and have a range capable of determining the conductivity or resistivity of laboratory pure water as described in Section 465.380(a) of up to 2.5 megohm-cm resistivity (conductivity down to 0.4 micromhos/cm) $\pm 1\%$. The conductivity meter may be either line/bench or battery/portable operated.
- e) An autoclave shall be horizontal-chambered and shall meet all of the following specifications:
- 1) When observed during the operational cycle or when time-temperature charts are read, the autoclave shall be in good operating condition;
 - 2) An operating safety valve shall be included;
 - 3) Separate temperature and pressure gauges shall be located on the exhaust side;
 - 4) The autoclave shall reach and maintain a temperature of $121^\circ \pm 1^\circ \text{C}$ during the sterilization cycle, and no more than 45 minutes shall be required for a complete cycle of carbohydrate media; ~~and~~
 - 5) Depressurization shall not produce gas bubbles in fermentation media; and-
 - 6) Pressure cookers shall not be used.
- f) A hot-air sterilization oven shall operate at a minimum of 175°C , shall be equipped with a thermometer inserted through the top porthole or be equipped with a temperature-recording device, and shall be equipped with a thermostatic control that will not allow the temperature to deviate by more than $\pm 5^\circ \text{C}$ from the temperature setting.

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- g) An incubation unit shall maintain an internal temperature of $35^{\circ} \pm 0.5^{\circ}$ C or $44.5^{\circ} \pm 0.2^{\circ}$ C and shall be of the following type: air or water jacketed incubator, incubator room, ~~water bath~~~~waterbath~~, or aluminum block incubator. Incubation units of the aluminum block type shall have culture dishes and tubes that are snug fitting in the block. Water baths shall be circulating with covers. Laboratories that use the enzyme substrate tests with air-type incubators shall note the product incubation details indicated in Section 465.360(h)(7).
- h) An ultraviolet (UV) sterilizer shall be free from radiation leaks and shall be UV efficiency tested quarterly as described in "Standard Methods for the Examination of Water and Wastewater." Proper eye protection shall be available for users of the ultraviolet sterilizer. The ultraviolet sterilizer shall not be used as a substitute for an autoclave. The unit shall be disconnected monthly and the lamps cleaned by wiping with a soft cloth moistened with ethanol.
- i) A refrigerator shall maintain a temperature of between 1° and ~~5°~~ ~~4.4°~~ C and shall be equipped with a thermometer located on the top shelf. The thermometer shall be graduated in not greater than 1° C increments, and the thermometer bulb shall be immersed in liquid.
- j) An agar tempering water bath shall be of appropriate size for holding melted medium and shall be thermostatically controlled at $45^{\circ} \pm 1^{\circ}$ C.
- k) The following standards shall apply to temperature~~ing~~ monitoring devices:
- 1) Glass or electronic thermometers shall be graduated in not greater than 0.5° C units for use in 35° C incubators.
 - 2) Glass or electronic thermometers shall be graduated in not greater than 0.2° C units for use in 44.5° C ~~water baths~~~~waterbaths~~ or aluminum block type incubators.
 - 3) Glass or electronic thermometers shall be graduated in not greater than 1.0° C units for use in 55° to 65° C incubators.
 - 4) Electronic thermometers with thermocouplings and continuous temperature~~ing~~ recording devices shall be sensitive to not greater than 0.5° C when used on 35° C incubators, shall be sensitive to not greater than 0.2°

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C when used for 44.5° C ~~water baths~~ or aluminum block type incubators, and shall be sensitive to not greater than 1° C when used on 55° to 65° C incubators.

- 5) An NIST certified thermometer, or one of equivalent accuracy graduated in 0.2° C or less, shall be available for calibration use and shall be accompanied by its certification papers and procedures for use. ~~All~~ Unless otherwise specified in this Subpart C, all thermometers and temperature-recording devices shall be calibrated annually at temperature of use against ~~thesuch~~ certified thermometer to within $\pm 1.0^\circ$ C. NIST thermometers shall be calibrated at least every five years at each temperature of use.
- 6) Each laboratory shall have a maximum registering thermometer in the range of ~~80°~~ 90° to 200° C graduated in increments no greater than 1° C.
- 7) Each laboratory shall use separate thermometers for determining the temperatures of ~~water baths~~, ovens, autoclaves, samples, refrigerators, storage areas, etc.
- 8) The liquid column of glass thermometers shall have no separations.
- 9) Dial thermometers are not permitted.
- l) Optical counting equipment shall include a low-power magnification device of the dissecting or stereomicroscope type with a magnification power of 10 to 15 diameters, and an external daylight fluorescent light source for sheen discernment at an angle of 60° to 80° above the colonies.
- m) A mechanical hand tally shall be available for counting colonies on membrane filters or agar pour plates.
- n) Where metal inoculation loops are used, loops shall be of 22 to 24 gauge chrome, or platinum-iridium wire, with loop diameters of at least 3 mm. Hot-air sterilized wooden applicator sticks, pre-sterilized cotton swabs or pre-sterilized plastic loops may be used.
- o) Membrane filter equipment shall be non-leaking, uncorroded, and made of stainless steel, glass, or autoclavable plastic. Metal plating on membrane filter

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equipment shall not be worn so as to expose base metal. Calibration shall be checked before first use with Class A graduated cylinders, and a record shall be maintained. Tolerance shall be $\pm 2.5\%$.

- p) Membrane filters shall be white, grid marked, 47 mm diameter, with 0.45 micron pore size, and made from cellulose ester materials. Another pore size may be used if the manufacturer gives performance data equal to or better than the 0.45 micron membrane filter. Membrane filters shall be autoclavable or presterilized.
- q) Absorbent pads shall be of uniform thickness to permit 1.8 to 2.2 ~~mL~~ media absorption and shall be autoclavable or presterilized. Filter paper shall be free from growth-~~inhibiting-inhibitory~~ substances.
- r) Forceps used to handle membrane filters and absorbent pads shall have a round tip without corrugations.

(Source: Amended at 34 Ill. Reg. _____, effective _____)

Section 465.340 Laboratory Glassware, Plastic Ware and Metal Utensils

- a) Except for disposable plastic ware, items shall be resistant to effects of corrosion, high temperature, and vigorous cleaning operations. Metal utensils made of stainless steel are preferred. Plastic items shall be of inert, non-toxic material and shall retain accurate graduations or calibration marks after repeated autoclaving. Glassware ~~that~~ which is used for purposes that may subject it to damage from heat or chemicals shall be of borosilicate glass. All glassware shall be free of chips, cracks, or excessive etching. All volumetric glassware shall be Class A, denoting that it meets federal specifications and is certified by the manufacturer as meeting the standards established by the American Society for Testing and Materials (ASTM).
- b) Graduated cylinders for measurement of sample volumes shall have a tolerance of 2.5% or less. Precalibrated sample containers shall have clearly marked volumes of 2.5% tolerance. The calibration of each precalibrated sample container shall be checked before first use by measuring the volume of 10 calibrated containers per lot.
- c) Media-preparation utensils shall be of borosilicate glass or stainless steel, and shall be clean and free from foreign residues or dried medium.

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- d) Micropipettors (also referred to as Mechanical Pipettors or Pipettors) Pipets and pipettors shall meet the specifications set forth in "Standard Methods for the Examination of Water and Wastewater." Pipets delivering volumes of 10 mL or less shall be accurate to within a 2.5% tolerance. Micropipettors shall be fixed volume and calibrated. Micropipettors shall be used with tips that are sterile. Micropipettors shall be calibrated annually and replaced if the precision or accuracy is greater than 2.5% tolerance. Micropipettors shall be calibrated with 10 consecutive weighings annually (using a separate tip for each weighing), and the average of all 10 weighings shall be $\pm 2.5\%$ of specified delivery volume. For volumes ≥ 1.0 mL, check volume by using a Class A graduated cylinder. Containers for glass pipets shall be of either stainless steel or aluminum. Opened packages of sterile disposable pipets shall be securely resealed between uses. A pipet aid shall be used when using pipets; mouth pipetting is prohibited.
- e) Culture dishes shall be sterile and shall be of the tight-lid or loose-lid plastic, or loose-lid glass, type. In addition, culture dishes shall be of 100 mm x 15 mm (for Plate Count), 50mm x 12 mm, ~~or 60 mm x 15 mm~~ size, or other appropriate size (for membrane filter methods), and shall be clear, flat bottomed, and free from bubbles ~~and/or scratches or both~~. Containers for culture dishes shall be of aluminum or stainless steel, or culture dishes shall be wrapped in heavy aluminum foil or char-resistant paper. Open packages of sterile disposable culture dishes shall be securely resealed between uses. Loose-lid dishes shall be incubated in a tight-fitting container, e.g., a plastic vegetable crisper containing a moistened paper towel, to prevent dehydration of membrane filter and medium.
- f) Culture tubes shall be of borosilicate glass or other corrosion-resistant glass, and shall be of sufficient size to contain culture medium, as well as the sample portions employed, without being more than three-fourths full. Culture tube closures shall be loose-fitting stainless steel, or plastic caps, or aluminum caps, or plastic screw caps with non-toxic liners. Cotton plugs and foam plugs shall not be used.
- g) Dilution bottles shall be of borosilicate glass or other corrosion-resistant glass or autoclavable plastic and shall be free of chips and cracks at the lip. A graduation level shall be distinctly marked on the side of dilution bottles at 99 mL. Dilution bottle closures shall be plastic screw caps with ~~leak-proof~~ leakproof liners and shall not produce toxic substances during the sterilization process. The accuracy of dilution blank volumes shall be verified by checking one bottle for

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every 25 prepared or purchased. The tolerance shall be ±2 mL for a 99-mL volume.

- h) Sample bottles shall be sterile, of plastic or hard glass, and wide mouthed, and shall have a capacity of at least 120 mL (4 oz.) to allow at least a 1-inch head space.~~ml capacity.~~ Sample bottle closures shall be glass stoppers or screw caps (metal or plastic), capable of withstanding repeated sterilization, with leak-proof~~leakproof~~ liners, and shall not produce toxic substances during the sterilization process. Glass-stoppered bottle closures shall be covered with aluminum foil or char-resistant paper for sterilization. Metal caps with exposed bare metal on the inside shall not be used. Presterilized bags, with or without a dechlorinating reagent, may be used.

(Source: Amended at 34 Ill. Reg. _____, effective _____)

Section 465.350 General Laboratory Practices

- a) The following requirements~~standards~~ shall apply to sterilization procedures:
 - 1) Autoclaving of the following items shall be carried out at 121° ± 1° C for the durations specified below:

Item	Minimum duration of autoclaving at 121° ± 1° C
Membrane filters and pads	10 minutes
Carbohydrate-containing media (lauryl tryptose, brilliant green lactose bile broth, etc.)	12-15 minutes
Contaminated materials and discarded tests	30 minutes
Membrane filter assemblies (wrapped), sample collection bottles (empty), and individual glassware items	15 minutes

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- | | |
|--|---|
| Rinse water volumes of 500 mL to 1000 mL | 45 minutes |
| Rinse water volumes in excess of 1000 mL | Time adjusted for volume; check for sterility |
| Dilution water blanks | 15 minutes |
- 2) Membrane filters and pads and all media shall be removed from the autoclave immediately after completion of the sterilization cycle.
 - 3) The maximum elapsed time for exposure of carbohydrate-containing media to any heat (from the time of closing the loaded autoclave to unloading) shall be 45 minutes.
 - 4) Membrane filter assemblies shall be autoclaved between each sample filtration series. ~~A filtration series ends when 30 minutes or more have elapsed between sample filtrations.~~ A UV sterilizer or boiling water may be used on membrane filter assemblies for at least ~~two~~2 minutes to prevent bacterial ~~carryover~~carry-over between sample filtrations, but shall not be used as a substitute for autoclaving between sample filtration series.
 - 5) Dried glassware to be sterilized in a hot-air sterilizing oven shall be kept at $175^{\circ} \pm 5^{\circ} \text{C}$ for at least 2 hours.
 - 6) Empty sample containers shall be moistened with several drops of distilled water before autoclaving to prevent an "airlock" sterilization failure.
- b) Laboratory pure water, which may be distilled ~~or~~ deionized, or other processed water, shall meet the standards set forth in Section 465.380. Only water determined to be laboratory pure water shall be used for performing bacteriological analyses.
 - c) Rinse and dilution water shall be prepared in the following manner:
 - 1) A stock phosphate buffer solution of potassium dihydrogen phosphate (KH_2PO_4) and a magnesium chloride solution shall be prepared as specified in "Standard Methods for the Examination of Water and

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Wastewater." The pH of stock phosphate buffer solution is 7.2 ± 0.5 .

- 2) The phosphate buffer solution and magnesium chloride solution shall be autoclaved or filter sterilized, labeled, dated, and stored at 1° to $5^{\circ}4.4^{\circ}$ C.
 - 3) The stored stock phosphate buffer solution and magnesium chloride solution shall be free of turbidity.
 - 4) Rinse and dilution water shall be prepared by adding 1.25 mL of stock phosphate buffer solution and 5.0 mL of magnesium chloride solution per liter of laboratory pure water.
 - 5) Alternatively, commercially prepared phosphate buffer and magnesium chloride solution may be used when preparing rinse and dilution water. The date received, expiration date, proof of sterility, and pH of phosphate buffer shall be recorded. Check each batch of prepared or each lot of commercial dilution/rinse water for sterility by adding 50 ml of water to 50 ml of double strength, nonselective broth. Incubate at $35.0^{\circ} \pm 0.5^{\circ}$ C for 24 hours and check for growth.
 - ~~6) Check each batch of prepared or each lot of commercial dilution water blanks for pH; pH shall be 7.2 ± 0.2 .~~
 - ~~7) Check 1 of 25 dilution water blanks per batch of prepared or lot of commercial dilution water blanks for volume using a Class A graduated cylinder or a MacCaffrey flask. Volume must be $99 \text{ ml} \pm 2 \text{ ml}$.~~
- d) The following minimum requirements~~standards~~ shall be met for storing and preparing media:
- 1) Laboratories shall use commercial dehydrated media or commercially manufactured prepared media for routine bacteriological procedures.
 - 2) All media shall be prepared according to the media specifications of "Standard Methods for the Examination of Water and Wastewater."
 - 3) Dehydrated media containers shall be kept tightly closed and stored in a cool, dry location. Discolored or caked dehydrated media shall not be used.

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- 4) All water used shall be laboratory pure water.
- 5) Dissolution of the media shall be completed before dispensing to culture tubes or bottles.
- ~~6) Membrane filter broths and agar media shall be heated in a boiling water bath or, if constantly attended, a hot plate with a stir bar, until completely dissolved. The medium shall not be boiled. Denatured ethanol shall not be used.~~
- ~~7) Membrane filter broths shall be stored and refrigerated no longer than 96 hours prior to use. Membrane filter agar media shall be stored in a refrigerator, and used within 2 weeks after preparation. Prepared plates shall be stored in sealed plastic bags or containers to minimize evaporation.~~
- ~~68) Multiple Tube Fermentation (MTF) media, when prepared in tubes with loose-fitting caps, shall be used within one week after preparation. If MTF media are refrigerated after sterilization, they shall be incubated overnight at 35° C to confirm usability. Tubes of MTF media showing growth or gas bubbles shall be discarded. Refrigerated M Endo agar LES shall be used within two weeks after refrigeration or discarded.~~
- ~~79) MTF media in screw cap containers may be held up to three months, provided the media are stored in the dark and evaporation does not exceed 1.0 mL per 10 mL total volume.~~
- ~~10) Heterotrophic plate count agar in screw cap containers shall be stored and refrigerated no longer than 3 months.~~
- ~~81) Commercially prepared media may be used, provided the media has been prepared in a microbiological water laboratory certified by the regulatory agency having responsibility for laboratory certification in the states where media is manufactured. The laboratory using the media shall record the date received, type of medium, lot number, sample performance when checked against cultures known to give positive and negative results, and pH verification. Media shall be discarded by the manufacturer's expiration date.~~

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- ~~912~~) Each new lot of dehydrated or prepared commercial medium and each batch of laboratory prepared medium shall be checked before use for sterility and against a lot that has previously tested to be acceptable with positive and negative ~~samples or~~ culture controls. Control organisms (total coliform, fecal coliform, and/or E. coli, as appropriate) shall be either known stock cultures (periodically checked for purity) or commercially available cultures impregnated with the organism. Results shall be recorded. The following table identifies a few positive and negative culture controls that laboratories might consider. In addition, each batch of laboratory prepared medium shall include positive and negative culture controls. These control organisms shall be either stock cultures (periodically checked for purity) or commercially available disks impregnated with the organism. Results shall be recorded.

<u>Group</u>	<u>Positive Culture Control¹</u>	<u>Negative Culture Control¹</u>
<u>Total Coliforms</u>	<u>Escherichia coli</u> <u>Enterobacter aerogenes</u>	<u>Staphylococcus aureus</u> <u>Proteus vulgaris</u> <u>Pseudomonas aeruginosa</u>
<u>Fecal Coliforms</u>	<u>Escherichia coli</u> <u>Klebsiella pneumoniae</u> <u>(thermotolerant)</u>	<u>Enterobacter aerogenes</u>
<u>E. coli</u>	<u>Escherichia coli</u> <u>(MUG-positive strain)</u>	<u>Enterobacter aerogenes</u> <u>Klebsiella pneumoniae</u> <u>(thermotolerant)</u>
<u>Enterococci</u>	<u>Enterococcus faecalis</u> <u>Enterococcus faecium</u>	<u>Staphylococcus aureus</u> <u>E. coli</u> <u>Serratia marcesens</u>

- 10) Examples of appropriate American Type Culture Collection strains include the following:

Enterococcus faecalis ATCC 11700
Enterobacter aerogenes ATCC 13048
Klebsiella pneumoniae ATCC 13883
(thermotolerant)
Pseudomonas aeruginosa ATCC
27853
Staphylococcus aureus ATCC 6538

Enterococcus faecium ATCC 6057
Escherichia coli ATCC 8739 or 25922
Proteus vulgaris ATCC 13315
Serratia marcesens ATCC 14756

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- ~~13) Preparation of ONGP-MUG medium from basic ingredients by the laboratory is not permitted. Medium shall be protected from light. Ingredients and containers supplied by manufacturers are sterile and shall not be autoclaved.~~
- ~~14) Each lot of fluorogenic medium shall be checked before use with a 366 nm ultraviolet light with a 6-watt bulb. If the media exhibit faint fluorescence, the laboratory shall use another lot that does not fluoresce. Records shall be maintained in accordance with Section 465.420.~~
- ~~15) If the Quanti-Tray or Quanti-Tray 2000 test is used, the sealer shall be checked monthly by adding a dye (e.g., bromeresol purple) to the water. If dye is observed outside the wells another sealer shall be obtained. Records shall be maintained.~~

(Source: Amended at 34 Ill. Reg. _____, effective _____)

Section 465.360 Methodology

~~A laboratory shall be certified for all analytical methods listed below that it uses for compliance purposes. At a minimum, the laboratory shall be certified for one total coliform method and one fecal coliform or E. coli method. In addition, for laboratories that may enumerate heterotrophic bacteria (as measured by the Heterotrophic Plate Count) for compliance with the Surface Water Treatment Rule (SWTR), the laboratory shall be certified for either the Pour Plate Method or the SimPlate method for heterotrophic bacteria. A laboratory must be certified for all analytical methods listed below that it uses. At a minimum, the laboratory must be certified for one total coliform method; one fecal coliform or E. coli method; and the pour plate method for heterotrophic bacteria.~~

- a) The following methodology, as specified in the listed references, shall be followed for individual parameters:

Method References

<u>Approved Methods</u>	<u>Media</u>	<u>Method¹ Citation</u>	<u>TCR² (Detect)</u>	<u>SWTR² (Count)</u>	<u>New Main Construction² (Detect)</u>	<u>GWR² (Detect)</u>
<u>Total Coliforms</u>						

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<u>Approved Methods</u>	<u>Media</u>	<u>Method¹ Citation</u>	<u>TCR² (Detect)</u>	<u>SWTR² (Count)</u>	<u>New Main Construction² (Detect)</u>	<u>GWR² (Detect)</u>
<u>Fermentation broth method</u>	<u>LTB→BGLB Broth</u>	<u>SM¹ 9221B,C</u>	<u>X</u>	<u>X</u>	<u>X</u>	
	<u>P-A Broth → BGLB Broth</u>	<u>SM¹ 9221D</u>	<u>X</u>			
<u>Enzyme substrate method</u>	<u>Colilert[®], Colilert-18[®]</u>	<u>SM¹ 9223</u>	<u>X</u>	<u>X</u>		
	<u>Colisure[®]</u>	<u>SM² 9223</u>	<u>X</u>			
	<u>Readycult[®] or Fluorocult LMX[®]</u>		<u>X</u>			
	<u>E*Colite[®]</u>		<u>X</u>			
	<u>Colitag[®]</u>		<u>X</u>			
<u>Membrane filter method</u>	<u>M-Endo or LES-Endo → LTB, BGLB Broth</u>	<u>SM¹ 9222B,C</u>	<u>X</u>	<u>X</u>	<u>X</u>	
	<u>MI Medium</u>	<u>EPA Method 1604</u>	<u>X</u>	<u>X</u>		
	<u>m-ColiBlue24[®]</u>		<u>X</u>			
	<u>Chromocult[®]</u>		<u>X</u>			
	<u>Coliscan[®]</u>		<u>X</u>	<u>X</u>		
<u>Fecal Coliforms</u>						
<u>Fermentation broth method</u>	<u>LTB or P/A broth → EC broth</u>	<u>(SM¹ 9221B,D) SM¹ 9221E</u>	<u>X</u>	<u>X</u>		

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<u>Approved Methods</u>	<u>Media</u>	<u>Method¹ Citation</u>	<u>TCR² (Detect)</u>	<u>SWTR² (Count)</u>	<u>New Main Construction² (Detect)</u>	<u>GWR² (Detect)</u>
	<u>A-1 broth</u>	<u>SM¹ 9221E</u>		<u>X</u>		
<u>Membrane filter method</u>	<u>M-Endo medium → EC broth</u>	<u>(SM¹ 9222B) SM¹ 9221E</u>	<u>X</u>	<u>X</u>		
	<u>mFC</u>	<u>SM¹ 9222D</u>		<u>X</u>		
<u>Escherichia coli</u>						
<u>Enzyme substrate method</u>	<u>Colilert[®] or Colilert-18[®]</u>	<u>SM¹ 9223</u>	<u>X</u>			<u>X</u>
	<u>Colisure[®]</u>	<u>SM² 9223</u>	<u>X</u>			<u>X</u>
	<u>E*Colite[®]</u>		<u>X</u>			<u>X</u>
	<u>Readycult[®] or Fluorocult LMX[®]</u>		<u>X</u>			
	<u>LTB, P/A broth, M-Endo → EC-MUG</u>	<u>(SM¹ 9221B,D; SM¹ 9222B) SM¹ 9221F</u>	<u>X</u>			<u>X</u>
	<u>Colitag[®]</u>		<u>X</u>			
<u>Membrane filter method</u>	<u>MI Medium</u>	<u>EPA Method 1604</u>	<u>X</u>			<u>X</u>
	<u>m-ColiBlue24[®]</u>		<u>X</u>			<u>X</u>

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<u>Approved Methods</u>	<u>Media</u>	<u>Method¹ Citation</u>	<u>TCR² (Detect)</u>	<u>SWTR² (Count)</u>	<u>New Main Construction² (Detect)</u>	<u>GWR² (Detect)</u>
	<u>Chromocult[®]</u>		<u>X</u>			
	<u>Coliscan[®]</u>		<u>X</u>			
	<u>M-Endo or LES Endo → NA-MUG</u>	<u>(SM¹ 9222B)</u> <u>SM¹ 9222G</u>	<u>X</u>			<u>X</u>
<u>Heterotrophic Bacteria</u>						
<u>Pour plate method</u>	<u>Plate count agar</u>	<u>SM¹ 9215B</u>		<u>X</u>		
<u>Multiple enzyme substrate</u>	<u>SimPlate[®]</u>			<u>X</u>		
<u>Pour plate, spread plate, or membrane filter methods</u>	<u>R2A</u>		<u>X³</u>			

¹ SM = Standard Methods for the Examination of Water and Wastewater, 18th, 19th or 20th edition.

MC = "Manual for the Certification of Laboratories Analyzing Drinking Water," USEPA 570/9-90/008A, 5th Edition (January 2005). A copy of this manual can be obtained by contacting the U.S. Environmental Protection Agency, Washington DC 20465. This manual as published and dated is exclusive of subsequent amendments or editions.

² TCR = Total Coliform Rule (40 CFR 141.21(f)), SWTR=Surface Water Treatment Rule (40 CFR 141.74(a)), New Main Construction (see 35 Ill. Adm. Code 652.203(b)). GWR = Ground Water Rule (40 CFR 141.402).

³ For possible use if system operates under a variance to the TCR.

Method References

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Type of water	Parameter	Methodology	Reference [a]
Potable	Total Coliforms	Standard total coliform MTF & PA tests [b]	a
Potable	Total Coliforms	Standard total coliform membrane filter procedure	a
Potable	Fecal Coliforms	EC verification	a
Potable or Non-potable	Fecal Coliforms	Fecal coliform MTF procedure	a
Non-potable	Fecal Coliforms	Fecal coliform membrane filter procedure	a
Potable and Non-potable	Bacterial Total Count	Heterotrophic plate count	a
Potable and Non-potable	Total fecal Coliform and E. coli	ONPG-MUG	a & e
Potable and Non-potable	Total fecal Coliform and E. coli	Colisure	See Appendix A

NOTES:

a. ~~"Standard Methods for the Examination of Water and Wastewater."~~

b. ~~Excluding the gram-stain technique.~~

e. ~~"Manual for the Certification of Laboratories Analyzing Drinking Water," USEPA 570/9-90/008A, 4th Edition (March 1997). A copy of this manual~~

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~~can be obtained by contacting the U.S. Environmental Protection Agency, Washington, D.C. 20465. This manual as published and dated is exclusive of subsequent amendments or editions.~~

- b) ~~Laboratories shall perform parallel testing between a newly approved test and another EPA-approved procedure for enumerating total coliforms. The laboratory shall conduct at least 25 parallel tests between methods using waters normally tested. Results between methods shall vary by less than 10%. The membrane filter procedure is preferred for the analysis of potable waters, because it permits analysis of large sample volumes in reduced analysis time. The membranes should show good colony development over the entire surface. The golden green metallic sheen colonies should be counted and recorded as the coliform density per 100 ml of water sample.~~
- c) ~~Water samples shall be shaken vigorously at least 25 times in a complete up and down or back and forth movement. The following requirements for reporting any problems with public water supply sample results shall be observed:~~
- ~~1) Invalidate all samples resulting in confluent growth or TNTC (too numerous to count). Record as "confluent growth" or "TNTC" and request an additional sample from the same sampling site. Confluent growth is defined as a continuous bacterial growth, without evidence of total coliforms, covering the entire membrane filter. TNTC is defined as greater than 200 colonies on the membrane filter in the absence of detectable coliforms. A sample shall not be invalidated when the membrane filter contains at least one total coliform colony.~~
 - ~~2) A laboratory that has elected to use the MTF or PA procedures must invalidate samples that produce turbid cultures in the absence of gas production (MTF) or an acid reaction (PA). A sample shall not be invalidated if coliform is indicated.~~
- d) Sample volume analyzed for total coliforms in drinking water shall be 100 mL.
- e) Fermentation broth methods. The water level of the water bath shall be above the upper level of the medium in the culture tubes.
- f) Multiple Tube Fermentation Technique (for detecting total coliforms in drinking water and enumerating total coliforms in source water)

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- 1) For drinking water samples: Various testing configurations can be used (Standard Methods 9221B), as long as a total sample volume of 100 mL is examined for each test.
 - 2) For source water samples: Laboratories shall use at least three series of five tubes each with appropriate sample dilutions of source water (e.g., 0.1 mL, 0.01 mL, 0.001 mL).
- g) Media
- 1) Lauryl tryptose broth (LTB) (also known as lauryl sulfate broth) shall be used in the presumptive test and 2% brilliant green lactose bile broth (BGLBB) in the confirmed test. Lactose broth (LB) may be used in lieu of LTB (40 CFR 141.21(O)(3)) if the laboratory conducts at least 25 parallel tests between this medium and LTB using the waters normally tested, and if this comparison demonstrates that the false positive rate and false negative rate for total coliforms, using LB, is less than 10%. This comparison shall be documented and the records retained. The final pH shall be 6.8 ± 0.2 for LTB, and 7.2 ± 0.2 for 2% BGLBB.
 - 2) The test medium concentration shall be adjusted to compensate for the sample volume so that the resulting medium after sample addition is single strength. Optionally, if a single 100-mL sample volume is used, the inverted vial shall be replaced with an acid indicator (bromocresol purple) to prevent problems associated with gas bubbles in large inverted tubes. The media shall be autoclaved at 121° C for 12 to 15 minutes.
 - 3) Sterile medium in tubes shall be examined to ensure that the inverted vials, if used, are free of air bubbles and are at least one-half to two-thirds covered after the water sample is added.
 - 4) After the medium is inoculated, it shall be incubated at $35^{\circ} \pm 0.5^{\circ}$ C for 24 ± 2 hours. If no gas or acid is detected, it shall be incubated for another 24 hours (total incubation time 48 ± 3 hours).
 - 5) Each 24- and 48-hour tube that contains growth, acid, or gas shall be confirmed using 2% BGLBB. A completed test is not required.

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- 6) For drinking water samples: Each total coliform positive sample shall be tested for the presence of either fecal coliforms or E. coli.
- h) Invalidation of total coliform-negative samples
- 1) For drinking water samples: All samples that produce a turbid culture (i.e., heavy growth) in the absence of gas/acid production, in LTB or LB, shall be invalidated. The laboratory shall collect, or request that the system collect, another sample from the same location as the original invalidated sample within 24 hours. (Before invalidation, the laboratory may perform a confirmed test and/or a fecal coliform/E. coli test on the total coliform-negative culture to check for coliform suppression. If the confirmed test is coliform positive or fecal coliforms/E. coli are detected, the sample shall be reported as such. A fecal coliform/E. coli-positive result is considered a total coliform positive, fecal coliform/E. coli-positive sample, even if the presumptive or confirmed total coliform test is negative. If the follow-up test or tests are negative, the sample shall be invalidated because high levels of non-coliform bacteria in the presumptive tubes may have injured, killed, or suppressed the growth of any coliforms in the sample.)
- 2) For source water samples: All samples that produce a turbid culture (i.e., heavy growth) in the absence of gas/acid production, in LTB or LB, shall be invalidated. The laboratory shall collect, or request that the system collect, another sample from the same location as the original invalidated sample. (Before invalidation, the laboratory may perform a confirmed test on the total coliform-negative culture. If the confirmed test is total coliform positive, the MPN shall be reported. If the test is total coliform negative, the sample shall be invalidated.)
- i) Enzyme (chromogenic/fluorogenic) substrate tests
- 1) For detecting total coliforms and E. coli in drinking water samples, a laboratory may use the MMO-MUG test (Colilert), Colisure test, E*Colite test, ReadyCult Coliforms 100 Presence/Absence Test (or Fluorocult LMX Broth test), or Colitag test. These tests, known as enzyme substrate tests, may be available in various configurations. For enumerating total coliforms in source water, a laboratory may use the Colilert test. If a laboratory uses a fermentation method to detect total coliforms in drinking water, and the sample is total coliform positive, the laboratory may

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transfer the positive culture to the EC+MUG test to detect E. coli, but not to any other enzyme substrate test medium in this Section.

- 2) Media shall not be prepared from basic ingredients, but rather from a commercially available source.
- 3) Media shall be protected from light.
- 4) Some lots of enzyme substrate media have been known to fluoresce. Each lot of medium shall be checked before use with a 365-366 nm ultraviolet (UV) light with a 6-watt bulb. For checking Colilert, Colilert-18, Colisure, ReadyCult/Fluorocult LMX, and Colitag media, a packet of medium shall be dissolved in sterile water in a non-fluorescing vessel. If the medium exhibits faint fluorescence, the laboratory use another lot that does not fluoresce.
- 5) If the samples plus the medium exhibit an inappropriate color change before incubation, they shall be discarded and another lot of medium used. The laboratory shall notify the medium vendor and request another water sample from the water system. Before incubation, Colilert, Colilert-18, and Colitag shall appear colorless to a slight tinge of color, while Colisure and E*Colite are yellow and ReadyCult/Fluorocult shall appear slightly yellow.
- 6) Glass and plastic sample bottles and test tubes shall be tested before use with a 365-366 nm UV light source with a 6-watt bulb to ensure that they do not fluoresce. If they fluoresce, another lot of containers that do not fluoresce shall be used.
- 7) Incubators, especially small low-wattage air-type incubators, may not bring a cold 100 mL water sample or samples to the specified incubation temperature for several hours. The problem may cause false negative results with the enzyme substrate tests and possibly other tests as well. Laboratories with air-type incubators shall observe the following instructions for chromogenic/fluorogenic substrate test:

<u>Test</u>	<u>Pre-incubation sample instructions</u> ^{1,2}
<u>Colilert (Presence/Absence)</u>	<u>Specified 24-hour incubation time includes time it takes to bring sample</u>

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	<u>temperature up to 35° ± 0.5° C¹</u>
<u>Colilert Quanti-Tray</u>	<u>Specified 24-hour incubation time includes time it takes to bring sample temperature up to 35° ± 0.5° C</u>
<u>Colilert-18 (Presence/Absence)</u>	<u>Prewarm sample in 35° ± 0.5° C water bath for 20 minutes or 44.5° C for 7-10 minutes</u>
<u>Colilert-18 Quanti-Tray</u>	<u>Allow sample to equilibrate to room temperature (20-30° C) before beginning 18-hour incubation time</u>
<u>Colisure</u>	<u>Allow sample to equilibrate to room temperature (20-30° C) before beginning 24-hour incubation time</u>
<u>Readycult Coliforms/ Fluorocult LMX</u>	<u>Specified 24-hour incubation time includes time it takes to bring sample temperature up to 35° ± 0.5° C</u>
<u>Colitag</u>	<u>Specified 24-hour incubation time includes time it takes to bring sample temperature up to 35° ± 0.5° C</u>

¹ If the laboratory plans to put a large load into a small incubator, samples shall be brought to room temperature before incubation.

² Information based on manufacturer's instructions.

- 8) If a water bath is used, the water level shall be above the upper level of the medium.
- 9) For E. coli testing, the laboratory shall place all total coliform-positive samples under an ultraviolet lamp (365-366 nm, 6-watt) in a darkened area. If E. coli is present, the medium will emit a blue fluorescence.
- 10) The enzyme substrate tests shall not be used to confirm a presumptive total coliform-positive culture in fermentation broth (e.g., LTB, LB) or on a membrane filter.
- 11) Any sample that produces an atypical color change (e.g., greenish black or black) in the absence of a yellow color shall be invalidated.

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- 12) Any reference comparator provided by the manufacturer shall be discarded by the manufacturer's expiration date.
- 13) For the Colilert test, samples shall be incubated at $35^{\circ} \pm 0.5^{\circ}$ C for 24 hours. A yellow color in the medium equal to or greater than the reference comparator indicates that the sample is total coliform positive. If the sample is yellow, but lighter than the comparator, it shall be incubated for another four hours (do not incubate more than 28 hours total). If the color is still lighter than the reference comparator at 28 hours, the sample shall be reported as negative. A coliform-positive sample that fluoresces under an ultraviolet (UV) light indicates the presence of E. coli. Laboratories that use the Colilert-18 test shall incubate samples for 18 hours (up to 22 hours if sample after 18 hours is yellow, but is lighter than the comparator).
- 14) For enumerating total coliforms in source water with the Colilert test, a 5- or 10-tube configuration, Quanti-Tray, or Quanti-Tray 2000 may be used for each sample dilution tested. Dilution water (if used) may be sterile deionized or sterile distilled water, but not buffered water.
- 15) If the Quanti-Tray or Quanti-Tray 2000 test is used, the sealer shall be checked monthly by adding a dye (e.g., bromcresol purple) to the water. If dye is observed outside the wells, maintenance shall be performed or another sealer shall be used.
- 16) For the Colisure test, samples shall be incubated at $35^{\circ} \pm 0.5^{\circ}$ C for 24 hours. If an examination of the results at 24 hours is not convenient, then results may be examined at any time up to 48 hours. If the medium changes from a yellow color to a red/magenta color, the sample is total coliform positive. A coliform positive sample that fluoresces under a UV light indicates the presence of E. coli.
- 17) For the E*Colite test, samples shall be incubated at $35^{\circ} \pm 0.5^{\circ}$ C for 28 hours. If total coliforms are present, the medium changes from a yellow color to a blue or blue-green color, or a blue color in the corners of the bag. If E. coli is present, medium will fluoresce under a UV light. If no fluorescence is observed, the sample shall be re-incubated for an additional 20 hours (for a total incubation time of 48 hours) and again checked for fluorescence. If medium becomes red in color, it shall be

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assumed that a faulty seal has allowed the bactericide (in the third compartment of the bag) to leak into the compartment containing the medium. In this case, the sample shall be discarded and another sample shall be requested.

- 18) For the ReadyCult Coliforms 100 Presence/Absence test, the contents of a snap pack shall be added to a 100-mL water sample, followed by incubation at $35^{\circ} \pm 0.5^{\circ}$ C for 24 ± 1 hours. If coliforms are present, the medium changes color from a slightly yellow color to blue-green. In addition, if E. coli is present, the medium will emit a bright light-blue fluorescence when subjected to a long wave (365-366 nm) UV light. If confirmation of E. coli is desired, Kovac's indole reagent shall be added to the broth; the immediate formation of a red ring confirms the presence of E. coli.
 - 19) Fluorocult LMX broth is identical to ReadyCult, except that it is a dehydrated culture medium in granulated form packed primarily in a 500 g plastic bottle. For testing a 100-mL water sample, 34 g of Fluorocult LMX shall be suspended in 1 L purified water and boiled to dissolve completely. Transfer 100-mL aliquots to 250-mL bottles and autoclave for 15 minutes at 121° C. Cool to room temperature, add the 100-mL water sample, and incubate. Do not add E. coli/Coliform Supplement to the medium.
 - 20) For the Colitag test, samples shall be incubated at $35^{\circ} \pm 0.5^{\circ}$ C for 24 ± 2 hours. During incubation, trimethylamine-N-oxide in the Colitag medium causes the pH of the medium to increase from 6.2 to 6.8-7.2. A yellow color in the medium indicates the presence of total coliforms. A coliform-positive sample that fluoresces under a UV light indicates the presence of E. coli.
- j) Membrane filter (MF) methods
- 1) For source water samples (SWTR): To optimize counting, appropriate sample dilutions shall be used to yield 20 to 80 total coliform colonies or 20 to 60 fecal coliform colonies for at least one dilution or volume.
 - 2) At least one membrane filter and filtration unit sterility check shall be conducted at the beginning and the end of each filtration series by filtering 20 to 30 mL of dilution water through the membrane filter and testing for

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growth. If the control indicates contamination, all data from affected samples shall be rejected and an immediate resampling shall be requested. A filtration series ends when 30 minutes or more elapse between sample filtrations.

3) Each filtration funnel shall be rinsed after each sample filtration with two or three 20 to 30 mL portions of sterile rinse water to ensure that the entire sample is rinsed off the funnel before the filter is removed. After the filter is removed, the funnel may be rinsed again with two or three 20 to 30 mL portions of sterile rinse water or exposed to UV light with a 254-nm wavelength for at least two minutes to prevent carryover between samples, especially for surface water samples.

4) Absorbent pads shall be saturated with a liquid medium (at least 2 mL of broth) and excess medium removed by decanting the plate.

k) Media used for total coliforms, fecal coliforms, and E. coli by MF method for detecting total coliforms and E. coli in drinking water, enumerating total coliforms or fecal coliforms in source water, and detecting E. coli in ground water.

1) Using M-Endo medium agar or broth (also known as M-Endo broth MF and M-Coliform broth) or LES Endo agar (also known as M-Endo agar LES) for detecting total coliforms in drinking water or enumerating total coliforms in source water: Medium may be used in the single step or enrichment techniques. Ensure that ethanol used in the rehydration procedure is not denatured. Medium shall be prepared in a sterile flask and brought just to the boiling point with a boiling water bath or, if constantly attended, a hot plate with a stir bar. The medium shall not be boiled. Final pH shall be 7.2 ± 0.2 for M-Endo Agar LES and 7.2 ± 0.1 for M-Endo medium.

2) Using m-ColiBlue24 medium for detecting total coliforms and E. coli in drinking water: Ampules of broth shall be inverted 2 to 3 times to mix contents before breaking. Then, contents shall be poured evenly over absorbent pad. Unopened refrigerated ampules may be stored in the dark until the expiration date, but shall be discarded earlier if growth is observed. The final pH of the medium shall be 7.0 ± 0.2 .

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- 3) Using MI medium (with or without agar) for detecting total coliforms and E. coli in drinking water or enumerating total coliforms in source water: Do not autoclave commercially-made pre-sterilized bottled MI agar or broth. Melt bottled agar in a boiling water bath (or by other processes recommended by the manufacturer). As soon as complete melting has occurred, cool slightly and pour immediately into sterile plates. Care shall be taken to prevent overheating the agar, as excessive heat destroys the effectiveness of the antibiotic cefsulodin. If dehydrated culture medium is used, it shall be prepared and autoclaved according to the manufacturer's instructions. Cool the agar, add freshly prepared filter-sterilized cefsulodin, and pour immediately into sterile plates. The final pH of MI agar shall be 6.95 ± 0.2 ; the final pH of MI broth shall be 7.05 ± 0.2 . The preparation and use of MI agar and MI broth are referenced in Section 465.125(a)(4). EPA Method 1604, which can be found online at www.epa.gov/microbes, is identical.
- 4) Using Chromocult[®] Coliform agar for detecting total coliforms and E. coli in drinking water: Do not autoclave or overheat. The final pH shall be 6.8 ± 0.2 . If a heavy background of heterotrophic bacteria is expected (especially Pseudomonas and Aeromonas spp.), add cefsulodin solution to the cooled (45° to 50° C) medium (dissolve 10 mg cefsulodin in 2 mL deionized or distilled water, and add solution to 1 L of medium). Check with the manufacturer, EMD Chemicals, Inc., at www.emdchemicals.com, or call 800-222-0342 for additional information on the performance of this test with various filter types.
- 5) Using Coliscan[®] for detecting total coliforms and E. coli in drinking water or enumerating total coliforms in source water: Coliscan is available as a dry powder agar mix or as a presterilized bottled agar. For reconstitution and antibiotic addition, follow the protocol of the manufacturer (Micrology Laboratories, LLC). Do not overheat the antibiotic cefsulodin. The final pH of Coliscan agar shall be 7.00 ± 0.2 .
- 6) Using m-FC broth (with or without agar) for enumerating fecal coliforms in source water: Do not autoclave. Bring medium just to the boiling point. The final pH shall be 7.4 ± 0.2 .
- 7) When stored, prepared medium shall be refrigerated. Petri dishes containing medium shall be stored in a plastic bag or tightly closed

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container, and used within two weeks. Before use, refrigerated sterilized medium shall be brought to room temperature. Plates with laboratory-prepared broth medium shall be discarded after 96 hours, poured MF agar plates discarded after two weeks, and ampouled M-Endo broth and other prepared media discarded in accordance with the manufacturer's expiration date. Broth, plates, or ampoules shall be discarded earlier if growth or (for M-Endo agar) surface sheen is observed. Record date and time prepared.

8) Incubation conditions and colony color of inoculated medium

<u>Medium</u>	<u>Incubation</u>	<u>Total coliforms¹</u>	<u>E. coli</u>
<u>M-Endo medium or M-Endo agar LES</u>	<u>35° ± 0.5° C for 22-24 hrs</u>	<u>Metallic (golden) sheen colonies (presumptive)</u>	<u>N/A</u>
<u>m-ColiBlue24</u>	<u>35° ± 0.5° C for 24 hrs</u>	<u>Red colonies</u>	<u>Blue to purple colonies</u>
<u>MI</u>	<u>35° ± 0.5° C for 24 ± 2 hrs</u>	<u>Fluorescent colonies under UV light</u>	<u>Blue colonies under normal light</u>
<u>Chromocult</u>	<u>36° ± 1° C for 24 ± 1 hrs</u>	<u>Salmon to red colonies</u>	<u>Dark-blue to violet colonies²</u>
<u>Coliscan</u>	<u>32°-37° C for 24-28 hrs</u>	<u>Pink-magenta colonies</u>	<u>Purple-blue colonies</u>
<u>m-FC</u>	<u>44.5° ± 0.2° C for 24 ± 2 hrs</u>	<u>N/A</u>	<u>Blue colonies (fecal coliforms)</u>

¹ Without the presence of E. coli. If an E. coli colony is present, as indicated by the last column, it shall be counted as a total coliform-positive colony.

² If confirmation of E. coli is desired, add one drop of Kovac's reagent to each dark blue to violet colony; the formation of a cherry-red color within seconds confirms the presence of E. coli.

- l) Invalidation of a total coliform-negative drinking water sample: All samples resulting in confluent or TNTC (too numerous to count) growth shall be invalidated unless total coliforms are detected. If no total coliforms are detected, record as "confluent growth" or "TNTC" and request an additional sample from

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the same sampling site. Confluent growth is defined as a continuous bacterial growth covering the entire membrane filter without evidence of total coliform type colonies. TNTC is defined as greater than 200 colonies on the membrane filter in the absence of detectable coliforms. Laboratories shall not invalidate samples when the membrane filter contains at least one coliform type colony (i.e., sheen colony for M-Endo medium, red or blue colony for m-ColiBlue24 agar, fluorescent or blue colony for MI agar, salmon to red or dark blue to violet colonies for Chromocult Coliform agar, pink-magenta or blue-purple colony for Coliscan). (Before invalidation, the laboratory may perform a verification test on the total coliform negative culture, i.e., on confluent or TNTC growth, and a fecal coliform/E. coli test. If the verification test is total coliform positive, the sample shall be reported as total coliform positive. If the test is total coliform negative, the sample shall be invalidated. A fecal coliform/E. coli positive result is considered a total coliform-positive, fecal coliform/E. coli positive sample, even if the initial and/or verification total coliform test is negative.)

- m) Invalidation of source water samples (SWTR): Laboratories shall invalidate any sample that results in confluent growth or TNTC, even when total coliform or fecal coliform colonies are present, because coliform density shall be determined.
- n) For drinking water samples (to verify colonies on Endo-type medium): At least five typical sheen colonies and five nontypical colonies shall be verified using either single strength lactose broth (LB) or lauryl tryptose broth (LTB) and then single strength 2% brilliant green lactose bile broth (BGLBB). Alternatively, sheen colonies may be verified using a cytochrome oxidase and b-galactosidase procedure. Individual colonies can be transferred with a sterile needle or loop, or applicator stick. If no sheen colonies are observed, verify up to five red questionable sheen colonies and/or red non-sheen colonies representing different morphological types. Alternatively, wipe the entire surface of the membrane filter with a sterile cotton swab, and inoculate the verification media (LTB, then BGLBB).
- o) For drinking water samples: Total coliform-positive colonies shall be tested for E. coli or fecal coliforms. The membrane filter tests approved by USEPA do not require additional media for such a test, except for those using Endo-type medium (M-Endo medium or M-Endo agar LES). EPA has approved several options for testing a total coliform-positive colony on Endo-type medium for E. coli or fecal coliforms. When EC Medium (for fecal coliforms) or EC Medium + MUG (for E. coli) is used, the colonies shall be transferred by employing one of the options

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specified by the Total Coliform Rule at 40 CFR 141.21(f)(5) (see Appendix G of the USEPA Manual for the Certification of Laboratories Analyzing Drinking Water). For the swab technique, a single swab can be used to inoculate a presumptive total coliform-positive culture into up to three different media (e.g., EC or EC-MUG Medium, LTB, and BGLBB, in that order). If Nutrient Agar + MUG is used, refer to Nutrient Agar + MUG section.

- p) For source water samples: Initial total coliform counts shall be adjusted based upon verified data, as in Standard Methods, Section 9222B(5).
- q) For source water samples (SWTR): If two or more analysts are certified, each analyst shall count total coliforms or fecal coliform colonies on the same membrane monthly. Colony counts shall agree within 10%.
- r) Nutrient Agar + MUG Test (for detection of E. coli in drinking water or ground water)
- 1) Medium shall be autoclaved at 121° C for 15 minutes. MUG may be added to Nutrient Agar before autoclaving. Nutrient Agar + MUG is also available commercially. The final MUG concentration shall be 100 ug/mL. The final pH shall be 6.8 ± 0.2.
 - 2) Positive and negative controls shall be tested as stated in Section 465.350(d)(9). Filter or spot-inoculate control cultures onto a membrane filter on M-Endo agar LES or M-Endo broth or agar, and incubate at 35° ± 0.5° C for 24 hours. Then transfer the filter to Nutrient Agar + MUG and incubate at 35° C for another 4 hours. The results shall be read and recorded.
 - 3) The membrane filter containing a coliform colony or colonies shall be transferred from the total coliform medium to the surface of Nutrient Agar + MUG medium. Each sheen colony shall be marked with a permanent marker on the lid. Also, the lid and the base shall be marked with a line to realign the lid should it be removed. (A portion of the colony may be transferred with a needle to the total coliform verification test before transfer to Nutrient Agar + MUG or after the 4-hour incubation time. Another method is to swab the entire membrane filter surface with a sterile cotton swab after the 4-hour incubation time on Nutrient Agar + MUG medium, and transfer to a total coliform verification test.)

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- 4) Inoculated medium shall be incubated at $35^{\circ} \pm 0.5^{\circ} \text{C}$ for 4 hours.
 - 5) Check the fluorescence using an ultraviolet lamp (365-366 nm) with a 6-watt bulb in a darkened area. Any amount of fluorescence in a halo around a sheen colony shall be considered positive for E. coli.
- s) MF method for detecting enterococci/fecal streptococci in ground water
- 1) For mE agar (SM 9230C) for the detection of enterococci: Prepare basal mE agar. Then autoclave and cool in a 44° - 46°C water bath. Dissolve 0.48 g nalidixic acid and 0.4 mL 10 N NaOH into 10 mL of reagent-grade distilled water and mix. Filter-sterilize the solution, and add 5.2 mL per liter of basal mE agar. For triphenyl tetrazolium chloride (TTC), add 0.25 g of TTC to 25 mL of reagent-grade water, and warm to dissolve. Filter sterilize the solution, and add 15 mL per liter of basal mE agar. Final pH shall be 7.1 ± 0.2 .
 - 2) For m-Enterococcus agar (SM 9230C) for the detection of fecal streptococci (not enterococci): Heat to dissolve ingredients, but do not autoclave. Dispense into sterile petri plates (9 X 50 mm) (about 4 mL) and allow to solidify. Final pH shall be 7.2 ± 0.2 .
 - 3) For mEI agar (EPA Method 1600) for the detection of enterococci: Add 0.75 g indoxyl-b-D-glucoside to 1L of basal mE agar, and proceed according to subsection (s)(1), except that the preparation of TTC is as follows: Add 0.1 g of TTC to 10 mL of reagent-grade distilled water, and warm to dissolve. Filter-sterilize the solution, and add 2 mL per liter of medium. Final pH shall be 7.1 ± 0.2 .
 - 4) After filtering a 100-mL sample, place membrane in a petri dish on one of the agar media listed in subsection (s)(1), (s)(2) or (s)(3). Serial dilutions should not normally be necessary for detecting enterococci in ground water.
 - 5) If m-Enterococcus agar is used, incubate inverted plate at $35^{\circ} \pm 0.5^{\circ} \text{C}$ for 48 hours and, using magnification and a fluorescent lamp, count all light and dark red colonies as fecal streptococci.

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- 6) If mE agar is used, incubate inverted plate for 48 hours at $41^{\circ} \pm 0.5^{\circ} \text{C}$, and then transfer filter to EIA medium. Incubate at $41^{\circ} \pm 0.5^{\circ} \text{C}$ for 20-30 minutes and, using magnification and a fluorescent lamp, examine the colonies. Pink to red colonies on mE agar with a black or reddish brown precipitate on the underside of filter on EIA indicates the presence of enterococci.
- 7) If mEI agar is used, incubate inverted plate for 24 hours at $41^{\circ} \pm 0.5^{\circ} \text{C}$. Using magnification and a small fluorescent lamp, examine both the top and bottom of the plate for colonies with a blue halo. A colony with a blue halo, regardless of colony color, indicates the presence of enterococci.
- t) Heterotrophic Plate Count (for enumerating heterotrophic bacteria in drinking water)
- 1) The Pour Plate Method (Standard Methods 9215B) or the SimPlate Method shall be used for determining compliance with 40 CFR 141.74(a)(1) and shall also be used for testing reagent grade water. For systems that have been granted a variance from the Total Coliform Rule's maximum contaminant level (see variance criteria in 40 CFR 141.4), any method in Standard Methods, Section 9215, Heterotrophic Plate Count, may be used with R2A medium for enumerating heterotrophic bacteria in drinking water.
- 2) Media
- | <u>Method</u> | <u>Medium</u> | <u>Final pH</u> |
|------------------------|--|---------------------------------|
| <u>Pour Plate</u> | <u>Plate count agar, also known as tryptone glucose yeast agar</u> | <u>7.0 ± 0.2</u> |
| <u>Pour Plate</u> | <u>R2A agar</u> | <u>7.2 ± 0.2</u> |
| <u>Spread Plate</u> | <u>R2A agar</u> | <u>7.2 ± 0.2</u> |
| <u>Membrane Filter</u> | <u>R2A agar</u> | <u>7.2 ± 0.2</u> |
| <u>SimPlate</u> | <u>Multiple enzyme substrate</u> | <u>7.2 ± 0.2</u> |
- 3) (For Pour Plate Method) Melted agar shall be tempered at 44° - 46°C in a water bath before pouring. Melted agar shall be held no longer than three hours. Sterile agar medium shall not be melted more than once.

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- 4) (For Spread Plate Method) 15 mL of R2A agar medium (or other medium) shall be poured into a petri dish (100 x 15 mm or 90 x 15 mm) and allowed to solidify.
- 5) Refrigerated medium may be stored in bottles or in screw-capped tubes for up to three months, or in petri dishes for up to two weeks. Prepared petri dishes with R2A medium may be stored for up to one week.
- 6) For most potable water samples, countable plates can be obtained by plating 1.0 mL and/or 0.1 mL volumes of the undiluted sample (dilutions may not be necessary for SimPlate, which has a counting range up to 738/mL). At least duplicate plates per dilution shall be used.
- 7) (For Pour Plate Method) The sample shall be aseptically pipetted onto the bottom of a sterile petri dish. Then at least 10-12 mL of tempered melted (44°-46° C) agar shall be added to each petri dish. The sample and melted agar shall be mixed carefully to avoid spillage. After agar plates have solidified on a level surface, the plates shall be inverted and incubated at 35° ± 0.5° C for 48 ± 3 hours. Plates shall be stacked no more than four high and arranged in the incubator to allow proper air circulation and to maintain uniform incubation temperature. Avoid excessive humidity in the incubator to reduce the possibility of spreader formation on the agar medium. Also avoid excessive drying of the agar medium; agar medium in plates should not lose more than 15% by weight during 48 hours of incubation.
- 8) (For Spread Plate Method) 0.1 or 0.5 mL of the sample (or dilution) shall be pipetted onto the surface of the pre-dried agar in the plate, and then spread over the entire surface of the agar using a sterile bent-glass rod. The inoculum shall be absorbed completely by the agar before the plate is inverted and incubated. The plate shall be incubated at 20°-28° C for 5-7 days.
- 9) (For Membrane Filter Technique) The volume to be filtered shall yield between 20-200 colonies. The filter is transferred to a petri dish containing 5 mL of solidified R2A medium, and incubated at 20°-28° C for 5-7 days. If plates with loose-fitting lids are used, plates shall be placed in a plastic box with a close fitting lid containing moistened paper towels. Paper

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towels shall be rewetted as necessary to maintain moisture. Colonies shall be counted using a stereoscopic microscope at 10-15X magnification.

- 10) (For SimPlate Method) Unit Dose (for a single sample): A 10-mL volume of test sample is added to a test tube containing dehydrated SimPlate medium. Then the dissolved medium shall be poured onto the center of a plate containing 84 small wells (provided by the manufacturer, IDEXX Laboratories, Inc.). Alternatively, 9 mL of sterile diluent (D.I. water, distilled water, or buffered water (Standard Methods, 9050C, 1 a)) can be added to the tube, followed by a 1-mL sample. Then follow the procedure as indicated above for the 10-mL sample. The mixture shall be distributed evenly to the 84 wells on the plate, and the excess liquid drained into an absorbent pad on the plate. The plate shall then be inverted (the fluid in each well is held in place by surface tension), and incubated for 45-72 hours at $35^{\circ} \pm 0.5^{\circ}$ C. Bacterial density is determined by counting the number of wells that fluoresce under a 365-366 nm UV light, and converting this value to a Most Probable Number using the Unit Dose MPN table provided by the manufacturer. If a 10-mL sample is used, read the Unit Dose MPN/mL directly. If a 1-mL sample is used, then correct the MPN/mL value by multiplying it by 10.
- 11) (For SimPlate Method) Multiple Dose (for 10 samples of 1 mL each): A 100-mL sterile diluent shall be added to the dehydrated SimPlate medium to reconstitute, and shaken to dissolve. Then a 1.0-mL test sample shall be pipetted to the center of a plate containing 84 small wells, followed by 9 mL of the reconstituted medium. Gently swirl plate to mix the sample and medium, and distribute the mixture evenly to the 84 wells on the plate. Then continue with the procedure indicated in subsection (t)(10), except that the Multi-Dose table supplied by the manufacturer shall be used to determine the MPN/mL. If a dilution is made during sample preparation, then multiply the MPN/mL value by the dilution factor.
- 12) (For Pour Plate and Spread Plate Techniques) Colonies shall be counted manually using a dark-field colony counter. In determining sample count, laboratories shall count only plates having 30 to 300 colonies, except for plates inoculated with 1.0 mL of undiluted sample. Counts less than 30 for such plates are acceptable. (Fully automatic colony counters are not suitable because of the size and small number of colonies observed when potable water is analyzed for heterotrophic bacteria.)

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- 13) Each batch or flask of agar shall be checked for sterility by pouring a final control plate. Data shall be rejected if control is contaminated.

(Source: Amended at 34 Ill. Reg. _____, effective _____)

Section 465.370 Sample Collection, Handling and Preservation

When the laboratory has been delegated responsibility for sample collection, handling, and preservation, there shall be strict adherence to correct sampling procedures, complete identification of the sample, and prompt transfer of the sample to the laboratory as specified in "Standard Methods for the Examination of Water and Wastewater." In addition, the following standards for sample collection, handling, and preservation of potable water samples shall be met:

- a) In order for the sample to be representative of the potable water system, the sampling program shall include examination of the finished water at selected sites that systematically cover the distribution network.
- b) Minimum sampling frequency shall be as specified in 35 Ill. Adm. Code 611, Subpart L (Microbiological Monitoring and Analytical Requirements).
- c) Water shall be sampled from cold water taps that are free of aerators, strainers, hose attachments, and water purification devices. Prior to sampling, a steady flow of water shall be maintained from the tap for ~~two~~2 to ~~three~~3 minutes to clear the service line.
- d) The sample bottle shall be filled allowing at least ~~1~~¹/₄ inch of air space from the top to provide space for mixing. A minimum sample volume of 100 ~~mL~~^{ml} shall be collected. If a sample bottle is filled too full to allow for proper mixing, do not pour off and discard a portion of the sample. Rather, pour the entire sample into a larger sterile container, mix properly, and proceed with the analysis.
- e) The sample report form shall be completed in indelible ink immediately after collecting the sample and shall contain the following information: name of system (public water system site identification number, if available); sample identification (if any); date and time of collection; sample site location; sample collector's name and organization (if not the water system); persons transporting the samples from the system to the laboratory (if not the sampler); transportation

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condition (e.g., $<10^{\circ}$ C, protection from sunlight); sample type (e.g., routine, repeat); and total chlorine residual (if applicable).

- f) Sample bottles shall be of at least 120 ~~mL~~ capacity, of sterile plastic or hard glass, wide mouthed with glass stopper or screw cap (metal or plastic), and capable of withstanding repeated sterilization. Presterilized plastic bags, with or without a dechlorinating agent, may be used. Metal caps with exposed bare metal on the inside shall not be used. When samples are to be collected from chlorinated water supplies, sodium thiosulfate shall be added to the sample bottles. The concentration of dechlorinating agent shall be 0.1 mL of a 3% solution of sodium thiosulfate in a 120 mL bottle that will neutralize up to 5 mg/L residual chlorine in an amount sufficient to provide an approximate concentration of 100 mg per liter of sample prior to sterilization of the sample bottles. As an example, 0.1 ml of a 10% sodium thiosulfate solution is required for a 120 ml sample bottle.
- g) When the sample is delivered to the laboratory:
- 1) The following information shall be added to the sample report form:
 - A) Date and time of sample arrival;
 - B) Name of carrier; and
 - C) Name of the person receiving the sample for the laboratory; and
 - 2) Each sample shall be assigned a laboratory number. In the event of a repeat or replacement sample, the number assigned to the original sample shall also be recorded.
- h) Records necessary to establish chain-of-custody of the samples shall be maintained.
- i) For the analysis of total coliform in drinking water, the time between sample collection and the placement of the sample in the incubator shall not exceed 30 hours. All samples received in the laboratory shall be analyzed on the day of receipt, unless the laboratory receives the sample late in the day (in which case, the sample shall be refrigerated overnight), as long as analysis begins within 30 hours after sample collection. Samples shall be analyzed on the day of arrival in

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~~the laboratory, preferably within 30 hours after collection. If a sample is run after the 30 hour limit, the laboratory must indicate on the report form that the results may be invalid due to excessive delay before processing. Without exception, samples arriving more than 48 hours after collection shall be refused and a new sample requested.~~

- ~~j) The time from sample collection to placement of sample in the incubator (i.e., the holding time) for total coliforms and fecal coliforms in surface water sources and heterotrophic bacteria in drinking water shall not exceed eight hours for samples being analyzed in compliance with the Surface Water Treatment Rule (40 CFR 141.74(a)(1)). Per 40 CFR 141.704, for surface water E. coli samples being analyzed in compliance with the Long Term 2 (LT2) rule, the holding time for the sample shall not exceed 30 hours, unless an exception is granted by the State. The State may approve, on a case-by-case basis, the holding of an LT2 E. coli sample for up to 48 hours if the State determines that analyzing the sample within 30 hours is not feasible.~~
- ~~kj) Samples of potable water for heterotrophic plate count analysis shall be refrigerated and delivered to the laboratory within ~~six~~6 hours after collection, and analyzed within ~~two~~2 hours after receipt in the laboratory.~~
- ~~lk) Source water samples shall be held at <10° C and time of initiation of analyses shall not exceed ~~eight~~8 hours from time of collection.~~

(Source: Amended at 34 Ill. Reg. _____, effective _____)

Section 465.380 Standards for Laboratory Pure Water

The following standards shall apply to all laboratory pure water:

- a) Laboratory pure water shall have these characteristics:

<u>Parameter</u>	<u>Limits</u>	<u>Frequency</u>
<u>Conductivity</u>	<u>>0.5 megohms resistance or <2 micromhos/cm at 25° C</u>	<u>Monthly</u>
<u>Cd, Cr, Cu, Pb, Ni, Zn</u>	<u>Not greater than 0.05 mg/L per contaminant. Collectively, no greater than 0.1 mg/L</u>	<u>Annually</u>
<u>Total Chlorine Residual¹</u>	<u><0.1 mg/L</u>	<u>Monthly</u>

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<u>Heterotrophic Plate Count</u> ²	<u><500 CFU/mL</u>	<u>Monthly</u>
<u>Bacteriological Quality of Reagent Water</u> ³	<u>Ratio of growth rate 0.8 to 3.0</u>	<u>Annually</u>

¹ DPD Method shall be used. Not required if source water is not chlorinated.

² Pour Plate Method. See Standard Methods 9215B. SimPlate method allowed with satisfactory comparison testing.

³ See Standard Methods, Section 9020B, under Laboratory Supplies. This bacteriological quality test is not needed for type II water or better, as defined in Standard Methods. If Type II or medium quality water or better is not available, and a glass still is used for reagent water, a silicon test that meets the specifications of Standard Methods, Section 1080C shall also be accomplished. The bacteriological quality test is not needed for water with a conductivity <1 micromhos/cm at 25° C or resistivity >1 megohms. Users of purchased bottled water are not exempt from the suitability test.

<u>Property</u>	<u>Value</u>
Conductivity	Less than 2.0 micromhos/cm resistivity greater than 0.5 megohm-cm) \pm 1% at 25° C
Trace metals:	
Individual metals (Cd, Cr, Cu, Ni, Pb, Zn)	Less than or equal to 0.05 mg/l
Total metals	Less than or equal to 0.1 mg/l
Test for bactericidal properties of distilled water	Ratio of 0.8 to 3.0
Free chlorine residual	None
Heterotrophic plate count	Less than 500/ml

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- b) Laboratory pure water shall be analyzed initially and annually (every 12 months) thereafter by the test for bacteriological quality of distilled water as specified in "Standard Methods for the Examination of Water and Wastewater." Purchased laboratory pure water shall be sampled in-house; manufacturer's test results shall not be used to establish compliance. Only satisfactorily tested water shall be used in preparing media, reagents, rinse, and dilution water. If the water tested does not meet the testing requirements, the water shall not be used until corrective action has been taken and retesting determines that the testing requirements have been met.
- c) Laboratory pure water shall be analyzed monthly for conductance, chlorine residual, and heterotrophic plate count. Heterotrophic plate counts shall be performed as specified in "Standard Methods for the Examination of Water and Wastewater." If the water tested exceeds requirements for these properties, the water shall not be used until corrective action has been taken and retesting determines that the testing requirements have been met.
- d) Laboratory pure water shall not be in contact with heavy metals, and shall be analyzed initially and annually (every 12 months) thereafter for trace metals (especially Pb, Cd, Cr, Cu, Ni, and Zn) in the quantities specified in subsection (a) of this Section. If the water tested exceeds requirements for trace metals, the water shall not be used until corrective action has been taken and retesting determines that the testing requirements have been met.
- e) ~~The following quality control tests for heterotrophic plate count shall be utilized:~~
- ~~1) Sterility controls shall be poured for each bottle of sterile, melted, tempered medium used.~~
 - ~~2) Sterility of pipets and petri dishes shall be determined.~~
 - ~~3) Microbial density of the air during plating procedures shall be determined for each series of samples plated. When 15 or more colonies appear on an exposed plate after a 15 minute exposure period and 48 hours of incubation at 35° C, corrective action shall be taken.~~
 - ~~4) The sterility of dilution water, if used, shall be determined.~~
 - ~~5) Records of all sterility test results shall be maintained.~~

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(Source: Amended at 34 Ill. Reg. _____, effective _____)

Section 465.390 General Quality Control Procedures

- a) A written description of the current laboratory quality control and quality assurance program shall be maintained and made available to analysts in an area of the laboratory where analytical work takes place. The quality assurance plan shall be reviewed annually and updated as necessary. A record of analytical quality control tests and quality control checks on media, materials, and equipment shall be prepared and retained for five years.
- b) A laboratory manual containing complete written instructions for each parameter for which the laboratory is certified shall be maintained and made available to analysts in an area of the laboratory where analytical work takes place.
- c) The following minimum requirements shall apply to analytical quality control tests for general laboratory practices and methodology:
 - ~~1) Verify all coliform colonies. However, if the number of colonies exceeds 10/100 ml, then randomly pick 10 colonies for verification. An acceptable alternative method is to swab the entire membrane surface and transfer the swab to the verification test media in the following order: lauryl tryptose broth, EC medium, brilliant green lactose broth.~~
 - ~~2) A start and finish membrane filtration control test of rinse water, media, and supplies shall be conducted for each filtration series. If sterile controls indicate contamination, all data on samples affected shall be rejected and a request made for immediate resampling of those waters involved in the laboratory error.~~
 - 13) Each laboratory shall successfully analyze at least one set of proficiency testing (PT) samples once every 12 months, for each method for which it is certified. When unknown performance evaluation samples are available, each approved analyst shall analyze at least one per year for the parameters measured. When PT performance evaluation sample results indicate technical error, the Department will provide appropriate technical assistance to determine the cause and make suggestions for correction of the problem.

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- 24) Each analyst approved for the total coliform presence/absence procedure by the membrane filter technique shall verify quarterly total coliform analyses by swabbing three plates from a known positive sample and inoculating lauryl tryptose broth and brilliant green lactose bile broth from each plate. The lauryl tryptose broth and brilliant green lactose bile broth shall be incubated at $35.0^{\circ} \pm 0.5^{\circ}$ C for 24 to 48 hours. Turbid growth with gas production indicates a positive result.
- 3) Each analyst approved for the total coliform count procedure by the membrane filter technique shall verify quarterly 10 colonies, including each type of atypical colony observed.
- 45) Each analyst approved for EC verification shall inoculate quarterly three tubes of EC medium with the same swabs used to perform the quarterly total coliform verification. EC medium shall be incubated at $44.5^{\circ} \pm 0.2^{\circ}$ C for 24 hours.
- 56) Each analyst approved for the fecal coliform procedure by the membrane filter technique shall verify quarterly fecal coliform analyses by picking at least 10 isolated colonies from membranes containing typical blue colonies and transferring to lauryl tryptose broth and EC medium. The lauryl tryptose broth shall be incubated at $35.0^{\circ} \pm 0.5^{\circ}$ C for 24 to 48 hours. The EC medium shall be incubated at $44.5^{\circ} \pm 0.2^{\circ}$ C for 24 hours. Turbid growth with gas production indicates a positive result.
- 67) If there is more than one analyst in the laboratory, at least once each month~~quarter~~ each analyst shall count the same heterotrophic plate count plate, total coliform membrane, and fecal coliform membrane (per certified method if appropriate). Colony counts between analysts shall agree within 10 percent.
- 78) The standards for laboratory pure water specified in Section 465.380 shall be met.
- d) The following quality control tests for heterotrophic plate count shall be utilized:
- 1) Sterility controls shall be poured for each bottle of sterile melted, tempered medium used.

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- 2) Sterility of pipets and petri dishes shall be determined.
- 3) Microbial density of the air during plating procedures shall be determined for each series of samples plated. When 15 or more colonies appear on an exposed plate after a 15-minute exposure period and 48 hours of incubation at 35° C, corrective action shall be taken.
- 4) The sterility of dilution water, if used, shall be determined.
- 5) Records of all sterility test results shall be maintained.

(Source: Amended at 34 Ill. Reg. _____, effective _____)

Section 465.400 Quality Controls for Media, Equipment and Supplies

The following minimum requirements shall apply to quality control checks of laboratory media, equipment, and supplies:

- a) The pH ~~meter or meters~~meter(s) shall be standardized before each use period with pH 7.0 and either pH 4.0 or pH 10.0 standard buffers, whichever range covers the desired pH of the media or reagent. A record of the standardization, including the percent slope, shall be maintained. ~~clean and calibrated each day of use with pH 4, pH 7 and pH 10 standard buffers. The reading shall be within 0.1 unit for the pH of the third buffer. Alternatively pH 7 and either pH 4 or pH 10 buffers shall be used with percent slope determined.~~ Percent slope shall be 95 to 105~~102~~%. If the pH meter does not have a feature to automatically calculate the slope, but can provide the pH in millivolts, the following formula shall be used: Slope (as %) = mV at pH 7 – mV at pH 4 or pH 10 X 1000/77. Each buffer aliquot shall be used only once. Commercial buffer solutions shall be dated ~~on initial use~~. Do not use past the expiration date. Maintain electrodes according to manufacturer's recommendations.
- b) Balances shall be calibrated monthly using NIST standardized Class "S" or "S-1", or equivalent ASTM 1, 2, or 3₇ weights. A minimum of three~~3~~ weights that~~which~~ bracket the weighing requirements of the laboratory shall be used, and these weights shall be recertified every five~~5~~ years. A certificate listing correction data shall accompany the weights. Electronic balances shall be calibrated annually by a qualified service representative who is not affiliated with the laboratory. A

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certificate of calibration from the service representative ~~shall~~should be available for inspection.

- c) Glass and electronic thermometers and temperature-recording devices shall be calibrated annually at temperature of use against an NIST certified thermometer to within $\pm 1.0^{\circ}$ C. NIST-certified thermometers shall be checked at the ice point annually and recalibrated at least every five years at each temperature of use. The calibration factor, date calibrated, temperature of calibration, and analyst's initials shall be tagged on each thermometer. In addition, the laboratory shall record the following information in a Quality Control (QC) record book:

- 1) Serial number or unique identifier of laboratory thermometer;
- 2) Serial number of NIST-traceable thermometer;
- 3) Temperature of laboratory thermometer;
- 4) Temperature of NIST-traceable thermometer;
- 5) Correction (or calibration) factor;
- 6) Date of calibration; and
- 7) Analyst's initials.

~~Glass thermometers or continuous temperature recording devices for incubators shall be checked at least annually for accuracy and metal thermometers shall be checked at least quarterly for accuracy against an NIST certified thermometer, or one of equivalent accuracy.~~

- d) Temperature in incubation equipment shall be recorded continuously by a temperature-recording device or recorded twice daily (at times separated by at least ~~four~~4 hours) from in-place thermometers immersed in liquid and placed on the top and bottom shelves of the use area. Documentation shall include the date and time of reading, temperature (as determined using the correction factor of the thermometer in use), and analyst's initials. Temperature readings from walk-in incubators with a continuous temperature reading device shall be supplemented by readings from in-place thermometers placed on various shelves other than where the recorder probe is located.

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- e) ~~Date, contents, sterilization time and temperature, total time in autoclave, and analyst's initials shall be recorded each time the autoclave is used. Date, time, duration, and temperature of autoclaving shall be recorded continuously or recorded for each sterilization cycle. A list of materials sterilized in each cycle shall also be maintained and shall be initialed by the person(s) involved.~~ Charts, if used, are to accompany written records.
- f) Hot air ~~oven(s)~~ shall be equipped with a thermometer registering up to at least 180° C, or with a temperature-recording device. The oven thermometer shall be graduated in 10° C increments or less, with the bulb placed in sand during use. ~~Date, contents, sterilization time and temperature, total time in oven, and analyst's initials shall be recorded each time the hot air oven is used. Date, time, duration, and temperature shall be recorded for each sterilization cycle. A list of materials sterilized in each cycle shall also be maintained and shall be initialed by the person(s) involved in the sterilization process.~~
- g) Only membrane filters recommended for water analysis by the manufacturer shall be utilized. Manufacturer data sheets containing information as to lot number, ink toxicity, recovery, retention, and absence of growth-promoting substances for membrane filters shall be entered into the laboratory's record system. Membrane filters with new lot numbers shall be compared with membrane filters previously found acceptable using Student's t test as specified in Standard Methods. Unacceptable membranes shall be returned to the vendor. The lot numbers of membrane filters and date received shall be recorded.
- h) Washing processes shall provide clean glassware with no stains or spotting. Use distilled or deionized water for final rinse. Laboratory glassware shall be washed with a detergent designed for laboratory use. A glassware inhibitory residue test (Standard Methods, Section 9020B, under Laboratory Supplies) shall be performed, and acceptable results obtained, before the initial use of a detergent and whenever a different formulation, lot number, container or washing procedure is used. Results shall be recorded. With initial use of a detergent or washing product and annually thereafter, the rinsing process with distilled or deionized water shall be demonstrated to provide glassware free of toxic material based on the Inhibitory Residue Test as specified in "Standard Methods for the Examination of Water and Wastewater."
- i) A representative piece of each type of glassware or plastic ware from each batch

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of clean, dried glassware or plastic ware shall be tested for residual alkaline or acid residue using bromothymol blue indicator. If the result of the indicator test is not green, corrective action shall be taken by re-rinsing, then air drying and retesting.

- j) At least one bottle per batch of sterilized sample bottles shall be checked for sterility by adding approximately 25 ml of sterile non-selective broth media to each bottle. The bottle shall be capped and rotated so that the broth comes in contact with all surfaces and shall be incubated at $35^{\circ} \pm 0.5^{\circ} \text{C}$ and checked after 24 and 48 hours for growth. ~~for 24 hours prior to checking for growth.~~ Prepared sample bottles from each batch shall not be used unless satisfactory results are obtained from the tested bottle.
- k) At least one bottle per batch of sterilized sample bottles prepared with sodium thiosulfate shall be checked for sufficient amount of the dechlorinating reagent by collecting a potable sample at the laboratory tap, then checking for residual chlorine ~~in compliance with the Sample Collector's Handbook, Illinois Environmental Protection Agency, April 1989.~~ Corrective action shall be taken if there is any residual chlorine, and bottles from the batch checked shall not be used until corrective action has been completed.
- l) Current service contracts or in-house protocols shall be maintained on balances, autoclaves, hot-air sterilization ovens, water stills, deionizers, reverse osmosis apparatus, water baths, incubators, etc. Service records on such equipment shall include the date, name of the servicing person, and a description of the service provided.
- m) Records shall be available for inspection on all batches of sterilized media showing type of medium, lot numbers, date, sterilization time and temperatures, final pH, and name of the ~~persons~~ person(s) responsible for all or any part of the recorded data. The final pH of the medium shall be:

Media	pH
M-Endo broth	7.2 ± 0.2
M-Endo agar	7.2 ± 0.2
M-Endo LES agar	7.2 ± 0.2
brilliant green	7.2 ± 0.2
lactose bile broth	

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P-A coliform test medium	6.8 ± 0.2
EC Medium	6.9 ± 0.2
plate count agar	7.0 ± 0.2
M-FC broth/agar	7.4 ± 0.2
lauryl tryptose broth	
single strength	6.8 ± 0.2
double strength	6.7 ± 0.2

- n) ~~Lactose broth may be used in lieu of LTB if the laboratory conducts at least 25 parallel tests between this medium and LTB using water normally tested and this comparison demonstrates that the false-positive rate and false-negative rate for total coliforms, using lactose broth, is less than 10%. Positive and negative cultures, or a natural water of known pollution, shall be used on each new lot of medium to determine performance compared to a previous acceptable lot of medium. For media which give actual colonies to count, use Student's t test determining acceptability. For all other media check a minimum total of 10 tubes each of old and new lot numbers. The results shall differ by no more than 10%.~~
- o) A maximum registering thermometer shall be used during each autoclave and hot air oven cycle weekly to verify sterilization temperatures. ~~within autoclaves and hot air sterilizing ovens.~~ The oven maximum registering thermometer shall be placed in sand. The autoclave maximum registering temperature shall be placed in a container of water. Use spore strips or ampules on a monthly weekly basis, including a positive control. Spore strips shall be used monthly to confirm sterilization for the hot air oven. Do not use ampules because they may explode or melt. A record of these results shall be maintained to include the date, material sterilized, and the initials of the analyst involved. Check automatic timing mechanisms on autoclaves quarterly with a stopwatch. For a 15-minute sterilization period, the autoclave time shall be within 60 seconds of the clock time.
- p) When a media-dispensing apparatus is used, the media preparer shall check and maintain a record of the accuracy of the dispenser with a graduated cylinder at the start of each volume change and periodically throughout extended runs.
- q) The refrigerator temperature shall be determined daily by an accurate thermometer immersed in liquid and placed on the top shelf. The refrigerator unit shall be visibly clean cleaned at least monthly. Outdated materials in the refrigerator and freezer compartments shall be discarded.

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- r) Ultraviolet sterilization lamps shall be tested quarterly by exposing agar spread plates containing 200 to 250 microorganisms to the light for ~~two~~2 minutes. If such irradiation does not reduce the count of control plates by 99 percent, the lamps shall be replaced. Alternatively, replace lamps if they emit less than 70% of the initial output. Cleaning of ultraviolet sterilization lamps shall be done at least monthly by disconnecting the unit and cleaning the lamps with a soft cloth moistened with ethanol. Use protective eye wear when checking the operation of a 254 nm lamp.
- s) Water baths shall be cleaned at least monthly. The use of distilled or deionized water for water baths is recommended.
- t) Media shall be used on a first in, first out basis. Records shall be kept of the kind, amount, date received, and date opened for bottles of media. The date opened and the date received shall be written on the bottles. Bottles of dehydrated media shall be used within ~~six~~6 months after opening, except that media stored in a desiccator may be used up to one year after opening. It is recommended that media be ordered in quantities to last no longer than one year, and that media be ordered in quarter pound multiples rather than one pound bottles in order to keep the supply sealed and protected as long as possible. Any media that ~~have~~has passed the manufacturer's expiration date shall be discarded.
- u) Calibrate the conductivity meter at least monthly, following the manufacturer's recommendations, using a certified and traceable low level standard of 20 micromhos or less. Conductivity meters shall be calibrated monthly with a 0.01 M KCl solution or lower concentration if desired. The meter reading shall be within ~~21~~21% of the value of the standard. If an in-line unit cannot be calibrated, it shall not be used to check reagent-grade water. Calibration is not required for in-line conductivity meters, unless used to determine compliance with quality control requirements.
- v) A spectrophotometer or colorimeter (if used) shall have wavelengths in the visible range. A calibration standard and method specific blank shall be analyzed every day that the instrument is used prior to sample analysis. The calibration standard shall give a reading in the desired absorbance range and shall be obtained from an outside source.

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- w) Check each batch of prepared or each lot of commercial dilution/rinse water for sterility by adding 50 mL of water to 50 mL of double-strength, nonselective broth. Incubate at $35^{\circ} \pm 0.5^{\circ}$ C, and check for growth after 24 and 48 hours. Discard batch if growth is detected.
- x) Check each batch of prepared or each lot of commercial dilution water blanks for pH; pH shall be 7.2 ± 0.2 .
- y) Check one of 25 dilution water blanks per batch of prepared lot of commercial dilution water blanks for volume using a Class A graduated cylinder or a MacCaffrey flask. Volume shall be $99 \text{ mL} \pm 2 \text{ mL}$.

(Source: Amended at 34 Ill. Reg. _____, effective _____)

Section 465.420 Record Maintenance

- a) All records that the laboratory is required to maintain shall be recorded in indelible ink with any changes lined through so that the original entry is visible. Changes shall be initialed and dated. Documentation supporting all corrections on records shall be maintained. Electronic records and signatures are allowed. See General Provisions, Electronic Commerce Security Act [5 ILCS 175].
- b) A copy of the sample report form shall be maintained by the laboratory for at least 5 years. If results are entered into a computer storage system, a printout of the data shall be returned to the laboratory for verification with bench sheets. Electronic records shall be made available in hard copy for on-site evaluation. Electronic data shall always be backed up by protected tape, disk, or hard copy. If the laboratory changes its computer hardware or software, it shall make a provision for transferring old data to the new system so that it remains retrievable within the time frames specified. See Good Automated Laboratory Practices, EPA 2185, Office of Information Management, Research Triangle Park NC 27711, August 10, 1995.
- c) Records of bacteriological analyses shall be kept for at least 5 years. Actual laboratory reports may be kept. However, data may be transferred to tabular summaries, which shall include the following information:
- 1) Date, place, and time of sampling;

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- 2) Name of person who collected the sample;
 - 3) Identification of the sample origin, such as routine distribution sample, resample, construction sample, raw or process water sample, surface or ground water sample, or other special purpose sample;
 - 4) Date and time of receipt of sample in the laboratory;
 - 5) Records necessary to establish chain-of-custody of the sample;
 - 6) Date and time of sample analysis;
 - 7) Name of the persons and designation of the laboratory responsible for performing the analysis;
 - 8) Designation of the analytical techniques or methods used; and
 - 9) Results of the analysis.
- d) The disposal of all records subject to the Local Records Act [50 ILCS 205] ~~shall~~must be in accordance with the provisions of that Act and Section 465.430.

(Source: Amended at 34 Ill. Reg. _____, effective _____)

Section 465.430 Action Response to Laboratory Results

- a) For laboratory results concerning samples from public water supplies and their sources, presumptive positive microbiological test results are to be reported to the Illinois Environmental Protection Agency and the community public water supply system as preliminary without waiting for membrane filter verification or MFT completion. After membrane filter verification or MFT completion or both, the adjusted results shall be reported. The Illinois Environmental Protection Agency and the public water supply shall be notified when results indicate that non-coliforms may have interfered with the total coliform analysis, as described in 40 CFR 141.21(c)(2).
- b) If any sample is fecal coliform- or E. coli-positive, the system shall notify the State by the end of the day when the public water supply system is notified of the test result, unless the public water supply system is notified of the result after the

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State office is closed, in which case the system shall notify the State before the end of the next business day (see 40 CFR 141.21(e)(1)).

- c) A total coliform-positive result is based on the confirmed phase if the Multiple Tube Fermentation Technique or Presence/Absence (P/A) Coliform Test is used, or the verified test for the Membrane Filter Technique if M-Endo medium or LES Endo agar is used. No requirement exists to confirm a total coliform-positive result using Colilert, Colisure, MI agar, E*Colite, m-ColiBlue24, Chromocult, ReadyCult/Fluorocult, Coliscan, or Colitag test. Also, no requirement exists to confirm and/or verify as such, but if found to be fecal coliform or E. coli-positive, the sample is considered total coliform-positive and fecal coliform/E. coli-positive.

~~For laboratory results concerning samples from public water supplies and their sources, presumptive positive microbiological test results are to be reported to the Illinois Environmental Protection Agency and the public water supply as preliminary without waiting for membrane filter verification or MTF completion. After membrane filter verification or MTF completion or both, the adjusted results shall be reported. The Illinois Environmental Protection Agency and the public water supply shall be notified when results indicate that noncoliforms may have interfered with the total coliform analysis.~~

(Source: Amended at 34 Ill. Reg. _____, effective _____)

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

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

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905.APPENDIX A, ILLUSTRATION N, EXHIBIT B	Amendment
905.APPENDIX A, ILLUSTRATION N, EXHIBIT C	Amendment
905.APPENDIX B	Amendment

- 4) Statutory Authority: Private Sewage Disposal Licensing Act [225 ILCS 225]
- 5) A Complete Description of the Subjects and Issues Involved: The existing Private Sewage Disposal Code (77 Ill. Adm. Code 905) is amended to update the requirements of the regulations addressing the installation, upkeep and maintenance of private sewage disposal systems and to incorporate the changes required by amendments to the Private Sewage Disposal Licensing Act [225 ILCS 225].

The proposed changes contained in these amendments to the private sewage rules will:

- Require the use of suitable soils to be used for subsurface seepage private sewage disposal systems when feasible.
- Require property owners to obtain and comply with Illinois Environmental Protection Agency (IEPA), National Pollutant Discharge Elimination System (NPDES) permits for surface discharging private sewage disposal systems when applicable.
- Clarify construction and excavation of private sewage disposal systems requirements including, but not limited to: chamber sizing; design and location of sample ports; design and sizing criteria for effluent reduction trenches; criteria for subsurface seepage private sewage disposal systems; modifications to alarm location and electrical connections; baffle filters and disinfection devices.
- Incorporate private sewage disposal system contractor requirements.
- Specify minimum set back distances for IEPA Class V wells and treated effluent discharge points.
- Develop Portable Sanitation Business licensure and certifications for Portable Sanitation Technicians and Trainees.
- Provide procedures for servicing, transporting, cleaning and operating a Portable Sanitation Business.

Additionally, the amendments update referenced and incorporated materials to ensure that most current State and federal rules and regulations are included in the Code.

The economic effect of this proposed rulemaking is unknown. Therefore, the Department requests any information that would assist in calculating this effect.

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The Department anticipates adoption of this rulemaking approximately six to nine months after publication of the Notice in the *Illinois Register*.

- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking:

International Organization for Standardization (ISO)/International Electrotechnical Commission (IEC) Guide 65 (December 18, 2006)

Field Book for Describing and Sampling Soils ver. 2.0 (2002 Edition)

National Resources Conservation Service

U.S. Department of Agriculture

Soil Taxonomy (2nd edition)

U.S. Department of Agriculture

Soil Survey Manual 1993

Soil Conservation Service

U.S. Department of Agriculture

Illinois Highway Code [605 ILCS 5/9-123]

- 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 does not create or expand a State mandate.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning this rulemaking within 45 days after the publication of this issue of the *Illinois Register* to:

Susan Meister
Division of Legal Services

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Illinois Department of Public Health
535 W. Jefferson St., 5th floor
Springfield, Illinois 62761

217-782-2043
e-mail: idph.rules@illinois.gov

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: Affected small businesses will include Licensed Private Sewage Disposal Contractors and Portable Sanitation business owners and 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: January 2010

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 r: WATER AND SEWAGEPART 905
PRIVATE SEWAGE DISPOSAL CODE

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

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Information

905.APPENDIX B

[Contact Information for the Central and Regional Offices](#)
~~[Telephone or Address Inquiries to the Regional Office](#)~~

AUTHORITY: Implementing and authorized by the Private Sewage Disposal Licensing Act [225 ILCS 225].

SOURCE: Filed October 19, 1974, effective October 25, 1974; rules repealed, new rules adopted at 6 Ill. Reg. 3095, effective March 9, 1982; amended at 8 Ill. Reg. 8552, effective June 4, 1984; codified at 8 Ill. Reg. 19821; amended at 9 Ill. Reg. 20738, effective January 3, 1986; amended at 10 Ill. Reg. 11054, effective July 1, 1986; amended at 20 Ill. Reg. 2431, effective March 15, 1996; amended at 23 Ill. Reg. 5080, effective April 10, 1999; amended at 27 Ill. Reg. 3074, effective February 10, 2003; amended at 34 Ill. Reg. _____, effective _____.

Section 905.10 Definitions

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

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

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

"Ag. Experiment Station" means the University of Illinois ~~at Urbana-Champaign~~ Agricultural Experiment Station.

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

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

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

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

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

"Common Area" means the area that is used by all owners or tenants.

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

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

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

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

"Domestic Sewage" means waste water derived principally from dwellings, business or office buildings, institutions, food service establishments and similar facilities.

"Effective Size" means the size of screen opening where 90 percent by weight of

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a sample of filter media is retained on the screen and 10 percent passes through the screen.

"Effluent" means liquid waste discharged from a private sewage disposal system or a component.

"Estimated Seasonal High Water Table" means the highest level to which the soil is saturated as determined by direct observation and as may be determined by examining additional information. That information shall include, but is not limited to, soil color patterns, other features of the soil profile, landscape position, the vegetation growing on the site, and such additional information on water table fluctuations in the local soil-landscape as may be provided in the soil survey report for the area; and artificial drainage such as agricultural drainage tile, curtain drain, ditches or other alterations to landscape that would affect the seasonal high water table in the investigated area.

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

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

"Influent" means something that flows into a private sewage disposal system or a component.

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

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

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

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

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

"Local Authority" means a local unit of government ~~that~~^{which} enforces a private sewage disposal ordinance ~~that~~^{which} has been approved by the Department, or a local health department ~~that~~^{which} has been designated an agent of the State for conduct of the Private Sewage Disposal Program.

"Maintained and Serviced" means the tasks, procedures and inspections required by the manufacturer of the component/system or the Department for the private sewage disposal system to operate within the parameters and regulations established by this Part and any other restrictions established as part of the system approval or as part of a variance.

"Minimum Slope" means the slope required for treated effluent to travel in the designed direction of flow.

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

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

"NRCS" means the USDA Natural ~~Resources~~^{Resource} Conservation Service.

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

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

"Person" means any individual, group of individuals, association, trust, partnership, corporation, limited liability company, person doing business under an assumed name, or any other entity.

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"Portable, Potable Hand-Washing Unit" means a self-contained portable, potable water unit equipped with a waste receiving holding container that may be moved or transported from site to site.

"Portable Sanitation Business" means any partnership, company, limited liability company, corporation or individual that sells, rents, leases, transports, services, cleans, sanitizes or maintains a portable toilet or portable, potable hand-washing unit or pumps, or transports or disposes of waste from portable toilets or portable, potable hand-washing units.

"Portable Sanitation Technician" means any individual who is certified by the Department to be an employee for a portable sanitation business and has completed the required training established by this Part.

"Portable Sanitation Technician Trainee" means any individual who is certified by the Department as an employee for a portable sanitation business for less than one year.

"Portable Toilet" means a self-contained portable unit equipped with a waste receiving holding container that may be moved or transported from site to site.

"Proper Operation" means operation of a system within the parameters and regulations established within this Part, the Act and any other restrictions established as part of the system approval or as part of a variance.

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

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

"Shall" means that the stated provision is mandatory.

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

"Soil Classifier" means one of the following:

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

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

"Sub-soil Drainage" means liquid waste such as runoff water, seepage water or clear water waste from the soil that is free from domestic sewage.

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

"Surface Discharging System" is any private sewage disposal system in Section 905.30 from which the discharge meets the requirements of Section 905.110(a).

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

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

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

"Waters of the United States" means any waters of the United States as defined in 40 CFR 122.2.

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

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~~color patterns).~~

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

(Source: Amended at 34 Ill. Reg. _____, effective _____)

Section 905.15 Incorporated and Referenced Materials

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

- a) The following materials are incorporated by reference:

- 1) ~~NSF International/ANSI/ANSI/NSF~~ Standard 46, Evaluation of Components and Devices Used in Wastewater Treatment Systems (~~October 22, 2004~~~~May 2, 2002~~) published by:

NSF International
789 Dixboro Road
Ann Arbor, Michigan 48105

Referenced in Sections 905.40 and 905.120 ~~Section 905.30~~

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

NSF International
789 Dixboro Road
Ann Arbor, Michigan 48105

Referenced in Section 905.100

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

NSF International
789 Dixboro Road

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Ann Arbor, Michigan 48105

Referenced in Section 905.130

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

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

Referenced in Sections 905.40, 905.60 and, 905.70

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

American Public Health Association
1015 8th Street
Washington DCD-C, 20036

Referenced in Section 905.110

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

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

Referenced in Section 905.10

- 7) Code of Federal Regulations:

A) ~~Title 40 of the Code of Federal Regulations~~, Standards for the Use or Disposal of Sewage Sludge (40 CFR 503) (2008)

Referenced in Section 905.170

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B) 40 CFR 122.2, Definitions (Waters of the United States)
Referenced in Section 905.10 (2009)

8) National Electrical Code, 2005+1993 Edition, published by:

National Fire Protection Association
1 Batterymarch Park
Quincy, Massachusetts 02269

Referenced in Section 905.20

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

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

IEC Central Office
3, rue de Varembe
P.O. Box 131
CH-1211 Geneva 20
Switzerland

Referenced in Section 905.100

10) Field Book for Describing and Sampling Soils ver. 2.0 (2002 Edition)

National Resources Conservation Service
U.S. Department of Agriculture
1400 Independence Ave., SW
Washington DC 20250

Referenced in Section 905.55

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11) Soil Taxonomy (2nd edition)

U.S. Department of Agriculture
1400 Independence Ave., SW
Washington DC 20250

Referenced in Section 905.55

12) Soil Survey Manual 1993

Soil Conservation Service
U.S. Department of Agriculture
1400 Independence Ave., SW
Washington DC 20250

b) The following materials are referenced in this Part:

1) Department of Public Health regulations and statutes

A) Private Sewage Mound Code (77 Ill. Adm. Code 906)

Referenced in Section 905.30

B) Illinois Plumbing Code (77 Ill. Adm. Code 890)

Referenced in Sections 905.20, 905.140, 905.150 and Appendix
A, Illustration C

C) Recreational Area Code (77 Ill. Adm. Code 800)

Referenced in Section 905.150

D) ~~Rules of~~ Practice and Procedure in Administrative Hearings (77 Ill.
Adm. Code 100)

E) Plumbing License Law [225 ILCS 320]

2) Pollution Control Board regulations and statutes

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A) Introduction (35 Ill. Adm. Code 301)

Referenced in Section 905.110

B) Permits (35 Ill. Adm. Code 309)

Referenced in Sections 905.110 and 905.170

C) Waste Disposal (35 Ill. Adm. Code Subtitle G)

Referenced in Sections 905.20 and 905.140

D) Classification of Injection Wells (35 Ill. Adm. Code 704.106)Referenced in Appendix A, Illustration DE) Environmental Protection Act [415 ILCS 5]Referenced in Section 905.1403) Illinois Department of Transportation Specifications for Road and Bridge Construction (January 1, ~~2007~~2002) published by:

Illinois Department of Transportation
Manuals Office, Room ~~128012~~
2300 S. Dirksen Parkway
Springfield, Illinois 62764

Referenced in Section 905.95

4) Illinois Highway Code [605 ILCS 5/9-123]Referenced in Section 905.110

- c) All incorporations by reference of federal regulations and the standards of nationally recognized organizations refer to the regulations and standards on the date specified and do not include any amendments or editions ~~additions or deletions~~ subsequent to the date specified.

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- d) All citations to federal regulations in this Part concern the specified regulation in the ~~2005~~1994 Code of Federal Regulations, unless another date is specified.
- e) All materials incorporated by reference are available for inspection and copying at the Illinois Department of Public Health~~Department's Central Office~~, Division of Environmental Health, 525 West Jefferson, Springfield, Illinois 62761.

(Source: Amended at 34 Ill. Reg. _____, effective _____)

Section 905.20 General Requirements

- a) Rate of Flow for Domestic Sewage. Each unit of the private sewage disposal system shall be designed to treat the volume of domestic sewage discharged to it. The volume of sewage flow shall be determined from Appendix A, Illustration A of this Part. For non-residential establishments, the Department will consider the use of actual flow volumes obtained from similar installations in lieu of the quantities contained in Appendix A, Illustration A of this Part, when the flow data is documented. Examples of the documentation that could be accepted would be actual measurements of the quantity of wastewater, or water use receipts. In the design of a private sewage disposal system, peak flows shall be designed for and/or attenuated. ~~When the sewage flow exceeds 1500 gallons per day, and there is a surface discharge, then approval shall be obtained from the Illinois Environmental Protection Agency.~~
- b) Type of Waste. A private sewage disposal system shall be designed to receive all waste from the buildings served. ~~No cooling water, groundwater, discharge from roof drains, discharge from footing tile drains, swimming pool wastewater, or other clear water discharges shall be directed to the private sewage disposal system. Drains or fixtures receiving any product other than domestic sewage shall be discharged to a holding tank and not to a private sewage disposal system.~~
- 1) Prohibited Influent. No groundwater, discharge from roof drains, discharge from footing tile drains, swimming pool wastewater, or clear water discharges shall be directed to the private sewage disposal system. ~~Backwash water from a water softener shall discharge to one of the following:~~
- A) ~~A septic tank followed by a seepage field, sand filter or waste stabilization pond.~~

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- ~~B) A separate subsurface seepage system, provided the seepage field is designed to accommodate the flow from this device on a daily basis. A septic tank is not required in front of a seepage field receiving flow from this device.~~
- 2) Water Softener and Hot Tub Wastewater. Backwash water from a water softener or wastewater from~~Wastewater generated by~~ a hot tub or other similar device shall be discharged to one of the following:
- A) A separate building drain in accordance with the Illinois Plumbing Code with a seepage field serving the domestic wastewater flow, provided the seepage field is increased in size to accommodate the additional flow from the water softener and/or hot tub on a daily basis. This drainage shall be piped so that it does not enter the septic tank, but is directed into the subsurface seepage field.~~A separate subsurface seepage system, provided the seepage field is designed to accommodate the liquid capacity of the hot tub on a daily basis. A septic tank is not required in front of a seepage field receiving flow from this device.~~
- B) A separate building drain in accordance with the Illinois Plumbing Code, which will discharge to a separate subsurface seepage system, provided the seepage field is designed to accommodate the flow from this device on a daily basis. A septic tank is not required in front of a seepage field receiving flow from this device.~~The seepage field serving the domestic wastewater flow, provided the seepage field is increased in size to accommodate the additional flow from the hot tub on a daily basis. This drainage shall be piped around the septic tank and directly into the seepage field.~~
- 3) Motorized Equipment. Waste products such as automotive grease, oils, solvents, and chemicals shall not discharge to a private sewage disposal system. These waste products shall be handled according to rules for disposal of oil, gas and grease promulgated under the Environmental Protection Act, or according to 35 Ill. Adm. Code, Subtitle G, or shall be taken to an oil and gas reclamation center. The floor drain of any non-residential property that meets the requirements of subsection (b)(3)(A) or

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(B) of this Section, and is connected to a public sewer, shall be connected to an approved gas and oil interceptor meeting the requirements of 77 Ill. Adm. Code Section 890.520 ~~of the Illinois Plumbing Code~~. Wastes from floor drains in areas where vehicles or motorized equipment are serviced and parked shall be treated in accordance with the following:

- A) For any non-residential property in which a floor drain may receive fluids from vehicle or motorized equipment repair or maintenance activities, floor drains shall be connected to a public sewer or holding tank and not to a private sewage disposal system. Repair and maintenance facilities shall include, but shall not be limited to, service stations and auto body, muffler, transmission, small engine, and brake repair shops. Floor drains in any facility that performs vehicle or motorized equipment repair work shall be connected to a public sewer or holding tank. If the floor drain is connected to a public sewer, then the floor drain shall be connected to an approved gas and oil interceptor meeting the requirements of 77 Ill. Adm. Code Section 890.520 ~~of the Illinois Plumbing Code~~. If the floor drain is connected to a holding tank, a gas and oil interceptor is not required.
- B) For any non-residential property ~~on~~ which vehicles or motorized equipment ~~is~~are parked or stored and repair or maintenance ~~is~~are not performed, floor drains may discharge to a public sewer or a private sewage disposal system, provided floor drains are only used to receive water from motorized equipment or vehicle washing or to drain melted snow. When floor drains in such properties are connected to a private sewage disposal system, the system ~~shall~~must be increased in size based upon the anticipated daily flow. When a maintenance area is adjacent to a parking area, physical barriers, such as a raised curb or recessed floor in the maintenance area, ~~shall~~must be provided to assure ~~that~~ oil and gas are not discharged to floor drains.
- C) For any residential property with a garage of any size, floor drains may discharge directly to a private sewage disposal system. No increase in size of the residential private sewage disposal system is required to handle this liquid waste.

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- 4) Other Waste. Drains or fixtures receiving any product other than domestic sewage or wastewater specified in subsection (b)(2) of this Section shall be discharged to a holding tank and not to a private sewage disposal system.
- c) Individual Service. The use of a private sewage system to serve more than one property is prohibited except where a common property is provided, under joint ownership of the users, or where the system is under public jurisdiction or managed by a district established for the maintenance of such systems.
- d) Water and Sewer Line Separation. The following criteria shall govern the separation of water supply lines and sewer lines:
- 1) Horizontal Separation. Sewers shall be installed at least 10 feet horizontally from any existing or proposed water line. When local conditions prevent a lateral separation of 10 feet, a sewer may be laid closer than 10 feet to a water line provided that the elevation of the crown of the sewer is at least 18 inches below the invert of the water line.
 - 2) Crossings. Where sewer lines must cross water lines, the sewer line shall be laid at such an elevation that the crown of the sewer line is at least 18 inches below the invert of the water line. This vertical separation shall be maintained for that portion of the sewer line located within 10 feet horizontally of any water line it crosses. When sewer lines must cross above water lines, the sewer lines shall be Schedule 40 or equivalent material with watertight joints.
- e) Sanitary Sewer. New or renovated private sewage disposal systems shall not be approved where a sanitary sewer operated and maintained under permit of the Illinois Environmental Protection Agency is available for connection. A sanitary sewer is available for connection when it is within ~~300~~200 feet of a residential property or a non-residential property with a sewage flow less than 1500 gallons per day, or within 1000 feet of a non-residential property with a sewage flow greater than or equal to 1500 gallons per day unless a physical barrier or local ordinance exists ~~that~~which prevents connection to the sewer. If connection from the property to the sanitary sewer cannot be made with an individual line (i.e., 4 ~~inch~~" line), then a private sewage disposal system may be installed.
- f) Acceptable Pipe Materials-

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- 1) All piping located more than 5 feet from the building foundation, used to convey wastewater to a private sewage disposal system, shall be considered a part of the private sewage disposal system and shall be watertight. This piping shall be ductile iron, vitrified clay, or plastic pipe. Only vitrified clay or plastic pipe shall be used from the septic tank and after the distribution box (where used). Perforated pipe or open-jointed tile shall be used only as provided in this ~~Part~~Code.
 - 2) Use of plastic pipe and fittings shall conform to the uses designated in Appendix A, Illustration C of this Part.
 - 3) Piping used to carry domestic sewage under areas such as driveways, roads, or parking areas shall be Schedule 40 equivalent or greater.
- g) ~~Pipe Size and Slope:~~
- 1) All solid pipes carrying domestic sewage by gravity flow shall have a nominal diameter of at least 4 inches and a minimum slope of 12 inches per 100 feet.
 - 2) Solid header lines used for equal distribution shall be level.
 - 3) Solid pipes carrying treated effluent by gravity shall have a nominal diameter of 4 inches and a minimum slope to ensure designed flow within the system.
 - 4) An alternative design for pipe sizing and slope may be proposed by an Illinois licensed Professional Engineer.
- h) Prohibited Discharges. There shall be no discharge of raw or improperly treated domestic sewage to the surface of the ground or to farm tiles, streams, rivers, ponds, lakes, or other collectors of water. Improperly treated domestic sewage is sewage that does not meet the effluent requirements of Section 905.110(~~db~~) or sewage ~~that~~which comes directly from a septic tank or building sewer. Domestic sewage or effluent from any private sewage disposal system or component shall not be discharged into any well, cistern, basement or into any underground mine, cave, sinkhole or tunnel.

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- i) Pipe Length. Building sewers in excess of 50 feet in length ~~that~~~~which~~ carry wastewater from the buildings served to the septic tank, distribution box or aeration treatment plant shall be provided with at least one clean-out every 50 feet that terminates at grade.
- j) Private Sewage Disposal System Development. The following factors shall govern the development of a private sewage disposal system:
- 1) Drainage. A private sewage disposal system shall not be located in areas where surface water will accumulate. Provisions shall be made to minimize flow of surface water over the private sewage system. Examples of such provisions would be the use of dikes, embankments, ditches or flow diverters.
 - 2) Distances. The location of the various components of a private sewage disposal system shall comply with Appendix A, Illustration D of this Part.
 - 3) Area Reserved for Sewage Disposal. The area to be used for a private sewage disposal system shall be selected and maintained so that it is free from encroachment by driveways, accessory buildings, swimming pools, parking areas, buried lawn sprinkling systems and underground utility services, patios, slabs, and additions to the original structure or any other structure ~~that limit~~~~which limits~~ free access to the system for maintenance, servicing or proper operation. The designated area for the subsurface seepage system shall be secured prior to construction or modifications to the site, and shall be protected throughout the site development or construction process. The homeowner or licensed contractor shall secure this area to deter any traffic, compaction of the soil, removal or addition of soil or encroachment on the area of the proposed subsurface seepage system. Temporary fencing, posts and roping or a similar restrictive barrier may be used to restrict access. The area of the proposed private sewage disposal system shall be protected throughout the site development or construction process.
 - 4) Creviced Limestone Formations. A subsurface seepage system shall not be constructed in an area where there is less than 4 feet of soil between the lowest point in a subsurface seepage system and the top of a creviced limestone formation. In areas where creviced limestone is known to occur, a soil boring to a depth of at least 4 feet below the bottom of the

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subsurface seepage system shall be made to verify that creviced limestone is not present.

5) After January 1, 2011, every proposal for installation or replacement of a private sewage disposal system shall meet the requirements of Section 905.55 of this Part to determine the feasibility for the use of a subsurface seepage system. If the soils on the lot are identified within Design Groups II through VII as illustrated in Appendix A, Illustration M, Exhibit A, a subsurface system shall be used when there is sufficient area for a subsurface seepage system, excluding the area for the structure served by a private sewage disposal system and provided that the minimum distance can be met as established in Section 905.60(a)(7) and Appendix A, Illustration D of this Part. Before deeming a property as unsuitable for a subsurface system, all approved technologies and private sewage disposal system components shall be evaluated and proven to be non-feasible. Requirements in this Section do not exclude Design Groups VII through XII to be used for subsurface systems if the site is feasible. After January 1, 2011, only Section 905.55(a) of this Section shall be used to evaluate a site and determine the feasibility for a subsurface system.

k) Electrical Devices. All electrical devices shall be wired in accordance with the National Electrical Code or a municipal, county, or local electrical code, whichever is more stringent.

1) Any component of a private sewage disposal system ~~that~~which is electrically activated shall be provided with a visible and audible warning device ~~placed within the building served.~~ All electrical devices shall be ~~wired in accordance with the National Electrical Code or a municipal, county, or local electrical code, whichever is more stringent.~~

2) Alarms installed after March 1, 2011 shall be located outside of the building served. The power supply for the alarm shall be on a dedicated circuit. The design of the alarm shall meet the requirements specified in Section 5.8 of NSF International/ANSI Standard 40. The alarm shall be housed in a weatherproof box.

3) Electrical devices installed after March 1, 2011 shall be provided with an electrical disconnect that is located within sight of and not more than 50 feet away from the device.

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

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fails to perform in accordance with any of the Sections of this Part, or with criteria established as a condition to approval of the system.

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

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

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~~Adm. Code 100~~ shall apply to all proceedings conducted under this Section.

- 8) When an experimental system has been designated by the Department as an approved private sewage disposal system, the Department will amend this Part to include design, construction, operation and maintenance criteria for the newly approved system and will add the system to a list of approved systems maintained by the Department.
- o) Garbage Grinders. When garbage grinders are used in residential property, solids shall be retained by one of the following methods:
 - 1) A solids retention tank constructed in accordance with Section 905.40 shall be placed between the wastewater source and the septic tank to intercept solids from the garbage grinder. This tank shall receive waste from the garbage grinders or the kitchen wastes only. No other fixtures shall discharge into this tank. The solids retention tank shall be at least 50% in liquid volume of the septic tank sized for the waste from the rest of the property; however, the minimum size tank to be used shall be 500 gallons.
 - 2) A septic tank receiving all flows from the property sized in accordance with Appendix A, Illustration F of this Part.
- p) Whenever an existing private sewage disposal system is repaired or replaced, that portion of the system being repaired or replaced shall comply with all the requirements of this Part.

q) Maintenance of Private Sewage Disposal Systems

1) After January 1, 2011, as a condition of applying for an installation approval required by Section 905.190 of this Part, the signature by the property owners on the installation approval submission/construction permit for any private sewage disposal system being installed, repaired or renovated serves as written acknowledgement that the property owners are aware of and accept the responsibility to service and maintain the private sewage disposal system in accordance with the Act and this Part.

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2) The property/private sewage disposal system owner shall maintain all maintenance records and make records available upon request.

3) After January 1, 2011, private sewage disposal systems installed and permitted under Section 905.190 are required to be maintained and serviced to ensure proper operation in accordance with the following:

A) Septic tank to a subsurface seepage system or septic tank followed by a sand filter discharging to a subsurface seepage system.

i) Private sewage disposal systems septic tanks serving residential properties shall be evaluated prior to or within three years after the date of installation of the system. The system may be evaluated by the homeowner, a Private Sewage Disposal System Installation Contractor, a Private Sewage Disposal System Pumping Contractor, a licensed Environmental Health Practitioner, an Illinois licensed Professional Engineer, a representative of the Department, or an agent of the Department or local health department. The evaluation shall determine whether the tanks and all of the compartments of the private sewage disposal system have a layer or layers of scum and/or settled solids greater than 33% of the liquid capacity of the tank. If the layers of scum and/or settled solids is greater than 33%, the tanks and/or compartments shall be pumped out and maintenance shall be performed. An evaluation of the system shall be performed a minimum of once every five years, after the first evaluation. Depending on the system's use, the tanks and/or compartments may need to be evaluated and pumped more frequently.

ii) Private sewage disposal systems septic tanks serving non-residential property shall be evaluated within three years after the date of installation of the system. The system may be evaluated by a Private Sewage Disposal System Installation Contractor, a Private Sewage Disposal System Pumping Contractor, a licensed Environmental Health Practitioner, an Illinois licensed Professional Engineer, a representative of the Department, or an agent of the

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Department or local health department. The evaluation shall determine whether the tanks and all of the compartments of the private sewage disposal system have a layer or layers of scum and/or settled solids greater than 33% of the liquid capacity of the tank. If the layers of scum and/or settled solids is greater than 33%, the tanks and/or compartments shall be pumped out and maintenance shall be performed. An evaluation of the system shall be performed at minimum once every three years, after the first evaluation. Depending on the system's use, the tanks and/or compartments may need to be evaluated and pumped more frequently.

- B) An aerobic treatment unit (ATU) requires evaluation and maintenance at least once every six months. The system may be evaluated by a Private Sewage Disposal System Installation Contractor, a Private Sewage Disposal System Pumping Contractor, a licensed Environmental Health Practitioner, an Illinois licensed Professional Engineer, a representative of the Department or an agent of the Department or local health department.
- C) Sand filters and lagoons with surface discharges require an evaluation to determine if the tanks and all of the compartments of the private sewage disposal system have a layer or layers of scum and/or settled solids greater than 33% of the liquid capacity of the tank. If the layers of scum and/or settled solids are greater than 33%, the tanks and/or compartments shall be pumped out and maintenance shall be performed. An evaluation of the system shall be performed a minimum of once every year. The system may be evaluated by a Private Sewage Disposal System Installation Contractor, a Private Sewage Disposal System Pumping Contractor, a licensed Environmental Health Practitioner, an Illinois licensed Professional Engineer, a representative of the Department or an agent of the Department or local health department. Depending on the system's use, the tanks and/or compartments may need to be evaluated and pumped more frequently.

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- D) All other private sewage disposal systems that are not listed in subsections (q)(3)(A) through (C) shall be maintained in accordance with the manufacturer's specifications or based on a maintenance interval approved by the Department.
- E) The owner of a private sewage disposal system may submit an alternative maintenance interval to the Department for approval. The Department will evaluate the alternative interval on a case-by-case basis and upon change of property ownership or use.
- 4) A failure to properly operate, maintain and have routine service conducted on a private sewage disposal system is a violation of the Act and this Part.
- r) Installation Contractor Onsite. A licensed Private Sewage Disposal System Installation Contractor shall be present at the site during construction, installation, repair, modification or maintenance of a private sewage disposal system. Cleaning, pumping, disposing and hauling of waste from a private sewage disposal system shall be done by a licensed Private Sewage Disposal System Pumping Contractor. A person who owns and occupies a single family dwelling and who constructs, installs, maintains, services or cleans the private sewage disposal system which serves his/her single family residence shall not be required to be licensed under this Section; however, such person shall comply with all other provisions of the Act and this Part. (Section 4 of the Act)
- s) Construction and Excavation. Any construction or excavation performed by any individual other than the person who owns and occupies a single family dwelling shall be performed by a licensed Private Sewage Disposal System Installation Contractor or an individual under the direct supervision of a licensed Private Sewage Disposal Installation Contractor.
- t) Alternative Technology. The Department may issue approval for a private sewage disposal system or a system component that has been approved by another governmental body or an approved certification agency, based upon, but not limited to, the review of the following information: submittals to other governmental bodies, analysis from third party testing, testing results from other governmental bodies, historical use within the jurisdiction of other governmental bodies.

(Source: Amended at 34 Ill. Reg. _____, effective _____)

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Section 905.30 Approved Private Sewage Disposal Systems

- a) The following systems are approved for private sewage disposal when designed, constructed, operated, and maintained in accordance with this PartCode:
- 1) Septic tank, Imhoff tank or aerobic treatment plants followed by:
 - A) Subsurface seepage field;
 - B) Seepage bed;
 - C) Sand filter (buried or recirculating);
 - D) Waste stabilization pond;
 - E) 8 inch or 10 inch gravelless seepage system;
 - F) Chamber system; or
 - G) Peat filter system.
 - 2) Aerobic treatment plant and NSF International/ANSI Standard 40 wastewater treatment systems discharging to supplementary treatment or to the surface, as provided in SectionsSection 905.100 and 905.110.
 - 3) Privies, chemical toilets, recirculating toilets, incinerator toilets, compost toilets.
 - ~~4) Mounds designed in accordance with the requirements of the Private Sewage Mound Code (77 Ill. Adm. Code 906).~~
 - ~~45) Holding tanks installed in accordance with Section 905.140.~~
 - ~~56) Any other system for which a variance in accordance with Section 905.20(l) has been issued or for which an experimental permit in accordance with Section 905.20(m) has been issued.~~
 - ~~67) Illinois raised filter bed preceded by a batch treatment aeration system.~~

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- 7) Technologies approved by the Department under Section 905.20(t) of this Part.
- b) The Department will maintain a list of alternative components and technologies that have been approved under the Act. Upon the next modification of this Part, the Department will incorporate the list of approved components and technologies into this Part.~~All other systems or components are not approved.~~
- c) All other systems or components are not approved.

(Source: Amended at 34 Ill. Reg. _____, effective _____)

Section 905.40 Septic Tanks

- a) Septic Tank Approval. Manufacturers of prefabricated septic tanks shall submit ~~three~~³ sets of plans for each size and configuration of septic tank to the Department for approval. ~~Plans~~^{Such plans} shall be drawn to scale and show all dimensions, baffles, tees, cleanouts, and material specifications. ~~The Department will provide a~~^A written approval for each size tank ~~shall be provided by the Department~~ when the plans are found to conform to the requirements of this ~~Part~~^{Code}.
- 1) The Department shall issue an approval number to each manufacturer for each series of approved septic tanks, and shall maintain a listing of the approved manufacturers and approved septic tank series.
- 2) No prefabricated septic tank shall be sold, offered for sale, or installed other than those which have been approved by the Department. The tank shall bear the manufacturer's approval number and the liquid capacity of the tank, in gallons, prominently displayed on the outside end wall of the tank above, or next to, the outlet pipe so that this information is readily visible after installation and prior to covering. The Illinois Department of Public Health approval number shall not be used on any tank other than the septic tank for which it is has been issued.
- 3) All persons who manufacture, sell, offer for sale or deliver septic tanks or aerobic treatment plants in or into the State of Illinois shall record the following information about each septic tank or aerobic treatment plant

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sold or delivered. This information shall be available for inspection by the Department or local authority upon request.

- A) Name of purchaser and/or property owner (if different);
- B) Location of delivery (county and address, legal description or driving directions);
- C) Date of sale and delivery; and
- D) Size of septic tank or model of aerobic unit.

b) **Septic Tank Construction.** Septic tanks shall be designed and constructed in accordance with the following: (Appendix A, Illustration E of this Part is an illustration of these requirements.)

- 1) A septic tank shall be watertight and constructed of sound and durable materials not subject to excessive corrosion, decay, frost damage, or cracking due to settling or backfilling.
- 2) **Engineering Specifications-**
 - A) The tank shall support a top-dead load of not less than 500 pounds per square foot, and concrete tanks shall have a minimum 28-day compressive strength of 3000 pounds per square inch (psi).
 - B) Tanks must be designed and constructed so that they will not collapse or rupture when subjected to anticipated earth and hydrostatic pressures when the tanks are either full or empty. The manufacturer, design engineer, and/or structural engineer shall certify in writing to the Department that the tank is designed and constructed to meet the load requirements of this Part. If additional loading is anticipated, the tank shall be strengthened to accommodate the additional loading.
- 3) **Materials.** Septic tanks shall be constructed of any of the following approved materials:
 - A) Poured-in-place reinforced concrete.

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- B) Precast reinforced concrete.
 - C) Concrete block, provided that the core is filled with concrete and reinforcing rods are inserted in the core prior to pouring.
 - D) Reinforced plastic.
 - E) Reinforced fiberglass.
 - F) Thermoplastic.
- 4) Depth. The minimum liquid depth of the tank shall be 42 inches, and the maximum liquid depth shall be 72 inches.
- 5) Inlet and Outlet Connections:
- A) The invert elevation of the inlet shall be at least 2 inches above the liquid level in the tank.
 - B) The inlet and outlet openings of the septic tank shall be provided with cast-in watertight openings.
- 6) Baffles. Septic tank baffles shall meet the following requirements:
- A) Inlet baffles shall be provided and shall extend at least 6 inches below the surface of the liquid.
 - B) Inlet baffles shall be located no farther than 12 inches from the inlet orifice.
 - C) Inlet and outlet baffles shall have a clearance of at least one inch but not greater than 3 inches of free space between the underside of the tank lid and the baffles.
 - D) Outlet baffles shall be provided and shall extend to a depth of 40% of the liquid depth.
 - E) Outlet baffles shall be located no farther than 6 inches from the

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outlet end wall.

- F) Slip-in baffles shall extend the full width of the tank.
- G) The sides of "V" or semi-circular type baffles shall fit tightly against the end wall of the tank.
- H) Venting shall be provided through all baffles, and a free vent area equal to the cross-sectional area of the ~~building~~ sewer shall be provided.
- I) Submerged pipe T-branches or sanitary tees may be used at the inlets and outlets in lieu of baffles, provided all of the above-stated distances and depths are maintained.
- J) Submerged pipe T-branches or sanitary tees used as inlet baffles shall be 6 inches in diameter or larger. Outlet baffles shall be 4 inches in diameter.
- K) Submerged pipe T-branches or sanitary tees shall meet the requirements of ASTM 2661, ASTM 2665 or ASTM 3034, ~~ASTM 3033~~, or ASTM 2751, provided the pipe does not have an SDR (Standard Dimension Ratio) number greater than 35.
- L) When submerged pipe T-branches or sanitary tees are used as baffles, it shall be the responsibility of the septic tank manufacturer to assure proper location of components during initial installation.
- M) When a single compartment septic tank is manufactured or used, a gas deflection baffle shall be provided below the outlet baffle of the tank configured to deflect rising gas bubbles away from the outlet structure and toward the interior of the tank. This baffle shall be constructed of a durable material not subject to corrosion or decay. (Appendix A, Illustration E, Exhibit C of this Part is an illustration.) An NSF International/ANSI Standard 46, Section 10 septic tank filter may be used in lieu of the gas deflector baffle. The septic tank filter baffle shall be installed so that it is extended or suspended to a depth equal to 40% of the liquid level of the tank. The tank access over the filter shall be provided with an

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access riser that extends to 3 inches above the ground surface or greater.

- 7) Access. Access shall be provided over the inlet and outlet of the tank to facilitate inspection and cleaning. The manhole or access opening shall have a fitted lid with a minimum dimension of 12 inches (width or diameter). Risers shall be watertight and constructed of a durable material. If the top of the tank is greater than 12 inches below the ground surface, a riser with a minimum dimension of 12 inches (width or diameter) shall be provided to bring access over the inlet and outlet to within 12 inches of the ground surface. The joint between the septic tank and the risers shall be watertight. If a 2 compartment tank is used, and the tank has an opening over the wall between the compartments, the center opening shall have access provided within 12 inches of the ground surface.

c) Capacity-

- 1) Septic tanks for individual residences shall be sized in accordance with Appendix A, Illustration F of this Part. Septic tanks for any establishment other than residential property shall be sized in accordance with the estimated flow provided in Appendix A, Illustration A of this Part and as provided in subsection (c)(2). follows:
- 2) The volume below the liquid level for flows up to 500 gallons per day shall be at least 750 gallons. For flows greater than 500 gallons per day, the volume shall be equal to at least one and one-half times the estimated daily sewage flow. When the total flow exceeds 1,350 gallons per day, two or more tanks in series, or a multi-compartment tank, shall be installed.

d) Multiple Tanks or Compartments. When multiple compartment septic tanks or multiple septic tanks in series are used, the capacity of the first compartment or tank shall be one-half to two-thirds of the total required capacity. Two- compartment tanks shall also comply with the following:

- 1) The wall separating the first and second compartments shall be tight-fitting and designed to handle the differential in pressure if one side is pumped.

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- 2) The wall separating the compartments shall extend to within 3 inches of the tank lid and shall have a free vent area equal to the cross-sectional area of the house sewer.
- 3) The center of the opening between compartments shall be in line with the center of the inlet and outlet openings.
- 4) The depth to the invert of the opening between compartments shall be 40% of the liquid depth.
- 5) A gas deflection baffle shall be provided below the outlet baffle of the tank configured to deflect rising gas bubbles away from the outlet structure and toward the interior of the tank. This baffle shall be constructed of a durable material that is not subject to corrosion or decay. An NSF International/ANSI Standard 46, Section 10 septic tank filter may be used in lieu of the gas deflector baffle. The septic tank filter baffle shall be installed so that it is extended or suspended to a depth equal to 40% of the liquid level of the tank. The tank access over the filter shall be provided with an access riser that extends to 3 inches above the ground surface or greater.
- 6) For a ~~two-~~2-compartment tank, openings with a minimum dimension of 18 inches shall be located over the inlet and outlet of the tank or 12-inch openings as follows:
 - A) ~~One~~ One located over the inlet;
 - B) ~~One located~~ One over the outlet; and
 - C) ~~One~~ One centered over the compartment wall.
- e) Septic Tank Installation:
 - 1) The septic tank shall be set level and backfilled to prevent floatation or drifting of the tank. Level shall mean plus or minus ~~1/2 one-half~~ inch in any direction (length or width or diameter of the tank).
 - 2) If the inlet, outlet or access openings are to be set at or below the seasonal high water table, all openings in the tank shall be made watertight using

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mastic, tar, silicone caulk, etc.

- 3) There shall be no connections such as joints, splices, or fittings within the area of overdig around the septic tank.
- f) Abandoned Treatment Units. Septic tanks, cesspools, pit privies, aerobic treatment plants and seepage pits that are no longer in use shall be completely pumped. The floor and walls shall be cracked or crumbled so the tank will not hold water, and the tank shall be filled with sand or soil. If the tank is removed from the ground, the excavation shall be filled with soil.

(Source: Amended at 34 Ill. Reg. _____, effective _____)

Section 905.50 Distribution Boxes

- a) General. Distribution boxes may be installed between a septic tank, ~~or~~ aerobic treatment plant ~~and, or NSF International/ANSI Standard 40 wastewater treatment system and~~ a subsurface seepage system or buried sand filter. If a distribution box is used, it shall be installed level on unexcavated earth, and shall provide equal distribution of flow to the subsequent disposal system.
- b) Connecting Pipe. The pipe connecting the ~~pre-treatment or primary treatment component~~ ~~septic tank~~ to the distribution box and the pipe connecting the distribution box to the disposal system shall be watertight.
- c) Construction. Distribution boxes shall be constructed of a durable, watertight, non-corrosive material. They shall be designed to accommodate the necessary distribution lines.
- d) Access. Distribution boxes shall be provided with an opening ~~that~~ ~~which~~ will serve as a ready access for inspection, cleaning, and general maintenance.
- e) There shall be no connection such as joints, splices or fittings within the area of the overdig around the distribution box.

(Source: Amended at 34 Ill. Reg. _____, effective _____)

Section 905.55 Subsurface Seepage System Design Requirements

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When designing a subsurface seepage system, the absorption capacity of the soil shall be determined by subsection (a) or (b) of this Section. After January 1, 2011, when designing a subsurface seepage system, the absorption capacity of the soil shall be determined by subsection (a) of this Section. After January 1, 2011, subsection (b) of this Section may be used to judge if the soils may be suitable for a subsurface system. as follows:

a) Soil Investigation-

1) Soil investigations shall be conducted in the following manner:

- A) Determination of soil characteristics on sites proposed for development with private sewage disposal systems shall be based on soil boring data collected by a soil classifier or an Illinois licensed professional engineer.
- B) There shall be a minimum of ~~three~~ borings per soil absorption system site. The soil borings shall be at least 50 feet apart, and the proposed subsurface seepage system shall be located within the area where the soil borings were located. More soil borings may be necessary for accurate and appropriate evaluation of a site where there is some concern about the consistency of the soil materials. One of the borings shall be made at the lowest elevation of the proposed absorption field area. Borings shall extend a minimum of 60 inches below the natural ground surface. An observation pit shall be used in gravelly materials.
- C) Observation and determination of soil characteristics may ~~also~~ be ~~also~~ determined from a pit dug by a backhoe or other excavating equipment. The Department or local authority may require soil pits (backhoe excavation) in cases where ground is frozen, where the soil materials are considerably varied in texture, where there has been previous or current fill material ~~or~~; cutting of soils, or where gravelly soils are encountered. Such soil pits shall be prepared at the perimeter of the expected soil absorption area to minimize damage to natural soil structure. Soil pits shall extend a minimum of 60 inches below the natural ground surface.
- D) Site characteristics to be described include zones of seasonal and permanent water saturation, ~~USDA U.S.D.A.~~ soil textural changes,

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~~USDA U.S.D.A.~~ soil structural features for each horizon, slope, compaction and depth, soil coloration, consistence, coatings, depth of limiting layer, depth of soil mottling (as specified in subsection (a)(1)(E) of this Section~~depth to low chroma equal to or less than 2 and a value of 4 or more – Munsell Color System~~), internal drainage classification, and permeability range, and other limiting soil characteristics that may reduce permeability.

E) Identification of soil mottling and reduction of iron (iron depletions) as expressed by soil color patterns. Specifically, this is determined where the soil has two percent or more of a Munsell color value of four or more and a chroma of two or less occurring as iron depletions. Where soil layers have a value of three or less and chroma of two or less, organic matter may mask the iron depletions. Where organic matter is masking the iron depletions, two percent or more of distinct or prominent concentrations of iron (value four or more and chroma of three or more) and/or the taxonomic classification of the soil may be used as additional evidence to determine the estimated depth to the seasonal high water table.

- 2) The following persons are qualified to conduct soil investigations:
- A) any person who meets the definition of soil classifier in Section 905.10;
 - B) an Illinois Licensed Professional Engineer~~a licensed professional engineer~~;
 - C) an employee of a local health department who has three~~3~~ years of experience in designing or approving private sewage disposal systems using soil classification information and six~~6~~ semester hours of soils-related coursework;
 - D) an employee of a local health department with five~~5~~ years experience reviewing the design and~~designing or~~ approving private sewage disposal systems using soil classification information under the direct supervision of those persons listed in subsection (a)(2)~~(A), (B) or (C) of this subsection (a)(2)~~.

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

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

(Source: Amended at 34 Ill. Reg. _____, effective _____)

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Section 905.60 Subsurface Seepage System Construction Requirements

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

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

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

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

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- C) Traffic on the downslope side of the fill area shall be minimal to reduce compaction. All work shall be performed from the ends and upslope side. Compaction of the natural soil downslope will reduce the lateral movement of the effluent.
- D) The fill shall not be placed on frozen ground or when the soil is wet. Moisture content of the soil is very important when filling. Site preparation shall not take place when the soil is too wet. To check moisture content, ~~take~~ a soil sample may be taken from the plow layer (7 to 8 inches) and ~~rolled~~~~roll it~~ between the palms of the hands. If the soil rolls into a ribbon, it is too wet to prepare. If the soil crumbles, site preparation can then proceed.

b) Gravel Seepage Field Requirements:

- 1) Bedding Material. The bedding material shall be clean gravel or clean stone that is free of mud, silt, or clay, with particle size ranging from $\frac{3}{4}$ inch minimum to 4 inches maximum. The bedding material shall extend the full width of the trench and to a depth of at least 6 inches below the bottom of the distribution line. The bedding material shall extend at least 2 inches above the top of the distribution line.
- 2) Distribution Lines. Distribution lines shall be constructed of materials as approved in Section 905.20(f). The lines shall be perforated or open-joint tile. Where open joint tile is used, the tile sections shall be spaced not less than $\frac{1}{4}$ inch or more than $\frac{1}{2}$ inch apart. Perforated piping with the exception of 8-inch or 10-inch gravelless seepage beds shall have $\frac{1}{2}$ - to $\frac{3}{4}$ -inch diameter openings on 3- to 5-inch centers with a minimum of two rows. The openings in the pipe shall be placed downward.
- 3) Separation Material. Bedding materials shall be covered by straw, newspaper, untreated building paper, geotextile fabric or other permeable or biodegradable material to support the backfill as the laying of the distribution line proceeds. Tar paper, plastic, or other impervious material shall not be used between the bedding material and the earth backfill.
- 4) The ends of a gravel seepage field shall be looped except in serial distribution systems.

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- c) Gravelless Seepage Field Requirements. In addition to Section 905.20(f), 8- or 10-inch gravelless seepage systems shall comply with the following specifications:
- 1) 8-inch and 10-inch inside diameter (I.D.) corrugated polyethylene tubing shall meet the requirements of ASTM F667-~~0684~~, Standard Specification for Large Diameter Corrugated Polyethylene Tubing with the following exceptions:
 - A) Perforations shall be uniformly spaced along the length of the tubing as follows: ~~two~~ rows of holes $\frac{3}{8}$ -inch in diameter for 8-inch tubing and $\frac{1}{2}$ -inch in diameter for 10-inch tubing, located 120° to 140° apart along the bottom half of the tubing, each row 60° to 70° up from the bottom center line. The perforations shall be staggered so that there is at least one hole in each corrugation.
 - B) The pipe shall be marked to indicate the top of the pipe.
 - 2) All gravelless drainfield pipe shall be encased at the point of manufacture with a filter wrap having the following characteristics:

Physical Properties	Minimum Value
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Grab Strength, lbs. (ASTM D1682-64 Reapproved 1975 or ASTM D4632- 91(2003))	
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Machine Direction	19
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Traverse Direction	11
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Burst strength, psi (ASTM D3786- 06e1-80a)	26
--	----

Air Permeability, cfm per sq. ft. (ASTM D737- 0475, Reapproved 1980)	500
---	-----

Particle Size Distribution (ASTM F662-80)
Polyethylene particles in water and alcohol solution, coulter counter analysis, single pass:

Particle Size (Microns)	% Retained
70	80
60	68

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50	56
40	40
30	22
20	5

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

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looped. Gravelless seepage systems or chamber systems that are not looped shall be capped on the end.

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

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with subsections (a) through (d) of this Section.

- e) Seepage Beds. The total bottom area of the seepage bed shall be 1½ times the area specified in Appendix A, Illustration H, Exhibit A or Illustration M, Exhibit A of this Part. Construction features shall conform to subsections (a) and (b) of this Section. Distribution lines shall be spaced no further than 6 feet center to center and shall be equally spaced. Lines adjacent to the bed sidewalls shall be 18 inches from the bed sidewall. (See Appendix A, Illustration L of this Part.) Seepage beds shall be constructed so that construction equipment does not drive over the bottom of the bed.
- f) Chamber Systems. Chamber systems shall be sized and installed in accordance ~~with~~ the following:
- 1) Center-to-center spacing for chamber systems shall be in compliance with Appendix A, Illustration I, Exhibit D~~The minimum center to center spacing of chambers shall be 7 feet.~~
 - 2) Chamber systems shall be sized in accordance with Appendix A, Illustration I, Exhibit E.
 - 3) Chamber systems shall be designed to support all weight of earth backfill without collapsing.
 - 4) Chamber systems shall be designed to prevent earth backfill from restricting flow within the chamber.
- g) Subsurface Drip Irrigation Systems. Subsurface drip irrigation systems shall be designed, installed, and maintained in accordance with the following:
- 1) The drip irrigation system shall be designed, installed, and operated as a subsurface seepage system, and no portion of the drip irrigation system shall have a surface discharge.
 - A) Pre-treatment
 - i) The drip irrigation system shall be preceded by a pre-treatment process designed to reduce the CBOD₅ (carbonaceous 5-day biochemical oxygen demand) to a

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maximum concentration of 25 mg/L and total suspended solids to a maximum concentration of 30 mg/L. Drip irrigation systems shall not be installed following a septic tank.

ii) The total flow from the property plus the backwash water from the drip irrigation system shall not exceed the treatment capacity of the pre-treatment device.

iii) The installation contractor, designer, and/or homeowner, in consultation with the manufacturer or the manufacturer's representative, shall assure that the pre-treatment process meets the requirements of this Part.

B) Dosing Tank

i) A minimum liquid capacity of 1,000 gallons shall be provided below the inlet in the dosing tank for a residential or non-residential site.

ii) For homes larger than three bedrooms and non-residential systems with a daily design flow greater than 667 gallons/day, a dosing tank with a minimum capacity of 1.5 days design flow shall be provided.

C) Dosing Pump

i) A high head/low volume pump shall be used.

ii) The pump shall be sized based upon the design flow rate of the drip irrigation field, which shall be based on the number of emitters times the flow rate of each emitter in gallons per minute.

iii) The minimum head requirement of the pump shall be based upon the pressure requirements for the operation and flushing of the drip field plus the total static and friction head requirements of the supply lines and manifolds.

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iv) Pump specifications used for drip irrigation systems shall be provided by the pump manufacturer.

v) The installation contractor, designer, and/or homeowner, in consultation with the manufacturer or the manufacturer's representative, shall assure that the pump used is in compliance with this Part.

D) Time Dosing

i) Drip irrigation systems shall be provided with a timer to activate the dosing pump equally throughout a 24-hour period.

ii) Systems shall be dosed a minimum of six equal doses over a 24-hour period and shall be capable of delivering the maximum daily design flow to the drip irrigation system in a 24-hour period. More frequent doses of eight to 24 equal doses over a 24-hour period are recommended and shall be required in soils that have a loading rate of less than 0.5 gallons/square foot/day.

iii) The dosing frequency shall be such that the soil surrounding the drip irrigation system does not become saturated.

iv) The dosing specifications shall be provided by the drip irrigation manufacturer or the manufacturer's representative in accordance with this Part.

E) Effluent Filtration

i) Wastewater effluent shall be filtered to the drip tubing manufacturer's specifications to ensure proper operation of the distribution system.

ii) The effluent filtration device shall be easily accessible for maintenance and inspection.

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F) Drip Distribution System

i) The drip distribution tubing manufacturer or the manufacturer's representative shall provide written specifications for all components used in conjunction with the drip irrigation system.

ii) The manufacturer or the manufacturer's representative shall assure that all manufacturer specifications for the drip irrigation system are in compliance with this Part.

iii) The manufacturer shall incorporate measures to prevent root intrusion into the emitters.

G) Drip Emitters and Flow Rates

i) The manufacturer of the drip tubing shall specify the number of drip emitters per lineal foot and the flow rates through each emitter for different pressures.

ii) The installation contractor or homeowner, in consultation with the manufacturer or the manufacturer's representative, shall assure that the number of emitters to be used in a drip irrigation system and the types of emitters used, flows, and flow rates into the soil comply with all of the manufacturer's specifications and requirements and with this Part.

H) Absorption Field Sizing

i) A soil investigation shall be conducted in accordance with Section 905.55(a).

ii) The soil loading rate (gallons/square foot/day) shall be based upon the least permeable soil condition encountered within 24 inches below the proposed depth of the drip irrigation tubing.

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iii) The system size shall be based upon Appendix A, Illustration M, Exhibits A and B.

I) Drip Tubing Installation and Configuration

i) The drip tubing shall be installed in the natural soil using installation equipment and procedures specified by the manufacturer.

ii) Drip irrigation tubing shall be installed at a depth of 6 inches to 12 inches below the final graded surface.

iii) Drip irrigation tubing shall be installed on a minimum of 2 foot centers.

iv) When the drip irrigation piping is installed on slopes exceeding 20%, the spacing between the drip irrigation piping shall be 3 feet or greater.

v) The drip irrigation system shall be configured so that the length of the area of the drip irrigation tubing system is at least two times its width. If this is not possible, the drip irrigation tubing trench separation distance shall be doubled.

vi) The length of individual drip distribution tubing shall not exceed the manufacturer's specifications and shall be installed at a uniform depth that follows the contour of the site.

vii) The drip irrigation tubing shall be installed a minimum of 12 inches above a limiting layer.

J) Considerations to Prevent Freezing

i) The distribution and return manifolds shall be installed to drain back to the pre-treatment tank after the field has been dosed.

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ii) If the elevations of the pre-treatment tank and dosing tank do not allow gravity flow to the pre-treatment tank, the lines shall be installed to drain back to the dosing tank.

iii) All piping and components shall be installed to allow water to drain back to the pre-treatment tank or dosing tank.

iv) To allow for drain back, a check valve shall not be installed in the supply and return lines.

K) Fill Soils

Fill soils may be used in accordance with subsection (a) of this Section, except plowing of the soil surface shall not be done.

L) Pressure Requirements

i) The manufacturer of the drip tubing shall specify the operating pressure requirements of the drip irrigation system and provide the specifications of any pressure regulator that may be required with the drip irrigation system.

ii) A pressure gauge shall be provided or a method of connecting a pressure gauge shall be provided on the distal end of the drip irrigation system to ensure that field pressure can be checked during inspection, evaluation, and maintenance. The installation contractor or manufacturer shall ensure that the irrigation system is operating at the required specifications.

M) Flush Valves

i) An automatic or manual flush valve shall be provided on the filter and drip distribution system to allow for periodic flushing of both the drip distribution system and the filter.

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ii) The drip distribution system manufacturer shall provide the specifications for the flush valves that are acceptable to use with the system. The manufacturer shall also provide specifications on the number of flush valves to be used and their location, with specifications about how this is to be determined and the backwash velocity required to clean the drip tubing piping.

iii) A chemical injection port shall be installed to facilitate the cleaning and flushing of the drip distribution system.

iv) Backwash water shall be directed into the building sewer at the inlet end of the pre-treatment system.

N) Air Relief

i) The manufacturer of the drip tubing shall specify the air relief requirements of the drip distribution system and provide the specifications of any air relief devices that may be required with the drip irrigation system to ensure that the distribution piping can drain back to the dosing chamber when the system is not pressurized.

ii) The air relief device shall be installed at the highest point of the feed and return manifolds.

O) Alarm

i) An audible and visual alarm shall be provided to warn of a high water condition in the dosing tank.

ii) The alarm shall be on a separate dedicated circuit.

iii) The alarm control device shall be a sealed float or diaphragm switch and shall be located to activate 2 to 3 inches above the pump turn-on level or siphon activation level.

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- iv) The alarm shall be located outside of the structure served by the system and shall be provided with an electrical disconnect that is located within sight of and not more than 50 feet away from the device.
 - v) If an alarm is being used by another component within the private sewage disposal system, is compliant with subsections (g)(1)(O)(i) through (iv) of this Section and is able to connect additional devices, it may be used without the need for an additional alarm.
 - P) Access
 - i) Access openings to the pre-treatment system, effluent filtration system, and dosing tanks shall have a minimum inside dimension of 18 inches, shall be watertight and shall extend to 3 inches or greater above the ground surface.
 - ii) Access openings to all other system components shall be large enough to allow easy access from the ground surface.
 - Q) Maintenance
 - i) The manufacturer shall provide specifications for the maintenance of all components within the drip irrigation system.
 - ii) The manufacturer shall provide a maintenance plan to ensure that maintenance is conducted as required to achieve the proper function of the system.
- 2) The following information shall be provided by the installation contractor or manufacturer to the owner of the system:
 - A) An operation manual;

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- B) The maintenance plan for the drip irrigation system;
- C) The manufacturer of the components and a description of the function of the components;
- D) The service contract information;
- E) A trouble-shooting repair guide;
- F) A list of safety concerns;
- G) Manufacturer's cut sheets for all electrical and mechanical components;
- H) An as-built drawing of the system.

(Source: Amended at 34 Ill. Reg. _____, effective _____)

Section 905.70 Buried Sand Filters

- a) General. Buried sand filters may be used, provided that the effluent is discharged in accordance with the requirements of Section 905.110.
- b) Size. Buried sand filters shall be sized as follows:
 - 1) Residential. The sand filter surface area for residential property shall be 200 square feet per bedroom. Where a sand filter is used in conjunction with an approved aerobic treatment plant, the surface area of the sand filter may be reduced by 50 percent.
 - 2) Non-Residential. All of the following shall be met when a buried sand filter is to be installed on non-residential property.
 - A) The surface area of the sand filter shall be designed for one square foot per gallon per day for waste with an influent Biochemical Oxygen Demand (BOD) not to exceed 300 parts per million (ppm).
 - B) A sand filter with flows of 801 gallons or more per day shall have the influent~~effluent~~ distributed into the sand filter by a pressure

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dosing system designed according to subsection ~~(b)(1)(4)~~ of this Section. The sand filter shall be dosed four times per day with equal flows not to exceed the design capacity of the filter.

~~C) The sand filter shall be dosed 4 times per day with equal flows not to exceed the design capacity of the filter.~~

- c) A single individual sand filter shall be used to treat flows from a wastewater source. Splitting flows prior to treatment or the use of multiple sand filters shall be prohibited unless subsurface disposal of the effluent is used. Where allowed, splitting of flows shall be done by pumps.
- d) Minimum Size. The minimum size buried sand filter shall be designed to treat at least 100 gallons of waste per day.
- e) Sand Filter Media. The depth of filter media shall be a minimum of 24 inches. The sand shall have an effective size of 0.5 to 2.0 millimeters, and a uniformity coefficient of less than 3.5. It shall be clean and free of clay and silt.
- f) Alternate Media. Other filter media may be used in a subsurface filter provided ~~that they meet~~ it meets the criteria of subsection (e) of this Section and ~~comply~~ complies with the following requirements:-
- 1) ~~Are~~ Is chemically and biologically inert.
 - 2) Will support biological growth.
 - 3) ~~Have~~ Has a hardness equivalent to, or greater than, that of sand.
- g) Filter Media Cover. The filter media shall be covered with a minimum of 10 inches of clean coarse gravel or clean stone ~~that~~ which is free of mud, silt or clay, ranging in size from $\frac{3}{4}$ to $2\frac{1}{2}$ inches in diameter. The gravel or stone shall be covered with straw, untreated building paper, or other permeable material prior to backfilling. A minimum of 12 inches of earth cover shall be provided. (See Appendix A, ~~Illustration N~~ Illustration N of this Part.)
- h) Distribution and Collection Lines. The distribution and collection lines shall conform to the requirements for distribution lines ~~as given~~ in Section 905.60(b)(2). The distribution lines shall be level, shall be located 18 inches from

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sidewalls, and shall be spaced on 3-foot centers. There shall be solid pipe to the filter media. The collection lines shall have a slope of 6 inches per 100 feet, and one collection line shall be provided for each 10 feet of width or fraction thereof. The upper end of the collection line shall be capped.

- i) Bedding Material. The bedding material for the collection lines shall be placed as shown in Appendix A, Illustration N of this Part, and shall be clean gravel or clean stone ~~that which~~ is free of mud, silt or clay. The coarse gravel shall range in size from $\frac{3}{4}$ to $2\frac{1}{2}$ inches in diameter and pea gravel shall range from $\frac{1}{8}$ to $\frac{3}{8}$ inches in diameter. A minimum of 2 inches of coarse gravel shall be placed on the excavation before placement of the collection lines.
- j) Venting. A minimum of one vent shall be placed on the downstream end of the distribution lines as shown in Appendix A, Illustration N of this Part. These vents shall be placed as close as possible to the corners on the downstream distribution lines. The vents shall extend above the ground surface and be screened with $\frac{1}{4}$ -inch mesh screen or equivalent.
- k) Drainage. Surface drainage shall be directed away from the filter. If conditions prohibit gravity drainage of the filter effluent, a pumping chamber shall be installed. The chamber shall be constructed of a watertight, non-corrosive material and shall be provided with a removable lid, which will serve as an access for inspection, cleaning, and general maintenance. An access port or extension collar shall extend at least 6 inches above the ground surface, and the access shall have a minimum dimension of 12 inches. The chamber shall have sufficient depth and the pump controls shall be set in a manner to allow for complete drainage of the filter to eliminate any ponding of effluent within the filter. (See Section 905.125, Pumps, ~~Pumping/Dosing Pump~~ Chambers and Ancillary Equipment.)
- l) Distribution of Effluent. Buried sand filters designed to treat non-residential property with flows of 801 gallons or more per day shall have the effluent distributed into the sand filter by pumping. The pumps, pumping chamber and ancillary equipment shall comply with Section 905.125 and the following:
 - 1) Dosing ~~Volume~~ ~~volume~~. ~~Dosing shall not exceed 4 times a day~~. The dosing volume is the amount of liquid pumped or siphoned during each cycle, minus the amount ~~that which~~ drains back from the ~~sand filter system~~ after each dose.

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- 2) Pump Selection. The pump shall be a submersible pump designed for corrosive liquids.
- 3) Siphons. Siphons can be designed where elevation exists between the sand filter and the siphon chamber. However, the siphon shall be designed to deliver the same flow rate at the same head at the distribution system as a pump system. The distribution system consisting of manifold and laterals shall be designed so that it will drain after each siphon. This shall be accomplished by placing the manifold above the laterals.

(Source: Amended at 34 Ill. Reg. _____, effective _____)

Section 905.80 Recirculating Sand Filter

- a) General. The recirculating sand filter system (Appendix A₂: Illustration O of this Part) consists of a septic tank, recirculation tank, open sand filter, and flow splitter. It may be used provided **that** the effluent is discharged in accordance with the requirements of Section 905.110.
- b) Septic Tank. The septic tank shall be sized and installed as described in Section 905.40.
- c) Recirculation Tank. The recirculation tank volume shall be 500 gallons₂ and the tank shall be equivalent in strength and materials to the septic tank as provided in Section 905.40. No baffles are necessary. An access manhole, as described in Section 905.40(b)(7), shall be provided for pump maintenance or replacement.
- d) Sand Filter. The sand filter shall be sized at one square foot of filter surface for every 3 gallons per day of domestic sewage flow. Appendix A₂: Illustration P of this Part has a size chart for residences based on numbers of bedrooms. Unless otherwise stated in Appendix A₂: Illustration P **of this Part**, the sizes shown are required. The filter media shall comply with requirements of Section 905.70(e) and (f) and shall be 30 inches in depth.
- e) Bedding Material. The bedding material for the collection lines shall be the same as that in a buried sand filter. The coarse gravel shall be ¾ to 2½ inch diameter and the pea gravel shall be from ⅛ to ⅜ inches diameter. A minimum of 2 inches of coarse gravel shall be placed on the excavation prior to placement of collection

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lines.

- f) Distribution and Collection Lines. The collection lines shall be constructed of materials as approved in Section 905.20(f) and shall be 4 inches inside diameter perforated piping laid with perforations facing downward. The distribution piping shall have an inside diameter of 1½ inches. The perforated pipe shall have ½ to ¾ ~~inch~~~~inches~~ diameter openings on 3- to 5-inch centers with ~~two~~2 rows at 120° from each other. Distribution piping shall be spaced on 3-foot centers and shall be located a minimum of 1½ feet from sidewalls.
- g) Pumps. The pump shall be a submersible pump designed for corrosive liquids and shall have a capacity of 15 to 25 gallons per minute at the 10-foot total dynamic head (TDH). The pump shall be controlled by a time clock ~~that~~~~which~~ can be set to activate the pump at one hour or longer intervals. Pump shut-off shall be controlled by a low level float switch ~~that~~~~which~~ allows the entire contents of the recirculation tank to be pumped during each pump cycle. A high level float switch shall be provided that energizes a visible and audible alarm to indicate pump failure or malfunction. (See Appendix A₃; Illustration Q of this Part.)
- h) Flow Splitter. The flow splitter shall be designed so that recirculation rates can be controlled between no recirculation and a ~~5:15 to 1~~ recirculation ratio. An example of one type of splitter is shown in Appendix A₃; Illustration O of this Part.

(Source: Amended at 34 Ill. Reg. _____, effective _____)

Section 905.90 Waste Stabilization Ponds

General. Waste stabilization ponds may be used if designed and constructed in accordance with the following criteria and provided ~~that~~ the effluent is discharged in accordance with the requirements of Section 905.110 (~~see~~~~See~~ Appendix A₃; Illustration R of this Part as an illustration of these requirements). A septic tank sized according to ~~905-~~Appendix A₃; Illustration F of this Part or an aerobic treatment plant shall precede a waste stabilization pond.

- a) Location: A waste stabilization pond shall be located as distant as practical from residences, but in no case closer than the distances shown in Appendix A₃; Illustration D of this Part, and in an area where trees will not interfere with sunlight on the surface.

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- b) Dimensions. Ponds shall have a length not exceeding ~~three~~ times the width.
- c) Capacity. When domestic sewage from a septic tank is to be discharged to the waste stabilization pond, the capacity of the pond shall be equivalent to 60 times the average daily flow. When preceded by a Class II aerobic treatment plant, the capacity of the pond shall be equivalent to 18 times the average daily flow.
- d) Depth. The wastewater depth for a waste stabilization pond shall be uniform and 3 feet to 5 feet.
- e) Freeboard. A minimum freeboard of 2 feet shall be provided.
- f) Embankments. Embankments shall be constructed of impermeable materials and shall be compacted. Embankment slopes shall be in ~~one~~ to ~~two~~ (vertical to horizontal) below the water line and ~~one~~ to ~~three~~ or flatter above the water line. The top width of the embankment shall be a minimum of 2 feet. Embankments shall be seeded or rip-rapped from the outside toe to the high water line. Perennial, low growing, spreading grasses that withstand erosion and can be kept mowed are most satisfactory for seeding of embankments.
- g) Inlet. The inlet line shall be placed 12 to 24 inches above the bottom of the pond at a point opposite the overflow structure and shall be supported at no greater than ~~10~~-foot intervals along its length. It shall discharge at least 10 feet from the water's edge. The inlet line shall be sloped in accordance with Section 905.20(g).
- h) Outlet. The outlet structure shall be designed to prevent the discharge of floating solids. This shall be accomplished through baffling. The baffle shall consist of a sanitary T or 90° elbow. If the 90° elbow is used, a ~~1/4~~-inch hole shall be drilled into the top of the elbow to provide an air break. The outlet baffle shall extend 12 inches below the invert of the overflow. The outlet baffle shall be 3 to 5 feet from the embankment.
- i) Bottom. The bottom of the waste stabilization pond shall be cleared and leveled to the required elevation and shall be lined with an impermeable natural or man-made material. The pond shall be kept free of vegetation that would grow to or above the water surface.
- j) Drainage. All surface water shall be diverted away from the waste stabilization pond.

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(Source: Amended at 34 Ill. Reg. _____, effective _____)

Section 905.95 Illinois Raised Filter Beds

- a) Illinois raised filter bed disposal systems shall have a filter loading rate of 4 gallons per square foot per day for residential systems of up to 1,500 GPD flows. Non-residential systems of any size or residential systems in excess of 1,500 GPD shall use a filter loading rate of 2.5 gallons per square foot per day. The system shall be designed in accordance with Appendix A~~2~~⁵, Illustration X~~2~~⁵, Exhibits A through E.
- b) An aeration batch treatment system that has been approved by NSF in accordance with NSF Standard 40 shall be used. The aeration tank volume shall hold at least ~~two~~^{two} times the average daily wastewater flow for residential use (including the use of a garbage disposal). Non-residential systems shall have a tank volume size of ~~three~~^{three} times the daily wastewater flow. Multiple tanks shall be used to achieve the volume required. Multiple tanks require connection at the bottom of each tank for flow equalization.
- c) Filter beds shall not exceed 600 square feet. If a larger area is needed, multiple beds ~~shall~~^{must} be used, separated by a minimum distance of 15 feet, using a common mantle. The filter beds can be placed at any point on the mantle in order to accommodate existing ground contours.
- d) The filter length shall not exceed ~~three~~^{three} times the width.
- e) The sand filter media shall have an effective size of 0.5 to 2.0 millimeters, a uniformity coefficient of less than 3.5, and a ~~30~~³⁰-inch depth.
- f) The mantle shall be sized in accordance with the formula $A = QT/25$, where A = Mantle Area, Q = Quantity of wastewater per day, and T = Percolation time of the original soil in minutes per inch. (See ~~Section 905~~^{Section 905}-Appendix A, Illustration X, Exhibit E to convert soil investigation information to T (percolation time).)
- g) The mantle shall be at least equal to the area of the filter bed. The mantle shall not be designed for percolation rates that exceed 120 minutes per inch.
- h) The mantle area is to be cut into original soil to a depth of 6 inches and back-

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filled with 12 inches of torpedo sand that is graded as FA1-FA8 in accordance with Standard Specifications for Road and Bridge Construction, ~~adopted January 1, 2002 by the~~ (Illinois Department of Transportation).

- i) The slope of the bottom of the mantle shall be level, plus or minus ~~one~~ inch. The slope of the earth sidewalls of the filter shall be a maximum of 3 feet horizontal to ~~one~~ foot vertical.
- j) The mantle area must be at least 12 inches deep. If the maximum high groundwater table is less than 6 inches from the bottom of the filter bed, additional torpedo sand ~~shall~~~~must~~ be used to increase the isolation distance between the bottom of the filter bed and the high groundwater table to at least 6 inches. Other separation distances (e.g., well, property line, ~~etc.~~) shall be measured from the toe of the filter bed.
- k) The distribution piping (~~4~~-inch perforated pipe) shall be placed level to ~~15~~-inch centers in 12 inches of ~~3/4~~-inch stone.
- l) Sod shall be placed over the filter beds and mantle.

(Source: Amended at 34 Ill. Reg. _____, effective _____)

Section 905.96 Peat Filter Systems

- a) General. Peat filter systems shall be preceded by a septic tank, Imhoff tank, or aeration system meeting the requirements of Section 905.30, 905.40 or 905.100, and the effluent from the system shall be discharged into a subsurface system approved in Section 905.60. The size of the subsurface system may be reduced by one-third, provided ~~that~~ the effluent quality meets the requirements of Section 905.110(d)(1)(A) and (B).
- b) Design. The system shall be sized in accordance with the manufacturer's requirements as approved by the Department.
- c) Approval of Systems. Manufacturers of peat systems shall present information to the Department documenting that effluent from their system meets the requirements of subsection (a) ~~of this Section~~. ~~The~~~~Such~~ information shall be in the form of independent test data or reports. The Department shall grant approval and maintain a list of those systems meeting the requirements of this subsection.

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~~and~~ only approved systems may be installed.

(Source: Amended at 34 Ill. Reg. _____, effective _____)

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

- a) General. Aerobic treatment plants and NSF International/ANSI Standard 40 wastewater treatment systems shall be tested and listed by NSF International or a laboratory approved by ANSI and certified compliant with the International Organization for Standardization (ISO)/International Electrotechnical Commission (IEC) Guide 65 to determine compliance with the requirements of ANSI/NSF International/ANSI Standard 40, Residential Wastewater Treatment Systems, July 12, 2000. To assure compliance with certification requirements and the Act and this Part, the Department shall obtain and retain from NSF International a complete list of approved systems, approved components and approved component parts for each NSF International/ANSI Standard 40 wastewater treatment system installed and/or currently existing within the State. This list shall include any components or component parts approved prior to July 1, 2011 and any component or component parts approved following that date. Until the NSF approval information is received by the Department, the system shall not be considered approved in accordance with the Act and this Part. Standard 40 is a standard that covers an organized and coordinated system of components that functions to treat wastewater generated by individual residences. This Part shall allow approved aerobic treatment plants and NSF International/ANSI Standard 40 wastewater treatment systems to serve residential property that is occupied on a year-round or full-time basis. Aerobic treatment plants shall not be used to serve residential property that is used as a seasonal, weekend, or part-time residence.
- b) Class II Effluent. Aerobic treatment ~~systems~~plants listed by NSF International or a laboratory approved by ANSI to determine compliance with ANSI/NSF International/ANSI Standard 40 for Class II effluent shall discharge to one of the following:
- 1) A subsurface seepage system designed and constructed in accordance with the requirements of Section 905.60.
 - 2) A sand filter designed and constructed in accordance with the

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requirements of Section 905.70 or 905.80.

3) A waste stabilization pond designed and constructed in accordance with the requirements of Section 905.90.

c) Class I Effluent. ~~NSF International/ANSI Standard 40 wastewater treatment systems~~~~Aerobic treatment plants~~ listed by NSF International or a laboratory approved by ANSI to determine compliance with ~~ANSI/NSF~~ International/ANSI Standard 40 for Class I effluent shall discharge to one of the following:

1) A subsurface seepage field designed and constructed to be at least 2/3 the size determined necessary by Section 905.60. The subsurface system shall be installed as shallow as possible while maintaining a minimum of 6 inches of cover. There shall be at least 12 inches between the bottom of the subsurface seepage system (soil interface) and the shallowest limiting layer.

2) ~~At a~~ surface discharge in accordance with Section 905.110.

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

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

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- e) Installation. All components of aerobic treatment plants shall be installed at the time of the original installation. If this is not possible, a solid end cap shall be securely placed over the end of the discharge line until the system can be completed. This will prevent the discharge of raw sewage to the ground surface.
- f) Accessibility for inspection and maintenance. The aerobic treatment plants or NSF International/ANSI Standard 40 wastewater treatment systems~~plant~~ shall be equipped with one or more grade-level access manholes having a minimum inside dimension of 18 inches, which extend to 3 inches above the ground surface or greater. The manhole shall be equipped with a lid that is secured in compliance with Section 5.7.2 of NSF International/ANSI Standard 40. These manholes shall be located to permit periodic physical inspection and maintenance of all compartments and component parts. Component parts include submerged bearings, moving parts, tubes, intakes, slots, filters, and other devices. ~~Grade level access manholes shall be installed in a manner to prohibit the entry of soil, water and dirt into the unit.~~
- g) Service. Devices falling within the scope of Standard 40 require periodic maintenance to achieve performance consistent with demonstrated capabilities. Implicit in Standard 40 is the recognition that assured professional service is imperative. Standard 40 and this Part require a two~~2~~-year service policy to be provided as part of the initial service agreement. (Note: The following initial service policy includes items not included in the NSF International/ANSI Standard 40 service policy.)
- 1) Initial service policy: A two~~2~~-year policy shall be furnished to the purchaser by the private sewage disposal installation contractor through the manufacturer or the distributor of the aerobic treatment unit. This policy shall provide for:
- A) Four inspection/service calls, at least one every six~~6~~ months, which includes inspection, adjustment, and servicing of the mechanical and the applicable component parts to ensure proper function;
- B) ~~An~~For an effluent quality inspection consisting of a visual check for color, turbidity, scum overflow, and an examination for odors;

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- C) ~~Reporting to the owner immediately any~~ For improper operation ~~that~~ which cannot be corrected at ~~the~~ that time of inspection and/or service call, ~~to be reported to the owner immediately~~. This shall be followed ~~by~~ with a written report to the owner that includes the date ~~by which~~ for the condition ~~will~~ to be corrected.
- 2) Continuing service policy: Each manufacturer shall make available for purchase by the owner a continuing service policy with terms equal to the initial service policy.
- 3) Standby parts: Standby mechanical and electrical component parts shall be stocked by the local distributor for use when the plant's mechanical or electrical components must be removed from the site for repairs.
- 4) Component parts: The mechanical and electrical component parts shall be guaranteed against any defects in materials and workmanship as warranted.
- 5) Service: Service shall be available within ~~two~~ 2 working days following a request.
- 6) Owner's manual: An owner's manual shall be provided by the manufacturer with each unit. The manual shall include the following information:
- A) Model numbers~~;~~
- B) Functional description of unit, including a statement of minimum performance requirements as established by test~~;~~
- C) Design and flow diagrams~~;~~
- D) Warranty~~;~~
- E) Replacement policy and service policy~~;~~
- F) Installation instructions~~;~~
- G) Detailed operation and maintenance requirements (including user

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- responsibility, parts and service);-
- H) Rated service flow in GPM (gallons per minute) or GPD (gallons per day);-
- I) Energy source and energy required for proper operation of the plant; and
- J) Specification of models tested under ANSI/NSF International/ANSI Standard 40.
- 7) Service label: A clearly visible, permanently attached label or plate giving instructions for obtaining service shall be placed at the audible and visual alarm.
- 8) Responsibility of property owner: The property owner shall be responsible for maintaining and operating the plant in accordance with this Part and the manufacturer's specifications.
- h) Operation. Aerobic treatment plants and NSF International/ANSI Standard 40 wastewater treatment systems shall produce an effluent meeting the physical, chemical, and biological requirements of Section 905.110. Under normal operation and in the event of an electrical or mechanical failure or other performance failure or malfunction, the design and construction of the aerobic treatment plant or NSF International/ANSI Standard 40 wastewater treatment systems shall prevent the discharge of wastewater from any opening that is not part of the designed flow path of the entire treatment process and shall prevent the discharge of wastewater that is not in compliance with Section 905.110.
- i) Maintenance. In the event that a routine service call indicates an electrical, mechanical, or performance failure or malfunction or if routine laboratory test results indicate improper treatment, the property owner shall immediately take action to bring the aerobic treatment plant or NSF International/ANSI Standard 40 wastewater treatment systems into compliance with this Part.
- j) Non-residential use. Aerobic treatment plants and NSF International/ANSI Standard 40 wastewater treatment systems that are listed by NSF International or a laboratory approved by ANSI to determine compliance with ANSI/NSF International/ANSI Standard 40 as Class I will be considered for use to serve a

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non-residential property, provided that all of the following are met:

- 1) Total daily flows from the wastewater source into the plant are at least 75% of the rated hydraulic capacity and do not exceed the rated hydraulic capacity of the plant.
 - 2) Wastewater influent shall not exceed the manufacturer's design specifications for BOD5 loading as established by NSF International or a laboratory approved by ANSI to determine compliance with ANSI/NSF International/ANSI Standard 40 during testing of the plant.
 - 3) Hourly flows from the wastewater source into the plant are less than or equal to the treatment capacity of the plant divided by 24. This may require the installation of a flow equalization device.
 - 4) A buried sand filter sized with a surface area equal to 2 gallons per square foot per day and dosed at least once but not more than four times per day shall immediately follow the aerobic treatment plant.
- k) ~~Splitting of flowsAny wastewater source shall be served by a single individual aerobic treatment plant.~~ Splitting of flows from a wastewater source or the use of multiple aerobic treatment plants or NSF International/ANSI Standard 40 wastewater treatment systems shall be prohibited unless subsurface disposal of the effluent is used. Where allowed, splitting of flows shall be done by pumps.
- l) Private sewage disposal installation contractors or homeowners who maintain or service aerobic treatment plants and NSF International/ANSI Standard 40 wastewater treatment systems shall be required to maintain the integrity of the NSF International seal or the seal of a laboratory approved by ANSI to determine compliance with ANSI/NSF International/ANSI Standard 40. Only component parts approved for use in an individual plant may be used. No design changes or component part changes may be made that will void the NSF International seal or the seal of a laboratory approved by ANSI to determine compliance with ANSI/NSF International/ANSI Standard 40. Any person who voids the NSF International seal or the seal of a laboratory approved by ANSI to determine compliance with ANSI/NSF International/ANSI Standard 40 shall be responsible for repairing the plant so it can bear the NSF International seal or the seal of a laboratory approved by ANSI to determine compliance with ANSI/NSF International/ANSI Standard 40 or shall replace the plant with an approved

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private sewage disposal system.

(Source: Amended at 34 Ill. Reg. _____, effective _____)

Section 905.110 Effluent Discharges

- a) General. Buried sand filters, recirculating sand filters, waste stabilization ponds, and aerobic treatment plants and NSF International/ANSI Standard 40 wastewater treatment systems listed by NSF International/ANSI for Class I effluent (see Section 905.100(a) and (c)) or any Department approved or accepted system may be discharged to any one of the following three options (Pursuant to 415 ILCS 5/12(f) and 35 Ill.Adm.Code 309.102(a), all discharges to waters of the United States are prohibited unless in compliance with an NPDES permit, obtainable from the Illinois Environmental Protection Agency.):
- 1) A receiving stream, river, lake, or pond that~~which~~ provides greater than a 5:1~~5 to 1~~ dilution of the effluent, based on the seven~~7~~-day, 10~~-~~year low flow rate. A discharge within 10 feet of one of these receiving bodies of water~~the above~~ shall be considered to be a discharge to the receiving body of water. Discharges greater than 10 feet from the receiving body of water shall comply with subsection (a)(2) or (3) of this Section. Discharges to a lake or pond shall be limited to two~~2~~ discharges per surface acre of water. More than two~~2~~ discharges may occur per individual surface acre of water~~;~~ however, the total number of discharges to total surface acres of water shall not exceed a ratio of 2:1~~2 to 1~~. An example of this is as follows: In a 20 acre lake, several discharges may enter the lake in a $\frac{1}{2}$ -acre cove; however, the total discharges entering the lake would be limited to 40. Where discharges are not equally distributed around a lake or pond the Department or local authority shall be consulted to assure that nuisance conditions are not created.
 - 2) ~~A common collector provided that the collector does not discharge within one mile upstream from a public water supply intake, public bathing beach, or to any public use area. A public use area is any area which is frequently used by the public. Examples of a public use area are playgrounds and picnic areas. Common collectors used to carry treated effluent for 2 or more discharging systems with a combined design flow of less than 1500 gallons per day shall be constructed of materials as listed in Appendix A: Illustration C of this Part, and shall discharge in accordance~~

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~~with subsections (a)(1) and (3) of this Section. If the flow from any number of discharging systems is combined and exceeds 1500 gallons per day, then the owner of the property shall provide a copy of the construction permit obtained in accordance with 35 Ill. Adm. Code 309.202(a) and (b) and a National Pollutant Discharge Elimination System (NPDES) permit issued by the Illinois Environmental Protection Agency to the Department or local authority to demonstrate that the effluent from this private sewage disposal system can discharge to this location.~~

23) The ground surface, where the discharge points of private sewage disposal systems with surface discharges does not exceed an average of one per acre and the effluent does not pond or create a nuisance condition.

3) A subsurface seepage field designed and constructed to be at least two-thirds the size determined necessary by Section 905.60. The subsurface system needs to be installed as shallow as possible while maintaining a minimum of 6 inches of cover and one foot of separation from the bottom of the trench to the shallowest limiting layer.

b) Whenever a subdivision is platted that does not provide private sewage disposal systems in compliance with Section 905.60 or subsection (a) of this Section, then a sewage system in compliance with 35 Ill. Adm. Code 301 shall be provided.

c) ~~When~~Where lots have been platted prior to March 15, 1996, the applicant for plan approval or local authority approval may apply for a variance to this Section in accordance with the provisions of Section 905.20(1).

d) Effluent ~~Limitations~~Standards.

1) The owners of a new, repaired, renovated, or replaced surface discharging private sewage disposal system that is required to obtain an NPDES permit shall comply with all requirements and effluent limitations of the permit issued for the surface discharging private sewage disposal system. Surface discharging private sewage disposal systems that are not required to obtain an NPDES permit shall not exceed the following effluent standards.~~All surface discharges from private sewage disposal systems shall comply with United States Environmental Protection Agency Secondary Treatment Guidelines for BOD5 and Suspended Solids:~~

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- A) The system shall comply with NSF International/ANSI Standard 40, Section 8.5.2.1.1 for carbonaceous five-day biochemical oxygen demand (CBOD₅) and Section 8.5.2.1.2 for total suspended solids (TSS).~~BOD₅~~
- i) ~~Arithmetic mean of all effluent samples collected in a period of 30 consecutive days; 30 mg/l (milligrams per liter) and 85 percent removal.~~
 - ii) ~~Arithmetic mean of all effluent samples collected in a period of 7 consecutive days; 45 mg/l.~~
- B) ~~Suspended Solids:~~
- i) ~~Arithmetic mean of all effluent samples collected in a period of 30 consecutive days; 30 mg/l and 85 percent removal.~~
 - ii) ~~Arithmetic mean of all effluent samples collected in a period of 7 consecutive days; 45 mg/l.~~
- ~~BE)~~ No effluent shall contain settleable solids.
- ~~CD)~~ Color, odor, and turbidity ~~shall~~must be reduced to below discernable levels.
- ~~DE)~~ No effluent shall contain floating debris, visible oil, grease, scum, or sludge solids.
- ~~EF)~~ ~~Fecal~~A fecal coliform bacteria concentration shall not ~~exceed~~exceeding 400 organisms per 100 ml (milliliter) ~~except where chlorination is not required.~~
- F) Sample Ports. After January 1, 2011, any surface discharging system installed, repaired, renovated, or replaced shall have a sample port or free fall discharge of at least 12 inches located after the disinfection component, which extends to 3 inches or more above the ground surface. A sample port is not required if a free fall discharge is within 200 feet of the disinfection device. The

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sample cannot be taken from a common collector or drainage tile, but must be taken from a discharge point that discharges only the treated effluent from the surface discharging private sewage disposal system.

G) Any system designed to have a surface discharge of treated effluent that is installed, renovated or replaced after January 1, 2011 shall not be connected to a common collector.

H) A surface discharging system shall not discharge to a roadside ditch as stipulated in the Illinois Highway Code [605 ILCS 5/9-123].

- 2) Samples shall be analyzed in accordance with the "Standard Methods for the Examination of Water and Wastewater".

(Source: Amended at 34 Ill. Reg. _____, effective _____)

Section 905.120 Disinfection

- a) As of January 1, 2011, the effluent from any new, repaired or replaced private sewage disposal system that is designed and approved to have a discharge point shall be disinfected prior to discharge. General. Surface discharges shall be disinfected with a chlorine solution under the following conditions:
- 1) When the effluent is discharged to the ground surface and the effluent leaves the property.
 - 2) When an individual effluent or the effluent from a common collector is discharged to a pond, lake, or stream in which swimming, water skiing, or other water contact recreation occurs.
- b) Chlorine Feeders. Chlorination equipment shall have a means of removal of solids. Appendix A, Illustration S of this Part provides an example of a typical chlorine feeder. All chlorine feeders shall meet the requirements of Appendix A, Illustration S ~~of this Part~~. Other feeders ~~that~~ which meet the requirement of this Section are also acceptable.
- c) Chlorine Contact Tanks. Chlorine contact tanks shall be baffled and shall provide

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a contact time of at least 30 minutes based on 2½ times the average flow. The minimum contact tank capacity shall be 30 gallons. Access to the distribution feeder shall extend to the ground surface.

- d) ~~Sample Port. A sampling port at least 4 inches in diameter shall be provided on the effluent line or into the chlorine contact tank, unless a free fall discharge from the system is easily accessible within 200 feet of the system.~~
- de) Chlorine Residual. A final effluent free chlorine residual of 0.2 to 1.5 mg/1 shall be maintained.
- ef) Chlorine products used for the disinfection of treated wastewater effluent shall be used according to the product's labeling.
- f) After January 1, 2012, any disinfection process or equipment that does not meet the requirements of NSF International/ANSI Standard 46, Section 11 or does not provide proper disinfection as determined by adequate third party testing will not be approved for installation.
- g) When effluent reduction trenches are used, the disinfection device must be the last component prior to the discharge point.

(Source: Amended at 34 Ill. Reg. _____, effective _____)

Section 905.125 Pumps, Pumping/Dosing Chambers and Ancillary Equipment

- a) Pumps shall meet the following requirements:
 - 1) The pump shall be submersible.
 - 2) The pump shall be designed to handle wastewater and a minimum of ½- inch diameter solids.
 - 3) The pump shall be capable of delivering the required flow at the design total dynamic head. The discharge pipe shall be the same size or larger than the discharge of the pump.
 - 4) The pump shall be constructed of corrosion-resistant materials.

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5) Performance curves and specification sheets indicating ~~that the above~~ criteria of this subsection (a) have been met shall be submitted with the plan review application when pumps are to be used in a system.

b) Pumping~~Pump~~ Chambers

1) Pumping Chamber. The pumping chamber shall be watertight. Watertight shall consist of sealing all joints. The pumping chamber shall be filled with water after being installed and backfilled to prevent the pumping chamber from floating out of position due to hydrostatic pressures, unless the tank is installed in dry soil.

2) The volume of the pumping chamber shall be sufficient to provide the desired dosing volume, space for controls, space for setting the pump, reserve capacity malfunction, and flow-back after the pump shuts off (volume of manifold and laterals).

3) A reserve capacity above the active pumping volume equal to one-half day's design flow shall be provided if single pumps are used. A reserve volume is not needed if siphons or dual pumps are used.

4) An access riser shall extend at least 6 inches above the ground surface.

5) Dosing Volume. The dosing volume shall be at least ~~five~~ times the pipe volume of the dosing network plus provide for filling and drainback of the network. The average flow shall be used to determine the dosing volume.

6) Pump and Alarm Control. The pump control device shall be adjustable so that the required dosing volume is discharged during each pumping cycle. The control system for the pumping chamber shall consist of a control for operating the pump and an alarm system to detect when the system is malfunctioning. Pump controls shall allow flexibility in adjusting the on-off depth. An example of acceptable controls is shown in Appendix A, ~~Illustration Q~~ Illustration Q of this Part.

7) Electrical and Alarm System. A high water alarm shall be provided with audible and visual signals and a test function. The alarm shall be on a separate circuit ~~and located in the home or facility served~~. The alarm control device shall be a sealed float or diaphragm switch and shall be

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located to activate 2 to 3 inches above the pump turn-on level or siphon activation level. After January 1, 2012, all electrical devices for new and repaired private sewage disposal systems shall comply with Section 905.20(k).

c) Ancillary Equipment

- 1) A quick disconnect device shall be included in the discharge piping to facilitate removal of the pump for inspection, repair, or replacement. The disconnect device shall be a threaded union, pitless adapter, or lift-out rail system.
- 2) A corrosion resistant rope or cable of adequate strength shall be affixed to the pump to facilitate installation and removal so that personnel need not enter the chamber to disconnect the pump.
- 3) A pump control device ~~shall~~**must** be adjustable so that the desired dosing volume can be discharged during each pumping cycle. The control device may consist of one or more sealed float or diaphragm switches ~~that~~**which** may cooperate with a relay or contact. Separate control panels located outside the chamber ~~shall~~**must** be protected from the weather and ~~shall~~**must** provide no air path between the panel and the ~~pumping~~**pump** chamber.
- 4) A check valve between the pump and the piping network shall not be allowed unless this piping system is below the frost line.

(Source: Amended at 34 Ill. Reg. _____, effective _____)

Section 905.130 Human Waste Disposal

- a) General. Privies, portable toilets, recirculation toilets, incinerator toilets, and compost toilets are approved for private sewage disposal of human wastes. Other domestic wastes shall be disposed of in a conventional system (Section 905.30); however, the size of all components, as designed in accordance with Appendix A, Illustration A, may be reduced 25 percent (except that septic tanks may not be smaller than 750 gallons). Note: Compost toilets may be used to dispose of other organic domestic wastes.

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- b) Privy Construction. All privies shall be constructed and maintained in accordance with the following and Appendix A, ~~Illustration T~~ of this Part:
- 1) Pit Construction. The pit shall be constructed of materials and in such a manner as to be able to endure the anticipated load and use and to withstand the local environmental conditions without deteriorating. The pit shall be constructed such that there shall be access to the pit for pumping and cleaning purposes.
 - 2) Pit Size. The pit shall have a minimum capacity of 50 cubic feet per seat.
 - 3) Floor and Seat Riser. The floor and seat riser shall be constructed of an impervious material and in a manner to exclude insects and rodents. The seat riser shall be bonded to the floor to prevent seepage through the riser onto the floor.
 - 4) Seat Cover. The seat opening shall be covered with a hinged lid ~~that~~which forms a tight seal.
 - 5) Vent. Each pit or vault privy shall be provided with a vent to the outside that creates airflow out of the building through the vent. The vent opening shall be screened with 16 mesh screen to prevent the entry of flies and shall terminate through the roof.
 - 6) Maintenance ~~and Abandonment~~. When any privy is ~~abandoned or~~ filled to within 18 inches of the bottom of the riser, it shall be pumped by a private sewage disposal system pumping contractor. ~~Any abandoned privy pit shall be filled with earth.~~
 - 7) Abandonment. Privies that are no longer in use shall be completely pumped. The floor and walls shall be cracked or crumbled so that the tank or pit will not hold water, and the tank or pit shall be filled with sand or soil. If the tank or walls are removed from the ground, the excavation shall be filled with soil.
- c) Vault Privy. Watertight, non-metal vaults are required where privies are used in areas where the groundwater or limestone formations are within 4 feet of the bottom of the pit. The vault shall be provided with a readily accessible cleanout ~~that~~which prohibits the entry of rodents, insects, and surface water. (See

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Appendix A₂: Illustration T of this Part.)

- d) Septic Privy. The vault of a septic privy shall be watertight. The subsurface seepage field shall consist of a minimum of one 10-foot distribution line placed in a 2-foot wide trench constructed in accordance with Section 905.60 and Appendix A₂: Illustration U of this Part.
- e) ~~Standards for the Construction and Servicing of Non-Sewered (Portable) Toilet Systems. A portable toilet is a self-contained unit equipped with a waste receiving holding container. Non-sewered toilet systems shall be constructed and maintained in the following manner:~~
- ~~1) Rooms, buildings or shelters housing toilets shall be of solid construction, easy to clean, providing shelter and privacy. The toilet room shall be ventilated to the outside, with the vent covered with 16 mesh screen. Internal latches shall be provided to prevent inadvertent entry.~~
 - ~~2) Waste containers shall be fabricated from impervious materials such as plastic, steel, fiberglass or their equivalents. Containers shall be watertight and capable of containing the waste. Containers shall be adequate in size to be used by the number of persons anticipated without filling the container to more than half of its volume before regularly scheduled service.~~
 - ~~3) Servicing shall include removing waste from containers, recharging containers with an odor-controlling solution, installing a supply of toilet tissue based on the system's intended use, and cleaning urinals and seats. Employers and event sponsors are responsible for contracting service intervals frequent enough to ensure clean, sanitary facilities.~~
 - ~~4) Any defective or inadequate toilet unit shall be repaired or withdrawn from service by locking or removal.~~
 - ~~5) Removal of waste shall be handled in a sanitary manner by means of a vacuum hose and discharge to a leak-proof tank truck. All ports on the tank shall be valved and capped.~~
 - ~~6) Service trucks shall have access to the toilets to be serviced.~~

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~~7) Disposal of waste from tank trucks shall be in accordance with Section 905.170(g).~~

~~ef) Recirculating Toilets-~~

- 1) Self-contained toilets ~~that~~which treat and recirculate the flushing liquid shall be constructed of an impervious, easily cleanable material and vented to the outside air through a screened pipe. The effluent, if any, from the recirculating toilet shall discharge into a subsurface seepage field or into a disposal bag. The subsurface seepage field shall consist of a minimum of one 10-foot long distribution line placed in a 2-foot wide trench constructed in accordance with Section 905.60. The owner of a recirculating toilet shall dispose of any residual from the unit in an approved public or private sewage disposal system.
- 2) Recirculating toilets shall comply with the requirements of ~~the National Sanitation Foundation~~ (NSF International/ANSI) Standard 41 and shall bear the NSF International or the approved certification agency seal.

~~fg) Incinerator Toilets-~~

- 1) Incinerator toilets shall be designed and operated to provide complete incineration of the contents without production of odors. The owner of an incinerator toilet shall maintain the toilet and dispose of the contents in accordance with Section 905.170(e).
- 2) Incinerator toilets shall comply with the requirements of ~~the National Sanitation Foundation~~ (NSF International/ANSI) Standard 41 and shall bear the NSF International or the approved certification agency seal.

~~gh) Compost Toilets-~~

- 1) Compost toilets shall be designed in accordance with the manufacturer's recommendations to serve the anticipated number of persons. The owner of a compost toilet shall maintain the toilet and dispose of the contents in accordance with Section 905.170.
- 2) Compost toilets shall comply with the requirements of ~~the National Sanitation Foundation~~ (NSF International/ANSI) Standard 41 and shall

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bear the NSF International or the approved certification agency sealSeal.

(Source: Amended at 34 Ill. Reg. _____, effective _____)

Section 905.135 Portable Sanitation

- a) Any person operating in Illinois who sells, rents, leases, transports, services, cleans, sanitizes or maintains a portable toilet or portable, potable hand-washing unit or pumps, transports or disposes of waste from portable toilets or portable, potable hand-washing units shall be licensed as a portable sanitation business.
- b) Only a portable sanitation technician or portable sanitation technician trainee certified by the Department as working for a portable sanitation business may service, clean, sanitize, or maintain a portable toilet or portable, potable hand-washing unit or pump, transport or dispose of waste from portable toilets or portable, potable hand-washing units.
- c) Any person licensed as a private sewage disposal system pumping contractor on or after January 1, 2011 must submit to the Department a completed application and fee, within six months after January 1, 2011, requesting to be licensed as a portable sanitation business. A person licensed as a private sewage disposal system pumping contractor on January 1, 2011 may submit to the Department a completed application and fee to be certified as a portable sanitation technician without taking the examination or initial training required for the portable sanitation technician certification. After July 1, 2012, all persons wanting to become certified as a portable sanitation technician shall complete the training requirements of this Section.

shall: _____ d) Any person wishing to obtain a license as a portable sanitation business

_____ 1) Submit to the Department a completed application on forms provided by the Department.

_____ 2) Provide a copy of the business' education and training materials and protocol for educating and training for all employees requiring certification by the Department.

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- 3) Provide a written statement signed by the owner or authorized representative specifying that only certified portable sanitation technicians and portable sanitation technician trainees will be transporting, servicing, cleaning, sanitizing, or maintaining portable toilets or portable, potable hand-washing units or pumping, transporting or disposing of waste from portable toilets or portable, potable hand-washing units for the business.
- 4) Submit a non-refundable fee for the license as established in Section 905.200 of this Part.
- e) A portable sanitation business license shall expire on June 30 of each year, except that a license issued after April 1 and before June 30 shall expire on June 30 of the following year.
- f) Certification of Employees
- 1) A portable sanitation business shall submit the following materials to the Department as part of the certification process of a portable sanitation technician trainee:
- A) A completed application on a form provided by the Department;
- B) A non-refundable fee as established in Section 905.200 of this Part; and
- C) For initial application, a copy of the individual's certificate of completion from an approved training course; for annual renewal of the certification, documentation of attendance at an approved continuing education course.
- 2) A portable sanitation business shall submit the following materials to the Department as part of the certification process of a portable sanitation technician:
- A) A completed application on a form provided by the Department;

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B) A non-refundable fee as established in Section 905.200 of this Part; and

C) A copy of the individual's certificate of completion from an approved training course, for the initial application of the certification, or certification of attendance at an approved continuing education course for the annual renewal of the certification.

g) Portable Sanitation Technician Trainee

1) To become certified as a portable sanitation technician trainee an individual shall:

A) Be an employee of a licensed portable sanitation business;

B) Complete an initial training and/or an education course provided by the portable sanitation business and approved by the Department.

2) The application shall be submitted on forms provided by the Department and accompanied by the fee established in Section 905.200.

3) The portable sanitation technician trainee certification is valid only for one year. A portable sanitation technician trainee certification shall expire on June 30 of each year, except that a certification issued after April 1 and before June 30 shall expire on June 30 of the following year.

h) Portable Sanitation Technician

1) To become certified as a portable sanitation technician, an individual shall:

A) Be an employee of a licensed portable sanitation business;

B) Complete training and/or an education course provided by and specific to the portable sanitation business; this training must be pre-approved by the Department; and

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C) For the original certification, provide a copy of the employee's documentation of attendance and passing grade for the training and examination offered by the Department or a training and testing program approved by the Department. Upon renewal of the certification the employee shall provide copies of the employee's documentation of attendance at a continuing education course in accordance with Section 905.200 of this Part.

2) The application shall be submitted on forms provided by the Department and accompanied by the fee established in Section 905.200.

i) Education Courses and Examinations Provided by the Department or Approved by the Department. Education courses and continuing education course curriculum must be approved by the Department prior to the attendee's attending the course for the attendee to receive credit to be used for obtaining and/or renewing certification. Courses not pre-approved by the Department shall not be counted toward training or continuing education.

j) The examination for a portable sanitation technician certification shall test the applicant's knowledge of safely pumping, cleaning and sanitizing portable toilets and portable, potable hand-washing units and hauling and disposal of wastes removed from portable toilets and portable, potable hand-washing units.

k) An individual must receive a grade of 70% or higher to pass an examination for a portable sanitation technician certification.

l) The portable sanitation technician certification shall be renewed annually. A portable sanitation technician certification shall expire on June 30 of each year, except that an original certification issued after April 1 and before June 30 shall expire on June 30 of the following year. If a renewal application is mailed or received after June 30, a non-refundable reinstatement fee will be required as provided in Section 905.200 of this Part.

m) The portable sanitation business is accountable for the following work conducted by individuals certified by the business:

1) Cleaning, servicing, and replenishing of required items or chemicals for each portable toilet or portable, potable hand-washing unit serviced, inspected, or maintained;

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2) Pumping, transporting, or disposing of waste from portable toilets or portable, potable hand-washing units.

n) Standards for the Construction and Servicing of Portable Toilets or Portable, Potable Hand-washing Units. Portable toilets or portable, potable hand-washing units shall be constructed and serviced in the following manner:

1) Rooms, buildings, or shelters housing portable toilets shall be of solid construction, easy to clean and providing shelter and privacy. The portable toilet room shall be ventilated to the outside, with the vent covered with 16 mesh screen. Internal latches shall be provided for the doors to the portable toilet to prevent inadvertent entry.

2) Waste containers shall be fabricated from impervious materials such as plastic, steel, fiberglass, or their equivalents. Containers shall be watertight and capable of containing the waste.

3) Number of Portable Toilets and Portable, Potable Hand-washing Units at a Site

A) There shall be an adequate number of portable toilets or portable, potable hand-washing units to be used by the number of persons anticipated.

B) The portable toilets and portable, potable hand-washing units shall be serviced at a frequency that maintains the units in a sanitary condition and free of odors.

C) It shall be the responsibility of the employer, property owner or event coordinator to acquire more units or adjust the service and maintenance frequently to ensure sanitary conditions.

D) Failure to provide a sufficient number of portable toilets or portable, potable hand-washing units or a frequency of service and maintenance capable of ensuring a sanitary condition is a violation of the Act and this Part.

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4) Servicing shall include removing waste from containers; recharging containers with an odor-controlling solution; installing a supply of toilet tissue, sanitary single use towels, and liquid soap and refilling hand sanitizing solution, based on the unit's intended use; and cleaning and sanitizing the portable toilets and hand-washing units.

A) Each portable toilet and portable, potable hand-washing unit shall be thoroughly cleaned and sanitized after each pumping or as part of the routine service. Areas that shall be cleaned and sanitized include all internal parts of the unit, which include the urinal, seat, counters, shelves, tank, walls, floor, door and ceiling, in addition to the exterior of the door and handle.

B) The portable toilet system contractor shall have two separate sets of cleaning equipment, which shall be labeled and stored so they are physically separated from each other. One set shall be used to clean and sanitize the walls, counters, shelves, handle, door, and ceiling of the portable toilets and the portable, potable hand-washing units. The second set of cleaning and sanitizing equipment shall be used for the floors, urinals, seat, and tank of the portable toilet. If the units are cleaned and sanitized with a power washer, separate sets of cleaning equipment are not needed.

C) Anti-bacterial hand sanitizer shall be provided at each unit and shall be refilled at each pumping, as needed. One portable, potable hand-washing unit with a supply of sanitary single use towels and soap may be provided for up to five portable toilets in lieu of refilling anti-bacterial hand sanitizer at each unit. The hand-washing facility shall be located within 20 feet of the portable toilets. The dispensers and hand-washing facilities shall be cleaned and sanitized after each pumping, and then refilled with potable water from an approved source.

5) After a unit is cleaned and sanitized, it shall be inspected by the person designated by the business to ensure that the unit is in compliance with this Section and all other applicable Sections of this Part.

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- 6) Any defective portable toilets or portable, potable hand-washing units shall be repaired or withdrawn from service by locking or removal.
- 7) Waste shall be removed in a sanitary manner by means of a vacuum hose and discharged to a leak-proof tank truck. All ports on the tank shall be valved and capped.
- 8) Service trucks shall have access to the toilets to be serviced.
- 9) The service trucks and disposal of waste from tank trucks shall be in accordance with Section 905.170(g) of this Part.
- 10) A corporation shall designate at least one representative who shall be responsible for ensuring that each unit maintained by the corporation meets the standards of cleanliness set forth in the Act and this Part.
- 11) Those persons engaged in cleaning and sanitizing units shall wear protective equipment and be trained in proper procedures for cleaning, sanitation and self-protection.
- 12) All portable sanitation businesses shall certify that the portable sanitation technicians and portable sanitation technician trainees are capable of properly cleaning and sanitizing a portable toilet and portable, potable hand-washing unit. At a minimum, the corporation shall annually inspect each portable sanitation technician's and portable sanitation technician trainee's work to ensure he/she is capable and can effectively clean and sanitize the portable toilets and portable, potable hand-washing units to be serviced.
- o) Violations of the Act or any Section of this Part may result in prosecution and/or suspension, revocation or refusal to issue a license or certification for both the portable sanitation business and the certified portable sanitation technician or portable sanitation technician trainee.

(Source: Added at 34 Ill. Reg. _____, effective _____)

Section 905.140 Holding Tanks

- a) General. Holding tanks are approved for private sewage disposal only under the

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following circumstances:

- 1) To serve a seasonal use, single family residence, such as a cabin used only on weekends ~~or~~; short vacations, and other similar situations.
 - 2) As a temporary measure while awaiting the availability of a municipal sewer extension. This temporary condition shall not exceed ~~one+~~ year in length.
 - 3) As a sanitary dumping station to receive the discharge from holding facilities on recreational vehicles.
 - 4) To receive the discharge from fixtures or drains that receive waste products such as automotive grease, oils, solvents and chemicals that are not allowed to be discharged into a private sewage disposal system. These waste products shall be handled according to rules for the disposal of oil, gas and grease promulgated under the Environmental Protection Act, or according to 35 Ill. Adm. Code Subtitle G, or shall be taken to an oil and gas reclamation center. Note: Also see Illinois Plumbing Code. ~~(77 Ill. Adm. Code 890.)~~ Holding tanks to be utilized for applications within this Section shall be Underwriters Laboratories, Inc. certified and constructed of materials approved for gas and oil interceptors as specified in 77 Ill. Adm. Code 890.520, and shall be properly anchored to prevent flotation.
- b) Approval. Approval for holding tanks shall be obtained in writing from the Department or local authority prior to installation. ~~Approval~~ Such approval shall be based on compliance with this Section.
 - c) Construction and Location. Holding tanks shall be designed and constructed in compliance with Section 905.40; ~~"(Septic Tanks)"~~, except that the outlet shall be permanently sealed. Holding tanks shall be located to comply with the requirements for septic tanks and aerobic treatment plants (see "Septic Tanks or Aerobic Treatment Plants" as listed in Appendix A; ~~Illustration D of this Part).~~
 - d) Conversion to Conventional Private Sewage Disposal Systems. Holding tanks installed under subsection (a)(2) of this Section shall be converted to a conventional private sewage disposal system if a municipal sewer has not been extended to serve the property within one year ~~after~~ of the original installation.

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(Source: Amended at 34 Ill. Reg. _____, effective _____)

Section 905.180 Examinations for Licensure

a) Applications

- 1) Each person who desires to apply for admittance to the examination for a private sewage disposal system installation contractor ~~Private Sewage Disposal System Installation Contractor~~ license or a private sewage disposal system pumping contractor ~~Private Sewage Disposal System Pumping Contractor~~ license shall file an application for examination on forms provided by the Department. These forms may be obtained by writing to the Illinois Department of Public Health, Division of Environmental Health.
- 2) Examination dates and locations shall be established by the Department. A completed application, a photograph of the applicant, and a fee of \$10025.00 for each examination shall ~~must~~ be filed with the Department at least 30 days prior to the examination date.

b) Examination Requirements and Results

- 1) Installation License Examination. The examination for a private sewage disposal system installation contractor ~~Private Sewage Disposal System Installation Contractor~~ license shall test the applicant's knowledge of the design, installation, operation, maintenance, repairing and servicing of private sewage disposal systems.
- 2) Pumping Licensing Examination. The examination for a private sewage disposal system pumping contractor ~~Private Sewage Disposal System Pumping Contractor~~ license shall test the applicant's knowledge of the pumping, hauling, and disposal of wastes removed from private sewage disposal systems.
- 3) Individuals desiring both the installation contractor license and pumping contractor license shall ~~must~~ pass the examination for each license.
- 4) Passing Grade. The examination shall consist of questions with a combined grade value of 100 points. To ~~In order to~~ successfully pass the

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examination, a grade of not less than 7075 must be obtained.

- 5) Failure to Attend an Examination. Any person who fails to notify the Department in writing by letter, fax, or e-mail at least two working days prior to the date of the examination and fails to attend the examination will be required to resubmit an application and fee to be eligible to take an examination on another date. If an emergency or severe weather conditions do not allow an individual to attend an examination, the individual may make a written request to the Department explaining why the individual was unable to attend. The Department will review the request and, if accepted, the individual will not be charged a new application fee to reschedule the examination.~~Failure to Pass.—Any person who fails to pass the examination shall be admitted to a subsequent regularly scheduled examination after filing a new application and fee with the Department in accordance with subsection (a) of this Section. However, persons who fail to pass the exam 2 times in a calendar year shall be required to wait at least one calendar year from the date of the last examination before taking the examination again.~~

c) Regulator Exemption

1) Currently employed staff of the Department or an agent of the Department, local health department, or municipalities administering the Private Sewage Disposal Program may apply to take an examination. The fee for the examination will be waived, but, in waiving the fee, the individual, upon passing the examination, will not be able to act as a licensee or perform the duties empowered under the Act and this Part for the specific license. Taking the examination will only verify and evaluate the individual's knowledge of this Part.

2) If an individual is employed by the Department or is an agent of the Department, local health department, or municipality and is licensed as a private sewage disposal installation contractor, private sewage disposal pumping contractor, portable sanitation technician or portable sanitation technician trainee, the individual may not perform the duties empowered under the license or certification within the State.

(Source: Amended at 34 Ill. Reg. _____, effective _____)

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Section 905.190 Installation Approval

- a) Plan approval shall be obtained from the Department or local authority prior to beginning any construction of a new private sewage disposal system. A new private sewage disposal system shall consist of, but not necessarily be limited to, the following:
- 1) A system where a septic tank is replaced or where a major component of the system is removed or added. Examples of major components would be the replacement or addition of an aeration unit, recirculating sand filter, sand filter, seepage pit, seepage bed, or waste stabilization pond.
 - 2) A system where the size of the absorption field is increased in size by 25% or more or where 25% or more of the existing absorption field is removed and replaced with new piping and backfill material.
- b) Submittal for approval shall be made on the forms provided by the Department or local authority. At a minimum, the necessary information ~~that which~~ must be submitted to the Department or local authority for approval shall consist of:
- 1) Plans or drawings to scale indicating lot size with dimensions showing the location of the system ~~and~~; type of system to be constructed; the dimensions and the length of lateral ~~pipe~~ to be installed showing type of backfill material if applicable; distances to water lines, water wells, potable water storage tanks and buildings; site elevations and ground surface elevations sufficient to determine the elevation of system components and the slope of the ground surface; location of sanitary sewer, if available, within 200 feet of the property; and typical cross-section of the system.
 - 2) Number of bedrooms or design volume.
 - 3) Soil investigation results or percolation test results and the separation distance from the trench bottom to a limiting layer. The private sewage disposal system installation contractor or homeowner shall submit information with the plan approval application or local authority permit application that a limiting layer does not exist within the distances provided in Section 905.60(a)(7)~~(A)~~ of this Part.

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- 4) Owner's name and address.
- 5) Name and signature of applicant.

c) The applicant's signature serves as written acknowledgement that the property owners are aware of and accept the responsibility to service and maintain the private sewage disposal system in accordance with the Private Sewage Disposal Licensing Act and this Part. If the owner of the site is a developer or contractor, he/she shall notify the purchaser and the Department or the Department's agent of the transfer of ownership and responsibility for maintenance.

de) Persons who construct, install, repair or modify a private sewage disposal system shall notify the Department or local authority at least 48 hours prior to commencement of the work.

ed) If any person constructs, installs, repairs, or modifies a private sewage disposal system without complying with the requirements of subsections (a) through (de) of this Section and backfills any portion of the system or covers any portion of the system with earth, cinders, gravel, shale, or any other material that will prevent the Department or local authority from viewing the system to determine compliance with this Part, the property owner and/or private sewage disposal installation contractor shall uncover the backfilled or covered portions of the system.

fe) Contractor Responsibility. The private sewage disposal system installation contractor is responsible for the following:

- 1) Constructing, installing, repairing, modifying, or maintaining the private sewage disposal system in accordance with this Part.
- 2) Percolation test results and the sewage disposal system that is designed and constructed using those results. Acceptance of percolation tests from other sources does not relieve the installation contractor from responsibility.
- 3) Providing the results of soil classification information and/or percolation tests used to design a private sewage disposal system to the property owner and retaining copies of this information for at least five years.

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- 4) Providing service to aerobic treatment plants at least equal to Section 905.100(g).
- 5) Assuring compliance with all codes that may apply to the system, including the National Electrical Code.
- gf) Soil Classifier Responsibility. The soil classifier or Illinois licensed professional engineer shall be responsible for the accuracy of the information ~~from~~ soil investigations used to design private sewage disposal systems.

(Source: Amended at 34 Ill. Reg. _____, effective _____)

Section 905.200 Licenses and Fees

- a) An individual may obtain a license as a private sewage disposal system pumping contractor~~Private Sewage Disposal System Pumping Contractor~~ or a private sewage disposal system installation contractor~~Private Sewage Disposal System Installation Contractor~~ upon successfully passing the examinations given for each, then, making application on forms provided by the Department and submitting the annual license fee of \$~~100~~50.00 to the Department.
- b) *Each person who holds a currently valid plumbing license issued under the Illinois Plumbing License Law [225 ILCS 320] is not required to pay an annual license fee, but ~~shall~~must comply with all other provisions of the Act and this Part (Section 5(a) of the Act)~~the Act and this Part.~~ [225 ILCS 225/5(a)]*
- c) The fee to be paid for the annual renewal of either a private sewage disposal system pumping contractor~~Private Sewage Disposal System Pumping Contractor~~ or a private sewage disposal system installation contractor~~Private Sewage Disposal System Installation Contractor~~ license shall be \$~~100~~50.00.
- d) The fee to be paid for the reinstatement of a private sewage disposal system pumping contractor~~Private Sewage Disposal System Pumping Contractor~~ license or a private sewage disposal system installation contractor~~Private Sewage Disposal System Installation Contractor~~ license ~~that~~which has expired for a period of less than ~~three~~3 years shall be \$~~50~~20.00, plus all lapsed renewal fees.
- e) A license ~~that~~which has expired for more than ~~three~~3 years may be restored only by passing the written examination and paying the required fees.

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- f) A person who does not obtain a license within ~~two~~2 years after successfully completing the appropriate examination shall be required to file a new application and fee with the Department in accordance with Section 905.180(a) and again successfully pass the examination prior to applying for a license.
- g) No reinstatement fee will be charged and no examination will be required of an applicant who is seeking reinstatement within two years of terminating military service, upon payment of annual license fee and submission of evidence of military service. ~~[225 ILCS 225/5(b)]~~
- h) As of January 1, 2011, all individuals licensed as a private sewage disposal system pumping contractor or a private sewage disposal system installation contractor or certified as a portable sanitation technician shall be required to obtain three hours of continuing education, prior to the renewal of the license. The education courses shall be approved by the Department. The contractor shall submit the certificate of completion of the required education to the Department prior to the reissuance of the licenses.
- i) The fee to be paid for the original license of a portable sanitation business and for the annual renewal of a license of a portable sanitation business shall be \$250.
- j) The original and annual renewal fee to be paid for the certification of a portable sanitation technician shall be \$50.
- k) The fee to be paid for the certification of a portable sanitation technician trainee shall be \$50.
- l) The fee to be paid for the reinstatement of a portable sanitation business license that has expired for a period of less than three years shall be \$100, plus all lapsed renewal fees.
- m) The fee to be paid for the reinstatement of a portable sanitation technician certification that has expired for a period of less than three years shall be \$50, plus all lapsed certification fees.

(Source: Amended at 34 Ill. Reg. _____, effective _____)

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Section 905.205 Civil Penalties and Time Allowances for Corrective Action

a) Amount of Penalty

- 1) The Department may assess civil fines against any person or licensee who constructs, installs, repairs, modifies, ~~or~~ maintains or fails to provide for required maintenance of a private sewage disposal system, or any person or licensee who pumps, hauls, and/or disposes of wastes from a private sewage disposal system in violation of any Section of the ~~Private Sewage Disposal Licensing~~ Act or this Part.
- 2) The Department shall determine the amount of the fine based upon the seriousness of the violation. The seriousness of the violation will be determined as follows:
 - A) Type A – violations considered the most grievous, which shall be grounds to assess a larger fine, shall be activities that create a health hazard, unlicensed activities and repeat violations. Examples of these activities include violations of vertical or horizontal separation distances, falsifying information on permits or reports, addition of prohibited materials to a private sewage disposal system, use of improper septage disposal methods and prohibited discharges. The amount of the fine shall not exceed \$1,000 for each violation in addition to \$100 per day for each day the violation continues.
 - B) Type B – violations relating to improper construction practices, the use of improper materials, failure to install a system according to the approved plan, and pumper equipment violations shall be considered more serious. The maximum fine shall not exceed \$750 for each violation in addition to \$100 per day for each day the violation continues.
 - C) Type C – administrative violations involving paperwork, such as failure to obtain a permit or improper pumping truck lettering, shall be considered the least serious. The maximum fine shall not exceed \$500 for each violation, in addition to \$100 per day for each day the violation continues.

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- D) For the purposes of determining a repeat violation, an initial violation means the first violation of a particular Section of the Act or this Part within the previous ~~three~~3 years. If the same or a similar violation (example: a violation of vertical or horizontal separation distance or septage disposal) occurs within a ~~three~~3 year period, it will be considered a repeat violation.
- b) Correction of Violation. Correction of violations that are considered serious health hazards as determined by the Department or local health department shall begin immediately and be completed within ~~seven~~7 days. Other violations shall be corrected within 30 days after notification by the Department or the local health department. An exception to this requirement may be authorized by the Department or local health department when extenuating circumstances prevent correction in a timely manner. Examples of such circumstances include weather, physical conditions that prevent construction or repair, lack of adequate materials, etc. The Department or local health department may also grant an extension of time for correction based on the type and seriousness of the violation, and demonstrated effort on the part of the violator to make progress in correcting the violation.
- c) Any violation may be referred to the State's Attorney of the county in which it occurs or to the Attorney General for prosecution.

(Source: Amended at 34 Ill. Reg. _____, effective _____)

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Section 905.APPENDIX A Illustrations and Exhibits**Section 905.ILLUSTRATION C List of Approved Plastic Pipe for Private Sewage Disposal System**

TYPES OF PIPES	ASTM STANDARD	BUILDING SEWER ¹ OR COMMON COLLECTOR	SEWER LINES ¹	ALL SUBSURFACE SEEPAGE SYSTEMS
		5 ft. from building to septic-aeration tank to 5 ft. beyond the septic tank, aeration tank or distribution box	Additional treatment facilities and sand filter distribution lines and collection lines	
PVC (Type PS-46)	F789-82	*	*	*
ABS (DWV Schedule 40)	F628- 0685	x	x	x
ABS (DWV Schedule 40)	D2661- 0678	x	x	x
ABS	D1527- 9977	x	x	x
ABS (Sewer Pipe)	D2751- 0580	x ²	x ²	x ²
PVC	D1785- 0676	x	x	x
PVC (DWV Schedule 40)	D2665- 0778	x	x	x
PVC (DWV Schedule 40)	F891- 0486	x	x	x
PVC (Type PSM) (SDR 35)	D3034- 0680	x ²	x ²	x ²
PVC (Type PSP) (SDR 35)	D3033-81	x²	x²	x²
PVC (Sewer & Drain PS-50)	F891- 0486	x	x	x
PVC (Sewer & Drain PS-25)	F891- 0486	x	x	
PVC (Corrugated-Smoothwall)	F949- 0685	x	x	
PVC (Std. or Perforated)	D2729- 0380		x	x

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PE	(Smoothwall)	R810- 0783 AASHTO Standard	x	x
		M252- 06851		
PE	(Corrugated- Perforated)	F405- 0582 (Heavy Duty Only)		x
PE	(Corrugated- Perforated)	F667- 0684		x

x Indicates approved use.

¹ Commingling of plastic materials shall not be done within this area except through the use of proper adapters. (See Illinois Plumbing Code (77 Ill. Adm. Code 890).) When the building sewer is of a type of material that is different from the building drain, proper transition fittings shall be used.

² Pipe shall be SDR (Standard Dimension Ratio) 35 only.

Note: The last 2 numbers of the ASTM Standard indicate the date of the edition.

(Source: Amended at 34 Ill. Reg. _____, effective _____)

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Section 905.APPENDIX A Illustrations and Exhibits**Section 905.ILLUSTRATION D Location of Components of Private Sewage Disposal Systems**

MINIMUM DISTANCE ALLOWABLE FROM ^{1,2}							
COMPONENT PART OF SYSTEM	Cistern Well, or Suction Line from Pump To Well		Water Supply Line ³ Pressure	Lake, Stream, In- ground Swimming Pool or Other Body of Water	Property Dwelling	Property Line ⁴	Artificial Drain
	FEET	FEET	FEET	FEET	FEET	FEET	FEET
Building Sewer ^{5,2}	50	10	25	–	–	–	–
Septic Tank or Aerobic Treatment Plant	50	10 ⁹	25	5	5	–	–
Distribution Box	75	10	25	10	5	–	–
Subsurface Seepage System	75	25	25	10	5	10	10
Sand Filter	75	25	15	10	5	10	10
Privy	75	25	25	20	5	10	10
Waste Stabilization Pond	75	25	25	20	5	10	10
Surface Discharge Effluent Line ²	50	10	–	–	5	–	–
Effluent Receiving Trench	75	25	15	10	5	10	10
<u>Treated Effluent Discharge Point⁶</u>	<u>50</u>	<u>10</u>	<u>–</u>	<u>20</u>	<u>25</u>	<u>25</u>	<u>25</u>
<u>Class V Injection Wells⁷</u>	<u>200⁸</u>	<u>25</u>	<u>25</u>	<u>10</u>	<u>5</u>	<u>10</u>	<u>10</u>

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¹ These distances have been determined for use in clay, silt and loam soils only. The minimum distances required for use in sand or other types of soil shall be determined for the proposed private sewage disposal system and approved by ~~the~~this Department. ~~Approval~~Such approval will be given ~~when~~where the Department determines that the soil will provide treatment of the sewage.

² ~~For separation distances to closed loop wells, see 77 Ill. Adm. Code 920.180The building sewer or surface discharge effluent line may be located to within 10 feet of a well or suction line from the pump to the well when cast iron pipe with mechanical joints or Schedule 40 PVC pipe with watertight joints is used for the building sewer or surface discharge effluent line.~~

³ See Section 905.20(d) for additional details on water line and sewer separation. ~~This includes lawn irrigation piping.~~

⁴ If a common area is used, the boundary of the common area shall be used.

⁵ The building sewer or surface discharge effluent line may be located to within 10 feet of a well or suction line from the pump to the well when cast iron pipe with mechanical joints or Schedule 40 PVC pipe with watertight joints is used for the building sewer or surface discharge effluent line.

⁶ Any surface discharging system installed, repaired, or renovated after January 1, 2011.

⁷ Illinois Environmental Protection Agency (IEPA) defines Class V Injection Wells at 35 Ill. Adm. Code 704.105.

⁸ A lesser separation distance may be obtained with approval or a waiver from IEPA.

⁹ There shall be 25 feet separation from municipal water supply lines.

(Source: Amended at 34 Ill. Reg. _____, effective _____)

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Section 905.APPENDIX A Illustrations and Exhibits**Section 905.ILLUSTRATION I Seepage Field Construction****Section 905.EXHIBIT D Spacing – Gravelless and Chamber Systems**SPACING FOR SEEPAGE FIELD CONSTRUCTION
(GRAVELLESS AND CHAMBER SYSTEMS)

Gravelless and Chamber Dimensions	Minimum Center to Center Spacing of Distribution Lines
8 Inch Inside Diameter of Gravelless Pipe System	7.0 feet
10 Inch Inside Diameter of Gravelless Pipe System	7.0 feet
12 Inch Wide Chamber System	7.0 feet
18 Inch Wide <u>or Wider</u> Chamber System	9.0 feet

(Source: Amended at 34 Ill. Reg. _____, effective _____)

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Section 905.APPENDIX A Illustrations and Exhibits**Section 905.ILLUSTRATION I Seepage Field Construction****Section 905.EXHIBIT E Chamber Sizing Requirements**

Example: Chamber systems shall be ~~sized~~size on the absorption area of the chamber that is equivalent to the bottom area of a gravel system. The equivalent chamber absorption area per lineal foot is equal to the average inside width of the chamber times an equivalency factor of 2.5. For example, a chamber that has an average inside width of 1.25 feet provides an equivalent absorption area of 3.125 square feet per lineal foot. (1.25 feet times the 2.5 equivalency factor equals 3.125 square feet per lineal foot.)

To determine the length of chambers required, first calculate the absorption area required for a gravel system based on Appendix A, Illustration H, Exhibit A or Appendix A, Illustration M, Exhibit A. Then divide this area by the equivalent chamber absorption area per lineal foot. For example, if a ~~three~~3 bedroom house requires 870 square feet of absorption field and chambers 1.25 feet wide are being used, then the length of chambers needed is 278 feet. (870 square feet divided by 3.125 square feet per lineal foot equals 278 feet.)

Chamber systems with an average inside dimension equal to or greater than 20 inches shall not be designed to receive an equivalent absorption area of greater than 4 square feet per lineal foot.

(Source: Amended at 34 Ill. Reg. _____, effective _____)

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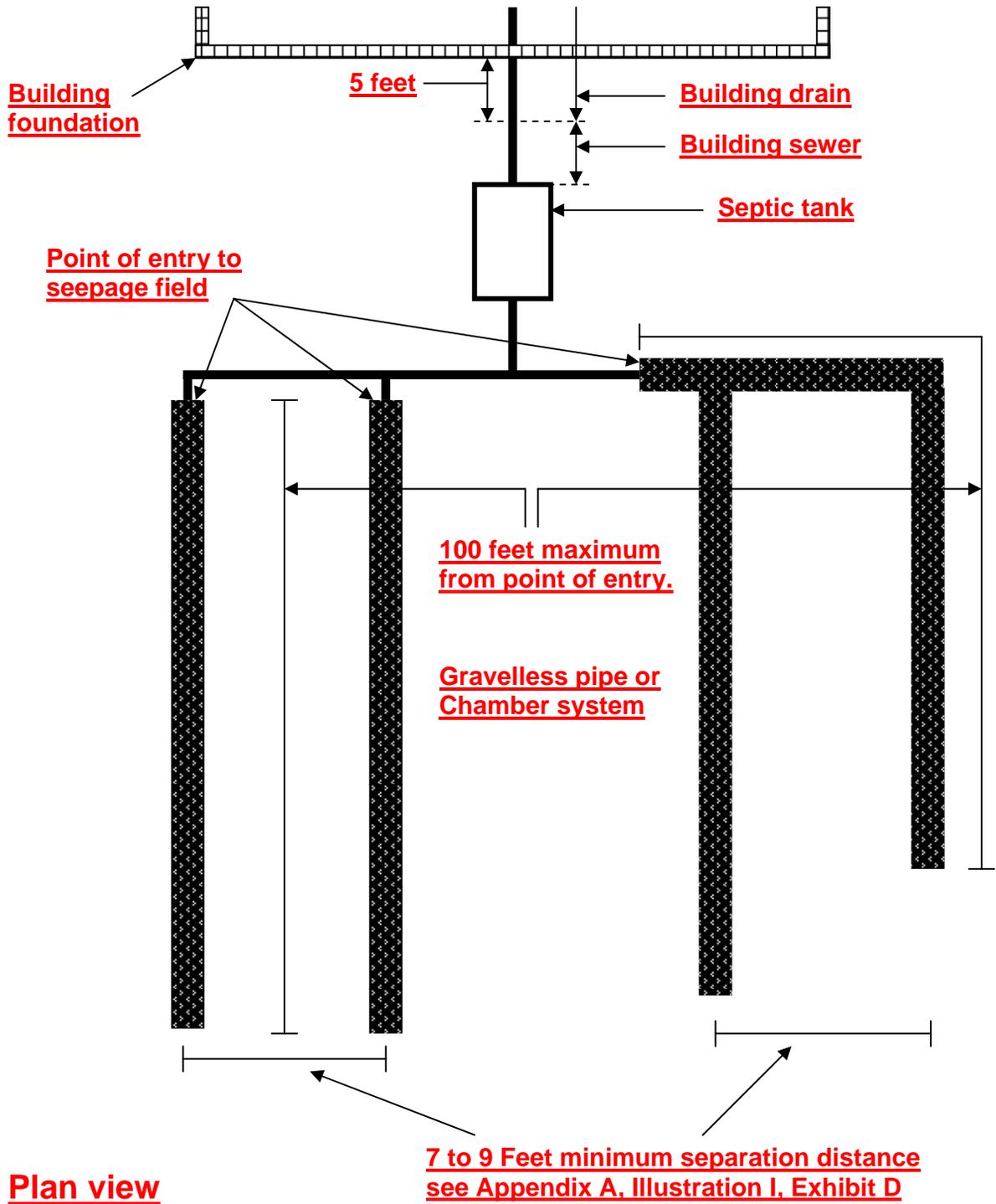
Section 905.APPENDIX A Illustrations and Exhibits

Section 905.ILLUSTRATION J Septic Tank Subsurface Seepage Field

Section 905.EXHIBIT C Plan View – Gravelless and Chamber System

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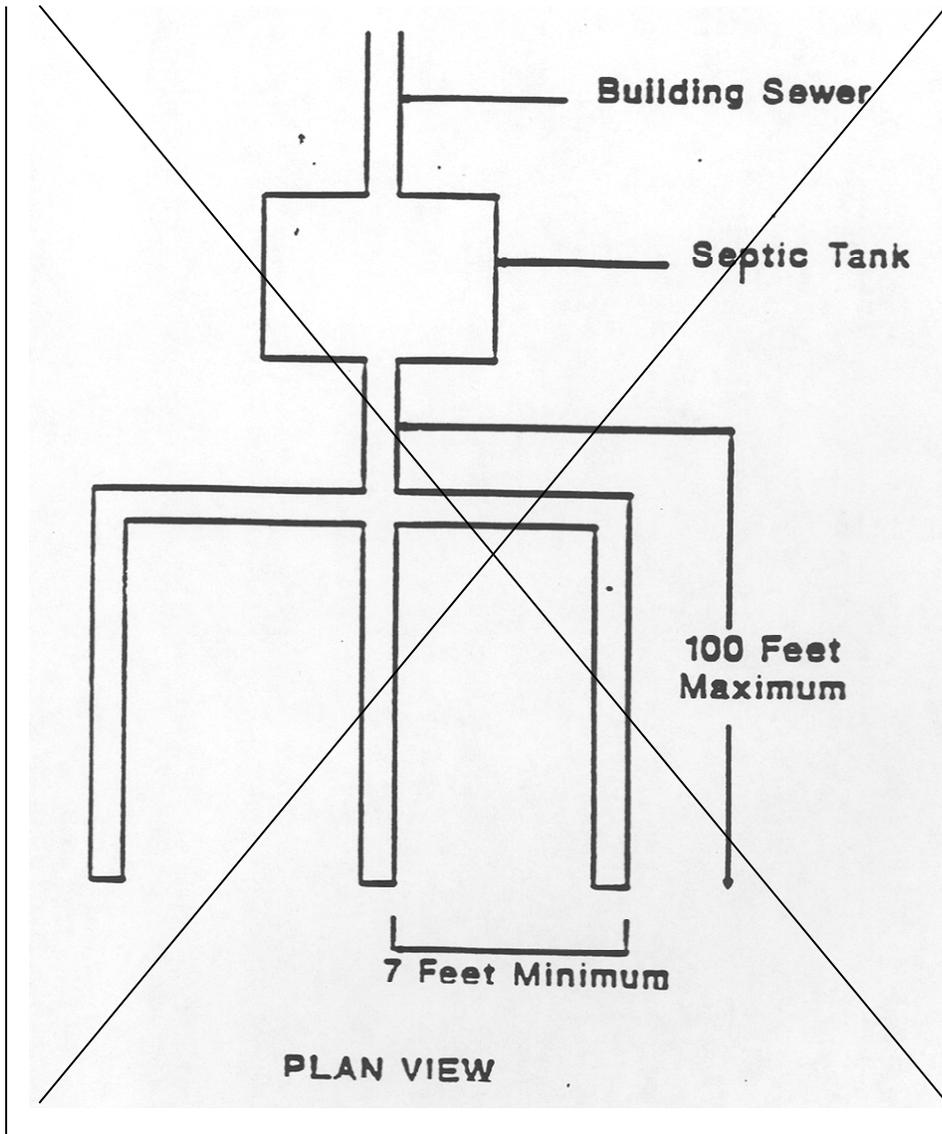
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(Source: Amended at 34 Ill. Reg. _____, effective _____)

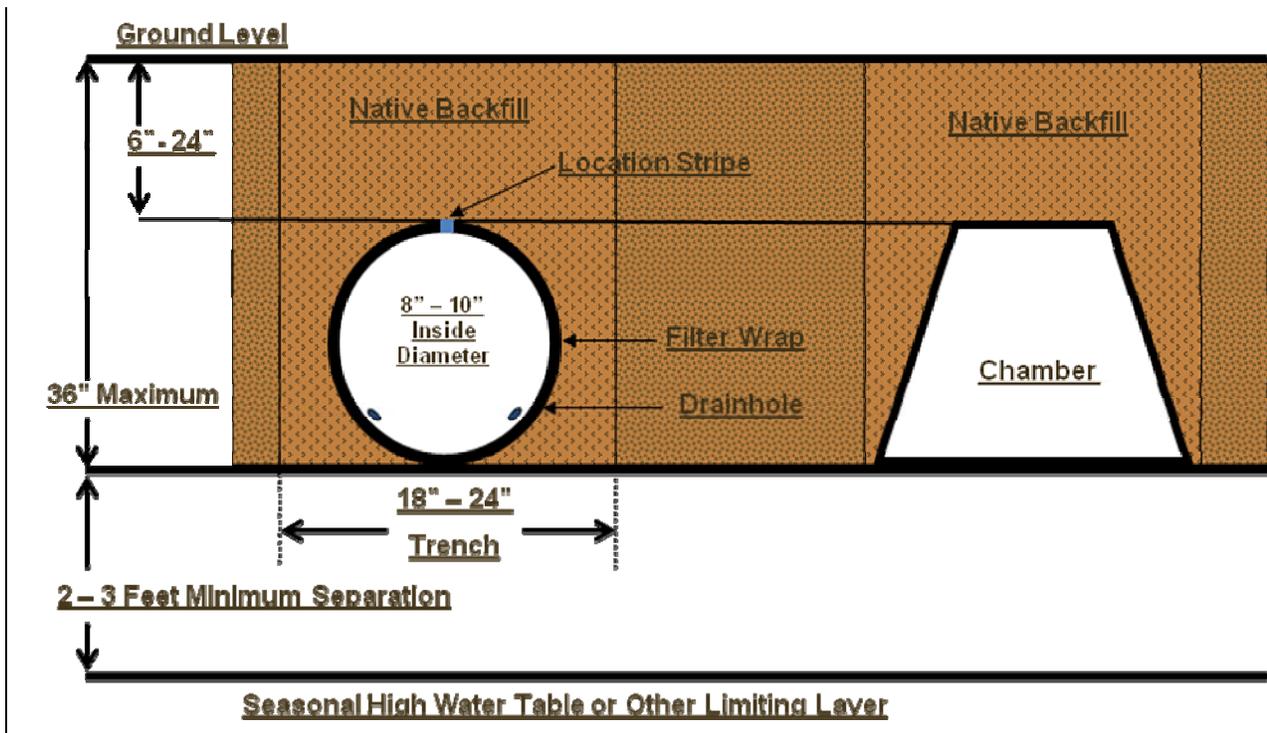
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Section 905.APPENDIX A Illustrations and Exhibits

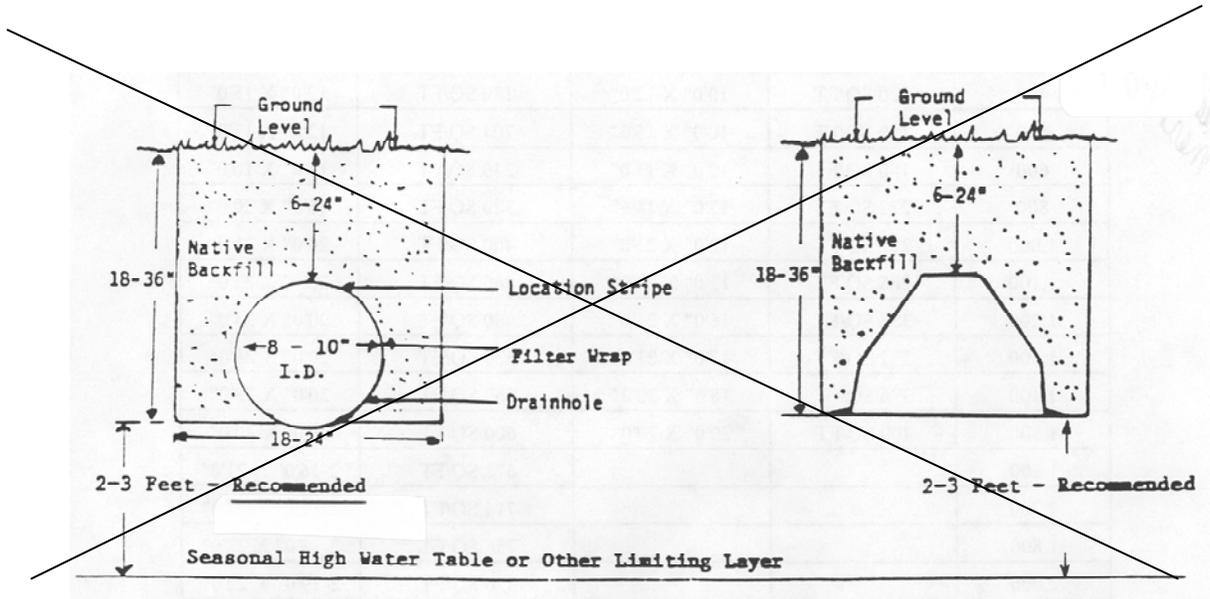
Section 905.ILLUSTRATION J Septic Tank Subsurface Seepage Field

Section 905.EXHIBIT D Section View – Gravelless and Chamber System



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(Source: Amended at 34 Ill. Reg. _____, effective _____)

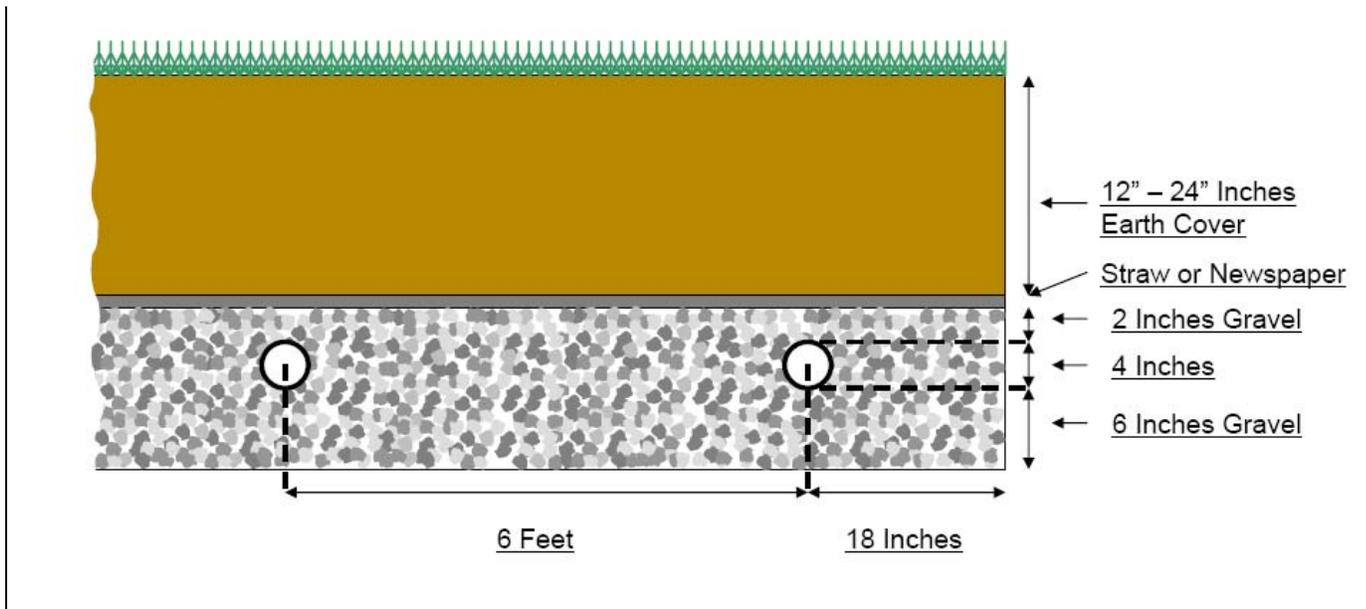
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Section 905.APPENDIX A Illustrations and Exhibits

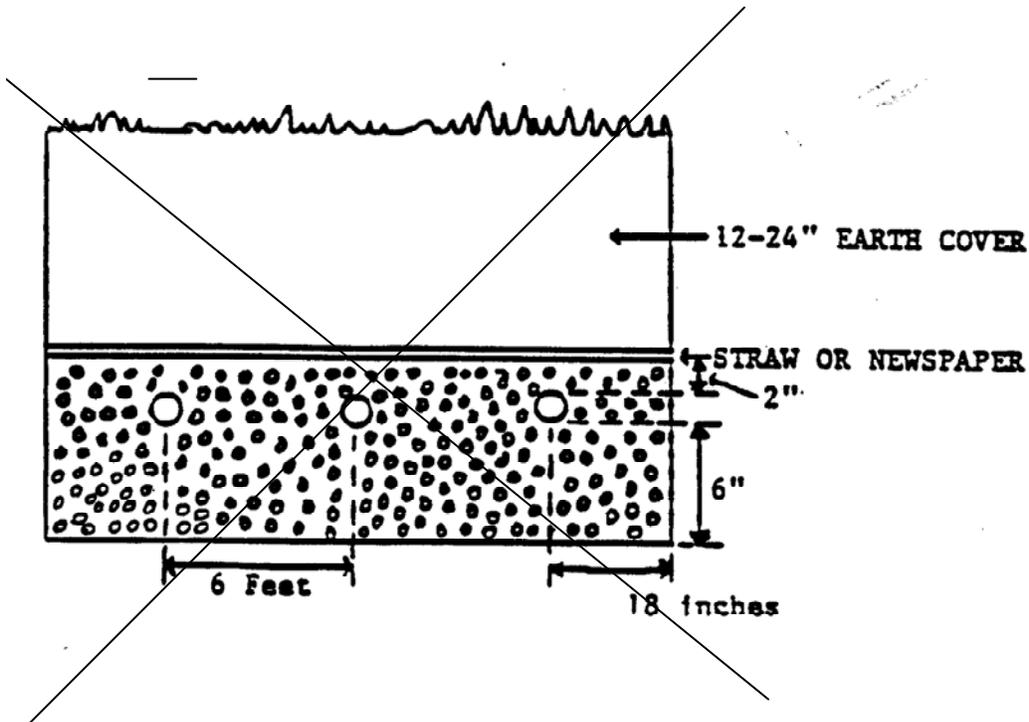
Section 905.ILLUSTRATION L Seepage Bed

Section 905.EXHIBIT C End View



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(Source: Amended at 34 Ill. Reg. _____, effective _____)

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Section 905.APPENDIX A Illustrations and Exhibits**Section 905.ILLUSTRATION M Soil Suitability for On-Site Sewage Design****Section 905.EXHIBIT A Loading Rates in Square Feet Per Bedroom and Gallons/Square Feet/Day**

Design Group	Soil Group (Most Limiting Limiting Layer)	Minimum Separation To Limiting Layer ⁽¹⁾	Permeability Range	Size of System	
				Residential Reg. Absorption (ft ² /bedroom)	Institutional/Commercial Allowable Application Rate (GPD/ft ²)
I	1A	NR⁽³⁾ N/A	Very Rapid	NR⁽³⁾ N/A	NR⁽³⁾ N/A
II	2A; 2B; 2K	3 feet	Rapid	200	1.0
III	3B; 3K	3 feet	High Moderately Rapid	220	0.91
IV	3A; 3C; 3L; 4DB ; 4K	3 feet	Low Moderately Rapid	240	0.84
V	4A; 4B ; 4C; 4D ; 4L; 4M ; 5B ; 5D	3 feet	Very High Moderate	265	0.75
VI	4F ; 4M ; 5B 5C ; 5E ; 5K ; 6F	3 feet	High Moderate	290	0.69
VII	4N ; 5A; 5C ; 5H; 5K ; 6D	2 feet	Moderate	325	0.62
VIII	4ON ; 5E ; 5I; 5L; 6A; 6B ; 6E; 6HG ; 6K	2 feet	Low Moderate	385	0.52
IX ⁽²⁾	5FJ ; 5M; 6C; 6H ; 6L; 7A ; 7D ; 7F	2 feet	High Moderately Slow	445	0.45
X ⁽²⁾	5G ; 6F ; 6I; 7C ; 7E; 7G ; 7H 8A	2 feet	Low Moderately Slow	500	0.40
XI ⁽²⁾	5N; 6G ; 6J; 6M; 7F ; 7I; 7K	2 feet	Slow	740	0.27
XII ⁽²⁾	7G ; 7J; 7L; 8E ; 8I	2 feet	Very Slow	1000	0.20
XII ⁽²⁾	5O ; 6N; 6O ; 7M; 7N; 7O ; 8J; 8N;	NR⁽³⁾ N/A	NR⁽³⁾ N/A	NR⁽³⁾ N/A	0.00

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XIII	8M: 80 9	SUBSURFACE DISPOSAL NOT RECOMMENDED
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NOTES:

- (1) Limiting layers include fragipans; bedrock; compact glacial tills; seasonal high water table or other soil profile features that will materially affect the absorption of liquid from the disposal field.
- (2) Soils in this group are less than the minimum percolation rate established in [Appendix A, Section 905](#). Illustration H of this Part as suitable for subsurface seepage systems.
- (3) [NR = Subsurface disposal system not recommended.](#)

(Source: Amended at 34 Ill. Reg. _____, effective _____)

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Section 905.APPENDIX A Illustrations and Exhibits

Section 905.ILLUSTRATION M Soil Suitability for On-Site Sewage Design

Section 905.EXHIBIT B Key for Determining Sewage Loading Rates (Gallons/Square Foot/Feet/Day)

Structure and Parent Material	Single grain; Granular; Platy ²	Angular and Subangular Blocky; Prismatic									Structureless or Massive				
		Loess: Outwash						Till ³ ; Lacustrine							
		Weak		Moderate <u>Strong</u>		Strong		Moderate; Strong			Loess; Outwash		Till ³ ; Lacustrine		
Moist Consistence	lo vfr fr	lo vfr fr	fr-fi	vfr fr	fi	vfr fr	fi	fr	fi	vfi	vfr	fr	fi	vfr fr	fi vfi
Texture	A	B	C	D	E	F	G	H	I	J	K	L	M	NM	ON
1. Fragmental; Ext. or <u>very</u> <u>Very</u> gravelly sand; Gravelly sand; Coarse sand; Gravelly loamy sand	> 1.00 ⁴	N/A ⁵	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
2. Medium sand; Sand; Loamy coarse sand; Loamy sand; Coarse sandy loam	1.00	1.00	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	1.00	N/A	N/A	N/A	N/A
3. Fine sand; Loamy fine sand	0.84	0.91	N/A 0.84	N/A	N/A	N/A	N/A	N/A	N/A	N/A	0.91	0.84	N/A	N/A	N/A
4. Sandy loam; Fine sandy loam; Gravelly sandy loam; Gravelly loam; Gravelly silt loam	0.75	.750 .84	N/A 0.75	0.840 .75	N/A	0.69 N/A	N/A	0.75 N/A	N/A	N/A	0.84	0.75	0.69	0.62 0.75	0.52
5. Loam; Silt loam; Very fine sandy loam; Sandy clay loam; Silt; Very fine sand; Loamy very fine sand	0.62	0.75	0.69	0.75	0.69	N/A	N/A	0.62	0.52	0.45 ⁶	0.69	0.52	0.45 ⁶	0.27 ⁶ 0.45 ⁶	N/A ⁷ 0.27 ⁶
6. Silty clay loam (<35% c); Clay loam (< 35% c)	.052	0.52 N/A	0.45 ⁶	0.62	0.52	0.40 0.69	0.52	0.52 0.45 ⁶	0.40 ⁶	0.27 ⁶	0.52	0.45 ⁶	0.27 ⁶	N/A 0.27 ⁶	N/A 0.00 ⁶
7. Silty clay loam (>35% c); Clay loam (>35% c); Sandy clay (<40% c)	N/A 0.45 ⁶	N/A	0.40 ⁶ N/A	0.45 ⁶	0.40 ⁶	0.27 ⁶ 0.45 ⁶	0.20 ⁶ 0.40 ⁶	0.40 ⁶ N/A	0.27 ⁶	0.20 ⁶	N/A 0.27 ⁶	0.20 ⁶	N/A	N/A 0.00 ⁶	N/A 0.00 ⁶
8. Sandy clay (>40% c); Silty clay	N/A 0.40 ⁶	N/A	N/A	N/A	0.20 ^{6,9} N/A	N/A	N/A	N/A	0.20 ^{6,9}	N/A 0.00 ⁶	N/A	N/A	N/A	N/A	N/A 0.00 ⁶
9. Clay; Organics;	—SOIL PROPERTIES HAVE VERY SERVEE LIMITATIONS; SUBSURFACE DISPOSAL NOT RECOMMENDED—														

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Fragic; Fragipan; Lithic; Paralithic	
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FOOTNOTES:

- ¹ Disturbed soils are highly variable and require special on-site investigations.
- ² Moderate or strong platy structure for the soil textures in Group 5 have a loading rate of 0.40 g/sq.ft/d/df. Platy structure having firm or very firm consistency and/or caused by mechanical compaction has a loading rate of 0.0 g/sq.ft/d/dsq-ft.
- ³ Weakly structured BC horizons and basal glacial tills structured by geogenic processes have the same loading rates as structureless glacial till.
- ⁴ This soil group is estimated to have very rapid permeability and exceeds the maximum established rate in ~~Section 905~~.Illustration H, Exhibit A of this Part.
- ⁵ N/A means not applicable.
- ⁶ These soil groups are estimated to have moderately slow to very slow permeability and are less than the minimum established rate in ~~Section 905~~.Illustration H, Exhibit A of this Part.
- ⁷ N/R means not recommended. These soils have loading rates considered too low for conventional subsurface disposal.
- ⁸ In some areas, lacustrine material may have physical properties similar to glacial till and should be placed in the glacial till columns.
- ⁹ Non-swelling (1:1 lattice clays) formed in bedrock residuum have a loading rate of 0.27 g/sq.ft/d. Swelling (2:1 lattice) clays are not recommended for subsurface disposal.

(Source: Amended at 34 Ill. Reg. _____, effective _____)

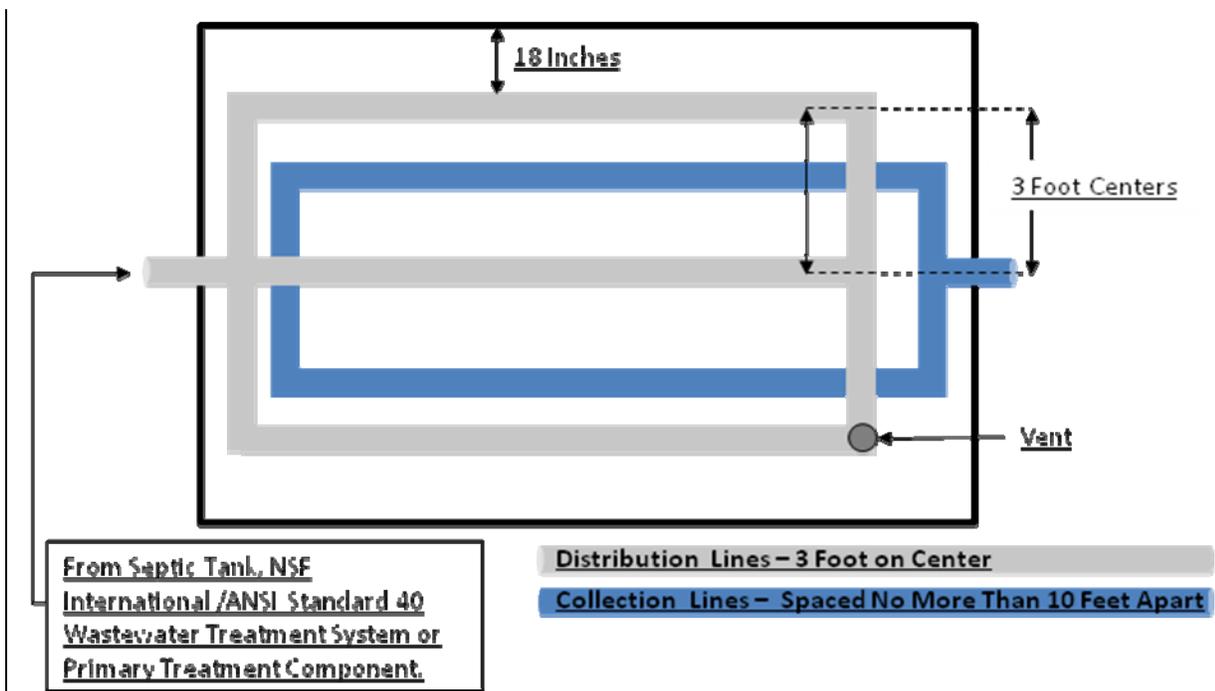
DEPARTMENT OF PUBLIC HEALTH

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Section 905.APPENDIX A Illustrations and Exhibits

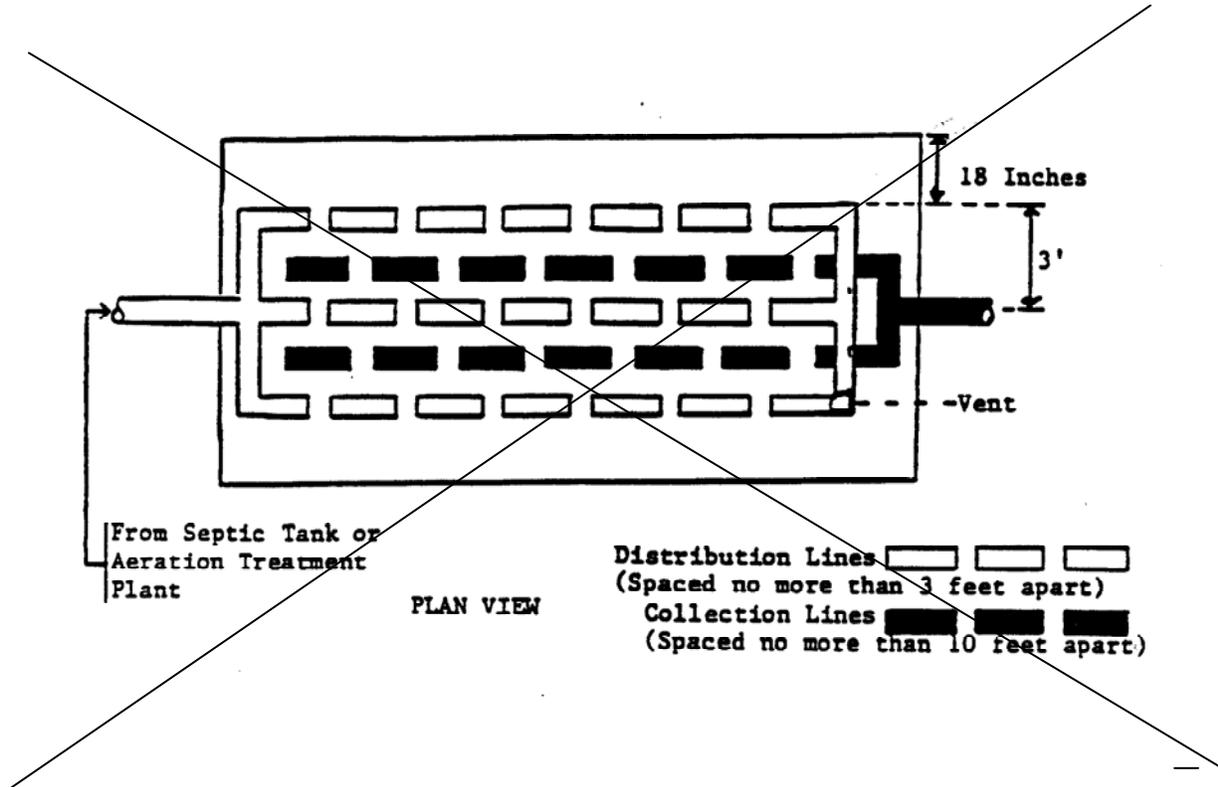
Section 905.ILLUSTRATION N Buried Sand Filter

Section 905.EXHIBIT A Plan View



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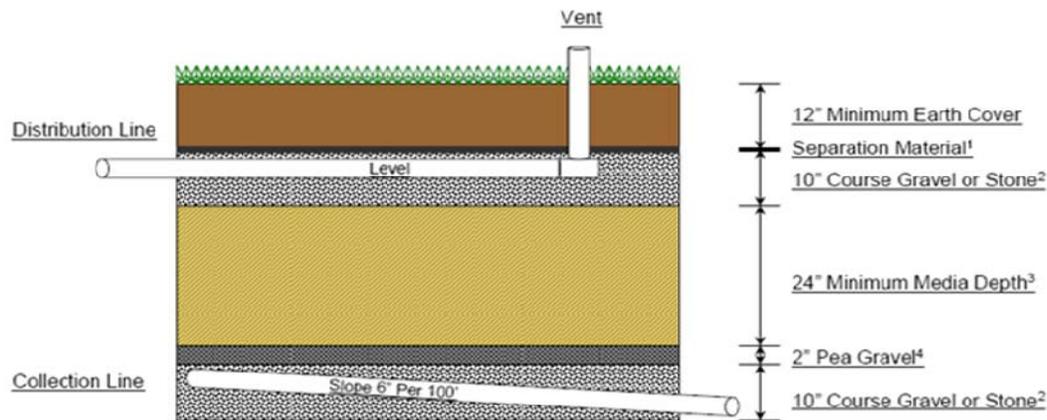
NOTICE OF PROPOSED AMENDMENTS



(Source: Amended at 34 Ill. Reg. _____, effective _____)

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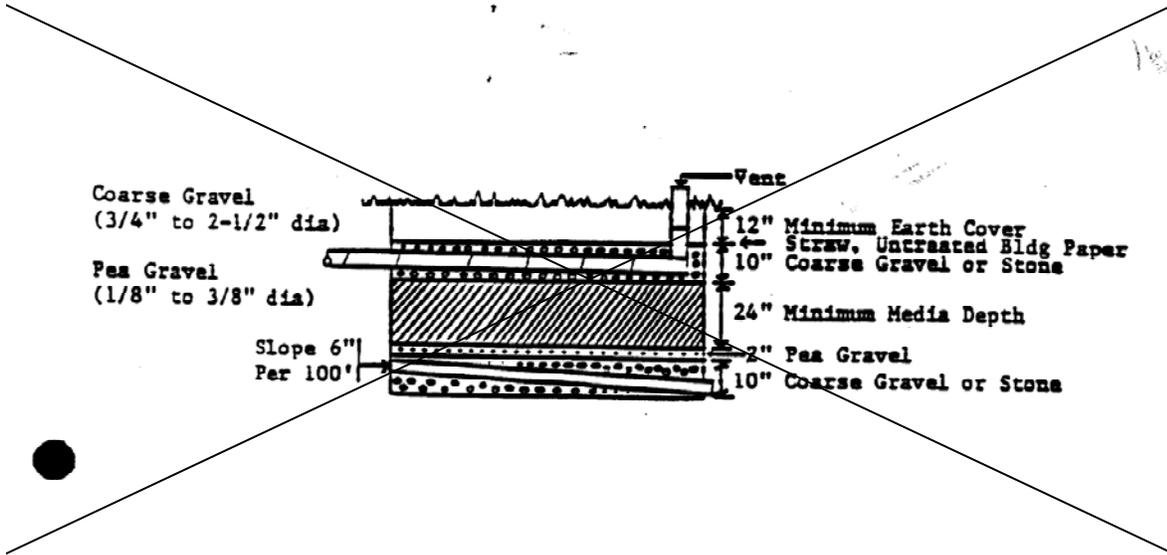
NOTICE OF PROPOSED AMENDMENTS

Section 905.APPENDIX A Illustrations and Exhibits**Section 905.ILLUSTRATION N Buried Sand Filter****Section 905.EXHIBIT B Section View**

- 1 Separation materials to support the backfill: straw, newspaper, untreated building paper, geotextile fabric or other permeable or biodegradable material.
- 2 Course Gravel or Stone: 3/4" to 2 1/2" diameter.
- 3 Sand Filter Media: The sand shall have an effective size of 0.5 to 2.0 millimeters and a uniformity coefficient of less than 3.5.
- 4 Pea Gravel: 1/8" to 3/8" diameter.

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(Source: Amended at 34 Ill. Reg. _____, effective _____)

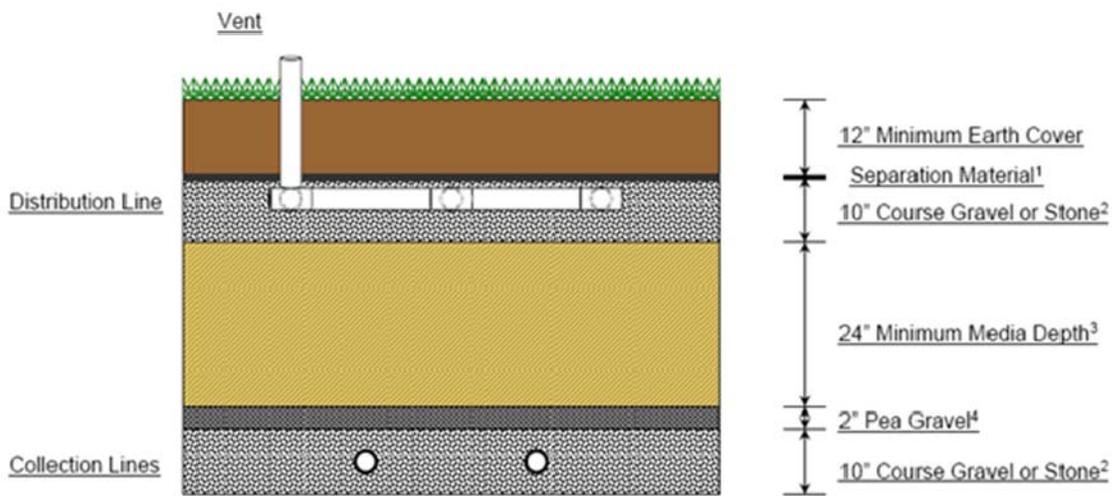
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Section 905.APPENDIX A Illustrations and Exhibits

Section 905.ILLUSTRATION N Buried Sand Filter

Section 905.EXHIBIT C End View



¹ Separation materials to support the back fill: straw, newspaper, untreated building paper, geotextile fabric or other permeable or biodegradable material.

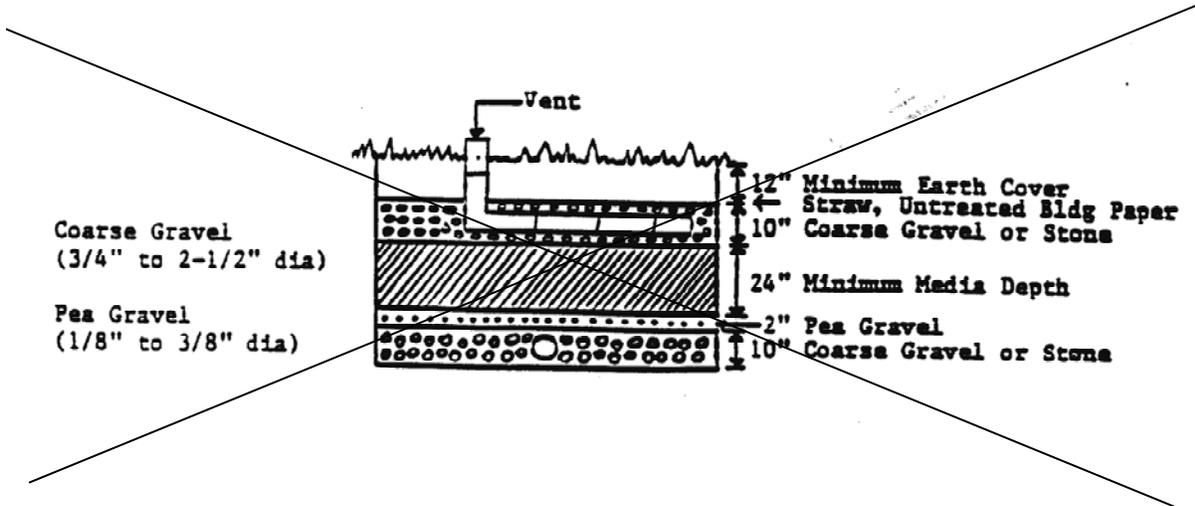
² Course Gravel or Stone: 3/4" to 2 1/2" diameter.

³ Sand Filter Media: The sand shall have an effective size of 0.5 to 2.0 millimeters and a uniformity coefficient of less than 3.5.

⁴ Pea Gravel: 1/8" to 3/8" diameter.

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(Source: Amended at 34 Ill. Reg. _____, effective _____)

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Section 905.APPENDIX B Contact Information for the Central and Regional Offices
Telephone or Address Inquiries to the Regional Office

Central Office
525 West Jefferson
Springfield, IL 62761
217-782-5830

Rockford Region
4302 North Main St.
Rockford, IL 61103
815-987-7511

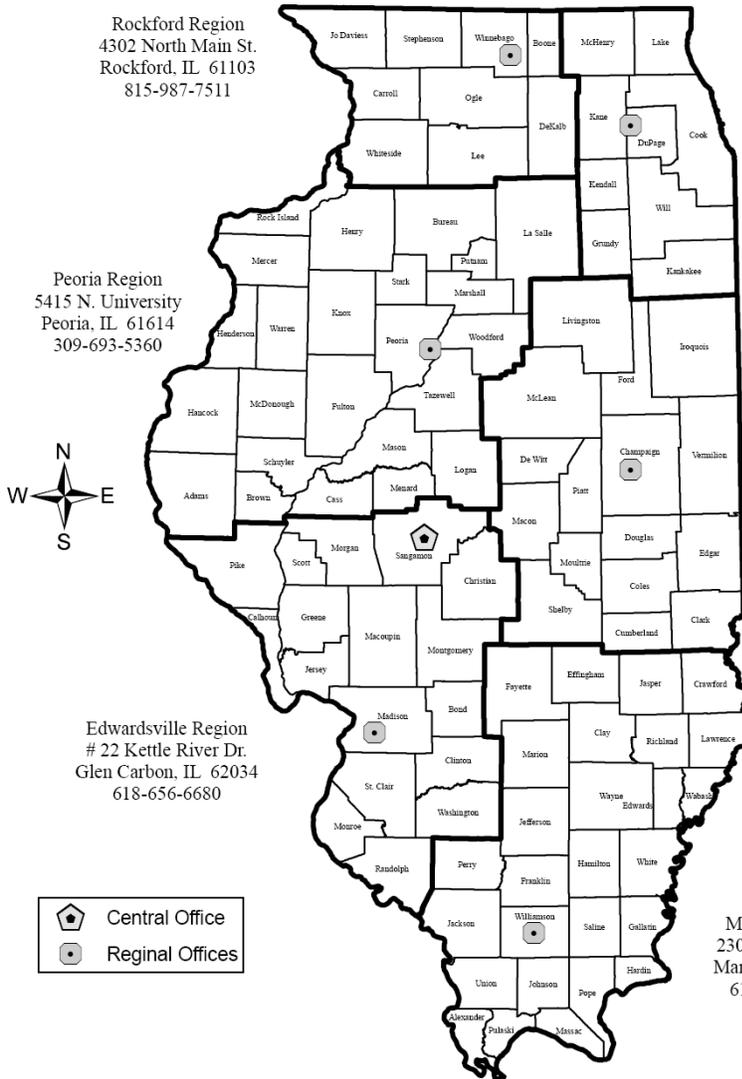
West Chicago Region
245 West Rosevelt Rd.
Building 5
West Chicago, IL 60185
630-293-6800

Peoria Region
5415 N. University
Peoria, IL 61614
309-693-5360

Champaign Region
2125 South First St.
Champaign, IL 61820
217-278-5900

Edwardsville Region
22 Kettle River Dr.
Glen Carbon, IL 62034
618-656-6680

Marion Region
2309 W. Main St.
Marion, IL 62959
618-993-7010



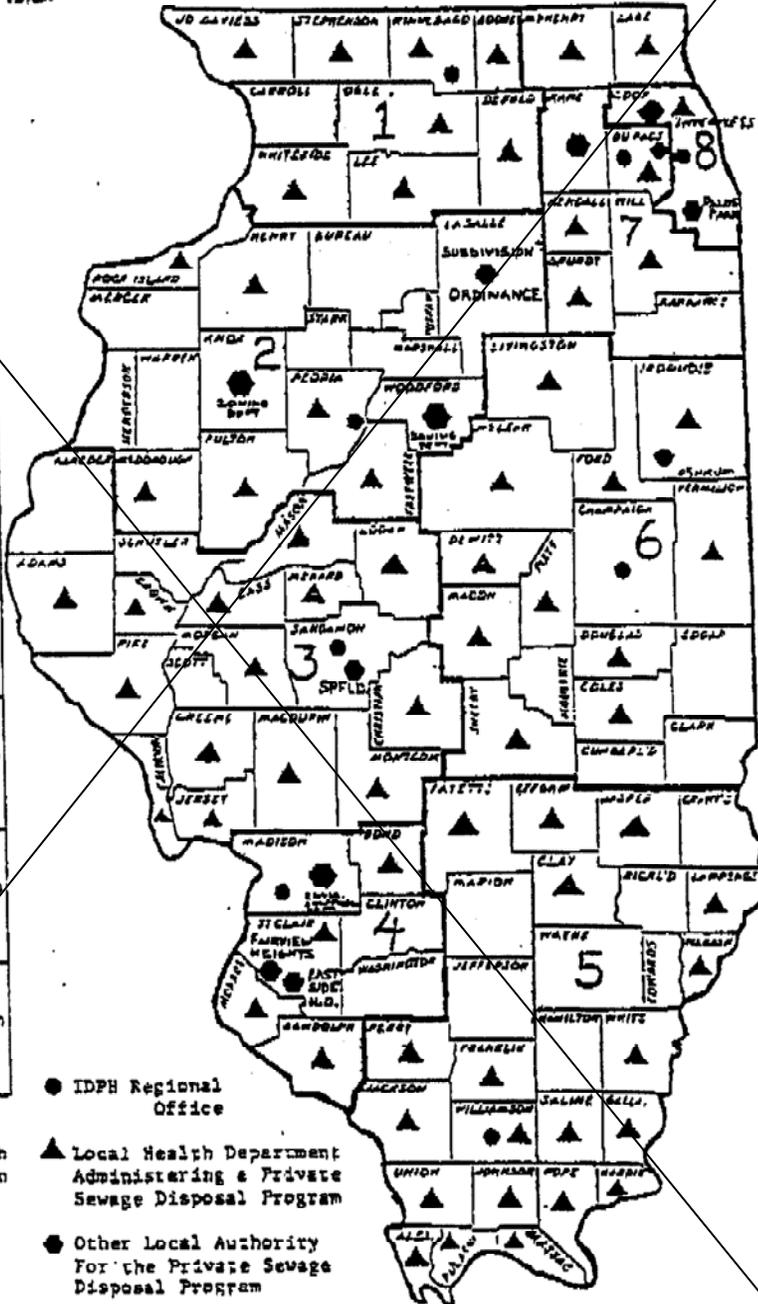
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ILLINOIS DEPARTMENT OF PUBLIC HEALTH
Division of Engineering and Sanitation
TELEPHONE OR ADDRESS INQUIRIES TO THE
REGIONAL OFFICE SERVING YOUR AREA

- REGION 1 - Rockford**
Roger Ruden, R.E.
Ill. Dept. of Public Health
4302 N. Main Street
Rockford, IL 61103
Phone 615/987-7511
- REGION 2 - Peoria**
Frank F. Alesi, R.E.
Ill. Dept. of Public Health
5415 North University
Peoria, IL 61614
Phone 309/691-2200
- REGION 3 - Springfield**
Morle L. King, R.E.
Ill. Dept. of Public Health
4500 S. Sixth Street Road
Springfield, IL 62706
Phone 217/786-6882
- REGION 4 - Edwardsville**
Fred L. Crawford, R.E.
Ill. Dept. of Public Health
Cottonwood Road
Edwardsville, IL 62025
Phone 618/288-5761
- REGION 5 - Marion**
Darl Teske, R.E.
Ill. Dept. of Public Health
2209 West Main Street
Marion, IL 62959
Phone 618/957-4371
- REGION 6 - Champaign**
Mark Kuechler, R.E.
Ill. Dept. of Public Health
2125 South First Street
Champaign, IL 61820
Phone 217/353-6914
- REGION 7 - West Chicago**
Robert Flygare, R.E.
Ill. Dept. of Public Health
245 Roosevelt Rd. Bldg. #5
West Chicago, IL 60185
Phone 312/293-6800
- REGION 8 - Berkeley**
Paul Levin, R.E.
Ill. Dept. of Public Health
5813 Elm Avenue
Berkeley, IL 60163
Phone 312/449-2777-9, 2870

CENTRAL OFFICE
Ill. Dept. of Public Health
Office of Health Regulation
Division of Eng. & San.
535 West Jefferson Street
Springfield, IL 62761
Phone 217/782-5830



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(Source: Amended at 34 Ill. Reg. _____, effective _____)

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Introduction
- 2) Code Citation: 35 Ill. Adm. Code 301
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
301.247	New
301.282	New
301.307	New
301.323	New
301.324	New
- 4) Statutory Authority: Implementing and authorized by Sections 10 and 27 of the Illinois Environmental Protection Act [415 ILCS 5/10 and 27]
- 5) A Complete Description of the Subjects and Issues Involved: This proposal would establish the recreational use designations for the Chicago Area Waterway System (CAWS) and the Lower Des Plaines River (LDPR) as proposed by the Illinois Environmental Protection Agency (IEPA) with no alterations. The record demonstrates that the CAWS and the LDPR cannot attain the Clean Water Act recreational use goal of recreating on and in the water at this time. However, the Board's thorough examination of the record in this proceeding provides clear evidence of existing recreational uses in the CAWS and LDPR that must be protected. Therefore, the Board sends to First Notice a proposal that individual reaches of the CAWS and LDPR will be designated either as incidental contact recreation, non-contact recreation, or non-recreational waters.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking:
 - A. Lower Des Plaines River Use Attainability Analysis Final Report. AquaNova International, Ltd. and Hey & Associates, Inc., prepared for Illinois EPA (December 2003).
 - B. Chicago Area Waterway System Use Attainability Analysis Final Report. Camp, Dresser and McKee, prepared for Illinois EPA (August 2007).
 - C. Interim Economic Guidance for Water Quality Standards Workbook (Appendix M to the Water Quality Standards Handbook—Second Edition, EPA-823-B-94-005b). U.S. EPA Office of Water (EPA-823-B-95-002) (March 1995).

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- D. Illinois Sanitary Water Board Rules and Regulations SWB-8 Water Quality Standards, Interstate Waters, Illinois River and Lower Section of Des Plaines River (REF. 348.025 ISWB SWB-8 C.2) (Criteria Adopted December 1, 1966; Implementation Plan Submitted August 10, 1967; Approved by U.S. Dept. of Interior January 27, 1968; Sanitary Water Board Reapproved March 5, 1968).
- Illinois Sanitary Water Board Rules and Regulations SWB-15 Water Quality Standards, Interstate Waters, Chicago River and Calumet River System and Calumet Harbor Basin (REF. 348.025 ISWB SWB-15 C.2) (Adopted by Board June 28, 1967; Approved by U.S. Dept. of Interior January 27, 1968; Sanitary Water Board reapproval March 5, 1968).
- E. Ordinance: Code of Forest Preserve District of Cook County, Title 2: Forest Preserve District Lands and Properties, Chapter 4: Recreation in the Forest Preserve.
- F. Inventory of Public Access Locations along the Chicago Area Waterway System. Illinois EPA, Bureau of Water (May 15, 2007).
- G. Description of the Chicago Waterway System: Use Attainability Analysis Study Conducted by Illinois EPA Bureau of Water in Cooperation with MWRDGC. MWRDGC, Research and Development (May 2002).
- H. Minutes from the June 23, 2005 Dispersal Barrier Advisory Panel. Philip B. Moy, University of Wisconsin Sea Grant Institute (June 23, 2005).
- I. Chicago Area Waterways Health Precautions Pamphlet. MWRDGC, Illinois Department of Public Health, U.S. EPA, Illinois EPA (October 2003).
- J. Ambient Water Quality Criteria for Bacteria – 1986. U.S. EPA Office of Water (EPA440/5-84-002) (January 1986).
- K. Analysis of Physical Habitat Quality and Limitations to Waterways in the Chicago Area. Center for Applied Bioassessment and Biocriteria, prepared for U.S. EPA Region 5 (2004).
- L. Aquatic Life and Habitat Data Collected in 2006 on the Illinois and Des Plaines Rivers. Midwest Biodiversity Institute, prepared for U.S. EPA Region 5 (2006).

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- M. Biological Criteria for the Protection of Aquatic Life: Volume II: Users Manual for Biological and Field Assessment of Ohio Surface Waters. Ohio Environmental Protection Agency, Surface Water Section (Updated January 1, 1988).
- N. Interpreting Illinois Fish-IBI Scores, DRAFT: January 2005. Illinois EPA, Bureau of Water (January 2005).
- O. Quality Criteria for Water 1986 (gold book). U.S. EPA Office of Water (EPA 440/5-86-001) pp. 17-21, 34, 76-79, 168-171 and 253-261 (May 1, 1986).
- P. 2001-2006 Effluent Sample Results for Temperature at Water Reclamation Plants, 2005 and 2006 Water Quality Sample Results for Temperature, pH, Alkalinity and Chloride, and Calculations of H₂CO₃ (soluble CO₂) in Chicago Area Waterways in 2005 and 2006. MWRDGC, Research and Development (June 4, 2007).
- Q. Ambient Water Quality Criteria for Dissolved Oxygen. U.S. EPA Office of Water Regulations and Standards. Criteria and Standards Division. Washington, D.C (EPA 440/5-86-003) (April 1986).
- R. 1995 Updates: Water Quality Criteria Documents for the Protection of Aquatic Life in Ambient Water. U.S. EPA Office of Water 4301 (EPA-820-B-96-001) (September 1996).
- S. The Metals Translator: Guidance for Calculating A Total Recoverable Permit Limit From A Dissolved Criterion. U.S. EPA Office of Water 4305 (EPA-823-B-96-007) (June 1996).
- T. 2001 Update of Ambient Water Quality Criteria for Cadmium. U.S. EPA Office of Water 4304 (EPA-822-R-01-001) (April 2001).
- U. 2005 and 2006 Water Quality Sample Results for Hardness, Cadmium, Nickel and Zinc and Calculated Compliance Rates with Proposed Chronic Standards for the Respective Metals. MWRDGC, Research and Development (April 25, 2007).
- V. 2005 and 2006 Effluent Sample Results for Hardness and Cadmium at Calumet, North Side, and Stickney Water Reclamation Plants. MWRDGC, Research and Development (May 1, 2007).

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- W. Quality Criteria for Water. U.S. EPA (PB-263 943) pp. 152-159 (1976).
- X. Ambient Water Quality for Silver. U.S. EPA Office of Water (EPA 440/5-80-071) (October 1980).
- Y. Derivation of a Colorado State Manganese Table Value Standard for the Protection of Aquatic Life. William A. Stubblefield and James R. Hockett. ENSR Corporation (July 2000).
- Z. Temperature Criteria Options for the Lower Des Plaines River. Chris O. Yoder, Research Director. Midwest Biodiversity Institute, Columbus, Ohio (October 11, 2005).
- AA. Letter from Chris Yoder, Midwest Biodiversity Institute, to Toby Frevert, Illinois EPA Bureau of Water (July 11, 2007).
- BB. 1999 Update of Ambient Water Quality Criteria for Ammonia. U.S. EPA Office of Water (EPA-822-R-99-014) (December 1999).
- CC. The Upper Illinois Waterway Study Interim Report. 1994 Ichthyoplankton Investigation RM 276.2-321.7. EA Engineering, Science, and Technology, prepared for Commonwealth Edison Co. (April 1995).
- DD. 2004 Lower Des Plaines River Fisheries Investigation RM 274.4-285.5. EA Engineering, Science, and Technology, prepared for Midwest Generation, EME, LLC (November 2005).
- EE. Master Plan North Side Water Reclamation Plant and Surrounding Chicago Waterways, Technical Memorandum 1WQ: Disinfection Evaluation. Consoer Townsend Environdyne Engineers, Inc., prepared for MWRDGC (August 26, 2005).
- FF. Technical Memorandum 4WQ Supplemental Aeration of the North and South Branches of the Chicago River MWRDGC North Side Water Reclamation Plant, Project No. 04-014-2P. Consoer Townsend Environdyne Engineers, Inc., prepared for MWRDGC (January 12, 2007).

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- GG. Technical Memorandum 5WQ Flow Augmentation of the Upper North Shore Channel MWRDGC North Side Water Reclamation Plant, Project No. 04-014-2P. Consoer Townsend Envirodyne Engineers, Inc., prepared for MWRDGC (January 12, 2007).
- HH. Technical Memorandum 6WQ Flow Augmentation and Supplemental Aeration of the South Fork of the South Branch of the Chicago River MWRDGC North Side Water Reclamation Plant, Project No. 04-014-2P. Consoer Townsend Envirodyne Engineers, Inc., prepared for MWRDGC (January 12, 2007).
- II. Memorandum of Understanding By and Between Midwest Generation LLC and Illinois Environmental Protection Agency, Revised 12/10/2006 3:21:06 PM.
- JJ. A River is Reborn—Use Attainability Analysis for the Lower Des Plaines River, Illinois. Vladimir Novotny, Neal O'Reilly, Timothy Ehlinger, Toby Frevert and Scott Twait. Water Environment Research, Volume 79, Number 1, pp. 68-80.

Statutes and Regulations

Federal Water Pollution Control Act (Clean Water Act) 33 USC 1251 *et seq.*

Beaches Environmental Assessment and Coastal Health Act 2000 (Beach Act), 33 USC 1313

Illinois Environmental Protection Act [415 ILCS 5]

40 CFR 131 (Water Quality Standards)

35 Ill. Adm. Code Subtitle C: Water Pollution

U.S. EPA Guidance Documents

Water Quality Standards Handbook: Second Edition, EPA-823-B-94-005a, U.S. EPA Office of Water (4305)(August 1994).

Guidelines for Deriving Numerical National Water Quality Criteria for the Protection of Aquatic Organisms and Their Uses, PB85-227049, U.S. EPA Office of Research and Development, Environmental Research Laboratories (1985)(reproduced by National Technical Information Service, U.S. Department of Commerce).

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Board Opinions

In the Matter of: Water Quality Triennial Review: Amendments to 35 Adm. Code 302.105, 302.208(e)-(g), 302.504(a), 302.575(d), 309.141(h); and Proposed 35 Ill. Adm. Code 301.267, 301.313, 301.413, 304.120, and 309.157, R02-11 (December 19, 2002).

In the Matter of: Proposed Amendments to Ammonia Nitrogen Standards 35 Ill. Adm. Code 302.100, 302.212, 302.213, and 304.122, R02-19 (October 17, 2002).

In the Matter of: Petition of Commonwealth Edison Company for an Adjusted Standard from 35 Ill. Adm. Code 302.211(d) and (e), AS96-10 (October 3, 1996) and (March 16, 2000).

In the Matter of: Triennial Water Quality Review: Amendments to 35 Ill. Adm. Code 302.208 and 302.407 (Lead and Mercury), R94-1(A), (May 16, 1996).

Commonwealth Edison Company v. Illinois EPA, PCB 91-29 (Variance – Water)(November 21, 1991).

In the Matter of: Proposed Amendments to Title 35, Subtitle C (Toxins Control), R88-21 – Docket B (June 21, 1990).

In the Matter of: Proposed Amendments to Title 35, Subtitle C (Toxins Control), R88-21 – Docket A (January 25, 1990).

In the Matter of: Proposed Determination of No Significant Ecological Damage for the Joliet Generating Station, PCB 87-93 (November 15, 1989).

In the Matter of: Water Quality and Effluent Standards Applicable to the Chicago River System and Calumet River System, R87-27 (May 19, 1988).

Commonwealth Edison v. Illinois EPA, PCB 87-40 (dismissed August 20, 1987).

Commonwealth Edison Company v. Illinois EPA, PCB 84-33 (Variance – Water) (December 20, 1984).

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Commonwealth Edison Company v. Illinois EPA, PCB 81-34 (Variance – Water) (June 10, 1981).

Commonwealth Edison Company v. Illinois EPA, PCB 78-79 (Variance – Water) (May 25, 1978).

In the Matter of: Water Quality Standards Revisions, R72-4 (November 8, 1973).

In the Matter of: Water Quality Standards Revisions, R71-14 (Consolidated with R70-8 and R71-20) (March 7, 1972).

- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: These proposed amendments do not create or enlarge a State mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)].
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: The Board will accept written public comments on this proposal for a period of 45 days after the date of publication in the *Illinois Register*. Comments should reference Docket R08-09(A) and be addressed to:

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

Interested persons may request copies of the Board's opinion and order in R08-09(A) by calling the Clerk's office at 312-814-3620, or may download copies from the Board's Web site at www.ipcb.state.il.us.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

For more information, contact hearing officer Marie Tipsord at 312/814-4925 or e-mail at tipsorm@ipcb.state.il.us.

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: As this rulemaking codifies existing recreational uses for the waterways, there should be no impact on small businesses, small municipalities and not for profit corporations.
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of Professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: July 2010

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

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE C: WATER POLLUTION
CHAPTER I: POLLUTION CONTROL BOARDPART 301
INTRODUCTION

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301.101	Authority
301.102	Policy
301.103	Repeals
301.104	Analytical Testing
301.105	References to Other Sections
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301.108	Adjusted Standards
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301.245	Calumet River System
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301.280	Hearing Board
301.282	Incidental Contact Recreation
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301.411	Total Maximum Daily Load
301.413	Total Metal
301.415	Treatment Works
301.420	Underground Waters
301.421	Wasteload Allocation
301.425	Wastewater
301.430	Wastewater Source
301.435	Watercraft
301.440	Waters
301.441	Water Quality Based Effluent Limitation
301.442	Wet Weather Point Source
301.443	Whole Effluent Toxicity
301.APPENDIX A	References to Previous Rules

AUTHORITY: Implementing Section 13 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/13 and 27].

SOURCE: Filed with the Secretary of State January 1, 1978; amended at 3 Ill. Reg. 25, p. 190, effective June 21, 1979; amended at 5 Ill. Reg. 6384, effective May 28, 1981; codified at 6 Ill. Reg. 7818; amended in R88-1 at 13 Ill. Reg. 5984, effective April 18, 1989; amended in R88-21(A) at 14 Ill. Reg. 2879, effective February 13, 1990; amended in R99-8 at 23 Ill. Reg. 11277, effective August 26, 1999; amended in R02-11 at 27 Ill. Reg. 158, effective December 20, 2002; amended in R08-9(A) at 34 Ill. Reg. _____, effective _____.

Section 301.247 Chicago Area Waterway System

"Chicago Area Waterway System" means Calumet River, Grand Calumet River, Little Calumet River downstream from the confluence of Calumet River and Grand Calumet River, Calumet-Sag Channel, Lake Calumet, Chicago River and its branches downstream from their confluence with North Shore Channel, North Shore Channel and Chicago Sanitary and Ship Canal.

(Source: Added at 34 Ill. Reg. _____, effective _____)

Section 301.282 Incidental Contact Recreation

"Incidental Contact Recreation" means any recreational activity in which human contact with the water is incidental and in which the probability of ingesting appreciable quantities of water is minimal, such as fishing; commercial boating; small craft recreational boating; and any limited contact associated with shoreline activity such as wading.

POLLUTION CONTROL BOARD

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(Source: Added at 34 Ill. Reg. _____, effective _____)

Section 301.307 Lower Des Plaines River

"Lower Des Plaines River" means Des Plaines River from the confluence with Chicago Sanitary and Ship Canal to the Interstate 55 Bridge.

(Source: Added at 34 Ill. Reg. _____, effective _____)

Section 301.323 Non-Contact Recreation

"Non-contact Recreation" means any recreational or other water use in which human contact with the water is unlikely, such as pass through commercial or recreational navigation, and where physical conditions or hydrologic modifications make direct human contact unlikely or dangerous.

(Source: Added at 34 Ill. Reg. _____, effective _____)

Section 301.324 Non-Recreational

"Non-recreational" means a water body where the physical conditions or hydrologic modifications preclude primary contact, incidental contact and non-contact recreation.

(Source: Added at 34 Ill. Reg. _____, effective _____)

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NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Water Use Designations and Site-Specific Water Quality Standards
- 2) Code Citation: 35 Ill. Adm. Code 303
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
303.102	Repeal
303.204	Amend
303.220	New
303.225	New
303.227	New
303.441	Repeal
- 4) Statutory Authority: Implementing and authorized by Sections 10 and 27 of the Illinois Environmental Protection Act [415 ILCS 5/10 and 27]
- 5) A Complete Description of the Subjects and Issues Involved: This proposal would establish the recreational use designations for the Chicago Area Waterway System (CAWS) and the Lower Des Plaines River (LDPR) as proposed by the Illinois Environmental Protection Agency (IEPA) with no alterations. The record demonstrates that the CAWS and the LDPR cannot attain the Clean Water Act recreational use goal of recreating on and in the water at this time. However, the Board's thorough examination of the record in this proceeding provides clear evidence of existing recreational uses in the CAWS and LDPR that must be protected. Therefore, the Board sends to First Notice a proposal that individual reaches of the CAWS and LDPR will be designated either as incidental contact recreation, non-contact recreation, or non-recreational waters.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking:
 - A. Lower Des Plaines River Use Attainability Analysis Final Report. AquaNova International, Ltd. and Hey & Associates, Inc., prepared for Illinois EPA (December 2003).
 - B. Chicago Area Waterway System Use Attainability Analysis Final Report. Camp, Dresser and McKee, prepared for Illinois EPA (August 2007).
 - C. Interim Economic Guidance for Water Quality Standards Workbook (Appendix M to the Water Quality Standards Handbook—Second Edition, EPA-823-B-94-005b). U.S. EPA Office of Water (EPA-823-B-95-002) (March 1995).

POLLUTION CONTROL BOARD

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- D. Illinois Sanitary Water Board Rules and Regulations SWB-8 Water Quality Standards, Interstate Waters, Illinois River and Lower Section of Des Plaines River (REF. 348.025 ISWB SWB-8 C.2) (Criteria Adopted December 1, 1966; Implementation Plan Submitted August 10, 1967; Approved by U.S. Dept. of Interior January 27, 1968; Sanitary Water Board Reapproved March 5, 1968).
- Illinois Sanitary Water Board Rules and Regulations SWB-15 Water Quality Standards, Interstate Waters, Chicago River and Calumet River System and Calumet Harbor Basin (REF. 348.025 ISWB SWB-15 C.2) (Adopted by Board June 28, 1967; Approved by U.S. Dept. of Interior January 27, 1968; Sanitary Water Board reapproval March 5, 1968).
- E. Ordinance: Code of Forest Preserve District of Cook County, Title 2: Forest Preserve District Lands and Properties, Chapter 4: Recreation in the Forest Preserve.
- F. Inventory of Public Access Locations along the Chicago Area Waterway System. Illinois EPA, Bureau of Water (May 15, 2007).
- G. Description of the Chicago Waterway System: Use Attainability Analysis Study Conducted by Illinois EPA Bureau of Water in Cooperation with MWRDGC. MWRDGC, Research and Development (May 2002).
- H. Minutes from the June 23, 2005 Dispersal Barrier Advisory Panel. Philip B. Moy, University of Wisconsin Sea Grant Institute (June 23, 2005).
- I. Chicago Area Waterways Health Precautions Pamphlet. MWRDGC, Illinois Department of Public Health, U.S. EPA, Illinois EPA (October 2003).
- J. Ambient Water Quality Criteria for Bacteria – 1986. U.S. EPA Office of Water (EPA440/5-84-002) (January 1986).
- K. Analysis of Physical Habitat Quality and Limitations to Waterways in the Chicago Area. Center for Applied Bioassessment and Biocriteria, prepared for U.S. EPA Region 5 (2004).
- L. Aquatic Life and Habitat Data Collected in 2006 on the Illinois and Des Plaines Rivers. Midwest Biodiversity Institute, prepared for U.S. EPA Region 5 (2006).

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- M. Biological Criteria for the Protection of Aquatic Life: Volume II: Users Manual for Biological and Field Assessment of Ohio Surface Waters. Ohio Environmental Protection Agency, Surface Water Section (Updated January 1, 1988).
- N. Interpreting Illinois Fish-IBI Scores, DRAFT: January 2005. Illinois EPA, Bureau of Water (January 2005).
- O. Quality Criteria for Water 1986 (gold book). U.S. EPA Office of Water (EPA 440/5-86-001) pp. 17-21, 34, 76-79, 168-171 and 253-261 (May 1, 1986).
- P. 2001-2006 Effluent Sample Results for Temperature at Water Reclamation Plants, 2005 and 2006 Water Quality Sample Results for Temperature, pH, Alkalinity and Chloride, and Calculations of H₂CO₃ (soluble CO₂) in Chicago Area Waterways in 2005 and 2006. MWRDGC, Research and Development (June 4, 2007).
- Q. Ambient Water Quality Criteria for Dissolved Oxygen. U.S. EPA Office of Water Regulations and Standards. Criteria and Standards Division. Washington, D.C (EPA 440/5-86-003) (April 1986).
- R. 1995 Updates: Water Quality Criteria Documents for the Protection of Aquatic Life in Ambient Water. U.S. EPA Office of Water 4301 (EPA-820-B-96-001) (September 1996).
- S. The Metals Translator: Guidance for Calculating A Total Recoverable Permit Limit From A Dissolved Criterion. U.S. EPA Office of Water 4305 (EPA-823-B-96-007) (June 1996).
- T. 2001 Update of Ambient Water Quality Criteria for Cadmium. U.S. EPA Office of Water 4304 (EPA-822-R-01-001) (April 2001).
- U. 2005 and 2006 Water Quality Sample Results for Hardness, Cadmium, Nickel and Zinc and Calculated Compliance Rates with Proposed Chronic Standards for the Respective Metals. MWRDGC, Research and Development (April 25, 2007).

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- V. 2005 and 2006 Effluent Sample Results for Hardness and Cadmium at Calumet, North Side, and Stickney Water Reclamation Plants. MWRDGC, Research and Development (May 1, 2007).
- W. Quality Criteria for Water. U.S. EPA (PB-263 943) pp. 152-159 (1976).
- X. Ambient Water Quality for Silver. U.S. EPA Office of Water (EPA 440/5-80-071) (October 1980).
- Y. Derivation of a Colorado State Manganese Table Value Standard for the Protection of Aquatic Life. William A. Stubblefield and James R. Hockett. ENSR Corporation (July 2000).
- Z. Temperature Criteria Options for the Lower Des Plaines River. Chris O. Yoder, Research Director. Midwest Biodiversity Institute, Columbus, Ohio (October 11, 2005).
- AA. Letter from Chris Yoder, Midwest Biodiversity Institute, to Toby Frevert, Illinois EPA Bureau of Water (July 11, 2007).
- BB. 1999 Update of Ambient Water Quality Criteria for Ammonia. U.S. EPA Office of Water (EPA-822-R-99-014) (December 1999).
- CC. The Upper Illinois Waterway Study Interim Report. 1994 Ichthyoplankton Investigation RM 276.2-321.7. EA Engineering, Science, and Technology, prepared for Commonwealth Edison Co. (April 1995).
- DD. 2004 Lower Des Plaines River Fisheries Investigation RM 274.4-285.5. EA Engineering, Science, and Technology, prepared for Midwest Generation, EME, LLC (November 2005).
- EE. Master Plan North Side Water Reclamation Plant and Surrounding Chicago Waterways, Technical Memorandum 1WQ: Disinfection Evaluation. Consoer Townsend Envirodyne Engineers, Inc., prepared for MWRDGC (August 26, 2005).
- FF. Technical Memorandum 4WQ Supplemental Aeration of the North and South Branches of the Chicago River MWRDGC North Side Water Reclamation Plant,

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NOTICE OF PROPOSED AMENDMENTS

Project No. 04-014-2P. Consoer Townsend Envirodyne Engineers, Inc., prepared for MWRDGC (January 12, 2007).

- GG. Technical Memorandum 5WQ Flow Augmentation of the Upper North Shore Channel MWRDGC North Side Water Reclamation Plant, Project No. 04-014-2P. Consoer Townsend Envirodyne Engineers, Inc., prepared for MWRDGC (January 12, 2007).
- HH. Technical Memorandum 6WQ Flow Augmentation and Supplemental Aeration of the South Fork of the South Branch of the Chicago River MWRDGC North Side Water Reclamation Plant, Project No. 04-014-2P. Consoer Townsend Envirodyne Engineers, Inc., prepared for MWRDGC (January 12, 2007).
- II. Memorandum of Understanding By and Between Midwest Generation LLC and Illinois Environmental Protection Agency, Revised 12/10/2006 3:21:06 PM.
- JJ. A River is Reborn—Use Attainability Analysis for the Lower Des Plaines River, Illinois. Vladimir Novotny, Neal O'Reilly, Timothy Ehlinger, Toby Frevert and Scott Twait. Water Environment Research, Volume 79, Number 1, pp. 68-80.

Statutes and Regulations

Federal Water Pollution Control Act (Clean Water Act) 33 USC 1251 *et seq.*

Beaches Environmental Assessment and Coastal Health Act 2000 (Beach Act), 33 USC 1313

Illinois Environmental Protection Act [415 ILCS 5]

40 CFR 131 (Water Quality Standards)

35 Ill. Adm. Code Subtitle C: Water Pollution

U.S. EPA Guidance Documents

Water Quality Standards Handbook: Second Edition, EPA-823-B-94-005a, U.S. EPA Office of Water (4305)(August 1994).

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Guidelines for Deriving Numerical National Water Quality Criteria for the Protection of Aquatic Organisms and Their Uses, PB85-227049, U.S. EPA Office of Research and Development, Environmental Research Laboratories (1985)(reproduced by National Technical Information Service, U.S. Department of Commerce).

Board Opinions

In the Matter of: Water Quality Triennial Review: Amendments to 35 Adm. Code 302.105, 302.208(e)-(g), 302.504(a), 302.575(d), 309.141(h); and Proposed 35 Ill. Adm. Code 301.267, 301.313, 301.413, 304.120, and 309.157, R02-11 (December 19, 2002).

In the Matter of: Proposed Amendments to Ammonia Nitrogen Standards 35 Ill. Adm. Code 302.100, 302.212, 302.213, and 304.122, R02-19 (October 17, 2002).

In the Matter of: Petition of Commonwealth Edison Company for an Adjusted Standard from 35 Ill. Adm. Code 302.211(d) and (e), AS96-10 (October 3, 1996) and (March 16, 2000).

In the Matter of: Triennial Water Quality Review: Amendments to 35 Ill. Adm. Code 302.208 and 302.407 (Lead and Mercury), R94-1(A), (May 16, 1996).

Commonwealth Edison Company v. Illinois EPA, PCB 91-29 (Variance – Water)(November 21, 1991).

In the Matter of: Proposed Amendments to Title 35, Subtitle C (Toxins Control), R88-21 – Docket B (June 21, 1990).

In the Matter of: Proposed Amendments to Title 35, Subtitle C (Toxins Control), R88-21 – Docket A (January 25, 1990).

In the Matter of: Proposed Determination of No Significant Ecological Damage for the Joliet Generating Station, PCB 87-93 (November 15, 1989).

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NOTICE OF PROPOSED AMENDMENTS

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- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
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- 11) Statement of Statewide Policy Objectives: These proposed amendments do not create or enlarge a State mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)].
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: The Board will accept written public comments on this proposal for a period should reference Docket R08-09(A) and be addressed to:

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

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POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

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- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: As this rulemaking codifies existing recreational uses for the waterways, there should be no impact on small businesses, small municipalities and not for profit corporations.
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of Professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: July 2010

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

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE C: WATER POLLUTION
CHAPTER I: POLLUTION CONTROL BOARDPART 303
WATER USE DESIGNATIONS AND SITE-SPECIFIC
WATER QUALITY STANDARDS

SUBPART A: GENERAL PROVISIONS

Section	
303.100	Scope and Applicability
303.101	Multiple Designations
303.102	Rulemaking Required (<u>Repealed</u>)

SUBPART B: NONSPECIFIC WATER USE DESIGNATIONS

Section	
303.200	Scope and Applicability
303.201	General Use Waters
303.202	Public and Food Processing Water Supplies
303.203	Underground Waters
303.204	<u>Chicago Area Waterway System and Lower Des Plaines River</u> Secondary Contact and Indigenous Aquatic Life Waters
303.205	Outstanding Resource Waters
303.206	List of Outstanding Resource Waters
<u>303.220</u>	<u>Incidental Contact Recreation Waters</u>
<u>303.225</u>	<u>Non-Contact Recreation Waters</u>
<u>303.227</u>	<u>Non-Recreational Waters</u>

SUBPART C: SPECIFIC USE DESIGNATIONS AND SITE
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Section	
303.300	Scope and Applicability
303.301	Organization
303.311	Ohio River Temperature
303.312	Waters Receiving Fluorspar Mine Drainage
303.321	Wabash River Temperature

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303.322	Unnamed Tributary of the Vermilion River
303.323	Sugar Creek and Its Unnamed Tributary
303.326	Unnamed Tributary of Salt Creek, Salt Creek, and Little Wabash River
303.331	Mississippi River North Temperature
303.341	Mississippi River North Central Temperature
303.351	Mississippi River South Central Temperature
303.352	Unnamed Tributary of Wood River Creek
303.353	Schoenberger Creek; Unnamed Tributary of Cahokia Canal
303.361	Mississippi River South Temperature
303.400	Bankline Disposal Along the Illinois Waterway/River
303.430	Unnamed Tributary to Dutch Creek
303.431	Long Point Slough and Its Unnamed Tributary
303.441	Secondary Contact Waters <u>(Repealed)</u>
303.442	Waters Not Designated for Public Water Supply
303.443	Lake Michigan Basin
303.444	Salt Creek, Higgins Creek, West Branch of the DuPage River, Des Plaines River
303.445	Total Dissolved Solids Water Quality Standard for the Lower Des Plaines River
303.446	Boron Water Quality Standard for Segments of the Sangamon River and the Illinois River
303.447	Unnamed Tributary of the South Branch Edwards River and South Branch Edwards River
303.448	Mud Run Creek

SUBPART D: THERMAL DISCHARGES

Section	
303.500	Scope and Applicability
303.502	Lake Sangchris Thermal Discharges
303.APPENDIX A	References to Previous Rules
303.APPENDIX B	Sources of Codified Sections

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

SOURCE: Filed with the Secretary of State January 1, 1978; amended at 2 Ill. Reg. 27, p. 221, effective July 5, 1978; amended at 3 Ill. Reg. 20, p. 95, effective May 17, 1979; amended at 5 Ill. Reg. 11592, effective October 19, 1981; codified at 6 Ill. Reg. 7818; amended at 6 Ill. Reg. 11161, effective September 7, 1982; amended at 7 Ill. Reg. 8111, effective June 23, 1983;

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NOTICE OF PROPOSED AMENDMENTS

amended in R87-27 at 12 Ill. Reg. 9917, effective May 27, 1988; amended in R87-2 at 13 Ill. Reg. 15649, effective September 22, 1989; amended in R87-36 at 14 Ill. Reg. 9460, effective May 31, 1990; amended in R86-14 at 14 Ill. Reg. 20724, effective December 18, 1990; amended in R89-14(C) at 16 Ill. Reg. 14684, effective September 10, 1992; amended in R92-17 at 18 Ill. Reg. 2981, effective February 14, 1994; amended in R91-23 at 18 Ill. Reg. 13457, effective August 19, 1994; amended in R93-13 at 19 Ill. Reg. 1310, effective January 30, 1995; amended in R95-14 at 20 Ill. Reg. 3534, effective February 8, 1996; amended in R97-25 at 22 Ill. Reg. 1403, effective December 24, 1997; amended in R01-13 at 26 Ill. Reg. 3517, effective February 22, 2002; amended in R03-11 at 28 Ill. Reg. 3071, effective February 4, 2004; amended in R06-24 at 31 Ill. Reg. 4440, effective February 27, 2007; amended in R09-8 at 33 Ill. Reg. 7903, effective May 29, 2009; amended in R09-11 at 33 Ill. Reg. 12258, effective August 11, 2009; amended in R08-9(A) at 34 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL PROVISIONS

Section 303.102 Rulemaking Required (~~Repealed~~)

~~Designation of waters to meet secondary contact and indigenous aquatic life standards is governed by Part 102 of Subtitle A.
(Note: Prior to codification, Part II of Chapter I: Procedural Rules.)~~

(Source: Repealed at 34 Ill. Reg. _____, effective _____)

SUBPART B: NONSPECIFIC WATER USE DESIGNATIONS

Section 303.204 Chicago Area Waterway System and Lower Des Plaines River ~~Secondary Contact and Indigenous Aquatic Life~~ Waters

~~The Chicago Area Waterway System and Lower Des Plaines River Waters which are designated to protect for incidental contact or non-contact recreational uses, except where designated as non-recreational waters. Commercial activity, including navigation and industrial water supply uses, is limited only by the physical condition of these waters and hydrologic modifications to these waters. These waters are required to meet the secondary contact and indigenous aquatic life standards contained in 35 Ill. Adm. Code 302, Subpart D of Subpart D, Part 302, but are not required to meet the general use standards or the public and food processing water supply standards of 35 Ill. Adm. Code 302, Subpart B and C Subparts B and C, Part 302. Designated recreational uses for each segment of the Chicago Area Waterway System and Lower Des Plaines River are identified in this Subpart.~~

POLLUTION CONTROL BOARD

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(Source: Amended at 34 Ill. Reg. _____, effective _____)

Section 303.220 Incidental Contact Recreation Waters

The following waters are designated as Incidental Contact Recreation waters and must protect for incidental contact recreational uses as defined in 35 Ill. Adm. Code 301.282.

- a) North Shore Channel;
- b) North Branch Chicago River from its confluence with North Shore Channel to its confluence with South Branch Chicago River and Chicago River;
- c) Chicago River;
- d) South Branch Chicago River and its South Fork;
- e) Chicago Sanitary and Ship Canal from its confluence with South Branch Chicago River to its confluence with Calumet-Sag Channel;
- f) Calumet River from Torrence Avenue to its confluence with Grand Calumet River and Little Calumet River;
- g) Lake Calumet;
- h) Lake Calumet Connecting Channel;
- i) Grand Calumet River;
- j) Little Calumet River from its confluence with Calumet River and Grand Calumet River to its confluence with Calumet-Sag Channel;
- k) Calumet-Sag Channel; and
- l) Lower Des Plaines River from the Brandon Road Lock and Dam to the Interstate 55 bridge.

(Source: Added at 34 Ill. Reg. _____, effective _____)

Section 303.225 Non-Contact Recreation Waters

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Calumet River from Lake Michigan to Torrence Avenue is designated as a Non-Contact Recreation water and must protect for non-contact recreational uses as defined in 35 Ill. Adm. Code 301.323.

(Source: Added at 34 Ill. Reg. _____, effective _____)

Section 303.227 Non-Recreational Waters

The following waters are designated as Non-Recreational waters as defined in 35 Ill. Adm. Code 301.324.

- a) Chicago Sanitary and Ship Canal from its confluence with the Calumet-Sag Channel to its confluence with Des Plaines River; and
- b) Lower Des Plaines River from its confluence with Chicago Sanitary and Ship Canal to the Brandon Road Lock and Dam.

(Source: Added at 34 Ill. Reg. _____, effective _____)

SUBPART C: SPECIFIC USE DESIGNATIONS AND SITE
SPECIFIC WATER QUALITY STANDARDS

Section 303.441 Secondary Contact Waters (Repealed)

~~The following are designated as secondary contact and indigenous aquatic life waters and must meet the water quality standards of 35 Ill. Adm. Code 302.Subpart D:~~

- ~~a) The Chicago Sanitary and Ship Canal;~~
- ~~b) The Calumet-Sag Channel;~~
- ~~c) The Little Calumet River from its junction with the Grand Calumet River to the Calumet-Sag Channel;~~
- ~~d) The Grand Calumet River;~~
- ~~e) The Calumet River, except the 6.8 mile segment extending from the O'Brien Locks and Dam to Lake Michigan;~~

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- f) ~~Lake Calumet;~~
- g) ~~The South Branch of the Chicago River;~~
- h) ~~The North Branch of the Chicago River from its confluence with the North Shore Channel to its confluence with the South Branch;~~
- i) ~~The Des Plaines River from its confluence with the Chicago Sanitary and Ship Canal to the Interstate 55 bridge; and~~
- j) ~~The North Shore Channel, excluding the segment extending from the North Side Sewage Treatment Works to Lake Michigan. The dissolved oxygen in said Channel shall be not less than 5 mg/l during 16 hours of any 24 hour period, nor less than 4 mg/l at any time.~~

(Source: Repealed at 34 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Supplemental Nutrition Assistance Program (SNAP)
- 2) Code Citation: 89 Ill. Adm. Code 121
- 3) Section Number: 121.63 Adopted Action: Amendment
- 4) Statutory Authority: Implementing Sections 12-4.4 through 12-4.6 and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-4.4 through 12-4.6 and 12-13]
- 5) Effective date of amendment: August 11, 2010
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of proposal published in the Illinois Register: January 29, 2010; 34 Ill. Reg. 1512
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version: No substantive changes were made to the text of the proposed rulemaking.
- 12) Have all changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? Yes

<u>Section Numbers</u> :	<u>Proposed Action</u> :	<u>Illinois Register Citation</u> :
121.20	Amendment	34 Ill. Reg. 6564; May 14, 2010
121.63	Amendment	34 Ill. Reg. 8852; July 9, 2010

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- 15) Summary and purpose of rulemaking: In accordance with 7 CFR 273.9(d)(6)(iii) and Food and Nutrition Service policy, this rulemaking increases the food stamp utility allowances. This rulemaking increases the Air Conditioning/Heating Standard to \$324, the Limited Utility Standard to \$199, and the Single Utility Standard to \$43. The Telephone Standard remains at \$29. These changes are the result of the annual review of the Food Stamp Program standards required by Food and Nutrition Service regulations. The Food and Nutrition Service has approved these amounts.
- 16) Information and questions regarding this adopted amendment shall be directed to:
- Tracie Drew, Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue East
Harris Building, 3rd Floor
Springfield, Illinois 62762
- 217/785-9772
- 17) Does this amendment require the preview of the Procurement Policy Board as specified in Section 5-25 of the Illinois Procurement Code? No

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

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TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES
SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 121
SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM (SNAP)

SUBPART A: APPLICATION PROCEDURES

Section

- 121.1 Application for Assistance
- 121.2 Time Limitations on the Disposition of an Application
- 121.3 Approval of an Application and Initial Authorization of Assistance
- 121.4 Denial of an Application
- 121.5 Client Cooperation
- 121.6 Emergency Assistance
- 121.7 Expedited Service
- 121.8 Express Stamps Application Project
- 121.10 Interviews

SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Section

- 121.18 Work Requirement
- 121.19 Ending a Voluntary Quit Disqualification (Repealed)
- 121.20 Citizenship
- 121.21 Residence
- 121.22 Social Security Numbers
- 121.23 Work Registration/Participation Requirements
- 121.24 Individuals Exempt from Work Registration Requirements
- 121.25 Failure to Comply with Work Provisions
- 121.26 Periods of Sanction
- 121.27 Voluntary Job Quit/Reduction in Work Hours
- 121.28 Good Cause for Voluntary Job Quit/Reduction in Work Hours
- 121.29 Exemptions from Voluntary Quit/Reduction in Work Hours Rules

SUBPART C: FINANCIAL FACTORS OF ELIGIBILITY

Section

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121.30	Unearned Income
121.31	Exempt Unearned Income
121.32	Education Benefits (Repealed)
121.33	Unearned Income In-Kind
121.34	Lump Sum Payments and Income Tax Refunds
121.40	Earned Income
121.41	Budgeting Earned Income
121.50	Exempt Earned Income
121.51	Income from Work/Study/Training Programs
121.52	Earned Income from Roomers or Boarders
121.53	Income From Rental Property
121.54	Earned Income In-Kind
121.55	Sponsors of Aliens
121.57	Assets
121.58	Exempt Assets
121.59	Asset Disregards

SUBPART D: ELIGIBILITY STANDARDS

Section	
121.60	Net Monthly Income Eligibility Standards
121.61	Gross Monthly Income Eligibility Standards
121.62	Income Which Must Be Annualized
121.63	Deductions from Monthly Income
121.64	Food Stamp Benefit Amount

SUBPART E: HOUSEHOLD CONCEPT

Section	
121.70	Composition of the Assistance Unit
121.71	Living Arrangement
121.72	Nonhousehold Members
121.73	Ineligible Household Members
121.74	Strikers
121.75	Students
121.76	Categorically Eligible Households

SUBPART F: MISCELLANEOUS PROGRAM PROVISIONS

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Section

- 121.80 Fraud Disqualification (Renumbered)
- 121.81 Initiation of Administrative Fraud Hearing (Repealed)
- 121.82 Definition of Fraud (Renumbered)
- 121.83 Notification To Applicant Households (Renumbered)
- 121.84 Disqualification Upon Finding of Fraud (Renumbered)
- 121.85 Court Imposed Disqualification (Renumbered)
- 121.90 Monthly Reporting and Retrospective Budgeting (Repealed)
- 121.91 Monthly Reporting (Repealed)
- 121.92 Budgeting
- 121.93 Issuance of Food Stamp Benefits
- 121.94 Replacement of the EBT Card or SNAP Benefits
- 121.95 Restoration of Lost Benefits
- 121.96 Uses for SNAP Benefits
- 121.97 Supplemental Payments
- 121.98 Client Training Brochure for the Electronic Benefits Transfer (EBT) System
- 121.105 State Food Program (Repealed)
- 121.107 New State Food Program
- 121.108 Transitional Food Stamp (TFS) Benefits
- 121.120 Redetermination of Eligibility
- 121.125 Simplified Reporting Redeterminations
- 121.130 Residents of Shelters for Battered Women and their Children
- 121.131 Fleeing Felons and Probation/Parole Violators
- 121.135 Incorporation By Reference
- 121.136 Food and Nutrition Act of 2008
- 121.140 Small Group Living Arrangement Facilities and Drug/Alcoholic Treatment Centers
- 121.145 Quarterly Reporting (Repealed)

SUBPART G: INTENTIONAL VIOLATIONS OF THE PROGRAM

Section

- 121.150 Definition of Intentional Violations of the Program
- 121.151 Penalties for Intentional Violations of the Program
- 121.152 Notification To Applicant Households
- 121.153 Disqualification Upon Finding of Intentional Violation of the Program
- 121.154 Court Imposed Disqualification

SUBPART H: FOOD STAMP EMPLOYMENT AND TRAINING PROGRAM

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Section

121.160	Persons Required to Participate
121.162	Program Requirements
121.163	Vocational Training
121.164	Orientation (Repealed)
121.165	Community Work
121.166	Assessment and Employability Plan (Repealed)
121.167	Counseling/Prevention Services
121.170	Job Search Activity
121.172	Basic Education Activity
121.174	Job Readiness Activity
121.176	Work Experience Activity
121.177	Illinois Works Component (Repealed)
121.178	Job Training Component (Repealed)
121.179	JTPA Employability Services Component (Repealed)
121.180	Grant Diversion Component (Repealed)
121.182	Earnfare Activity
121.184	Sanctions for Non-cooperation with Food Stamp Employment and Training
121.186	Good Cause for Failure to Cooperate
121.188	Supportive Services
121.190	Conciliation
121.200	Types of Claims (Recodified)
121.201	Establishing a Claim for Intentional Violation of the Program (Recodified)
121.202	Establishing a Claim for Unintentional Household Errors and Administrative Errors (Recodified)
121.203	Collecting Claim Against Households (Recodified)
121.204	Failure to Respond to Initial Demand Letter (Recodified)
121.205	Methods of Repayment of Food Stamp Claims (Recodified)
121.206	Determination of Monthly Allotment Reductions (Recodified)
121.207	Failure to Make Payment in Accordance with Repayment Schedule (Recodified)
121.208	Suspension and Termination of Claims (Recodified)

SUBPART I: WORK REQUIREMENT FOR FOOD STAMPS

Section

121.220	Work Requirement Components (Repealed)
121.221	Meeting the Work Requirement with the Earnfare Component (Repealed)
121.222	Volunteer Community Work Component (Repealed)

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- 121.223 Work Experience Component (Repealed)
- 121.224 Supportive Service Payments to Meet the Work Requirement (Repealed)
- 121.225 Meeting the Work Requirement with the Illinois Works Component (Repealed)
- 121.226 Meeting the Work Requirement with the JTPA Employability Services Component (Repealed)

AUTHORITY: Implementing Sections 12-4.4 through 12-4.6 and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-4.4 through 12-4.6 and 12-13].

SOURCE: Adopted December 30, 1977; amended at 3 Ill. Reg. 5, p. 875, effective February 2, 1979; amended at 3 Ill. Reg. 31, p. 109, effective August 3, 1979; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amended at 3 Ill. Reg. 41, p. 165, effective October 11, 1979; amended at 3 Ill. Reg. 42, p. 230, effective October 9, 1979; amended at 3 Ill. Reg. 44, p. 173, effective October 19, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; peremptory amendment at 4 Ill. Reg. 3, p. 49, effective January 9, 1980; peremptory amendment at 4 Ill. Reg. 9, p. 259, effective February 23, 1980; amended at 4 Ill. Reg. 10, p. 253, effective February 27, 1980; amended at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 17, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1131, effective January 16, 1981; amended at 5 Ill. Reg. 4586, effective April 15, 1981; peremptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; peremptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 12736, effective October 29, 1981; amended at 6 Ill. Reg. 1653, effective January 17, 1982; amended at 6 Ill. Reg. 2707, effective March 2, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10208, effective August 9, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; amended at 7 Ill. Reg. 394, effective January 1, 1983; codified at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 5715, effective May 1, 1983; amended at 7 Ill. Reg. 8118, effective June 24, 1983; peremptory amendment at 7 Ill. Reg. 12899, effective October 1, 1983; amended at 7 Ill. Reg. 13655, effective October 4, 1983; peremptory amendment at 7 Ill. Reg. 16067, effective November 18, 1983; amended at 7 Ill. Reg. 16169, effective November 22, 1983; amended at 8 Ill. Reg. 5673, effective April 18, 1984; amended at 8 Ill. Reg. 7249, effective May 16, 1984; peremptory amendment at 8 Ill. Reg. 10086, effective July 1, 1984; amended at 8 Ill. Reg. 13284, effective July 16, 1984; amended at 8 Ill. Reg. 17900, effective September 14, 1984; amended (by adding Section being codified with no substantive change) at 8 Ill. Reg. 17898; peremptory amendment at 8 Ill. Reg. 19690,

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effective October 1, 1984; preemptory amendment at 8 Ill. Reg. 22145, effective November 1, 1984; amended at 9 Ill. Reg. 302, effective January 1, 1985; amended at 9 Ill. Reg. 6804, effective May 1, 1985; amended at 9 Ill. Reg. 8665, effective May 29, 1985; preemptory amendment at 9 Ill. Reg. 8898, effective July 1, 1985; amended at 9 Ill. Reg. 11334, effective July 8, 1985; amended at 9 Ill. Reg. 14334, effective September 6, 1985; preemptory amendment at 9 Ill. Reg. 15582, effective October 1, 1985; amended at 9 Ill. Reg. 16889, effective October 16, 1985; amended at 9 Ill. Reg. 19726, effective December 9, 1985; amended at 10 Ill. Reg. 229, effective December 20, 1985; preemptory amendment at 10 Ill. Reg. 7387, effective April 21, 1986; preemptory amendment at 10 Ill. Reg. 7941, effective May 1, 1986; amended at 10 Ill. Reg. 14692, effective August 29, 1986; preemptory amendment at 10 Ill. Reg. 15714, effective October 1, 1986; Sections 121.200 thru 121.208 recodified to 89 Ill. Adm. Code 165 at 10 Ill. Reg. 21094; preemptory amendment at 11 Ill. Reg. 3761, effective February 11, 1987; emergency amendment at 11 Ill. Reg. 3754, effective February 13, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 9968, effective May 15, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 10269, effective May 22, 1987; amended at 11 Ill. Reg. 10621, effective May 25, 1987; preemptory amendment at 11 Ill. Reg. 11391, effective July 1, 1987; preemptory amendment at 11 Ill. Reg. 11855, effective June 30, 1987; emergency amendment at 11 Ill. Reg. 12043, effective July 6, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 13635, effective August 1, 1987; amended at 11 Ill. Reg. 14022, effective August 10, 1987; emergency amendment at 11 Ill. Reg. 15261, effective September 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 15480, effective September 4, 1987; amended at 11 Ill. Reg. 15634, effective September 11, 1987; amended at 11 Ill. Reg. 18218, effective October 30, 1987; preemptory amendment at 11 Ill. Reg. 18374, effective October 30, 1987; amended at 12 Ill. Reg. 877, effective December 30, 1987; emergency amendment at 12 Ill. Reg. 1941, effective December 31, 1987, for a maximum of 150 days; amended at 12 Ill. Reg. 4204, effective February 5, 1988; amended at 12 Ill. Reg. 9678, effective May 23, 1988; amended at 12 Ill. Reg. 9922, effective June 1, 1988; amended at 12 Ill. Reg. 11463, effective June 30, 1988; amended at 12 Ill. Reg. 12824, effective July 22, 1988; emergency amendment at 12 Ill. Reg. 14045, effective August 19, 1988, for a maximum of 150 days; preemptory amendment at 12 Ill. Reg. 15704, effective October 1, 1988; preemptory amendment at 12 Ill. Reg. 16271, effective October 1, 1988; amended at 12 Ill. Reg. 20161, effective November 30, 1988; amended at 13 Ill. Reg. 3890, effective March 10, 1989; amended at 13 Ill. Reg. 13619, effective August 14, 1989; preemptory amendment at 13 Ill. Reg. 15859, effective October 1, 1989; amended at 14 Ill. Reg. 729, effective January 1, 1990; amended at 14 Ill. Reg. 6349, effective April 13, 1990; amended at 14 Ill. Reg. 13202, effective August 6, 1990; preemptory amendment at 14 Ill. Reg. 15158, effective October 1, 1990; amended at 14 Ill. Reg. 16983, effective September 30, 1990; amended at 15 Ill. Reg. 11150, effective July 22, 1991; amended at 15 Ill. Reg. 11957, effective August 12, 1991; preemptory amendment at 15 Ill. Reg. 14134, effective October 1, 1991; emergency amendment at 16 Ill. Reg. 757, effective January 1, 1992, for a maximum of 150

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days; amended at 16 Ill. Reg. 10011, effective June 15, 1992; amended at 16 Ill. Reg. 13900, effective August 31, 1992; emergency amendment at 16 Ill. Reg. 16221, effective October 1, 1992, for a maximum of 150 days; preemptory amendment at 16 Ill. Reg. 16345, effective October 1, 1992; amended at 16 Ill. Reg. 16624, effective October 23, 1992; amended at 17 Ill. Reg. 644, effective December 31, 1992; amended at 17 Ill. Reg. 4333, effective March 19, 1993; amended at 17 Ill. Reg. 14625, effective August 26, 1993; emergency amendment at 17 Ill. Reg. 15149, effective September 7, 1993, for a maximum of 150 days; preemptory amendment at 17 Ill. Reg. 17477, effective October 1, 1993; expedited correction at 17 Ill. Reg. 21216, effective October 1, 1993; amended at 18 Ill. Reg. 2033, effective January 21, 1994; emergency amendment at 18 Ill. Reg. 2509, effective January 27, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 3427, effective February 28, 1994; amended at 18 Ill. Reg. 8921, effective June 3, 1994; amended at 18 Ill. Reg. 12829, effective August 5, 1994; amended at 18 Ill. Reg. 14103, effective August 26, 1994; amended at 19 Ill. Reg. 5626, effective March 31, 1995; amended at 19 Ill. Reg. 6648, effective May 5, 1995; emergency amendment at 19 Ill. Reg. 12705, effective September 1, 1995, for a maximum of 150 days; preemptory amendment at 19 Ill. Reg. 13595, effective October 1, 1995; amended at 20 Ill. Reg. 1593, effective January 11, 1996; preemptory amendment at 20 Ill. Reg. 2229, effective January 17, 1996; amended at 20 Ill. Reg. 7902, effective June 1, 1996; amended at 20 Ill. Reg. 11935, effective August 14, 1996; emergency amendment at 20 Ill. Reg. 13381, effective October 1, 1996, for a maximum of 150 days; emergency amendment at 20 Ill. Reg. 13668, effective October 8, 1996, for a maximum of 150 days; amended at 21 Ill. Reg. 3156, effective February 28, 1997; amended at 21 Ill. Reg. 7733, effective June 4, 1997; recodified from the Department of Public Aid to the Department of Human Services at 21 Ill. Reg. 9322; emergency amendment at 22 Ill. Reg. 1954, effective January 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 5502, effective March 4, 1998; amended at 22 Ill. Reg. 7969, effective May 15, 1998; emergency amendment at 22 Ill. Reg. 10660, effective June 1, 1998, for a maximum of 150 days; emergency amendment at 22 Ill. Reg. 12167, effective July 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 16230, effective September 1, 1998; amended at 22 Ill. Reg. 19787, effective October 28, 1998; emergency amendment at 22 Ill. Reg. 19934, effective November 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 20099, effective November 1, 1998; emergency amendment at 23 Ill. Reg. 2601, effective February 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 3374, effective March 1, 1999; amended at 23 Ill. Reg. 7285, effective June 18, 1999; emergency amendment at 23 Ill. Reg. 13253, effective October 13, 1999, for a maximum of 150 days; emergency amendment at 24 Ill. Reg. 3871, effective February 24, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 4180, effective March 2, 2000; amended at 24 Ill. Reg. 10198, effective June 27, 2000; amended at 24 Ill. Reg. 15428, effective October 10, 2000; emergency amendment at 24 Ill. Reg. 15468, effective October 1, 2000, for a maximum of 150 days; amended at 25 Ill. Reg. 845, effective January 5, 2001; amended at 25 Ill. Reg. 2423, effective January 25, 2001; emergency amendment at 25 Ill. Reg. 2439, effective January 29, 2001, for a

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maximum of 150 days; emergency amendment at 25 Ill. Reg. 3707, effective March 1, 2001, for a maximum of 150 days; emergency expired July 28, 2001; amended at 25 Ill. Reg. 7720, effective June 7, 2001; amended at 25 Ill. Reg. 10823, effective August 12, 2001; amended at 25 Ill. Reg. 11856, effective August 31, 2001; emergency amendment at 25 Ill. Reg. 13309, effective October 1, 2001, for a maximum of 150 days; amended at 26 Ill. Reg. 151, effective January 1, 2002; amended at 26 Ill. Reg. 2025, effective February 1, 2002; amended at 26 Ill. Reg. 13530, effective September 3, 2002; preemptory amendment at 26 Ill. Reg. 15099, effective October 1, 2002; amended at 26 Ill. Reg. 16484, effective October 25, 2002; amended at 27 Ill. Reg. 2889, effective February 7, 2003; expedited correction at 27 Ill. Reg. 14262, effective February 7, 2003; amended at 27 Ill. Reg. 4583, effective February 28, 2003; amended at 27 Ill. Reg. 7273, effective April 7, 2003; amended at 27 Ill. Reg. 12569, effective July 21, 2003; preemptory amendment at 27 Ill. Reg. 15604, effective October 1, 2003; amended at 27 Ill. Reg. 16108, effective October 6, 2003; amended at 27 Ill. Reg. 18445, effective November 20, 2003; amended at 28 Ill. Reg. 1104, effective December 31, 2003; amended at 28 Ill. Reg. 3857, effective February 13, 2004; amended at 28 Ill. Reg. 10393, effective July 6, 2004; preemptory amendment at 28 Ill. Reg. 13834, effective October 1, 2004; emergency amendment at 28 Ill. Reg. 15323, effective November 10, 2004, for a maximum of 150 days; emergency expired April 8, 2005; amended at 29 Ill. Reg. 2701, effective February 4, 2005; amended at 29 Ill. Reg. 5499, effective April 1, 2005; preemptory amendment at 29 Ill. Reg. 12132, effective July 14, 2005; emergency amendment at 29 Ill. Reg. 16042, effective October 4, 2005, for a maximum of 150 days; emergency expired March 2, 2006; preemptory amendment at 29 Ill. Reg. 16538, effective October 4, 2005; emergency amendment at 30 Ill. Reg. 7804, effective April 6, 2006, for a maximum of 150 days; emergency expired September 2, 2006; amended at 30 Ill. Reg. 11236, effective June 12, 2006; amended at 30 Ill. Reg. 13863, effective August 1, 2006; amended at 30 Ill. Reg. 15681, effective September 12, 2006; preemptory amendment at 30 Ill. Reg. 16470, effective October 1, 2006; amended at 31 Ill. Reg. 6991, effective April 30, 2007; amended at 31 Ill. Reg. 10482, effective July 9, 2007; amended at 31 Ill. Reg. 11318, effective July 23, 2007; preemptory amendment at 31 Ill. Reg. 14372, effective October 1, 2007; amended at 32 Ill. Reg. 2813, effective February 7, 2008; amended at 32 Ill. Reg. 4380, effective March 12, 2008; amended at 32 Ill. Reg. 4813, effective March 18, 2008; amended at 32 Ill. Reg. 9621, effective June 23, 2008; preemptory amendment at 32 Ill. Reg. 16905, effective October 1, 2008; preemptory amendment to Sections 121.94(c), 121.96(d)(2) and 121.150(b) suspended at 32 Ill. Reg. 18908, effective November 19, 2008; suspension withdrawn by the Joint Committee on Administrative Rules at 33 Ill. Reg. 200, effective February 5, 2009; preemptory amendment repealed by emergency rulemaking at 33 Ill. Reg. 3514, effective February 5, 2009, for a maximum of 150 days; preemptory amendment at 32 Ill. Reg. 18092, effective November 15, 2008; emergency amendment at 33 Ill. Reg. 4187, effective February 24, 2009, for a maximum of 150 days; emergency expired July 23, 2009; preemptory amendment at 33 Ill. Reg. 5537, effective April 1, 2009; emergency amendment at 33 Ill. Reg. 11322, effective July 20, 2009, for

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a maximum of 150 days; emergency expired December 16, 2009; amended at 33 Ill. Reg. 12802, effective September 3, 2009; amended at 33 Ill. Reg. 14121, effective September 22, 2009; emergency amendment at 33 Ill. Reg. 14627, effective October 13, 2009, for a maximum of 150 days; emergency expired March 11, 2010; amended at 33 Ill. Reg. 16875, effective November 30, 2009; amended at 33 Ill. Reg. 17350, effective December 14, 2009; amended at 34 Ill. Reg. 4777, effective March 17, 2010; amended at 34 Ill. Reg. 5295, effective April 12, 2010; amended at 34 Ill. Reg. 5823, effective April 19, 2010; emergency amendment at 34 Ill. Reg. 6967, effective May 1, 2010, for a maximum of 150 days; amended at 34 Ill. Reg. 7265, effective May 10, 2010; amended at 34 Ill. Reg. 7685, effective May 18, 2010; amended at 34 Ill. Reg. 12547, effective August 11, 2010.

SUBPART D: ELIGIBILITY STANDARDS

Section 121.63 Deductions from Monthly Income

- a) The deductions described in this Section shall be allowed in the determination of the adjusted net monthly SNAP income.
- b) **Earned Income Deduction.** Eighty percent of total gross earned income is considered. See Sections 121.40 through 121.54 for a description of earned income.
- c) **Standard Deduction.** The standard deduction for a household size of one through three persons is \$141. The standard deduction for a household size of four persons is \$153. The standard deduction for a household size of five persons is \$179. For households of six or more persons, the standard deduction is \$205.
- d) **Dependent Care Deduction**
 - 1) The dependent care deduction consists of payments for the care of a child or other dependent when necessary for a household member to accept or continue employment or to seek employment in compliance with the job search criteria or to attend training or pursue education which is preparatory for employment (see 89 Ill. Adm. Code 112.70 through 112.83).
 - 2) The amount of the deduction is to be determined by the actual costs for care per month for each dependent household member.

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- e) Child Support Deduction. The child support deduction is the amount of legally obligated child support paid by a household member to or for a nonhousehold member.
- f) Shelter Costs Deduction
 - 1) The shelter deduction is the amount of shelter costs that exceeds 50% of the household's total income after the allowable deductions in subsections (b), (c), (d), and (e) of this Section have been made. The shelter deduction shall not exceed \$459.
 - 2) If the household contains a member who is elderly or disabled, as defined at 7 CFR 271.2 (2008) and Section 121.61, there is no limit on the amount of the excess shelter deduction.
 - 3) Shelter costs include only the following:
 - A) continuing charges for the shelter occupied by the household (rent, mortgage and other charges leading to the ownership of the shelter, including interest on such charges);
 - B) property taxes, State and local assessments and insurance on the structure itself; and
 - C) utility costs, as described in subsection (g) of this Section.
 - 4) Shelter costs for a home temporarily unoccupied by the household because of employment or training away from home, illness or abandonment caused by a natural disaster or casualty loss, if:
 - A) the household intends to return to the home;
 - B) the current occupants of the home, if any, are not claiming the shelter costs for SNAP purposes; and
 - C) the home is not leased or rented during the absence of the household.
 - 5) Charges for repair of a home which was damaged or destroyed due to a

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natural disaster. Shelter costs shall not include repair charges which have been or will be reimbursed by private or public relief agencies, insurance companies or any other source.

g) Utility Costs

1) Utility costs include:

- A) the cost of heating and cooking fuel, air conditioning, electricity, water, sewerage, garbage and trash collection;
- B) basic service fee for one telephone (including tax on the basic fee) of \$29; and
- C) fees charged by the utility provider for initial installation.

2) Utility deposits are not considered to be utility costs.

3) A standard must be used if the household is billed for utilities. See Section 121.63(g)(7) for households that claim utility expenses for an unoccupied home. Households that are billed for heating or air conditioning, or both, or heating, air conditioning and electricity, must use the air conditioning/heating standard allowance of ~~\$324~~^{\$304}. Those households that are not billed for air conditioning or heating but are billed for at least two other utilities must use the limited utility standard allowance of ~~\$199~~^{\$90}. Those households that are not billed for air conditioning or heating but are billed for a single utility, other than telephone, must use the single utility standard allowance of ~~\$43~~^{\$41}. If only a separately-billed telephone expense is claimed, the basic telephone allowance of \$29 per month will be allowed. Households living in rental housing who are billed on a regular basis by a landlord for costs for utilities must use the appropriate standard.

4) A household that is billed less often than monthly for its costs for utilities must continue to use the appropriate standard between billing months.

5) Households in public housing or privately-owned rental units that receive a bill for over-usage are entitled to use the air conditioning/heating standard allowance. When households (as defined at 7 CFR 273.1(a)

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENT

(2008)) live together, the air conditioning/heating standard allowance, the limited utility standard allowance, or the single utility standard allowance, whichever is appropriate, shall be allowed for each household that contributes toward the utility costs whether or not each household participates in the program.

- 6) Households whose expense for heat or electricity, or both, is covered by indirect energy assistance payments under the Low Income Home Energy Program (89 Ill. Adm. Code 109) shall be entitled to the air conditioning/heating standard allowance (7 CFR 273.9 and 273.10(d)(6) (2008)). Households who receive, or reasonably expect to receive, a Low Income Energy Assistance Program (LIHEAP) (89 Ill. Adm. Code 109) payment during the 12-month period, beginning with the date of the SNAP application, shall be allowed the air conditioning/heating standard (7 CFR 273.9 (2008)). The provisions of subsection (f)(3) of this Section are applicable to households whose expenses for heating or electricity, or both, are covered by indirect energy assistance payments.
- 7) A household that has both an occupied home and an unoccupied home is entitled to only one standard. The appropriate utility standard may be used for the home the household chooses.
- h) Excess Medical Deduction. A deduction for excess medical expenses shall be allowed for households which contain an elderly or disabled member as defined at 7 CFR 271.2 (2008) and Section 121.61. The medical expenses incurred by the qualifying household member which are over \$35 will be deducted, if the expenses will not be reimbursed by insurance or a third party.

(Source: Amended at 34 Ill. Reg. 12547, effective August 11, 2010)

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLYSTATEMENT OF RECOMMENDATION
TO ADOPTED RULEMAKING

ENVIRONMENTAL PROTECTION AGENCY

Heading of the Part: Access to Public Records of the Illinois Environmental Protection Agency

Code Citation: 2 Ill. Adm. Code 1828

<u>Section Numbers:</u>	1828.101	1828.305	1828.506
	1828.102	1828.401	1828.507
	1828.201	1828.403	1828.601
	1828.202	1828.405	1828.602
	1828.301	1828.501	1828.603
	1828.302	1828.502	1828.APPENDIX A
	1828.303	1828.504	
	1828.304	1828.505	

Date Originally Published in the Illinois Register: 7/9/10
34 Ill. Reg. 9028

At its meeting on August 10, 2010, the Joint Committee on Administrative Rules considered the above-cited rulemaking and recommended that the Environmental Protection Agency further amend 2 Ill. Adm. Code 1828 to clarify that original records will not be allowed to leave agency premises without agency supervision and to correct various technical errors.

The agency should respond to this Recommendation in writing within 90 days after receipt of this Statement. Failure to respond will constitute refusal to accede to the Committee's Recommendation. The agency's response will be placed on the JCAR agenda for further consideration.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

STATEMENT OF OBJECTION TO AND
FILING PROHIBITION OF PROPOSED RULEMAKING

ILLINOIS EMERGENCY MANAGEMENT AGENCY

Heading of the Part: Licensing of Radioactive Material

Code Citation: 32 Ill. Adm. Code 330

Section Numbers: 330.40

Date Originally Published in the Illinois Register: 8/28/09
33 Ill. Reg. 12061

At its meeting on August 10, 2010, the Joint Committee on Administrative Rules voted to object to the above-proposed rulemaking and prohibit its filing with the Secretary of State. The Committee found that the adoption of this rulemaking at this time would constitute a serious threat to the public interest. The reason for the Objection and Prohibition is as follows:

JCAR objects to and prohibits filing of the Illinois Emergency Management Agency's rulemaking titled Licensing of Radioactive Waste (32 Ill. Adm. Code 330; 33 Ill. Reg. 12061) because the rulemaking causes a significant adverse economic impact on the affected public. JCAR further requests that IEMA conduct an additional meeting to enable the affected public to present data in an attempt to show that the public health and safety can be protected with less adverse economic impact.

The proposed rulemaking may not be filed with the Secretary of State or enforced by the Illinois Emergency Management Agency for any reason following receipt of this certification and statement by the Secretary of State for as long as the Filing Prohibition remains in effect.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notice was received by the Joint Committee on Administrative Rules during the period of August 10, 2010 through August 16, 2010 and has been scheduled for review by the Committee at its September 14, 2010 meeting. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rulemaking should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield IL 62706.

<u>Second Notice Expires</u>	<u>Agency and Rule</u>	<u>Start Of First Notice</u>	<u>JCAR Meeting</u>
9/25/10	<u>Illinois Housing Development Authority, Predatory Lending Database Program (47 Ill. Adm. Code 390)</u>	6/18/10 34 Ill. Reg. 8057	9/14/10

ILLINOIS ADMINISTRATIVE CODE
Issue Index - With Effective Dates

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**JOINT COMMITTEE ON
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