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December 7, 2012 Volume 36, Issue 49

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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 2012

<u>Issue #</u>	<u>Rules Due Date</u>	<u>Date of Issue</u>
1	December 27, 2011	January 6, 2012
2	January 3, 2012	January 13, 2012
3	January 9, 2012	January 20, 2012
4	January 17, 2012	January 27, 2012
5	January 23, 2012	February 3, 2012
6	January 30, 2012	February 10, 2012
7	February 6, 2012	February 17, 2012
8	February 14, 2012	February 24, 2012
9	February 21, 2012	March 2, 2012
10	February 27, 2012	March 9, 2012
11	March 5, 2012	March 16, 2012
12	March 12, 2012	March 23, 2012
13	March 19, 2012	March 30, 2012
14	March 26, 2012	April 6, 2012
15	April 2, 2012	April 13, 2012
16	April 9, 2012	April 20, 2012
17	April 16, 2012	April 27, 2012
18	April 23, 2012	May 4, 2012
19	April 30, 2012	May 11, 2012

20	May 7, 2012	May 18, 2012
21	May 14, 2012	May 25, 2012
22	May 21, 2012	June 1, 2012
23	May 29, 2012	June 8, 2012
24	June 4, 2012	June 15, 2012
25	June 11, 2012	June 22, 2012
26	June 18, 2012	June 29, 2012
27	June 25, 2012	July 6, 2012
28	July 2, 2012	July 13, 2012
29	July 9, 2012	July 20, 2012
30	July 16, 2012	July 27, 2012
31	July 23, 2012	August 3, 2012
32	July 30, 2012	August 10, 2012
33	August 6, 2012	August 17, 2012
34	August 13, 2012	August 24, 2012
35	August 20, 2012	August 31, 2012
36	August 27, 2012	September 7, 2012
37	September 4, 2012	September 14, 2012
38	September 10, 2012	September 21, 2012
39	September 17, 2012	September 28, 2012
40	September 24, 2012	October 5, 2012
41	October 1, 2012	October 12, 2012
42	October 9, 2012	October 19, 2012
43	October 15, 2012	October 26, 2012
44	October 22, 2012	November 2, 2012
45	October 29, 2012	November 9, 2012
46	November 5, 2012	November 16, 2012
47	November 13, 2012	November 26, 2012
48	November 19, 2012	November 30, 2012
49	November 26, 2012	December 7, 2012
50	December 3, 2012	December 14, 2012
51	December 10, 2012	December 21, 2012
52	December 17, 2012	December 28, 2012

**Editor's Note:** The Secretary of State Index Department is providing this opportunity to remind you that the next filing period for your Regulatory Agenda will occur from October 15, 2012 to January 2, 2013.

Editor's Note 2: As a reminder, the Secretary of State's office will be closed on December 24<sup>th</sup> and 25<sup>th</sup> for the holidays. The filing deadline for that week will be on Wednesday, December

26<sup>th</sup> at noon for the *Illinois Register*. Do not wait until the last minute to file your rulemakings, as a courtesy.

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Organ Donor Leave
- 2) Code Citation: 80 Ill. Adm. Code 332
- 3) Section Number: 332.4                      Proposed Action:  
Amendment
- 4) Statutory Authority: Implementing and authorized by the Organ Donor Leave Act [5 ILCS 327]
- 5) A Complete Description of the Subjects and Issues Involved: Changes to Section 332.4 will allow employees paid time off to donate or attempt to donate blood via Automated red cell donation. Changes the name of the Part to make it easier for people to find the blood donor rules.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: These proposed amendments neither create nor expand any State mandate on units of local government, school districts or community college districts.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may submit written comments within 45 days after the date of publication to:

Mary Matheny  
Department of Central Management Services  
720 Stratton Office Building  
Springfield, Illinois 62706

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PROPOSED AMENDMENT

Phone: 217/557-5404

Fax: 217/558-2697

Email: mary.matheny@illinois.gov

- 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 beyond those already in place at CMS.
  - C) Types of professional skills necessary for compliance: None, beyond those already in place at CMS.
- 14) Regulatory Agenda on which this rulemaking was summarized: July 2012

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

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PROPOSED AMENDMENT

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES  
CHAPTER I: DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## PART 332

ORGAN AND BLOOD DONOR LEAVE

## Section

332.1	Purpose
332.2	Definitions
332.3	Organ Donor
332.4	Blood Donor
332.5	Impact on Accumulated Benefit Time

AUTHORITY: Implementing and authorized by the Organ Donor Leave Act [5 ILCS 327].

SOURCE: Adopted at 27 Ill. Reg. 9013, effective May 23, 2003; amended at 33 Ill. Reg. 7859, effective June 1, 2009; amended at 37 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**Section 332.4 Blood Donor**

- a) *On request, but subject to the operating needs of the employing agency, a participating employee may be entitled to use:*
- 1) *up to one hour or more to donate or attempt to donate blood every 56 days; ~~and~~*
  - 2) *up to 1½ hours or more to donate or attempt to donate red blood cells every 112 days. Leave to donate red blood cells may not be granted more than 3 times in a 12-month period; and*
  - 3) *up to 2 hours or more to donate or attempt to donate blood platelets in accordance with appropriate medical standards established by the American Red Cross or other nationally recognized standards. Leave to donate blood platelets may not be granted more than 24 times in a 12-month period.*
- b) An employee may be required to submit medical documentation to the employee's agency after donating or attempting to donate blood or any blood component~~platelets~~.

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DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENT

- c) *An employee may use leave only after obtaining approval from the employee's agency.* [5 ILCS 327/20]

(Source: Amended at 37 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Asbestos Abatement for Public and Private Schools and Commercial and Public Buildings in Illinois
- 2) Code Citation: 77 Ill. Adm. Code 855
- 3) 

<u>Section Numbers:</u>	<u>Proposed Action:</u>
855.5	Amend
855.10	Amend
855.20	Amend
855.25	Amend
855.100	Amend
855.105	New
855.110	Amend
855.120	Amend
855.125	New
855.130	New
855.135	New
855.140	Amend
855.150	Amend
855.160	Amend
855.170	Amend
855.180	New
855.200	New
855.210	New
855.220	Amend
855.230	Repeal
855.240	Amend
855.250	New
855.260	New
855.270	New
855.280	New
855.290	New
855.300	Repeal
855.310	Repeal
855.325	Repeal
855.330	Repeal
855.340	New
855.350	Repeal

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

855.360	Amend
855.370	Amend
855.380	Amend
855.390	Amend
855.400	Amend
855.410	Amend
855.420	Amend
855.425	Amend
855.430	Amend
855.440	Amend
855.450	Amend
855.460	Amend
855.465	Amend
855.470	Amend
855.475	Amend
855.480	Amend
855.490	Repeal
855.500	Amend
855.510	Repeal
855.520	Amend
855.600	Amend
855.610	Amend
855.620	Amend
855.630	Amend
855.640	Amend
855.APPENDIX A.ILLUSTRATION A	Amend
855.APPENDIX B.ILLUSTRATION H	Amend
855.APPENDIX B.ILLUSTRATION J	New
855.APPENDIX C.ILLUSTRATION A	New

- 4) Statutory Authority: Implementing and authorized by the Asbestos Abatement Act [105 ILCS 105] and the Commercial and Public Building Asbestos Abatement Act [225 ILCS 207]
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking will implement PA 93-894 that amended the Commercial and Public Building Asbestos Abatement Act [225 ILCS 207] to require the Department to license asbestos consultants and to establish licensing requirements. The rules are being revised to require that

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

commercial and public building asbestos abatement requirements are consistent with school asbestos abatement requirements.

Section 855.105 is being added to necessitate the licensing of asbestos consultants and define application procedures. Section 855.125 is being added to further qualify the responsibilities of licensed asbestos inspectors. Section 855.130 is being added to further qualify the responsibilities of asbestos abatement contractors. Section 855.135 is being added to further qualify the responsibilities of asbestos consultants. Section 855.180 is being added to further qualify the responsibilities of air sampling professionals. Section 855.200 is being added to further qualify the responsibilities of commercial and public building owners. Section 855.210 is being added to explain procedures for inspections of commercial and public buildings.

Requirements in Section 855.230 are being moved to Section 855.460. New provisions in Section 855.250 are being moved from Section 855.300. New provisions in Section 855.260 are being moved from Section 855.310.

A new Section 855.270 will replace Section 855.325 that is being repealed. A new Section 855.280 will replace Section 855.330 that is being repealed. New requirements in Section 855.290 are being moved from Section 855.350 that is being repealed.

Section 855.340 is being added to facilitate the procedures for whole tile removal. Section 855.490 is being repealed as the Response Contractor Indemnification Fund no longer exists. Requirements in Section 855.510 are being included in Section 855.500.

Section 855.APPENDIX B. ILLUSTRATION J is being added for LEA Designated Person responsibilities. Section 855. APPENDIX C is being added to illustrate the electronic format for a Project Manager's Comprehensive Final Report. Two existing Appendices are being amended.

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*.

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

- 6) Published studies or reports, and sources of underlying data used to compose this rulemaking: No studies, reports or sources of underlying data were used to create the revisions to the rules.
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? Yes
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: These rules do 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., 5<sup>th</sup> floor  
Springfield, Illinois 62761

217/782-2043  
e-mail: [dph.rules@illinois.gov](mailto:dph.rules@illinois.gov)

- 13) Initial Regulatory Flexibility Analysis:
  - A) Types of small businesses, small municipalities and not for profit corporations affected: Asbestos professionals, commercial and public building owners, and public and private schools.
  - B) Reporting, bookkeeping or other procedures required for compliance: The asbestos professional will still comply with licensing requirements as set forth in the rules.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

- C) Types of professional skills necessary for compliance: The asbestos professional will be required to be educated in asbestos abatement.
  
- 14) Regulatory Agenda on which this rulemaking was summarized: January 2012

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

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

TITLE 77: PUBLIC HEALTH  
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH  
SUBCHAPTER p: HAZARDOUS AND POISONOUS SUBSTANCE

PART 855  
ASBESTOS ABATEMENT FOR PUBLIC AND PRIVATE  
SCHOOLS AND COMMERCIAL AND PUBLIC BUILDINGS IN ILLINOIS

SUBPART A: GENERAL PROVISIONS

Section	
855.5	Applicability
855.10	<del>Incorporated and Referenced Materials</del> <del>Incorporation by Reference-Federal</del> <del>Regulations and Other Standards</del>
855.20	Definitions
855.25	Alternative Procedures and Variances

SUBPART B: LICENSURE AND TRAINING COURSE APPROVAL

Section	
855.100	License Requirements
<u>855.105</u>	<u>Asbestos Consultant Licensing</u>
855.110	Contractor Licensing
855.120	Training Course Approval and Accreditation

SUBPART C: RESPONSIBILITIES OF LICENSED PERSONS

Section	
<u>855.125</u>	<u>Asbestos Inspector Responsibilities</u>
<u>855.130</u>	<u>Asbestos Abatement Contractor Responsibilities</u>
<u>855.135</u>	<u>Asbestos Consultant Responsibilities</u>
855.140	Supervisor Responsibilities
855.150	Project Designer Responsibilities
855.160	Management Planner Responsibilities
855.170	Project Manager Responsibilities, <del>Air Sampling Professional Responsibilities and</del> <del>Laboratory Services</del>
<u>855.180</u>	<u>Air Sampling Professional Responsibilities</u>

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

SUBPART D: ~~COMMERCIAL AND PUBLIC BUILDING OWNER RESPONSIBILITIES, LOCAL EDUCATIONAL AGENCY RESPONSIBILITIES AND NOTIFICATION REQUIREMENTS~~  
~~GENERAL ABATEMENT REQUIREMENTS FOR COMMERCIAL AND PUBLIC BUILDINGS~~

## Section

<u>855.200</u>	<u>Commercial and Public Building (CPB) Owner Responsibilities</u>
<u>855.210</u>	<u>Procedures for Inspections of Commercial and Public Buildings</u>
855.220	<u>Submissions and Notices</u> <del>Notification and Procedures</del> for Abatement of Asbestos in Commercial and Public Buildings
855.230	Equipment and Waste Container Removal Procedures <del>(Repealed)</del>
855.240	<u>Procedures for Abatement of Asbestos in Schools and Commercial and Public Buildings</u> <del>Reestablishment of the Work Area and HVAC Systems in Commercial and Public Buildings</del>
<u>855.250</u>	<u>Local Educational Agency (LEA) and Designated Person Requirements</u>
<u>855.260</u>	<u>Procedure for School Inspections and Reinspections</u>
<u>855.270</u>	<u>Management Plan</u>
<u>855.280</u>	<u>Operations and Maintenance</u>
<u>855.290</u>	<u>Submissions and Notices for Abatement of Asbestos in Schools</u>

SUBPART E: ~~LOCAL EDUCATIONAL AGENCY RESPONSIBILITIES AND STANDARDS FOR ABATEMENT~~

## Section

855.300	Local Education Agency (LEA) Requirements <del>(Repealed)</del>
855.310	Procedures for School Inspections and Reinspections <del>(Repealed)</del>
855.325	Management Plan <del>(Repealed)</del>
855.330	Operations and Maintenance <del>(Repealed)</del>
<u>855.340</u>	<u>Whole Floor Tile Removal Procedures</u>
855.350	Submissions and Notices <del>(Repealed)</del>
855.360	Demolition of a <del>Commercial or Public</del> <u>School</u> Building
855.370	Workplace Entry and Exit Procedures
855.380	Building Protection
855.390	Materials and Equipment
855.400	Work Area Preparation
855.410	Worker Decontamination Enclosure System
855.420	Remote Decontamination Enclosure System
855.425	Equipment Decontamination Enclosure System

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

855.430	Separation Barriers
855.440	Maintenance of Decontamination Enclosure Systems and Workplace Barriers
855.450	Commencement of Work
855.460	Removal Procedures
855.465	Cleanup Procedures
855.470	Clearance Air Monitoring and Analysis
855.475	Disposal Procedures
855.480	Glovebag Procedures
855.490	Response Contractor Indemnification Fund <del>(Repealed)</del>
855.500	Encapsulation <del>and Enclosure</del> Procedures <del>for Schools</del>
855.510	Enclosure Procedures for Schools <del>(Repealed)</del>
855.520	Reestablishment of the Work Area and HVAC Systems <del>in Schools</del>

SUBPART F: FINES, PENALTIES, ADMINISTRATIVE HEARINGS  
AND EMERGENCY STOP WORK ORDERS

## Section

855.600	Adverse Licensure Action
855.610	Fines and Penalties
855.620	Administrative Hearings
855.630	Emergency Stop Work Orders for Commercial and Public Buildings
855.640	Emergency Stop Work Orders for Schools

855.APPENDIX A	<del>Illustrations</del> <del>Illustration</del> – <del>Decontamination Unit Drawings</del> <del>Project Form</del>
855.ILLUSTRATION A	Worker and Equipment Decontamination Systems
855.APPENDIX B	Illustrations – Inspection and Management Plan Forms
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855.ILLUSTRATION B	Inspection Report Form
855.ILLUSTRATION C	Sampling Area Diagram (Ceiling and Floor)
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855.ILLUSTRATION F	Irregularly Shaped Random Sampling Area
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855.ILLUSTRATION I	Outline for Asbestos Management Plan
855.ILLUSTRATION J	<del>Local Educational Agency Assurances Form</del>
855.APPENDIX C	<del>Illustration</del> – <del>Project Manager's Comprehensive Final Report Electronic Format</del>

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

855.ILLUSTRATION A      CD Label, CD Case Cover and Bookmarks

AUTHORITY: Authorized by and implementing the Asbestos Abatement Act [105 ILCS 105] and the Commercial and Public Building Asbestos Abatement Act [225 ILCS 207].

SOURCE: Adopted at 9 Ill. Reg. 19052, effective November 29, 1985; amended at 10 Ill. Reg. 14800, effective September 12, 1986; emergency amendments at 12 Ill. Reg. 4357, effective February 5, 1988, for a maximum of 150 days; emergency expired July 4, 1988; amended at 13 Ill. Reg. 2768, effective February 16, 1989; amended at 13 Ill. Reg. 17029, effective November 1, 1989; emergency amendments at 14 Ill. Reg. 335, effective January 1, 1990, for a maximum of 150 days; emergency expired May 30, 1990; amended at 14 Ill. Reg. 172, effective July 20, 1990; old Part repealed, new Part adopted at 23 Ill. Reg. 4010, effective March 12, 1999; amended at 37 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART A: GENERAL PROVISIONS

**Section 855.5 Applicability**

- a) Subparts A, B, and C contain incorporated materials, definitions, variance procedures, requirements of licensure, training course approval provisions, and responsibilities of licensed persons. These three Subparts apply to asbestos abatement project activities in commercial and public buildings and schools, except as noted in specific Sections.
- b) Subpart D and Appendices A and B of this Part contain local educational agency (LEA) and commercial or public building (CPB) owner responsibilities and contains notification requirements for and work practices and controls applicable to asbestos abatement project activities performed in commercial and public buildings and schools, except as specified in Subpart D, in accordance with the Commercial and Public Building Asbestos Abatement Act [225 ILCS 207] and federal requirements.
- c) Subpart E contains and Appendices A and B contain requirements for applicable to Local Educational Agencies, and planning and notification requirements, and work practices and controls applicable to asbestos abatement project activities performed in public and private schools and commercial or public buildings, in accordance with the Asbestos Abatement Act [105 ILCS 105], the Commercial and Public Building Asbestos Abatement Act, and federal requirements.

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

- d) Subpart F contains provisions for the issuance of fines and penalties, procedures governing administrative hearings for violations of applicable laws or this Part, and provisions for stop work orders applicable to all asbestos abatement project activities performed in Illinois.
- e) Notwithstanding any other provision of Part 855, the asbestos requirements established by the Code of Federal Regulations for USEPA and OSHA and incorporated by reference in Section 855.10(a) ~~of this Part~~ shall govern the repair, maintenance, and removal of nonfriable resilient floor covering materials and persons designing, planning, contracting, supervising and ~~or~~ performing ~~those~~such activities and related inspections. The notification requirements set forth in Sections 855.220(a) and (b) and the requirements of Section 855.340855.330(e) shall apply to ~~such~~ removals as applicable.

(Source: Amended at 37 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 855.10 Incorporated and Referenced Materials~~Incorporation by Reference-  
Federal Regulations and Other Standards~~**

~~The following regulations and standards are incorporated in this Part:~~

- a) ~~Federal regulations~~Regulations and guidelines of federal agencies:
- 1) ~~Occupational Safety and Health Administration (OSHA), Occupational Safety and Health Standards – Respiratory Protection; 29 CFR 1910.134 (December 12, 2008)Occupational Safety and Health Administration, U.S. Department of Labor (OSHA), Occupational Safety and Health Standards –Asbestos; 29 CFR 1910.1001 (July 1, 1997).~~
  - 2) ~~OSHA, Occupational Safety and Health Standards –Respiratory Protection; 29 CFR 1910.134 (July 1, 1997).~~
  - 23) ~~OSHA, Safety and Health Regulations for Construction – Asbestos; 29 CFR 1926.1101, Final Rule Effective (August, 24, 2006)Environmental Protection Agency, National Emission Standards for Hazardous Air Pollutants; 40 CFR 61 Subpart A (General Provisions) and Subpart M (National Emission Standards for Asbestos) (July 1, 1997).~~

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

- ~~34) USEPA, National Emission Standards for Hazardous Air Pollutants; 40 CFR 61 (July 1, 1997) USEPA, Asbestos; 40 CFR 763—40 CFR 763 Final Rule Effective December 14, 1987.~~
- ~~5) OSHA, Safety and Health Regulations for Construction—Asbestos; 29 CFR 1926.1101, Final Rule Effective October 11, 1994.~~
- ~~46) USEPA, Asbestos School Hazard Abatement Act, Asbestos; 40 CFR 763, Appendix C to Subpart E (Asbestos Model Accreditation Plan), revised (April 4, 1994).~~
- ~~5) USEPA, Asbestos, Assessment; 40 CFR 763.88 (April 4, 1994)~~
- ~~6) USEPA, Asbestos, Response Actions; 40 CFR 763.90 (April 9, 2004)~~
- ~~7) USEPA, Asbestos, Inspections and Reinspections; 40 CFR 763.85 (April, 4, 1994)~~
- ~~8) USEPA, Asbestos, Management Plans; 40 CFR 763.93 (April 4, 1994)~~
- ~~9) USEPA, Asbestos, Operations and Maintenance; 40 CFR 763.91 (November 15, 2000)~~
- ~~10) OSHA, U.S. Department of Labor, Occupational Safety and Health Standards – Asbestos; 29 CFR 1910.1001 (July 1, 1997)~~
- ~~11) USEPA, Simplified Sampling Scheme for Friable Surfacing Materials; EPA 560/5-85-030a (October 1985)~~
- ~~7) Guidance for Controlling Asbestos-Containing Materials in Buildings, Appendix J, EPA Report No. 560/5-85-024 (1985).~~
- ~~8) U.S. Environmental Protection Agency, Electron Microscope Measurement of Airborne Asbestos Concentrations, Report No. 600/2-77-178 (1978).~~
- ~~9) U.S. Environmental Protection Agency, Methodology for the~~

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

~~Measurement of Airborne Asbestos by Electron Microscopy, Contract No. 68-02-3266 (1984).~~

- ~~10) National Institute of Occupational Safety and Health, Certified NIOSH Equipment List, Department of Health and Human Services Publication Number 92-101 (1991). Contract No. 68-02-3266 (1984).~~

b) Standards of nationally recognized organizations:

- 1) National Electrical Code, ~~2011~~1993 Ed., National Fire Protection Association, ~~1 Batterymarch Park, Quincy, Mass. 0216902269.~~
- ~~2) Compressed Gas Association Commodity Specification, G-7.1 (1966).~~
- ~~3) American National Standard Practices for Respiratory Protection, ANSI Z88.2 (1980).~~
- ~~4) American National Standard Fundamentals Governing the Design and Operation of Local Exhaust Systems, ANSI Z9.2 (1991).~~
- ~~25) National Institute of Occupational Safety and Health (NIOSH), Manual of Analytical Methods (Method 7400 - 1984), NIOSH, 395 E Street, S.W., Suite 9200, Patriots Plaza Building, Washington, DC 20201.~~

c) Federal Statutes

- ~~1) Elementary and Secondary Education Act of 1965 (20 USC 3381)~~
- ~~2) Defense Dependents' Education Act of 1978 (20 USC 921)~~
- ~~3) Asbestos Hazard Emergency Response Act of 1986 (AHERA) (15 USC 2651)~~
- ~~4) Toxic Substance Control Act (TSCA), Title II (15 USC 2643)~~

d) Illinois Statutes

- ~~1) Asbestos Abatement Act [105 ILCS 105]~~

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- 2) Commercial and Public Building Asbestos Abatement Act [225 ILCS 207]
  - 3) Uniform Partnership Act [805 ILCS 205]
  - 4) Business Corporation Act of 1983 [805 ILCS 5]
  - 5) Consumer Fraud and Deceptive Business Practice Act [815 ILCS 505]
  - 6) Illinois Architecture Practice Act of 1989 [225 ILCS 305]
  - 7) Illinois Professional Engineering Practice Act of 1989 [225 ILCS 325]
  - 8) Structural Engineering Practice Act of 1989 [225 ILCS 340]
  - 9) School Code [105 ILCS 5]
  - 10) Industrial Hygienists Licensing Act [225 ILCS 52]
  - 11) Administrative Review Law [735 ILCS 5/Art. III]
- e) Illinois Administrative Rules  
Practice and Procedure in Administrative Hearings (77 Ill. Adm. Code 100)
- f) All incorporations by reference of federal regulations and the standards of nationally recognized organizations refer to the regulations and standards on the date specified and do not include any ~~amendments or editions~~additions or deletions subsequent to the date specified.
- d) ~~All citations to federal regulations in this Part concern the specified regulation in the 1997 Code of Federal Regulations, unless another date is specified.~~

(Source: Amended at 37 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 855.20 Definitions**

"Abatement" means removal, encapsulation, enclosure and repair of asbestos-containing building materials (ACBM).

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"Aggressive Sampling" means a method of sampling in which the person collecting the air sample creates activity during the sampling period to stir up settled dust and simulate the activity of that area of the building.

~~"AHERA" means the Federal Asbestos Hazard Emergency Response Act, 40 CFR Part 763, Subpart E.~~

"Air Sampling" means the process of measuring the fiber content of a known volume of air collected during a specific period of time.

"Air Sampling Professional" means the professional contracted or employed by the building owner, independent of the asbestos abatement contractor, to conduct air sampling.

"Airlock" means a system for permitting entrance and exit with minimum air movement between a contaminated area and an uncontaminated area, consisting of two curtained doorways separated by a distance of at least three feet ~~sosueh~~ that ~~a person~~ passes through one doorway into the airlock, allowing the doorway sheeting to overlap and close off the opening before proceeding through the second doorway, thereby preventing flow-through contamination.

"Amended Water" means water to which a surfactant has been added to improve penetration and reduce fiber release.

~~"ANSI" means the American National Standards Institute, 1430 Broadway, New York, New York 10018.~~

"Area Air Sampling" means any form of air sampling or monitoring where the sampling device is placed at some stationary location.

"Asbestos" means the abestiform varieties of chrysotile, amosite, crocidolite, tremolite, anthrophyllite, and actinolite. (Section 15 of the Commercial and Public Building Asbestos Abatement Act and Section 3 of the Asbestos Abatement Act)

"Asbestos Abatement Contractor" means any entity that provides removal, enclosure, or encapsulation, or disposal of asbestos containing materials. (Section 15 of the Commercial and Public Building Asbestos Abatement Act)

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"Asbestos Consultant" means a person offering expert or professional advice as an asbestos professional or designated person. (Section 15 of the Commercial and Public Building Asbestos Abatement Act)

*"Asbestos Containing Building Materials" or "ACBM" means surfacing asbestos containing material or ACM, thermal system insulation ACM or miscellaneous ACM that is found in or on interior structural members or other parts of a school building or a commercial or public building. (Section 15 of the Commercial and Public Building Asbestos Abatement Act and Section 3 of the Asbestos Abatement Act)*

"Asbestos Debris" means pieces of ACBM that can be identified by color, texture or composition, or means dust, if dust is determined by an asbestos inspector to be ACM.

"Asbestos Inspector" means an individual licensed by the Department to perform inspections of schools or commercial or public buildings for the presence of asbestos containing materials. (Section 3(w) of the Asbestos Abatement Act)

"Asbestos Materials" means any material or product that contains more than 1% asbestos. (Section 15 of the Commercial and Public Building Asbestos Abatement Act)

"Asbestos Supervisor" means a licensed asbestos abatement contractor, foreman, or person designated as the asbestos abatement contractor's representative who is responsible for the onsite supervision of the removal, encapsulation, or enclosure of friable or nonfriable asbestos-containing materials in a commercial or public building. (Section 15 of the Commercial and Public Building Asbestos Abatement Act)

"Asbestos Worker" means an individual who cleans, removes, encapsulates, encloses, hauls, or disposes of friable asbestos ~~material~~materials. (Section 15 of the Commercial and Public Building Asbestos Abatement Act)

"Asbestos-Containing Waste Material" means ~~any asbestos-containing material that is or is suspected of being asbestos-contaminated with asbestos~~objects requiring disposal pursuant to Section 855.475.

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*"Asbestos Professional" means an individual who is licensed by the Department to perform the duties of an inspector, management planner, project designer, project supervisor, project manager, or air sampling professional, as applicable, except project supervisors under the direct employ of a licensed asbestos abatement contractor. (Section 15 of the Commercial and Public Building Asbestos Abatement Act)*

~~"Asbestos Professional" means an individual who is licensed by the Department to perform duties of contractor, inspector, management planner, project designer, project manager, project supervisor, or air sampling professional, as applicable.~~

~~"ASTM" means the American Society For Testing and Materials, 1916 Race Street, Philadelphia, PA 19103.~~

"Authorized Visitor" means the building owner, or a person designated by the building owner, and any representative of a regulatory or other agency having jurisdiction over the project.

"Authorizing Acts" means the Asbestos Abatement Act and the Commercial and Public Building Asbestos Abatement Act.

"Background Level Monitoring" means a method used to determine airborne fiber concentrations inside and outside the work area prior to starting an asbestos abatement project.

*"Building/Facility Owner" is the legal entity, including a lessee, that exercises control over management and record keeping functions relating to a building or facility in which activities covered by this Part take place. (Section 15 of the Commercial and Public Building Asbestos Abatement Act)*~~"Building Owner" means the person in whom legal title to the premises is vested unless the premises are held in land trust, in which instance the building owner means the person in whom beneficial title is vested.~~

"Certified Industrial Hygienist" or "CIH" (C.I.H.) means an industrial hygienist certified by the American Board of Industrial Hygiene.

"Clean Room" means an uncontaminated area or room that~~which~~ is a part of the

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worker decontamination enclosure with provisions for storage of workers' street clothes and protective equipment.

"Clearance Air Monitoring" means the employment of aggressive sampling techniques with a volume of air collected to determine the airborne concentration of residual fibers upon conclusion of an asbestos abatement project.

"Commercial or Public Building" or "CPB" means the interior space of any building, except that the term does not include any residential apartment building of fewer than 10 units or detached single family homes. The term includes, but is not limited to: industrial and office buildings, residential apartment buildings and condominiums of 10 or more dwelling units, government-owned buildings, colleges, museums, airports, hospitals, churches, schools, preschools, stores, warehouses, and factories. Interior space includes exterior hallways connecting buildings, porticos, and mechanical systems used to condition interior space. (Section 15 of the Commercial and Public Building Asbestos Abatement Act)

"Contained Area" means an enclosed work area in a building where negative air pressure and high efficiency particulate air (HEPA) filtration are used to contain airborne asbestos fibers during removal, enclosure or encapsulation of ACM during an asbestos abatement project.

"Covered Exterior Hallway or Walkway" means a covered area of any exterior corridor, exterior passageway, exterior pathway, exterior entrance or exterior vestibule into a building, including porches and entrance rooms. The term includes all building materials located in the covered area exposed to building occupants while entering and exiting the building.

"Critical Barrier" means one or more layers of plastic sealed over all openings into a work area or any other similarly placed physical barrier sufficient to prevent airborne asbestos in a work area from migrating to an adjacent area.

"Curtained Doorway" means a device that~~which~~ consists of at least three overlapping sheets of plastic over an existing or temporarily framed doorway. One sheet shall be secured at the top and left side, the second sheet at the top and right side, and the third sheet at the top and left side. All sheets shall have weights attached to the bottom to ~~ensure~~insure that the sheets hang straight and maintain a seal over the doorway when not in use.

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"Decontamination Enclosure System" means a series of connected rooms, separated from each other by ~~airlocks~~~~air locks~~, used for the decontamination of workers, materials and equipment.

"Demolition" means to raze an existing school building or commercial and public building, as defined in this Part, so that no part of the building remains.

"Deny" means to refuse the issuance of a license to an applicant or licensee as determined by the Department.

"Department" or "IDPH" means the Illinois Department of Public Health.

"Designated Person" means a person designated by the local education agency, as defined by the Asbestos Abatement Act, to ensure that the management plan has been properly implemented. (Section 15 of the Commercial and Public Building Asbestos Abatement Act)

~~"Designated Person" means a person designated by the local education agency to ensure that the management plan has been properly implemented.~~

"Emergency Abatement Operations" means an asbestos abatement operation that was not planned but results from a sudden, unexpected event that, if not immediately attended to, presents a safety or public health hazard, or is necessary to protect equipment from damage. This includes operations necessitated by nonroutine failure of equipment.

"Encapsulant" ~~or "Sealant"-(sealant)~~ means a liquid material ~~that~~~~which~~ can be applied to asbestos-containing building material and ~~that~~~~which~~ temporarily controls the possible release of asbestos fibers from the material, either by creating a membrane over the surface (bridging encapsulant) or by penetrating into the material and binding its components together (penetrating encapsulant).

"Encapsulation" means the treatment of ACM with a material that surrounds or embeds asbestos fibers in an adhesive matrix that prevents the release of fibers as the encapsulant creates a membrane over the surfaces (bridging encapsulant) or penetrates the material and binds its components together (penetrating encapsulant). (Section 15 of the Commercial and Public Building Asbestos

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Abatement Act and Section 3 of the Asbestos Abatement Act)

"Enclosure" means the construction of airtight, impervious, permanent walls and ceilings between the asbestos containing material and the educational facility or building environment, or around surfaces coated with asbestos containing materials, or any other appropriate scientific procedure as determined by the Department that prevents the release of asbestos. (Section 3(k) of the Asbestos Abatement Act)

"Equipment Decontamination Enclosure" means that portion of a decontamination enclosure system designed for the controlled transfer of materials and equipment, consisting of a wash room and a holding area.

"Equipment Room" means a contaminated area or room ~~that~~<sup>which</sup> is part of the worker decontamination enclosure system with provisions for the storage of contaminated clothing and equipment.

"Fixed Object" means a unit of equipment or furniture in the work area ~~that~~<sup>which</sup> cannot be removed from the work area.

"Floor Tile Supervisor" means a person designated as the competent person for a nonfriable floor tile project or a person who has an IDPH supervisor license.

"Floor Tile Worker" means an individual who has received at least eight hours of floor tile training and is involved with the removal of nonfriable floor tile.

*"Friable" when referring to material in a school building or a commercial or public building means that the material, when dry, may be crumbled, pulverized, or reduced to powder by hand pressure, and includes previously nonfriable materials after such previously nonfriable material becomes damaged to the extent that, when dry, it may be crumbled, pulverized, or reduced to powder by hand pressure. (Section 3(g) of the Asbestos Abatement Act and Section 15 of the Commercial and Public Building Asbestos Abatement Act)* The term includes nonfriable asbestos-containing materials which will be subjected to sanding, grinding, cutting, abrading, drilling, chipping, pulverizing, or other procedures likely to reduce these materials to a powder or cause asbestos fibers to become airborne. ~~(Section 3(g) of the Asbestos Abatement Act)~~

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"Glovebag" means a manufactured device consisting of a plastic bag (constructed of ~~6-mil~~~~six-mil~~ transparent plastic or equivalent), two inward-projecting ~~long-sleeved~~~~longsleeve~~ rubber gloves, one inward-projecting waterwand sleeve, an internal tool pouch, and an attached, labeled receptacle for asbestos waste. The glovebag is constructed and installed ~~so in such a manner~~ that it surrounds the object or area to be decontaminated and contains all asbestos fibers released during the removal process.

"Glovebag ~~Procedure Technique~~" means a method for removing friable asbestos-containing building material from heating, ventilation, ~~and~~ air conditioning (HVAC) ducts, short piping runs, valves, joints, elbows, and other nonplanar surfaces.

~~"HEPA" means high efficiency particulate air.~~

"HEPA Filter" means a high efficiency particulate air filter capable of trapping and retaining 99.97 percent of particles (asbestos fibers) greater than 0.3 ~~microns~~~~micrometers in mass median aerodynamic equivalent diameter, with an efficiency designation of 100 under NIOSH, 42 CFR 84, Respiratory Protective Devices.~~

"HEPA Vacuum Equipment" means vacuuming equipment with a high efficiency particulate air filter system.

"Holding Area" means an area in the equipment decontamination enclosure located between the wash room and an uncontaminated area.

"Homogeneous Area" means ~~an area of surfacing material, thermal system insulation material, or miscellaneous material that is uniform in color, texture and date of application. a substance that is uniform in structure and composition throughout which comprises a unique sample area (e.g., boiler insulation is a separate sample area, pipe joint insulation is a separate sample area, corrugated pipe insulation is a separate sample area).~~

"Industrial Building" means those portions of a building (such as a factory or warehouse) primarily used in manufacturing or technically productive enterprises, not generally or typically accessible to the public (persons other than workers), and used primarily in the production of power, the manufacture of products, the

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mining of raw materials, and/or the storage of such products or raw materials.

"Inspection" means an activity undertaken in a public or commercial building to determine the presence or location, or to assess the condition of, friable or nonfriable asbestos containing building material (ACBM) or suspected ACBM, whether by visual or physical examination, or by collecting samples of such material. (Section 15 of the Commercial and Public Building Asbestos Abatement Act)

*"Local Educational Agency" or "LEA" means:*

*Any local education agency as defined in Section 198 of the Elementary and Secondary Education Act of 1965 (20 USC 3381).*

*The owner of any nonpublic, nonprofit elementary or secondary school building.*

*The governing authority of any school operated under the Defense Dependents' Education System provided for under the Defense Dependents' Department's Education Act of 1978 (20 USC 921, et seq.). (Section 3(d)(1), (2), and (3) of the Asbestos Abatement Act)*

*"Management Plan" means a plan developed for a local educational agency or commercial or public building owner for the management of asbestos in its school buildings or commercial or public buildings pursuant to the federal Asbestos Hazard Emergency Response Act of 1986 ~~[15 USC Section 2601 et seq.]~~ and the regulations promulgated thereunder. (Section 3(t) of the Asbestos Abatement Act)*

*"Management Planner" means an individual licensed by the Department to prepare management plans. (Section 3(u) of the Asbestos Abatement Act)*

"Mini-Containment Area" means a contained area in which glovebag procedures are conducted.

"Miscellaneous Material" means building material on structural components, structural members or fixtures, such as floor and ceiling tiles, and does not include surfacing materials or thermal system insulation.

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"Movable Object" means a unit of equipment or furniture in the work area ~~that~~which can be removed from the work area.

"Negative Air Pressure Equipment" means a portable local exhaust system equipped with HEPA filtration. The system shall be capable of maintaining a constant, low-velocity airflow from contaminated areas into adjacent uncontaminated areas, creating a negative pressure differential between the outside and inside of the work area.

~~"NESHAP" means the National Emission Standards for Hazardous Air Pollutants (40 CFR Part 61).~~

~~"NIOSH" means the National Institute for Occupational Safety and Health, Centers for Disease Control and Prevention (CDC) — NIOSH, Building J.N.E., Room 3007, Atlanta, GA 30333.~~

*"Nonfriable" means material in a school building or commercial or public building which, when dry, may not be crumbled, pulverized, or reduced to powder by hand pressure. (Section 3(s) of the Asbestos Abatement Act)*

"Operations and Maintenance" means a program of work practices to maintain friable and nonfriable ACBM in good condition, ensure clean up of asbestos fibers previously released, and prevent further release by minimizing and controlling friable ACBM disturbance or damage.

~~"OSHA" means the Occupational Safety and Health Administration, 200 Constitution Avenue, Washington, DC 20210.~~

"Outside Air" means the air outside the contained~~work~~ area.

~~*"Person" means any individual, group of individuals, association, trust, partnership, corporation, person doing business under an assumed name,*~~  
~~"Person" means any individual, group of individuals, association, trust, partnership, corporation, person doing business under an assumed name,~~ asbestos professional, asbestos worker, public school district, private school or any other entity~~or any other entity. (Section 15 of the Commercial and Public Asbestos Abatement Act)~~

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"Personal Air Monitoring" means a method used to determine employees' exposure to airborne fibers. The sample is collected outside the respirator in the worker's breathing zone. This form of sampling is required by the OSHA asbestos standards (29 CFR 1910.1001 and 1926.1101).

"Portico" means a covered area leading to the entrance of a building, which is greater than or equal to 3 linear feet in depth, including covered entrances that are a part of the mass of the building. The term includes all building materials located in the covered area exposed to building occupants while entering and exiting the building.

~~"Plasticize" means to cover floors and walls with plastic sheeting as herein specified or by using spray plastics (as permitted by the Department through a variance request).~~

"Project" means removal, encapsulation, enclosure or repair of more than ~~3~~<sup>three</sup> linear feet or ~~3~~<sup>three</sup> square feet of ACBM or suspected ACBM~~asbestos-containing building materials.~~

"Project Activities" means activities taking place when the asbestos abatement contractor or a designee and the asbestos abatement contractor's supplies and equipment for asbestos abatement are present at the abatement site.

"Project Design" means the preparation of documents relating to the asbestos project, which may include, but are not limited to, plans, drawings and specifications that recommend or establish the scope of work; standards of workmanship; equipment specifications or ~~use; utilization;~~ construction standards or specifications; ~~alternative response~~ actions; or action courses of action, and/or response action health and safety controls.

*"Project Designer" means an individual licensed by the Department to design response actions for school buildings or commercial or public buildings. (Section 3(v) of the Asbestos Abatement Act)*

"Project Manager" means an individual licensed by the Department and designated as the building owner's representative, independent of the asbestos abatement contractor, who is responsible for overseeing asbestos abatement

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project activities.

"Remote Decontamination Enclosure System" means a decontamination enclosure system ~~that~~<sup>which</sup> is not connected to the contained area.

"Removal" means the intentional detachment of any asbestos-containing building materials from surfaces or components of a building or taking out building components.

"Renovation" means altering a school or CPB of one or more facility components in any way, including stripping or removing ACBM from a facility component.

"Repair" means rewrapping or taping damaged pipe and boiler insulation and patching ~~of~~ surface materials.

"Resilient Floor Covering Materials" means asbestos-containing floor tile (including asphalt and vinyl floor tile), ~~sheet vinyl flooring~~, and floor adhesives or mastics.

*"Response Action" means a method, including removal, encapsulation, enclosure, repair, operations and maintenance, that protects human health and the environment from friable ACBM. (Section 15 of the Commercial and Public Building Asbestos Abatement Act and Section 3 of the Asbestos Abatement Act)*

~~*"Response Action Contractor" means any entity that engages in response action services for any school or commercial or public building. (Section 3(i) of the Asbestos Abatement Act)*~~

*"Response Action Services" means the service of designing and conducting removal, encapsulation, enclosure, repair, or operations and maintenance of friable asbestos-containing building materials, inspection of public or commercial buildings or school buildings, and inspection of asbestos-containing building materials. The term does not include the design or conducting of response actions that involve removal or possible disturbance of an amount of asbestos-containing building material comprising less than ~~3~~<sup>three</sup> square feet, or less than ~~3~~<sup>three</sup> linear feet of asbestos-containing insulation on pipes or other friable asbestos-containing building material. (Section 15 of the Commercial and Public Building Asbestos Abatement Act)*

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"Revoke" means to permanently declare invalid a license issued to the applicant or licensee by the Department.

*"School" means any school district or public, private or nonpublic day or residential educational institution that provides elementary or secondary education for grade 12 or under. (Section 3(c) of the Asbestos Abatement Act)*

"School Board" means the corporate body established by law to govern the school district.

*"School Building" means:*

*Any structure suitable for use as a classroom, including a school facility such as a laboratory, library, school eating facility, or facility used for the preparation of food.*

*Any gymnasium or other facility which is specially designed for athletic or recreational activities for an academic course in physical education.*

*Any other facility used for the instruction or housing of students or for the administration of educational or research programs.*

*Any maintenance, storage, or utility facility, including any hallway essential to the operation of any facility described in this definition of "school building" under the preceding three paragraphs.*

*Any portico or covered exterior hallway or walkway.*

*Any exterior portion of a mechanical system used to condition interior space. (Section [\(3\)](#)(q)(1) through (6) of the Asbestos Abatement Act)*

*"School Personnel" means any employee of a school. (Section 3(o) of the Asbestos Abatement Act)*

"Shall" means [that](#) the stated provision is mandatory.

"Shower Room" means a room between the clean room and the equipment room

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in the worker decontamination enclosure with hot and cold running water controllable at the tap and arranged for complete showering during decontamination.

"Shut Down and Lock Out Power" means to switch off all electrical circuit breakers serving power or lighting circuits ~~that~~<sup>which</sup> run to, or through, the contained area. ~~Label circuit breakers with tape over the breakers with the notation "DANGER, circuit being worked on". Lock the electrical door or panel with separate locks, one lock and key for the supervisor and one lock and key for the project manager. No other person shall have keyed access to the electrical power in the contained area.~~

"Staging Area" means the area near the equipment decontamination enclosure designated for temporary storage of containerized waste prior to removal from the work area.

"Structural Member" means any load-supporting member of a facility, such as beams and load-supporting walls, or any ~~nonload~~-supporting member, such as ceilings and ~~non-load~~<sup>nonload</sup>-supporting walls.

*"Student" means any student enrolled in a school. (Section 3(p) of the Asbestos Abatement Act)*

"Surfacing Material" means materials that are sprayed on, troweled on or otherwise applied to surfaces, such as acoustic plaster on ceilings and fireproofing materials on structural members, or other materials on surfaces for acoustical, fireproofing or other purposes.

"Surfactant" means a chemical wetting agent that, when added to water, will improve penetration and reduce fiber release.

"Suspected Asbestos Containing Building Material" means any building material that historically or typically contains asbestos, but has not been sampled and tested to determine that its asbestos content is not more than one percent.

"Suspend" means to declare invalid a license issued to a licensee for a temporary period of time, with the expectation of resumption, as determined by the Department.

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"Thermal System Insulation" or "TSI" means material that is applied to pipes, fittings, boilers, breeching, tanks, ducts or other interior structural components to prevent heat loss or gain or water condensation, or for other purposes.

"Transmission Electron Microscopy" or "TEM Method" means the method for determination of asbestos in bulk building materials. The test method shall follow the EPA/600/R/93/116.

"USEPA" means the Environmental Protection Agency, 401 M Street, S.W., Washington, DC 20460.

"Visible Emissions" means any emissions containing particulate asbestos material that are visually detectable without the aid of instruments.

"Wash Room" means a room between the contained area and the holding area in the equipment decontamination enclosure system where equipment and waste containers are wet cleaned or HEPA vacuumed prior to disposal or removal from the work area.

"Wet Cleaning" means the process of eliminating asbestos contamination from building surfaces and objects by using cloths, mops, or other cleaning tools ~~that~~<sup>which</sup> have been dampened with water, and by afterward disposing of these cleaning tools as asbestos-contaminated waste.

"Work Area" means designated rooms, spaces, or areas where any aspect of an abatement project is being conducted.

"Worker Decontamination Enclosure System" means that portion of a decontamination enclosure system designed for controlled passage of workers, other personnel and authorized visitors, consisting of a clean room, a shower room, and an equipment room separated from each other by airlocks and curtained doorways.

(Source: Amended at 37 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 855.25 Alternative Procedures and Variances**

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- a) ~~An alternative procedure or~~A variance may be requested by submitting a written proposal to the Department ~~a minimum of 20 days before the commencement of work~~. The written proposal shall include a detailed description of the ~~procedure or procedures or variance~~procedure(s) to be used in lieu of the requirements of this Part. The ~~ability~~capability of the alternative ~~procedure or procedures~~procedure(s) to provide an orderly, efficient, and safe abatement ~~that which~~ ensures protection of public health equivalent to that provided by this Part or to otherwise satisfy the intent of this Part ~~will~~shall be the basis for approval or denial of the ~~alternative procedure or procedures or~~ variance. The Department ~~will~~shall notify the applicant in writing of its decision to either grant or deny the ~~alternative procedure or~~ variance within 20 working days after receipt of the request. ~~The project manager shall keep the approved variance available at the work site at all times.~~
- b) Approval of alternative procedures and variances~~Variances~~ on abatement project activities ~~will~~shall be issued on a per project basis. Alternative procedure and variance~~Variance~~ requests shall bear the signature of the licensed project designer if the project requires a design. The project manager shall maintain a copy of the Department-approved alternative procedure or procedures or variance and associated request at the work site at all times.~~Variances shall be valid for 180 days from the date of issuance.~~
- c) A completed Request for Variance Cover Sheet form provided by the Department shall be submitted with each variance request.

(Source: Amended at 37 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART B: LICENSURE AND TRAINING COURSE APPROVAL

**Section 855.100 License Requirements**

- a) Subpart B applies to licensing of asbestos workers, supervisors, inspectors, management planners, project designers, project managers and air sampling professionals. Section 20(b) of the Commercial and Public Building Asbestos Abatement Act ~~[225 ILCS 207/20(b)]~~ requires only asbestos abatement contractors, workers, supervisors, inspectors and project designers to be licensed by the Department to perform response action services~~project activities~~ in commercial and public buildings. Section 35 of the Commercial and Public

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~~Building Asbestos Abatement Act requires licensure. Licensure is required for persons performing response action services project activities in excess of 3 square feet or 3 linear feet, as required by Section 35 of the Commercial and Public Building Asbestos Abatement Act. Employees of the Illinois Department of Public Health, the Illinois Capital Development Board, and the Illinois Environmental Protection Agency are exempt from licensure fees when licenses are used only for purposes related to their agency employment.~~

- b) Employees of the Illinois Department of Public Health, the Illinois Capital Development Board and the Illinois Environmental Protection Agency and other government employees, as determined by the Department, are exempt from licensure fees when licenses are used only for purposes related to their agency employment.
- 1) Licenses issued pursuant to this subsection (b) will be specifically noted as Agency Employee (AE) licenses.
  - 2) The AE license shall not allow the licensed individual to provide asbestos response action services for personal profit.
- c) All documents or work products produced by a licensed asbestos professional shall bear the following statement: "I hereby certify that all documents and work products prepared hereunder comply with all applicable laws and regulations, including, but not limited to, 105 ILCS 105, 225 ILCS 207 and 77 Ill. Adm. Code 855." The certifier shall affix his or her signature to this certification.
- d) Any person having a license issued by the Department shall report to the Department, as soon as practicable, any violations of this Part or its authorizing Acts. Failure to provide this information shall be deemed a willful violation of the authorizing Acts.
- e)b) Asbestos worker licenses expire on February 1 of each year, except that licenses issued after October 31 shall expire one year after the next February 1. Asbestos project supervisor, inspector, management planner, project designer, project manager and air sampling professional licenses expire on May 15 of each year except that licenses issued after January 15 shall expire one year after the next May 15. License applicants shall:

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- 1) Be at least 18 years of age.
- 2) Submit a completed and signed application form provided by the Department. Address changes shall be submitted in writing.
- 3) Submit two identical 4" X 4" photographs no larger than 2 inches by 2 inches (head and shoulders only) for proper identification of the licensee. The photographs shall be original, clear, and current, ~~and~~ color pictures of the applicant with the name printed on the back. Alternatively, the applicant may submit a digital photo no larger than 350 kilobytes in size to DPH.ASBESTOS@ILLINOIS.GOV, including the applicant's name and Department-issued license number, if applicable.
- 4) Meet the certificate accreditation requirements of subsection (mj) of this Section.
- 5) Meet the specific requirements for licensure contained in subsections (fe) through (h), as relevant.
  - fe) License requirements for an asbestos worker:
    - 1) Submit a \$5025 application fee.
    - 2) Successfully complete a Department-accredited asbestos worker initial training course or Department-IDPH-accredited initial asbestos abatement contractor/supervisor training course. If the initial course certificate has expired, the applicant shall successfully complete the same type (worker or contractor/supervisor) of Department-IDPH-accredited refresher course as the initial course.
  - gd) License requirements for an asbestos supervisor:
    - 1) Submit a \$10075 application fee.
    - 2) Submit written verification of a minimum of 2,080 hours experience in performing asbestos abatement projects as a licensed asbestos worker or a licensed project manager or licensed asbestos supervisor from another state.

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- 3) Successfully complete a Department-accredited asbestos abatement contractor/supervisor initial training course. If the initial course certificate has expired, the applicant shall successfully complete a Department-accredited asbestos abatement contractor/supervisor refresher course.

he) License requirements for an asbestos inspector:

- 1) Submit a \$10050 application fee.
- 2) Submit written verification of a minimum of 1,040 hours of experience inspecting buildings for asbestos-containing building materials, or a minimum of 3,120 hours of experience in direct planning of construction projects and/or construction project inspection.
- 3) Successfully complete a Department-accredited inspector initial training course. If the initial course certificate has expired, the applicant shall successfully complete a Department-accredited inspector refresher course.

if) License requirements for an asbestos management planner:

- 1) Submit a \$10050 application fee.
- 2) Successfully complete Department-IDPH-accredited inspector and management planner initial training courses. If the initial course certificates have expired, the applicant shall successfully complete Department-IDPH accredited inspector and management planner refresher courses.
- 3) Submit a current copy of either an Illinois Architect ~~Architecte~~-License, an Illinois Professional Engineer License, an Illinois Structural Engineer License, or an Illinois Industrial Hygienist License; or
- 4) Submit a copy of a transcript and evidence of completion of a Bachelor's Degree or higher in architecture, engineering, mathematics or science, and meet the experience requirements of an asbestos a licensed-inspector; or
- 5) Submit a copy of a transcript and evidence of completion of a Bachelor's

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Degree and written verification of 2,080 hours of experience in asbestos inspections, project management, project design or other asbestos management and control activities.

- ~~jg~~) License requirements for an asbestos project designer:
- 1) Submit a \$~~100~~50 application fee.
  - 2) Submit a current copy of either an Illinois ~~Architect~~ ~~Architecte~~-License, an Illinois Professional Engineer License, an Illinois Structural Engineer License, or an Illinois Industrial Hygienist License.
  - 3) Successfully complete a Department-~~accredited~~ initial project designer training course. If the initial course certificate has expired, the applicant shall successfully complete a Department-~~accredited~~ project designer refresher course.
- ~~kh~~) License requirements for an asbestos project manager:
- 1) Submit a \$~~100~~50 application fee.
  - 2) Submit written verification of 2,080 hours of on-site work experience in building construction projects or 520 hours of on-site work experience assisting a licensed project manager on asbestos abatement projects.
  - 3) Successfully complete a Department-~~accredited~~ project monitor contractor/supervisor initial training course. If the initial course certificate has expired, the applicant shall successfully complete a Department-~~accredited~~ project monitor contractor/supervisor refresher course. Project managers who have completed an asbestos abatement contractor/supervisor initial or refresher training course shall be allowed to continue their accreditation by taking the project monitor refresher course in lieu of completing the project monitor initial course.
- ~~li~~) License requirements for an asbestos air sampling professional:
- 1) Submit a \$~~100~~50 application fee.

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- 2) Submit a certificate of successful completion of the National Institute for Occupational Safety and Health (NIOSH) course #582 "Sampling and Evaluating Airborne Asbestos Dust" or a course equivalent in length and content.
  - 3) Submit a copy of a transcript and evidence of obtaining a Bachelor's Degree in the life, environmental or physical sciences or in engineering and written verification of 520 hours of on-site experience in general indoor air pollution sampling; or a copy of an Illinois Industrial Hygienist License; or written verification of ~~2,080~~<sup>2080</sup> hours of on-site experience in air sampling for asbestos on abatement projects under the supervision of a licensed air sampling professional~~Air Sampling Professional~~.
  - 4) Successfully complete a Department-accredited project monitor initial training course. If the initial course certificate has expired, the applicant shall successfully complete a Department-accredited project monitor refresher course.
  - 5) Currently licensed asbestos air sampling professionals who have completed an asbestos abatement contractor/supervisor initial or refresher training course shall be allowed to meet the accreditation/training requirements by taking the project monitor refresher course in lieu of completing the project monitor initial course.
- m) Certificate accreditation requirements-  
All applicants for licensure shall successfully complete a Department-accredited training course ~~accredited by the Illinois Department of Public Health~~. Licensees are required to maintain current accreditation in the discipline for which they are licensed. If the accreditation expires, the license shall automatically expire concurrently ~~therewith~~ and without notice. ~~For In order for~~ the current license to be reinstated, the applicant shall successfully complete a Department-accredited refresher course. Updates of refresher courses will be made electronically to the licensee's file through information from class lists submitted to the Department by the Department-IDPH accredited training course providers. Certificates of training from Department-Illinois accredited training course providers for renewal applicants do not need to be submitted to the Department unless specifically requested by the Department. A refresher course shall be completed annually. If a course certificate has been expired for more than one year from the expiration

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date, the applicant shall retake a Department-accredited initial training course. It is the licensee's responsibility to keep the course certificates current and maintain copies of all certificates for his or her ~~their~~ use. Within 30 days after the applicant's ~~The Department shall verify, within 30 days, the successful completion of a Department accredited training course, the Department will verify successful completion by the license applicant~~ with the ~~IDPH accredited training~~ course provider before the license is issued.

nk) ~~Renewal of licenses:~~

- 1) All renewal applicants shall submit a completed and signed renewal application form provided by the Department and at the Department's request, two identical 1" X 1" photographs no larger than 2 inches by 2 inches (head and shoulders only) for proper identification of the licensee. The photographs shall be original, clear, and current, and color pictures of the applicant with the name printed on the back. Alternatively, the applicant may submit a digital photo no larger than 350 kilobytes in size to DPH.ASBESTOS@ILLINOIS.GOV, including the applicant's name and Department-issued license number.
- 2) All renewal applicants shall have successfully completed a current refresher course in the same discipline as their initial course and meet the requirements of subsection (mj) ~~of this Section~~.
- 3) An asbestos worker renewal applicant shall submit a ~~\$5025~~ renewal application fee. If a renewal application fee is received after January 15 ~~December 31~~, the applicant shall pay a late fee of \$15 in addition to the renewal fee of ~~\$5025~~.
- 4) ~~An asbestos supervisor renewal applicant shall submit a \$75 renewal application fee. If the renewal application is received after April 15, the applicant shall pay a \$15 late fee in addition to the renewal fee of \$75.~~
- 45) A renewal applicant for an asbestos supervisor, inspector, management planner, project designer, project manager or air sampling professional license licenses shall submit a ~~\$10050~~ renewal application fee per license discipline. If a renewal application fee is received after April 15, the applicant shall pay a \$15 late fee for each discipline in addition to the

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\$~~10050~~ renewal fee for each discipline.

~~56)~~ If a management planner, project designer or air sampling professional is initially licensed with an Illinois Architectural License, an Illinois Professional Engineer's License, an Illinois Structural Engineer's License, or an Illinois Industrial Hygienist's License, the applicant shall submit a current copy of ~~the such~~-license.

~~7)~~ ~~If a project designer initially qualified for licensure with an Industrial Hygienist Certificate, the licensee shall submit a current Illinois Industrial Hygienist License.~~

~~of)~~ Reinstatement of licenses. An applicant whose license has been expired for more than one year, but less than 5 years, may apply to the Department for reinstatement. If an applicant's license has been expired for more than five years, the applicant shall reapply and follow the requirements of subsections (g) through (m) as applicable. The applicant for reinstatement shall:

- 1) Submit a completed and signed application form provided by the Department.
- 2) Submit, at the Department's request, two identical 1" X 1" photographs no larger than 2 inches by 2 inches of the applicant (head and shoulders only) for proper identification of the licensee. The photographs shall be original, clear and current and color pictures with the name printed on the back. Alternatively, the applicant may submit a digital photo no larger than 350 kilobytes in size to DPH.ASBESTOS@ILLINOIS.GOV, including the applicant's name and Department-issued license number, if applicable.
- 3) Complete a Department-accredited refresher course and have current accreditation as defined in the Asbestos Model Accreditation Plan (40 CFR 763, Appendix C to Subpart E) for more than one year. If a course certificate has been expired for more than one year from the expiration date, the applicant shall retake a Department-accredited initial training course. If the applicant's accreditation has expired, the applicant may reinstate the license only by completing a Department-accredited initial training course.

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- ~~43~~) Meet the accreditation requirements of subsection (~~m~~) ~~of this Section~~.
- ~~54~~) Asbestos workers shall submit an initial application fee of \$~~5025~~ plus a reinstatement fee of \$~~10050~~. ~~Supervisors shall submit an initial application fee of \$75 plus a reinstatement fee of \$150. Supervisors, inspectors, Inspectors,~~ management planners, project designers, project managers, and air sampling professionals shall submit an initial application fee of \$~~10050~~ plus a reinstatement fee of \$~~200400~~ per type of license.
- ~~pn~~) Duplicate license requirements. The applicant shall submit a written request for a duplicate license, a \$15 fee, and two identical photographs no larger than 2 inches by 2 inches (head and shoulders only) for proper identification ~~a 1" X 1" photograph~~ of the licensee applicant. The ~~photographs~~ photograph shall be ~~an~~ original, clear ~~and~~, current ~~and~~ color ~~pictures~~ picture with the name printed on the back. Alternatively, the applicant may submit a digital photo no larger than 350 kilobytes in size to DPH.ASBESTOS@ILLINOIS.GOV, including the applicant's name and Department-issued license number, if applicable. A duplicate license will not be issued if the ~~Department-IDPH~~-accredited training course certificate has expired.
- ~~qn~~) Reciprocity. Persons ~~Out of state residents~~ applying for initial licensure in Illinois may receive reciprocity by submitting USEPA or other state-~~accredited~~ initial training course certificates and meeting the license requirements of this Section. If the initial course certificates are expired, the applicant shall also submit refresher course certificates for all preceding years. Reciprocity of Architectural and Engineering licenses ~~is are~~ under the jurisdiction of the Illinois Department of Financial and Professional Regulation.
- ~~re~~) While conducting asbestos work ~~that which~~ requires a license, the current course certificate and the license original shall be in the person's possession at the work site. (A legible ~~clear~~ copy of the certificate may be substituted for the original certificate, but the license shall not be a copy.)

(Source: Amended at 37 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 855.105 Asbestos Consultant Licensing**

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- a) The Department will prepare and maintain a list of licensed asbestos consultants. The list will be made available upon request and shall be used to select an asbestos consultant. The asbestos consultant shall possess the qualifications in subsection (c).
- b) No person, sole proprietorship, partnership or corporation shall advertise or display any sign, card or other device that might indicate to the public that he or she or the entity is an asbestos consultant, unless the person or entity holds a Department-issued active license as an asbestos consultant.
- c) To qualify as a licensed asbestos consultant, a person shall submit the following information to the Department:
  - 1) A completed application on forms provided by the Department, accompanied by a \$250 nonrefundable fee;
  - 2) A written certification that the asbestos consultant shall ensure that personnel who are conducting work as asbestos professionals are licensed specific to the discipline in which services are provided (i.e., building inspections shall be performed by asbestos inspectors; project designs will be developed by licensed project designers; clearance air monitoring will be conducted by licensed air sampling professionals);
  - 3) Either:
    - A) Copies of all citations levied against the asbestos consultant or any of his or her present employees or companies by any federal, state or local government agency for violations related to the services of an asbestos consultant, including names and locations of the CPB, the date or dates, and a description of how the allegations were resolved; or
    - B) A signed statement that there were no citations;
  - 4) A description detailing all legal proceedings, lawsuits or claims that have been filed or levied against the asbestos consultant or any of his or her past or present employees or companies for asbestos-related activities, or a signed statement that there was no legal action; and

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- 5) Identification of the asbestos consultant as a sole proprietorship, partnership or corporation and the agent and physical mailing address for service of process by the Department.
- d) All asbestos consultant licenses shall expire on September 30 of each year, except that licenses issued after May 30 shall expire in the year following the year the license was issued. The fee for the issuance of a duplicate license shall be \$15.
- e) The Department will notify successful applicants to submit to the Department an additional \$500 fee for a license and of inclusion on the list of Department-licensed asbestos consultants.
- f) Any license issued pursuant to this Part may be renewed if the licensee submits a completed renewal application form provided by the Department and a nonrefundable \$500 renewal fee. If a renewal application is received after August 30, the applicant shall pay a late fee of \$100 in addition to the renewal fee.
- g) An asbestos consultant whose license has been expired for more than one year may apply to the Department for reinstatement of the license. The Department will reinstate the license, provided that the applicant submits:
- 1) A completed application form provided by the Department;
  - 2) The renewal fee of \$500, plus a reinstatement fee of \$500 for the first year, or a reinstatement fee of \$1,000 for two or more years and less than five years. If an asbestos consultant license has been expired for more than five years, the asbestos consultant shall reapply and follow the requirements of subsection (c).
- h) The Department will provide written notice, by certified mail, of its decision to deny, suspend or revoke an asbestos consultant's license. The applicant or licensee shall have 15 days after the date of mailing or service to make a written request for an administrative hearing to contest the Department's decision.
- i) The Department's decision to suspend or revoke a license or deny an application shall be based upon the following circumstances involving the asbestos consultant; any of the asbestos consultant's members if it is a firm, partnership or

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association; or any of the asbestos consultant's officers or directors if it is a corporation:

- 1) Conviction of a felony or two or more misdemeanors involving fraudulent activities, or conviction of violations of laws relating to professional regulation, in general, in the last five years;
- 2) A licensure status or record, in Illinois or from any other state where the applicant has done business in a similar capacity, that indicates that the applicant has conducted the services of an asbestos consultant in a manner hazardous to the public health;
- 3) Violation of the Asbestos Abatement Act, the Commercial and Public Building Asbestos Abatement Act or this Part; or
- 4) Submission of fraudulent documentation to the Department or to a building owner or representative or agent of the building owner.

(Source: Added at 37 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 855.110 Asbestos Abatement Contractor Licensing**

- a) The Department ~~will shall~~ prepare and maintain a list of licensed asbestos abatement contractors. The list ~~will shall~~ be made available upon request to all school boards or building owners and shall be used to select an asbestos abatement contractor. The asbestos abatement contractor shall possess the qualifications ~~detailed~~ in subsection (b).
- b) ~~To In order to~~ qualify as a licensed asbestos abatement contractor, a company shall submit the following information to the Department:
  - 1) A completed application provided by the Department, accompanied by a ~~\$500250~~ nonrefundable fee for the initial review~~;~~
  - 2) *A certificate documenting that the contractor carries liability insurance from a company with at least an "A" rating accorded by A.M. Best & Co., self insurance, group insurance, or group self insurance in an amount of at least \$1,000,000 (first dollar coverage) for work performed pursuant to*

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the Act and this Part. *Each asbestos abatement contractor shall maintain on file with the Department a current certificate of financial responsibility throughout the entire length of time the contractor's name appears on the Department's list of approved contractors. An asbestos abatement contractor shall notify the Department of any change in the status of the certificate that has been filed including expiration, renewal, cancellation, or alteration of the terms by endorsement of the certificate (Section 45 of the Commercial and Public Building Asbestos Abatement Act)[225 ILCS 207/45].* The certificate documenting evidence of insurance shall be the original and shall state that the insurance covers asbestos abatement. The certificate shall be issued by an insurance company that is authorized to do business in Illinois. The certificate shall be submitted to the Department within 48 hours after the expiration date of the certificate on file. If the Department does not receive the ~~above mentioned~~ certificate documenting evidence of insurance, the asbestos abatement contractor ~~shall will~~ be subject to suspension of his ~~or~~ /her license until an acceptable certificate is received~~;~~.

- 3) A copy of the designated supervisor's valid IDPH asbestos supervisor's license. A supervisor shall be the designated supervisor for no more than one asbestos abatement contractor listed on the Department's approved list of asbestos abatement contractors;
- 4) Evidence that IDPH licensed asbestos workers will be employed on all asbestos abatement projects as required by Section 855.100~~;~~.
- 5) A list of prior contracts for asbestos abatement projects, including dates and the names, addresses, and telephone numbers of building owners for whom the projects were performed. An asbestos abatement ~~A~~ contractor shall have a minimum of one year of experience in asbestos abatement contracting. An applicant is also eligible to qualify for a license if employer references demonstrate a minimum of one year of experience in asbestos abatement project supervision, ~~or if the applicant employs shall employ~~ a supervisor with a minimum of one year of experience in asbestos abatement project supervision. Evidence of experience ~~shall must~~ accompany the application~~;~~.
- 6) Evidence of air monitoring data taken during and after completion of

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previous asbestos abatement projects in accordance with OSHA requirements in 29 CFR 1910.1001(d). This evidence shall include clearance air monitoring results from 10 different contracted asbestos abatement projects. Evidence of air monitoring data ~~shall~~ must have the name of the company that analyzed the final air monitoring results. All final results shall be below .01 fibers/cubic centimeter (f/cc) for Phase Contrast Microscopy (PCM) or 70 structures per millimeter squared (s/mm<sup>2</sup>) for Transmission Electron Microscopy (TEM). If an applicant employs a supervisor with a year of experience of asbestos removal supervision, the air monitoring results shall be from projects that the licensed supervisor has supervised:-

- 7) A copy of the written standard operating procedures and employee protection plans, including specific reference to OSHA medical monitoring and respirator training programs as required in 29 CFR 1910.134;1910.1001-
- 8) A description of any asbestos abatement projects ~~that which~~ were prematurely terminated or not completed, including the circumstances surrounding termination, or a signed statement that ~~there were no such~~ projects were prematurely terminated or not completed:-
- 9) A list of any contractual penalties ~~that which~~ the asbestos abatement contractor has paid for breach of or noncompliance with contract specifications, such as overruns of completion time or liquidated damages, or a signed statement that there were no ~~such~~ penalties:-
- 10) Copies of ~~any and~~ all citations levied against the asbestos abatement contractor or any of his or /her past or present employees or companies by any federal, state or local government agency for violations related to asbestos abatement, including names and locations of the projects, the date or dates~~date(s)~~, and a description of how the allegations were resolved, or a signed statement that there were no ~~such~~ citations:-
- 11) A description detailing all legal proceedings, lawsuits or claims ~~that which~~ have been filed or levied against the asbestos abatement contractor or any of his or /her past or present employees or companies for asbestos-related activities, or a signed statement that there was no ~~such~~ legal action; and:-

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- 12) Identification of ~~The contractor shall identify~~ whether the asbestos abatement contractor ~~it~~ is a sole proprietorship, partnership or corporation and the identify its agent and mailing address for service of process by the Department. The asbestos abatement ~~Additionally, if applicable, the contractor shall also provide the following information, if applicable,~~ to the Department:
- A) Partnerships:
- i) If the asbestos abatement contractor is a partnership, it shall identify the general and limited partners by name, together with their addresses and percentage of ownership interest; and
- ii) If the asbestos abatement contractor is a limited liability partnership pursuant to ~~the provisions of~~ Section 8.1 of the Uniform Partnership Act ~~[805 ILCS 205/8.1]~~, it shall file annually with the Department a copy of the application, or renewal application, required to be filed with the Illinois Secretary of State.
- B) Corporation: If the asbestos abatement contractor is a corporation, either foreign or domestic, it shall file with the Department a copy of its articles of incorporation which shall include all information required by Section 2.10 of the Business Corporation Act of 1983, ~~[805 ILCS 5/2.10]~~ and shall annually provide thereafter a copy of the annual report that which is required to be filed with the Illinois Secretary of State pursuant to Section 14.05 of the Business Corporation Act of 1983 ~~[805 ILCS 5/14.05]~~.
- c) All licenses shall expire on May 15 of each year, except that licenses issued after January 15 shall expire one year after the next May 15. The fee for the issuance of a duplicate license shall be \$15.
- d) Successful applicants shall be notified to submit to the Department an additional \$500 fee for a license and for inclusion on the list of IDPH-licensed asbestos abatement contractors.

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- e) ~~Renewal of License.~~—Any license issued pursuant to this Part may be renewed if the licensee submits a completed renewal application form provided by the Department and the \$500 renewal fee. A current original certificate documenting evidence of insurance shall be filed with the Department before the license is issued. The designated supervisor listed on the renewal application shall be a currently IDPH-licensed IDPH-supervisor and employed by only one asbestos abatement contractor. If a renewal application is received after April 15, the applicant shall pay a late fee of \$100 in addition to the renewal fee of \$500.
- f) ~~Reinstatement of License.~~—An applicant whose license has been expired for more than one year may apply to the Department for reinstatement of the license. The Department ~~will shall~~ reinstate the license provided that the applicant submits:
- 1) A completed application form provided by the Department;~~:-~~
  - 2) A current certificate of financial responsibility meeting the requirements of subsection (b)(2);~~:-~~
  - 3) A copy of the designated supervisor's current IDPH-issued supervisor license; ~~and-~~
  - 4) The renewal fee of \$500 plus a reinstatement fee of \$500 for the first year and \$1,000 for two or more ~~than two~~ years and less than five years. If an asbestos abatement a-contractor license has been expired for more than five years, the asbestos abatement contractor shall reapply and follow the criteria of subsection (b).
- g) ~~Suspension or Revocation of License/Denial of Application.~~—The Department shall provide written notice, ~~by via~~ certified mail, of its decision to deny, suspend or revoke an asbestos abatement a-contractor's license. The applicant or licensee shall have 15 days to make a written request for an administrative hearing to contest the Department's decision.
- h) The Department's decision to suspend or revoke a license or deny an application shall be based upon the circumstances any of the reasons provided in subsections ~~(hg)~~(1) through ~~(g)(65)~~ involving any asbestos abatement contractor's members if the asbestos abatement contractor is a firm, partnership or association; any of the

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asbestos abatement contractor's officers or directors if the asbestos abatement contractor is a corporation; or any person designated to manage or supervise the asbestos abatement activities below:

- 1) Conviction, ~~of a felony or two or more misdemeanors involving fraudulent activities, or conviction of violations of laws relating to construction or the building trades in general, in the last five years;~~
  - A) ~~of the contractor; or~~
  - B) ~~if the contractor is a firm, partnership, or association, of any of its members; or~~
  - C) ~~if a corporation, of any of its officers or directors; or~~
  - D) ~~of any person designated to manage or supervise the asbestos abatement activities.~~
  
- 2) A~~The~~ licensure status or record, in Illinois or from any other state where the applicant has done business in a similar capacity, that indicates that the applicant has conducted asbestos abatement projects in a manner hazardous to the public health;~~;~~
  - A) ~~of the contractor; or~~
  - B) ~~if the applicant is a firm, partnership, or association, of any of its members; or~~
  - C) ~~if a corporation, of any of its officers or directors; or~~
  - D) ~~of any person designated to manage or supervise the asbestos abatement activities.~~
  
- 3) The asbestos abatement contractor's failure ~~contractor has failed to complete an asbestos abatement project~~ because of ~~due to~~ insufficient financial resources;~~;~~
  
- 4) Violation of any provision ~~of~~ the Asbestos Abatement Act or the

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Commercial and Public Building Asbestos Abatement Act, or of ~~any provision of~~ this Part.:-

- 5) Submission of fraudulent documentation to the Department or to a building owner or representative or agent of the building owner; or thereof.
- 6) Issuance of an Emergency Stop Work Order (ESWO) by the Department for the improper removal of ACBM because the asbestos abatement contractor causes or allows contamination.

(Source: Amended at 37 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 855.120 Training Course Approval and Accreditation**

In accordance with Section 10a of the Asbestos Abatement Act and Section 35 of the Commercial and Public Building Asbestos Abatement Act, the following are ~~minimum standards of~~ course curricula requirements for approval of training course providers to conduct asbestos worker, asbestos abatement contractor/supervisor, asbestos inspector, management planner, project monitor and project designer accredited courses.

- a) The Department ~~will~~shall develop a list of all Illinois-approved training course providers and the courses they are accredited to teach and ~~will~~make this list available upon request.
- b) Any educational institution or other person may apply for accreditation of an initial or refresher training course by submitting the following for each type of training course for which accreditation by the Department is sought.
  - 1) A completed application form provided by the Department.:-
  - 2) A \$500 application fee per each type of course for which the provider is seeking accreditation. A check or money order ~~shall~~must be made payable to the Illinois Department of Public Health.:-
  - 3) A list of other states that currently approve the training course, if any.:-
  - 4) A copy of a USEPA or state approval ~~letter or letters~~letter(s).

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- (~~required~~Required for training courses previously approved by USEPA or other states);
- 5) A description of the course;
  - 6) A detailed outline of the course curriculum and the amount of time allotted to each topic;
  - 7) A description of the teaching methods to be used to present each topic (i.e., lectures, discussions, demonstrations and audio-visual materials);
  - 8) A copy of course materials, student manuals, instructor manuals, and any handouts that cover the information specified in subsection (c). The course materials shall adequately address all topics of the discipline for which the training course provider is applying;
  - 9) A copy of the examination and answer key as required in subsection (~~hg~~);
  - 10) A list of instructors and a completed instructor's application for each instructor as required in subsection (~~kj~~). The training course application will not be considered complete and accreditation will not be approved until at least one instructor is approved to instruct the discipline for which the training course provider is applying;
  - 11) A copy of the course certificate as required in subsection (f);
  - 12) A statement of the length of training, in days; ~~and~~;
  - 13) A description of the type of hands-on training provided and an inventory of the facilities and equipment used in the hands-on training.
- c) Training requirements for each of the licensed disciplines are outlined below:
- 1) Asbestos Worker Course. The four-day asbestos worker training course shall include lectures, demonstrations, at least 14 hours of hands-on training, individual respirator fit testing, course review, and a closed-book written examination. Hands-on training ~~shall~~must permit workers to have actual experience performing tasks associated with asbestos abatement.

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The asbestos worker training course shall adequately address the following topics:

- A) Physical characteristics of asbestos. Identification of asbestos, aerodynamic characteristics, typical uses, physical appearance, and a summary of abatement control options;-
- B) Potential health effects related to asbestos exposure. The nature of asbestos-related diseases; routes of exposure; dose-response relationships and the lack of a safe exposure level; the synergistic effect between cigarette smoking and asbestos exposure; the latency periods for asbestos-related diseases; a discussion of the relationship of asbestos exposure to asbestosis, lung cancer, mesothelioma, and cancers of other organs;-
- C) Employee personal protective equipment. Classes and characteristics of respirator types; limitations of respirators; proper selection, inspection, donning, use, maintenance, and storage procedures for respirators; methods for field testing of the facepiece-to-face seal (positive and negative pressure fit checks); qualitative and quantitative fit testing procedures; variability between field and laboratory protection factors that alter respiratory fit (e.g., facial hair); the components of a proper respiratory protection program; selection and use of personal protective clothing; use, storage, and handling of ~~nondisposable~~ ~~non-disposable~~ clothing; and regulations covering personal protective equipment;-
- D) State-of-the-art work practices. Proper work practices for asbestos abatement activities, including descriptions of proper construction; maintenance of barriers and decontamination enclosure systems; positioning of warning signs; lock-out of electrical and ventilation systems; proper working techniques for minimizing fiber release; use of wet methods; use of negative pressure exhaust ventilation equipment; use of ~~high-efficiency particulate air (HEPA)~~ vacuums; proper clean-up and disposal procedures; work practices for removal, encapsulation, enclosure, and repair of ACBM; emergency procedures for sudden releases; potential exposure

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situations; transport and disposal procedures; and recommended and prohibited work practices;:-

- E) Personal hygiene. Entry and exit procedures for the work area; use of showers; avoidance of eating, drinking, smoking, and chewing (gum or tobacco) in the work area; and potential exposures, such as family exposure;:-
- F) Additional safety hazards. Hazards encountered during abatement activities and how to deal with them, including electrical hazards, heat stress, air contaminants other than asbestos, fire and explosion hazards, scaffold and ladder hazards;:- slips, trips; and falls;:- and confined spaces;:-
- G) Medical monitoring. OSHA worker protection~~Worker Protection Rule~~ requirements for physical examinations, including a pulmonary function test, chest X-rays, and a medical history for each employee, in accordance with OSHA respiratory protection regulations at 29 CFR 1910.134;:-
- H) Air monitoring. Procedures to determine airborne concentrations of asbestos fibers, focusing on how personal air sampling is performed and the reasons for it;:-
- I) Regulatory requirements. Relevant federal, State, and local regulatory requirements, procedures, and standards, with particular attention directed at relevant USEPA, OSHA, and State regulations concerning asbestos abatement workers, including this Part and the following:-
- i) Toxic Substance Control Act (TSCA) Title II;
  - ii) USEPA, National Emission Standards for Hazardous Air Pollutants, Subparts A (General Provisions) and M (National Emission Standards for Asbestos);
- J) Respiratory protection. Establishment of respiratory protection programs; and-

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K) Course review. A review of key aspects of the training course.

2) Asbestos Abatement Contractor/Supervisor Course. The five-day asbestos abatement contractor/supervisor training course shall include lectures, demonstrations, at least 14 hours of hands-on training, individual respirator fit testing, course review, and a closed-book written examination. Hands-on training shall permit supervisors to have actual experience performing tasks associated with asbestos abatement. The asbestos abatement contractor/supervisor training course shall adequately address the following topics:

- A) Physical characteristics of asbestos and ACBM. Identification of asbestos, aerodynamic characteristics, typical uses, physical appearance, a review of hazard assessment considerations, and a summary of abatement control options.
- B) Potential health effects related to asbestos exposure. The nature of asbestos-related diseases; routes of exposure; dose-response relationships and the lack of a safe exposure level; the synergism between cigarette smoking and asbestos exposure; and latency periods for diseases.
- C) Employee personal protective equipment. Classes and characteristics of respirator types; limitations of respirators; proper selection, inspection, donning, use, maintenance, and storage procedures for respirators; methods for field testing of the facepiece-to-face seal (positive and negative pressure fit checks); qualitative and quantitative fit testing procedures; variability between field and laboratory protection factors that alter respiratory fit (e.g., facial hair); the components of a proper respiratory protection program; selection and use of personal protective clothing; use, storage, and handling of nondisposable~~non-disposable~~ clothing; and regulations covering personal protective equipment.
- D) State-of-the-art work practices. Proper work practices for asbestos abatement activities, including descriptions of proper construction

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and maintenance of barriers and decontamination enclosure systems; positioning of warning signs; lock-out of electrical and ventilation systems; proper working techniques for minimizing fiber release; use of wet methods; use of negative pressure exhaust ventilation equipment; use of HEPA vacuums; ~~and~~ proper clean-up and disposal procedures, work practices for removal, encapsulation, enclosure, and repair of ACBM; emergency procedures for unplanned releases; potential exposure situations; transport and disposal procedures; and recommended and prohibited work practices. New abatement-related techniques and methodologies may be discussed.

- E) Personal hygiene. Entry and exit procedures for the work area; use of showers; avoidance of eating, drinking, smoking, and chewing (gum or tobacco) in the work area. Potential exposures, such as family exposure, shall also be included.
- F) Additional safety hazards. Hazards encountered during abatement activities and how to deal with them, including electrical hazards, heat stress, air contaminants other than asbestos, fire and explosion hazards, scaffold and ladder hazards, slips, trips, and falls, and confined spaces.
- G) Medical monitoring. OSHA ~~worker protection~~**Worker Protection Rule** requirements for physical examinations, including a pulmonary function test, chest X-rays, and a medical history for each employee, in accordance with OSHA respiratory protection regulations at 29 CFR 1910.134.
- H) Air monitoring. Procedures to determine airborne concentrations of asbestos fibers, including descriptions of aggressive air sampling, sampling equipment and methods, reasons for air monitoring, types of samples and interpretation of results.
- I) Relevant federal, State, and local regulatory requirements, procedures, and standards, including this Part and the following:
  - i) ~~Requirements of~~ Toxic Substance Control Act (TSCA)

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## Title II:-

- ii) USEPA, National Emission Standards for Hazardous Air Pollutants (~~40 CFR 61~~), Subparts A (General Provisions) and M (National Emission Standards for Asbestos):-
  - iii) OSHA, Occupational Safety and Health Standards – Respiratory Protection; Administration (OSHA) standards for permissible exposure to airborne concentrations of asbestos fibers and respiratory protection (29 CFR 1910.134):-
  - iv) OSHA, Safety and Health Regulations for Asbestos Construction – Asbestos; Standard (29 CFR 1926.1101):-
  - v) USEPA, Worker Protection Rule; (~~40 CFR 763, Subpart G~~):-
  - vi) ~~Illinois~~ Asbestos Abatement Act:-
  - vii) ~~Illinois~~ Commercial and Public Building Asbestos Abatement Act; and:-
  - viii) USEPA, Asbestos Model Accreditation Plan 40 CFR 763, Appendix C to Subpart E, revised April 4, 1994.
- J) Respiratory protection programs and medical monitoring programs.
- K) Insurance and liability issues. Asbestos abatement contractor~~Contractor~~ issues; worker's compensation coverage and exclusions; third-party liabilities and defenses; insurance coverage and exclusions.
- L) Record keeping~~Recordkeeping~~ for asbestos abatement projects. Records required by federal, State, and local regulations; records recommended for legal and insurance purposes.

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- M) Supervisory techniques for asbestos abatement activities. Supervisory practices to enforce and reinforce the required work practices and discourage unsafe work practices.
  - N) Contract specifications. Discussions of key elements that are included in contract specifications.
  - O) Course review. A review of key aspects of the training course.
- 3) Asbestos Inspector Course. The three-day inspector training course shall include lectures, demonstrations, four hours of hands-on training, individual respirator fit testing, course review, and a closed-book written examination. Hands-on training shall include conducting a simulated building walk-through inspection and respirator fit testing. The inspector training course shall adequately address the following topics:
- A) Background information on asbestos. Identification of asbestos and examples and discussion of the uses and locations of asbestos in buildings; physical appearance of asbestos;-
  - B) Potential health effects related to asbestos exposure. The nature of asbestos-related diseases; routes of exposure; dose-response relationships and the lack of a safe exposure level; the synergistic effect between cigarette smoking and asbestos exposure; the latency periods for asbestos-related diseases; a discussion of the relationship of asbestos exposure to asbestosis, lung cancer, mesothelioma, and cancers of other organs;-
  - C) Functions/qualifications and role of licensed asbestos inspectors. Discussions of prior experience and qualifications for asbestos inspectors and management planners; discussions of the functions of an asbestos ~~accredited~~ inspector ~~as~~ compared to those of a licensed~~an accredited~~ management planner; discussion of the inspection process including inventory of ACBM and physical assessment;-
  - D) Legal liabilities and defenses. Responsibilities of the asbestos inspector and management planner; a discussion of comprehensive

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general liability policies, claims-made, and occurrence policies; environmental and pollution liability policy clauses; State liability insurance requirements; bonding and the relationship of insurance availability to bond availability;:-

- E) Understanding building systems. The interrelationship between building systems, including: an overview of common building physical plant layout; heatingheat, ventilation; and air conditioning (HVAC) system types, physical organization, and where asbestos is found on HVAC components; building mechanical systems, their types and organization, and where to look for asbestos on mechanicalsueh systems; inspecting electrical systems, including appropriate safety precautions; reading blueprints and as-built drawings;:-
- F) Public/employee/building occupant relations. Notifying employee organizations about the inspection; signs to warn building occupants; tact in dealing with occupants and the press; scheduling of inspections to minimize disruptions; and educatingeducation-of building occupants about actions being taken;:-
- G) Pre-inspection planning and review of previous inspection records. Scheduling the inspection and obtaining access; building record review; identification of probable homogeneous areas from blueprints or as-built drawings; consultation with maintenance or building personnel; review of previous inspection, sampling, and abatement records of a building; the role of the asbestos inspector in exclusions for previously performed inspections;:-
- H) Inspecting for friable and nonfriable ACM and assessing the condition of friable ACM. Procedures to follow in conducting visual inspections for friable and nonfriable ACM; types of building materials that may contain asbestos; touching materials to determine friability; open return air plenums and their importance in HVAC systems; assessing damage, significant damage, potential damage, and potential significant damage; amount of suspected ACM, both in total quantity and as a percentage of the total area; type of damage; accessibility; potential for disturbance; known or

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suspected causes of damage or significant damage; and deterioration as an assessment factor; ~~factor~~.

- I) Bulk sampling/documentation of asbestos. Detailed discussion of ~~the~~ "Simplified Sampling Scheme for Friable Surfacing Materials (EPA 560/5-85-030a-~~October 1985~~)"; techniques to ensure sampling in a randomly distributed manner for other than friable surfacing materials; sampling of nonfriable materials; techniques for bulk sampling; asbestos inspector's sampling and repair of equipment; patching or repair of damage from sampling; discussion of Polarized Light Microscopy (PLM); ~~polarized light microscopy~~; choosing an accredited laboratory to analyze bulk samples; quality control and quality assurance procedures;:-
- J) Asbestos inspector ~~Inspector~~ respiratory protection and personal protective equipment. Classes and characteristics of respirator types; limitations of respirators; proper selection, inspection, donning, use, maintenance, and storage procedures for respirators; methods for field testing of the facepiece-to-face seal (positive and negative pressure fit checks); qualitative and quantitative fit testing procedures; variability between field and laboratory protection factors that alter respiratory fit (e.g., facial hair); the components of a proper respiratory protection program; selection and use of personal protective clothing; use, storage, and handling of nondisposable ~~non-disposable~~ clothing;:-
- K) Record keeping ~~Recordkeeping~~ and writing the inspection report. Labeling of samples and keying sample identification to sampling location; recommendations on sample labeling; detailing of ACBM inventory; photographs of selected sampling areas and examples of ACBM condition; information required for inclusion in the management plan required for school buildings under the Toxic Substance Control Act (TSCA) Title II, Section 203(i)(I);:-
- L) Regulatory review. This Part and the following topics shall ~~should~~ be covered:
- i) USEPA, National Emission Standards for Hazardous Air



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management plan<sub>:-</sub>

- B) Evaluation/interpretation of survey results. Review of TSCA Title II requirements for inspection and management plans for school buildings as given in Section 203 (i)(l) of TSCA Title II; interpretation of field data and laboratory results; comparison of field [asbestos](#) inspector's data sheet with laboratory results and site survey<sub>:-</sub>
- C) Hazard assessment. Amplification of the difference between physical assessment and hazard assessment; the role of the management planner in hazard assessment; explanation of significant damage, damage, potential damage, and potential significant damage; use of a description (or decision tree) code for assessment of ACBM; assessment of friable ACBM; relationship of accessibility, vibration sources, use of adjoining space, and air plenums and other factors to hazard assessment<sub>:-</sub>
- D) Legal implications. Liability; insurance issues specific to planners; liabilities associated with interim control measures, in-house maintenance, repair and removal; use of results from previously performed inspections<sub>:-</sub>
- E) Evaluation and selection of control options. Overview of encapsulation, enclosure, interim operations and maintenance, and removal; advantages and disadvantages of each method; response actions described via a decision tree or other appropriate method; work practices for each response action; staging and prioritizing of work in both vacant and occupied buildings; the need for containment barriers and decontamination in response actions<sub>:-</sub>
- F) Role of other professionals. Use of industrial hygienists, engineers, and architects in developing technical specifications for response actions; any requirements that may exist for architect sign-off of plans; team approach to design of high-quality job specifications<sub>:-</sub>
- G) Developing an operations and maintenance (O & M) plan.

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Purpose of the plan; discussion of applicable USEPA guidance documents; what actions should be taken by custodial staff; proper cleaning procedures; steam cleaning and HEPA vacuuming; reducing disturbance of ACBM; scheduling O & M for off-hours; rescheduling or canceling renovation in areas with ACBM; boiler room maintenance; disposal of ACBM; in-house procedures for ACBM-bridging and penetrating encapsulants; pipe fittings; metal sleeves; polyvinyl chloride (PVC), canvas, and wet wraps; muslin with straps, fiber mesh cloth; ACBM floor tile and mastic, mineral wool, and insulating cement; discussion of employee protection programs and staff training; case study in developing an O & M plan (development, implementation process, and problems that have been experienced);

- H) Regulatory review. The following topics ~~shall~~ be covered:
- i) OSHA, Safety and Health Regulations for Asbestos Construction – Asbestos Standard found at 29 CFR 1926.1101;
  - ii) USEPA, National Emission Standard for Hazardous Air Pollutants (NESHAP) found at 40 CFR 61, Subparts A (General Provisions) and M (National Emission Standard for Asbestos);
  - iii) USEPA, Worker Protection, subpart Rule found at 40 CFR 763, Subpart G;
  - iv) TSCA Title II;
- I) Record keeping~~Recordkeeping~~ for the management planner. Use of field inspector's data sheet along with laboratory results; ongoing record keeping~~on-going recordkeeping~~ as a means to track asbestos disturbance; procedures for record keeping~~recordkeeping~~.
- J) Assembling and submitting the management plan. Plan requirements for schools in TSCA Title II Section 203(i)(1); the

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management plan as a planning tool~~;~~.

- K) Financing abatement actions. Economic analysis and cost estimates; the development of cost estimates; present costs of abatement versus future operation and maintenance costs; Asbestos School Hazard Abatement Act grants and loans; ~~and-~~
  - L) Course review. A review of key aspects of the training course.
- 5) Project Designer Course. The project designer three-day training course shall include lectures, demonstrations, a field trip, course review and a closed-book written examination. The abatement project designer training course shall address the following topics:
- A) Background information on asbestos. Identification of asbestos; examples and discussion of the uses and locations of asbestos in buildings; physical appearance of asbestos~~;~~.
  - B) Potential health effects related to asbestos exposure. Nature of asbestos-related diseases; routes of exposure; dose-response relationships and the lack of a safe exposure level; the synergistic effect between cigarette smoking and asbestos exposure; the latency period of asbestos-related diseases; a discussion of the relationship between asbestos exposure and asbestosis, lung cancer, mesothelioma, and cancers of other organs~~;~~.
  - C) Overview of abatement construction projects. Abatement as a portion of a renovation project; OSHA requirements for notification of other asbestos abatement contractors on a multi-employer site (29 CFR 1926.1101)~~;~~.
  - D) Safety system design specifications. Design, construction, and maintenance of containment barriers and decontamination enclosure systems; positioning of warning signs; electrical and ventilation system lock-out; proper working techniques for minimizing fiber release; entry and exit procedures for the work area; use of wet methods; proper techniques for initial cleaning; use of negative pressure exhaust ventilation equipment; use of

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HEPA vacuums; proper clean-up and disposal of asbestos; work practices as they apply to encapsulation, enclosure, and repair; use of ~~glovebags~~ ~~glove bags~~ and a demonstration of ~~glovebag~~ ~~glove bag~~ use;:-

- E) Field trip. A visit to an abatement site or other suitable building site, including on-site discussions of abatement design, building walk-through inspection and a discussion of rationale for the concept of functional spaces during the walk-through;:-
- F) Employee personal protective equipment. Classes and characteristics of respirator types; limitations of respirators; proper selection, inspection, donning, use, maintenance, and storage procedures for respirators; methods for field testing of the facepiece-to-face seal (positive and negative pressure fit checks); qualitative and quantitative fit testing procedures; variability between field and laboratory protection factors that alter respirator fit (e.g., facial hair); the components of a proper respiratory protection program; selection and use of personal protective clothing; use, storage, and handling of ~~nondisposable~~ ~~non-~~ ~~disposable~~ clothing;:-
- G) Additional safety hazards. Hazards encountered during abatement activities and how to deal with them, including electrical hazards, heat stress, air contaminants other than asbestos, fire, and explosion hazards;:-
- H) Fiber aerodynamics and control. Aerodynamic characteristics of asbestos fibers; importance of proper containment barriers; settling time for asbestos fibers; wet methods in abatement; aggressive air monitoring following abatement; aggressive air movement and negative pressure exhaust ventilation as a clean-up method;:-
- I) Designing abatement solutions. Discussions of removal, enclosure, and encapsulation, operation and maintenance and repair methods; asbestos waste disposal;:-
- J) Final clearance process. Discussion of the need for a written

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sampling rationale for aggressive final air clearance; requirements of a complete visual inspection; and the relationship of the visual inspection to final air clearance;:-

- K) Budgeting/cost estimating. Development of cost estimates; present costs of abatement versus future operation and maintenance costs; setting priorities for abatement jobs to reduce costs;:-
- L) Writing abatement specifications. Preparation of and need for a written project design; means and methods specifications versus performance specifications; design of abatement in occupied buildings; modification of guide specifications for a particular building; worker and building occupant health/medical considerations; replacement of ACBM with non-asbestos substitutes;:-
- M) Preparing abatement drawings. Significance and need for drawings, use of as-built drawings as base drawings; use of inspection photographs and on-site reports; methods of preparing abatement drawings; diagramming containment barriers; relationship of drawings to design specifications; particular problems related to abatement drawings;:-
- N) Contract preparation and administration;:-
- O) Legal liabilities/defenses. Insurance considerations; bonding; hold-harmless clauses; use of asbestos abatement contractor's liability insurance; claims made versus occurrence policies;:-
- P) Replacement. Replacement of asbestos with asbestos-free substitutes;:-
- Q) Role of other consultants. Development of technical specification sections by industrial hygienists or engineers; the multi-disciplinary team approach to abatement design;:-
- R) Occupied buildings. Special design procedures required in occupied buildings; education of occupants; extra monitoring

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recommendations; staging of work to minimize occupant exposure;  
scheduling of renovation to minimize exposure;

- S) Relevant federal, State, and local regulatory requirements, procedures and standards, including but not limited to this Part and the following:
- i) ~~Requirements of~~ TSCA, Title II;
  - ii) ~~USEPA, National Emission Standards for Hazardous Air Pollutants (40 CFR 61), subparts~~ Subparts A (General Provisions) and M (National Emission Standard for Asbestos);
  - iii) ~~OSHA, Occupational Safety and Health Standards – Respiratory Protection; Respirator Standard found at 29 CFR 1910.134.~~
  - iv) ~~USEPA, Worker Protection, subpart Rule found at 40 CFR 763, Subpart G;~~
  - v) ~~OSHA, Safety and Health Regulations for Asbestos Construction – Asbestos; Standard found at 29 CFR 1926.1101.~~
  - vi) ~~OSHA, Hazard Communication Standard; found at 29 CFR 1926.59.~~
  - vii) ~~Illinois~~ Asbestos Abatement Act;
  - viii) ~~Illinois~~ Commercial and Public Building Asbestos Abatement Act;
  - ix) ~~USEPA, Asbestos Model Accreditation Plan 40 CFR 763, appendix~~ Appendix C to ~~subpart~~ Subpart E, revised April 4, 1994.
- T) Course review. A review of key aspects of the training course.

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- 6) Project Monitor Course. The project monitor five-day training course shall include lectures, demonstrations, at least eight hours of hands-on training, course review, and a closed-book written examination. The project monitor training course shall address the following topics:
- A) Roles and responsibilities of the project monitor. Definition and responsibilities of the project monitor, including regulatory/specification compliance monitoring, air monitoring, conducting visual inspections and final clearance monitoring;
- B) Characteristics of asbestos and asbestos-containing materials. Typical uses of asbestos; physical appearance of asbestos; review of asbestos abatement and control techniques; presentation of the health effects of asbestos exposure, including routes of exposure, dose response relationships, and latency periods for asbestos-related diseases;
- C) Federal asbestos regulations. Overview of pertinent EPA regulations, including: NESHAP, subparts A and M and the Asbestos Hazard Emergency Response Act (AHERA). Overview of pertinent OSHA Safety and Health Regulations for Construction; Respiratory Protection; applicable State and local asbestos regulations; and regulatory interrelationships;
- D) Understanding building construction and building systems. Building construction basics; building physical plan layout; understanding building systems (HVAC, electrical, etc.); layout and organization, where asbestos is likely to be found in building systems; renovations; and the effect of asbestos abatement on building systems;
- E) Asbestos abatement contracts, specifications and drawings. Basic provisions of the contract; relationships between principal parties, establishing chain of command; types of specifications, including means and methods, performance, and proprietary and nonproprietary; reading and interpreting records and abatement drawings; discussion of change orders; common enforcement

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responsibilities; and authority of project monitor;

- F) Response actions and abatement practices. Pre-work inspections; pre-work considerations, pre-cleaning of the work area, removal of furniture, fixtures and equipment; shutdown/modification of building systems; construction and maintenance of containment barriers; proper demarcation of work areas; work area entry/exit; hygiene practices; determining the effectiveness of air filtration equipment; techniques for minimizing fiber release, including wet methods and continuous cleaning; abatement methods other than removal; abatement area clean-up procedures; waste transport and disposal procedures; and contingency planning for emergency response;
- G) Asbestos abatement equipment. Typical equipment found on an abatement project; air filtration devices, vacuum systems and negative pressure differential monitoring; HEPA filtration units, including theory of filtration, design/construction, qualitative and quantitative performance, sizing the ventilation requirements, and location; qualitative and quantitative tests of containment barrier integrity; and best available technology;
- H) Personal protective equipment. Proper selection of respiratory protection; classes and characteristics of respirator types; limitations of respirators; proper use of other safety equipment; protective clothing selection, use and proper handling; hard/bump hats and safety shoes; breathing air systems; high pressure versus low pressure; testing for Grade D air; and determining proper backup air volumes;
- I) Air monitoring strategies. Sampling equipment; sampling pumps (low versus high volume); flow-regulating devices (critical and limiting orifices); use of fibrous aerosol monitors on abatement projects; sampling media; types of filters; types of cassettes; filter orientation and storage and shipment of filters; calibration techniques, primary calibration standards, secondary calibration standards, temperature/pressure effects, and frequency of calibration; record keeping and field work documentation;

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calculations; air sample analysis, techniques available and limitations of AHERA on their use; TEM (background to sample preparation and analysis, air sample conditions that prohibit analysis, USEPA's recommended technique for analysis of final air clearance samples); PCM (background to sample preparation and AHERA's limits on the use of PCM); what each technique measures; analytical methodologies; AHERA TEM protocol; NIOSH 7400; OSHA reference method (nonclearance); USEPA recommendation for clearance (TEM); sampling strategies for clearance monitoring, types of air samples (personal breathing zone versus fixed station area), sampling location and objectives (pre-abatement, during abatement, and clearance monitoring); number of samples to be collected; minimum and maximum air volumes; clearance monitoring (post-visual inspection), number of samples required, selection of sampling locations, period of sampling, aggressive sampling, interpretations of sampling results and calculations; quality assurance; special sampling problems, crawl spaces, acceptable samples for laboratory analysis, and sampling in occupied buildings (barrier monitoring);

- J) Safety and health issues other than asbestos. Confined-space entry; electrical hazards; fire and explosion concerns; ladders and scaffolding; heat stress; air contaminants other than asbestos; fall hazards; and hazardous materials on abatement projects;
- K) Conducting visual inspections. Inspections during abatement and visual inspections; conducting inspections for completeness of removal; and discussion of "how clean is clean?";
- L) Legal responsibilities and liabilities of project monitors. Specification enforcement capabilities; regulatory enforcement; licensing; and authority delegated to project monitors through contract documents;
- M) Record keeping and report writing. Developing project logs/daily logs (what should be included, who sees them); final report preparation; and record keeping under federal regulations incorporated in this [Section 855.10](#);

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- N) Workshops (eight hours spread over three days). Contracts, specifications and drawings: This workshop could consist of each participant being issued a set of contracts, specifications and drawings and then being asked to answer questions and make recommendations to a project architect or engineer or to the building owner based on given conditions and these documents. Air monitoring strategies/asbestos abatement equipment: This workshop could consist of simulated abatement sites for which sampling strategies would have to be developed (i.e., occupied buildings, industrial situations). Through demonstrations and exhibition, the project monitor may also be able to gain a better understanding of the function of various pieces of equipment used on abatement projects (air filtration units, water filtration units, negative pressure monitoring devices, sampling pump calibration devices, etc.). Conducting visual inspections: This workshop could consist, ideally, of an interactive video in which a participant is "taken through" a work area and asked to make notes of what is seen. A series of questions will be asked that are designed to stimulate a person's recall of the area. This workshop could consist of a series of two or three videos with different site conditions and different degrees of cleanliness.
- d) Any proposed alterations to an approved training course, such as course materials, instructors, or examinations, shall be submitted to the Department for review and approval prior to implementation.
- e) Each accredited discipline and training curriculum is separate and distinct from the others. Project managers who complete an asbestos abatement contractor/supervisor initial or refresher training course shall be allowed to continue their accreditation by taking the project monitor refresher course in lieu of completing the project monitor initial course. All training courses shall be conducted in the State of Illinois for the certification to be accepted for licensure. A person may not attend two or more courses concurrently.
- f) Each person who successfully completes an accredited training course shall be issued a certificate containing the following required information:

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- 1) A unique certificate number~~;~~
  - 2) ~~The name~~Name of ~~the~~ accredited person~~;~~
  - 3) The type of training course (worker, asbestos abatement contractor/supervisor, asbestos inspector, management planner, project designer, or project monitor) and whether the course is initial or refresher~~;~~
  - 4) The complete name, address~~;~~ and telephone number of the training course provider that issued the certificate~~;~~
  - 5) The dates of the training course~~;~~
  - 6) The expiration date of one year after the date ~~on upon~~ which the person successfully completed the course and examination~~;~~
  - 7) The examination date~~;~~
  - 8) A statement that the training course is accredited by the Illinois Department of Public Health~~;~~
  - 9) A statement that the person receiving the certificate has completed the requisite training for asbestos accreditation under TSCA Title II~~;~~
  - 10) The location of the course if different from the training course provider's address~~;~~ and-
  - 11) The language in which the course was taught, if other than English.
- g) Training course sponsors shall not issue any document that could be construed as a certificate of successful completion without the written approval of the Department.
- h) Examinations-
- 1) A closed-book examination shall be given at the completion of an initial or refresher training course. The examination shall cover the topics included in the training course for that discipline.

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- 2) A person shall pass the examination with a score of at least 70% ~~in order~~ to receive accreditation.
- 3) Students shall be allowed to retake the examination twice in a two-week time period following the date of the initial failure. After three successive failures, the student shall retake the full course before being allowed to retest.
- 4) The following are the minimum requirements for the number of examination questions in each discipline (all questions shall be ~~multiple choice~~ multiple choice):
  - A) Asbestos Worker Initial – 50
  - B) Asbestos Worker Refresher – 25
  - C) Asbestos Abatement Contractor/Supervisor Initial – 100
  - D) Asbestos Abatement Contractor/Supervisor Refresher – 50
  - E) Asbestos Inspector – 50
  - F) Asbestos Inspector Refresher – 25
  - G) Management Planner – 50
  - H) Management Planner Refresher – 25
  - I) Project Designer – 100
  - J) Project Designer Refresher – 50
  - K) Project Monitor Initial – 100
  - L) Project Monitor Refresher – 50.
- 5) The training course provider shall administer and monitor all course

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examinations. The training course provider shall ensure that each person passes the closed-book examination on his or her own merit. For all examinations, the training provider shall maintain supervision during the examination and shall ensure that there is ample space between persons and that written materials other than the examination are not accessible.

ih) Continuing Education-

- 1) Annual refresher training is required for all disciplines as follows indicated below:
  - A) Asbestos Workers: One full day of refresher training:-
  - B) Asbestos Abatement Contractor/Supervisors: One full day of refresher training:-
  - C) Asbestos Inspectors: One half-day of refresher training:-
  - D) Management Planners: One half-day of inspector refresher training and one half-day of refresher training for management planners:-
  - E) Project Designers: One full day of refresher training:-
  - F) Project Monitors: One full day of refresher training.
- 2) The refresher courses shall be specific to each discipline. Refresher courses shall be conducted as separate and distinct courses and not be combined with any other training during the period of the refresher course.
- 3) For each discipline, the refresher course shall review and discuss changes in federal, State, and local regulations, developments in state-of-the-art procedures, and a review of key aspects of the initial training course. After successfully completing the annual refresher course, persons shall have their accreditation extended for an additional year from the date of the refresher course. An annual refresher exam is required (see subsection hg) of this Section).
- 4) A 12-month grace period shall be allowed to enable formerly accredited

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persons with expired certificates to complete refresher training and have their accreditation status reinstated without being required to retake the initial training course. The 12-month grace period shall begin on the expiration date of the certificate (see Section 855.100(~~m~~j)).

- 5) The training provider shall verify that each student possesses valid accreditation before granting admission to the refresher course and that the refresher course is for the same discipline as the initial course. Valid accreditation means that the student's most recent accreditation has not been expired for a period more than 12 months from the expiration date.

~~j~~i) Training Length-

- 1) One day of training shall equal eight hours, including two 15-minute breaks and one hour for lunch. One half-day of training shall equal four hours including one 15-minute break.
- 2) Course providers may segment courses subject to the following restrictions:
  - A) The total hours required for each discipline shall be completed within a single two-week ~~time frame~~timeframe.
  - B) No more than eight hours of training shall be given per day.
  - C) Evening instruction shall not exceed a maximum of four hours in any single session.

~~k~~j) Instructors-

- 1) All individuals desiring to become training course instructors for those disciplines regulated under this Part must receive approval from the Department prior to teaching. The Department ~~will~~shall issue a "Letter of Approval" to qualified applicants. ~~To~~In order to qualify as an approved training course instructor, the applicant shall submit the following to the Department:
  - A) A completed training course instructor application form provided

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by the Department;

- B) A certificate of successful completion of a USEPA- or State- approved course specific to the discipline for which he or /she is applying to teach; and-
- C) Written verification of a minimum of six months (1,040 hours) of experience (occupational and/or educational) directly related to the discipline of the course for which he or /she is applying.

- 2) Training course providers shall submit to the Department all changes to their list of approved instructors and the courses thatwhich they teach.
- 3) An instructor shall not be permitted to submit a certificate of successful completion from a course that he or /she has instructed. ForIn order for the certificate of accreditation to be valid and acceptable for licensure or approval as an instructor, the instructor shall successfully complete a course conducted by a company for which he or /she is not employed.

lk) All training providers shall comply with the following minimum record keepingrecordkeeping requirements:

- 1) Training course materials. A training provider shallmust retain copies of all instructional materials used in the delivery of the classroom training, such as student manuals, instructor notebooks and handouts.
- 2) Instructor qualifications. A training provider shallmust retain copies of all instructors' resumes; and the documents issued by the Department approving each instructor issued by the Department. Records shallmust accurately identify the instructors whothat taught each particular course for each date that a course is offered.
- 3) Examinations. A training provider shallmust document that each person who receives an accreditation certificate for an initial or refresher training course has achieved a passing score on the examination. These records shallmust indicate the date the exam was administered, the training course and discipline for which the exam was given, the name of the person who proctored the exam, a copy of the exam, and the name and test score of

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each person taking the exam. The topic and dates of the training course ~~shall~~must correspond to those listed on that person's accreditation certificate.

- 4) Accreditation certificates. A training provider shall maintain records that document the names of all persons who have been awarded certificates, their certificate numbers, the disciplines for which accreditation was conferred, training and expiration dates, and the training location. The training provider shall maintain the records in a manner that allows verification of the required information by telephone.
- 5) Attendance sheets. The training course provider shall maintain attendance sheets, such as sign in/out sheets, that document the presence of all persons attending the course and an inspection of each person's government-issued identification. The attendance sheets shall include each person's name, signature, training date and government-issued identification number.~~Records retention and access.~~
  - A) ~~The training provider shall maintain all required records for a minimum of six years.~~
  - B) ~~The training provider shall, upon request, allow reasonable access by the Department to all of the records.~~
  - C) ~~If a training provider ceases to conduct training, the training provider shall notify the Department and provide the Department the opportunity to take possession of that provider's asbestos training records.~~
- m) Training course providers shall permit representatives of the Department to attend, evaluate, and monitor any training course without charge. The Department's compliance inspection staff is~~are~~ not required to give advance notice of ~~their~~ inspections.
- nn) The training course provider shall complete the notification form provided by the Department and submit the form~~shall be completed and submitted~~ to the Department ~~by the training course provider~~ for each offering of an accredited training course. The notice shall be submitted electronically in the format

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specified by the Department. Notifications shall be received by the Department at least 10 working days but no more than 30 working days prior to commencement of training. Any cancellations or changes in the notification or instructors shall be submitted prior to implementing the change at least 48 hours before the course commencement.

- on) The provider of an accredited training course shall submit to the Department a list of students who passed the exam, using the class list form provided by the Department, no later than 10 working days after the last day of the training course. The class list shall be submitted electronically in the format specified by the Department. All requested information shall be provided and shall be legible.
- po) Accreditation of initial and refresher training courses shall expire one year from the date of accreditation. For accreditation to be renewed, a renewal fee of \$500 must be received by the Department prior to the expiration of course accreditation. If a renewal fee is received after the expiration date, the provider shall pay in addition a late fee of \$100. Accreditation of a training course that which has been expired for more than one year may only be restored only by reapplying.
- qp) A training course may be offered in a language other than English, provided that. ~~For courses to be presented in a language other than English,~~ the following requirements are met shall be submitted:
- 1) All course materials shall be ~~both in~~ both English and ~~in~~ the non-English language~~;~~
  - 2) The training course provider shall provide written assurance that the translation is technically representative of the English version of the course materials submitted~~;~~
  - 3) The course certificate shall be in English and specify the language in which the course was conducted~~; and-~~
  - 4) Instructors shall be fluent in the language of the course being presented. The use of interpreters is not permitted.
- rq) If the Department finds that a training course provider or instructor is not in

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compliance with this Part, the Department may suspend, revoke, or deny accreditation of a course. The Department ~~will~~shall provide written notice of its decision. The training course provider shall have 15 days to make a written request for an administrative hearing to contest the Department's decision. In addition, the Department may deny or revoke course accreditation or instructor approval for the following or similar reasons:

- 1) Misrepresentation ~~that~~of a training ~~course is approved~~course's approval by the Department~~;~~;
- 2) Falsification of accreditation records, instructor qualifications~~;~~ or other accreditation information~~;~~;
- 3) Conviction of a violation of the Consumer Fraud and Deceptive Business Practice Act~~;~~ ~~[815 ILCS 505]~~;
- 4) Conviction of a violation of any provisions of training course laws in any other state, or any laws or rules relating to asbestos training courses~~;~~;
- 5) Fraudulent advertising or solicitations relating to asbestos training courses~~;~~ or;
- 6) Failure to maintain approval of a course by USEPA or a state in accordance with 40 CFR 763, ~~appendix~~Appendix C to ~~subpart~~Subpart E~~;~~ revised April 4, 1994.

s) Record Keeping

- 1) The training provider shall maintain all required records for a minimum of six years.
- 2) The training provider shall allow access by the Department to all records pertaining to the current training courses.
- 3) If a training provider ceases to conduct training, the training provider shall notify the Department and surrender all training course documents to the Department.

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(Source: Amended at 37 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART C: RESPONSIBILITIES OF LICENSED PERSONNEL

**Section 855.125 Asbestos Inspector Responsibilities**

- a) The Department will prepare and maintain a list of asbestos inspectors. The list will be made available to all school boards and CPB owners and shall be used to select an asbestos inspector.
- b) An asbestos inspector shall prepare and develop the asbestos inspection report for a school building or CPB. All bulk sample analyses shall be conducted by a laboratory accredited by the National Voluntary Laboratory Accreditation Program (NVLAP).
- c) In accordance with 40 CFR 763.85, the asbestos inspector shall be responsible for carrying out the following activities during school building inspections:
  - 1) Verify that all six-month periodic surveillances have been completed and documented since the last three-year reinspection.
  - 2) Indicate the presence, location and quantities of all ACBM in the inspection report in accordance with Section 855.260.
  - 3) Verify that asbestos warning labels are in place where required.
  - 4) Inform the management planner of all existing floor tile, mastic and multi-layered materials that have had a negative analysis by PLM. Materials with a negative analysis by PLM shall be analyzed using the TEM method to determine that the materials are negative prior to any disturbance of the material.
  - 5) Notify the management planner, in writing, of all of the record-keeping documents that are required by Section 855.250 that are missing, such as annual notifications, six-month periodic surveillances, inspections, response action documentation, custodial and maintenance training documentation and ACBM.

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- 6) Include in the inspection report the asbestos inspector's Department-issued license identification number and handwritten signature certifying that the inspection report is complete. The completed report shall contain only correct and accurate information.
- d) The asbestos inspector shall be responsible for carrying out the following activities in CPBs:

  - 1) Indicate the presence, location and quantities of all ACBM in the inspection report in accordance with Section 855.210;
  - 2) Provide a written inspection report to the building owner prior to renovation; and
  - 3) Include in the inspection report the asbestos inspector's Department-issued license identification number and handwritten signature certifying that the inspection report is complete. The completed report shall contain only correct and accurate information.

(Source: Added at 37 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 855.130 Asbestos Abatement Contractor Responsibilities**

Any person acting as an asbestos abatement contractor in a CPB or school is required to be licensed as an asbestos abatement contractor in accordance with the Act and Section 855.110. The asbestos abatement contractor shall:

- a) Ensure that all general response action techniques, including removal, encapsulation, enclosure and repair of ACBM, are executed in accordance with this Part on all asbestos abatement projects;
- b) Ensure that all asbestos workers and supervisors employed by the asbestos abatement contractor are licensed by the Department and possess a valid training certificate;
- c) Prior to and during project activities, ensure that all employees who are conducting project activities possess, on the job site, a valid original current license and a valid training certificate issued by the Department;

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- d) Ensure that all suspected asbestos-containing material affected by the renovation or demolition has been sampled for asbestos by an asbestos inspector. Copies of the inspection report shall be maintained on the abatement site; and
- e) Maintain a copy of the project design on site for the duration of each school response action and CPB response action, when applicable.

(Source: Added at 37 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 855.135 Asbestos Consultant Responsibilities**

Any person conducting asbestos consultant services in a CPB or school is required to be licensed as an asbestos consultant in accordance with the Act and Section 855.105. The asbestos consultant shall be responsible for the following:

- a) Prior to and during activities that require a license, ensure that all employees who are conducting asbestos professional services possess, on the job site, a valid training certificate and an original current license issued by the Department;
- b) Ensure that all activities of the asbestos professionals are conducted in accordance with the Asbestos Abatement Act, Commercial and Public Building Asbestos Abatement Act, this Part and any project design documents;
- c) Ensure that the asbestos abatement contractor and project manager receive a copy of the final project design specifications, prior to the commencement of project activities, when a project design is completed for a response action;
- d) For all school projects, ensure that the project manager's (PM) Report Form and the comprehensive final report, as required by Section 855.170, are submitted to the Department; and
- e) Prior to and during project activities, submit to the Department any changes in the names and license numbers of asbestos professionals, including the project manager and air sampling professional.

(Source: Added at 37 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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**Section 855.140 Supervisor Responsibilities**

- a) The supervisor shall be the asbestos abatement contractor's designated representative who is licensed by the Department, and shall be responsible for carrying out the following activities:
- 1) Assist in decision making~~decision-making~~ regarding selection of procedures~~;~~
  - 2) Review variance requests in accordance with Section 855.25~~;~~
  - 3) Ensure that all project activities are conducted in accordance with the requirements of the Asbestos Abatement Act or the Commercial and Public Building Asbestos Abatement Act, as applicable, and this Part~~;~~
  - 4) Supervise project activities at all times. The supervisor ~~shall~~must enter the contained area as part of supervision~~;~~
  - 5) Meet with the project manager daily to review work progress and solve problems or adjust procedures as appropriate~~;~~
  - 6) Prior to and during project activities, ~~ensure the contractor, or his designee, is responsible for assuring~~ that all employees of the asbestos abatement contractor who are conducting project activities possess, on the job site, a valid original current license issued by the Department. A copy of the license is not acceptable for meeting this requirement~~; and-~~
  - 7) Maintain a photocopy~~The contractor, or his designee, shall make a copy~~ of the original license and current Department approved training certificate of all employees of the asbestos abatement contractor who are conducting project activities~~the copy shall be available~~ at the project site.
- b) On ~~all school~~ projects, one project supervisor per decontamination unit is required.

(Source: Amended at 37 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 855.150 Project Designer Responsibilities**

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- a) The Department ~~will~~shall prepare and maintain a list of ~~licensed~~project designers. The list ~~will~~shall be made available upon request and shall be used to select a project designer.
- 1) All school asbestos abatement projects shall be designed by a ~~Department licensed~~project designer in accordance with the requirements of this Section.
  - 2) If a commercial or public building project is designed, the design shall be completed by a Department licensed designer in accordance with the requirements of this Section.
- b) In accordance with 40 CFR 763, a ~~licensed~~project designer shall design response actions for the LEA.
- c) The project designer shall plan the abatement project in accordance with all federal ~~regulations~~ and State ~~administrative~~ rules governing ~~that~~such action (i.e., 40 CFR 61; 29 CFR 1910 and 1926 and this Part) and the response action recommendations of the management plan, if a plan is ~~used~~utilized.
- 1) All ~~such~~planning shall be undertaken in compliance with the relevant provisions of the ~~Illinois~~Architecture Practice Act of 1989 ~~[225 ILCS 305]~~, the ~~Illinois~~Professional Engineering Practice Act of 1989 ~~[225 ILCS 325]~~, the ~~Illinois~~Structural Engineering Practice Act of 1989 ~~[225 ILCS 340]~~ and the ~~Illinois~~School Code ~~[105 ILCS 5]~~.
  - 2) A licensed ~~industrial hygienist~~Industrial Hygienist who is a ~~licensed~~project designer may act as an asbestos project designer when a project design ~~only~~applies to interior alterations of surface materials in an existing building and does not result in life safety changes to the building or changes to the electrical, heating, air conditioning, physical plant or associated piping. Interior alterations of any public building ~~that~~which result in life safety or structural changes ~~to~~of the building are subject to the requirements of the Illinois Architecture Practice Act of 1989 ~~[225 ILCS 305]~~ and ~~shall~~must be performed under the direct supervision and control of an architect licensed under that Act.
  - 3) The project designer shall certify that the project design meets or exceeds

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all federal, State, and local regulations and codes.

- d) The project designer shall design or directly supervise preparation of the specifications and plans for each individual project. These contract documents shall include the designer's Department-issued license identification~~I.D.~~ number and handwritten signature certifying that the contract documents are complete. The completed contract documents shall contain only correct and accurate information.
- 1) Project design documents shall contain the following information:
- A) A drawing~~General location~~ of the work area~~project~~ within the facility~~;~~
  - B) Locations of mini-containments, if applicable~~;~~
  - C) Location of barriers~~;~~
  - D) Location of the worker decontamination enclosure system or systems~~system(s)~~.
  - E) Location of equipment decontamination enclosure system or systems~~system(s)~~.
  - F) Location where negative air machines are to exhaust~~;~~
  - G) Number of negative air machines required to maintain the required four air changes per hour for contained work areas; and
  - H) Bulk sample analytical results of all suspected materials affected by the scope of the project.
- 2) All~~Any and all~~ changes to the design shall be verified by the project designer and shall bear his or her Department-issued license identification~~I.D.~~ number and handwritten signature.
- e) The abatement project designer shall be responsible for the design specifications and plans that he or she has prepared ~~by him or her~~ in accordance with applicable

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laws and ~~standards~~standard of care required of those providing professional services.

- f) ~~Prior to and during project activities in school buildings, the project designer shall submit to the Department any changes in the names and addresses of any project manager and air sampling professional.~~

(Source: Amended at 37 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 855.160 Management Planner Responsibilities**

- a) The Department ~~will~~shall prepare and maintain a list of ~~licensed~~ management planners. The list ~~will~~shall be made available to all school boards or building owners and shall be used to select a management planner.
- b) In accordance with 40 CFR 763, a ~~licensed~~ management planner shall prepare and develop the asbestos management plan for a school building. This plan shall be prepared from the inspection report ~~that~~which contains the assessment ~~conducted~~done by the ~~asbestos~~licensed inspector. ~~All and the~~ bulk sample analyses ~~shall be conducted~~done by a laboratory accredited by NVLAP/USEPA approved laboratory. A ~~licensed~~ management planner shall review a report on a reinspection required by 40 CFR 763.~~88(d)85(b)~~ and recommend appropriate response actions in the management plan as required in 40 CFR 763.90.
- c) If a management plan is developed for a CPB, the plan shall comply with 40 CFR 763.90.
- d) The management planner shall:
- 1) Verify that all six-month periodic surveillances have been completed and documented since the last three-year reinspection;
  - 2) Include a drawing that indicates the locations and quantities of all remaining ACBM;
  - 3) Verify with the inspection report that asbestos warning labels are in place where required;

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- 4) Inform the LEA that all existing floor tile, mastic and multi-layered materials that have a negative analysis by PLM shall be analyzed using the TEM method for determining that the material is negative prior to any disturbance of the material; and
  - 5) Notify the LEA and the Department, in writing, of all of the record-keeping documents required by Section 855.250 that are missing, such as annual notifications, six-month periodic surveillances, inspections, response action documentation, and custodial and maintenance training documentation, and of missing ACBM.
- e) The management plan shall include the management planner's Department-issued license identification number and handwritten signature certifying that the management plan is complete. The completed management plan shall contain only correct and accurate information.

(Source: Amended at 37 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 855.170 Project Manager Responsibilities, ~~Air Sampling Professional Responsibilities and Laboratory Services~~**

- a) Project Manager
  - 1) The project manager shall have a Department-issued license~~be licensed by the Department~~ in accordance with Section 855.100. For asbestos abatement projects in schools and CPBs, the project manager shall be the building owner's designated representative, and shall be responsible for carrying out the following activities:
    - A) Maintain, on site, a copy of the complete project design and specifications, including any revisions;~~Assist in the evaluation of bids and the selection of a contractor.~~
    - B) Ensure that all project activities are conducted in accordance with the requirements of the Asbestos Abatement Act, and this Part and project design documents;~~contract document.~~
    - C) Be on site~~on-site~~ whenever project activities are taking place;-

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- D) Reject defective barriers and decontamination enclosure systems;
- E) Meet with the asbestos abatement contractor daily to review work progress, discuss problems and adjust procedures as appropriate;
- F) Report on abatement activities to the building owner or school board;
- G) For school projects, request ~~Request~~, review and maintain asbestos abatement contractor submission according to Sections 855.290350 and 855.450; and;
- H) Enter the abatement project at least once every two hours to observe ongoing removal of asbestos-containing material.
- 2) For every decontamination enclosure system, there shall be one project manager.
- 3) The project manager shall have the authority and duty to stop any job activities not performed in accordance with contract specifications or any provisions of this Part. The project manager shall verbally notify the building owner and Department ~~shall be notified verbally by the project manager~~ within 24 hours after a work stoppage. A written report shall be submitted to the building owner and the Department with a description of the activity, reason for stoppage and possible means for correcting the problem immediately or as soon as practicable.
- 4) The project manager shall keep a daily log of on-site ~~onsite~~ observations concerning the asbestos abatement contractor's compliance with activities required under this Part. This log shall be legible and made available upon request at all times to the school board or building owner, the architect/engineer, asbestos abatement contractor, and appropriate local, State and federal agencies.
- 5) For each asbestos abatement project in a school or CPB, the project manager shall prepare a comprehensive final report. The report shall be submitted to the school board or building owner and; the asbestos

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~~abatement contractor in writing, and the Department within 60 working days following completion of final clearance air monitoring. An electronic copy of the report for all school asbestos abatement projects shall be submitted to the Department on a CD ROM as a single PDF file (not rewritable). There shall be only one report per CD. Copies of the report shall be submitted to the respective parties 60 working days following completion of final clearance air monitoring. An example of the CD label and case cover is provided in Appendix C, Illustration A.~~ The report shall contain the following items submitted in the following order, with each item labeled ~~(or bookmarked on an electronic copy)~~:

- A) Project Manager's Report Form provided by the Department;
- B) Items submitted by the ~~asbestos abatement~~ contractor under Section 855.290350(a);
- C) For clearance air samples, the location of the sample, date of sample, start and end times of sampling, sampling air flow rate, volume of air sampled, name and address of laboratory performing the analysis, and name and signature of the analyst.
  - i) When final ~~air~~-clearance ~~air~~ monitoring samples are analyzed by a laboratory using ~~transmission electron microscopy (TEM)~~, a copy of the ~~National Voluntary Laboratory Accreditation Program (NVLAP)~~ certificate for airborne asbestos fibers analysis for the laboratory;
  - ii) When final ~~air~~-clearance air monitoring samples are analyzed by ~~Phase Contrast Microscopy (PCM)~~ in a laboratory, a copy of ~~the~~ Proficiency Analytical Testing (PAT) Program year-to-date performance report for the laboratory. The year-to-date performance report ~~shall~~~~should~~ be for the testing round completed closest to the completion of the project, but prior to the completion of the project;
  - iii) When final ~~air~~-clearance air monitoring samples are analyzed by an analyst outside of a laboratory, a copy of

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the report of performance testing under the ~~(Asbestos Analyst Report)~~ (AAR) Program for the analyst for the testing round completed prior to the completion of the project, but not after the completion of the project;

- D) Names, license numbers and current training certificates for asbestos abatement workers who conducted the abatement;
- E) Name, address, and license number of the asbestos abatement contractor;
- F) Names, addresses, license numbers, and initial and current training certificates for the project designer, project manager, and asbestos abatement contractor's supervisor or supervisors~~supervisor(s)~~, and signature of the project manager;
- G) Name, signature, and license number of each air sampling professional;
- H) Log of negative pressure measurements taken by the asbestos abatement contractor for contained areas, including the average daily readings of negative pressure measurements as recorded by the project manager; ~~The readable tape from the monometer shall serve as the log.~~
- I) Alternative procedure or variance~~Variance~~ requests submitted to the Department, and the Department's responses to those requests;
- J) Locations, times and results of background, personal, and area air samples taken prior to and during the project;
- K) A detailed description, diagram or blueprint indicating the location of ACBM abated, locations of barriers, and locations of decontamination enclosures;
- L) A detailed description of the project, including a description of abatement methods employed, reasons for the project and for selection of the abatement methods, a description of the types and

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amounts of ACBM abated, and start and completion dates of the project;

- M) A daily log of observations made by the project manager, including a description of project activities, documentation of smoke testing of barriers by the asbestos abatement contractor, documentation of post-abatement visual inspection of each work area; and a description of the procedure used during clearance air sampling;
- N) Items submitted by the asbestos abatement contractor under Section 855.~~290350~~(c) and (d).
- i) Documentation of arrangements for the transport and disposal of asbestos-containing or contaminated materials and supplies and the name and location of the disposal site;
  - ii) Drawings for layout and construction of decontamination enclosure systems and barriers for isolation of the work area;
  - iii) When rental equipment is to be used in removal areas or to transport waste materials, a copy of the written notification to inform the rental company of the nature of use of the rented equipment;
  - iv) Results of materials testing as conducted before the abatement for purposes of use during abatement activities (e.g., testing of encapsulant for depth of penetration, testing of substitute materials for adherence to encapsulated surfaces);
  - v) Supervisor logs and job progress reports detailing abatement activities, including a review of progress with respect to previously established schedules, problems and actions taken, injury reports and equipment breakdowns;

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- vi) Copies of all transport manifests, trip tickets and disposal receipts for all asbestos waste materials removed from the work area during the abatement process, which shall be submitted to the project manager within 10 days after the completion of the project;
  - vii) Copies of worksite entry log books with information on worker and visitor access; and
  - viii) Logs documenting filter changes on respirators, HEPA vacuums, negative pressure ventilation units and other engineering controls;
- O) For cleaning performed in accordance with Section ~~855350~~.400(f)(1)(A), (D) and (E), the names of persons performing the cleaning, the date and locations of the cleaning, and the methods used.
- 6) For each asbestos abatement project in a school, the project manager shall submit a completed Project Manager's Report Form provided by the Department within ~~10ten~~ working days following completion of clearance air monitoring. A copy shall be inserted as the first page in the project manager's report.
- 7) If more than one project manager serves on a project in a school, other than as specified in this subsection (a)(7)below, the person who oversees the completion of the project shall be responsible for the project report and for submission of the Project Manager's Report Form to the Department. For projects with multiple work areas, each overseen by a different project manager, each project manager shall be responsible for the report and the Project Manager's Report Form for the part of the project in the work area for which he or she was responsible. However, one comprehensive report for the entire project is acceptable.
- 8) After completion of emergency abatement operations in a CPB, the project manager shall submit a written report to the Department within five business days after the last day of the project. The report shall specify the location of the emergency abatement operation; name of the asbestos

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abatement contractor, building owner, project manager and air sampling professional; reason why emergency operations were necessary; description of asbestos-containing material; abatement procedures used; and duration of the emergency operation.

- b) **Air Sampling Professional (ASP)**
- 1) ~~The air sampling professional shall be licensed by the Department in accordance with Section 855.100. The air sampling professional shall conduct or supervise all air sampling for the school board. All projects greater than 160 square feet or 260 linear feet shall be analyzed by Transmission Electron Microscopy (TEM). All other samples may be analyzed by Phase Contrast Microscopy (PCM).~~
  - 2) ~~Area sampling shall be conducted using collection media and procedures in accordance with NIOSH method 7400. The following schedule shall be utilized for air sampling during the project in addition to any OSHA compliance monitoring required to be conducted by the contractor:~~
    - A) ~~Background air samples shall be collected and analyzed prior to the start of project activities in order to determine background airborne fiber concentrations. Samples shall be taken both inside and outside of the work area to establish existing levels.~~
    - B) ~~The following schedule of samples shall be required on a daily basis once abatement activities begin. The size of the abatement activity will have impact on the number of samples necessary to monitor the contractor's activities. The following are required minimums:~~
      - i) ~~Two area samples inside the work area;~~
      - ii) ~~One personal sample inside the work area;~~
      - iii) ~~Two area samples outside the work area in uncontaminated areas of the building, including one at the entrance to the worker decontamination enclosure; and~~



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**Section 855.180 Air Sampling Professional Responsibilities**

- a) Air Sampling Professional (ASP)
- 1) The air sampling professional shall have a Department-issued license in accordance with Section 855.100. The air sampling professional shall conduct all air monitoring for school projects and all clearance air monitoring for CPB projects. All clearance air monitoring samples on projects greater than 160 square feet or 260 linear feet shall be analyzed by TEM. All other clearance air monitoring samples may be analyzed by PCM.
  - 2) Area sampling shall be conducted using collection media and procedures in accordance with NIOSH method 7400. The following schedule shall be used for air sampling during school projects in addition to any OSHA compliance monitoring required to be conducted by the asbestos abatement contractor:
    - A) Background air samples shall be collected and analyzed prior to the start of project activities to determine background airborne fiber concentrations. Samples shall be taken both inside and outside of the work area to establish existing levels.
    - B) The following schedule of samples shall be required on a daily basis once abatement activities begin. The size of the abatement activity will have an impact on the number of samples necessary to monitor the asbestos abatement contractor's activities. The following are required minimums:
      - i) Two area samples inside the work area;
      - ii) Two area samples outside the work area in uncontaminated areas of the building, including one at the entrance to the worker decontamination enclosure; and
      - iii) One area sample at each discharge from negative pressure ventilation equipment to the outside of the building.

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- C) Air monitoring results shall be documented and retained on site.
- b) Air sampling professionals shall ensure that all analytical services comply with the following:
- 1) When final clearance air monitoring samples are analyzed by a laboratory using TEM, the laboratory shall be accredited by the National Institute for Standards and Technology (NIST) (NVLAP) for airborne asbestos fiber analysis.
  - 2) When final clearance air monitoring samples are analyzed by PCM in a laboratory, the laboratory shall be considered proficient in asbestos analysis by the American Industrial Hygiene Association (AIHA) PAT Program for PCM.
  - 3) Final clearance air monitoring samples are analyzed and considered proficient (board approved) by the AIHA's Asbestos Analyst Registry (AAR) Program.
  - 4) The period of time permitted between the collection of daily air samples and the availability of results shall be less than 24 hours for samples collected during abatement activities.
  - 5) The school board or building owner shall establish timetables for obtaining results of clearance air samples.

(Source: Added at 37 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

SUBPART D: COMMERCIAL AND PUBLIC BUILDING OWNER RESPONSIBILITIES, LOCAL EDUCATIONAL AGENCY RESPONSIBILITIES AND NOTIFICATION REQUIREMENTS~~GENERAL ABATEMENT REQUIREMENTS FOR COMMERCIAL AND PUBLIC BUILDINGS~~

**Section 855.200 Commercial and Public Building (CPB) Owner Responsibilities**

- a) Each CPB owner shall:

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- 1) Ensure that all response action services are conducted in accordance with this Part.
- 2) Ensure that all custodial and maintenance employees are properly trained as required by OSHA and this Part.
- 3) Ensure that all portions of the CPB affected by any renovation activities or operations and maintenance activities are inspected for the presence, location and quantity of asbestos as required by Section 855.210.
- 4) Ensure that short-term workers (e.g., telephone repair workers, utility workers or exterminators) and employees who may come in contact with asbestos in a CPB are provided information regarding the locations of ACBM or assumed ACBM.
- 5) Ensure that warning labels are posted in accordance with the following:
  - A) The CPB owner shall attach a warning label immediately adjacent to any ACBM and suspected ACBM assumed to be ACBM located in a routine maintenance area (such as boiler rooms) at each CPB.
  - B) All labels shall be prominently displayed in readily visible locations and shall remain posted until the ACBM is removed.
  - C) The warning label shall state, in print that is readily visible: DANGER – CONTAINS ASBESTOS FIBERS – AVOID CREATING DUST – CANCER AND LUNG DISEASE HAZARD.
- 6) Ensure that the inspection reports are available on site.
- 7) Ensure that all suspected friable and nonfriable asbestos-containing material is maintained at all times so that there is no damage.
- 8) If the Department issues an ESWO for the improper removal of ACBM, the CPB owner shall be required to retain a project designer for the purpose of preparing a design to remediate the area affected by the

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improper removal. The design shall be submitted to the Department for review and acceptance prior to implementation.

b) Record Keeping

For each preventive measure and response action taken for ACBM, the CPB owner shall maintain the following records for a minimum of three years:

- 1) A detailed written description of the response action and methods used, the location where the response action was taken, the reasons for selecting the response action, the start and completion dates of the work, the names and addresses of all persons involved, their IDPH license identification number and, if ACBM is removed, the name and location of the disposal site of the ACBM; and
- 2) The name, signature and Department-issued license identification number of any person collecting clearance air samples required to be collected at the completion of response actions; the locations where samples were collected; date of collection; the name and address of the laboratory analyzing the samples; the date of analysis; the method and results of the analysis; the name and signature of the person performing the analysis and a statement that the laboratory meets the applicable requirements of this Part.

(Source: Added at 37 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 855.210 Procedures for Inspections of Commercial and Public Buildings**

- a) All inspections and sampling of CPB for the presence of ACBM and all assessments of the condition of ACBM in CPB shall be conducted by an asbestos inspector.
- b) Commercial and Public Building Inspections
  - 1) Unauthorized personnel shall not be present in areas where samples are being collected.

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- 2) The asbestos inspector shall identify and sample all suspected asbestos containing building materials that will be disturbed by the renovation or demolition project.
- 3) The asbestos inspector shall identify and establish homogeneous sampling areas for friable and nonfriable materials.
- 4) The asbestos inspector shall photograph materials, including sample locations and damaged areas, and shall identify locations where pictures were taken.
- 5) The asbestos inspector shall, with completeness and accuracy, record the commercial and public building name, address, city, state, zip code, inspection date, asbestos inspector signature, asbestos inspector license number, asbestos consultant and asbestos consultant license number.

c) Sampling Friable and Nonfriable Materials

- 1) The area of each homogeneous friable and nonfriable surface shall be calculated (allowing for beams, vaulted ceilings, etc.). If materials appearing uniform were installed at different times, then distinct homogeneous areas shall be established for each material in accordance with the time period in which it was installed.
- 2) A diagram shall be drawn for each homogeneous sampling area as described in subsections (g), (h), (i) and (j).
- 3) Random sample points shall be determined using the method described in subsection (l).
- 4) The following requirements shall apply to all sampling of surfacing material:
  - A) For each homogeneous sampling area of less than 1,000 square feet, a minimum of three samples shall be collected;
  - B) For areas from 1,000 to 5,000 square feet, a minimum of five samples shall be collected;

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- C) For homogeneous areas greater than 5,000 square feet, a minimum of seven samples shall be collected.
- 3) Pipe, pipe joints and boiler insulation are all different homogeneous areas and shall not be sampled as one homogeneous area.
- 4) Wall and ceiling tiles shall be sampled. Three samples shall be collected from each homogeneous type of wall and ceiling tile found.
- 5) At least one bulk sample shall be collected from each homogeneous area of patched thermal system insulation if the patched section is less than 6 linear or square feet.
- 6) For miscellaneous materials, three bulk samples shall be collected from each homogeneous area.
- 7) Floor tile, mastic and multi-layered materials shall be analyzed using the TEM method.
- d) Sampling Precautions
- 1) Materials shall be sampled only with necessary personnel present. Materials shall not be disturbed any more than necessary.
- 2) A respirator equipped with HEPA filters shall be worn when sampling.
- 3) Sampled areas shall be sealed with a clear, nonflammable encapsulant.
- 4) Any visible debris caused by sampling shall be cleaned by wet mopping or by wiping with a damp cloth.
- 5) When carpet is present, a plastic drop cloth shall be placed under the sample point to prevent contamination.
- 6) Non-cleanable contaminated materials (e.g., wiping cloths) shall be disposed of in sealed and labeled 6-mil plastic bags.

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- e) Sampling Procedures
- 1) Materials shall be sprayed with a light mist of amended water to reduce fiber release during sampling.
  - 2) A small core of the material penetrating all layers, including any paint or protective coating, shall be gently cut and removed. Any reusable instrument shall be wet wiped before reuse.
  - 3) The sample shall be placed in a leak-proof plastic bag. The bag shall be sealed and the exterior wiped with a damp cloth to remove any contamination.
  - 4) Each bag shall be labeled with a sample identification number.
  - 5) The samples for each CPB shall be sealed in a separate plastic bag.
  - 6) Information to be recorded for each sample collected includes the date, sampling location and identification number. The chain-of-custody document shall be completed and samples submitted to a laboratory accredited under the NVLAP administered by NIST.
- f) Reporting. The inspection report shall include a narrative description of building components for each CPB inspected. Clear color photographs and sample area diagrams shall be included with sample locations. Each sample shall have a photograph to show condition of the material. The inspection report will not be considered complete until bulk samples are received, analyzed and reported by an accredited laboratory. A copy of the laboratory submission sheets shall be included with the inspection report.
- g) For each sampling area, a diagram shall be prepared showing all friable and nonfriable materials in the sampling area. The diagram shall be constructed as follows:
- 1) The approximate dimensions of all rooms, corridors or other CPB areas included in the diagram shall be clearly indicated. If these measurements are not readily available, rooms shall be measured. The diagram shall be prepared to scale.

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- 2) The diagram shall distinguish between friable and nonfriable material areas of the sampling area, and areas in the diagram that are not contained in the sampling area.
- 3) Any of the following features that are found within the sampling area shall be drawn on the diagram approximately to scale:
  - A) Damage caused by water or high humidity;
  - B) Damage due to vandalism, rough use or other factors;
  - C) Patched or repaired material; and
  - D) Areas that are inaccessible for the purpose of sampling the friable or nonfriable material.
- h) The following information shall be recorded on each sampling area diagram:
  - 1) A sampling area identification number that distinguishes the sampling area from all others of the CPB;
  - 2) A brief description of the sampling area and the amount of material per homogeneous area;
  - 3) Appropriate dimensions to describe the area and scale;
  - 4) Name and address of the CPB;
  - 5) Name and telephone number of the CPB personnel contacted;
  - 6) Name of the asbestos inspector and date of inspection; and
  - 7) Name of the person preparing the diagram and date prepared.
- i) For piping, vent and boiler diagrams:

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- 1) A diagram shall be drawn that includes room dimensions and sample locations.
- 2) Sample locations shall be described.
- j) Samples shall be collected randomly throughout each homogeneous area.
- k) Sampling area diagrams shall be included with the "Building Inspection" form.
- l) Sampling Area
  - 1) The sampling area shall be divided into nine equally sized subareas by dividing the length and width of the sampling area into three equal lengths and three equal widths, and drawing a grid over the diagram (see Appendix B, Illustrations C through G).
  - 2) The diagrams in Appendix B, Illustration E show which subareas to use to follow a random sampling scheme. For the first area to be sampled, the nine subareas shall be numbered as shown for sampling area #1 in Appendix B, Illustration E. If three samples are needed, they shall be taken from the subareas marked 1, 2 and 3. If 5 samples are needed, they shall be taken from the subareas marked 1, 2, 3, 4 and 5, and so on. Samples shall be taken from approximately the center of a subarea, or as close as possible to the center if inaccessibility, presence of light fixtures, etc., make the center location impractical. If a subarea is specified that falls entirely outside the sampling area, the next specified subarea shall be used. For example, if subarea 3 falls outside the sampling area, the third sample from subarea 4 shall be taken.
  - 3) For irregularly shaped areas, the sampling area may be divided into nine approximately equally sized subareas that do not necessarily form a rectangular grid. The diagrams in Appendix B, Illustration E will then need to be adapted to the specific situation. Appendix B, Illustration F shows an example of a Y-shaped sampling area that is divided into nine equally sized subareas. The first diagram of Appendix B, Illustration E was adapted accordingly to number the subareas. When adapting sampling diagrams, the order of the numbered subareas from left to right and top to bottom shall be retained whenever possible.

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- 4) For each sampling area, a new diagram in accordance with Appendix B, Illustration E shall be used. If there are more than 18 sampling areas, a new diagram shall be used, starting again at the top (sampling area #1) of Illustration E to determine sampling locations for sampling area #19 and higher.

(Source: Added at 37 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 855.220 Submissions and Notices~~Notification and Procedures for Abatement of Asbestos in Commercial and Public Buildings~~**

The notification for work procedures and controls specified in this Part~~below~~ shall be followed ~~only for response action services~~abatement of ACBM in CPBs, commercial and public buildings, except as indicated ~~(Schools shall use procedures and controls specified in Subpart E of this Part.):~~

a) Notification of Nonemergency Abatement Operations:

- 1) Notification of friable and nonfriable asbestos ~~abatement~~ project activities greater than ranging in size from 3 square feet/3 linear feet to 160 square feet/260 linear feet to be performed in CPBs, commercial and public buildings, except industrial buildings as defined in Section 855.20, shall be made to the Department at least two~~2~~ working days before the initiation of ~~abatement~~ project activities. The asbestos abatement contractor shall not start project activities until the third working day after the Department receives the notification.
- A) If the notification is sent to the Department by electronic form, the day that the Department receives the notification shall be based on the electronic form receipt date.
- B) If the notification is sent to the Department by mail, the asbestos abatement contractor shall use a delivery confirmation service provided by the carrier when submitting the notice. The day that the Department receives the notification shall be based on the date of delivery confirmation provided by the carrier.

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- 2) Notification to the Department is not required for asbestos abatement project activities performed in industrial buildings as defined in Section 855.20.
  - 3) Any notification required by this subsection (a) shall be made by the asbestos abatement contractor or building owner on a form made available by the Department. ~~The completed form shall contain only correct and accurate information.~~
  - 4) The asbestos abatement contractor shall notify the Department on the form provided by the Department prior to implementing any change to the project from the original notification required in subsection (a)(1). The asbestos abatement contractor or his or her designee shall maintain copies of all changes to the notification. The notification changes shall be made available to the project manager, air sampling professional and asbestos consultant.
  - 5) The asbestos abatement contractor and asbestos consultant shall maintain on site a copy of the original notification form submitted to the Department, along with any revisions to that notification.
- b) Notification of Emergency Abatement Operations.
- 1) Notification to the Department, as specified in subsection (a) ~~of this Section~~, is not required for emergency abatement operations, as defined in Section 855.20 ~~of this Part~~.
  - 2) The asbestos abatement contractor shall notify the Department by ~~electronic notification~~ telephone or telefax on the same business day that emergency operations are initiated. If emergency operations are initiated after business hours, the asbestos abatement contractor shall notify the Department on the next business day.
    - A) ~~Notification shall specify the location of the emergency abatement operation; name of contractor, building owner or his/her representative, and air sampling professional; reason why emergency operations are necessary; description of asbestos containing material; abatement techniques to be used; and~~

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~~estimated time of completion of the project.~~

~~B) Notification shall be made to the Asbestos Program, Division of Environmental Health, Illinois Department of Public Health at (217)782-5830 or (217)785-5897 (fax).~~

~~3)C) After completion of emergency abatement operations, a written follow-up report shall be submitted~~made~~ within five business days after the last day of the project. The report shall specify the location of the emergency abatement operation; name of the asbestos abatement contractor, building owner, project manager and air sampling professional; reason why emergency operations were necessary; description of asbestos-containing material; abatement procedures used; duration of the emergency operation; and clearance air monitoring analytical results. ~~to the Department using the Department's asbestos abatement notification form.~~~~

~~e) Work Practices and Controls for all Commercial and Public Buildings.~~

~~1) Removal of ACBM shall be conducted in accordance with NESHAP regulations 40 CFR 61, Subpart M, and OSHA regulations 29 CFR 1926.1101.~~

~~2) Encapsulation or enclosure of ACBM shall be considered a Class III operation and shall be performed using controls at least as stringent as those found in 29 CFR 1926.1101(g)(9) for Class III asbestos work.~~

~~3) Repair and maintenance of friable ACBM shall be performed using controls and work practices specified by 29 CFR 1101(g)(9) for Class III asbestos work.~~

~~4) All ACBM may be temporarily stored at the work area until completion of the abatement project. Temporarily stored ACBM shall meet the waste storage requirements of NESHAP regulations at 40 CFR 61, Subpart M. At the conclusion of the abatement project, all temporarily stored ACBM shall be removed from the work area and transported to a regulated landfill location approved for disposal of asbestos-containing waste.~~

~~d) Clearance Air Monitoring.~~

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- 1) ~~After the completion of the final clean and when all surfaces in the critical barriers are dry, the contractor, the building owner or the building owner's designee shall inspect the area inside the critical barriers for visible residue. If the area is clear of residue, the contractor, the building owner or the building owner's designee shall notify an air sampling professional that the contained area is ready for clearance air monitoring.~~
  - 2) ~~Air sampling shall be conducted by an air sampling professional. The air sampling professional is allowed to use PCM for clearance air monitoring in public and commercial buildings in lieu of TEM.~~
  - 3) ~~Required Samples:
    - A) ~~A minimum of 2 samples shall be taken for areas up to 1,000 sq. ft.~~
    - B) ~~A minimum of 5 samples shall be taken for areas larger than 1,000 sq. ft. but not exceeding 50,000 sq. ft.~~
    - C) ~~One additional sample shall be taken for every 10,000 sq. ft. exceeding 50,000 sq. ft.~~~~
  - 4) ~~Each sample result shall be less than or equal to 0.01 f/cc. If the air sampling results indicate a concentration of airborne asbestos fibers in excess of clearance criteria, the contractor shall reclean the contained area. The contractor shall not be released until the contained area meets clearance criteria.~~
  - 5) ~~The building owner shall give a copy of the test results to the contractor and retain a copy for its records for three years.~~
- e) ~~An air sampling professional is not required to obtain a license pursuant to Section 855.100(i) to conduct asbestos air sampling in commercial and public buildings; however, an air sampling professional shall meet the following qualifications prior to conducting asbestos air sampling in commercial and public buildings:~~
- 1) ~~Successfully complete a NIOSH #582 course "Sampling and Evaluating~~

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~~Airborne Asbestos Dust" or a course equivalent in length and content.~~

- 2) ~~Possess a Bachelor's Degree in the life, environmental or physical sciences or in engineering and written verification of 520 hours on-site experience in general indoor air pollution sampling; or an Illinois Industrial Hygienist License; or written verification of 2080 hours on-site experience in air sampling for asbestos on abatement projects under the supervision of a licensed Air Sampling Professional.~~

(Source: Amended at 37 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 855.230 Equipment and Waste Container Removal Procedures (Repealed)**

- a) ~~External surfaces of contaminated containers and equipment shall be cleaned by wet cleaning and/or HEPA vacuuming before moving such items into the decontamination area for final cleaning as defined in OSHA regulation 29 CFR 1926.1101.~~
- b) ~~Once in the decontamination area, external surfaces of contaminated containers and equipment shall be cleaned a second time by wet cleaning before moving such items into the holding area pending removal to uncontaminated areas.~~
- e) ~~Containers and equipment shall be removed from the holding area by workers who have entered from uncontaminated areas wearing proper personal protective equipment. If the decontamination area does not terminate to the exterior of the building, the following procedures shall be followed:~~
  - 1) ~~Waste and equipment shall be placed in a cart. The cart shall not be overloaded, which may cause tipping.~~
  - 2) ~~The loaded cart shall be carefully taken to and unloaded in the enclosed waste storage unit.~~
- d) ~~The exit from the decontamination area shall be secured to prevent unauthorized entry as required in OSHA 1926.1101(e)(3).~~

(Source: Repealed at 37 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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**Section 855.240 Procedures for Abatement of Asbestos in Schools and Commercial and Public Buildings~~Reestablishment of the Work Area and HVAC Systems in Commercial and Public Buildings~~**

The work procedures and controls specified in Sections 855.370 through 855.520 shall be followed for response action services in schools and CPBs. ~~The contractor, building owner, or the building owner's representative shall reestablish the work area in accordance with the following procedures:~~

- a) A project manager and project design are required for all school response actions greater than 3 square feet or 3 linear feet. ~~Reestablishment of the work area shall only occur following the completion of the cleanup procedures and after clearance air monitoring has been performed and documented to the satisfaction of the school board or building owner.~~
- b) A project manager and project design are required for all CPB response actions greater than 160 square feet or 260 linear feet. ~~The contractor, the building owner or the building owner's designee shall visually inspect the work area for any remaining visible residue. Evidence of contamination shall necessitate additional cleaning.~~
- c) When ACBM has been removed or disturbed in a manner that may create substantial danger to the environment or public health, all associated response actions shall be designed by a project designer. The project designer shall determine the extent of contamination and develop the project design in accordance with Section 855.150. The project shall not be implemented prior to review and acceptance by the Department. ~~Additional air monitoring shall be performed if additional cleanup is necessary.~~
- d) Following completion of clearance air monitoring of the work area, remaining equipment and polyethylene barriers shall be removed and disposed of as asbestos-contaminated waste. Following removal, the entire area, including HVAC filter assembly and outside of the duct work, shall be wet cleaned or HEPA vacuumed to remove residual asbestos fibers.
- e) Mounted objects removed from former positions during area preparation activities may be resecured.

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- f) ~~Objects that were removed to temporary locations may be relocated to original positions.~~
- g) ~~New filters shall be installed in HVAC systems, as necessary, and mechanical and electrical systems shall be reestablished in working order.~~

(Source: Amended at 37 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 855.250 Local Education Agency (LEA) and Designated Person Requirements**

- a) Each LEA and designated person shall:
  - 1) Ensure that any persons who conduct the following activities do so in accordance with this Part: perform inspections or reinspections; develop and update management plans; develop and implement response actions, including operations and maintenance or repair; and perform asbestos response action services. The LEA shall implement response actions within the time frame specified in the management plan;
  - 2) Ensure that all custodial and maintenance employees are properly trained as required by AHERA, the Asbestos Abatement Act and this Part;
  - 3) Ensure that parents, teachers and employee organizations are notified in writing at least once each school year of inspections, response actions and post-response action activities, including periodic reinspection and surveillance activities that are planned or in progress. The LEA shall include in the management plan a description of the steps taken to notify the organizations and a dated copy of the notification;
  - 4) Ensure that short-term workers (e.g., telephone repair workers, utility workers or exterminators) who may come in contact with asbestos in a school are provided information regarding the locations of ACBM or assumed ACBM;
  - 5) Ensure that warning labels are posted in accordance with the following:
    - A) The LEA shall attach a warning label immediately adjacent to any ACBM and suspected ACBM assumed to be ACBM located in a

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routine maintenance area (such as boiler rooms) at each school building.

- B) All labels shall be prominently displayed in readily visible locations and shall remain posted until the ACBM is removed.
- C) The warning label shall state in print that is readily visible: CAUTION – ASBESTOS – HAZARDOUS – DO NOT DISTURB WITHOUT PROPER TRAINING AND EQUIPMENT;
- 6) Ensure that the management plans are available for inspection and that notification of availability has been provided as specified in the management plan;
- 7) Keep a copy of the management plan in each school and district administrative office. Management plans shall be available for inspection by workers before work begins in any area of a school building. The management plans shall be available during normal business office hours, without cost or restriction, for inspection by representatives of the Department and any other person requesting. The LEA may charge a reasonable cost to make copies of management plans;
- 8) Maintain records as part of the management plan;
- 9) Ensure that each management plan contains an LEA assurances page (see Appendix B, Illustration J), signed by the individual designated by the LEA, that certifies that the LEA responsibilities have been met or will be met. A copy of the LEA assurances page shall be submitted to the Department;
- 10) Ensure that three-year reinspections are conducted in accordance with this Part and Section 855.260(m);
- 11) Ensure that the three-year school reinspection information form provided by the Department is submitted to the Department within 30 days after the reinspection; and

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- 12) Ensure that the Department is notified of any designated person change within 30 days after the change.
- b) The LEA shall designate a person to implement and oversee all management plan activities. The LEA designated person shall certify and ensure that the LEA's responsibilities have been met. The LEA shall ensure that the designated person receives adequate training to perform the LEA's assigned duties. The training shall include:
  - 1) Health effects of asbestos;
  - 2) Detection, identification and assessment of ACBM;
  - 3) Options for controlling ACBM;
  - 4) Asbestos management programs; and
  - 5) Relevant federal and State regulations concerning asbestos, including those of OSHA, the U.S. Department of Labor, the U.S. Department of Transportation, USEPA and the Department.
- c) Record Keeping
  - 1) Records required under this Section shall be maintained in a centralized location in the administrative office of both the school and the LEA as part of the management plan. For each homogeneous area where all ACBM has been removed, the LEA shall ensure that the records are retained for six years after removal is completed.
  - 2) For each preventive measure and response action taken for ACBM and suspected ACBM assumed to be ACBM, the LEA shall provide:
    - A) A detailed written description of the response action and methods used; the location where the response action was taken; the reasons for selecting the response action; the start and completion dates of the work; the names and addresses of all asbestos abatement contractors involved and their IDPH license identification number;

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and, if ACBM is removed, the name and location of the disposal site of the ACBM.

- B) The name, signature and Department-issued license identification number of any person collecting any air samples required to be collected at the completion of certain response actions; the locations where samples were collected; date of collection; the name and address of the laboratory analyzing the samples; the date and results of analysis; the method of analysis; the name and signature of the person performing the analysis; and a statement that the laboratory meets the applicable requirements of the National Bureau of Standards TEM laboratory accreditation.
- 3) For each time that periodic surveillance is performed, the LEA shall record, with completeness and accuracy, the name of each person performing the surveillance, the date of the surveillance, and any changes in the conditions of the materials.
- 4) For each time that asbestos cleaning is performed, the LEA shall record the name of each person performing the cleaning, the Department-issued license identification number, the date of the cleaning, the locations cleaned, and the methods used to perform the cleaning.
- 5) For each time that operations and maintenance activities are performed, the LEA shall record the name of each person performing the activity; the Department-issued licensed worker identification number; the start and completion dates of the activity; the locations where the activity occurred; a description of the activity, including preventive measures used; and, if ACBM is removed, the name and location of the storage or disposal site of the ACBM.
- 6) For each time that major response action is performed, the LEA shall provide the name, signature and Department-issued license identification number of each person performing the activity; the start and completion dates of the response action; the locations where the response action occurred; a description of the activity, including preventive measures used; and, if ACBM is removed, the name and location of the storage or disposal site of the ACBM.

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- 7) For each fiber release episode, the LEA shall provide the date and location of the episode; the method of repair; preventive measures or response action taken; the name of each person performing the work; the IDPH license identification number; and, if ACBM is removed, the name and location of the storage or disposal site of the ACBM.

(Source: Added at 37 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 855.260 Procedures for School Inspections and Reinspections**

- a) The Department will prepare and maintain a list of asbestos inspectors. All inspections and sampling of school buildings for the presence of ACBM and all assessments of the condition of ACBM in schools shall be conducted by an asbestos inspector.
- b) School Building Inspections
  - 1) Inspections shall be conducted only during non-school hours. Samples shall not be collected in areas where and at times when students or school personnel are present.
  - 2) All areas of the school building shall be inspected, including classrooms, cafeterias, auditoriums, gymnasiums, locker rooms, offices, hallways, tunnels, boiler rooms, mechanical rooms, above drop ceilings, crawl spaces, ventilation ducts, attics, basements, etc.
  - 3) For initial inspections, the asbestos inspector shall identify and establish homogeneous sampling areas for friable and nonfriable materials.
  - 4) The asbestos inspector shall photograph materials, including sample locations and damaged areas, and identify locations where pictures were taken.
  - 5) The asbestos inspector shall complete the form "Building Inspection for Friable and Nonfriable Materials" for each school or facility (see Appendix B, Illustration A).

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c) Sampling Friable and Nonfriable Materials

- 1) The area of each homogeneous friable and nonfriable surface shall be calculated (allow for beams, vaulted ceilings, etc.). If materials appearing uniform were installed at different times, two materials shall be designated as distinct homogeneous areas.
- 2) A diagram shall be drawn for each homogeneous sampling area as described in subsections (g), (h), (i) and (j).
- 3) Random sample points shall be determined using the method described in subsection (l).
- 4) The following requirements shall apply to all sampling of surfacing material:
  - A) For each homogeneous sampling area of less than 1,000 square feet, a minimum of three samples shall be collected;
  - B) For areas from 1,000 to 5,000 square feet, a minimum of five samples shall be collected;
  - C) For homogeneous areas greater than 5,000 square feet, a minimum of seven samples shall be collected.
- 5) Damaged pipe and boiler insulation are considered distinct sample areas, and three samples shall be collected for each homogeneous material found. Pipe, pipe joints and boiler insulation are all different homogeneous areas and shall not be sampled as one homogeneous area.
- 6) Wall and ceiling tiles shall also be sampled. Three samples shall be collected from each homogeneous type of wall and ceiling tile found.
- 7) At least one bulk sample shall be collected from each homogeneous area of patched thermal system insulation that is not assumed to be ACBM if the patched section is less than 6 linear or square feet.

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- 8) Bulk samples are not required to be collected from any homogeneous area where the asbestos inspector has determined that the thermal system insulation is fiberglass, foam glass, rubber or other non-asbestos-containing building materials.
- 9) Miscellaneous materials shall be collected in a manner sufficient to determine whether material is ACM. Bulk samples shall be collected from each homogeneous area of friable miscellaneous material that is not assumed to be ACM.
- 10) If any homogeneous area of nonfriable suspected ACM is not assumed to be ACM, then an asbestos inspector shall collect bulk samples from the homogeneous area in a manner sufficient to determine whether the material is ACM.

d) Sampling Precautions

- 1) Materials shall be sampled only with necessary personnel present. Materials shall not be disturbed any more than necessary.
- 2) A NIOSH-approved respirator equipped with HEPA filters shall be worn when sampling friable materials or when moving ceiling tiles to access friable materials.
- 3) Sampled areas shall be sealed with a clear nonflammable encapsulant.
- 4) Any visible materials shall be cleaned by wet mopping or by wiping with a damp cloth.
- 5) When carpet is present, a plastic drop cloth shall be placed under the sample point for easy cleanup.
- 6) Contaminated materials (e.g., wiping cloths, mop heads) shall be disposed of in sealed and labeled 6-mil plastic bags.

e) Sampling Procedures

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- 1) Materials shall be sprayed with a light mist of amended water to reduce fiber release during sampling.
  - 2) A small core of the material penetrating all layers, including any paint or protective coating, shall be gently cut and removed. Any reusable instrument shall be wet wiped before reuse.
  - 3) The sample shall be placed in a leak-proof plastic bag. The bag shall be sealed and the exterior wiped with a damp cloth to remove any materials.
  - 4) Each bag shall be labeled with a sample identification number.
  - 5) The samples for each school shall be sealed in a separate plastic bag.
  - 6) Information to be recorded for each sample collected includes the date, sampling location and identification number (Appendix B, Illustration B). The chain of custody shall be completed and samples submitted to a laboratory accredited under the NVLAP administered by NIST.
- f) Reporting. The management plan referenced in Section 855.270 shall be submitted to the Department, along with one copy of the inspection report, which shall include a narrative description of building components and a completed "Building Inspection for Friable and Nonfriable Materials" form for each school inspected. Clear color photographs and sample area diagrams shall be included with sample locations. Photocopies of photographs shall not be sent. Each sample shall have a photograph to show the condition of the material.
- 1) To expedite efficient review, inspection reports shall be organized and submitted in the following order:
    - A) Each report shall be submitted electronically as specified by the Department.
    - B) The school district, school name and complete address of the school building where the inspection was conducted and the city and county shall be identified as specified by the Department.
    - C) The report shall be submitted in the following order:

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- i) Appendix B, Illustration A;
  - ii) Narrative Report;
  - iii) Each sample area: Appendix B, Illustration B (two pages) identifying sample area; drawing to scale or dimension, indicating on the plan where samples were taken; photographs of material from which samples were taken, indicating the sample number that applies to each photograph. The reference material shall be used to determine the number of samples required based on the square footage in the sampling area.
- 2) The inspection report will not be considered complete until bulk samples are received and analyzed and results are reported by an NVLAP-approved laboratory. A copy of the laboratory submission sheets shall be included with the inspection report.
- g) For each assumed ACBM or sampling area, a diagram shall be prepared showing all friable and nonfriable materials in the sampling area. The diagram shall be constructed as follows:
- 1) The approximate dimensions of all rooms, corridors or other school building areas included in the diagram shall be clearly indicated. If these measurements are not readily available, rooms will need to be measured. The diagram shall be prepared approximately to scale (see Appendix B, Illustration C).
  - 2) The diagram shall distinguish between friable and nonfriable material areas of the sampling area, and areas in the diagram that are not contained in the sampling area.
  - 3) Any of the following features that are found within the sampling area shall be drawn on the diagram approximately to scale:
    - A) Damage caused by water or high humidity;

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- B) Damage due to vandalism, rough use or other factors;
  - C) Patched or repaired material; and
  - D) Areas that are inaccessible for the purpose of sampling the friable or nonfriable material.
- h) If one sampling area contains friable or nonfriable material areas that are not adjacent (for example, areas on different floors of the school building where the material is the same), each separate area shall be sketched according to the above instructions in subsection (g). All sketches shall be placed on the same graph, as closely together as possible. The sampling area may contain areas that are not in the same plane (for example, a ceiling and a wall with the same type of friable or nonfriable material). In this case, each flat surface shall be sketched according to the above instructions and these sketches placed on the same graph, as close together as possible.
- i) On each sampling area diagram, the following information shall be recorded:
- 1) Sampling area identification number that distinguishes the sampling area from all others of the school building;
  - 2) Brief description of the sampling area and the amount of material per homogeneous area;
  - 3) Area dimensions and scale;
  - 4) Name and address of the school;
  - 5) Name and telephone number of the school official contacted;
  - 6) Name of asbestos inspector and date of inspection; and
  - 7) Name of person preparing the diagram and date prepared.
- j) For piping, vent and boiler diagrams:

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- 1) A diagram shall be drawn that includes room dimensions and sample locations (see Appendix B, Illustration D).
- 2) Sample locations shall be described.
- k) All diagrams shall be included with the "Building Inspection" form.
- l) Sampling Area
  - 1) The sampling area shall be divided into nine equally sized subareas by dividing the length and width of the sampling area into three equal lengths and three equal widths and drawing a grid over the diagram (see Appendix B, Illustrations C through G).
  - 2) The diagrams in Appendix B, Illustration E show which subareas to use to follow a random sampling scheme. For the first area to be sampled, the nine subareas shall be numbered as shown for sampling area #1 in Appendix B, Illustration E. If three samples are needed, they shall be taken from the subareas marked 1, 2 and 3. If five samples are needed, they shall be taken from the subareas marked 1, 2, 3, 4 and 5, and so on. Samples shall be taken from approximately the center of a subarea, or as close as possible to the center if inaccessibility, presence of light fixtures, etc., make the center location impractical. If a subarea is specified that falls entirely outside the sampling area, the next specified subarea shall be used. For example, if subarea #3 falls outside the sampling area, the third sample from subarea #4 shall be taken.
  - 3) For irregularly shaped areas, the sampling area may be divided into nine approximately equally sized subareas that do not necessarily form a rectangular grid. The diagrams in Appendix B, Illustration E will then need to be adapted to the specific situation. Appendix B, Illustration F shows an example of a Y-shaped sampling area that is divided into nine equally sized subareas. The first diagram of Appendix B, Illustration E was adapted accordingly to number the subareas. When adapting sampling diagrams, the order of the numbered subareas from left to right and top to bottom shall be retained whenever possible.

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- 4) For each sampling area, a new diagram in accordance with Appendix B, Illustration E shall be used. If there are more than 18 sampling areas, a new diagram shall be used, starting again at the top (sampling area #1) of Appendix B, Illustration E to determine sampling locations for sampling areas #19 and higher.
- m) The following shall be required for reinspections:
- 1) The asbestos inspector shall visually reinspect all areas of the school building, including new additions. All items required by Appendix B, Illustration H shall be included in the reinspection.
  - 2) Any additional suspected ACBM found during the reinspection that was not included in the original management plan or previous reinspection report shall be sampled according to procedures in this Part or listed as assumed ACBM and added to the management plan.
  - 3) All functional spaces that have been isolated as a result of a major fiber release episode shall be identified, as well as how the functional space is being secured.
  - 4) Each re-inspection shall include drawings identifying the quantity of known ACBM or assumed ACBM remaining in each school building.
  - 5) Inspections shall be conducted only during non-school hours when students or school personnel are not present. Samples shall not be collected in areas when and where students or school personnel are present.
  - 6) Within 30 days after the reinspection, the asbestos inspector shall submit the following to the LEA, with completeness and accuracy:
    - A) The date of the reinspection;
    - B) The name and signature of the asbestos inspector performing the reinspection and the management planner;

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- C) The current Department-issued license number of the asbestos inspector and his or her current training course certificate at the time of the inspection; and
- D) A reassessment of the condition of known or assumed ACBM as required under 40 CFR 763.88.
- 7) Any changes in the classification of an assumed ACBM to a non-ACBM shall be performed in accordance with the requirements of this Part.
- 8) If the LEA chooses to resample known ACBM, the samples shall be analyzed using the TEM method to prove that the material is not ACBM.
- 9) The asbestos inspector shall identify all missing LEA requirements and record keeping documentation observed in the inspection report and management plan and inform the LEA, the Department and the management planner in writing of all deficiencies.

(Source: Added at 37 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 855.270 Management Plan**

- a) In accordance with 40 CFR 763.93, each LEA shall submit the management plan for each individual school to the Department. The management plan shall comply with the management plan protocol in Appendix B, Illustration H and Appendix B, Illustration I. The management plan shall be submitted to the Department in an electronic format on a CD ROM as a single PDF file (not rewritable), with only one management plan per CD. The electronic document shall be bookmarked in accordance with Appendix B, Illustration I – Outline for Asbestos Management Plan.
- b) The management plan for each school building shall include:
  - 1) An inspection report with assessment of each homogeneous area as required in Section 855.260;
  - 2) A laboratory analysis report;

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- 3) Response action plans for each homogeneous area of ACBM in accordance with 40 CFR 763.90; and
  - 4) An operations and maintenance program for each homogeneous area of ACBM until the ACBM is removed.
- c) Any management plan submitted without all materials listed in subsection (b) shall be considered incomplete and shall be returned to the LEA.
  - d) The Department will have 90 days to respond to the submitted management plan. The Department will consider the following factors in deciding to approve or disapprove a management plan:
    - 1) The timeliness of submission;
    - 2) Preparation by a Department-licensed management planner;
    - 3) Inclusion of an inspection report prepared by an asbestos inspector; and
    - 4) Inclusion of the materials required under subsection (b).
  - e) If the plan is not disapproved within 90 days, the LEA shall implement the plan.
  - f) If the plan is disapproved, the LEA has 30 days to resubmit the plan. The Department may allow, in writing, an extension of an additional 60 days for resubmission. The Department will consider the size of facilities, number of buildings and degree to which the management plan fails to comply with the requirements of this Part before granting an extension.
  - g) For all reinspections in a school, the management planner shall review the reinspection report and recommend appropriate response actions in the management plan as required by 40 CFR 763.90.

(Source: Added at 37 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 855.280 Operations and Maintenance**

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- a) The school board or building owner shall designate a person who shall be responsible for implementing an operations and maintenance plan. The plan shall be instituted in every school identified or assumed to have ACM and shall be enforced at all times. The plan shall be in writing and shall meet the requirements of USEPA (40 CFR 763.91) and OSHA (29 CFR 1926.1101).
- b) Department-licensed asbestos workers shall be used when less than 3 square feet and 3 linear feet of ACM must be disturbed by drilling, sanding, cutting or repairing, or when friable ACM must be cleaned. The following procedures shall be followed:
- 1) Heating, cooling or ventilating air systems shall be shut down to prevent fiber dispersal to other areas of the building.
  - 2) Openings in the work area, including windows, doorways, vents and any other openings, shall be sealed with 6-mil polyethylene or equivalent sheeting and duct tape.
  - 3) All persons shall wear respirators equipped with high efficiency HEPA filters and approved by NIOSH.
  - 4) All persons shall wear disposable full body coveralls and head gear.
  - 5) ACM shall be wetted with amended water before repairing or disturbing the material to reduce airborne fiber release.
  - 6) The work area shall be cleaned up using wet rags, mops or sponges, leaving no visible residue.
  - 7) Asbestos-contaminated waste shall be sealed and labeled in 6-mil plastic bags and disposed of at an approved disposal site.

(Source: Added at 37 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 855.290 Submissions and Notices for Abatement of Asbestos in Schools**

- a) The asbestos abatement contractor shall submit the following items to the Department postmarked or facsimile dated at least 10 working days prior to the

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commencement of project activities or by means approved by the Department (electronic notification).

- 1) The asbestos abatement contractor shall complete and submit the notification form provided by the Department for all abatement projects. The completed form shall contain only correct and accurate information.
  - 2) Written permission from the building owner confirming the authorization for the commencement of abatement according to Section 855.450(g) shall be attached to the notification form and submitted to the Department.
- b) The asbestos abatement contractor shall notify the Department in writing on the form provided by the Department prior to any change in start date, completion date and scope of the project.
- c) Prior to commencement of project activities, the asbestos abatement contractor shall submit the following items to the project manager. These items shall be up to date and shall be maintained at the abatement site by the project manager.
- 1) Documentation of arrangements for the transport and disposal of asbestos-containing or asbestos-contaminated materials and supplies, and the name and location of the disposal site;
  - 2) Documentation that each asbestos worker and supervisor is licensed;
  - 3) Drawings for layout and construction of decontamination enclosure systems and barriers for isolation of the work area;
  - 4) When rental equipment is to be used in removal areas or to transport waste materials, a copy of the written notification to inform the rental company of the nature of use of the rented equipment;
  - 5) Results of materials testing as conducted before the abatement for purposes of use during abatement activities (e.g., testing of encapsulant for depth of penetration, testing of substitute materials for adherence to encapsulated surfaces); and

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- 6) Copies of initial and current accreditation certificates of all licensed persons and the original license. The project manager shall make copies of all licenses at the location where the persons are conducting work. Failure to have accreditation certificates at the job site could result in decertification.
- d) During abatement activities, the asbestos abatement contractor shall submit the following items to the project manager on a weekly basis, and the project manager shall maintain this documentation at the abatement site:
    - 1) Job progress reports detailing abatement activities, including a review of progress with respect to previously established schedules, problems and actions taken, injury reports and equipment breakdowns;
    - 2) Copies of all transport manifests, trip tickets and disposal receipts for all asbestos waste materials removed from the work area during the abatement process. These materials shall be submitted to the project manager within 10 days after the completion of the project;
    - 3) Copies of worksite entry log books with information on worker and visitor access;
    - 4) Logs documenting filter changes on respirators, HEPA vacuums, negative pressure ventilation units and other engineering controls;
    - 5) Logs documenting that each asbestos worker present and in the abatement area was licensed by the Department; and
    - 6) Any revisions to the start date, completion date or scope of the project.
  - e) Prior to project activities, the LEA shall:
    - 1) Notify occupants of work areas that may be disrupted by the abatement project of dates and requirements for relocation. Arrangements shall be made prior to start of the project for relocation of desks, files, equipment and personal possessions to avoid unauthorized access into the work area by building occupants. Notification of all building occupants and users is

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required to prevent unnecessary or unauthorized access to the contaminated work area.

- 2) Submit to the asbestos abatement contractor and project manager results of background level air sampling, including sampling location, name of the air sampling professional, equipment used and method of analysis. Background air samples shall be collected and analyzed prior to the start of project activities.
- 3) Provide to the asbestos abatement contractor information concerning access, shutdown and protection requirements of equipment and systems in the work area.
- 4) Submit to the asbestos abatement contractor prior to commencement of abatement the names and addresses of all asbestos project managers and air sampling professionals assigned to the project. Any changes of the building owner representatives shall be submitted to the asbestos abatement contractor in writing prior to the change.
- 5) Provide to the asbestos abatement contractor written permission authorizing the commencement of asbestos abatement.
- 6) Provide the asbestos abatement contractor with written verification that all building occupants and users have been notified, pursuant to this Section, prior to commencement of the project. The asbestos abatement contractor shall submit the written verification to the Department with the notification form provided by the Department.

(Source: Added at 37 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

SUBPART E: ~~LOCAL EDUCATIONAL AGENCY RESPONSIBILITIES  
AND STANDARDS FOR ABATEMENT~~

**Section 855.300 Local Education Agency (LEA) Requirements (Repealed)**

- a) ~~Each LEA shall:~~
  - 1) ~~Ensure that any persons who perform inspections and reinspections,~~

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~~develop and update management plans, develop and implement response actions, including operations and maintenance or repair, are licensed in accordance with Section 855.100.~~

- 2) ~~Ensure that all custodial and maintenance employees are properly trained as required by the Asbestos Hazard Emergency Response Act (AHERA), the Asbestos Abatement Act, and this Part.~~
- 3) ~~Ensure that parents, teachers, and employee organizations are notified in writing at least once each school year of inspections, response actions, and post response action activities, including periodic reinspection and surveillance activities that are planned or in progress. The LEA shall include in the management plan a description of the steps taken to notify such organizations and a dated copy of the notification.~~
- 4) ~~The LEA shall designate a person to oversee all management plan activities and ensure that the designated person receives adequate training to perform the assigned duties of the local education agency. Such training shall include:~~
  - A) ~~Health effects of asbestos.~~
  - B) ~~Detection, identification and assessment of ACBM.~~
  - C) ~~Options for controlling ACBM.~~
  - D) ~~Asbestos management programs.~~
  - E) ~~Relevant federal and State regulations concerning asbestos, including those of the Occupational Safety and Health Administration, U.S. Department of Labor, the U.S. Department of Transportation, the U.S. Environmental Protection Agency and the Department.~~
- 5) ~~Ensure that short term workers (e.g., telephone repair workers, utility workers, or exterminators) who may come in contact with asbestos in a school are provided information regarding the locations of asbestos-containing building materials (ACBM) and/or assumed ACBM.~~

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- 6) ~~Ensure that warning labels are posted in accordance with the following:~~
  - A) ~~The LEA shall attach a warning label immediately adjacent to any ACBM and suspected ACBM assumed to be ACBM located in a routine maintenance area (such as boiler rooms) at each school building.~~
  - B) ~~All labels shall be prominently displayed in readily visible locations and shall remain posted until the ACBM is removed.~~
  - C) ~~The warning label shall state in print which is readily visible: Caution; Asbestos. Hazardous. Do Not Disturb Without Proper Training and Equipment.~~
- 7) ~~Ensure that the management plans are available for inspection and notification of such availability has been provided as specified in the management plan.~~
- 8) ~~Keep a copy of the plan in each school and district administrative office. Management plans shall be available for inspection by workers before work begins in any area of a school building. The management plans shall be available during normal business office hours, without cost or restriction, for inspection by representatives of the USEPA, the Department, teachers, other school personnel, parents and the general public. The LEA may charge a reasonable cost to make copies of management plans.~~
- 9) ~~Maintain records as part of the management plan.~~
- 10) ~~Ensure that each management plan contains a statement, signed by the individual designated by the LEA, which certifies that the LEA responsibilities have been met or will be met.~~
- 11) ~~Ensure that three year reinspections are conducted in accordance with this Part and Section 855.310(m).~~
- 12) ~~Ensure that the three year school reinspection information form provided~~

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~~by the Department is submitted to the Department within 30 days from the reinspection.~~

## b) Recordkeeping

- 1) ~~Records required under this Section shall be maintained in a centralized location in the administrative office of both the school and the LEA as part of the management plan. For each homogeneous area where all ACBM has been removed, the LEA shall ensure that such records are retained for six years after completion of removal.~~
- 2) ~~For each preventive measure and response action taken for ACBM and suspected ACBM assumed to be ACBM, the LEA shall provide:~~
  - A) ~~A detailed written description of the response action and methods used, the location where the response action was taken, the reasons for selecting the response action, the start and completion dates of the work, the names and addresses of all contractors involved, and if applicable, their IDPH license I.D. number, and if ACBM is removed, the name and location of the disposal site of the ACBM.~~
  - B) ~~The name, signature, and Department-issued license I.D. number of any person collecting any air samples required to be collected at the completion of certain response actions, the locations where samples were collected, date of collection, the name and address of the laboratory analyzing the samples, the date of analysis, the results of the analysis, the method of analysis, the name and signature of the person performing the analysis, and a statement that the laboratory meets the applicable requirements of the National Bureau of Standards TEM laboratory accreditation.~~
  - C) ~~For each time that periodic surveillance is performed, the LEA shall record the name of each person performing the surveillance, the date of the surveillance, and any changes in the conditions of the materials.~~
  - D) ~~For each time that asbestos cleaning is performed, the LEA shall record the name of each person performing the cleaning, the IDPH~~

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~~licensed worker I.D. number, the date of such cleaning, the locations cleaned, and the methods used to perform such cleaning.~~

- ~~E) For each time that operations and maintenance activities are performed, the LEA shall record the name of each person performing the activity, the Department issued licensed worker I.D. number, the start and completion dates of the activity, the locations where such activity occurred, a description of the activity including preventive measures used, and if ACBM is removed, the name and location of the storage or disposal site of the ACBM.~~
- ~~F) For each time that major response action is performed, the local education agency shall provide the name, signature and Department issued license I.D. number of each person performing the activity, the start and completion dates of the response action, the locations where such response action occurred, a description of the activity, including preventive measures used, and if ACBM is removed, the name and location of the storage or disposal site of the ACBM.~~
- ~~G) For each fiber release episode, the LEA shall provide the date and location of the episode, the method of repair, preventive measures or response action taken, the name of each person performing the work, the IDPH license ID number, and if ACBM is removed, the name and location of the storage or disposal site of the ACBM.~~

(Source: Repealed at 37 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 855.310 Procedures for School Inspections and Reinspections (Repealed)**

- ~~a) The Department shall prepare and maintain a list of licensed inspectors. All inspections and sampling of school buildings for the presence of ACBM and all assessments of the condition of ACBM in schools shall be done by a Department licensed asbestos inspector.~~
- ~~b) School Building Inspections.
  - ~~1) Inspections shall be conducted only during non-school hours. Samples~~~~

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~~shall not be collected in areas where, and at times when, students or school personnel are present.~~

- 2) ~~All areas of the school building shall be inspected including classrooms, cafeterias, auditoriums, gymnasiums, locker rooms, offices, hallways, tunnels, boiler rooms, mechanical rooms, above drop ceilings, crawl spaces, ventilation ducts, attics, basements, etc.~~
  - 3) ~~For initial inspections, the inspector shall identify and establish homogeneous sampling areas for friable and nonfriable materials.~~
  - 4) ~~The inspector shall photograph materials sampled and damaged areas found and identify locations where pictures were taken.~~
  - 5) ~~The inspector shall complete the form "Building Inspection for Friable and Nonfriable Materials" for each school or facility. (See Appendix B, Illustration A of this Part.)~~
- e) ~~Sampling Friable and Nonfriable Materials.~~
- 1) ~~The area of each homogeneous friable and nonfriable surface shall be calculated (allow for beams, vaulted ceilings, etc.). If materials appearing uniform were installed at different times, two materials shall be designated as distinct homogeneous areas.~~
  - 2) ~~A diagram shall be drawn for each homogeneous sampling area as described in subsections (g), (h), (i), and (j) of this Section.~~
  - 3) ~~Random sample points shall be determined using the method described in subsection (l) of this Section.~~
  - 4) ~~The following requirements shall apply to all sampling of surfacing material:~~
    - A) ~~For each homogeneous sampling area of less than 1,000 square feet, a minimum of 3 samples shall be collected;~~
    - B) ~~For areas from 1,000 to 5,000 square feet, a minimum of 5 samples~~

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~~shall be collected;~~

- C) ~~For homogeneous areas greater than 5,000 square feet, a minimum of 7 samples shall be collected.~~
- 5) ~~If pipe and boiler insulation are in good condition (not friable), sampling shall not be conducted. It shall be assumed that these areas are asbestos containing and recorded as such. The Superintendent of the school district may request a variance (see Section 855.25) for the inspectors to sample material that is in good condition. However, damaged pipe and boiler insulation are considered distinct sample areas, and three samples must be collected for each such homogeneous material found. Pipe, pipe joints and boiler insulation are all different homogeneous areas and shall not be sampled as one homogeneous area.~~
- 6) ~~Wall and ceiling tiles must also be sampled. Three samples shall be collected from each homogeneous type of wall and ceiling tile found.~~
- 7) ~~At least one bulk sample shall be collected from each homogeneous area of patched thermal system insulation that is not assumed to be ACBM if the patched section is less than six linear or square feet.~~
- 8) ~~Bulk samples are not required to be collected from any homogeneous area where the accredited inspector has determined that the thermal system insulation is fiberglass, foam glass, rubber, or other non-asbestos-containing building materials.~~
- 9) ~~Miscellaneous materials shall be collected in a manner sufficient to determine whether material is asbestos-containing building materials (ACBM). Bulk samples shall be collected from each homogeneous area of friable miscellaneous material that is not assumed to be asbestos-containing materials.~~
- 10) ~~Nonfriable suspected asbestos-containing building materials (ACBM). If any homogeneous area of nonfriable suspected ACBM is not assumed to be ACBM, then a licensed inspector shall collect, in a manner sufficient to determine whether the material is ACBM, bulk samples from the homogeneous area.~~

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d) ~~Sampling Precautions:~~

- 1) ~~Disturbed materials shall only be sampled with necessary personnel present. Materials shall not be disturbed any more than necessary.~~
- 2) ~~A NIOSH approved respirator equipped with HEPA filters shall be worn when sampling friable materials or when moving ceiling tiles to access friable materials.~~
- 3) ~~Disturbed materials shall be sealed with a clear, nonflammable encapsulant.~~
- 4) ~~Any visible materials shall be cleaned by wet mopping or by wiping with a damp cloth.~~
- 5) ~~When carpet is present, a plastic drop cloth shall be placed under the sample point to facilitate easy clean up.~~
- 6) ~~Contaminated materials (e.g., wiping cloths, mop heads) shall be disposed of in sealed, labeled six mil plastic bags.~~

e) ~~Sampling Procedures:~~

- 1) ~~Materials shall be sprayed with a light mist of water to reduce fiber release during sampling.~~
- 2) ~~A small core of the material penetrating all layers including any paint or protective coating shall be gently cut and removed. Any reusable instrument shall be wet wiped before reuse.~~
- 3) ~~The sample shall be placed in a zip top plastic bag. The bag shall be sealed and the exterior wiped with a damp cloth to remove any materials.~~
- 4) ~~Each bag shall be labeled with a sample I.D. number.~~
- 5) ~~The samples for each school shall be sealed in a second plastic bag.~~

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- 6) ~~Information to be recorded for each sample collected includes the date, sampling location and ID number. The form "Asbestos Bulk Analysis" shall be completed and samples submitted to a laboratory accredited under the National Voluntary Laboratory Accreditation Program (NVLAP) administered by the National Institute for Standards and Technology (NIST).~~
- f) ~~Reporting. The Management Plan referenced in Section 855.325 shall be submitted to the Department along with one copy of the inspection report which shall include a narrative description of building components and a completed "Building Inspection for Friable and Nonfriable Materials" form for each school inspected. Photographs and sample area diagrams shall be included with sample locations. All photographs must be reproduced from negatives. Photocopies of photographs shall not be sent. Each sample must have a photograph to show condition of the material.~~
- 1) ~~To expedite the efficient review of the inspection reports, they shall be organized and submitted in the following order:~~
- A) ~~Each report shall be put in a three hole report cover. (Not a three ring binder.)~~
  - B) ~~The school district, school name, and the complete address of school building where inspection was conducted, city and county shall be identified on the front cover.~~
  - C) ~~The report shall be assembled in the following order:~~
    - i) ~~Appendix B, Illustration A~~
    - ii) ~~Narrative Report~~
    - iii) ~~Each sample area: Appendix B, Illustration B (2 pages) Identifying sample area; Drawing to scale or dimension; Indicating on plan where samples were taken; Including photographs of material from which samples were taken; Indicating the sample number which applies to each photo. The reference material should be used to determine the~~

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~~number of samples required based on the square footage in the sampling area.~~

- ~~2) The inspection report will not be considered complete until bulk samples are received by an approved laboratory. A copy of the laboratory submission sheets shall be included with the inspection report.~~
- ~~g) For each sampling area, diagram shall be prepared showing all friable and nonfriable materials in the sampling area. Construct the diagram on graph paper as follows:~~
  - ~~1) The approximate dimensions of all rooms, corridors, or other school building areas included in the diagram shall be clearly indicated. If these measurements are not readily available, rooms will need to be measured. Prepare the diagram approximately to scale. (See Appendix B, Illustration C.)~~
  - ~~2) The diagram shall distinguish between friable and nonfriable material areas of the sampling area, and areas in the diagram that are not contained in the sampling area.~~
  - ~~3) Any of the following features that are found within the sampling area shall be drawn on the diagram approximately to scale:~~
    - ~~A) Damage caused by water or high humidity.~~
    - ~~B) Damage due to vandalism, rough use, or other factors.~~
    - ~~C) Patched or repaired material.~~
    - ~~D) Areas that are inaccessible for the purpose of sampling the friable or nonfriable material.~~
- ~~h) If one sampling area contains friable or nonfriable material areas that are not adjacent (for example, areas on different floors of the school building where the material is the same), each separate area shall be sketched according to the above instructions. Place all sketches on the same graph, as closely together as possible. The sampling area may contain areas that are not in the same plane (for example,~~

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~~a ceiling and a wall with the same type of friable or nonfriable material). In this case, each flat surface shall be sketched according to the above instructions and these sketches placed on the same graph, as close together as possible.~~

- ~~i) On each sampling area diagram, the following information shall be recorded:~~
  - ~~1) Sampling area identification number that distinguishes the sampling area from all others of the school building.~~
  - ~~2) Brief description of the sampling area.~~
  - ~~3) Area dimensions and scale.~~
  - ~~4) Name and address of the school.~~
  - ~~5) Name and telephone number of the school official contacted.~~
  - ~~6) Name of inspector and date of inspection.~~
  - ~~7) Name of person preparing the diagram and date prepared.~~
- ~~j) For piping, vent and boiler diagrams:~~
  - ~~1) A diagram shall be drawn which includes room dimensions and sample locations. (See Appendix B, Illustration D.)~~
  - ~~2) Sample locations shall be described.~~
- ~~k) These diagrams shall be included with the "Building Inspection" form.~~
- ~~l) Sampling Procedure~~
  - ~~1) The sampling area shall be divided into nine equally sized subareas. This shall be done by dividing the length and width of the sampling area into three equal lengths and three equal widths and drawing a grid over the diagram (see Appendix B, Illustrations C through G).~~
  - ~~2) The diagrams in Appendix B, Illustration E show which subareas to use in~~

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~~order to follow a random sampling scheme. For the first area to be sampled, the nine subareas shall be numbered as shown for sampling area #1 in Appendix B, Illustration E. If three samples are needed, they shall be taken from the subareas marked 1, 2 and 3. If 5 samples are needed, they shall be taken from the subareas marked 1, 2, 3, 4 and 5, and so on. Samples shall be taken from approximately the center of a subarea, or as close as possible to the center if inaccessibility, presence of light fixtures, etc., make the center location impractical. If a subarea is specified that falls entirely outside the sampling area, the next specified subarea shall be used. For example, if subarea 3 falls outside the sampling area, the third sample from subarea 4 shall be taken.~~

- 3) ~~For very irregularly shaped areas, the sampling area may be divided into nine approximately equally sized subareas that do not necessarily form a rectangular grid. The diagrams in Appendix B, Illustration E will then need to be adapted to the specific situation. Appendix B, Illustration F shows an example of a Y-shaped sampling area that is divided into nine equally sized subareas. The first diagram of Appendix B, Illustration E was adapted accordingly to number the subareas. When adapting sampling diagrams, the order of the numbered subareas from left to right and top to bottom shall be retained wherever possible.~~
  - 4) ~~For each sampling area, a new diagram in accordance with Appendix B, Illustration E shall be used. If there are more than 18 sampling areas, a new diagram shall be used, starting again at the top (Sampling Area #1) of Illustration E to determine sampling locations for sampling area 19 and higher.~~
- m) The following shall be required for reinspections:
- 1) ~~All items included in Section 855. Appendix B, Illustration H.~~
  - 2) ~~Any additional suspect ACBM found during the reinspection, that was not included in the original management plan or previous reinspection report, shall be sampled according to procedures in Section 855.310(d) or listed as assumed ACBM and added to the management plan.~~
  - 3) ~~Inspections shall be conducted only during non-school hours when~~

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~~students or school personnel are not present. Samples shall not be collected in areas when and where students or school personnel are present.~~

- 4) ~~Within 30 days after the reinspection, the Department licensed inspector shall submit to the LEA the following:~~
- A) ~~The date of the reinspection.~~
  - B) ~~The name and signature of the Department licensed inspector performing the reinspection and the licensed management planner.~~
  - C) ~~The current Department issued license number of the inspector/management planner and the current training course certificate at the time of the inspection.~~
  - D) ~~Any changes in condition of known or assumed ACBM.~~
  - E) ~~Any changes in the classification of an assumed ACBM to a non-ACBM shall be performed in accordance with the requirements of this Section.~~
  - F) ~~If the LEA chooses to resample known ACBM, the results of the new sampling shall use TEM to prove that the material is not ACBM.~~
  - G) ~~Any changes in the response action recommendations.~~

(Source: Repealed at 37 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 855.325 Management Plan (Repealed)**

- a) ~~In accordance with 40 CFR 763, each Local Educational Agency (LEA) shall submit to the Department the management plan for each individual school. The management plan shall comply with the management plan protocol in Section 855. Appendix B, Illustration H and Illustration I.~~
- b) ~~The management plan for each school building shall include:~~

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- 1) ~~Inspection report with assessment of each homogeneous area as required in Section 855.310.~~
  - 2) ~~Laboratory analysis report.~~
  - 3) ~~Response action plans for each homogeneous area of ACBM in accordance with 40 CFR 763.90.~~
  - 4) ~~Operations and maintenance program for each homogeneous area of ACBM until such time as it is removed.~~
- e) ~~Any management plan submitted without all materials listed in subsections (b)(1)-(4) of this Section shall be considered incomplete and shall be returned to the LEA.~~
  - d) ~~The Department shall have 90 days to respond to the submitted management plan. The Department shall consider the following factors in deciding to approve or disapprove a management plan: the timeliness of submission, preparation by a Department licensed management planner, inclusion of an inspection report prepared by a Department licensed inspector approved by the Department, and inclusion of the materials required under subsection (b) of this Section.~~
  - e) ~~If the plan is not disapproved within this time, the LEA shall implement the plan.~~
  - f) ~~If the plan is disapproved within this time, the LEA has 30 days to resubmit the plan. The Department may allow, in writing, an extension of an additional 60 days for resubmission. The Department will consider the size of facilities, number of buildings and the degree to which the management plan fails to comply with the requirements of this Part, before granting an extension.~~

(Source: Repealed at 37 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 855.330 Operations and Maintenance (Repealed)**

- a) ~~The school board or building owner shall designate a person who shall be responsible for the implementation of an operations and maintenance plan. The plan shall be instituted in every school identified or assumed as having ACBM~~

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~~and shall be enforced at all times. The plan shall be in writing and shall meet the requirements of USEPA (40 CFR 763) and OSHA Regulations (29 CFR 1926.1101).~~

- b) ~~Repair Procedures. Department licensed asbestos workers shall be utilized when ACBM must be drilled, sanded, cut, or repaired, or friable ACBM must be cleaned and the following procedures shall be followed:~~
- ~~1) Heating, cooling, or ventilating air systems shall be shut down to prevent fiber dispersal to other areas of the building.~~
  - ~~2) Openings in the work area, including windows, doorways, vents, and any other openings, shall be sealed off with six mil polyethylene or equivalent sheeting and duct tape.~~
  - ~~3) All persons shall wear respirators equipped with high efficiency HEPA filters and approved by the National Institute for Occupational Safety and Health (NIOSH).~~
  - ~~4) All persons shall wear disposable full body coveralls and head gear.~~
  - ~~5) ACBM shall be wet down with amended water before repairing or disturbing the material to reduce airborne fiber release.~~
  - ~~6) Work area shall be cleaned up using wet rags, mops or sponges, leaving no visible residue.~~
  - ~~7) Asbestos contaminated waste shall be sealed in six mil labeled plastic bags and disposed of at an approved disposal site.~~
  - ~~8) Maintenance or repair which results in the disturbance of ACBM shall be conducted in accordance with OSHA Regulations 29 CFR 2926.1101(e) and (g).~~
- e) ~~The Floor Tile Project Notice form provided by the Department must be submitted at least 10 working days prior to the beginning of an asbestos resilient floor covering material project in a school building.~~

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(Source: Repealed at 37 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 855.340 Whole Floor Tile Removal Procedures**

Removal of nonfriable asbestos-containing floor tile in a manner that is not likely to result in release of asbestos fibers, and that is performed in accordance with the following minimum standards, shall not be considered a response action. The following provisions are intended to ensure that proper work procedures will be followed and that building occupants will not be subjected to asbestos hazards. The notification form provided by the Department shall be submitted at least two working days prior to the beginning of a whole floor tile removal procedure. The completed form shall contain only correct and accurate information. Any changes to the notification shall be submitted to the Department prior to implementing the change.

- a) All floor tile that has previously been analyzed using PLM and was found to be negative shall be re-analyzed using TEM prior to being disturbed. The analysis shall be conducted using the "Test Method – Method for the Determination of Asbestos in Bulk Building Materials", TEM method.
- b) Sheet vinyl flooring and associated adhesive shall be removed by an asbestos abatement contractor.
- c) Removal of Whole Floor Tile and Associated Adhesives
  - 1) All movable objects shall be removed from the area where whole floor tile removal will take place. Baseboards and moldings shall remain in place until the area is properly isolated.
  - 2) The area where whole floor tile removal will take place shall be isolated in a manner (e.g., plywood barriers, chained and locked doors, etc.) that prevents access by unauthorized individuals.
  - 3) All entrances to the area where whole floor tile removal will take place shall be demarcated with signs that contain the following information: DANGER – ASBESTOS – CANCER AND LUNG DISEASE HAZARD – AUTHORIZED PERSONNEL ONLY.
  - 4) Before removal of floor tile begins, the entire floor shall be vacuumed using a HEPA vacuum with a floor attachment.

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- 5) The floor tiles and associated adhesive shall not be sanded, abraded, drilled, sawed, bead blasted, chipped or pulverized.
- 6) Dry sweeping shall not be permitted.
- 7) All tiles in the area shall be misted with water using an airless sprayer, unless heat methods are used.
- 8) All tiles shall be removed as whole tiles. If tiles break or tear, a licensed asbestos supervisor shall evaluate whether the project can continue without further breakage or tearing. If the licensed asbestos supervisor determines that the floor tiles cannot be removed whole, the project shall be considered friable removal and conducted in accordance with this Part. All floor tile removal shall be in accordance with Section 855.460. One of the following methods shall be used when conducting whole tile removal:
  - A) Flooding Technique
    - i) The floor tile shall be saturated with water.
    - ii) Care shall be taken to ensure that water does not leak outside of the area where whole tile removal is taking place.
    - iii) Once tiles are no longer adhering to the flooring surface, the tiles shall be removed as whole tiles.
    - iv) Additional water shall be added to the tiles that remain adhered to the flooring surface. This process shall be repeated until all tiles have been removed as whole tiles.
    - v) The floor tiles that have been removed shall be placed in labeled leak-tight containers (e.g., 6-mil plastic bags or drums).



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ensure that the adhesive removal product does not leak outside of the area where whole tile removal has taken place.

- 12) The slurry of adhesive and adhesive removal product shall be collected and contained in labeled leak-tight containers (e.g., 6-mil plastic bags or drums).
  - 13) Once all adhesive has been removed, the area shall be vacuumed using a HEPA vacuum with floor attachment.
  - 14) The floor shall then be cleaned with a cleaner/neutralizer to remove any residual adhesive or adhesive removal product.
  - 15) Eating, drinking, smoking, chewing tobacco or gum, and applying cosmetics shall be prohibited in the area where whole tile removal will take place.
  - 16) The floor tile supervisor shall oversee all activities in the area where whole tile removal occurs and ensure that all activities are in compliance with this Part.
- d) Floor tile supervisor and floor tile worker training courses shall be conducted in compliance with 29 CFR 1926.1101(k)(9). The floor tile supervisor course shall be a 12-hour course and the floor tile worker course shall be an eight-hour course. If the individual already possesses a valid IDPH asbestos supervisor or asbestos worker license, no other training is required. All training and licensing documentation shall be on site during removal activities.
  - e) Prior to commencement of renovation activities, 40 CFR 61.145(a) and this Part require the owner or operator to use an asbestos inspector to inspect the affected facility or part of the facility where the renovation operation will occur. The inspection shall determine the presence, location and quantity of asbestos, including Category I and Category II nonfriable ACM. Bulk sample analysis results shall be on site.
  - f) Annual refresher training shall be conducted for all floor tile asbestos supervisors and floor tile asbestos workers. The refresher training course shall be an eight-hour course for the supervisor and a four-hour course for the worker. If the

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individual possesses a valid IDPH asbestos supervisor or asbestos worker license, the refresher course required by the Asbestos School Hazard Abatement Reauthorization Act (ASHARA) requirements will satisfy the refresher training.

(Source: Added at 37 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 855.350 Submissions and Notices (Repealed)**

- a) ~~The contractor shall submit the following items to the Department postmarked or facsimile dated at least 10 working days prior to the commencement of an asbestos abatement project.~~
  - 1) ~~The Notice of Asbestos Abatement Form provided by the Department shall be completed and submitted by the contractor for all abatement projects. The completed form shall contain only correct and accurate information.~~
  - 2) ~~Written permission from the building owner confirming the authorization for the commencement of abatement according to Section 855.450(g) shall be attached to the notification form and submitted to the Department.~~
- b) ~~The contractor shall notify the Department in writing on the form provided by the Department prior to any change in start date, completion date and scope of the project.~~
- e) ~~Five days prior to commencement of work, the contractor shall submit the following items to the project manager. These items shall be up-to-date and shall be maintained at the abatement site by the project manager.~~
  - 1) ~~Documentation of arrangements for the transport and disposal of asbestos-containing or contaminated materials and supplies and the name and location of the disposal site.~~
  - 2) ~~Documentation that each asbestos worker and supervisor are licensed.~~
  - 3) ~~Drawings for layout and construction of decontamination enclosure systems and barriers for isolation of the work area.~~

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- 4) ~~When rental equipment is to be used in removal areas or to transport waste materials, a copy of the written notification to inform the rental company of the nature of use of the rented equipment.~~
  - 5) ~~Results of materials testing as conducted before the abatement for purposes of utilization during abatement activities (e.g., testing of encapsulant for depth of penetration, testing of substitute materials for adherence to encapsulated surfaces).~~
  - 6) ~~Copies of initial and current accreditation certificates of all licensed persons and the original license. The project manager shall make copies of all licenses at the location where they are conducting work. Failure to have accreditation certificates at the job site could result in decertification.~~
- d) During abatement activities the contractor shall submit on a weekly basis the following items to the project manager and the project manager shall maintain this documentation at the abatement site:
- 1) ~~Job progress reports detailing abatement activities, including a review of progress with respect to previously established schedules, problems and actions taken, injury reports, and equipment breakdowns.~~
  - 2) ~~Copies of all transport manifests, trip tickets and disposal receipts for all asbestos waste materials removed from the work area during the abatement process shall be submitted to the project manager within 10 days after the completion of the project.~~
  - 3) ~~Copies of worksite entry log books with information on worker and visitor access.~~
  - 4) ~~Logs documenting filter changes on respirators, HEPA vacuums, negative pressure ventilation units, and other engineering controls.~~
  - 5) ~~Logs documenting that each asbestos worker present and in the abatement area was licensed as such by the Department.~~
  - 6) ~~Any revisions to the start date, completion date or scope of the project.~~

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- e) ~~Prior to commencement of work the school board or the building owner shall:~~
- 1) ~~Notify occupants of work areas that may be disrupted by the abatement project of dates and requirements for relocation. Arrangements must be made prior to start of the project for relocation of desks, files, equipment and personal possessions in order to avoid unauthorized access into the work area by building occupants. Notification of all building occupants and users is required in order to prevent unnecessary or unauthorized access to the contaminated work area.~~
  - 2) ~~Submit to the contractor and project manager results of background level air sampling, including sampling location, name of the air sampling professional, equipment utilized and method of analysis. Background air samples shall be collected and analyzed prior to the start of project activities.~~
  - 3) ~~Provide to the contractor information concerning access, shutdown, and protection requirements of equipment and systems in the work area.~~
  - 4) ~~Submit to the contractor names and addresses of all asbestos project managers and air sampling professionals assigned to the project prior to the commencement of abatement. Any changes of the building owners' representatives shall be submitted to the contractor in writing prior to such change.~~
  - 5) ~~Provide to the contractor written permission authorizing the commencement of asbestos abatement.~~
  - 6) ~~The school board or building owner shall provide the contractor with written verification that notification of all building occupants and users have been made pursuant to this Section prior to commencement of the project. Such written verification shall be submitted to the Department by the contractor with the Notice of Asbestos Abatement form provided by the Department.~~

(Source: Repealed at 37 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 855.360 Demolition of a Commercial or Public Building ~~School Building~~**

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- a) Demolition of a ~~CPB school building~~ shall be conducted in accordance with the National Emission Standards for Hazardous Air Pollutants, ~~OSHA (40 CFR 61) and Occupational Safety and Health Administration~~ regulations (29 CFR 1910 and 1926) and this Part.
- b) The ~~LEA building owner~~ shall inform the Department in writing of the planned demolition of a school building.
- c) If a portion of a ~~CPB building~~ containing ACBM is to be demolished, the portion to be demolished shall be separated from the portion to remain by airtight barriers. Barriers erected for this purpose shall comply with Section 855.430(a).

(Source: Amended at 37 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 855.370 Workplace Entry and Exit Procedures**

Personnel Entry and Exit. ~~The asbestos abatement contractor shall post all~~ All of the following procedures ~~shall be posted in the clean room by the abatement contractor. The asbestos abatement contractor shall enforce the procedures, and the procedures~~ These procedures shall be ~~enforced by the abatement contractor and shall be~~ followed throughout the abatement project until clearance air monitoring has been performed and the area has passed final clearance.

- a) All personnel and authorized visitors shall enter the work area through the worker decontamination enclosure system.
- b) All personnel who enter the work area shall sign the entry log, located in the clean room, upon entry and exit.
- c) All personnel, before entering the work area, shall read and be familiar with all posted regulations, personal protection requirements (including workplace entry and exit procedures) and emergency procedures. A sign-off sheet shall be used to acknowledge that these have been reviewed and understood by all personnel prior to entry.
- d) All personnel shall proceed first to the clean room, remove all clothing and don respiratory protection, disposable coveralls, head covering and foot covering. Clean respirators and protective clothing shall be provided and used ~~utilized~~ by

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each person for each separate entry into the work area.

- e) ~~Wearing Personnel, wearing~~ designated personal protective equipment, personnel shall proceed from the clean room, through the shower room and equipment room, to the main work area.
- f) Before leaving the work area, all personnel shall remove gross contamination from the outside of respirators and protective clothing by brushing ~~or~~ and/or wet cleaning procedures. Each person shall clean the bottoms of protective footwear immediately prior to entering the equipment room.
- g) Personnel shall proceed to the equipment room, where all protective equipment except respirators shall be removed. Disposable clothing shall be deposited into labeled containers for disposal (see Section 855.390(h)).
- h) Reusable, contaminated footwear shall be stored in the equipment room when not in use in the work area and shall be disposed of as asbestos contaminated waste upon completion of abatement. (Rubber boots may be decontaminated at the completion of the abatement for reuse.)
- i) Still wearing respirators, personnel shall proceed to the shower area, clean the outside of the respirator and the exposed face area under running water prior to removal of the respirator, and then shower and shampoo to remove residual asbestos contamination. Various types of respirators will require slight modification of these procedures. An airline respirator with HEPA-filtered disconnect protection may be disconnected in the equipment room and worn into the shower. A powered air-purifying respirator facepiece should be disconnected from the filter/power pack assembly, which is not waterproof, upon entering the shower.
- j) After showering and drying, personnel shall proceed to the clean room and don clean disposable clothing if returning to the work area or street clothes at the end of the work shift.
- k) The asbestos abatement contractor shall post a list of emergency numbers at the work area, including local hospital or emergency squad, local fire department, security office (if applicable), building owner's representative, 24-hour contact information for the asbestos abatement contractor, asbestos abatement contractor's

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headquarters, and architect or other professional consultants.

- l) The asbestos abatement contractor shall retain a copy of this Part at the work area.

(Source: Amended at 37 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 855.380 Building Protection**

- a) A negative air pressure differential of at least 0.02 inches of water column, relative to outside ambient air pressure, shall be maintained at all times throughout the contained area during the asbestos abatement work to ensure that contaminated air in the work area does not filter back to uncontaminated areas. The asbestos abatement contractor shall provide instrumentation ~~Instrumentation~~ (a monometer with a readable tape) for measuring pressure differential ~~shall be provided by the contractor~~ in accordance with OSHA regulations (29 CFR 1926.1101).
- b) Once the contained area is established, the negative pressure system shall operate continuously, 24 hours a day, from the start of the abatement work to final air clearance.
- c) Asbestos fiber levels in areas adjacent to the contained area shall not exceed 0.01 fibers per cubic centimeter of air (f/cc) or background levels, whichever is higher, as determined by PCM ~~phase-contrast microscopy~~. Work shall immediately cease in the area if fiber counts in adjacent areas are found to exceed this amount. Remedial action (e.g., wet cleaning) shall be taken to reduce ~~thesuch~~ levels to those required by this Section.
- d) The asbestos abatement contractor shall be responsible for cleanup of any adjacent areas ~~that~~ ~~which~~ become contaminated as a result of the asbestos abatement activities.
- e) For removal of asbestos associated with the exterior windows and doors that are not included as part of a portico or covered walk area, the building/facility owner shall ensure that the exterior windows and doors are removed from the exterior side of the building. The interior of the window or door opening shall be enclosed with two layers of 6-mil air-tight polyethylene and plywood barriers prior to disturbing ACM.

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- f) When response actions are conducted in a crawl space or tunnel and asbestos-containing waste materials have been identified, including bare soil and non-cleanable surfaces, the area shall remain isolated to restrict access to all personnel other than those providing response action services. The area shall remain isolated until the designed response action has been successfully completed in accordance with this Part. The area shall be labeled with asbestos warning signs and maintained until the asbestos contamination has been completely removed.

(Source: Amended at 37 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 855.390 Materials and Equipment**

The asbestos abatement contractor performing asbestos abatement ~~in a school~~ shall furnish all labor, materials, and equipment necessary for completion of the project.

- a) All materials subject to damage shall be stored off the ground, away from wet or damp surfaces, and under protective cover to prevent damage or contamination. Replacement materials shall be stored outside of the work area until abatement is completed.
- b) Damaged and deteriorating materials shall not be used and shall be removed from the premises.
- c) Plastic (polyethylene) sheeting, in sizes to minimize the frequency of joints, shall be furnished.
- d) Duct tape shall be used for sealing joints of adjacent sheets of plastic and facilitating attachment of plastic sheets to finished or unfinished surfaces.
- e) Spray adhesive shall be capable of providing additional sealing of joints and facilitating attachment of plastic sheeting to finished or unfinished surfaces where needed.
- f) The surfactant used to produce amended water shall be a product that is nontoxic, noncarcinogenic, and is not an eye, nose, or skin irritant.
- g) Airtight and watertight containers shall be provided to receive and retain any

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asbestos-containing or ~~asbestos~~-contaminated materials for storage until disposal at a landfill. The containers shall be labeled in accordance with OSHA regulation 29 CFR 1926.1101(k)(~~87~~).

- h) Plastic asbestos disposal bags shall be ~~six~~ mil or equivalent in thickness and be marked with caution labels in accordance with OSHA regulation 29 CFR 1926.1101(k)(~~87~~).
- i) Enclosure materials shall be impact resistant and assembled to be airtight. Gypsum panels taped at the seams, tongue and groove boards, and boards with spline joints all meet this requirement. Joints between walls and ceilings shall be caulked.
- j) An encapsulant shall adhere to the fibrous substrate with sufficient penetration to prevent separation of the sealant from the asbestos-containing materials (~~see Section 855.240~~).
- ~~k) Negative air pressure equipment shall be in compliance with ANSI Z9.2 (1991), Local Exhaust Ventilation.~~
- ~~l) Negative air pressure systems shall be operated in accordance with "Specifications and Operating Procedures for the Use of Negative Pressure Systems for Asbestos Abatement," Guidance for Controlling Friable Asbestos-Containing Materials in Buildings, EPA Report Number 560/5-85-024 (1985).~~

(Source: Amended at 37 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 855.400 Work Area Preparation**

The asbestos abatement contractor shall perform the following steps, in the order in which they appear, to prepare the work area. ~~The contractor shall:~~

- a) ~~The~~ ~~Complete the~~ requirements in Section 855.430 ~~shall be completed~~. Any barriers, such as temporary walls or ceilings, needed to completely enclose the work area, shall be constructed in accordance with Section 855.430.
- b) ~~Caution~~ ~~Post caution~~ signs meeting the specifications of OSHA 29 CFR 1926.1101(k)(~~76~~) ~~shall be posted~~ at any location and approaches to a location

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where airborne concentrations of asbestos may exceed ambient background levels. Signs shall be posted to permit a person to read the sign and take the necessary protective measures to avoid exposure before entering the work area.

- c) ~~Electric~~ Shut down and lock out electric power to all contained areas shall be shut down and locked out on a daily basis. "Shut down and locked out~~Down and Lock Out~~" means to switch off all electrical circuit breakers serving power or lighting circuits ~~that~~which run to, or through, the contained area. ~~Circuit~~Label circuit breakers shall be labeled with tape over the breakers with the notation "DANGER, circuit being worked on". ~~The~~Lock the electrical door or panel shall be locked with separate locks, one lock and key for the supervisor and one lock and key for the project manager. No other personnel shall have keyed access to the electrical power in the contained area. ~~Temporary~~Provide temporary power and lighting shall be provided and shall ensure safe installation of temporary power sources and equipment in accordance with the National Electrical Code (~~see Section 855.10(b)(1)~~). All power to work areas shall be brought in from outside the area through ground-fault circuit interrupters at the source.
- d) ~~Heating~~ Shut down and isolate heating, cooling, and ventilating air systems shall be shut down and isolated to prevent contamination and fiber dispersal to other areas of the structure. ~~All~~Remove all HVAC system filters shall be removed and placed and place in labeled ~~6-six~~ mil polyethylene or equivalent bags for disposal as asbestos-contaminated waste. ~~The~~Clean the filter assembly and outside of the duct work shall be cleaned using HEPA vacuums or wet cleaning techniques.
- e) ~~All~~Seal off all openings to windows, corridors, doorways, skylights, ducts, grills, diffusers, and any other penetrations of the work areas shall be sealed off, with ~~6-six~~ mil plastic or equivalent sheeting sealed with tape. ~~All~~Also seal all seams in system components that pass through the contained area shall also be sealed. Doorways and corridors ~~that~~which will not be used during work shall~~must~~ be sealed with barriers as described in Section 855.430.
- f) Proposed contained area-
- 1) The asbestos abatement contractor shall conduct the following ~~where~~Where friable ACM is present in the proposed contained area as defined in the asbestos inspection report, management plan and/or project designer's specifications, ~~the following shall be conducted by the~~

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contractor:

- A) ~~Movable~~Pre-clean movable objects within the proposed work areas ~~shall be pre-cleaned~~ using HEPA-filtered vacuum equipment ~~and/or~~ wet cleaning methods, ~~as appropriate,~~ and ~~shall be removed~~remove such objects from work areas to a temporary location.
- B) Upholstered furniture and drapes shall be HEPA vacuumed twice before removal from the work area.
- C) Carpeting shall be removed and disposed of as asbestos-containing waste material, unless the following are complied with:
- i) In a manner sufficient to determine the presence of asbestos,~~Take one~~ representative bulk samples shall be taken~~sample~~ from each homogeneous material in the proposed contained area, which shall include the carpet fiber, the carpet backing, and the carpet mastic.
  - ii) The bulk samples shall be analyzed by Transmission Electron Microscopy (TEM) method. ~~Transmission Electron Microscopy (TEM) method.~~ If the samples are found to contain no asbestos fibers, the carpet may remain in place if protected from contamination.
  - iii) Carpets~~Cover carpets~~ that have been reported as containing no asbestos fibers shall be covered with two layers of 6-six mil poly or equivalent, and 1/2-inch or place 7/16" plywood or equivalent shall be placed over the layer of 6-six mil poly and then place two additional layers of 6-six mil poly shall be placed over the 1/2-inch 7/16" plywood.
  - iv) Upon completion of the abatement operations, the carpeting shall be re-sampled (as described in subsection (f)(1)(C)(i) of this Section). If the carpet is reported to contain asbestos fibers, the carpet shall be removed and disposed of as asbestos-containing waste.

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- v) A project designer shall determine through scientific methods that the carpet is not contaminated with asbestos fibers.
- D) Fixed~~Pre-clean fixed~~ objects and specific equipment items ~~that~~which will remain within the proposed contained areas shall be pre-cleaned, using HEPA-filtered vacuum equipment or~~and/or~~ wet cleaning methods ~~as appropriate~~. The fixed objects shall then be wrapped with a minimum of one layer of 6~~six~~-mil poly or equivalent.
- E) The~~Pre-clean the~~ proposed contained areas shall be pre-cleaned using HEPA-filtered vacuum equipment or~~and/or~~ wet cleaning methods ~~as appropriate~~. Methods that raise dust, such as dry sweeping or vacuuming with equipment not equipped with HEPA filtration, are prohibited. ACBM shall not be disturbed during pre-cleaning.
- 2) Where no friable ACBM is present in the proposed contained area as defined in the asbestos management plan and/or Project Designer's specifications, and where the abatement work scheduled consists of nonfriable ACBM only, the asbestos abatement contractor shall conduct the following ~~shall be conducted by the contractor~~:
- A) All~~Remove all~~ movable objects shall be removed from the proposed contained~~work~~ area to a temporary location.
- B) All~~Wrap all~~ fixed objects and specific equipment items ~~that~~which will remain in the proposed work~~areas~~ shall be wrapped with a minimum of one layer of 6~~six~~-mil poly or equivalent.
- g) The~~Clean the~~ proposed contained areas shall be cleaned using HEPA-filtered vacuum equipment and/or wet cleaning methods ~~as appropriate~~. Methods that raise dust, such as dry sweeping or vacuuming with equipment not equipped with HEPA filters, is prohibited.
- h) A~~Provide a~~ worker decontamination enclosure system shall be provided in accordance with Section 855.410 before ACBM is disturbed.

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- i) All surfaces in contained areas shall be covered with plastic sheeting sealed with tape in accordance with the following:
- 1) Where a ceiling in the contained area is not cleanable, except as described in subsection (k), a minimum of 6-mil or equivalent plastic sheeting with sufficient support shall be used to maintain integrity through completion of clearance air monitoring (no plastic ceiling shall be required when the project includes the removal of ceiling material or the ceiling is a cleanable surface).
  - 2) A minimum of two layers of 6-mil plastic sheeting or equivalent on floors (no plastic on the floor shall be required when the project includes removal of floor tile and associated mastic) shall be used to cover floors.
  - 3) A minimum of two layers of 4-mil plastic or equivalent shall be used on walls.
  - 4) Floors shall be covered first so that plastic extends at least 12 inches up on walls; then walls shall be covered with plastic sheeting to the floor level, thus overlapping the floor material by a minimum of 12 inches. The plastic shall be sized to minimize seams. Seams shall be staggered and separated by a distance of at least 6 feet. ~~Cover the floor and wall surfaces in contained areas with plastic sheeting sealed with tape. Use a minimum of two layers of six mil plastic or equivalent on floors (no plastic on the floor shall be required when the project includes removal of floor tile and associated mastic) and two layers of four mil plastic or equivalent on walls. Cover floors first so that plastic extends at least 12 inches up on walls, then cover walls with plastic sheeting to the floor level, thus overlapping the floor material by a minimum of 12 inches. The plastic shall be sized to minimize seams. Seams shall be staggered and separated by a distance of at least six feet. In hallways where asbestos materials are adjacent to lockers, sheeting shall extend to the top of the lockers.~~
- j) Ceiling~~Remove and clean ceiling~~-mounted objects such as light fixtures, electrical track, alarm systems, ventilation equipment and other items not previously sealed off; that interfere with asbestos material removal shall be removed and cleaned. Localized~~Use localized~~ water spraying or HEPA-~~filtered~~ vacuum equipment shall

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be used during fixture removal to reduce fiber dispersal.

k) Ceiling tiles:

1) Except as specified in subsection (k)(2)~~of this Section~~, suspended ceiling tiles and components shall remain in place until the contained area has been plasticized and worker and equipment decontamination enclosures are in place ~~and then removed and disposed of as asbestos-contaminated waste~~. The ceiling tiles within the contained area shall then be removed and disposed of as asbestos-contaminated waste. All surfaces above the ceiling tile shall be covered with plastic sheeting in accordance with subsection (i).

2) Where no friable ACBM is present in the proposed work area ~~as defined in the asbestos management plan and/or project designer's specification~~, in lieu of removal and disposal of suspended ceiling tile and components, the following shall be conducted:

A) Suspended ceiling tiles and components may remain in the proposed work area if isolated from the proposed work area by erection of ~~workplace~~work place barriers consisting of a minimum of one layer of ~~6-six~~ mil poly or equivalent.

B) Suspended ceiling tiles may be removed from the proposed work area prior to erection of the work area decontamination unit. Ceiling tiles may be stored in a temporary location and re-installed after acceptable final air clearance sampling has been completed and the contained area tear down is completed.

l) ~~Emergency~~Maintain emergency and fire exits from the work areas shall be maintained or ~~establish~~ alternative exits shall be established.

m) ~~All~~Dispose of all materials inside the contained area (scrap poly, towels, spray cans, enclosure barriers, etc.) shall be disposed of as ACBM, with the exception of tools, equipment, rubber boots, and other cleanable, reusable items. Tools, equipment, and other reusable items shall be wet wiped and wrapped in ~~6-six~~ mil poly before removing them from the work area.

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(Source: Amended at 37 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 855.410 Worker Decontamination Enclosure System**

The [asbestos abatement](#) contractor shall construct or provide a worker decontamination enclosure system in accordance with the following:

- a) Worker decontamination enclosure systems shall be provided at all locations where workers will enter or exit the work area. These systems may consist of existing rooms outside of the work area, if the layout is appropriate, that can be enclosed in plastic sheeting and are accessible from the work area. When this situation does not exist, enclosure systems may be constructed out of metal, wood or plastic support ~~as appropriate~~, or a portable unit may be ~~used~~[utilized](#) (see Appendix A, Illustration [AD](#)).
- b) Worker decontamination enclosure systems constructed at the worksite of plastic sheeting installed over a framework shall ~~use 6-utilize six-~~mil opaque polyethylene or equivalent strength sheeting.
- c) The worker decontamination enclosure system shall consist of at least a clean room, a shower room, and an equipment room, separated from each other by airlocks.
- d) Entry to and exit from all airlocks and decontamination enclosure system chambers shall be through curtained doorways.
- e) Access between any two rooms in the decontamination enclosure system shall be through an airlock with at least ~~3~~[three](#) feet separating each curtained doorway. Pathways into (from clean to contaminated) and out from (contaminated to clean) the work area shall be clearly designated. [On nonschool abatement projects, the 3-foot airlocks may be omitted.](#)
- f) The clean room shall be sized to accommodate the clothes and equipment of the work crew. Benches shall be provided, as well as hooks for hanging up street clothes. Lockers may be provided for valuables; however, workers may be requested to secure valuables elsewhere. Shelves for storing respirators shall also be provided in this area. Clean work clothes (if required under disposables), clean disposable clothing, replacement filters for respirators, towels and other necessary

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items shall be provided in the clean room. A location for postings shall also be provided in this area. A lockable door shall be used to permit access into the clean room from outside the work area. This space shall not be used for storage of tools, equipment, or materials, or as office space.

- g) The shower room shall contain one or more showers to accommodate workers. Each shower head shall be supplied with hot and cold water adjustable at the tap. The shower enclosure shall be constructed to ensure against leakage of any kind. Soap, shampoo and towels shall be supplied by the [asbestos abatement](#) contractor and shall be available at all times. Shower water shall be drained, collected and filtered through a system with at least 5.0 micron particle size collection capability. A system containing a series of several filters with progressively smaller pore sizes shall be used to avoid rapid clogging of the filtration system by large particles. Filtered wastewater shall be discharged to a sanitary sewer.
- h) The equipment room shall be used for storage of equipment and tools at the end of a shift after decontamination using a HEPA-filtered vacuum ~~and/or~~ wet cleaning techniques. Replacement filters (in sealed containers until used) for HEPA vacuums and negative pressure ventilation equipment, extra tools, containers of surfactant and other materials and equipment that may be required during the abatement may also be stored here as needed. A labeled ~~6-six~~-mil polyethylene or equivalent bag for collection of disposable clothing shall be located in this room. Contaminated footwear (e.g., rubber boots and other reusable footwear) shall be stored in this area for reuse.

(Source: Amended at 37 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 855.420 Remote Decontamination Enclosure System**

- a) A remote worker or equipment decontamination enclosure system may be used when the asbestos abatement work occurring in a contained area ~~in a school~~ is restricted to the removal of nonfriable ACM by a method ~~that~~[which](#) does not cause the ACM to become friable, or removal of thermal system insulation by use of a glovebag technique.
- b) Worker access to and from a contained area ~~shall~~[must](#) be through an airlock.
- c) If a worker decontamination enclosure system attached to a contained area is to be

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used as a remote decontamination enclosure system for work conducted in other contained areas, access to the worker decontamination enclosure system consisting of one of the following methods may be provided, and shall be provided when it is not feasible for the equipment decontamination enclosure system to be used for this purpose:

- 1) An airlock attached to the equipment room of the decontamination enclosure system;-
  - 2) A two-stage airlock, consisting of two airlocks in series, ~~that~~which provides access directly to the contained area connected to the worker decontamination enclosure system; ~~or-~~
  - 3) If only nonfriable removal or removal by a glovebag technique is to be conducted in the contaminated area having the attached worker decontamination enclosure system, an airlock attached to the contained area.
- d) Setup of the remote decontamination enclosure system shall be in accordance with Section 855.410.
- e) The remote decontamination enclosure system shall be located inside the separation barriers and shall be in accordance with Section 855.430(b).
- f) The following procedures shall be used with a remote decontamination enclosure system:
- 1) ~~All persons entering the contained area~~~~Licensed asbestos workers~~ shall don respiratory protection and two pairs of protective coveralls prior to entering the contained ~~removal~~ area.
  - 2) After completion of the removal and cleaning, the ~~person~~worker shall HEPA vacuum the outer suit, enter the airlock, remove the outer suit and dispose of it as asbestos-contaminated waste.
  - 3) Still wearing the inner suit and respiratory protection, the ~~person~~worker shall either proceed to another containment, don a second suit and enter, or proceed to the remote decontamination enclosure system.

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- 4) The remote decontamination enclosure system shall consist of a five chamber unit as illustrated in Appendix A, Illustration ~~AD~~.
- 5) A HEPA-filtered negative air pressure unit shall be attached to the remote decontamination enclosure system at the equipment room end. The negative air unit shall be exhausted to the exterior of the building and shall operate in accordance with Section 855.380.
- 6) The remote decontamination enclosure system shall be wet cleaned after the completion of abatement, ~~and have a 12-hour settling period~~ prior to the collection of clearance air monitoring samples.
- 7) One aggressive air sample shall be taken in the equipment room and analyzed by ~~phase contrast microscopy (PCM)~~ for clearance following ~~USEPA Asbestos Hazard Emergency Response Act (AHERA)~~ clearance standards. If the decontamination enclosure system does not meet clearance requirements, then the ~~sampling above mentioned~~ procedure shall be repeated until clearance is obtained.

(Source: Amended at 37 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 855.425 Equipment Decontamination Enclosure System**

The asbestos abatement contractor shall provide or construct an equipment decontamination enclosure system consisting of two totally enclosed chambers as follows:

- a) The wash room ~~or cleanup room~~ shall be constructed with a curtained doorway to ~~a designated area of~~ the contained work area and a curtained doorway to the holding area.
- b) The holding area shall be constructed with a curtained doorway to the wash room and a curtained doorway to the uncontaminated area. A lockable door shall be used to permit access into the holding area ~~lockable door to the exterior of the building~~.

(Source: Amended at 37 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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**Section 855.430 Separation Barriers**

- a) Construction of Separation Barriers for Enclosure of Contained Areas
- 1) Separation barriers ~~shall~~may be erected if required to enclose the contained work area.
  - 2) Barriers constructed to enclose a contained area shall be of ½-inch minimum thickness plywood, gypsum board or similar sheathing material with any framing required to properly support the barriers. Framing shall be on the outside of the barrier (outside the contained area). Gypsum board and similar cementitious material shall be protected on the work side from damage from moisture, such as by painting or by covering with polyethylene sheeting. The containment side of the barrier shall be covered with one layer of 6-mil polyethylene or equivalent sheeting. All seams shall overlap and all edges shall be taped.~~All seams and edges of the barriers shall be caulked, or the work side of the barrier shall be covered with 2 layers of six mil polyethylene or equivalent sheeting with overlapping seams and taped seams and edges.~~
  - 3) If the space on the outside of the barrier is not occupied and is secured so that there is no access by building occupants, including custodial and maintenance employees, the barrier may be constructed of lumber or metal framing with a maximum on-center spacing of 24 inches, with two layers of polyethylene sheeting with staggered joints applied to the containment~~each~~ side of the framing. Edges and seams ~~shall~~must be taped.
  - 4) The containment~~work~~ side of the barrier shall be prepared, in accordance with this Section, before any other project activities are begun.
- b) Construction of Separation Barriers for Work Areas~~Separation of Secured Areas from Occupied Areas~~
- 1) The asbestos abatement contractor shall erect barriers~~Barriers shall be erected by the contractor~~ where necessary to prevent possible access by building occupants to areas where asbestos project activities will occur.

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- 2) Barriers erected to separate occupied areas of the building from secured areas, and that will not serve as containment barriers, shall be constructed of  $\frac{1}{2}$ -inch minimum thickness plywood, gypsum board, or similar sheathing material with sufficient framing to properly support the barrier.
  - 3) The barrier shall extend from the floor level to within ~~6~~ six inches of the ceiling, but is not required to exceed a height of ~~8~~ eight feet above the floor.
  - 4) If access through the barrier by abatement workers is required, an entrance with a lockable door shall be installed in the barrier.
  - 5) If existing doors are used as separation barriers, the asbestos abatement contractor shall secure all doors to prevent access by building occupants. In lieu of separation barriers erected to prevent access to the work area through lockable doors in accordance with subsection (b)(4) above, existing door locks shall be re-cylindere~~d.~~
- c) The asbestos abatement contractor shall exercise due caution to prevent disturbance of friable ACBM during the placement of separation barriers.

(Source: Amended at 37 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 855.440 Maintenance of Decontamination Enclosure Systems and Workplace Barriers**

- a) Following completion of the construction of all polyethylene barriers and decontamination system enclosures, the asbestos abatement contractor, or his or her designated representative, and project manager shall allow a minimum of six hours settling time to ensure that barriers will remain intact and secured to walls and fixtures before beginning actual abatement activities. The negative air pressure equipment shall be in operation during this settling time.
- b) The asbestos abatement contractor and project manager shall inspect all~~All~~ polyethylene barriers inside the work area, in the worker decontamination enclosure system, and in the equipment decontamination enclosure system, and partitions constructed to isolate the work area from occupied areas, ~~shall be inspected by the contractor and project manager~~ shall be at least twice daily. The barriers

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shall be inspected before the start of and following the completion of the day's abatement activities. Inspections and observations shall be documented in all project log books.

- c) Damage and defects in the enclosure system shall be repaired upon discovery.
- d) ~~The asbestos abatement contractor shall use smoke~~Smoke tubes ~~shall be used by the contractor~~ to test the effectiveness of the ~~contained work~~ area barrier system before abatement work begins and at least once a day thereafter until the work is completed. The project manager shall observe the test. Results and observations shall be documented in all project log books.
- e) At any time during the abatement activities after barriers have been erected, if visible emissions are observed outside of the work area or if damage occurs to barriers, work shall stop, repairs shall be made to the barriers, and visible residue cleaned up using appropriate HEPA vacuuming and wet mopping procedures prior to resuming abatement activities.
- f) The ~~asbestos abatement~~ contractor shall HEPA vacuum or wet clean the equipment decontamination enclosure system and the entire worker decontamination enclosure system at the end of each day of abatement activities.
- g) If air samples collected outside of the work area during abatement activities indicate airborne fiber concentrations greater than original background levels or 0.01 f/cc as determined by PCM, work shall stop for inspection and repair of barriers. ~~Surfaces~~Cleanup of surfaces outside of the work area ~~shall be cleaned~~ using HEPA vacuums or wet cleaning techniques ~~shall be done~~. Air sampling shall indicate a fiber concentration less than background levels, or below 0.01 f/cc as determined by PCM, prior to resuming abatement activities: (~~see~~See-Section 855.180340(b)(2)(B)(iii)).
- h) Negative pressure ventilation equipment shall be installed and operated to provide a minimum of four air changes in the work area every hour. Openings made in the enclosure system to accommodate these units shall be made airtight with tape ~~and~~/or caulking. If more than one ventilation unit is installed, units shall be turned on one at a time while checking the integrity of wall barriers for secure attachment and the need for additional reinforcement. A power supply shall be available to satisfy the requirements of the ventilating units. Negative pressure

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ventilation units shall be exhausted to the outside of the building away from occupied areas. Twelve-inch extension ducting shall be used to reach from the work area to the outside of the building when ducting is required. ~~The asbestos abatement contractor and project manager shall conduct~~Careful installation, air monitoring and daily inspections ~~by the contractor and project manager shall be done~~to ~~ensure~~insure that the ducting does not release fibers into uncontaminated building areas.

- i) Once ~~the worker and equipment decontamination enclosures are~~ constructed and reinforced, and with negative pressure ventilation units in operation, ~~the asbestos abatement contractor shall test~~worker and equipment decontamination enclosures ~~shall be tested~~ for leakage, ~~using by the contractor, utilizing~~ smoke tubes. The project manager shall observe these tests. Enclosures shall be repaired or reconstructed as needed. Results and observations shall be documented in all project log books.
- j) The ~~asbestos abatement~~ contractor shall identify and maintain emergency and fire exits from the work area.

(Source: Amended at 37 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 855.450 Commencement of Work**

The ~~asbestos abatement~~ contractor shall not begin abatement work until the following requirements have been met:

- a) Enclosure systems shall be constructed and tested.
- b) All pre-abatement submissions, notifications, postings and permits shall be provided and are satisfactory to the project manager.
- c) All equipment for abatement, cleanup and disposal shall be on hand.
- d) All worker training and licensing shall be completed.
- e) Arrangements shall be made for building security.
- f) The number of clearance air samples and the specific sample locations shall be

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established in conjunction with the air sampling professional before abatement activity begins (see Section 855.470).

- g) The asbestos abatement contractor shall receive written permission from the building owner or LEA to commence abatement. ~~The~~Such written permission shall be submitted to the Department attached ~~to~~with the notification form~~Notice of Asbestos Abatement Form~~ provided by the Department.
- h) ~~The asbestos abatement contractor shall receive written verification from the building owner or LEA that all building occupants present during abatement activities are notified. The building owner shall notify all parents, faculty and staff of the pending abatement project, and notify the contractor with written verification of such notification.~~ The asbestos abatement contractor shall submit ~~the~~Such written verification ~~shall be submitted~~ to the Department ~~by the contractor~~ attached to the notification form~~Notice of Asbestos Abatement Form~~ provided by the Department.
- i) ~~The asbestos abatement contractor shall be responsible for providing personal protective equipment (e.g., respirators, full body covering and head covering) for its employees and shall ensure that it is used as required. The contractor shall be responsible for providing personal protection for its employees according to the OSHA Construction Standard 29 CFR 1926.1101 (effective October 11, 1994).~~
- j) The asbestos abatement contractor shall not commence project activities without ensuring that an asbestos project manager is on site, as required by this Part. The contractor shall be responsible for providing personal protection for its employees according to the OSHA Construction Standard 29 CFR 1926.1101 (effective October 11, 1994).

(Source: Amended at 37 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 855.460 Removal Procedures**

The asbestos abatement contractor shall remove ACBM in accordance with the following procedures:

- a) The work area shall be cleaned and isolated in accordance with Sections 855.400, 855.410, 855.420, 855.425, 855.430, 855.440 and 855.450.

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- b) All ACBM shall be wetted with an amended water solution using equipment capable of providing a fine spray mist ~~in order~~ to reduce airborne fiber concentrations when the material is disturbed. The material shall be saturated to the substrate; however, excessive water shall not be allowed to accumulate in the work area. All removed material shall be kept wet enough to prevent fiber release until containerized for disposal. A high humidity in the ~~contained~~work area shall be maintained by misting or spraying to assist in fiber settling and to reduce airborne concentrations.
- c) Saturated ACBM shall be removed and containerized before moving to a new location for continuance of work. Surrounding areas shall be periodically sprayed and maintained in a wet condition until visible material is cleaned up.
- d) Material removed from building structures or components shall not be dropped or thrown to the floor. Material shall be removed as intact sections or components whenever possible and carefully lowered to the floor. If this cannot be done for materials greater than 50 feet above the floor, a chute ~~that~~which does not allow dust to escape shall be constructed to transport the material to containers on the floor or the materials shall be containerized at elevated levels (e.g., on scaffolds) and carefully lowered to the ground by mechanical means. Materials between 15 and 50 feet above the ground may be containerized at elevated levels or dropped onto inclined chutes for subsequent collection and containerization.
- e) Containers (~~6-six~~ mil polyethylene or equivalent labeled bags or labeled drums) shall be sealed when full. ACBM shall be double bagged when polyethylene bags are used for disposal. Double bagging shall occur in the ~~contained~~work area. Bags shall not be overfilled. The bags shall be sealed to prevent accidental opening and leakage by tying the tops in an overhand knot or by taping in gooseneck fashion. Bags shall not be sealed with wire or cord. Bags may be placed in drums for staging and transportation to the landfill. Bags shall be decontaminated on exterior surfaces by wet cleaning before being placed in clean drums and sealed with locking ring tops.
- f) Large components shall be wrapped in two layers of ~~6-six~~ mil polyethylene or equivalent sheeting, secured with tape and labeled ACBM prior to transport to the landfill.

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- g) Asbestos-containing waste materials with sharp-edged components (e.g., nails, screws, metal lath, tin sheeting, floor tile, and metal ceiling components) ~~that~~which may tear the polyethylene bags or sheeting shall be placed into drums for disposal. In lieu of disposal drums, floor tile may be wrapped in two layers of reinforced plastic or one layer of burlap and two ~~6-six~~-mil labeled polyethylene or equivalent bags.
- h) All bagged and sealed asbestos-containing waste shall be labeled with the waste generator, the location at which the waste was generated, Department of Transportation Class 9 placard and the following statement: DANGER – CONTAINS ASBESTOS FIBER – AVOID CREATING DUST – CANCER AND LUNG DISEASE HAZARD. After completion of stripping of ACM, surfaces from which asbestos-containing building materials have been removed shall be cleaned (e.g., wet brushed and sponged) to remove all visible residue.
- i) After completion of stripping of ACM, surfaces from which ACM has been removed shall be cleaned (e.g., wet brushed and sponged) to remove all visible residue.
- j) All containerized waste shall be removed from the work area and the holding area on a daily basis. Containers and equipment shall be removed from the holding area by workers who have entered from uncontaminated areas wearing proper personal protective equipment. If the equipment decontamination enclosure does not terminate to the exterior of the building, the following procedures shall be followed:
- 1) Waste and equipment shall be placed in a cart. The cart shall not be overloaded, which may cause tipping.
  - 2) The loaded cart shall be taken to and unloaded in the enclosed waste storage unit.
  - 3) The route from the equipment decontamination enclosure to the exterior of the building shall be on the unoccupied side of work area separation barriers.

(Source: Amended at 37 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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**Section 855.465 Cleanup Procedures**

The [asbestos abatement](#) contractor shall perform the cleanup in accordance with the following procedures:

- a) The negative pressure ventilation units shall remain in continuous operation.
- b) Decontamination enclosure systems shall remain in place, remain functional at all times, and be [usedutilized](#).
- c) All visible accumulations of ACBM and asbestos-contaminated debris shall be removed and containerized. Tools [thatwhich](#) are not electrically conducting and [thatwhich](#) have no sharp edges or corners likely to tear containment barriers (e.g., rubber dust pans, rubber squeegees, or plastic shovels) shall be [usedutilized](#).
- d) ~~All containerized waste shall be removed from the work area and the holding area on a daily basis.~~ The [asbestos abatement](#) contractor may temporarily store ACBM in large metal, locked dumpsters or an enclosed truck at the abatement site. At the conclusion of the abatement project, all temporarily stored ACBM shall be removed from the abatement site and be transported to a regulated landfill location approved for disposal of asbestos-containing waste.
- e) The contained area shall be thoroughly cleaned in accordance with the following procedures:
  - 1) [First cleaning: All visible debris shall be removed and all surfaces in the contained area shall be wet cleaned or HEPA vacuumed. At the conclusion of the first clean, the first layer of plastic sheeting shall be removed from the walls and floors. The sheeting shall be folded inward and bagged for disposal. The asbestos abatement contractor shall wait until all surfaces are dry before proceeding.](#) ~~First cleaning: all surfaces in the contained area shall be wet cleaned using rags, mops and sponges. To pick up excess water and gross wet debris, a wet-dry shop vacuum or HEPA vacuum may be used. If a vacuum is used, it shall be decontaminated prior to removal from the contained area. The contractor shall then wait a minimum of 12 hours before proceeding with clean-up.~~
  - 2) [Second cleaning: All visible debris shall be removed and all surfaces in](#)

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~~the contained area shall be wet cleaned or HEPA vacuumed. At the conclusion of the second clean, the second layer of plastic sheeting shall be removed from the walls and floors. The sheeting shall be folded inward and bagged for disposal. The asbestos abatement contractor shall wait until all surfaces are dry before proceeding. At the conclusion of the 12 hour waiting period, if no water is visible on surfaces, the cleaned first layer of plastic sheeting shall be removed from the walls and floors. The sheeting shall be folded inward and bagged for disposal.~~

- 3) ~~Third cleaning: windows, doors, HVAC system vents and all other openings shall remain sealed. All objects and surfaces in the contained area shall be HEPA vacuumed and wet cleaned. The asbestos abatement contractor shall wait until all surfaces are dry before proceeding. Second cleaning: the second layer of plastic sheeting and all objects and surfaces in the contained area shall be HEPA vacuumed and/or wet cleaned. The contractor shall then wait a minimum of 12 hours before proceeding to the next step.~~
- 4) ~~Once all surfaces in the contained area are dry, the asbestos abatement contractor shall inspect the contained area for visible residue. If any accumulation of visible debris is observed, the debris will be assumed to be asbestos and the cleaning process shall be repeated. If no visible moisture remains on surfaces in the contained area at the conclusion of the 12 hour period, the cleaned second layer of plastic sheeting shall be removed from the walls and floors. The sheeting shall be folded inward and bagged for disposal.~~
- 5) ~~Third cleaning: windows, doors, HVAC system vents and all other openings shall remain sealed. All objects and surfaces in the work area shall be HEPA vacuumed and wet cleaned. The contractor shall wait a minimum of 12 hours drying time before proceeding.~~
- 6) ~~If all surfaces in the contained area are dry at the end of the 12 hour period, the contractor shall inspect the contained area for visible residue. If any accumulation of residue is observed, the residue will be assumed to be asbestos and the process described in step 5 shall be repeated.~~

(Source: Amended at 37 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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**Section 855.470 Clearance Air Monitoring and Analysis**

- a) Following the completion of Section 855.465, cleanup procedures, the [asbestos abatement](#) contractor shall notify the project manager that contained areas are ready for clearance air monitoring.
- b) The project manager shall conduct a visual inspection of the contained area [and](#). ~~The project manager shall~~ document the findings of the inspection. If the project manager finds the contained area to be clean [and free of water or condensation](#), he or she shall then arrange for the air sampling professional to ~~sample the air in the work area and adjacent areas for airborne fiber concentrations. The air sampling professional shall~~ conduct clearance air monitoring as explained in this Section.
- c) ~~The air sampling professional shall not begin clearance air monitoring until all surfaces in the contained area are dry. Sampling shall not begin until at least 12 hours after wet cleaning has been completed. Air sampling may not be conducted unless all surfaces in the contained area are dry.~~
- d) The HEPA-filtered negative air pressure equipment shall be in operation in the contained area during clearance air monitoring.
- e) The air sampling procedures and analysis shall be conducted in accordance with ~~Asbestos Hazard Emergency Response Act (AHERA) regulations (40 CFR 763)~~ and Section 855. ~~180-170(b)(1)~~ requirements.
- f) [If an engineering basis exists for dividing a project into smaller areas by the use of mini-containments, a combined PCM/TEM method can be used for clearance air monitoring. One sample for PCM analysis shall be collected from each mini-containment. If there are five or more mini-containments, TEM samples shall be collected from the five areas having the highest PCM results. If there are fewer than five mini-containments, five TEM samples are still required to be taken as required by AHERA.](#)
- g)f) Air sampling equipment shall be placed randomly in the work areas, but shall not be placed in corners of rooms or near obstructions.
- h)g) The following aggressive sampling techniques shall be used during all clearance

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air monitoring:

- 1) Before sampling begins, the exhaust from forced air equipment (such as a one-horsepower leaf blower) shall be directed against all walls, ceilings, floors, ledges and other surfaces in the room. This procedure requires at least five minutes per 1,000 sq. ft. of floor.
- 2) ~~Twenty~~<sup>20</sup>-inch fans shall be used for air circulation during the sampling procedure. The fan exhaust shall be directed toward the ceiling. The fans shall be operated on the lowest speed setting. Fans shall be operated in the center of each room where sampling will take place. At least one fan per 10,000 cubic feet of room space shall be used.

~~i)h~~ The air sampling professional shall report the clearance air monitoring results in writing to the project manager.

~~i)j~~ If the ~~clearance~~ air ~~monitoring~~ ~~samplesampling~~ results indicate a concentration of airborne asbestos fibers in excess of AHERA clearance criteria (~~70 structures per millimeter squared~~), the ~~asbestos abatement~~ contractor shall re-clean the contained area ~~in accordance with Section 855.465~~. The ~~asbestos abatement~~ contractor shall not be released until the contained area meets AHERA clearance criteria.

(Source: Amended at 37 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 855.475 Disposal Procedures**

- a) Sealed and labeled containers of asbestos-containing waste material shall be removed and transported to a prearranged disposal location.
- b) All dump receipts, trip tickets, transportation manifests ~~and/or~~ other documentation of disposal shall be delivered to the building owner for his ~~or her~~ records. ~~A recordkeeping format utilizing a chain-of-custody form shall include the names and addresses of the building owner, contractor, pickup site, disposal site, the estimated quantity of the asbestos waste and the type and number of containers used. The form shall be signed by the building owner, the contractor, and the disposal site operator, as the material changes custody. If a separate hauler is employed, his name, address, telephone number and signature shall also appear~~

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~~on the form.~~

- c) The asbestos abatement contractor shall transport all asbestos waste materials in accordance with the following procedures:
- 1) Drums, bags and wrapped components that have been removed from the work area shall be loaded into an enclosed waste storage unit~~truck~~ for transportation. Cargo areas shall be locked when unattended. Signs shall be posted on the outside of the enclosed waste storage unit that state: DANGER – CONTAINS ASBESTOS FIBERS – AVOID CREATING DUST – CANCER AND LUNG DISEASE HAZARD.
  - 2) The enclosed cargo area of the waste storage unit~~truck~~ shall be free of debris and lined with 6-six mil polyethylene or equivalent sheeting to prevent contamination from leaking or spilled containers. Floor sheeting shall be installed first and extend up the side walls. Wall sheeting shall overlap by 6six inches and be taped into place.
  - 3) Drums shall be placed on level surfaces in the cargo area and packed tightly together to prevent shifting and tipping. Large structural components shall not be placed on top of bags of asbestos-containing materials and shall be secured to prevent shifting. Containers shall not be thrown into the enclosed waste storage unit~~truck cargo area~~.
  - 4) Personnel loading asbestos-containing waste shall be licensed workers and shall be protected by disposable clothing, including head, body and foot protection and, at a minimum, half-~~face~~facepiece, air-purifying, dual cartridge respirators equipped with high efficiency HEPA filters.
  - 5) Any debris or residue observed on containers or surfaces outside of the work area resulting from cleanup or disposal activities shall be immediately cleaned up using HEPA-filtered vacuum equipment ~~and/or~~ wet methods.
  - 6) The enclosed waste storage unit~~Dumpsters or enclosed cargo areas of trucks~~ used for asbestos waste storage or disposal shall be constructed of metal and have metal doors and metal tops that can be closed and locked to prevent vandalism, wind dispersion of asbestos fibers, or other

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disturbance of bagged asbestos debris. ~~Non-asbestos~~Unbagged material ~~and nonasbestos~~ waste shall not be placed in these containers. Bags shall be placed, not thrown, into these containers to avoid splitting.

- 7) Within 10 days after the completion of project and clearance air monitoring, the asbestos-containing waste materials shall be transported directly to an approved landfill. ~~Asbestos-containing waste materials shall be transported directly to the landfill.~~ Temporary storage at a location other than the abatement project shall not be permitted.

- d) ~~The contractor shall dispose of asbestos materials in accordance with the following procedures:~~
- 1) ~~Upon reaching the landfill, trucks shall approach the dump location as closely as possible for unloading of the asbestos-containing waste.~~
  - 2) ~~Bags, drums and components shall be inspected when off loaded at the disposal site. Material in damaged containers shall be repacked in empty drums or bags.~~
  - 3) ~~Waste containers shall be placed on the ground at the disposal site, not pushed or thrown out of trucks (the weight of the wet material could rupture containers).~~
  - 4) ~~Personnel off loading containers at the disposal site shall wear protective equipment consisting of disposable head, body and foot protection and, at a minimum, half-facepiece, air-purifying, dual-cartridge respirators equipped with high efficiency HEPA filters.~~
  - 5) ~~Following the removal of all containerized waste, the truck cargo area shall be decontaminated using HEPA vacuums and/or wet methods. Polyethylene sheeting shall be removed and discarded in bags or drums along with contaminated cleaning materials and protective clothing daily.~~

(Source: Amended at 37 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 855.480 Glovebag Procedures**

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Glovebag procedures for repair or removal of pipe insulation shall be conducted using commercially available glovebags of ~~6-six~~ mil clear polyethylene or equivalent, appropriately sized for the project. ~~The mini-containment~~ ~~Glovebag procedures for the repair or removal of pipe insulation shall be conducted in a mini-containment area (including the floor) constructed of one layer of six mil polyethylene in the shape of a triangle or rectangle, or the work area shall be prepared according to this Subpart E all parts of Section 855.400, except that, in lieu of two layers of polyethylene being applied to the walls and floors according to Section 855.400(i), the walls and floors of the mini-containment may consist of work area shall be covered with one layer of 6-six mil polyethylene. No manometer is required for mini-containments. Negative air pressure may be provided by HEPA vacuum cleaning equipment. The HEPA vacuum exhaust may discharge to the interior or exterior of the building.~~

- a) All necessary tools and materials shall be brought into the work area before the glovebag procedure begins.
- b) The air sampling professional shall collect the following air samples in each ~~mini-containment~~ contained area:
  - 1) One area air sample;-
  - 2) One area sample at each discharge from the exhaust of negative pressure ventilation equipment; and:-
  - 3) The air sampling professional shall conduct clearance air monitoring in accordance with Section 855.470. After the first cleaning, the contractor shall wait a minimum of 12 hours drying time and no visible water or condensation shall remain. After the second cleaning, the contractor shall wait a minimum of 12 hours drying time and no visible water or condensation shall remain. Final air clearance shall be conducted by the air sampling professional.
- c) Glovebag procedures shall be ~~conducted~~ done by a minimum of two licensed asbestos workers trained in glovebag procedures and equipped with full personal protective equipment. Full personal protective equipment means that the entire body is covered with disposable clothing, including head, torso, arms, legs and feet. Hands may be left exposed to provide greater mobility. Respirator protection shall be provided and shall consist of a minimum of an air purifying respirator with a HEPA filter.

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- d) ~~The glovebag shall be used for its intended purpose and without modifications. The outer diameter of pipe insulation to be removed shall not exceed one half of the bag's working length/height above the attached gloves.~~
- e) The bag is to be attached securely around the insulation in a manner to prevent air transfer.
- f) The integrity of the glovebag seal shall be smoke tested. The contents of a smoke tube shall be injected through the water port access sleeve of the bag. After twist sealing the access sleeve, the bag shall be squeezed gently to check for leakage points, which are then taped airtight.
- g) If the pipe insulation adjacent to the section ~~that~~<sup>which</sup> will be worked on is damaged, or if the pipe insulation terminates, is jointed, or contains an elbow adjacent to the work section, the adjacent insulation shall be wrapped in two layers of 6-six mil polyethylene sheeting and sealed airtight with duct tape.
- h) The ACBM within the secured glovebag shall be wetted with amended water prior to removal.
- i) After the insulation has been repaired or removed, the unprotected pipe shall be sprayed with amended water and scrubbed with a bristle or nylon brush to remove all visible ACBM. The pipe, the interior of the bag, the insulation, and the tools shall then be sprayed with amended water. The enclosed atmosphere shall be misted, and sufficient time shall be allowed for the mist to settle out before breaking the seal to remove the glovebag.
- j) Any exposed pipe insulation ends or repairs created by this procedure shall be:
- 1) ~~Sealed~~<sup>sealed</sup> with encapsulant prior to bag removal~~;~~<sup>;</sup> or
  - 2) ~~Thoroughly~~<sup>thoroughly</sup> wetted before bag removal and sealed with wettable cloth end caps and spray glue or any combination of these materials immediately following bag removal.
- k) The tools shall be pulled through with one or both glove inserts, thus turning the gloves inside out. The gloves~~glove(s)~~ are then twist sealed, forming a new pouch,

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taped and severed mid-seal, forming two separate bags.

- l) A HEPA vacuum shall be used for evacuation of the glovebag in preparation for removal of the bag from the pipe or duct, for clean-up in the event of a spill, and for post-project clean-up.
- m) With the glovebag collapsed and the ACBM in the bottom of the bag, the bag shall be twisted several times and taped to seal that section during bag removal.
- n) A ~~6-six~~ mil polyethylene or equivalent in strength bag shall be slipped around the glovebag while it is still attached to the pipe. The glovebag shall be detached from the pipe. After the glovebag has been detached from the pipe, the asbestos abatement contractor shall clean the entire mini-containment.
- o) The asbestos-contaminated waste, the clean-up materials, and protective clothing shall be wetted sufficiently, double-bagged minimizing air content, sealed separately, and disposed of in ~~compliance~~conformance with Section 855.475.
- p) The glovebag shall not be used on surfaces that exceed temperatures of 150° F. The contractor or school (for maintenance employees) shall provide, at a minimum, air purifying respirators with HEPA filters in compliance with OSHA regulations 29 CFR 1926.1101(h) and USEPA regulations 40 CFR 763, Subpart IV.
- q) Glovebags shall be used only once and shall not be moved to another location.
- r) The asbestos abatement contractor shall contact the project manager to conduct a visual inspection upon completion of final clean and once all surfaces are dry. The air sampling professional shall conduct clearance air monitoring in accordance with Section 855.470.

(Source: Amended at 37 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 855.490 Response Contractor Indemnification Fund (Repealed)**

- a) ~~Contracts under the Response Action Contractor Indemnification Act shall be submitted to the Department for review along with the following:~~

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- 1) ~~A completed Response Contractor Indemnification Worksheet provided by the Department.~~
- 2) ~~A listing of all Department licensed asbestos professionals named in the contract, their disciplines, and the Department I.D. numbers for that discipline.~~
- b) ~~The local educational agency seeking indemnification under the Response Action Contractor Indemnification Act shall submit an amount equal to 5% of the total value of the contract to the Department before the start of the project. The payment shall be delivered to the Division of Environmental Health, Illinois Department of Public Health, 525 West Jefferson, Springfield, IL 62761 along with the contract to be reviewed. All checks shall be made payable to the Illinois Department of Public Health for deposit into that fund.~~
- e) ~~Approval by the Department of any contract for inclusion in the indemnification fund does not in any way constitute endorsement of the terms of said contract, either legal or technical, nor does it constitute any guarantee by this Department of the contractor's ability to complete the terms of said contract.~~

(Source: Repealed at 37 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 855.500 Encapsulation and Enclosure Procedures ~~for Schools~~**

The asbestos abatement contractor shall encapsulate or enclose the ACBM. The work area shall be cleaned and isolated in accordance with this Subpart E. ~~in accordance with the following procedures:~~

- a) ~~The work area shall be cleaned and isolated in accordance with Sections 855.400, 855.410, 855.420, 855.425, 855.430, 855.440 and 855.450.~~
- b) ~~Damaged and missing areas of existing materials shall be repaired with nonasbestos-containing substitutes. The material shall adhere to existing surfaces and provide a base for application of encapsulating agents.~~
- e) ~~Loose or hanging ACBM shall be removed in accordance with the requirements of Section 855.460.~~

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- d) ~~The contractor shall field test encapsulants prior to use by applying each to a small area to determine suitability for the material to be encapsulated.~~
- e) ~~Bridging Encapsulants~~
  - 1) ~~Bridging encapsulants shall be applied to provide the manufacturer's specified number of inches or minimum dry film thickness over sprayed asbestos surfaces.~~
  - 2) ~~When using a bridging encapsulant, a different color for each coat shall be used.~~
- f) ~~Penetrating Encapsulants~~
  - 1) ~~Penetrating encapsulants shall be applied to penetrate existing asbestos materials to the substrate.~~
  - 2) ~~During treatment with a penetrating encapsulant, the contractor shall remove selected random core samples of the ACBM in the presence of the building owner or the project manager to check the depth of penetration.~~
- g) ~~Encapsulants shall be applied using airless spray equipment.~~
- h) ~~Cleanup shall be performed in accordance with Section 855.465.~~
- i) ~~Encapsulated ACBM shall be designated (e.g., labels, signs or color codes) in order to warn building maintenance personnel in the event that encapsulated materials must be disturbed.~~

(Source: Amended at 37 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 855.510 Enclosure Procedures for Schools (Repealed)**

~~The contractor shall enclose ACBM in accordance with the following procedures:~~

- a) ~~The work area shall be cleaned and isolated in accordance with Sections 855.400, 855.410, 855.420, 855.425, 855.430, 855.440 and 855.450.~~

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- b) ~~Areas that may be disturbed during the installation of hangers or other support/framing materials for the enclosure shall be sprayed with amended water. These areas shall be kept damp to reduce airborne fiber concentrations.~~
- e) ~~Loose and hanging ACBM shall be removed in accordance with the requirements of Section 855.460.~~
- d) ~~After installation of hangers, brackets or other enclosure supports and before installation of enclosure, damaged areas of fireproofing/thermal insulation materials shall be repaired using a nonasbestos-containing replacement material. Surfaces shall be prepared and replacement material applied in accordance with manufacturer's recommendations.~~
- e) ~~Hand tools used to drill, cut into, or otherwise disturb ACBM during the installation of support systems for the enclosures shall be equipped with HEPA filtered local exhaust ventilation.~~
- f) ~~Enclosure materials shall be impact resistant and provide an airtight barrier once construction is complete (see Section 855.390(i)).~~
- g) ~~Utilities shall be lowered as necessary and reinstalled in a manner which permits proper utilization and does not disturb the integrity of the enclosures. Utility maintenance shall not require the enclosures to be opened or disturbed.~~
- h) ~~Cleanup shall be in accordance with Section 855.465.~~
- i) ~~Enclosed ACBM shall be designated (e.g., sign, label or color code) in order to warn building maintenance personnel in the event that the enclosure must be disturbed.~~

(Source: Repealed at 37 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 855.520 Reestablishment of the Work Area and HVAC Systems ~~in Schools~~**

The [asbestos abatement](#) contractor shall reestablish the work area in accordance with the following procedure:

- a) Reestablishment of the work area shall ~~only~~ occur [only](#) following the completion

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of the cleanup procedures and after clearance air monitoring has been performed and documented ~~and complies with Section 855.470 to the satisfaction of the school board or building owner.~~

- b) The ~~asbestos abatement~~ contractor ~~and project manager or~~ ~~and~~ building ~~owner's representative~~ ~~owner~~ shall visually inspect the work area for any remaining visible residue. Evidence of contamination shall necessitate additional cleaning in accordance with Section 855.465.
- c) Additional ~~clearance~~ air monitoring shall be performed in accordance with Section 855.470 if additional cleanup is necessary.
- d) Following completion of clearance air monitoring of the work area in accordance with Section 855.470, remaining polyethylene barriers and worker and equipment decontamination enclosure systems shall be removed and disposed of as asbestos-contaminated waste. Following removal, the entire area, including HVAC filter assembly and duct work, shall be wet cleaned or HEPA vacuumed to remove residual asbestos fibers.
- e) ~~Mounted objects removed from former positions during area preparation activities may be resecured.~~
- f) ~~Objects that were removed to temporary locations may be relocated to original positions.~~
- g) ~~New filters shall be installed in HVAC systems, and mechanical and electrical systems shall be reestablished in working order.~~

(Source: Amended at 37 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

SUBPART F: FINES, PENALTIES, ADMINISTRATIVE HEARINGS  
AND EMERGENCY STOP WORK ORDERS

**Section 855.600 Adverse Licensure Action**

The Department shall provide written notice via certified mail of its decision to deny, suspend or revoke a license. The applicant or licensee shall have 15 days to submit a written request for an administrative hearing to contest the Department's decision. The Department's decision to deny,

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suspend or revoke a license shall be based upon one or more of the following reasons:

- a) The person has falsified information on the application for licensure.
- b) The person has performed duties outside the areas for which he or she is licensed.
- c) The person has conducted any asbestos abatement activities in a manner hazardous to the public health in Illinois or in any other state where the person has acted in a similar capacity.
- d) The person has violated any provision of the Asbestos Abatement Act or the Commercial and Public Building Asbestos Abatement Act, as applicable, or this Part.
- e) The person has violated the registration and licensing standards for Professional Engineers ~~[225 ILCS 325]~~, Structural Engineers ~~[225 ILCS 340]~~, Architects ~~[225 ILCS 305]~~ or Industrial Hygienists ~~[225 ILCS 52]~~, as applicable. The Department may use findings by the Department of Financial and Professional Regulation ~~or~~; Illinois Environmental Protection Agency, EPA or adverse civil or criminal findings in a circuit court, as a basis for its action.
- f) The person has submitted fraudulent or altered documentation or a fraudulent or altered; license; or certificate to the Department, to a building owner or representative or agent of a building owner ~~thereof~~, or to an asbestos abatement contractor.
- g) The person has performed work requiring licensure at a job site without being in possession of the license ~~and initial~~ and current refresher certificates.
- h) The person has permitted the duplication or use of his or her ~~his/her~~ own license or training certificate by another.
- i) The person has obtained training from a training provider ~~that~~ which is not accredited by the Department.
- j) The person has submitted an application fee ~~that~~ which was returned for insufficient funds.

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(Source: Amended at 37 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 855.610 Fines and Penalties**

- a) In addition to any other action authorized by the Asbestos Abatement Act, the Commercial and Public Building Asbestos Abatement Act, or this Part, the Department may assess fines and penalties against a person for violation of any provision of the Asbestos Abatement Act, the Commercial and Public Building Asbestos Abatement Act, or this Part. The Department shall review each inspection report and stop work order according to criteria provided by this Section to determine whether a fine will be assessed, the amount of any such fine, and whether each day of violation shall constitute a separate violation for purposes of fine assessment.
- b) The Department shall consider the following criteria independently and aggregately to determine whether a fine shall be assessed:
  - 1) Whether ~~the Department has issued~~ a stop work order ~~has been issued by the Department,~~ and whether ~~the person strictly obeyed the such~~ order ~~was strictly obeyed by the person.~~
  - 2) Whether the person has previously been cited for a violation of the Asbestos Abatement Act, the Commercial and Public Building Asbestos Abatement Act or this Part, except that any previously cited violation shall not be considered if ~~the such~~ violation was held to be unfounded or unapproved by a final order of the Department or by a court of competent jurisdiction, or if any previous citations for violations occurred more than three years prior ~~to the current violation.~~
  - 3) Whether the violation ~~willis of such nature as to~~ result in the possibility of injury or other harm to the environment, to the person's agents or employees, to the building owner, users, or occupants, or to the general public.
  - 4) Whether the violation appears to be the result of any degree of negligence by the person or by the person's agents or employees.
  - 5) Whether the person demonstrated good faith efforts to correct the violation

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- upon receipt of oral or written notice of the violation and whether ~~thesuch~~ actions in fact corrected the violation.
- 6) Whether the person is in possession of any falsified asbestos abatement license or certificate or represents ~~himself or herself~~~~themselves~~ as authorized to conduct work without a valid license in a fraudulent manner.
  - 7) Whether the person falsified an inspection ~~or report~~ for ~~ACBM~~~~asbestos containing building materials~~.
- c) Criteria to determine the amount of a fine and/or penalty for a violation of any provision of the Asbestos Abatement Act, the Commercial and Public Building Asbestos Abatement Act, or of this Part are as follows. All amounts determined pursuant to these criteria shall be added together to determine the total fine against the person.
- 1) First violation ~~\_~~ the person may be issued a fine of up to \$1,000.
  - 2) Each day a violation exists shall constitute a separate or repeat violation.
  - 3) Repeat violation ~~\_~~ the person shall be issued a minimum fine of \$1,000 plus additional fines calculated according to the following criteria:
    - A) For each stop work order: \$1,000 plus \$1,500 per work day during which ~~thesuch~~ order is in effect and during which the ~~condition or conditionse~~~~condition(s)~~ upon which the order is based ~~remain~~~~remains~~ uncorrected.
    - B) For each violation ~~that~~~~which~~ may cause or result in harm or injury to the health or safety of the agents or employees of the person present at the work site (e.g., improper protective equipment or a contaminated clean room): \$100 multiplied by the number of ~~such~~ agents or employees present at the work site at any time on the date of the violation.
    - C) For each violation ~~that~~~~which~~ may cause or result in harm or injury to the health or safety of the building owners, users, or occupants of the building (e.g., a tear in a polyethylene barrier between a

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work area and an occupied area): \$100 multiplied by the number of persons present at the work site or in the building at any time on the date of violation.

- D) For each violation ~~that~~which may cause or result in contamination with asbestos fibers of any part of the building other than the work site (e.g., a tear in a polyethylene barrier): \$1,000.
- 4) For a third violation of a provision of the Asbestos Abatement Act, the Commercial and Public Building Asbestos Abatement Act, or this Part, a licensee, in addition to the fines and penalties in subsection (c)(3) ~~of this Section~~, may have his or her license denied, suspended or revoked.
- 5) Notwithstanding any other provision of this Part, the Department may at any time, upon a finding of five or more violations during the same inspection that may cause or result in harm or injury to the health and safety of persons, assess a fine and ~~or~~ penalty pursuant to subsections (c)(3) and (4) ~~of this Section~~.
- d) The Department shall serve notice of fine and ~~or~~ penalty assessments, and provide the same rights and opportunity for hearing, as provided in Section 6(c) of the Asbestos Abatement Act ~~[105 ILCS 105/6(e)]~~, Section 20 of the Commercial and Public Building Asbestos Abatement Act ~~[225 ILCS 207/20]~~, and this Section. ~~If in the event~~ a person fails to request a hearing within the time provided in the notice, the person shall be deemed to have waived the right to an administrative hearing, and the fine and ~~or~~ penalty shall be due immediately upon issuance of a final order by the Department in the action.
- e) All fine and ~~or~~ penalty assessments ~~that~~which are upheld in whole or in part by final order of the Department shall be due in full at the conclusion of the time period for filing for administrative review pursuant to the Administrative Review Law ~~[735 ILCS 5/Art. III]~~, unless the person has within that time filed proceedings in administrative review specifically appealing the fine ~~and/or~~ penalty assessment and unless the court has stayed enforcement of the fine ~~and/or~~ penalty assessment.

(Source: Amended at 37 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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**Section 855.620 Administrative Hearings**

All hearings shall be conducted pursuant to the Commercial and Public Building Asbestos Abatement Act, the Asbestos Abatement Act, and the Department's [Rules of Practice and Procedures in Administrative Hearings](#), ~~77 Ill. Adm. Code 100~~.

(Source: Amended at 37 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 855.630 Emergency Stop Work Orders for Commercial and Public Buildings**

- a) In circumstances of substantial danger to the environment or to the public health of persons or to the welfare of persons, the Department ~~shall~~ may direct ~~a person an~~ entity to cease and desist asbestos abatement activities, to halt the activity causing or contributing to the danger, or to take ~~such~~ other action as may be necessary. The Department may issue an order sealing the building, or portions of the building, to protect public health.
- b) The state's attorney and sheriff of the county in which the CPB is located shall enforce the order after receiving notice. The asbestos abatement contractor or contractors subject to the order will be removed from the list provided for in Section 20 of the Commercial and Public Building Asbestos Abatement Act. asbestos abatement contractor to whom an emergency stop work order has been issued shall not provide response action services anywhere in the State. The Department ~~will~~ shall authorize the ~~reinstatement~~ reinstatement of the asbestos abatement activities and ~~reinstatement~~ reinstatement of the asbestos abatement contractor to the Department's list of asbestos abatement contractors when the activities that are the subject of the emergency stop work order have been brought into compliance with the requirements of applicable State and federal requirements and this Part.
- c) If 3 square feet or 3 linear feet of friable ACBM has been improperly removed, the building owner shall:
  - 1) Restrict entry into the area and post signs to prevent entry into the area by persons other than those necessary to perform the response action. All persons entering the affected area shall have written authorization from the Department to have access to the restricted area;

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- 2) [Shut off or temporarily modify the air handling system to prevent the distribution of fibers to other areas in the building;](#)
  - 3) [Inspect the affected area in accordance with Section 855.210;](#)
  - 4) [Submit a project design for remedying the conditions under which the order was issued; the Department will review the design for acceptance in accordance with this Part; and](#)
  - 5) [Submit clearance air monitoring results to the Department for review and acceptance prior to release of the asbestos abatement contractor and occupancy restrictions on the facility or portion of the facility in accordance with this Section.](#)
- d) [A project designer shall design the response action for any major fiber release episode, and a Department-licensed asbestos abatement contractor shall conduct the response action.](#)

(Source: Amended at 37 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 855.640 Emergency Stop Work Orders for Schools**

*Whenever the Department finds that an emergency exists which requires action to protect the public health, it may, without notice or hearing, issue an order reciting the existence of such an emergency and then require that such action be taken as it may deem necessary to meet the emergency, including but not limited to the issuance of a stop work order and the immediate removal of a contractor or contractors from the list provided for in Section 10 of the Asbestos Abatement Act ~~[105 ILCS 105/10]~~. Notwithstanding any other provision in that Act, such order shall be effective immediately. The State's Attorney and sheriff of the county in which the school is located shall enforce the order after receiving notice thereof. Any contractor affected by such an order is entitled, upon request, to a hearing as provided for in ~~this Part~~ [rules and regulations promulgated pursuant to the Asbestos Abatement Act](#). When such conditions are abated, in the opinion of the Department, the Department may authorize the reinstatement of the activities and inclusion on the list of contractors of those activities and contractors which were the subject of a stop work order. (Section 12a of the Asbestos Abatement Act) [All response action remedies shall be in accordance with Section 855.630\(c\) and \(d\).](#)*

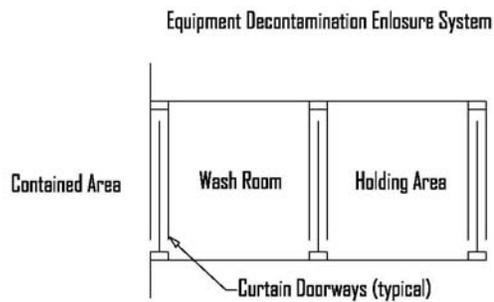
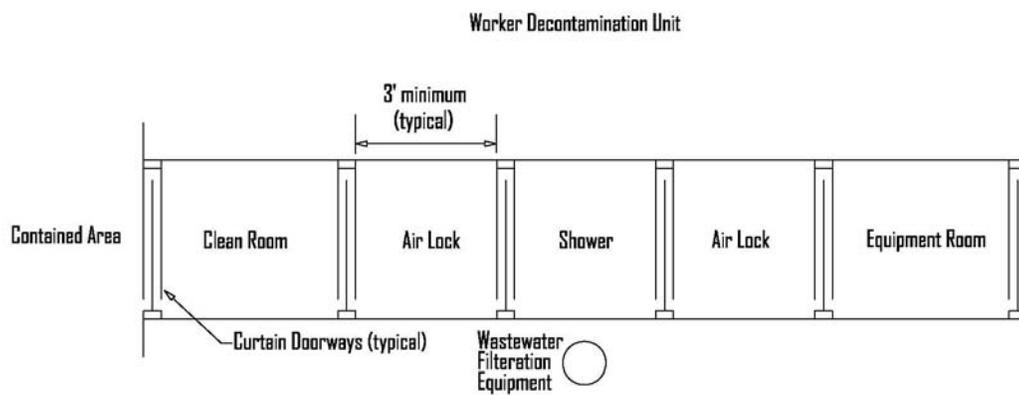
(Source: Amended at 37 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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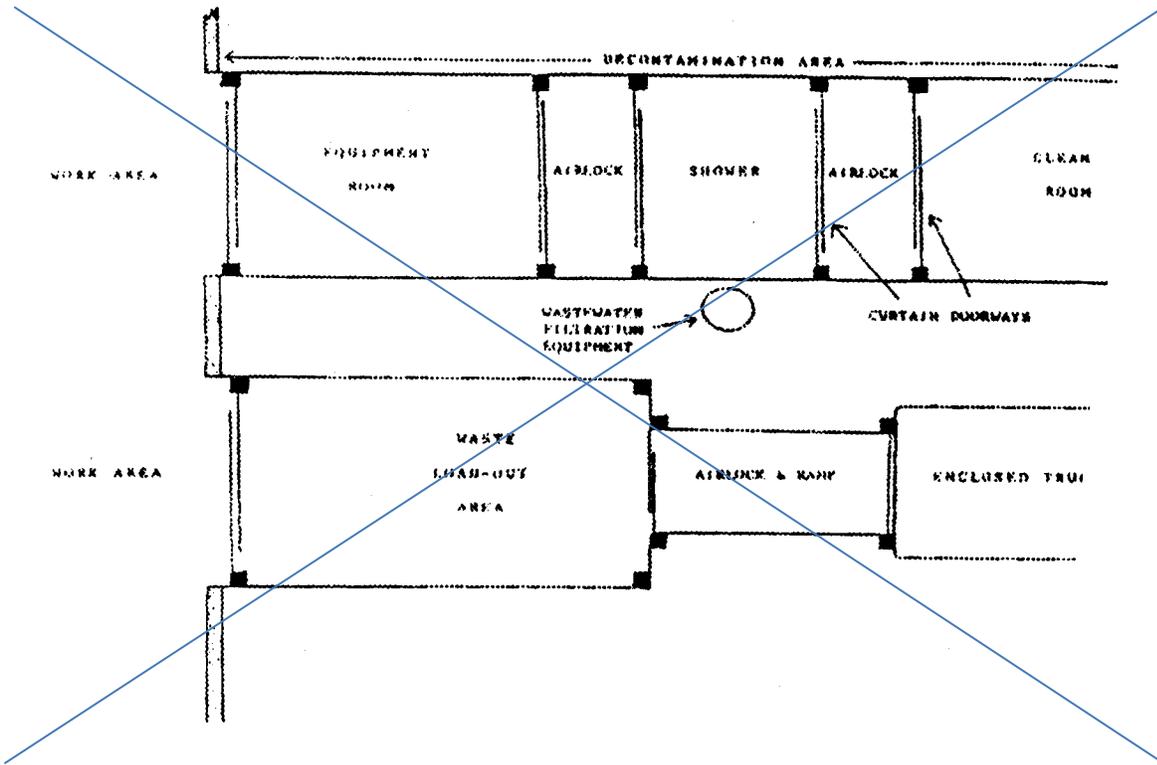
**Section 855.APPENDIX A ILLUSTRATIONS – Decontamination Unit**  
**Drawings~~Illustration~~—Project Form**

**Section 855.ILLUSTRATION A Worker and Equipment Decontamination Systems**



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(Source: Amended at 37 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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**Section 855.APPENDIX B Illustrations – Inspection and Management Plan Forms****Section 855.ILLUSTRATION H Protocol for Asbestos Management Plan**

- a) The name and address of each school building and whether the school building contains friable ACM; and friable and nonfriable suspected ACM assumed to be ACM.
- b) For each inspection conducted:
  - 1) The date of the inspection.
  - 2) A blueprint, diagram, or written description of each school building that identified clearly each location and approximate square or linear feet of any homogeneous or sampling area where material was sampled for ACM; and, if possible, the exact locations where each bulk sample was collected, date of collection, and homogeneous areas where nonfriable suspected ACM is assumed to be ACM.
  - 3) A copy of the analyses of any bulk samples, dates of analyses, and a copy of any other laboratory reports pertaining to the analyses.
  - 4) A description of any response actions or preventive measures taken to reduce asbestos exposure, including the names, addresses and IDPH license identification~~ID~~ numbers of all contractors involved, start and completion dates of the work, and results of any air samples analyzed during and upon completion of the work.
  - 5) A description of assessment, required to be made under 40 CFR 763.88, of material that was identified as friable ACM or friable suspected ACM assumed to be ACM, and the name, IDPH license identification~~ID~~ number, signature and copies of accreditation certificates of the licensed inspector.
- c) For each inspection and reinspection conducted under 40 CFR 763.85:
  - 1) The date of the inspection or reinspection and the name, IDPH license identification~~ID~~ number and signature of each licensed inspector

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performing the inspection or reinspection.

- 2) A blueprint, diagram, or written description of each school building that identifies clearly each location and approximate square or linear feet of homogeneous areas where materials were sampled for ACBM, the exact location where each bulk sample was collected, date of collection, homogeneous areas where friable suspected ACBM is assumed to be ACBM, and where nonfriable suspected ACBM is assumed to be ACBM.
- 3) A description of the manner used to determine sampling locations, and the name, IDPH license number and signature of each inspector collecting samples.
- 4) A copy of the analyses of any bulk samples collected and analyzed, the name and address of any laboratory that analyzed bulk samples, a statement that the laboratory meets the applicable requirements of 40 CFR 763.87(a), the date of analysis, and the name and signature of the person performing the analysis.
- 5) A description of assessments, required to be made under 40 CFR 763.88, of all ACBM and suspected ACBM assumed to be ACBM, and the name, IDPH license identification~~I-D~~ number, signature and accreditation certificates of the licensed inspector.
- 6) The name, address, and telephone number of the person designated under 40 CFR 763.84 to ensure that the duties of the local education agency are carried out, ~~and~~ the course name, and dates and hours of training completed by that person to carry out the duties.
- 7) The recommendations made to the local agency regarding response actions, under 40 CFR 763.88(d) and, the name, IDPH license identification~~I-D~~ number and signature of each person making the recommendations.
- 8) A detailed description of preventive measures and response actions to be taken, including methods to be used, for any friable ACBM, the locations where ~~those~~ measures and action will be taken and, reasons for selecting the response action or preventive measure and response action.

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- 9) With respect to the person or persons who inspected for ACBM and who will design or carry out response actions, except for operations and maintenance, the ~~persons~~[person\(s\)](#) shall be licensed in accordance with Section 855.100 ~~of this Part~~.
- 10) A detailed description in the form of a blueprint ~~or~~, diagram, or in writing, of any ACBM or suspected ACBM assumed to be ACBM ~~that~~[which](#) remains in the school once response actions are undertaken pursuant to 40 CFR 763.90. This description shall be updated as response actions are completed.
- 11) A plan for reinspection under 40 CFR 763.85, a plan for operations and maintenance activities under 40 CFR 763.91, and a plan for periodic surveillance under 40 CFR 763.92, a description of the recommendation made by the IDPH licensed management planner regarding additional cleaning under 40 CFR 763.91(c)(2) as part of an operations and maintenance program, and the response of the ~~LEA~~[local education agency](#) to that recommendation.
- 12) A description of steps taken to inform workers and building occupants, or their legal guardians, about inspections, reinspections, response actions, and post-response action activities, including periodic reinspection and surveillance activities that are planned or in progress.
- 13) An evaluation of the resources needed to complete response actions successfully and carry out reinspection, operations and maintenance activities, periodic surveillance and training.
- 14) With respect to each consultant who contributed to the management plan, the name, IDPH license ~~identification~~[ID](#) number, and signature of the consultant.
- 15) ~~An LEA~~[A local education agency](#) may require each management plan to contain a statement signed by a Department licensed management planner that ~~the management planners~~[such person](#) has prepared or assisted in the preparation of ~~the~~[such](#) plan or has reviewed ~~the~~[such](#) plan, and that ~~the~~[such](#) plan is in compliance with Section 855.325 ~~of this Part~~. ~~The~~[Such](#)

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statement may not be signed by a person who, in addition to preparing or assisting in preparing the management plan, also implements (or will implement) the management plan.

(Source: Amended at 37 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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**Section 855.APPENDIX B Illustrations – Inspection and Management Plan Forms****Section 855.ILLUSTRATION J Local Education Agency Assurances Form****LOCAL EDUCATION AGENCY (LEA) ASSURANCES**

Pursuant to Sections 763.84 and 763.93 of the EPA Asbestos in Schools Regulation (40 CFR 763), each management plan must contain a true and correct statement, signed by the LEA designated person, that certifies that the general LEA responsibilities have been met. This form is provided to assist in complying with this portion of AHERA.

LEA Name \_\_\_\_\_

LEA Address \_\_\_\_\_

Designated Person Name \_\_\_\_\_

Designated Person Address \_\_\_\_\_

**ASSURANCES**

This AHERA management plan was developed and has been submitted pursuant to the Asbestos Hazard Emergency Response Act of 1986 (Public Law 99-519) and the United States Environmental Protection Agency rule Asbestos Containing Materials in Schools (40 CFR 763). The undersigned does hereby certify that the LEA has ensured and will ensure the following:

1. The activities of any persons who perform inspections, reinspections and periodic surveillance, develop and update management plans, and develop and implement response actions, including operations and maintenance, are carried out in accordance with 40 CFR 763.
2. All custodial and maintenance employees are properly trained as required in 40 CFR 763 and all other applicable federal and/or State regulations (e.g., the Occupational Safety and Health Administration Asbestos Standard for Construction, the EPA Worker Protection rule, or applicable State regulations).

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3. All workers and building occupants, or their legal guardians, are informed at least once each school year about inspections, response actions, post-response action activities, including periodic reinspection and surveillance activities, that are planned or in progress.
4. All short-term workers (e.g., telephone repair workers, utility workers or exterminators) who may come in contact with asbestos in a school are provided information regarding the locations of ACBM and suspected ACBM assumed to be ACM.
5. All warning labels are posted in accordance with 40 CFR 763.95.
6. All management plans are available for inspection and notification of availability for inspection has been provided as specified in the management plan under 40 CFR 763.93(g).
7. All management plans contain an LEA assurances page, signed by the individual designated by the LEA, that certifies that the LEA responsibilities have been met or will be met. A copy of the LEA assurances page shall be submitted to the Department.
8. All three year reinspections are conducted in accordance with this Part (see Section 855.260(m)).
9. All three year school reinspection information forms provided by the Department are submitted to the Department within 30 days after the reinspection.
10. The Department is notified of any designated person change within 30 days after the change.
11. The undersigned person designated by the LEA pursuant to 40 CFR 763.84(g)(1) has received adequate training as stipulated in 40 CFR 763.84(g)(2).
12. The LEA has considered and will consider whether any conflict of interest may arise from the interrelationship among accredited personnel and whether that should influence the selection of accredited personnel to perform activities under 40 CFR 763.

Signed \_\_\_\_\_

Date: \_\_\_\_\_

LEA Designated Person, Pursuant to

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[40 CFR 763.93\(i\) and 763.84](#)

(Source: Added at 37 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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**Section 855.APPENDIX C Illustration – Project Manager's Comprehensive Final Report Electronic Format**

**Section 855.ILLUSTRATION A CD Label, CD Case Cover and Bookmarks**

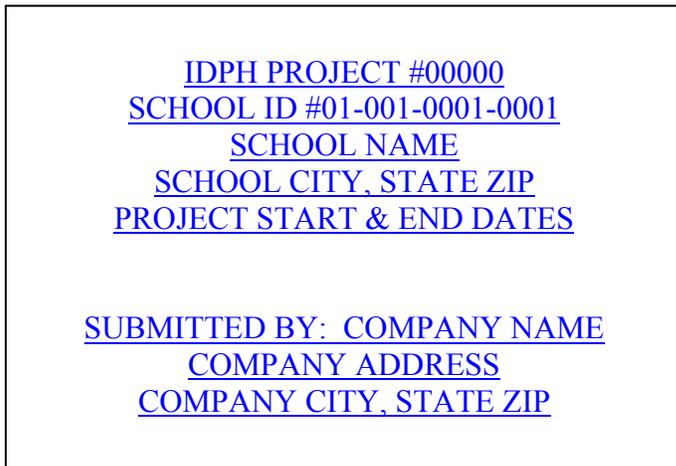
CD Label



Bookmarks

- A. PM Report Form
- B. Notification
- C. Clearance
- D. Worker Information
- E. Contractor
- F. Professional
- G. Air Sampling Professional
- H. Negative Pressure Log
- I. Variances
- J. Air Monitoring
- K. Drawings
- L. Project Narrative
- M. Project Manager Daily Log
- N(1). Waste Disposal Arrangements
- N(2). Drawings
- N(3). Rental Equipment Notification
- N(4). Material Testing
- N(5). Supervisor Logs
- N(6). Waste Manifests
- N(7). Sign-in Sheets
- N(8). Filter Change Logs
- O. Pre-cleaning

CD CASE COVER



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(Source: Added at 37 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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- 1) Heading of the Part: Illinois State Library Grant Programs
- 2) Code Citation: 23 Ill. Adm. Code 3035
- 3) 

<u>Section Numbers:</u>	<u>Proposed Action:</u>
3035.10	Amend
3035.135	Amend
3035.140	Amend
3035.200	Amend
3035.220	Amend
2035.260	Amend
2035.280	Repealed
3035.450	Amend
3035.525	Amend
3035.540	Amend
3035.570	Amend
3035.630	Amend
3035.730	Amend
3035.Exhibit A	Amend
3035.Exhibit B	Repealed
- 4) Statutory Authority: Implementing and authorized by the Illinois Library System Act [75 ILCS 10], the State Library Act [15 ILCS 320], the Illinois Literacy Act [15 ILCS 322], the federal Library Services and Technology Act (20 USC 9141), the Accessible Electronic Information Act [15 ILCS 323] and 36 CFR 701.10, and Section 3 of the Capital Development Bond Act of 1972 [30 ILCS 420/3]
- 5) A Complete Description of the Subjects and Issues Involved: The primary purpose of this rulemakings to establish consistency among the various Illinois State Library grant programs. In applying for a grant under Literacy Grant Program (Subpart B), the Talking Book and Braille Service (Subpart F) and the Library Service and Technology Act Program (Subpart G) applicants shall provide the information requested in Section 3035.135 (d) in an electronic format. The fiscal procedures of the Literacy Grant Program (Section 3035.260) shall conform with Section 3035.140. The Family Literacy Program in Section 3035.200 is being renamed the Penny Severns Family Literacy Program; the Penny Severns program in Section 3035.280 is being repealed; and 3035.Exhibit A is reflecting that change. Also, In Section 3035.10, the reference to definitions for the Subpart, which affect all grant programs in Part 3035, was changed to

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the definitions contained in the Illinois Library System Act (23 Ill. Adm. Code 3030.10). The life-safety ranking for public library construction projects in Section 3035.525 is being deleted because all projects involve life-safety criteria, and there are a sufficient number of other measures in the Section to rank a project within a priority.

- 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 any 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 is not expected to create or expand a State mandate or as defined in the State Mandates Act [30 ILCS 805/3(6)].
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:

Joseph Natale  
Rules Coordinator  
Illinois State Library  
Gwendolyn Brooks Building  
Springfield, IL 62701-1796

(217)558-4185  
jnatale@ilsos.net

- 13) Initial Regulatory Flexibility Analysis:
  - A) Types of small businesses, small municipalities and not for profits corporations affected: Municipalities that operate a public library will have to conform to the requirements in this Part. Small businesses and not for profits that apply for a grant in the Literacy Grant Program will have to conform to the requirements in this Part.

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- B) Reporting, bookkeeping or other procedures required for compliance: Grant recipients are to follow the fiscal and reporting requirements of the program they receive a grant under.
  - C) Types of professional skills necessary for compliance: Grant recipients should
- 14) Regulatory Agenda on which these rules were summarized: July 2012

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

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TITLE 23: EDUCATION AND CULTURAL RESOURCES  
SUBTITLE B: CULTURAL RESOURCES  
CHAPTER I: SECRETARY OF STATE

PART 3035  
ILLINOIS STATE LIBRARY GRANT PROGRAMS

SUBPART A: STATE GRANTS

Section

- 3035.10 Definitions
- 3035.100 System Area and Per Capita Grants
- 3035.105 Library System Technology Grants
- 3035.110 Special Library Services to Persons with a Print Disability
- 3035.115 Public Library Per Capita and Equalization Aid Grants
- 3035.120 School District Library Grant Program
- 3035.125 Library Grants for Veterans' Homes
- 3035.130 Educate & Automate Automation/Technology Grants
- 3035.135 Requirements, Denial and Revocation of Approval
- 3035.140 Grants, Expenditures and Audits
- 3035.150 Appeal Procedure

SUBPART B: LITERACY GRANT PROGRAM

Section

- 3035.200 Purpose
- 3035.210 Definitions
- 3035.220 Application for Grant
- 3035.230 Review of Grant Applications
- 3035.240 Award of Grants, Accountability and Recordkeeping
- 3035.250 Cancellation of Grant
- 3035.260 Fiscal Procedures
- 3035.270 Other Requirements (Repealed)
- 3035.280 Penny Severns' Grant Program (Repealed)
- 3935.290 Invalidity

SUBPART C: SCHOLARSHIP PROGRAM GRANTS

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## Section

3035.300	Purpose
3035.310	Definitions
3035.320	Number and Amount of Scholarship Program Grants
3035.330	Illinois Library Schools and Attendance Requirements
3035.340	Eligibility Requirements
3035.350	Application Process
3035.360	Selection of Scholarship Program Grantees
3035.370	Conditions of Scholarship Program Grants

## SUBPART D: LIVE AND LEARN CONSTRUCTION GRANTS

## Section

3035.400	Purpose
3035.410	Definitions
3035.420	Duty to Administer
3035.430	Priorities in Library Grant Construction Proposals
3035.435	Grant Funding Limitations
3035.440	Additional Grant Funds
3035.450	Grant Application Procedure
3035.460	Requirements and Conditions of Grant Funds
3035.470	Remodeling for Accessibility
3035.480	Shared Use Facilities
3035.490	Disbursement of Grant Funds

## SUBPART E: PUBLIC LIBRARY CONSTRUCTION ACT GRANTS

## Section

3035.500	Purpose
3035.510	Definitions
3035.515	Eligibility Requirements
3035.520	Grant Applications
3035.525	Priority of Public Library Construction Act Projects
3035.530	Grant Amounts and Use
3035.535	Grant Awards
3035.540	Supervision of Public Library Construction Act Projects
3035.550	Carry-over Projects
3035.555	Referendum Requirements

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3035.560	Public Library Capital Needs Assessment
3035.565	Public Library Site Selection
3035.570	Eligible Project Costs
3035.575	General Standards and Guidelines for the Appropriate Utilization of Bond Proceeds
3035.580	Standardized Definitions and Guidelines
3035.585	Limitations on Expenditures of Bond Proceeds

## SUBPART F: TALKING BOOK AND BRAILLE SERVICE (TBBS)

Section	Purpose
3025.600	Purpose
3025.610	Definitions
3025.620	Eligibility
3025.630	Application
3025.640	Talking Book Centers
3025.650	Provision of Information Transmission Services
3025.660	Remittance for Information Transmission Services

## SUBPART G: LIBRARY SERVICES AND TECHNOLOGY ACT GRANTS (LSTA)

Section	Purpose
3035.700	Purpose
3035.710	Definitions
3035.720	Duty to Administer
3035.730	Grant Application and Awards

3035.EXHIBIT A Differences Among the Three Types of Literacy Grant Programs

3035.EXHIBIT B Guidelines for Rating Life Safety/Legal Issues (Repealed)

AUTHORITY: Implementing and authorized by the Illinois Library System Act [75 ILCS 10], the State Library Act [15 ILCS 320], the Illinois Literacy Act [15 ILCS 322], the federal Library Services and Technology Act (20 USC 9141), the Accessible Electronic Information Act [15 ILCS 323] and 36 CFR 701.10, and Section 3 of the Capital Development Bond Act of 1972 [30 ILCS 420/3].

SOURCE: Adopted at 31 Ill. Reg. 16310, effective November 20, 2007; amended at 32 Ill. Reg. 9666, effective June 23, 2008; amended at 33 Ill. Reg. 4180, effective February 27, 2009;

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amended at 35 Ill. Reg. 18366, effective October 18, 2011; amended at 36 Ill. Reg. 12385, effective July 18, 2012; amended at 37 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART A: STATE GRANTS

**Section 3035.10 Definitions**

For the purpose of this Subpart Part, the definitions in 23 Ill. Adm. Code ~~3030.10~~3035.410 are applicable.

(Source: Amended at 37 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 3035.135 Requirements, Denial and Revocation of Approval**

- a) Libraries shall complete, on an annual basis, the certification process required for library system membership in order to apply for a grant under this Part.
- b) Grant applicants must demonstrate in their grant applications that they have satisfactorily met all requirements and they possess the administrative capacity to perform the program, fiscal and reporting functions stipulated in ~~of~~ this Part.
- c) The Illinois State Library may deny a grant application if the requirements in this Part are not met, or are inadequately met.
- d) Grant applicants shall use the grant application format prepared and made available by the State Librarian for this purpose. The applications are available at <http://www.cyberdriveillinois.com/departments/library/grants/home.html>. The applicant shall provide:
  - 1) Project Director
  - 2) Administrative Capacity
  - 3) Project Title
  - 4) Abstract
  - 5) Primary Purpose

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- 6) [Project Description](#)
- 7) [Target Audience and Need](#)
- 8) [Project Schedule](#)
- 9) [Outcomes, Evaluations and Methods](#)
- 10) [Detail and Explanation of Expenses](#)

- e) Grant applications not submitted in the required format by the deadline date, or not completed, shall not be considered for funding by the Illinois State Library.
- f) Any agency submitting a grant application not considered for funding by the Illinois State Library shall be notified, explaining the reason for denial.
- g) The Illinois State Library shall provide for hearings to reconsider decisions made in the administration of this Part, as provided for in 23 Ill. Adm. Code 3030.121.

(Source: Amended at 37 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 3035.140 Grants, Expenditures and Audits**

- a) The Illinois State Library staff shall review grant applications. Additional qualified reviewers may be selected by the Director of the Illinois State Library as needed. The decision of the State Librarian is final.
- b) The Illinois State Library will notify the submitting agency when the application is approved for contractual purposes.
- c) [Changes in the project budget of over 10 percent of the grant award shall have prior approval in writing from the Illinois State Library.](#) ~~Any change in the use of funds from that stated in the approved grant application shall have prior approval of the State Librarian.~~ Recipients of the Public Library Per Capita and Equalization Aid Grants, ~~and~~ the School Per Capita Grant, [Live and Learn Construction Grant and Public Library Construction Grant](#) shall follow the

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requirements in Sections 3035.115, ~~and~~ 3035.120, [3035.450\(b\)\(2\)\(H\) and 3035.540\(h\)](#), respectively.

- d) Failure to spend funds in accordance with the application or approved amendment [and the reporting procedures stipulated in this Part](#) shall result in ineligibility for future grants for a period of one year.
- e) All State funded grantees receiving grants under Subparts A, B, D, E, ~~and F~~ [and G](#) at a combined cumulative total of \$175,000 or more in Secretary of State grant awards in the same fiscal year shall submit an agency-wide audit upon completion of the grant activity.
- 1) All governmental unit audits shall comply with Government Auditing Standards: 2007 Revision, published by the Comptroller General of the United States, U.S. General Accounting Office, 441 G. Street, NW, Washington DC 20548. No later amendments to these standards are incorporated in this Section.
- 2) All not-for-profit agency audits will comply with Not-for-Profit Organizations AICPA Audit and Accounting Guide: 2007, published by the American Institute of Certified Public Accountants, 1211 Avenue of the Americas, New York NY 10036. No later amendments to these standards are incorporated in this Section.
- f) The Illinois State Library may request additional information and data from any governmental unit, not-for-profit agency, public corporation or other entity submitting a grant application.

(Source: Amended at 37 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART B: LITERACY GRANT PROGRAM

**Section 3035.200 Purpose**

- a) The Adult Literacy Grant Program is part of the Literacy Grant Program established by Section 7.2 of the State Library Act [15 ILCS 320/7.2] to develop, expand or support adult, family and workplace literacy programs in Illinois through local community programs administered by education agencies, libraries,

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public and private employers, volunteer or community-based organizations, or a coalition of any of these entities.

- b) The purposes of the 3 types of literacy programs are:
- 1) Adult literacy program will provide direct instructional services in reading, writing, comprehension, computation or English language by volunteer tutors to persons 17 years or older who read, write, comprehend or compute below a 9.0 grade level or below student performance level 7 in English language skills.
  - 2) Workplace literacy program will provide services at their place of business to assess the educational skill levels of, and to provide direct instructional services for, adults employed or available to be employed by an Illinois employer who read, write, comprehend or compute below a 9.0 grade level in English or below student performance level 7 in English language skills.
  - 3) [Penny Severns family](#) literacy program will provide direct instructional services to parents and children and reciprocal parent-child learning activities offered to adult caregivers and their children. Adult caregivers must be persons 17 years or older who read, write, comprehend or compute below a 9.0 grade level or below student performance level 7 in English language skills.
- c) The features of each of the three types of literacy programs are delineated in Exhibit A of this Part.

(Source: Amended at 37 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 3035.220 Application for Grant**

- a) ISL may make grant applications available prior to the availability of funds, subject to the conditions stipulated in Section 3035.135 of this Part.
- b) Applications shall be submitted to the Illinois State Library in a format prescribed by the Secretary of State. [The applicants shall provide the information stipulated in Section 3035.135\(d\).](#)

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- c) Grant awards and the maximum grant amounts will be determined by the State Librarian.
- d) Applications shall include the following information:
  - 1) The name of the literacy program for the community.
  - 2) The name and address of the applicant.
  - 3) The name and telephone number of the applicant's director or executive officer.
  - 4) The name, address and contact person for each business whose employees will participate in workplace literacy services.
  - 5) The name, address and contact person for the local public library that is partnering in family literacy services.
  - 6) The name, address and contact person for the child education agency that is partnering in family literacy services.
  - 7) The name, address and contact person for the adult literacy provider agency that is partnering in family literacy services.
  - 8) The term of the literacy program, including a time schedule for the completion of project objectives of the literacy program within the grant year.
  - 9) The total amount of grant money requested for the literacy program.
  - 10) A brief and explicit description of the literacy program purpose and goals.
  - 11) A statement supported by current, relevant statistics (e.g., dropout rates, census figures on the education level of the local population, or the number of persons receiving public assistance) and other evidence detailing the need for the literacy program in the particular community or geographic region of the applicant.

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- 12) A statement of the instructional and recruitment methods to be used to meet its stated goals.
- 13) An explicit description of plans to evaluate project goals and student progress, including statistical data.
  - A) Testing
    - i) Plans for pre- and post-testing of students must be part of the proposal application. The Slosson Oral Reading Test – Revised (SORT-R), 2002 edition (produced by Slosson Educational Publications, Inc., P.O. Box 280, East Aurora NY 14052-0280), or the Test of Adult Basic Education (TABE), 2004 edition (produced by CTB/McGraw-Hill, 20 Ryan Ranch Road, Monterey CA 93940) must be used in student testing for semiannual reports submitted to the State Library. The materials incorporated by reference include no later amendments or editions.
    - ii) In the case of English as a Second Language (ESL) projects, professionally accepted tests must be used, such as the English as a Second ~~Language~~ ~~Language~~ Oral Assessment (ESLOA), 1978 edition (produced by New Reader's Press, 104 Marcellus Street, Syracuse NY 13204); the Combined English Language Skills Assessment (CELSA), 2009 edition (produced by the Association of Classroom Teacher Testers, 1187 Coast Village Road, Suite 1 #378, Montecito CA 93108-2794); the Basic English Skills Test (BEST), 2006 edition (produced by the Center for Applied Linguistics, 4646 40<sup>th</sup> Street, NW, Washington DC 20016; the Foreign Service Institute Oral Proficiency Interview (FSI) (also known as ILR), 1983 edition (produced by the Foreign Service Institute Shultz Center, 4000 Arlington Boulevard, Arlington VA 22204-1500). The materials incorporated by reference include no later amendments or editions.

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- iii) In the case of students who enroll for math assistance only, the TABE math test, 2004 edition (produced by CTB/McGraw-Hill, 20 Ryan Ranch Road, Monterey CA 93940), must be used in testing. The material incorporated by reference includes no later amendments or editions.
  - iv) Other professionally accepted educational assessments approved by the Literacy Office of the State Library may be used that provide accurate measurements of an adult student's literacy or English language skill level.
- 14) A statement from each of the partnering agencies in the literacy project detailing their responsibilities to the literacy project, including cooperation, coordination and services, and including signatures of organization representatives.
- 15) The budget for the literacy project, setting forth the personnel costs, fringe benefits (e.g., retirement benefits and health insurance), travel costs, equipment purchases, supplies, contractual services, instructional materials, and any other expense necessary to operate the literacy program proposed in the grant application.
- A) No grant funds shall be used to purchase equipment.
  - B) Costs for purchase of consultant services will not be allowed in the proposal budget unless the specific expertise required is not available at the applicant's agency or the Illinois State Library. Justification must be provided if consultant services are purchased, and a complete description of the work to be performed must also be provided. The proposed consultant must be mutually acceptable to both the grantee and Illinois State Library, based on the consultant's prior experience and expertise in literacy programs.

(Source: Amended at 37 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 3035.260 Fiscal Procedures**

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The literacy grant recipient shall follow the conditions stipulated in Section 3035.140 of this Part.

- a) ~~The literacy grant recipient may be asked by the State Library to present copies of past audits or require that an audit of grant funds be performed on individual programs in accordance with Section 3035.140(e) of this Part.~~
- b) ~~Audits may be requested for such reasons as poor recordkeeping, fiscal irregularities, or staff's request after viewing narrative reports or after viewing files at the program site.~~
- e) ~~No literacy program shall transfer funds within the approved grant budget in excess of 10% of the budget line item from which the funds are transferred, without the prior written approval of the State Library. Approval will be granted by the State Library when justification is shown for why the transfer is necessary and how it will affect the goals and objectives of the project. Unapproved expenditures in excess of 10% of a budget line will not be paid for by the grant.~~

(Source: Amended at 37 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 3035.280 Penny Severns' Grant Program (Repealed)**

- a) **Competitive Grants**
  - 1) ~~Application requirements, including criteria, for the Penny Severns' Grant Program shall be made available by the State Librarian no later than March 1 for the current year. Applications shall be submitted to the Illinois State Library on or before April 30. The State Librarian shall disqualify applications that are untimely filed or those that are not submitted on the prescribed forms.~~
  - 2) ~~Applications shall be reviewed by the State Librarian or designee. The decision of the State Librarian is final. Review criteria includes, but is not limited to:~~
    - A) ~~How the applicant identifies and addresses the at-risk population to be served;~~

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- B) ~~How the learning activities involve both parent and child in interactive learning experiences;~~
  - C) ~~Number of people to be served;~~
  - D) ~~Reasonableness of the budget in relation to the goals and objectives. Requested funds are sufficient but not excessive and are targeted to accomplish the specified goals and objectives;~~
  - E) ~~How libraries are involved in learning activities.~~
- 3) ~~The number of grants to be awarded is at the discretion of the State Librarian.~~
- 4) ~~Applicants must meet requirements designated by the State Library for collaboration with other groups interested in promoting reading and literacy.~~
- 5) ~~At-risk families are defined as parents and their children whose minimal skills in reading, writing, computation, comprehension and communication preclude them from functioning effectively in their lives.~~
- b) ~~Funding awarded under subsection (a) of this Section may be used for any one or all of the following purposes:~~
- 1) ~~Development of collections of materials, including learning games, for use by parents working together with their children.~~
  - 2) ~~Employment of staff to provide parent-child reading activities, computer technology activities, experiential enrichment excursions and participation in library reading programs.~~
  - 3) ~~Provision of support services to assist in families' participation, which could include, but is not limited to, child care and transportation.~~
  - 4) ~~Development of programs on library resources and services for at risk families.~~

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(Source: Repealed at 37 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART D: LIVE AND LEARN CONSTRUCTION GRANTS

**Section 3035.450 Grant Application Procedure**

The following application procedures shall apply:

- a) The Illinois State Library shall issue application forms for library construction grants under this program.
- b) Applying libraries and library systems shall submit a signed, completed current library construction grant application, together with the following documents or written assurances, to be eligible for library construction grants. The applicant shall provide:
  - 1) Application Phase
    - A) To be eligible for a Live and Learn construction grant, assurances contained in this Section, as listed in the Construction Grant Application Form, ~~as most recently adopted by the Subcommittee for Public Library Construction, a subcommittee of the Illinois State Library Advisory Committee.~~
    - B) A statement describing the necessity for the proposed project.
    - C) A statement of plans to meet existing library standards of service, Illinois Library Standard 2.0, Serving Our Public: Standards for Illinois Public Libraries, incorporated by reference in Section 3035.115. This subsection (b)(1)(C) shall not apply to library systems.
    - D) A description of the project's potential contribution to the improvement of library services within the library's area of service and in any other portions of the State.
    - E) A facility plan. For projects with a total cost of over \$150,000, a library building consultant may work with the library in

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developing the facility plan. The library board shall select a building consultant in accordance with the Illinois Local Library Act [75 ILCS 5/4-7] and the Illinois Library District Act [75 ILCS 16/30-55.40].

- F) For projects with a total cost equal to or greater than \$75,000, assurance that an architect or engineer licensed to practice in Illinois is being utilized.
- G) Project design, with a site plan, outline of outlining specifications and an estimated cost per square foot.
- H) A letter from the Illinois Historic Preservation Agency evidencing compliance with the Illinois State Agency Historic Resources Preservation Act [20 ILCS 3420].
- I) For new construction, additions and projects involving evacuation of soil:
  - i) Documentation stating whether the project site is located in a Special Flood Hazard Area found at the Illinois State Water Survey's Illinois Floodplain Map website (<http://www.illinoisfloodmaps.org/>). If the project site is located in a Special Flood Hazard Area, the applicant shall submit an assurance letter from the Division of Water Resources of the Department of Natural Resources stating that the project meets the requirements of Executive Order 2006-5 regarding flood damages.
  - ii) A subsurface soil analysis by a soils engineer.
  - iii) A site assessment by a licensed environmental/hazardous materials consultant to determine the existence of asbestos and/or lead paint. This assurance does not apply to new buildings unless demolition of existing buildings (other than residences) is necessary.

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- J) Assurance that the real estate affected by the proposed construction is available to the library or library system, as is the legal description of the affected real estate. A deed of ownership or proof of long-term occupancy (20-year minimum) shall be provided, except for mini-grants. The applicant shall provided assurance that the building will remain in use as a public library or library system facility for not less than 20 years after its construction unless other use is approved by the Director of the Illinois State Library.
  - K) An Americans With Disabilities Act Self-Evaluation, except for new construction projects.
  - L) Other funds designated for construction that are immediately available to the library upon application. Funds may include a mortgage commitment letter from a financial institution licensed by a state or the federal government. Assurances from the applicant that a referendum is pending or various fundraising activities will be undertaken in the future, with the amount to be raised remaining uncertain, shall not be counted as part of the local matching funds for the purposes of Section 3035.400.
- 2) Construction Phase
- A) An assurance that the grantee library will expend 100% of Secretary of State library construction grant funds within 12 months after the execution of the grant agreement. If the grantee fails to submit a final report, or an audit, if applicable, within 24 months after the execution of the contract, the grant shall be forfeited unless an extension is granted by the Director of the Illinois State Library.
  - B) An assurance that the construction work will be performed under the lump sum (fixed price) contract method.
  - C) An assurance that the library will publicly announce all requirements for architectural, engineering and land surveying services and procure these services on the basis of demonstrated

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competence and qualifications and negotiate contracts at fair and reasonable prices, in accordance with the Illinois Local Library Act [75 ILCS 5/5-5] and the Illinois Library District Act [75 ILCS 16/40-45].

- D) Architectural, engineering and land surveying contracts made in accordance with the Local Government Professional Services Selection Act [50 ILCS 510].
- E) An assurance that adequate methods of obtaining competitive bidding will be employed prior to awarding the construction contract by public advertising in a newspaper of general circulation in the area, and the award of the contract will be made to the responsible bidder submitting the lowest acceptable bid, in accordance with the Illinois Local Library Act and the Illinois Library District Act. A copy of the advertisement, with verification of the date of publication and name of the newspaper, shall be submitted to the Illinois State Library within 10 days after publication.
- F) An assurance that all laborers and mechanics employed by the contractor or subcontractors on all construction projects will be paid wages at rates not less than those prevailing on similar construction in the locality, as determined by the Illinois Department of Labor in accordance with the Prevailing Wage Act [820 ILCS 130].
- G) An assurance that a copy of the building permit will be supplied to the Illinois State Library prior to the actual construction and that the permit will be posted in a prominent place on the construction site.
- H) An assurance that any change in the Plans and Specifications requiring a work change order will be submitted to the Illinois State Library. All change orders shall be subject to the Illinois Public Works Contract Change Order Act [50 ILCS 525]. The Illinois State Library shall be notified of and approve or deny any change orders of \$10,000 or more and the modification of any

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public areas of the grantee library from the proposed original plans of the approved grant application. The change order will be accompanied by a letter approved by the library board stating that there is no adverse impact on library services. Change orders do not affect the grant award amount.

- I) An assurance that contractors and subcontractors will comply with all applicable provisions of the Illinois Human Rights Act [775 ILCS 5] and all federal and State laws, rules and regulations that prohibit discrimination because of race, color, religion, sex, marital status, national origin, ancestry, age and physical or mental handicap.
- J) Construction contracts signed by both the library board (or library system board) and contractors that is, or is comparable, to, the "Standard Form of Agreement Between Owner & Contractor A-101-1997" published by the American Institute of Architecture, 1735 New York Ave., NW, Washington DC 20006-5292. No later amendments to this form are incorporated in this Section. Contracts are to be submitted to the Illinois State Library prior to the start of construction; also, all subcontractors are to perform work in accordance with the conditions and standards contained in the contracts signed by the board and the Illinois State Library. The Illinois State Library shall have the right to disapprove any contracts between the library board or library system board and contractors if:
- i) The bidding procedure outlined in subsection (b)(2)(E) was not followed.
  - ii) The conditions and standards specified in the contract between the Illinois State Library and the library board are not incorporated into the contracts between the library board or library system board and the contractors.
- K) An assurance that a sign will be displayed on the construction site stating that State funds administered by the State Librarian are being used for the construction; and that a plaque will be placed in

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the completed building stating that State funds administered by the State Librarian were used for the building's construction.

- L) An assurance that construction will not begin until a contract is executed with the State Librarian.
- M) An assurance that construction will commence within 140 days after the effective date of the grant contract, according to Section 3035.435(f).
- N) An assurance that any agent authorized by the Illinois State Library, upon presentation of credentials and in accordance with the constitutional limitation on administrative searches, will have full access to, and the right to examine, any records, books, papers or documents of the grantee involving transactions related to the grant.
- O) An assurance that the following reports and records will be completed and transmitted to the Illinois State Library: quarterly narrative and financial reports; notification within 15 days after completion of the project; a close-out report that is a final financial and narrative report within 24 months after the execution of the contract, unless an extension is granted by the Director of the Illinois State Library; and other reports and documents, such as prevailing wage rates and receipts to verify vouchers, as reasonably may be required by the State Library. The final financial report shall be signed by the president of the library's board of directors.
  - i) Financial reports shall show: the amount of authorized State and local funds; interest earned on grant funds; expenditures made from grant funds and from interest earned on grant funds; obligated funds, by amount of line item remaining compared to the original budget.
  - ii) Narrative reports shall state: the progress of the project; accomplishments to date; problems encountered; objectives

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met and unmet; changes implemented; and the percentage of completion of the project to date.

- iii) The close-out report shall evaluate the degree to which the grantee achieved the goals and objectives of the project. The close-out report shall include a project audit according to Section 3035.140(e).
- iv) For a project that requires an architect or engineer, the architect or engineer shall certify to the Illinois State Library when the project reaches the 50% and 100% stage of completion.
- P) An assurance that, when construction is complete, sufficient funds will be available for effective operation and maintenance of the facilities, in accordance with applicable federal, State and local requirements.
- Q) An assurance that the library will establish a separate account for construction grant funds with a federally or Illinois regulated financial institution that is insured by the Federal Deposit Insurance Corporation.
- R) An assurance that any interest earned on the grant funds will be expended, without limitation or exception, exclusively on the subject construction project.
- c) Some of the documentation and written assurances may be waived in the application ~~for mini-grants described in Section 3035.400(e), upon approval of the Illinois State Library, except that subsections (b)(2)(F) and (b)(2)(I) will not be waived~~ ~~construction consultant. Documentation and written assurances may be waived if they are not relevant to the specific mini-grant. As an example, a legal description of the affected real estate may not be required for a mini-grant project to install carpeting in the existing library building.~~
- d) Applications will be considered in accordance with Section 3035.420(c).
- e) Grant applications are subject to the conditions stipulated in Section 3035.135.

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- f) Grant monies awarded are based on the amount specified in the original budget in the grant application; grant awards will not be increased because of subsequent increases in project costs.

(Source: Amended at 37 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART E: PUBLIC LIBRARY CONSTRUCTION ACT GRANTS

**Section 3035.525 Priority of Public Library Construction Act Projects**

Priority ranking for construction grant projects shall be done if the appropriation for any fiscal year is insufficient to fund grants for all eligible applicants. In this case, an eligible public library construction project shall be qualified for a construction grant award by the State Librarian in order of the priority ranking described in subsection (a) this Section.

- a) Libraries determined to be eligible shall be eligible in the order of:
- 1) Replacement or reconstruction of public library facilities destroyed or damaged by flood, tornado, fire, earthquake or other disasters, either man-made or produced by nature;
  - 2) Projects designed to address population growth or to replace aging public library facilities;
  - 3) Replacement or reconstruction of public library facilities determined to be severe and continuing health or life safety hazards;
  - 4) Alterations necessary to provide accessibility for qualified individuals with disabilities; and
  - 5) Other unique solutions to facility needs. These projects include design concepts that enhance library service to the community, including, but not limited to, technological improvements and energy conservation.
- b) The library's ranking within its level of priority shall be determined as follows:

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- 1) In priority 1, the public library presents documentation to the State Library explaining the nature and scope of the disaster, including an explanation of replacement or reconstruction costs covered by insurance and other State or federal grants sources.
- 2) In priorities 2, 3 and 4, points are awarded based on the extent to which the applicant's present or existing facilities meet the standard of .6 square foot per capita for total floor space in its public library. The total square feet will be taken from the most current Illinois Public Library Annual Report on file at the Illinois State Library. The population served will be taken from the most recent Public Library Per Capita grant application on file at the Illinois State Library. The following describes how the square feet and population will be determined for a public library using the population and square feet for only the legal (taxed) service area of the library.

<u>% OF STANDARD</u>	<u>POINTS</u>
0-25	5
26-50	4
51-70	3
71-90	2
91-100	1
Over 100	0

- 3) In priorities 2, 3 and 4, additional points will be awarded for age of building.

AGE OF BUILDING	POINTS
100 years or more with no substantial work in the last 20 years	5
100 years or more with some substantial work in the last 20 years	4
50-99 years with no substantial work in the last 20 years	3

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50-99 years with some substantial work in the last 20 years	2
20-49 years with no substantial work in the last 10 years	1
20-49 years with some substantial work in the last 10 years	0
Do not have a public library facility	2

4) ~~In priorities 2, 3 and 4, additional points will be awarded for addressing life safety improvements (see Exhibit B).~~

4)5) In priority 5, points will be awarded based on subsections (b)(2); and (3) ~~and (4).~~

- c) In the event of a tie between two or more public libraries in determining ranking within a level of priority, ranking for those tied public libraries shall be established by consideration of additional factors including, but not limited to, whether any of the public libraries have received construction assistance from the State Librarian from any source in the previous three years; whether any of the public libraries applied for and received a public library per capita grant in each of the three previous fiscal years; the percentage of the population living at or below the federal poverty level within the territory served by the public libraries; shovel readiness of the projects; and whether the public libraries submitted a response to the most recent public library capital needs assessment contained in Section 3035.560.

(Source: Amended at 37 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 3035.540 Supervision of Public Library Construction Act Projects**

The State Librarian shall exercise general supervision over public library construction projects financed pursuant to the Act.

- a) The grantee library will expend in 30% increments. The public library shall submit a letter from an architect and a financial report at the 30, 60 and 90% points of substantial completion. The final 10% will be paid out upon completion of the project and submission of all final reports to the State Librarian.

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- b) Construction work will be performed under the lump sum (fixed price) contract method.
- c) The library will publicly announce all requirements for architectural, engineering and land surveying services and procure these services on the basis of demonstrated competence and qualifications and negotiate contracts at fair and reasonable prices, in accordance with the Illinois Local Library Act [75 ILCS 5/5-5] and the Illinois Library District Act [75 ILCS 16/40-45].
- d) Architectural, engineering and land surveying contracts will be made in accordance with the Local Government Professional Services Selection Act [50 ILCS 510].
- e) Adequate methods of obtaining competitive bidding will be employed prior to awarding the construction contract by public advertising in a newspaper of general circulation in the area, and the award of the contract will be made to the responsible bidder submitting the lowest acceptable bid, in accordance with the Illinois Local Library Act and the Illinois Library District Act. A copy of the advertisement, with verification of the date of publication and name of the newspaper, shall be submitted to the Illinois State Library within 10 days after publication.
- f) All laborers and mechanics employed by the contractor or subcontractors on all construction projects shall be paid wages at rates not less than those prevailing on similar construction in the locality, as determined by the Illinois Department of Labor in accordance with the Prevailing Wage Act [820 ILCS 130].
- g) A copy of the building permit shall be supplied to the State Librarian prior to the actual construction, and the permit shall be posted in a prominent place on the construction site.
- h) Any change in the Plans and Specifications requiring a work change order shall be submitted to the State Librarian. All change orders shall be subject to the Illinois Public Works Contract Change Order Act [50 ILCS 525]. The State Librarian shall be notified of and approve or deny any change orders of \$10,000 or more and the modification of any public areas of the grantee library from the proposed original plans of the approved grant application. The change order will be accompanied by a letter approved by the library board stating that there is no

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adverse impact on library services. Change orders do not affect the grant award amount.

- i) Contractors and subcontractors shall comply with all applicable provisions of the Illinois Human Rights Act [775 ILCS 5] and all federal and State laws, rules and regulations that prohibit discrimination because of race, color, religion, sex, marital status, national origin, ancestry, age and physical or mental handicap.
- j) Construction contracts shall be signed by both the library board and contractors, using the Standard Form of Agreement Between Owner & Contractor A-101-1997, published by the American Institute of Architecture, 1735 New York Ave., NW, Washington DC 20006-5292, or a comparable format. No later amendments to this form are incorporated in this Section. Contracts are to be submitted to the State Librarian prior to the start of construction. All subcontractors are to perform work in accordance with the conditions and standards contained in the contracts signed by the library board and the State Librarian. The State Librarian shall have the right to disapprove any contracts between the library board and contractors if:
  - 1) The bidding procedure outlined in subsection (e) was not followed.
  - 2) The conditions and standards specified in the contract between the State Librarian and the library board are not incorporated into the contracts between the library board and the contractors.
- k) Grant monies awarded are based on the amount specified in the original budget in the grant application; grant awards will not be increased because of subsequent increases in project costs. Decisions shall not affect the time frame imposed unless approved by the Director of the State Library.
- l) A sign will be displayed on the construction site stating that State funds administered by the State Librarian are being used for the construction; and that a plaque will be placed in the completed building stating that State funds administered by the State Librarian were used for the building's construction.
- m) ~~Projects receiving over \$200,000 must use .5% of the grant award for the purchase and placement of suitable works of art. The purchase of the artwork will be done in conjunction with the Capital Development Board (see 20 ILCS 3105/14).~~

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- m)Ⓢ) Any agent authorized by the State Librarian, upon presentation of credentials and in accordance with the constitutional limitation on administrative searches, shall have full access to, and the right to examine, any records, books, papers or documents of the grantee involving transactions related to the grant.
- n)Ⓢ) Construction will commence within 140 days after the effective date of the grant contract. ~~Competitive bids for construction projects shall not be let until after the grant contract with the State Librarian has been signed.~~ Construction may not commence until proof of ownership or long-term lease agreement of the affected real estate is received.
- o)Ⓢ) The following reports and records will be completed and transmitted to the State Librarian: quarterly narrative and financial reports; notification within 15 days after completion of the project; a close-out report that is a final financial and narrative report within 36 months after the execution of the contract, unless an extension is granted by the State Librarian; and other reports and documents, such as prevailing wage rates and receipts to verify vouchers, as reasonably may be required by the State Librarian. The final financial report shall be signed by the president of the library's board of directors.
- 1) Financial reports shall show: the amount of authorized State and local funds; interest earned on grant funds; expenditures made from grant funds and from interest earned on grant funds; obligated funds, by amount of line item remaining compared to the original budget.
  - 2) Narrative reports shall state: the progress of the project; accomplishments to date; problems encountered; objectives met and unmet; changes implemented; and the percentage of completion of the project to date.
  - 3) The close-out report shall evaluate the degree to which the grantee achieved the goals and objectives of the project. The close-out report shall include a project audit according to Section 3035.140(e).
  - 4) For a project that requires an architect or engineer, the architect or engineer shall certify to the State Librarian when the project reaches the 30%, 60%, 90% and 100% stage of completion.

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- | ~~p)q)~~ When construction is complete, sufficient funds will be available for effective operation and maintenance of the facilities, in accordance with applicable federal, State and local requirements.
- | ~~q)r)~~ The library shall establish a separate account for construction grant funds with a federally or Illinois regulated financial institution that is insured by the Federal Deposit Insurance Corporation.
- | ~~r)s)~~ Any interest earned on the grant funds will be expended, without limitation or exception, exclusively on the public library construction project.
- | ~~s)t)~~ Some of the documentation and assurances in this Section may be waived or modified by the State Librarian if the applicant adheres to comparable or stricter requirements, except that subsections (f) and (i) will not be waived.

(Source: Amended at 37 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 3035.570 Eligible Project Costs**

- a) A library building consultant may work with the library in developing and implementing the public library facilities plan. The library board shall select a building consultant in accordance with the Illinois Local Library Act [75 ILCS 5/4-7] and the Illinois Library District Act [75 ILCS 16/30-55.40].
- b) Funding may be used for joint use by the library and community, with the State Librarian's participation in the funding of facilities limited to those items required to meet the needs of the library's plan for the provision of library services and any other activities and events the applicant library plans to conduct. The library shall submit the documentation prescribed in Section 3035.480.
- c) Funding will not be used for administrative offices or other support services outside of a facility that provides direct on-site services to library users.
- d) Funding will not be used for facilities intended for commercial use by profit making organizations. This is not meant to exclude facilities to be operated by non-profit organizations.

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- e) Funding will not be allowed for square footage designated for food service in which a fee is charged (example: coffee shop or café).
- f) The State Librarian will not fund land acquisition costs:
  - 1) For land that was or will be donated to the library.
  - 2) For land that is already owned by the library or its corporate authority and [prior to July 13, 2009](#), will be the site of new construction or an addition to an existing facility.
  - 3) For land that is not an integral part of the project and does not conform with Section 3035.565(d).
- g) Funds will be used to support off-site improvements only if they directly impact the facility.
  - 1) The applicant shall submit documentation that local, State and/or federal funding sources are not available to the library or any other public body for off-site improvements before the State Librarian will consider participation in funding.
  - 2) The State Librarian's participation in funding off-site improvements is only permitted if the off-site property or interest in the property, such as an easement or leasehold, is owned by a public body.
- h) The State Librarian's participation in funding on-site improvements is limited to those minimum requirements necessary to making the site functionally operational. The State Librarian will not fund certain types of site improvements, including, but not limited to:
  - 1) Storage facilities;
  - 2) Lawn sprinkling systems;
  - 3) Exterior commons area, such as paved sitting areas, benches, etc.;
  - 4) Traffic signals at intersections;

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- 5) Landscaping in excess of seeding costs;
  - 6) Off-site access roads.
- i) Determination of Recognized Project Cost
- 1) Recognized project cost shall be based upon calculations made in accordance with eligible expenditures enumerated in this Section and shall include the following unit cost (\$/sq.ft.):
    - A) Buildings constructed to the five foot line;
    - B) Design and construction contingencies;
    - C) Building fixed equipment.
  - 2) Recognized project cost shall also include additional associated costs as deemed appropriate by the State Librarian in consultation with the public library, as follows:
    - A) Site improvements, including related architectural/engineering fees and reimbursements;
    - B) Land acquisition and associated legal fees. A certified property appraisal will be acquired prior to the approval of land acquisition costs in the grant award. The appraisal must be for the value of the land and any improvements;
    - C) Movable equipment;
    - D) Utility service lines, both on-site and off-site; and
    - E) Special foundation construction and related architectural/engineering fees deemed necessary as a result of unusual sub-surface soil conditions.

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- 3) The State Librarian shall create separate recognized cost calculations for various types of construction projects, including but not limited to new construction and additions, and for rehabilitation of or renovations to an existing facility.
- 4) The recognized project costs initially calculated by the State Librarian will establish the maximum acceptable cost of the eligible expenditures. If the bid price received by the district from the various contractors for the eligible expenditures is less than the bid estimate amount included in this initial calculation, then the recognized project cost will be reduced by the amount of the difference.

(Source: Amended at 37 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART F: TALKING BOOK AND BRAILLE SERVICE (TBBS)

**Section 3035.630 Application**

- a) Applications to receive the service are available at Talking Book Centers and public libraries, and from health and social services professionals. The forms ask for such information as name, address, date of birth, education, type of disability, items an applicant intends to borrow, and machinery that will be necessary to access that material.
- b) Each applicant must be certified as eligible and meeting requirements by a competent authority.
- c) The application will be available in a format prescribed by the Illinois State Library Talking Book and Braille Service. Applications are available at <http://www.cyberdriveillinois.com/departments/library/grants/home.html>. The applicant shall provide the information stipulated in Section 3035.135(d).

(Source: Amended at 37 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART G: LIBRARY SERVICES AND TECHNOLOGY ACT GRANTS (LSTA)

**Section 3035.730 Grant Application and Awards**

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- a) Applications shall be submitted to the Illinois State Library in a manner prescribed by the State Librarian. [Applicants shall provide the information stipulated in Section 3035.135\(d\).](#)
- b) The Illinois State Library shall award grants subject to the conditions stipulated in Sections 3035.135 and 3035.140, 2 CFR 215 (2004) and OMB Circular A-102, (1997).
- c) Awards shall be made on or after July 1 of every year for the fiscal year then commencing.
- d) The grant period shall be contained within the fiscal year in which the grant is awarded, unless otherwise specified ~~in~~<sup>by</sup> the grant agreement, but in no event shall the grant period continue for more than 3 years.
- e) Obligations of the Illinois State Library to fund this grant program will cease immediately without penalty or further payment being required if the Institute of Museum and Library Services or the United States Congress fails to appropriate or otherwise make available sufficient funds. Award notification will be released upon legislative and gubernatorial approval of an appropriation.

(Source: Amended at 37 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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**Section 3035.EXHIBIT A Differences Among the Three Types of Literacy Grant Programs**

	<b>Adult Literacy</b>	<b><u>Penny Severns</u> Family Literacy</b>	<b>Workplace Literacy</b>
Purpose	Improve the adult's literacy	Improve the family's literacy, Improve parenting knowledge	Improve the employee's literacy, Increase work skills
Target Audience	Adults	Adults and their children	Employees who are adults
Instructional Method	Volunteer tutoring	Classroom teaching	Classroom teaching
Program Components	One: Adult Basic Education or English as a Second Language	Five: Adult Basic Education or English as a Second Language, Child education, Library education, Parenting education, Parent/child interaction	One: Adult Basic Education or English as a Second Language
Agencies Involved	One: Adult education agency	Three: Adult education agency, Library, Child education agency	Two: Adult education agency, Businesses
Agencies Eligible To Apply	Adult education agency	Any of the three agencies involved	Either of the two agencies involved
Location of Service	Anywhere	Anywhere	At the workplace

(Source: Amended at 37 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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**Section 3035.EXHIBIT B Guidelines for Rating Life Safety/Legal Issues (Repealed)**

~~These guidelines utilize the designations for Class I or Class II of the fire/life safety (F/LS) and American With Disabilities Act (ADA) categories and assign higher scores if the Class I or Class II improvements amount to more than 50% of the cost of construction. On a scale of 1 to 5, points are assigned in this manner:~~

	<u>POINTS</u>
Class I; more than 50% of construction	5
Class I; less than 50% of construction	4
Class II; more than 50% of construction	3
Class II; less than 50% of construction	2
Not Required: No fire/life safety/legal issues	1

~~CLASS DESCRIPTIONS:~~

Class I	More than 50% of Construction	<del>(F/LS) Improvements necessary because the safety of persons is IMMEDIATELY, DIRECTLY AND CLEARLY IMPERILED.</del>
	Less than 50% of Construction	<del>(F/LS) CODE OFFICIALS have determined that improvements are needed IMMEDIATELY to ensure safety of persons.</del>
Class II	More than 50% of Construction	<del>(ADA) Improvements CLEARLY necessary for COMPLIANCE with ADA.</del>
	Less than 50% of Construction	<del>(+) ACCREDITATION or closing of the facility in IMMEDIATE jeopardy if improvements are not completed.</del>
Class II	More than 50% of Construction	<del>(F/LS) Improvements MAY BE necessary to comply with codes and if more than 50% AVOID potential danger.</del>
	Less than 50% of Construction	<del>(ADA) Improvements MAY BE necessary to comply with ADA and to AVOID possible non-compliance.</del>
	Less than 50% of Construction	<del>(+) ACCREDITATION or closing of the facility MAY BE in jeopardy if improvements are not completed.</del>

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

Not  
Required

~~(F/LS) Improvements provide safer environment, but are  
NOT REQUIRED for code compliance or legal requirement.~~

~~(ADA) Improvements provide better accessibility, but are  
NOT REQUIRED.~~

(Source: Repealed at 37 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)



## ILLINOIS GAMING BOARD

## NOTICE OF ADOPTED AMENDMENTS

1800.310	Amendment	36 Ill. Reg. 9863, July 13, 2012
1800.520	Amendment	36 Ill. Reg. 9863, July 13, 2012
1800.830	New Section	36 Ill. Reg. 9863, July 13, 2012
1800.1310	New Section	36 Ill. Reg. 9863, July 13, 2012
1800.110	Amendment	36 Ill. Reg. 14032, September 14, 2012
1800.270	Amendment	36 Ill. Reg. 14032, September 14, 2012
1800.930	Amendment	36 Ill. Reg. 14032, September 14, 2012

15) Summary and purpose of Rulemaking: The present rulemaking provides the following:

Separate bank accounts: Section 1800.250(i) of the video gaming rules (11 Ill. Admin. Code 1800.250 i)) currently requires licensed video terminal operators to maintain a separate bank account for each licensed video gaming location. The central communications system for video gaming, established and operated under the mandate of Section 15(15) of the Video Gaming Act [230 ILCS 40/15(15)], is incompatible with the current language of Section 1800.250(i), as this communications system requires the establishment of only one bank account by each licensed video terminal operator. To conform with the technical specifications of the central communications system, Section 1800.250(i) is being amended to provide that each licensed video terminal operator shall maintain a single bank account covering all of the licensed locations with which it contracts.

Outside visibility: Section 1800.810(c) of the video gaming rules (11 Ill. Admin. Code 1800.810 c)) provides that "all video gaming terminals must be located in those areas of a licensed video gaming location with restricted visibility from areas outside the business". Several municipalities, however, have requirements in their Liquor Codes that nothing (i.e., a screen, blind, curtain or partition) is allowed in the windows or doors that would prevent a clear view into the interior of a bar; nothing is allowed inside the bar that would prevent a full view of the entire interior of the premises; and in some cases, for example "the entire space used by the public must be so located that there shall be a full view of the same from the street, road or sidewalk".

Because of these local requirements, it is possible that many licensed video gaming locations will find it impracticable to comply with this requirement. In addition, there is a limitation in Section 1800.810(b) (11 Ill. Admin. Code 1800.810 b)) of the video gaming rules that "all video gaming terminals must be located in an area restricted to persons over 21 years of age." In light of the competing rules regarding the placement of

ILLINOIS GAMING BOARD

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video gaming terminals, and the impracticability of universal compliance with Section 1800.810(c), the Illinois Gaming Board proposes the deletion of this subsection.

- 16) Information and questions regarding this adopted rulemaking may be addressed to:

Emily Mattison  
Acting General Counsel  
Illinois Gaming Board  
160 North LaSalle Street  
Chicago, Illinois 60601

Telephone No. 312/814-4653  
Fax No. 312/814-7253

The full text of the Adopted Amendments begin on the next page.

ILLINOIS GAMING BOARD

NOTICE OF ADOPTED AMENDMENTS

TITLE 11: ALCOHOL, HORSE RACING, LOTTERY, AND VIDEO GAMING  
SUBTITLE D: VIDEO GAMING  
CHAPTER I: ILLINOIS GAMING BOARD

PART 1800  
VIDEO GAMING (GENERAL)

SUBPART A: GENERAL PROVISIONS

Section	
1800.110	Definitions
1800.115	Gender
1800.120	Inspection

SUBPART B: DUTIES OF LICENSEES

Section	
1800.210	General Duties of All Video Gaming Licensees
1800.220	Continuing Duty to Report Violations
1800.230	Duties of Licensed Manufacturers
1800.240	Duties of Licensed Distributors
1800.250	Duties of Licensed Video Terminal Operators
1800.260	Duties of Licensed Technicians
1800.270	Duties of Licensed Video Gaming Locations

SUBPART C: STANDARDS OF CONDUCT FOR LICENSEES

Section	
1800.310	Grounds for Disciplinary Actions
1800.320	Minimum Standards for Use Agreements
1800.330	Economic Disassociation

SUBPART D: LICENSING QUALIFICATIONS

Section	
1800.410	Coverage of Subpart
1800.420	Qualifications for Licensure
1800.430	Persons with Significant Influence or Control

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SUBPART E: LICENSING PROCEDURES

Section	
1800.510	Coverage of Subpart
1800.520	Applications
1800.530	Submission of Application
1800.540	Application Fees
1800.550	Consideration of Applications by the Board
1800.555	Withdrawal of Applications
1800.560	Issuance of License
1800.570	Renewal of License
1800.580	Renewal Fees and Dates

SUBPART F: DENIALS OF APPLICATIONS FOR LICENSURE

Section	
1800.610	Coverage of Subpart
1800.615	Requests for Hearing
1800.620	Appearances
1800.625	Appointment of Administrative Law Judge
1800.630	Discovery
1800.635	Subpoenas
1800.640	Motions for Summary Judgment
1800.650	Proceedings
1800.660	Evidence
1800.670	Prohibition on Ex Parte Communication
1800.680	Sanctions and Penalties
1800.690	Transmittal of Record and Recommendation to the Board
1800.695	Status of Applicant for Licensure Upon Filing Request for Hearing

SUBPART G: DISCIPLINARY ACTIONS AGAINST LICENSEES

Section	
1800.710	Coverage of Subpart
1800.715	Notice of Proposed Disciplinary Action Against Licensees
1800.720	Hearings in Disciplinary Actions
1800.725	Appearances

## ILLINOIS GAMING BOARD

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1800.730	Appointment of Administrative Law Judge
1800.735	Discovery
1800.740	Subpoenas
1800.745	Motions for Summary Judgment
1800.750	Proceedings
1800.760	Evidence
1800.770	Prohibition on Ex Parte Communication
1800.780	Sanctions and Penalties
1800.790	Transmittal of Record and Recommendation to the Board

SUBPART H: LOCATION OF VIDEO GAMING TERMINALS IN  
LICENSED VIDEO GAMING LOCATIONS

## Section

1800.810	Location and Placement of Video Gaming Terminals
1800.820	Measurement of Distances from Locations

## SUBPART I: SECURITY INTERESTS

## Section

1800.910	Approvals Required, Applicability, Scope of Approval
1800.920	Notice of Enforcement of a Security Interest
1800.930	Prior Registration

SUBPART J: TRANSPORTATION, REGISTRATION,  
AND DISTRIBUTION OF VIDEO GAMING TERMINALS

## Section

1800.1010	Restriction on Sale, Distribution, Transfer, Supply and Operation of Video Gaming Terminals
1800.1020	Transportation of Video Gaming Terminals into the State
1800.1030	Receipt of Video Gaming Terminals in the State
1800.1040	Transportation of Video Gaming Terminals Between Locations in the State
1800.1050	Approval to Transport Video Gaming Terminals Outside of the State
1800.1060	Placement of Video Gaming Terminals
1800.1065	Registration of Video Gaming Terminals
1800.1070	Disposal of Video Gaming Terminals

## ILLINOIS GAMING BOARD

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## SUBPART K: STATE-LOCAL RELATIONS

## Section

1800.1110 State-Local Relations

## SUBPART L: FINGERPRINTING OF APPLICANTS

## Section

1800.1210 Definitions

1800.1220 Entities Authorized to Perform Fingerprinting

1800.1230 Qualification as a Livescan Vendor

1800.1240 Fingerprinting Requirements

1800.1250 Fees for Fingerprinting

1800.1260 Grounds for Revocation, Suspension and Denial of Contract

AUTHORITY: Implementing and authorized by the Video Gaming Act [230 ILCS 40].

SOURCE: Adopted by emergency rulemaking at 33 Ill. Reg. 14793, effective October 19, 2009, for a maximum of 150 days; adopted at 34 Ill. Reg. 2893, effective February 22, 2010; emergency amendment at 34 Ill. Reg. 8589, effective June 15, 2010, for a maximum of 150 days; emergency expired November 11, 2010; amended at 35 Ill. Reg. 1369, effective January 5, 2011; emergency amendment at 35 Ill. Reg. 13949, effective July 29, 2011, for a maximum of 150 days; emergency expired December 25, 2011; amended at 36 Ill. Reg. 840, effective January 6, 2012; amended by emergency rulemaking at 36 Ill. Reg. 4150, effective February 29, 2012, for a maximum of 150 days; amended at 36 Ill. Reg. 5455, effective March 21, 2012; amended at 36 Ill. Reg. 10029, effective June 28, 2012; emergency amendment at 36 Ill. Reg. 11492, effective July 6, 2012, for a maximum of 150 days; emergency amendment at 36 Ill. Reg. 12895, effective July 24, 2012, for a maximum of 150 days; amended at 36 Ill. Reg. 13178, effective July 30, 2012; amended at 36 Ill. Reg. 15112, effective October 1, 2012; amended at 36 Ill. Reg. 17033, effective November 21, 2012.

## SUBPART B: DUTIES OF LICENSEES

**Section 1800.250 Duties of Licensed Video Terminal Operators**

In addition to all other duties and obligations required by the Act and this Part, each licensed terminal operator has an ongoing duty to comply with the following:

## ILLINOIS GAMING BOARD

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- a) Assume the primary responsibility for the operation and maintenance of video gaming terminals and for payment of tax remittance to the State as required by the Act;
- b) Maintain and provide, either directly or through a licensed manufacturer, distributor, supplier or technician, an inventory of associated video gaming equipment to ensure the timely repair and continued, approved operation and play of the video gaming terminals it operates;
- c) Ensure the timely repair and continued, approved operation and play of the video gaming terminals it operates;
- d) Assume responsibility for the payment of valid receipt tickets issued by video gaming terminals it operates;
- e) Maintain at all times an approved method of payout for valid receipt tickets and pay all valid receipt tickets;
- f) Assume responsibility for terminal and associated video gaming equipment malfunctions, including any claim for the payment of credits arising from malfunctions;
- g) Promptly notify the Board of electronic or mechanical malfunctions or problems experienced in a terminal that affect the integrity of terminal play;
- h) Extend no form of deferred payment for video gaming terminal play in which an individual receives something of value now and agrees to repay the lender in the future for the purpose of wagering at a video gaming terminal;
- i) Maintain a ~~single~~ separate bank account for ~~all~~ each licensed video gaming ~~locations with which it contracts~~ location for deposit of aggregate revenues generated from the play of video gaming terminals and allow for electronic fund transfers for tax payments;
- j) Enter into written use agreements with licensed video gaming locations that comply with the Act and this Part;

## ILLINOIS GAMING BOARD

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- k) Obtain and install, at no cost to the State and as required by the Board, all hardware, software and related accessories necessary to connect video gaming terminals to a central communications system;
- l) Offer or provide nothing of value to any licensed video gaming location or any agent or representative of any licensed video gaming location as an incentive or inducement to locate, keep or maintain video gaming terminals at the licensed video gaming location;
- m) Not own, manage or control a licensed establishment, licensed truck stop establishment, licensed fraternal establishment or licensed veterans establishment;
- n) Conduct advertising and promotional activities in accordance with this Part and in a manner that does not reflect adversely on or that would discredit or tend to discredit the Illinois gaming industry or the State of Illinois;
- o) Respond to service calls within a reasonable time from the time of notification by the video gaming location;
- p) Immediately remove all video gaming terminals from the restricted area of play:
  - 1) upon order of the Board or an agent of the Board, or
  - 2) that have been out of service or otherwise inoperable for more than 72 hours;
- q) Provide the Board with a current list of video gaming terminals acquired for use in Illinois; and
- r) Not install, remove or relocate any video gaming terminal without prior notification and approval of the Administrator or his designee.

(Source: Amended at 36 Ill. Reg. 17033, effective November 21, 2012)

SUBPART H: LOCATION OF VIDEO GAMING TERMINALS IN LICENSED  
VIDEO GAMING LOCATIONS

**Section 1800.810 Location and Placement of Video Gaming Terminals**

## ILLINOIS GAMING BOARD

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- a) All licensed video gaming locations and terminal operators shall be responsible for the proper placement, installation, maintenance and oversight of video gaming terminals within a licensed video gaming location as prescribed by the Act and this Part.
- b) All video gaming terminals must be located in an area restricted to persons over 21 years of age. Any licensed video gaming location that allows minors to enter where video gaming terminals are located shall separate any video gaming terminals from the area accessible by minors.
- ~~e)~~ ~~All video gaming terminals must be located in those areas of a licensed video gaming location with restricted visibility from areas outside of the business.~~
- cd) When two or more adjacent businesses appear to the Administrator to be a single business, or are operated by the same or commingled ownership, then the Administrator may limit those businesses to the maximum number of video gaming terminals. The maximum will be the number permitted under Illinois law for one business as the total number of video gaming terminals authorized for both or more such businesses, where the Administrator determines that the limitation would further the intent of the Act and the integrity of video gaming in the State of Illinois.
- 1) In the event the Administrator decides that two or more adjacent businesses shall be a single business for purposes of determining the maximum number of video gaming terminals to which they are entitled, the Administrator shall provide the affected businesses with written notice of this decision in accordance with the notice requirements of Section 1800.615.
- 2) An applicant that has been deemed to constitute a single business with one or more adjacent businesses for purposes of determining the maximum number of video gaming terminals to which it is entitled may submit a request for hearing to the Board. The hearing procedures shall be those set forth in Subpart F.
- de) The owner, manager or employee of the licensed video gaming location who is over 21 years of age shall be present during all hours of operation, and the video

ILLINOIS GAMING BOARD

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gaming terminals or the entrance to the video gaming terminal area must be within the view of at least one owner, manager or employee.

(Source: Amended at 36 Ill. Reg. 17033, effective November 21, 2012)

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF ADOPTED AMENDMENTS

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

<u>Section Numbers</u> :	<u>Adopted Action</u> :
120.310	Amendment
120.335	Amendment
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]
- 5) Effective Date of Rulemaking: November 26, 2012
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendments, including any materials incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: December 9, 2011; 35 Ill. Reg. 19635 and December 2, 2011; 35 Ill. Reg. 19337
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences Between Proposal and Final Version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? None were necessary.
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any other proposed rulemakings pending on this Part? Yes

<u>Section Numbers</u> :	<u>Proposed Action</u>	<u>Illinois Register Citation</u>
120.560	Amendment	36 Ill. Reg. 9636; July 6, 2012
- 15) Summary and Purpose of Amendments: The rulemaking will bring the rules into compliance with the rulings of the Illinois Second District Appellate Court in Arellano v.

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF ADOPTED AMENDMENTS

DHS, HFS, 402 Ill.App.3d 665 (2010). The court determined that the language in the federal regulation that limits emergencies to the "sudden onset" of an acute medical condition is impermissible as not supported by federal statute. Current language is based on the federal regulation that refers to "sudden onset". Further the rulemaking is implementing the Improving Access to Clinical Trials Act that was signed into law October 2010 and was effective April 3, 2011. Public Law 111-25 amended Section 1902(e) of the Social Security Act to mandate that up to \$2,000 of compensation received by an individual (in a calendar year) for participating in a clinical trial shall be excluded as income when determining eligibility for Medicaid benefits.

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

Jeanette Badrov  
General Counsel  
Illinois Department of Healthcare and Family Services  
201 South Grand Avenue East, 3<sup>rd</sup> Floor  
Springfield IL 62763-0002

217/782-1233

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

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES

CHAPTER I: DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 120

MEDICAL ASSISTANCE PROGRAMS

SUBPART A: GENERAL PROVISIONS

Section

120.1 Incorporation by Reference

SUBPART B: ASSISTANCE STANDARDS

Section

- 120.10 Eligibility for Medical Assistance
- 120.11 MANG(P) Eligibility
- 120.12 Healthy Start – Medicaid Presumptive Eligibility Program For Pregnant Women
- 120.14 Presumptive Eligibility for Children
- 120.20 MANG(AABD) Income Standard
- 120.30 MANG(C) Income Standard
- 120.31 MANG(P) Income Standard
- 120.32 FamilyCare Assist
- 120.34 FamilyCare Share and FamilyCare Premium Level 1
- 120.40 Exceptions To Use Of MANG Income Standard (Repealed)
- 120.50 AMI Income Standard (Repealed)

SUBPART C: FINANCIAL ELIGIBILITY DETERMINATION

Section

- 120.60 Community Cases
- 120.61 Long Term Care
- 120.62 Department of Mental Health and Developmental Disabilities (DMHDD)  
Approved Home and Community Based Residential Settings Under 89 Ill. Adm.  
Code 140.643 (Repealed)
- 120.63 Department of Mental Health and Developmental Disabilities (DMHDD)  
Approved Home and Community Based Residential Settings (Repealed)
- 120.64 MANG(P) Cases

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- 120.65 Department of Mental Health and Developmental Disabilities (DMHDD)  
Licensed Community – Integrated Living Arrangements (Repealed)

## SUBPART D: MEDICARE PREMIUMS

## Section

- 120.70 Supplementary Medical Insurance Benefits (SMIB) Buy-In Program  
120.72 Eligibility for Medicare Cost Sharing as a Qualified Medicare Beneficiary (QMB)  
120.73 Eligibility for Payment of Medicare Part B Premiums for Specified Low-Income  
Medicare Beneficiaries (SLIBs) and Qualified Individuals-1 (QI-1)  
120.74 Qualified Medicare Beneficiary (QMB) Income Standard  
120.75 Specified Low-Income Medicare Beneficiaries (SLIBs) and Qualified  
Individuals-1 (QI-1) Income Standards  
120.76 Hospital Insurance Benefits (HIB)

## SUBPART E: RECIPIENT RESTRICTION PROGRAM

## Section

- 120.80 Recipient Restriction Program

## SUBPART F: MIGRANT MEDICAL PROGRAM

## Section

- 120.90 Migrant Medical Program (Repealed)  
120.91 Income Standards (Repealed)

## SUBPART G: AID TO THE MEDICALLY INDIGENT

## Section

- 120.200 Elimination Of Aid To The Medically Indigent  
120.208 Client Cooperation (Repealed)  
120.210 Citizenship (Repealed)  
120.211 Residence (Repealed)  
120.212 Age (Repealed)  
120.215 Relationship (Repealed)  
120.216 Living Arrangement (Repealed)  
120.217 Supplemental Payments (Repealed)  
120.218 Institutional Status (Repealed)

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF ADOPTED AMENDMENTS

120.224	Foster Care Program (Repealed)
120.225	Social Security Numbers (Repealed)
120.230	Unearned Income (Repealed)
120.235	Exempt Unearned Income (Repealed)
120.236	Education Benefits (Repealed)
120.240	Unearned Income In-Kind (Repealed)
120.245	Earmarked Income (Repealed)
120.250	Lump Sum Payments and Income Tax Refunds (Repealed)
120.255	Protected Income (Repealed)
120.260	Earned Income (Repealed)
120.261	Budgeting Earned Income (Repealed)
120.262	Exempt Earned Income (Repealed)
120.270	Recognized Employment Expenses (Repealed)
120.271	Income From Work/Study/Training Program (Repealed)
120.272	Earned Income From Self-Employment (Repealed)
120.273	Earned Income From Roomer and Boarder (Repealed)
120.275	Earned Income In-Kind (Repealed)
120.276	Payments from the Illinois Department of Children and Family Services (Repealed)
120.280	Assets (Repealed)
120.281	Exempt Assets (Repealed)
120.282	Asset Disregards (Repealed)
120.283	Deferral of Consideration of Assets (Repealed)
120.284	Spend-down of Assets (AMI) (Repealed)
120.285	Property Transfers (Repealed)
120.290	Persons Who May Be Included in the Assistance Unit (Repealed)
120.295	Payment Levels for AMI (Repealed)

## SUBPART H: MEDICAL ASSISTANCE – NO GRANT (MANG) ELIGIBILITY FACTORS

Section	
120.308	Client Cooperation
120.309	Caretaker Relative
120.310	Citizenship
120.311	Residence
120.312	Age
120.313	Blind
120.314	Disabled

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF ADOPTED AMENDMENTS

120.315	Relationship
120.316	Living Arrangements
120.317	Supplemental Payments
120.318	Institutional Status
120.319	Assignment of Rights to Medical Support and Collection of Payment
120.320	Cooperation in Establishing Paternity and Obtaining Medical Support
120.321	Good Cause for Failure to Cooperate in Establishing Paternity and Obtaining Medical Support
120.322	Proof of Good Cause for Failure to Cooperate in Establishing Paternity and Obtaining Medical Support
120.323	Suspension of Paternity Establishment and Obtaining Medical Support Upon Finding Good Cause
120.324	Health Insurance Premium Payment (HIPP) Program
120.325	Health Insurance Premium Payment (HIPP) Pilot Program
120.326	Foster Care Program
120.327	Social Security Numbers
120.328	Compliance with Employment and Work Activity Requirements (Suspended; Repealed)
120.329	Compliance with Non-Economic Eligibility Requirements of Article IV (Suspended; Repealed)
120.330	Unearned Income
120.332	Budgeting Unearned Income
120.335	Exempt Unearned Income
120.336	Education Benefits
120.338	Incentive Allowance
120.340	Unearned Income In-Kind
120.342	Child Support and Spousal Maintenance Payments
120.345	Earmarked Income
120.346	Medicaid Qualifying Trusts
120.347	Treatment of Trusts and Annuities
120.350	Lump Sum Payments and Income Tax Refunds
120.355	Protected Income
120.360	Earned Income
120.361	Budgeting Earned Income
120.362	Exempt Earned Income
120.363	Earned Income Disregard – MANG(C)
120.364	Earned Income Exemption
120.366	Exclusion From Earned Income Exemption

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

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- 120.370 Recognized Employment Expenses
- 120.371 Income From Work/Study/Training Programs
- 120.372 Earned Income From Self-Employment
- 120.373 Earned Income From Roomer and Boarder
- 120.375 Earned Income In-Kind
- 120.376 Payments from the Illinois Department of Children and Family Services
- 120.379 Provisions for the Prevention of Spousal Impoverishment
- 120.380 Resources
- 120.381 Exempt Resources
- 120.382 Resource Disregard
- 120.383 Deferral of Consideration of Assets
- 120.384 Spenddown of Resources
- 120.385 Factors Affecting Eligibility for Long Term Care Services
- 120.386 Property Transfers Occurring On or Before August 10, 1993
- 120.387 Property Transfers Occurring On or After August 11, 1993 and Before January 1, 2007
- 120.388 Property Transfers Occurring On or After January 1, 2007
- 120.390 Persons Who May Be Included In the Assistance Unit
- 120.391 Individuals Under Age 18 Who Do Not Qualify For AFDC/AFDC-MANG And Children Born October 1, 1983, or Later
- 120.392 Pregnant Women Who Would Not Be Eligible For AFDC/AFDC-MANG If The Child Were Already Born Or Who Do Not Qualify As Mandatory Categorically Needy
- 120.393 Pregnant Women And Children Under Age Eight Years Who Do Not Qualify As Mandatory Categorically Needy Demonstration Project
- 120.395 Payment Levels for MANG (Repealed)
- 120.399 Redetermination of Eligibility
- 120.400 Twelve Month Eligibility for Persons under Age 19

## SUBPART I: SPECIAL PROGRAMS

## Section

- 120.500 Health Benefits for Persons with Breast or Cervical Cancer
- 120.510 Health Benefits for Workers with Disabilities
- 120.520 SeniorCare (Repealed)
- 120.530 Home and Community Based Services Waivers for Medically Fragile, Technology Dependent, Disabled Persons Under Age 21
- 120.540 Illinois Healthy Women Program

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF ADOPTED AMENDMENTS

120.550 Asylum Applicants and Torture Victims

120.TABLE A Value of a Life Estate and Remainder Interest

120.TABLE B Life Expectancy (Repealed)

**AUTHORITY:** Implementing Articles III, IV, V and VI and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. III, IV, V and VI and 12-13] and implementing the federal Deficit Reduction Act of 2005.

**SOURCE:** Filed effective December 30, 1977; peremptory amendment at 2 Ill. Reg. 17, p. 117, effective February 1, 1978; amended at 2 Ill. Reg. 31, p. 134, effective August 5, 1978; emergency amendment at 2 Ill. Reg. 37, p. 4, effective August 30, 1978, for a maximum of 150 days; peremptory amendment at 2 Ill. Reg. 46, p. 44, effective November 1, 1978; peremptory amendment at 2 Ill. Reg. 46, p. 56, effective November 1, 1978; emergency amendment at 3 Ill. Reg. 16, p. 41, effective April 9, 1979, for a maximum of 150 days; emergency amendment at 3 Ill. Reg. 28, p. 182, effective July 1, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amended at 3 Ill. Reg. 33, p. 415, effective August 18, 1979; amended at 3 Ill. Reg. 38, p. 243, effective September 21, 1979; peremptory amendment at 3 Ill. Reg. 38, p. 321, effective September 7, 1979; amended at 3 Ill. Reg. 40, p. 140, effective October 6, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; peremptory amendment at 4 Ill. Reg. 9, p. 259, effective February 22, 1980; amended at 4 Ill. Reg. 10, p. 258, effective February 25, 1980; amended at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; amended at 4 Ill. Reg. 27, p. 387, effective June 24, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 37, p. 800, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 27, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1134, effective January 26, 1981; peremptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; amended at 5 Ill. Reg. 7104, effective June 23, 1981; amended at 5 Ill. Reg. 8041, effective July 27, 1981; amended at 5 Ill. Reg. 8052, effective July 24, 1981; peremptory amendment at 5 Ill. Reg. 8106, effective August 1, 1981; peremptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10079, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10095, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10113, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10124, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10131, effective October 1, 1981; amended at 5 Ill. Reg. 10730, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 10760, effective

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October 1, 1981; amended at 5 Ill. Reg. 10767, effective October 1, 1981; preemptory amendment at 5 Ill. Reg. 11647, effective October 16, 1981; preemptory amendment at 6 Ill. Reg. 611, effective January 1, 1982; amended at 6 Ill. Reg. 1216, effective January 14, 1982; emergency amendment at 6 Ill. Reg. 2447, effective March 1, 1982, for a maximum of 150 days; preemptory amendment at 6 Ill. Reg. 2452, effective February 11, 1982; preemptory amendment at 6 Ill. Reg. 6475, effective May 18, 1982; preemptory amendment at 6 Ill. Reg. 6912, effective May 20, 1982; emergency amendment at 6 Ill. Reg. 7299, effective June 2, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 8115, effective July 1, 1982; amended at 6 Ill. Reg. 8142, effective July 1, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10970, effective August 26, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12293, effective October 1, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; amended at 7 Ill. Reg. 394, effective January 1, 1983; codified at 7 Ill. Reg. 6082; amended at 7 Ill. Reg. 8256, effective July 1, 1983; amended at 7 Ill. Reg. 8264, effective July 5, 1983; amended (by adding Section being codified with no substantive change) at 7 Ill. Reg. 14747; amended (by adding Sections being codified with no substantive change) at 7 Ill. Reg. 16108; amended at 8 Ill. Reg. 5253, effective April 9, 1984; amended at 8 Ill. Reg. 6770, effective April 27, 1984; amended at 8 Ill. Reg. 13328, effective July 16, 1984; amended (by adding Sections being codified with no substantive change) at 8 Ill. Reg. 17897; amended at 8 Ill. Reg. 18903, effective September 26, 1984; preemptory amendment at 8 Ill. Reg. 20706, effective October 3, 1984; amended at 8 Ill. Reg. 25053, effective December 12, 1984; emergency amendment at 9 Ill. Reg. 830, effective January 3, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 4515, effective March 25, 1985; amended at 9 Ill. Reg. 5346, effective April 11, 1985; amended at 9 Ill. Reg. 7153, effective May 6, 1985; amended at 9 Ill. Reg. 11346, effective July 8, 1985; amended at 9 Ill. Reg. 12298, effective July 25, 1985; amended at 9 Ill. Reg. 12823, effective August 9, 1985; amended at 9 Ill. Reg. 15903, effective October 4, 1985; amended at 9 Ill. Reg. 16300, effective October 10, 1985; amended at 9 Ill. Reg. 16906, effective October 18, 1985; amended at 10 Ill. Reg. 1192, effective January 10, 1986; amended at 10 Ill. Reg. 3033, effective January 23, 1986; amended at 10 Ill. Reg. 4907, effective March 7, 1986; amended at 10 Ill. Reg. 6966, effective April 16, 1986; amended at 10 Ill. Reg. 10688, effective June 3, 1986; amended at 10 Ill. Reg. 12672, effective July 14, 1986; amended at 10 Ill. Reg. 15649, effective September 19, 1986; amended at 11 Ill. Reg. 3992, effective February 23, 1987; amended at 11 Ill. Reg. 7652, effective April 15, 1987; amended at 11 Ill. Reg. 8735, effective April 20, 1987; emergency amendment at 11 Ill. Reg. 12458, effective July 10, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 14034, effective August 14, 1987; amended at 11 Ill. Reg. 14763, effective August 26, 1987; amended at 11 Ill. Reg. 20142, effective January 1, 1988; amended at 11 Ill. Reg. 20898, effective December 14, 1987; amended at 12 Ill. Reg. 904, effective January 1, 1988; amended at 12 Ill. Reg. 3516, effective January 22, 1988; amended at 12 Ill. Reg. 6234, effective

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March 22, 1988; amended at 12 Ill. Reg. 8672, effective May 13, 1988; amended at 12 Ill. Reg. 9132, effective May 20, 1988; amended at 12 Ill. Reg. 11483, effective June 30, 1988; emergency amendment at 12 Ill. Reg. 11632, effective July 1, 1988, for a maximum of 150 days; emergency amendment at 12 Ill. Reg. 11839, effective July 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 12835, effective July 22, 1988; emergency amendment at 12 Ill. Reg. 13243, effective July 29, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 17867, effective October 30, 1988; amended at 12 Ill. Reg. 19704, effective November 15, 1988; amended at 12 Ill. Reg. 20188, effective November 23, 1988; amended at 13 Ill. Reg. 116, effective January 1, 1989; amended at 13 Ill. Reg. 2081, effective February 3, 1989; amended at 13 Ill. Reg. 3908, effective March 10, 1989; emergency amendment at 13 Ill. Reg. 11929, effective June 27, 1989, for a maximum of 150 days; emergency expired November 25, 1989; emergency amendment at 13 Ill. Reg. 12137, effective July 1, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 15404, effective October 6, 1989; emergency amendment at 13 Ill. Reg. 16586, effective October 2, 1989, for a maximum of 150 days; emergency expired March 1, 1990; amended at 13 Ill. Reg. 17483, effective October 31, 1989; amended at 13 Ill. Reg. 17838, effective November 8, 1989; amended at 13 Ill. Reg. 18872, effective November 17, 1989; amended at 14 Ill. Reg. 760, effective January 1, 1990; emergency amendment at 14 Ill. Reg. 1494, effective January 2, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 4233, effective March 5, 1990; emergency amendment at 14 Ill. Reg. 5839, effective April 3, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 6372, effective April 16, 1990; amended at 14 Ill. Reg. 7637, effective May 10, 1990; amended at 14 Ill. Reg. 10396, effective June 20, 1990; amended at 14 Ill. Reg. 13227, effective August 6, 1990; amended at 14 Ill. Reg. 14814, effective September 3, 1990; amended at 14 Ill. Reg. 17004, effective September 30, 1990; emergency amendment at 15 Ill. Reg. 348, effective January 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 5302, effective April 1, 1991; amended at 15 Ill. Reg. 10101, effective June 24, 1991; amended at 15 Ill. Reg. 11973, effective August 12, 1991; amended at 15 Ill. Reg. 12747, effective August 16, 1991; amended at 15 Ill. Reg. 14105, effective September 11, 1991; amended at 15 Ill. Reg. 14240, effective September 23, 1991; amended at 16 Ill. Reg. 139, effective December 24, 1991; amended at 16 Ill. Reg. 1862, effective January 20, 1992; amended at 16 Ill. Reg. 10034, effective June 15, 1992; amended at 16 Ill. Reg. 11582, effective July 15, 1992; amended at 16 Ill. Reg. 17290, effective November 3, 1992; amended at 17 Ill. Reg. 1102, effective January 15, 1993; amended at 17 Ill. Reg. 6827, effective April 21, 1993; amended at 17 Ill. Reg. 10402, effective June 28, 1993; amended at 18 Ill. Reg. 2051, effective January 21, 1994; amended at 18 Ill. Reg. 5934, effective April 1, 1994; amended at 18 Ill. Reg. 8718, effective June 1, 1994; amended at 18 Ill. Reg. 11231, effective July 1, 1994; amended at 19 Ill. Reg. 2905, effective February 27, 1995; emergency amendment at 19 Ill. Reg. 9280, effective July 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 11931, effective August 11, 1995; amended at 19 Ill. Reg. 15079, effective October 17, 1995; amended

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at 20 Ill. Reg. 5068, effective March 20, 1996; amended at 20 Ill. Reg. 15993, effective December 9, 1996; emergency amendment at 21 Ill. Reg. 692, effective January 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 7423, effective May 31, 1997; amended at 21 Ill. Reg. 7748, effective June 9, 1997; amended at 21 Ill. Reg. 11555, effective August 1, 1997; amended at 21 Ill. Reg. 13638, effective October 1, 1997; emergency amendment at 22 Ill. Reg. 1576, effective January 5, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 7003, effective April 1, 1998; amended at 22 Ill. Reg. 8503, effective May 1, 1998; amended at 22 Ill. Reg. 16291, effective August 28, 1998; emergency amendment at 22 Ill. Reg. 16640, effective September 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 19875, effective October 30, 1998; amended at 23 Ill. Reg. 2381, effective January 22, 1999; amended at 23 Ill. Reg. 11301, effective August 27, 1999; amended at 24 Ill. Reg. 7361, effective May 1, 2000; emergency amendment at 24 Ill. Reg. 10425, effective July 1, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 15075, effective October 1, 2000; amended at 24 Ill. Reg. 18309, effective December 1, 2000; amended at 25 Ill. Reg. 8783, effective July 1, 2001; emergency amendment at 25 Ill. Reg. 10533, effective August 1, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 16098, effective December 1, 2001; amended at 26 Ill. Reg. 409, effective December 28, 2001; emergency amendment at 26 Ill. Reg. 8583, effective June 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 9843, effective June 26, 2002; emergency amendment at 26 Ill. Reg. 11029, effective July 1, 2002, for a maximum of 150 days; emergency amendment at 26 Ill. Reg. 15051, effective October 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 16288, effective October 25, 2002; amended at 27 Ill. Reg. 4708, effective February 25, 2003; emergency amendment at 27 Ill. Reg. 10793, effective July 1, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 18609, effective November 26, 2003; amended at 28 Ill. Reg. 4701, effective March 3, 2004; amended at 28 Ill. Reg. 6139, effective April 1, 2004; emergency amendment at 28 Ill. Reg. 6610, effective April 19, 2004, for a maximum of 150 days; emergency amendment at 28 Ill. Reg. 7152, effective May 3, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 11149, effective August 1, 2004; emergency amendment at 28 Ill. Reg. 12921, effective September 1, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 13621, effective September 28, 2004; amended at 28 Ill. Reg. 13760, effective October 1, 2004; amended at 28 Ill. Reg. 14541, effective November 1, 2004; amended at 29 Ill. Reg. 820, effective January 1, 2005; amended at 29 Ill. Reg. 10195, effective June 30, 2005; amended at 29 Ill. Reg. 14939, effective September 30, 2005; emergency amendment at 30 Ill. Reg. 521, effective January 1, 2006, for a maximum of 150 days; amended at 30 Ill. Reg. 10314, effective May 26, 2006; emergency amendment at 30 Ill. Reg. 15029, effective September 1, 2006, for a maximum of 150 days; amended at 31 Ill. Reg. 2629, effective January 28, 2007; emergency amendment at 31 Ill. Reg. 7323, effective May 1, 2007, for a maximum of 150 days; amended at 31 Ill. Reg. 11667, effective August 1, 2007; amended at 31 Ill. Reg. 12756, effective August 27, 2007; emergency amendment at 31 Ill. Reg. 15854, effective

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November 7, 2007, for a maximum of 150 days; emergency rule suspended at 31 Ill. Reg. 16060, effective November 13, 2007; emergency rule repealed, effective May 10, 2008; preemptory amendment at 32 Ill. Reg. 7212, effective April 21, 2008; preemptory amendment suspended at 32 Ill. Reg. 8450, effective May 20, 2008; preemptory amendment repealed under Section 5-125 of the Illinois Administrative Procedure Act, effective November 16, 2008; amended at 32 Ill. Reg. 17428, effective November 1, 2008; preemptory amendment at 32 Ill. Reg. 18889, effective November 18, 2008; preemptory amendment suspended at 32 Ill. Reg. 18906, effective November 19, 2008; suspension withdrawn by the Joint Committee on Administrative Rules at 33 Ill. Reg. 6551, effective April 28, 2009; preemptory amendment repealed by emergency rulemaking at 33 Ill. Reg. 6712, effective April 28, 2009, for a maximum of 150 days; amended at 33 Ill. Reg. 1681, effective February 1, 2009; amended at 33 Ill. Reg. 2289, effective March 1, 2009; emergency amendment at 33 Ill. Reg. 5802, effective April 2, 2009, for a maximum of 150 days; emergency expired August 29, 2009; emergency amendment at 33 Ill. Reg. 10785, effective June 30, 2009, for a maximum of 150 days; amended at 33 Ill. Reg. 12703, effective September 7, 2009; amended at 33 Ill. Reg. 15707, effective November 2, 2009; amended at 33 Ill. Reg. 17070, effective December 2, 2009; amended at 34 Ill. Reg. 889, effective December 30, 2009; emergency rulemaking at 34 Ill. Reg. 13538, effective September 1, 2010, for a maximum of 150 days; amended at 35 Ill. Reg. 379, effective December 27, 2010; amended at 35 Ill. Reg. 979, effective January 1, 2011; amended at 35 Ill. Reg. 18645, effective January 1, 2012; amended at 36 Ill. Reg. 4133, effective March 1, 2012; amended at 36 Ill. Reg. 9095, effective June 11, 2012; emergency amendment at 36 Ill. Reg. 10253, effective July 1, 2012 through June 30, 2013; amended at 36 Ill. Reg. 17044, effective November 26, 2012.

## SUBPART H: MEDICAL ASSISTANCE – NO GRANT (MANG) ELIGIBILITY FACTORS

**Section 120.310 Citizenship**

To be eligible for assistance, an individual shall be either a United States (U.S.) citizen or a non-citizen within specific categories and subject to specific restrictions set forth in subsection (a) and (b).

- a) Citizenship status – Persons born in the U.S., or in its possessions, are U.S. citizens. Citizenship can also be acquired by naturalization through court proceedings, or by certain persons born in a foreign country of U.S. citizen parents.
- b) Non-citizens

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- 1) The following categories of non-citizens may receive assistance, if otherwise eligible:
  - A) A U.S. veteran honorably discharged and a person on active military duty, and the spouse and unmarried dependent children of that person;
  - B) Refugees under section 207 of the Immigration and Nationality Act (INA);
  - C) Asylees under section 208 of INA;
  - D) Persons for whom deportation has been withheld under section 243(h) of INA;
  - E) Persons granted conditional entry under section 203(a)(7) of INA as in effect prior to April 1, 1980;
  - F) Persons lawfully admitted for permanent residence under INA;
  - G) Parolees, for at least one year, under section 212(d)(5) of INA;
  - H) Nationals of Cuba or Haiti;
  - I) Persons identified by the Federal Office of Refugee Resettlement (ORR) as victims of trafficking;
  - J) Amerasians from Vietnam;
  - K) Members of the Hmong or Highland Laotian tribe when the tribe helped U.S. personnel by taking part in a military or rescue operation during the Vietnam era;
  - L) American Indians born in Canada; and
  - M) Persons who are a spouse, widow or child of a U.S. citizen or a spouse or child of a legal permanent resident (LPR) who have been battered or subjected to extreme cruelty by the U.S. citizen or LPR

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or a member of that relative's family who lived with them, who no longer live with the abuser or plan to live separately within one month of assistance and whose need for assistance is due, at least in part, to the abuse.

- 2) Those persons who are in the category set forth in subsection (b)(1)(F) of this Section, who enter the United States on or after August 22, 1996, shall not be eligible for five years beginning on the date the person entered the United States, with the exception of Iraqi and Afghan special immigrants under section 101(a)(27) of INA (8 USC 1101(a)(27)). Iraqi and Afghan special immigrants are eligible for a limited period of time established by the federal government. The limited time period begins with either the date the person entered the United States as a special immigrant or the date his or her status was adjusted within the United States.
- 3) Those persons who are in the category set forth in subsection (b)(1)(G) of this Section, who enter the United States on or after August 22, 1996, shall not be eligible for five years beginning on the date the person entered the United States.
- 4) Notwithstanding the provisions of subsections (b)(1) and (2) of this Section, any non-citizen is eligible for medical assistance if the non-citizen otherwise meets the income, asset and categorical requirements of the medical assistance program and is in need of emergency services required ~~as a result after the sudden onset~~ of a medical condition (including labor and delivery) manifesting itself by acute symptoms of sufficient severity (including severe pain) that the absence of immediate medical attention could reasonably be expected to result in:
  - A) placing the non-citizen's health in serious jeopardy;
  - B) serious impairments to bodily functions; or
  - C) serious dysfunction of any organ or part (42 USC 1396(b)(v)).

(Source: Amended at 36 Ill. Reg. 17044, effective November 26, 2012)

**Section 120.335 Exempt Unearned Income**

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- a) MANG (AABD)
- 1) For a MANG client (excluding long term care), the first \$25.00 of a client's earned or unearned income other than SSI income, or contributions from a spouse or other individual, is exempt from consideration in determining eligibility. A client is eligible for only one \$25.00 exemption regardless of the types of sources of earned or unearned income.
  - 2) If an individual in a long term care facility is paying the premium for SMIB coverage, the cost of the premium shall be disregarded.
  - 3) SSI income received by a long term care case who is in Section 1619 of the Social Security Act (42 USC 1382h) status (see 89 Ill. Adm. Code 140.8) in the month before admission to the facility is exempt for the first full two months of stay in the facility.
- b) The following unearned income shall be exempt from consideration in determining MANG eligibility:
- 1) The value of the coupon allotment under the Food Stamp Act of 1977 (7 USC 2017(b));
  - 2) The value of the U.S. Department of Agriculture donated foods (surplus commodities);
  - 3) Any payment received under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 USC 4636);
  - 4) Any per capita judgment funds paid under P.L. 92-254 to members of the Blackfeet Tribe of the Blackfeet Indian Reservation, Montana and the Gros Ventre Tribe of the Fort Belknap Reservation, Montana (25 USC 1264);
  - 5) Any benefits received under Title III, Nutrition Program for the Elderly, of the Older Americans Act of 1965, as amended (42 USC 3030e);
  - 6) Any compensation provided to individual volunteers under the Retired

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Senior Volunteer Program and the Foster Grandparent Program and Older Americans Community Service Programs established under Title II of the Domestic Volunteer Service Act, as amended;

- 7) Income in an amount not greater than \$650 received by a beneficiary of life insurance which is expended on the funeral and burial of an insured recipient;
  - 8) Income received under the provisions of Section 4(c) of the Illinois Senior Citizens and Disabled Persons Property Tax Relief and Pharmaceutical Assistance Act [320 ILCS 25]. This includes both the benefits commonly known as the circuit breaker and "additional grants";
  - 9) Payments to volunteers under the 1973 Domestic Volunteer Service Act. (48 USC 5044(q)) These include:
    - A) Vista Volunteers;
    - B) Volunteers serving as senior health aids, senior companions, or foster grandparents;
    - C) Persons serving in the Service Corps of Retired Executives (SCORE) or the Active Corps of Executives (ACE); and
  - 10) Unearned income such as need based payments, cash assistance, compensation in lieu of wages and allowances received through the Jobs Training Partnership Act.
- c) The following additional unearned income shall be exempt:
- 1) Social Security death benefit expended on a funeral and/or burial.
  - 2) The value of home produce which is used for personal consumption.
  - 3) The value of supplemental food assistance received under the Child Nutrition Act of 1966, as amended, (42 USC 1780(b)) and the special food service program for children under the National School Lunch Act, as amended (42 USC 1760).

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- 4) Any payments distributed per capita or held in trust for members of any Indian Tribe under P.L. 92-254, P.L. 93-134 or P.L. 94-450 (25 USC 1407).
- 5) Tax exempt portions of payments made pursuant to the Alaska Native Claims Settlement Act (43 USC 1626).
- 6) Experimental Housing Allowance Program payments made under Annual Contributions Contracts entered into prior to January 1, 1975 under Section 23 of the U.S. Housing Act of 1937, as amended (42 USC 1437(f)).
- 7) The first \$50 of the total child support payments received each month on behalf of the assistance unit members. The amount of up to \$50 exempted is based on the total child support received in a month, regardless of the number of parents who contribute. Both court ordered and voluntary payments are considered when exempting the first \$50 of child support payments.
- 8) A Title IV-E adoption assistance payment or foster care payments received from a state welfare agency of another state.
- 9) Income from a trust fund established under the Self Sufficiency Trust Fund Program [20 ILCS 1705/21.1].
- 10) Payments made to veterans who receive an annual disability payment or to the survivors of deceased veterans who receive a one-time lump sum payment from the Agent Orange Settlement Fund or any other fund referencing Agent Orange product liability under P.L. 101-201.
- 11) Payments made by the Illinois Department of Mental Health and Developmental Disabilities under the Family Assistance Program for Mentally Disabled Children [405 ILCS 80/3-1].
- 12) Payments received from a fund established by a State to aid victims of crime.

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- 13) Federal Additional Compensation payments made by the Illinois Department of Employment Security under the American Recovery and Reinvestment Act of 2009 (Div. B, Title II, Sec. 2001 of P.L. 111-5).
- 14) Economic Recovery payments made by the Social Security Administration under the American Recovery and Reinvestment Act of 2009 (Div. B, Title II, Sec. 2201 of P.L. 111-5).
- 15) Tax Credit for Certain Government Retirees under the American Recovery and Reinvestment Act of 2009 (Div. B, Title II, Sec. 2202 of P.L. 111-5).
- 16) Payments to veterans who served in World War II in the Philippines and to spouses of those veterans under Section 1002 of the American Recovery and Reinvestment Act of 2009 (Div. A, Title X, Sec. 1002 of P.L. 111-5).
- 17) Payments or reimbursements for Premium Assistance for COBRA Continuous Coverage under the American Recovery and Reinvestment Act of 2009 (Div. B, Title III, Sec. 3001 of P.L. 111-5).
- 18) The first \$2,000 received during a calendar year by an individual (who has attained 19 years of age) as compensation for participation in a clinical trial meeting the requirements of section 1612(b)(26) of the Social Security Act.

(Source: Amended at 36 Ill. Reg. 17044, effective November 26, 2012)

## DEPARTMENT OF HEALTHCARE AMENDMENTS

## NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Veterans Health Insurance Program
- 2) Code Citation: 89 Ill. Adm. Code 128
- 3) 

<u>Section Numbers:</u>	<u>Adopted Action:</u>
128.100	Amendment
128.110	Amendment
128.200	Amendment
128.210	Amendment
128.220	Amendment
128.240	Amendment
128.250	Amendment
128.260	Amendment
128.310	Amendment
128.320	Amendment
128.330	Amendment
128.340	Amendment
128.350	Amendment
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]
- 5) Effective Date of Rulemaking: November 26, 2012
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendments, including any materials incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: December 2, 2011; 35 Ill. Reg. 19352
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences Between Proposal and Final Version: The effective date for spousal coverage and the new flat rate premiums was changed to December 1, 2012.

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- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any other proposed rulemakings pending on this Part? No
- 15) Summary and Purpose of Amendments: These amendments are proposed to comply with the Veterans' Health Insurance Program Act of 2008 (P.A. 95-0755) that expands the Veterans Care Program to offer more uninsured Veterans and their spouses access to affordable health benefits. Further, a flat rate for premiums will be implemented, rather than Premium Level I and Premium Level II, which are obsolete.
- 16) Information and questions regarding these adopted amendments shall be directed to:

Jeanette Badrov  
General Counsel  
Illinois Department of Healthcare and Family Services  
201 South Grand Avenue East, 3<sup>rd</sup> Floor  
Springfield IL 62763-0002

217/782-1233

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

## DEPARTMENT OF HEALTHCARE AMENDMENTS

## NOTICE OF ADOPTED AMENDMENTS

## TITLE 89: SOCIAL SERVICES

## CHAPTER I: DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## SUBCHAPTER b: ASSISTANCE PROGRAMS

## PART 128

## VETERANS' HEALTH INSURANCE PROGRAM

## SUBPART A: GENERAL PROVISIONS

## Section

128.100	General Description
128.110	Definitions

## SUBPART B: GENERAL ELIGIBILITY AND ENROLLMENT

## Section

128.200	Eligibility
128.210	Eligibility Exclusions and Terminations
128.220	Application Process
128.230	Determination of Monthly Countable Income
128.240	Eligibility Determination and Enrollment Process
128.250	Appeals
128.260	Renewals of Eligibility
128.300	Covered Services
128.310	Service Exclusions
128.320	Co-payments and Cost Sharing
128.330	Premium Requirements
128.340	Non-payment of Premium
128.350	Provider Reimbursement

AUTHORITY: The Veterans' Health Insurance Program Act [330 ILCS 126].

SOURCE: Emergency rule adopted at 30 Ill. Reg. 15044, effective September 1, 2006, for a maximum of 150 days; adopted at 31 Ill. Reg. 2643, effective January 28, 2007; amended at 33 Ill. Reg. 12724, effective September 7, 2009; amended at 33 Ill. Reg. 17082, effective December 2, 2009; amended at 36 Ill. Reg. 17062, effective November 26, 2012.

## SUBPART A: GENERAL PROVISIONS

## DEPARTMENT OF HEALTHCARE AMENDMENTS

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**Section 128.100 General Description**

This Part implements the Veterans' Health Insurance Program Act of 2008 [330 ILCS 126] that authorizes the Department to administer a program to offer uninsured veterans and their spouses in Illinois access to health benefits. The Department coordinates with the Illinois Department of Veterans' Affairs to assist veterans to apply for the program. Eligible veterans are not eligible for Veterans Administration Healthcare or other State-administered health benefits. The Department shall provide health benefits coverage to eligible veterans and their spouses through purchasing or providing health care benefits. When cost-effective, the Department may offer veterans and spouses subsidies toward the cost of privately sponsored health insurance, including employer-sponsored health insurance.

(Source: Amended at 36 Ill. Reg. 17062, effective November 26, 2012)

**Section 128.110 Definitions**

For the purpose of this Part, the terms shall be defined as follows:

"Act" means the Veterans' Health Insurance Program Act of 2008 [330 ILCS 126].

"Department" means the Department of Healthcare and Family Services and any successor agencies.

"DVA" means the Illinois Department of Veterans Affairs.

"Family" means the veteran applying for the program and the following individuals living with the veteran who are counted in determining eligibility:

The spouse of the veteran;

Children under 19 years of age of the veteran or the veteran's spouse;

If the veteran or the spouse is pregnant, the unborn children.

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"Federal Poverty Level" means the federal poverty income guidelines as established by the federal Department of Health and Human Services and published in the Federal Register.

"Health Insurance" means health insurance coverage as defined in 215 ILCS 105/2.

"Practitioner" means a physician (including a hospital billing a physician office visit), osteopath, podiatrist, optometrist, chiropractor, advanced practice nurse, Federally Qualified Health Center, Rural Health Clinic or Encounter Rate Clinic.

"Program" means the program created under the Veterans' Health Insurance Program Act and this Part, commonly called Veterans Care.

"Resident" means an individual who has an Illinois residence, as provided in Section 5-3 of the Illinois Public Aid Code.

"Spouse" means the person who, under the laws of the State of Illinois, is married to an eligible veteran at the time of application and subsequent redetermination for the program and includes enrolled spouses surviving the death of the eligible veteran.

"Uninsured" means the person is not covered by group or individual health insurance that provides coverage for hospitalization and physician visits.

"Veteran" means an individual who served for at least 180 ~~consecutive~~ days after initial training in any branch of the U.S. military including the Reserves and National Guard. The veteran must not be currently on active duty in the U.S. military.

"Veterans Administration Geographic Means Test" means the U.S. Department of Veterans Affairs Healthcare Program Enhancement Act of 2009 (38 USC 1705(a)(7)) income guidelines established ~~by the U.S. Veterans Administration~~ annually by county and published in the Federal Register for determining eligibility for Veterans Administration healthcare. The income guidelines can also be found at: <http://www.va.gov/healtheligibility/Library/pubs/GMTIncomeThresholds>.

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"Veterans Administration Healthcare" means any of the health programs or services provided or administered by the U.S. Department of Veterans Affairs.

"Veterans Care" means the common name for this program under the Act.

(Source: Amended at 36 Ill. Reg. 17062, effective November 26, 2012)

## SUBPART B: GENERAL ELIGIBILITY AND ENROLLMENT

**Section 128.200 Eligibility**

A veteran may be eligible for Veterans Care provided that all of the following eligibility criteria are met:

- a) The veteran is not eligible for Veterans Administration healthcare, medical assistance under the Public Aid Code or benefits, including rebates, under the Children's Health Insurance Program Act;
- b) The veteran was not dishonorably discharged;
- c) The veteran is a resident of the State of Illinois;
- d) The veteran is at least 19 and is no more than 64 years of age; and
- e) The veteran meets one of the following:
  - 1) The veteran has been uninsured for at least ~~threesix~~ months;
  - 2) The veteran lost health insurance when the veteran's or the veteran's spouse's job ended within six months prior to applying under this Part;
  - 3) The veteran has exhausted the life-time benefit limit of his or her health insurance within six months prior to applying under this Part;
  - 4) The veteran's health insurance is purchased under the provisions of the Consolidated Omnibus Budget Reconciliation Act (COBRA);

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- 5) The veteran was disenrolled for medical assistance under the Public Aid Code or benefits, including rebates under the Children's Health Insurance Program Act, within six months prior to applying under this Part;
- 6) The veteran has health insurance provided by the veteran's spouse but the veteran is unable to access such health insurance benefits;
- 7) The veteran has post-active duty related TRICARE healthcare coverage.

(Source: Amended at 36 Ill. Reg. 17062, effective November 26, 2012)

**Section 128.210 Eligibility Exclusions and Terminations**

- a) A veteran or spouse shall not be determined eligible for Veterans Care if:
  - 1) The veteran or spouse is an inmate of a public institution.
  - 2) The veteran or spouse is a resident of a nursing facility.
- b) A veteran's coverage under the program shall be terminated if the veteran:
  - 1) Loses his or her Illinois residency. If the spouse loses Illinois residency, only the spouse loses eligibility.
  - 2) Attains 65 years of age. If the spouse attains 65 years of age before the veteran, only the spouse loses eligibility.
  - 3) Becomes enrolled in Veterans Administration healthcare, medical assistance under the Public Aid Code or health benefits including rebates under the Children's Health Insurance Program Act (CHIPA). If the spouse becomes enrolled in VA Healthcare, medical assistance under the Public Aid Code or CHIPA, only the spouse loses eligibility.
  - 4) Meets the provisions of subsection (a) of this Section.
  - 5) Fails to pay the premium as specified in Section 128.330.

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- 6) Fails to report to the Department changes that affect eligibility for the program.
  - 7) Asks the Department to terminate the coverage.
  - 8) Is no longer eligible based on any other applicable State or federal law or regulation.
  - 9) Failed to provide eligibility information that was truthful and accurate to the best of the veteran's knowledge and belief and that affected the veteran's eligibility.
  - 10) Was incorrectly determined eligible.
  - 11) Fails to complete the redetermination of eligibility within the required timeframes or provide proof of on-going eligibility.
  - 12) Becomes a resident of a nursing facility or inmate in a public institution. If the spouse becomes a resident of a nursing facility or inmate in a public institution, only the spouse loses eligibility.~~Becomes covered by other health insurance.~~
- c) Following termination of a veteran's coverage under the program, the following action is required before the veteran and spouse can be re-enrolled:
- 1) A new application must be completed and the veteran must be determined otherwise eligible.
  - 2) There must be full payment of premiums due under this Part for periods in which a premium was owed and not paid.
  - 3) If the termination was the result of non-payment of premiums, the veteran and spouse are~~is~~ ineligible for the program for three months, starting with the first month of cancellation or termination from coverage, before becoming eligible for re-enrollment.

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- 4) If there was an unpaid premium from a previous coverage period, the unpaid premium, in addition to the first month's premium, must be paid before new coverage may begin.

(Source: Amended at 36 Ill. Reg. 17062, effective November 26, 2012)

**Section 128.220 Application Process**

- a) Veterans apply for the program by submitting the Veterans Care application to the Department, or through one of the DVA's Veterans Service Offices, through the Veterans Assistance Commission serving the veteran's community, or through a U.S. Veterans Administration facility in Illinois. The Department may designate additional entities that may assist veterans to submit applications.
- b) The application must meet all requirements found at 89 Ill. Adm. Code 110.10, including provisions regarding who may apply on behalf of the veteran.
- c) Applicants are obligated to provide truthful and accurate information for determining eligibility and to promptly report any change in information provided on the application.
- d) The Department may stop taking applications if that is necessary to maintain the cost of the program within the available funding.
- e) An eligible veteran may choose to apply to add the spouse to his or her existing case.

(Source: Amended at 36 Ill. Reg. 17062, effective November 26, 2012)

**Section 128.240 Eligibility Determination and Enrollment Process**

- a) The applicant's military discharge status, time spent in active duty, health insurance status and eligibility for Veterans Administration healthcare will be reviewed first.
- b) For the purpose of determining eligibility under this Part, applicants who are not found ineligible under subsection (a) of this Section will be screened for eligibility for medical assistance under the Public Aid Code or health benefits,

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including rebates, under the Children's Health Insurance Program Act. Veterans who are likely to be eligible for these other programs will be directed to apply for them. Veterans and their spouses may be enrolled under this Part while an application for coverage under another program is pending.

- c) If the monthly countable income is equal to or less than~~below~~ the Veterans Care income standard, the application will be approved if all other factors of eligibility are met. The Veterans Care income standard is 50 percent of the Federal Poverty Level plus the Veterans Administration Geographic Means Test threshold.
- 1) ~~If the veteran's income is equal to or less than 25 percent of the Federal Poverty Level plus the Veterans Administration Geographic Means Test threshold, the veteran shall be enrolled in Veterans Care Premium Level I.~~
  - 2) ~~If the veteran's income is more than 25 percent of the Federal Poverty Level plus the Veterans Administration Geographic Means Test threshold and equal to or less than 50 percent of the Federal Poverty Level plus the Veterans Administration Geographic Means Test threshold, the veteran shall be enrolled in Veterans Care Premium Level II.~~
- d) Applicants will be notified, in writing, regarding the outcome of their eligibility determination.
- e) Eligibility determinations for the program made by the 10<sup>th</sup> day of a month will be effective the first day of the following month. Eligibility determinations for the program made after the 10<sup>th</sup> day of a month will be effective no later than the first day of the second month following that determination.
- f) The duration of eligibility for the program will be 12 months unless one of the events described in Section 128.210(b) occurs or the Department shortens the enrollment period to maintain program spending within available funding.
- g) Veterans and their spouses may obtain backdated medical coverage for the month of application plus up to three months prior to the month of application, except as stated in Section 128.330(a). Spouses are not eligible to be included for backdated months prior to December 1, 2012. This coverage shall be subject to the veteran paying the premiums for the months of backdated coverage requested. The veteran and spouse may choose the month for which backdated coverage will

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begin. Backdated months of coverage shall be consecutive beginning with the initial month of backdated coverage requested.

- h) At the sole discretion of the Department, the Department may reduce the income threshold established in subsection (c) of this Section if necessary to keep the cost of the program within available funding.

(Source: Amended at 36 Ill. Reg. 17062, effective November 26, 2012)

**Section 128.250 Appeals**

- a) Any person who applies for or receives benefits under the program shall have the right to appeal any of the following actions:
- 1) Refusal to accept an application.
  - 2) Denial of an application or cancellation at the redetermination of eligibility, including denial based on failure to meet one or more of the eligibility requirements specified in this Part. No eligibility exists during the appeal process. If the appeal is upheld, the veteran or spouse will have the opportunity to receive coverage back to the original application date, including possible backdated months or the cancellation month. All premium and co-payment requirements shall apply to the retroactive period.
  - 3) Termination of coverage based on failure to continue to meet one or more of the eligibility requirements specified in this Part. If the termination is not upheld on appeal, coverage under the Program shall be reinstated retroactive to the termination date. All premium and co-payment requirements shall apply to any retroactive period. The veteran or spouse may choose coverage for all or some of the months during the appeal process as long as the retroactive months are consecutive to the new initial month of regular eligibility.
  - 4) Determination of the amount of the premium or co-payments required. Any premium or co-payment requirements shall remain in force during the appeal process.

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- 5) Individuals or their representatives do not have the right to appeal Department decisions necessary to keep the cost of the program within the annual appropriations, such as a Department decision to:
  - A) cease accepting applications pursuant to Section 128.220(d).
  - B) increase premium levels for all individuals within an income range.
  - C) require more frequent redeterminations of eligibility.
  - D) increase the income standard.
- b) In addition to the actions that are appealable under subsection (a) of this Section, individuals shall have the right to appeal any of the following actions:
  - 1) Termination of coverage due to non-payment of the required premium.
  - 2) Denial of payment for a medical service or item that requires prior approval.
  - 3) Decision granting prior approval for a lesser or different medical service or item than was originally requested.
- c) Individuals may initiate the appeal process by:
  - 1) Filing a written, signed request for a hearing directed to the Department's Bureau of Administrative Hearings;
  - 2) Calling a toll free telephone number designated by the Department.
- d) The request for a hearing may be filed by the individual affected by the action or by the individual's authorized representative.
- e) For purposes of initiating the appeal process, a copy of a written, signed request for a hearing is considered the same as the original written, signed request.
- f) The request for a hearing must be filed no later than 60 days after notice of the appealable action has been given.

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- g) The provisions of Subpart A of the Department's administrative rules at 89 Ill. Adm. Code 104, Practice in Administrative Hearings, shall govern the handling of appeals and the conduct of hearings under the Program.
- h) An individual can, prior to a decision being rendered on the appeal, reapply for the Program.

(Source: Amended at 36 Ill. Reg. 17062, effective November 26, 2012)

**Section 128.260 Renewals of Eligibility**

- a) Eligibility shall be reviewed at least annually.
- b) Prior to the eligibility period ending, and in sufficient time for the veteran and spouse to respond to the Department's request for information, the Department or its designee will send an annual renewal notice to the veteran.
- c) Renewals shall be subject to all eligibility requirements and exclusions set forth in Sections 128.200, ~~and 128.210, 128.230 and 128.240(a).~~
- d) The Department may require renewal of eligibility more frequently than annually if necessary to keep spending within available funding.

(Source: Amended at 36 Ill. Reg. 17062, effective November 26, 2012)

**Section 128.310 Service Exclusions**

The following health care services shall not be covered under this Part.

- a) Non-emergency medical transportation.
- b) Nursing facility services.
- c) Funeral and burial expenses.

(Source: Amended at 36 Ill. Reg. 17062, effective November 26, 2012)

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**Section 128.320 Co-payments and Cost Sharing**

- a) Co-payments or cost sharing may be charged for services provided to a veteran and spouse by a health care provider as described in subsection (b), except for practitioner visits scheduled for family planning services.
- b) Co-payment and cost sharing requirements are as follows:
  - 1) Practitioner office visits, \$15;
  - 2) Dental visits, \$15;
  - 3) Inpatient hospitalizations, \$150 per hospital stay;
  - 4) Hospital or Ambulatory Surgical Treatment Center outpatient encounters with a payable service on the Ambulatory Procedure List as set forth at 89 Ill. Adm. Code 148.140(b), 10 percent of the Department rate as set forth in Section 128.350(c);
  - 5) Hospital Emergency Visits, \$50;
  - 6) Prescription drugs, \$6 for a 1- to 30-day supply of generic drugs or \$14 for a 1- to 30-day supply of brand name drugs.
- c) Providers are responsible for collecting co-payments.
- d) Providers may elect not to charge co-payments. If co-payments are charged, the co-payment may not exceed the amounts established in this Section.

(Source: Amended at 36 Ill. Reg. 17062, effective November 26, 2012)

**Section 128.330 Premium Requirements**

- a) Veterans enrolled in Veterans Care must pay a monthly premium of \$20. The veteran may choose to enroll the eligible spouse for an additional \$20 per month. For any backdated months prior to December 1, 2012, premiums shall be as follows:

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- 1) If the Veteran's income is equal to or less than 25 percent of the Federal Poverty Level plus the Veterans Administration Geographic Means Test threshold, the premium is \$40 per month.~~Veterans Care Premium Level I: \$40 per month.~~
  - 2) If the Veteran's income is more than 25 percent of the Federal Poverty Level plus the Veterans Administration Geographic Means Test threshold and equal to or less than 50 percent of the Federal Poverty Level plus the Veterans Administration Geographic Means Test threshold, the premium is \$70 per month.~~Veterans Care Premium Level II: \$70 per month.~~
  - 3) There are no backdated months for an eligible spouse prior to **December 1, 2012**. Premiums for any backdated months after **December 1, 2012** for an eligible spouse are \$20 per month.
- b) Premiums are billed by and payable to the Department, or its authorized agent, on a monthly basis.
  - c) The premium due date is the 20<sup>th</sup> day of the month preceding the month of coverage.
  - d) The premium may increase during the eligibility period if the Department makes a decision to increase premiums to keep the program costs within available funding.
  - e) Premiums for backdated months must be received by the 90<sup>th</sup> day after the date of eligibility determination. Coverage for backdated months is not provided if the payment is not received by the due date.

(Source: Amended at 36 Ill. Reg. 17062, effective November 26, 2012)

**Section 128.340 Non-payment of Premium**

- a) For initial coverage, the Veteran must pay the first monthly premium by the due date to begin coverage for the Veteran and spouse.~~veterans will have a grace period through the end of the month preceding the third month of coverage to pay the premium.~~ For subsequent months, veterans will have a grace period of one month following the month in which the premium was due to pay the premium.

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- b) Failure to pay the full monthly premium by the last day of the grace period will result in termination of coverage.
- c) Partial premium payments will not be refunded.
- d) When termination of coverage is recorded by the 10<sup>th</sup> day of the month, it will be effective the first day of the following month. When termination of coverage is recorded after the 10<sup>th</sup> day of the month, it will be effective no later than the first day of the second month following.

(Source: Amended at 36 Ill. Reg. 17062, effective November 26, 2012)

**Section 128.350 Provider Reimbursement**

- a) Provider participation under this Part shall be subject to enrollment with and approval by the Department to provide health care under 89 Ill. Adm. Code 140.11 and 140.12.
- b) Provider participation under this Part shall be voluntary.
- c) Providers under this Part shall be reimbursed in accordance with the established rates of the Department or other appropriate State agency (as set forth in 89 Ill. Adm. Code 140, 143, 144, 148, 149, 152, and 153; 52 Ill. Adm. Code 132; and 77 Ill. Adm. Code 2090) less co-payments or cost sharing as specified in Section 128.320, regardless of whether the patient share is collected.
- d) Providers under this Part shall be prohibited from billing veterans covered under Veterans Care for any difference between the charge amount and the amount paid by the Department other than the co-payment amounts specified in Section 128.320.
- e) Providers shall be responsible for refunding to the veteran and spouse~~veteran~~ co-payments collected in excess of the amounts permitted by this Part.

(Source: Amended at 36 Ill. Reg. 17062, effective November 26, 2012)

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

<u>Section Numbers:</u>	<u>Adopted Action:</u>
603.60	Amend
603.75	Amend
- 4) Statutory Authority: 230 ILCS 5/9(b)
- 5) Effective Date of Rulemaking: November 28, 2012
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporation by reference? No
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's central office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: 36 Ill. Reg. 12988; August 17, 2012
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the letter issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any other proposed rulemakings pending in this Part? No
- 15) Summary and Purpose of Rulemaking: This proposed rulemaking lowers the threshold level for phenylbutazone in Section 603.60 from 5 micrograms to 2 micrograms per milliliter of serum or plasma and adopts the RCI recommended penalties for phenylbutazone, flunixin and ketoprofen, class 4 drugs. In Section 603.75, the RCI threshold level of 100 nanograms per milliliter for caffeine is being added. It is recognized that there are drugs which unavoidably become part of the food supply or

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environment of the horse and could be found in the horse due to its close association with humans. Although caffeine, a Class 2 drug, may be found in a horse due to environmental contamination or inadvertent exposure, no sample shall exceed the level of 100 nanograms per milliliter when tested post race.

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

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

312/814-5017

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

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

PART 603  
MEDICATION

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

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

SOURCE: Adopted at 21 Ill. Reg. 3232, effective March 4, 1997; amended at 22 Ill. Reg. 2217, effective January 1, 1998; amended at 22 Ill. Reg. 3594, effective February 1, 1998; amended at

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25 Ill. Reg. 15611, effective December 1, 2001; amended at 26 Ill. Reg. 12360, effective August 1, 2002; amended at 27 Ill. Reg. 5027, effective March 7, 2003; amended at 27 Ill. Reg. 7331, effective April 15, 2003; amended at 28 Ill. Reg. 1374, effective January 19, 2004; amended at 28 Ill. Reg. 4751, effective March 1, 2004; emergency amendment at 28 Ill. Reg. 7565, effective May 11, 2004, for a maximum of 150 days; emergency expired October 7, 2004; amended at 28 Ill. Reg. 11250, effective August 1, 2004; amended at 28 Ill. Reg. 15790, effective December 1, 2004; emergency amendment at 29 Ill. Reg. 2779, effective February 22, 2005, for a maximum of 150 days; emergency amendment at 29 Ill. Reg. 4116, effective February 25, 2005, for a maximum of 150 days; amended at 29 Ill. Reg. 5726, effective April 8, 2005; amended at 29 Ill. Reg. 12265, effective July 24, 2005; amended at 29 Ill. Reg. 14038, effective September 1, 2005; emergency amendment at 30 Ill. Reg. 14371, effective August 21, 2006, for a maximum of 150 days; amended at 30 Ill. Reg. 18729, effective November 20, 2006; amended at 31 Ill. Reg. 1478, effective January 1, 2007; emergency amendment at 31 Ill. Reg. 6680, effective April 23, 2007, for a maximum of 150 days; amended at 31 Ill. Reg. 12982, effective September 1, 2007; amended at 32 Ill. Reg. 7397, effective May 1, 2008; amended at 33 Ill. Reg. 12571, effective August 25, 2009; expedited correction at 34 Ill. Reg. 9551, effective August 25, 2009; emergency amendment at 35 Ill. Reg. 265, effective December 17, 2010, for a maximum of 150 days; emergency amendment at 35 Ill. Reg. 2810, effective February 1, 2011, for a maximum of 150 days; amended at 35 Ill. Reg. 7400, effective April 25, 2011; amended at 35 Ill. Reg. 8485, effective May 23, 2011; emergency amendment at 35 Ill. Reg. 15296, effective September 6, 2011, for a maximum of 150 days; emergency rule repealed by emergency amendment at 35 Ill. Reg. 18434, effective October 24, 2011, for the remainder of the 150 days; amended at 36 Ill. Reg. 330, effective January 1, 2012; emergency amendment at 36 Ill. Reg. 3290, effective February 15, 2012, for a maximum of 150 days; emergency amendment at 36 Ill. Reg. 6057, effective April 6, 2012, for a maximum of 150 days; amended at 36 Ill. Reg. 8967, effective June 1, 2012; amended at 36 Ill. Reg. 12815, effective August 1, 2012; amended at 36 Ill. Reg. 17078, effective November 28, 2012.

**Section 603.60 Permitted Use of Foreign Substances and Threshold Levels**

- a) Non-Steroidal Anti-Inflammatories (NSAID): Threshold Levels
  - 1) Only one non-steroidal anti-inflammatory drug (NSAID) may be present in a horse's body while it is participating in a race. The presence of more than one NSAID, greater than the threshold level, is forbidden and will result in the purse being redistributed.
  - 2) Subject to the prohibition contained in Section 603.40 (24 hour ban), the

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only foreign substances that now meet the criteria established in Section 603.80 are phenylbutazone (or its metabolite oxyphenylbutazone), flunixin, pyrilamine, isoxsuprine and ketoprofen.

- 3) The threshold level of phenylbutazone ~~or oxyphenylbutazone is 2~~shall be less than 5.0 micrograms (mcg) per milliliter (ml) of serum or plasma. ~~The level of phenylbutazone or oxyphenylbutazone shall be less than 2 mcg/ml or serum or plasma. The threshold level for oxyphenylbutazone shall be less than 5.0 mcg/ml of serum or plasma. However, the threshold levels of phenylbutazone and oxyphenylbutazone for graded thoroughbred stakes races shall be less than 2.0 micrograms per milliliter of serum or plasma.~~
- A) ~~In the event a post-race sample from a horse contains an amount of phenylbutazone or oxyphenylbutazone greater than or equal to 2.0 micrograms but less than 5.0 micrograms of serum or plasma, the trainer shall be subject to a written warning.~~
- A)B) ~~In~~Within a 365 day period, in the event a post-race sample from a horse contains an amount of phenylbutazone or oxyphenylbutazone greater than or equal to ~~2.0~~25.0 mcg/ml but less than ~~5.0~~510.0 mcg/ml of serum or plasma, the trainer and any other responsible party shall be subject to the following penalties ~~absent mitigating circumstances:~~
- i) first offense within a 365 day period, minimum penalty of a written warning to a maximum fine of \$500~~fine of \$250~~;
  - ii) second offense within a 365 day period, minimum penalty of a written warning to a maximum fine of \$750 and the owner shall be notified~~fine of \$500~~;
  - iii) third or subsequent offense within a 365 day period, minimum fine of \$500 to a maximum fine of \$1,000 and the purse shall be redistributed~~\$1,000 and a 15-day suspension.~~
- B)C) ~~In~~Within a 365 day period, in the event a post-race sample from a horse contains an amount of phenylbutazone or

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oxyphenylbutazone greater than or equal to ~~510.0~~ mcg/ml of serum or plasma, the trainer and any other responsible party shall be subject to the following penalties absent mitigating circumstances:

- i) first offense within a 365 day period, minimum fine of \$1,000, \$500 and the purse shall be redistributed;
- ii) second offense within a 365 day period, minimum fine of \$1,500 \$1,000, a 15 day suspension and the purse shall be redistributed;
- iii) third or subsequent offense within a 365 day period, minimum fine of \$2,500, a 30 day suspension, ~~and~~ the purse shall be redistributed and the owner shall be fined a minimum of \$5,000.

- 4) The threshold level of flunixin shall be less than ~~2020.0~~ ng/ml of serum or plasma and the threshold level of ketoprofen shall be less than ~~1010.0~~ ng/ml of serum or plasma. In the event a post-race sample from a horse contains an amount of:

- A) flunixin greater than or equal to ~~2020.0~~ ng/ml but less than ~~100100.0~~ ng/ml or ketoprofen greater than or equal to ~~1010.0~~ ng/ml but less than ~~5050.0~~ ng/ml, the trainer shall be subject to the following penalties, ~~within a 365 day period, and~~ absent mitigating circumstances:
- i) first offense within a 365 day period, minimum penalty of a written warning to a maximum fine of \$500~~fine of \$250~~;
  - ii) second offense within a 365 day period, minimum penalty of a written warning to a maximum fine of \$750 and the owner shall be notified~~fine of \$500~~;
  - iii) third or subsequent offense within a 365 day period, minimum fine of \$500 to a maximum fine of \$1,000 and the purse shall be redistributed~~\$1,000 and a 15-day suspension~~.

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- B) flunixin greater than or equal to ~~100~~~~100.0~~ ng/ml or ketoprofen greater than or equal to ~~50~~~~50.0~~ ng/ml, the trainer shall be subject to the following penalties, ~~within a 365 day period, and~~ absent mitigating circumstances:
- i) first offense within a 365 day period, minimum fine of \$1,000~~\$500~~ and the purse shall be redistributed;
  - ii) second offense within a 365 day period, minimum fine of \$1,500~~\$1,000~~, a 15 day suspension and the purse shall be redistributed;
  - iii) third or subsequent offense within a 365 day period, minimum fine of \$2,500, a 30 day suspension, ~~and~~ the purse shall be redistributed and the owner shall be fined a minimum of \$5,000.
- 5) If the phenylbutazone, oxyphenylbutazone, flunixin or ketoprofen overage is due to the negligence of the veterinarian attending the horse, the veterinarian shall be subject to the same penalties as are set forth in subsections (a)(3)(A) and (B) and (a)(4)(A) and (B).
- 6) To help horsemen determine the test levels of phenylbutazone, oxyphenylbutazone, flunixin, pyrilamine, isoxsuprine and ketoprofen, the Board laboratory will test, for the actual cost of processing the sample, all equine serum or plasma samples submitted to it that are accompanied by an affidavit indicating time, method, and route of administration.
- 7) Penalties for violations of this Section shall be based on the following criteria:
- A) previous warnings and rulings for violations of this Section;
  - B) the age and experience of the violator;
  - C) whether the violator has ever been the subject of a medication ruling in this or any other racing jurisdiction;

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- D) what action, if any, was taken to avoid the violation;
  - E) the purse of the race.
- b) The following foreign substances may be administered externally to a horse entered to a race: Leg paints and liniment that do not contain any "caine" derivatives, pharmacodynamic and/or chemotherapeutic agents, and that can be applied topically without penetrating the skin.
- c) Subject to the prohibition contained in Section 603.40 (24-hour ban), the following foreign substances, commonly referred to as anti-bacterial, anti-fungal, anti-protozoal or anti-ulcer drugs, may be present in the body of a horse participating in a race.
- 1) Anti-Bacterials
    - Amikacin
    - Ampicillin
    - Ampicillin sodium
    - Azolsulfamide
    - Chloramphenicol
    - Doxycycline
    - Enrofloxacin (Baytril)
    - Erythromycin sulfate
    - Gentamicin sulfate
    - Kanamycin sulfate
    - Methenamine
    - Metronidazole
    - Neomycin sulfate
    - Nitrofurantoin
    - Oxytetracycline
    - Penicillin G. Benzathine
    - Penicillin G. Potassium
    - Sulfadimethozine
    - Sulfadimethoxine
    - Sulfamethoxazole
    - Sulfametranidazole

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Sulfapyridine  
Sulfathiazole  
Tetracycline  
Trimethoprim

## 2) Anti-Fungals

Amphotericin B  
Griseofulvin  
Neomycin Undecylenate  
Nystatin

## 3) Anti-Protozoals

Nitazoxanide (Navigator)  
Ponazuril (Marquis)  
Pyrimethamine (Daraprim)

## 4) Anti-Ulcers

Cimetidine (Tagamet)  
Omeprazole (Prilosec or GastroGard)  
Ranitidine (Zantac)

- d) This listing of anti-bacterial, anti-fungal, anti-protozoal and anti-ulcer drugs is all inclusive and shall not include any other anti-bacterial, anti-fungal, anti-protozoal or anti-ulcer drug.
- e) A foreign substance of accepted therapeutic value may be administered as prescribed by a veterinarian when threshold levels and guidelines for its use have been approved by the Board and this Part has been duly amended. The Board shall give due consideration to threshold levels and guidelines, when making additions to the permitted list, that have been established by the Quality Assurance Program Committee of the Association of Racing Commissioners International (ARCI, 1510 Newtown Pike, Suite 210, Lexington, KY 40511; [October 2012 version 4.01](#)~~[December 2011 version 3.00](#)~~; this incorporation includes no later amendments or editions).

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- f) Official test samples may contain the following drug substance, or its metabolites, in an amount that does not exceed the threshold level:
- 1) The threshold level of isoxsuprine shall be less than ~~1,000~~1,000.0 ng/ml in urine.
  - 2) The threshold level of pyrilamine shall be less than ~~50~~50.0 ng/ml in urine.
- g) The provisions of this Section shall be applied retroactively when substantively applicable, including all actions pending before the Board without regard to when the cause of action accrued; provided, however, that this subsection shall not operate to affect rights of individuals that have fully vested.

(Source: Amended at 36 Ill. Reg. 17078, effective November 28, 2012)

**Section 603.75 Environmental Contaminants**

The following drugs are recognized as substances that unavoidably become part of the food supply or environment of the horse.

- a) Benzoyllecgonine (a metabolite of cocaine):
- 1) Each time the laboratory reports benzoyllecgonine less than ~~150~~150.0 ng/ml, the Stewards shall conduct an inquiry. The presence of benzoyllecgonine in the horse shall be considered reasonable cause to order a drug screen on the trainer, groom or any other licensed person who cares for the horse pursuant to Section 508.50.
  - 2) Laboratory reports of benzoyllecgonine, greater than or equal to ~~150~~150.0 ng/ml, shall be treated as a Class 1 drug, as defined in the Association of Racing Commissioners International Uniform Classification Guidelines for Foreign Substances (ARCI, 1510 Newtown Pike, Suite 210, Lexington KY 40511; ~~October 2012 version 4.01~~December 2011 version 3.00; this incorporation includes no later amendments or editions).
- b) Dimethyl Sulfoxide (DMSO):

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The test level of DMSO, greater than or equal to 500 mcg/ml, in urine shall be considered a violation of Section 603.50 and the trainer shall receive a fine of not less than \$500 and the purse shall be redistributed.

- c) Caffeine:  
Laboratory reports of caffeine greater than or equal to 100 ng/ml in urine shall be treated as a Class 2 drug, as defined in the Association of Racing Commissioners International Uniform Classification Guidelines for Foreign Substances (ARCI, 1510 Newtown Pike, Suite 210, Lexington KY 40511; October 2012 version 4.01; this incorporation includes no later amendments or editions).

(Source: Amended at 36 Ill. Reg. 17078, effective November 28, 2012)

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## NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Collection of Fees
- 2) Code Citation: 92 Ill. Adm. Code 1003
- 3) Section Number: 1003.20                      Adopted Action:  
Amendment
- 4) Statutory Authority: Implementing Sections 2-124 and 3-824 and authorized by Sections 2-101 and 2-104 of the Illinois Vehicle Title & Registration Law [625 ILCS 5/2-124, 3-824, 2-101 and 2-104]
- 5) Effective Date of Rulemaking: November 20, 2012
- 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 Proposed Published in the Illinois Register: August 31, 2012; 36 Ill. Reg. 13519
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: No substantive changes made between proposal and adoption. All technical changes recommended by JCAR were made.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? None were necessary.
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any proposed rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: The amendment will allow refunds to be given for title applications that are received through an Electronic Registration and Title (ERT) program if the Secretary of State has not processed the title application.

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There are instances where vehicle purchases are not completed even though the dealership has submitted title application to the Secretary of State's office. An example of this would be when the purchaser fails to obtain financing after taking possession of the vehicle. Since the dealership will take possession of the vehicle in those instances, it is proper that our office does not title the vehicle in the name of the purchaser and provides a refund of the title application fee. A refund will not be given if the Secretary of State has already processed the title application in the name of the purchaser.

The amendment also updates the language of the rule by no longer requiring a notarized statement for a refund and would not require the return of license plates but rather the sticker for a refund.

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

Cynthia Grant  
Assistant General Counsel  
298 Howlett Building  
Springfield, Illinois 62756  
or  
cgrant@ilsos.net  
217/785-3094

- 17) Does this amendment require the preview of the Procurement Policy Board as specified in Section 5-25 of the Illinois Procurement Code? [30 ILCS 500/5-25] No

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

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TITLE 92: TRANSPORTATION  
CHAPTER II: SECRETARY OF STATEPART 1003  
COLLECTION OF FEES

## Section

1003.10	Definitions
1003.20	Collection and Refund
1003.30	Collection of All Motor Vehicle Fees
1003.40	Audits for Truck License Fees
1003.50	Use of State Comptroller's Offset Authority
1003.60	Bankruptcy Discharge of Fees
1003.70	Invalidity

AUTHORITY: Implementing Sections 2-124 and 3-824 and authorized by Sections 2-101 and 2-104 of the Illinois Vehicle Title & Registration Law [625 ILCS 5/2-124, 3-824, 2-101 and 2-104].

SOURCE: Adopted at 12 Ill. Reg. 14719, effective September 15, 1988; amended at 13 Ill. Reg. 7048, effective May 1, 1989; amended at 29 Ill. Reg. 1966, effective January 20, 2005; amended at 34 Ill. Reg. 10199, effective June 29, 2010; amended at 36 Ill. Reg. 17089, effective November 20, 2012.

**Section 1003.20 Collection and Refund**

- a) The refund of registrant fees paid to the Secretary of State shall occur if the registration is cancelled, or a duplicate registration occurred or excess fees were paid.
- b) If cancelled registration meets any of the following criteria, a refund will be paid by the Secretary of State if the registration plate or sticker was not used on the vehicle, and is returned to the Secretary. ~~If and if~~ the cancelled registration does not meet these criteria, then a refund will be denied.
  - 1) If the registrant is moving out of Illinois, a refund request or letter stating that fact is required prior to refund actions being initiated.
  - 2) If the registrant's vehicle was stolen and not recovered, a notarized

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statement from the applicant is required stating the date the vehicle was stolen.

- 3) If the registrant sells the vehicle and the unused registration is returned after the display date, a ~~notarized~~ statement concerning the last operation date of the vehicle is required.
  - 4) If the registered vehicle is damaged or inoperable, ~~the plates must be returned with a~~ ~~notarized~~ statement concerning the last operation date of the vehicle ~~is required~~. This applies to requests on refunds applied for after the display date.
  - 5) If the registered vehicle will be stored and not operated for the entire registration year, a ~~notarized~~ statement is required, along with the return of the ~~plates and~~ sticker.
  - 6) If the registrant has died, then the executor or administrator of the estate must sign a statement and attach a copy of the death certificate, surrender the plates ~~or the registration sticker~~, and ~~comply with~~ ~~must adhere to~~ Section 3-824(c) of the Illinois Vehicle ~~Code [625 ILCS 5/3-824(c)]~~ ~~Title and Registration Law (Ill. Rev. Stat. 1987, ch. 111½, par. 3-824(e))~~.
- c) If a registration is a duplicate, then to obtain a refund, the ~~duplicate set of plates or~~ duplicate sticker must be returned, with the registration and a photocopy of the retained registration. A written request for a refund must also be submitted.
  - d) If an excess fee is paid and a refund sought, the registrant must request the refund in writing within 6 months ~~after~~ ~~of~~ the date of payment.
  - e) Applicable to all requests for refund are the requirements that:
    - 1) The vehicle the refund is requested upon must have been registered in a prior registration year by the same owner.
    - 2) For plates returned after the display date, the applicant must submit a ~~notarized~~ statement indicating the last operation date of the vehicle.
    - 3) Proof of payment must be submitted (cash receipts, cash tickets, a photocopy of the cancelled checks, if the Secretary of State records do not

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show payment was made).

- 4) After the registrant has applied for the registration plates or sticker, no refund can be requested or paid until after the registrant receives the plates or sticker.
- 5) Refunds will not be granted for replacement plates unless the applicant specifically requests the same registration plate number. If the same number is not requested, the refund will be withheld to cover the costs of the transaction.
- f) Refunds will not be granted for any title-related transaction, unless a title application has not been processed by the Secretary of State.
- g) All requests for refunds must be submitted in writing to the Department of Accounting Revenue, Refund Division, Room 222, Howlett 235, Centennial Building, Springfield, Illinois 62756.

(Source: Amended at 36 Ill. Reg. 17089, effective November 20, 2012)

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- 1) Heading of the Part: Certificates of Title, Registration of Vehicles
- 2) Code Citation: 92 Ill. Adm. Code 1010
- 3) Section Number: 1010.245                      Adopted Action:  
Amendment
- 4) Statutory Authority: Chapter 3 of the Illinois Vehicle Code (625 ILCS 5/3-100.3) and authorized by Section 2-104(b) of the Illinois Vehicle Code.
- 5) Effective Date of Rulemaking: November 20, 2012
- 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 Proposed Published in the Illinois Register: August 31, 2012; 36 Ill. Reg. 13525
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: No substantive changes made between proposal and adoption. All technical changes recommended by JCAR were made.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? None were necessary.
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any proposed rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: The amendment will require franchised vehicle dealers to utilize the Electronic Registration and Titling (ERT) Program to submit title and registration documents to the Secretary of State's Office. The amendment also increases permits refunds to be given for title applications that are received through an ERT program if the Secretary of State has not processed the application.

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

Cynthia Grant  
Assistant General Counsel  
298 Howlett Building  
Springfield, Illinois 62756  
or  
cgrant@ilsos.net

217/785-3094

- 17) Does this amendment require the preview of the Procurement Policy Board as specified in Section 5-25 of the Illinois Procurement Code [30 ILCS 500/5-25]? No

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

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

## SUBPART A: DEFINITIONS

Section	
1010.10	Owner – Application of Term
1010.20	Secretary and Department

## SUBPART B: TITLES

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

## SUBPART C: REGISTRATION

Section	
1010.200	Homemade Trailers – Title and Registration
1010.210	Application for Registration
1010.220	Vehicles Subject to Registration – Exceptions
1010.230	Refusing Registration or Certificate of Title
1010.240	Registration Plates To Be Furnished by the Secretary of State

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- 1010.245 Electronic Registration and Titling (ERT) Program Provisions  
1010.250 Applications For Reassignment

SUBPART D: REVOCATION, SUSPENSION AND  
CANCELLATION OF REGISTRATION

## Section

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

## SUBPART E: SPECIAL PERMITS AND PLATES

## Section

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

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1010.470 Dealer Plate Records  
1010.480 State of Illinois In-Transit Plates

## SUBPART F: FEES

Section  
1010.510 Determination of Registration Fees  
1010.520 When Fees Returnable  
1010.530 Circuit Breaker Registration Discount  
1010.540 Fees  
1010.550 Determining Age of Vehicle

## SUBPART G: MISCELLANEOUS

Section  
1010.610 Unlawful Acts, Fines and Penalties  
1010.620 Change of Engine

## SUBPART H: SECOND DIVISION VEHICLES

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

1010.APPENDIX A Uniform Vehicle Registration Proration and Reciprocity Agreement

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1010.APPENDIX B	International Registration Plan
1010.APPENDIX C	Affirmation Supporting Salvage Certificate
1010.APPENDIX D	Specialty License Plates Request Form

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

SOURCE: Filed and effective December 15, 1970; emergency amendment at 2 Ill. Reg. 25, p. 119, effective June 14, 1978, for a maximum of 150 days; amended at 3 Ill. Reg. 12, p. 76, effective March 23, 1979; amended at 3 Ill. Reg. 29, p. 123, effective July 20, 1979; amended at 4 Ill. Reg. 17, p. 247, effective April 11, 1980; emergency amendment at 4 Ill. Reg. 21, p. 99, effective May 14, 1980, for a maximum of 150 days; amended at 6 Ill. Reg. 2241, effective February 1, 1982; amended at 6 Ill. Reg. 11076, effective August 26, 1982; codified at 6 Ill. Reg. 12674; amended at 7 Ill. Reg. 1432, effective January 21, 1983; amended at 7 Ill. Reg. 1436, effective January 21, 1983; amended at 8 Ill. Reg. 5329, effective April 6, 1984; amended at 9 Ill. Reg. 3358, effective March 1, 1985; amended at 9 Ill. Reg. 9176, effective May 30, 1985; amended at 9 Ill. Reg. 12863, effective August 2, 1985; amended at 9 Ill. Reg. 14711, effective September 13, 1985; amended at 10 Ill. Reg. 1243, effective January 6, 1986; amended at 10 Ill. Reg. 4245, effective February 26, 1986; amended at 10 Ill. Reg. 14308, effective August 19, 1986; recodified at 11 Ill. Reg. 15920; amended at 12 Ill. Reg. 14711, effective September 15, 1988; amended at 12 Ill. Reg. 15193, effective September 15, 1988; amended at 13 Ill. Reg. 1598, effective February 1, 1989; amended at 13 Ill. Reg. 5173, effective April 1, 1989; amended at 13 Ill. Reg. 7965, effective May 15, 1989; amended at 13 Ill. Reg. 15102, effective September 15, 1989; amended at 14 Ill. Reg. 4560, effective March 1, 1990; amended at 14 Ill. Reg. 6848, effective April 18, 1990; amended at 14 Ill. Reg. 9492, effective June 1, 1990; amended at 14 Ill. Reg. 19066, effective November 15, 1990; amended at 15 Ill. Reg. 12782, effective August 15, 1991; amended at 16 Ill. Reg. 12587, effective August 1, 1992; amended at 19 Ill. Reg. 11947, effective August 1, 1995; amended at 19 Ill. Reg. 16289, effective November 27, 1995; amended at 20 Ill. Reg. 11349, effective August 1, 1996; amended at 21 Ill. Reg. 8408, effective June 23, 1997; amended at 21 Ill. Reg. 13372, effective September 17, 1997; amended at 22 Ill. Reg. 8521, effective April 28, 1998; amended at 22 Ill. Reg. 22059, effective January 1, 1999; amended at 25 Ill. Reg. 7731, effective June 6, 2001; emergency amendment at 25 Ill. Reg. 14201, effective October 22, 2001, for a maximum of 150 days; emergency expired March 20, 2002; amended at 26 Ill. Reg. 14282, effective September 16, 2002; amended at 27 Ill. Reg. 4790, effective February 27, 2003; amended at 29 Ill. Reg. 8915, effective June 10, 2005; amended at 31 Ill. Reg. 2668, effective January 29, 2007; amended at 32 Ill. Reg. 17253, effective October 15, 2008; amended at 32 Ill. Reg. 17590, effective October 16, 2008; amended at 34 Ill. Reg. 3673, effective March 5, 2010; amended at 34 Ill. Reg. 10202, effective June 29, 2010; amended at 35 Ill. Reg. 1652, effective January 13, 2011; amended at 35 Ill. Reg. 8240,

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effective May 16, 2011; amended at 36 Ill. Reg. 7674, effective May 2, 2012; amended at 36 Ill. Reg. 14745, effective September 24, 2012; amended at 36 Ill. Reg. 17094, effective November 20, 2012.

## SUBPART C: REGISTRATION

**Section 1010.245 Electronic Registration and Titling (ERT) Program Provisions**

- a) The Secretary may, in his or her discretion, establish a program for the electronic registration and titling (ERT) of motor vehicles. Transactions that may be conducted pursuant to an ERT program may include transmitting applications for titles and registration of motor vehicles, renewal of motor vehicle registrations, creating and removing liens from motor vehicle records, applying for salvage or junking certificates, and issuing registration plates and stickers by motor vehicle dealers, financial institutions and retail merchants, except that licensees under the Sales Finance Agency Act [205 ILCS 660] and the Consumer Installment Loan Act [205 ILCS 670] shall only be authorized to apply for titles and create and remove liens from motor vehicle records. Insurance companies shall only be permitted to apply for salvage or junking certificates and retail merchants shall only be authorized to issue registration renewal stickers.
- b) Upon the establishment of an ERT program, the Secretary may enter into agreements with ERT service providers to serve as intermediaries between the Secretary of State's office and motor vehicle dealers, financial institutions and retail merchants (collectively referred to in this Section as "vendors"). For the purposes of this Section, the term "financial institution" shall mean any federal or state chartered bank, savings and loan, credit union, and armored carrier, and any currency exchange, either directly or indirectly through an armored carrier. The term shall also include insurance companies and licensees under the Sales Finance Agency Act and the Consumer Installment Loan Act. The term "retail merchant" shall mean a business that is engaged in the sale of goods or services to the general public and that has one or more permanently established places of business in Illinois.
- c) The ERT service provider shall be responsible for the following:
  - 1) establishing a computerized communication link between the vendors and the Secretary of State for the transmission of titling, registration, registration renewal and lien information, in compliance with all

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specifications of the Secretary of State's office. The communication link must provide for the secure transmission of information as required under this Section without permitting access to the vendor's confidential information by any entity that is not authorized by the vendor and the Secretary of State. Any entity that is authorized to access a vendor's information system, software, data or network must preserve its confidentiality and integrity. This provision does not limit or prohibit the Secretary of State from accessing confidential information;

- 2) transmitting all fees associated with the title and registration transactions to the Secretary of State and transmitting all sales taxes due and owing for the sales of motor vehicles to the Illinois Department of Revenue;
- 3) maintaining an inventory of registration plates and stickers at a secure location that is subject to inspection by the Secretary of State, distributing those plates and stickers to vendors as necessary, receiving unused, expired, damaged and voided plates and stickers and reports of lost or stolen plates and stickers from vendors, and forwarding those reports and returning those unused, expired, damaged and voided plates and stickers to the Secretary of State warehouse monthly. For purposes of this Section, the term "plates" shall mean vehicle registration license plates, and the term "sticker" shall mean the adhesive sticker affixed to license plates and the form, with a pre-printed control number and barcode, to which the sticker is attached when shipped and printed. When this Section provides for shipping, inventory, accounting or reconciliation of, or credit for returned, stickers, the sticker must be attached to the original form or affixed to a plate and recorded as issued with that plate.
  - A) The inventory control system shall accurately track all registration plates and stickers shipped to the service provider by the Secretary, those distributed by the provider to vendors (including tracking which specific plates and stickers were shipped to individual vendors), those returned by vendors to the provider, and those returned by the provider to the Secretary. The inventory yet to be shipped and the returned inventory shall be stored separately. In addition, the inventory system shall comply with one of the following:

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- i) All inventory shall be maintained in sequential order, according to document number, including inventory being held for shipping to vendors and inventory returned by vendors.
  - ii) The computerized inventory control system must utilize barcode readers that enable the service provider or Secretary of State employees to scan and accurately record inventory items yet to be shipped and returned inventory. Secretary of State employees must have access to a computer terminal at the service provider's site during inventory and reconciliation procedures, and the system must allow the printing of necessary inventory reports during these procedures.
- B) Real-time access to the inventory control system shall be provided to Secretary of State staff, auditors and Secretary of State Police for review, reconciliation, auditing and inventory verification to ensure compliance with rules, policies and regulations, and for locating individual registration plates and stickers and determining to which vendor the individual registration plates and stickers were issued. All electronic information shall be maintained for not less than five years after receipt of the inventory by the service provider.
- C) Bulk inventories of registration plates and stickers will be delivered by the Secretary to the service provider as needed. The service provider shall acknowledge receipt of the inventory in a manner approved by the Secretary and is responsible for the inventory upon receipt. The service provider shall store the inventory within the State of Illinois. The service provider shall distribute registration plates and stickers to vendors, as necessary, and shall accept returns from the vendors of unused, expired, damaged and voided plates and stickers.
- D) Vendors shall not return unused, expired, damaged or voided plates and stickers directly to the Secretary. The Secretary shall not be responsible for inventory incorrectly returned.

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- E) Vendors who have inventory that is damaged, voided, missing, lost or stolen during a given month shall report those occurrences to the service provider not later than the final day of the following month. (Example: Inventory items damaged during August must be reported and returned to the service provider not later than the following September 30.) Credit for returned plates will only be granted when both plates in the set have been returned or accounted for, if the plates were of the type issued as a pair. All or as much as possible of the damaged or voided stickers must be returned to receive credit for returned inventory. When it is not possible to return any portion of a damaged or voided plate or sticker, an explanation as to the circumstances causing the plate or sticker to be voided or damaged, and the reasons no portion can be returned, must be provided. The Secretary shall have the right to determine whether the explanation will be accepted and whether inventory credit will be given for the plates or stickers not returned in whole or in part. In making this determination, the Secretary shall consider whether the vendor is able to retain and return the form on which the sticker is issued; whether matters beyond the control of the vendor may have contributed to the complete loss of the stickers (e.g., fires or industrial accidents that are accompanied by police reports, fire reports or insurance claims); and the history of the individual vendor with regard to the loss of stickers.
- F) Service providers may be relieved of responsibility for payment for plates and stickers reported as stolen only if a copy of a police report concerning the theft is provided to the Secretary.
- G) Not later than March 31 of each calendar year, vendors shall return to service providers all remaining stickers in their possession of the type and color that expire during that calendar year. (Example: During 2007, vendors sell stickers that expire during 2008, such that a sticker sold in March 2007 expires in March 2008. As of January 2008, vendors will be selling stickers of the type and color that expire in 2009. Therefore, not later than March 31, 2008, vendors shall return to the service provider all remaining stickers in their possession of the type and color that expire during 2008).

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- H) On a periodic basis, but not less than monthly, the Secretary and the service provider shall reconcile their records of plates and stickers shipped by the Secretary to the service provider, plates and stickers issued by vendors to vehicle owners and for which the appropriate documentation and fees were received by the Secretary, plates and stickers returned by vendors to the service provider as unused, expired, damaged or voided, explanations provided by vendors for damaged or voided stickers and plates that have not been returned in whole or in part, and plates and stickers still in the actual possession of the service providers and vendors. The review and accounting of inventory and returned items shall be conducted in the manner prescribed by the Secretary. After these periodic reconciliations, the unused, expired, damaged or voided plates and stickers shall be returned to the Secretary and the Secretary shall issue the service provider a receipt for the returned inventory. A preliminary report of missing billable inventory for the preceding month shall be provided after these periodic reconciliations.
- I) Following the reconciliation after March 31, June 30, September 30 and December 31, the Secretary shall invoice the service provider for all plates or stickers unaccounted for during the preceding quarter. These reconciliations will be based on the reported inventory still in the possession of vendors. Service providers shall not receive credit for unaccounted for inventory items that are located after this quarterly reconciliation and billing.
- J) The unaccounted for inventory shall be invoiced at the following rates. For unaccounted for stickers, the rate shall be \$125 per sticker. For unaccounted for plates that are intended to be sold as a set (e.g., passenger vehicle or truck plates) the rate shall be \$125 per set of plates. For unaccounted for plates that are intended to be sold individually (e.g., motorcycle or trailer plates) the rate shall be \$125 per plate. Payment in full must be made to the Secretary within 45 days after receipt of the notice from the Secretary of the amount due. Service providers may recover such payments from vendors pursuant to the contracts between the service providers and the vendors.

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- K) Certain types of registration stickers are sold outside of the one-year process noted in subsection (c)(3)(G) (e.g., registrations of fleet vehicles). To accommodate these sales, after the return and reconciliation of all inventory as provided in subsections (c)(3)(H) and (I), the Secretary may re-issue preceding year stickers to service providers for the use of vendors engaging in sales of vehicles requiring these registrations. These re-issued stickers shall be tracked separately in the service provider's inventory control system. Not less than three months after these re-issued stickers may no longer be legally sold, all remaining inventory of these stickers shall be returned to the service provider by the vendor, and the stickers shall be subject to the final reconciliation and billing process set forth in subsection (c)(3)(I).
- L) The Secretary shall have the right to conduct physical inspections of the inventory of service providers and vendors during normal business hours.
- M) The Secretary shall have the right to suspend or revoke the right of service providers and/or vendors to participate in the ERT program for failure to comply with the inventory control provisions set forth in this subsection (c)(3), or for excessive or repeated incidents of unaccounted for inventory;
- 4) complying with all requirements of the Secretary of State and the Department of Revenue concerning the security of the electronic information and funds transmissions, which shall prohibit access to a vendor's confidential information by any entity without authorization of the vendor and Secretary of State and a requirement that any entity that is authorized to access a vendor's confidential information must preserve the confidentiality and integrity of the vendor's information systems, software, data and network, the security of the registration plates and stickers, and maintaining an electronic inventory control system for the registration plates and stickers. This provision does not limit or prohibit the Secretary of State from accessing confidential information;
- 5) retaining records of all ERT transactions as directed by the Secretary;

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- 6) posting a performance bond in an amount set by the Secretary, not to exceed \$1,000,000. Beginning July 1, 2012, a service provider must post a performance bond in the amount of \$1,500,000;
  - 7) registering as a remittance agent pursuant to 625 ILCS 5/Ch. 3, Art. IX;
  - 8) complying with all other terms and conditions set forth in the agreement between the Secretary of State and the ERT service provider;
  - 9) providing a formal process for billing and enforcement of all vendor inventory issues and pending transaction issues and designating a specific representative to communicate with the Secretary of State on all vendor inventory issues and pending transaction issues.
- d) The ERT service provider shall enter into agreements with vendors for participation in the ERT program.
- 1) All vendors must be currently licensed and in good standing with their regulatory agencies before being selected to participate in this program.
  - 2) The Secretary shall have the sole discretionary right to review and approve these agreements and shall have the right to approve, deny or revoke the right to participate in the ERT program by individual vendors. Retail merchants wishing to serve as vendors must be approved in advance by the Secretary. Any decision to deny or revoke an individual vendor's right to participate in the ERT program shall be based on:
    - A) the vendor's prior compliance with or violations of applicable statutes, rules and regulations;
    - B) the vendor's participation in the Secretary's temporary registration permit program and any violations of the rules and regulations of the temporary registration permit program found in Section 1010.421;
    - C) violations by the vendor of this Section or violations of the terms of agreements entered into by the vendor in the ERT program;

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- D) the benefit to the public to be derived by the vendor's participation in the program;
  - E) the resources of the Secretary of State's office to support the vendor's participation in the program; and
  - F) The factors set forth in Section 1010.240(b)(2)(E)-(J).
- 3) Vendors shall inform customers that utilizing the electronic registration and titling system is optional.
  - 4) The ERT program shall not be used to request or obtain specialty, vanity or personalized registration plates.
  - 5) Fees collected for an ERT title transaction are nonrefundable by the Secretary, unless a title application has not been processed by the Secretary of State. ~~Fees collected for ERT transactions are nonrefundable by the Secretary.~~
  - 6) Registration plates and stickers may only be issued at the time an ERT transaction is processed.
  - 7) Title, registration and registration renewal applications and other required documents shall be delivered to the Office of the Secretary of State within 20 days after vehicle sale, registration or registration renewal.
- e) Except as permitted by the Secretary during a transition period, no vendor may simultaneously participate in the ERT program and the Over-the-Counter Sales Program (see Section 1010.240).
  - f) Beginning January 1, 2013, all franchised new motor vehicle dealers must use an ERT program to submit titling and registration applications to the Secretary of State.

(Source: Amended at 36 Ill. Reg. 17094, effective November 20, 2012)

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- 1) Heading of the Part: Miscellaneous
- 2) Code Citation: 50 Ill. Adm. Code 7110
- 3) Section Number: 7110.90                      Adopted Action:  
Amendment
- 4) Statutory Authority: Sections 16 and 8.2 of the Workers' Compensation Act [820 ILCS 305/16; 820 ILCS 305/8.2]
- 5) Effective Date of the Rulemaking: November 20, 2012
- 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 rulemaking, 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: August 17, 2012; 36 Ill. Reg 13012
- 10) Has JCAR issued a Statement of Objection to this Rulemaking? No
- 11) Differences between Proposal and Final Version: There are no differences between the proposal and Final Version
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? None were necessary.
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any other proposed rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: The amendment implements Section 8.2(a-3) of the Workers' Compensation Act by specifying that when a prescription dispensed outside of a licensed pharmacy is repackaged, the Average Wholesale Price used to determine the maximum reimbursement shall be the Average Wholesale Price for the underlying drug product, as identified by its National Drug Code (NDC) from the original labeler.

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Pursuant Section 8.2(a-3) of the Act, only prescriptions dispensed outside of a licensed pharmacy are subject to a fee schedule. The fee schedule sets the maximum reimbursement levels for these prescriptions. For prescriptions dispensed outside of a licensed pharmacy, Section 8.2(a-3) provides that the fee schedule shall not exceed the Average Wholesale Price, plus a dispensing fee of \$4.18. Average Wholesale Price is determined by the NDC set forth in Medispan.

The amendment addresses a practice known as "repackaging" which means that the prescription will be purchased and then repackaged in different quantities. It is then given a new NDC number with a higher Average Wholesale Price. Thus, the "repackaging" avoids the NDC for the drug from the original labeler. "Repackaged" drugs are typically dispensed by physicians in their offices.

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

Kimberly B. Janas  
Secretary of the Commission  
Illinois Workers' Compensation Commission  
100 W. Randolph Street Suite 8-200  
Chicago, IL 60601

Phone: 312/814-6559  
kimberly.janas@illinois.gov  
Fax: 312/814-3520

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

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## TITLE 50: INSURANCE

## CHAPTER II: ILLINOIS WORKERS' COMPENSATION COMMISSION

## PART 7110

## MISCELLANEOUS

Section	
7110.5	Definitions
7110.10	Vocational Rehabilitation
7110.20	Petitions under Sections 19(h), 8(a), and 7(a) of the Act
7110.30	Commission Meetings: Minutes
7110.40	Petition to Suspend Compensation for Failure to Submit to Proper Medical Treatment
7110.50	Petitions under Section 19(o) of the Act
7110.60	Distribution of Commission Handbook
7110.70	Explanation of Basis of Non-Payment, Termination or Suspension of Temporary Total Compensation or Denial of Liability or Further Responsibility for Medical Care
7110.80	Rate Adjustment Fund and Second Injury Fund Contributions: Compliance
7110.90	Illinois Workers' Compensation Commission Medical Fee Schedule

AUTHORITY: Implementing and authorized by the Workers' Compensation Act [820 ILCS 305].

SOURCE: Filed and effective March 1, 1977; amended at 5 Ill. Reg. 5533, effective May 12, 1981; amended at 6 Ill. Reg. 8040, effective July 1, 1982; codified at 7 Ill. Reg. 2352; emergency amendment at 14 Ill. Reg. 4929, effective March 9, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 13161, effective August 1, 1990; emergency amendment at 30 Ill. Reg. 1912, effective February 1, 2006, for a maximum of 150 days; amended at 30 Ill. Reg. 11743, effective June 22, 2006; amended at 33 Ill. Reg. 2850, effective February 1, 2009; emergency amendment at 34 Ill. Reg. 10222, effective July 6, 2010, for a maximum of 150 days; emergency rule repealed by emergency amendment at 34 Ill. Reg. 17471, effective October 28, 2010, for the remainder of the 150 days; amended at 36 Ill. Reg. 16349, effective November 5, 2012; amended at 36 Ill. Reg. 17108, effective November 20, 2012.

**Section 7110.90 Illinois Workers' Compensation Commission Medical Fee Schedule**

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- a) In accordance with Sections 8(a), 8.2 and 16 of the Workers' Compensation Act [820 ILCS 305/8(a), 8.2 and 16] (the Act), the Illinois Workers' Compensation Commission Medical Fee Schedule, including payment rates, instructions, guidelines, and payment guides and policies regarding application of the schedule, is adopted as a fee schedule to be used in setting the maximum allowable payment for procedures, treatment, products, services or supplies for hospital inpatient, hospital outpatient, emergency room, ambulatory surgical treatment centers, accredited ambulatory surgical treatment facilities, prescriptions filled and dispensed outside of a licensed pharmacy, dental services and professional services covered under the Act. The fee schedule is published on the Internet at no charge to the user via a link from the Commission's website at [www.iwcc.il.gov](http://www.iwcc.il.gov). The fee schedule may be examined at any of the offices of the Illinois Workers' Compensation Commission.
- b) The payment rates for procedures, services or treatments in the fee schedule were established in accordance with Section 8.2 of the Act by determining 90% of the 80<sup>th</sup> percentile of charges utilizing health care provider and hospital charges from August 1, 2002 through August 1, 2004. The charges were adjusted by the Consumer Price Index-U for the period August 1, 2004 through September 30, 2005. For procedures, treatments, services or supplies covered under the Act and rendered or to be rendered on or after September 1, 2011, the maximum allowable payment shall be 70% of the fee schedule amounts, which shall be adjusted yearly by the Consumer Price Index-U. The payment rates in the fee schedule are designated by geozip (geographic area in which all zip codes have the same first 3 digits). Starting January 1, 2012, the payment rates in the fee schedule shall be grouped into geographic regions pursuant to Section 8.2 of the Act.
- c) The fee schedule applies to any medical procedure, treatment or service covered by the Act and rendered on or after February 1, 2006, regardless of the date of injury.
- d) Under the fee schedule, the employer pays the lesser of the rate set forth in the schedule or the provider's actual charge. If an employer or insurance carrier contracts with a provider for the purpose of providing services under the Act, the rate negotiated in the contract shall prevail.
- e) Reimbursement Not Covered by Fee Schedule

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- 1) Prior to September 1, 2011, whenever the fee schedule does not set a specific fee for a procedure, treatment or service in the schedule, the amount of reimbursement shall be at 76% of actual charge, except where this Section provides that revenue codes (codes that identify a specific accommodation or ancillary charge on a UB-04/CMS 1450 uniform billing form used by hospitals) are to be deducted from the charge and reimbursed at 65% of charge billed at the provider's normal rates under its standard chargemaster. A standard chargemaster is the provider's list of charges for procedures, services and supplies used to bill payers in a consistent manner. If the provider cannot use the chargemaster to demonstrate the charge is the provider's normal rate, the provider shall provide evidence that the charge is billed at the provider's normal rate.
  - 2) On and after September 1, 2011, whenever the fee schedule does not set a specific fee for a procedure, treatment or service in the schedule, the amount of reimbursement shall be at 53.2% of actual charge, except where this Section provides that revenue codes (codes that identify a specific accommodation or ancillary charge on a UB-04/CMS 1450 uniform billing form used by hospitals) are to be deducted from the charge and reimbursed at 65% of charge billed at the provider's normal rates under its standard chargemaster. A standard chargemaster is the provider's list of charges for procedures, services and supplies used to bill payers in a consistent manner. If the provider cannot use the chargemaster to demonstrate the charge is the provider's normal rate, the provider shall provide evidence that the charge is billed at the provider's normal rate.
- f) Reimbursement under the fee schedule for a procedure, treatment or service, as designated by the geozip or region where the treatment occurred, shall be based on the place of service.
- g) Out-of-State Treatment
- 1) Procedure Codes
    - A) Prior to June 28, 2011, if the procedure, treatment or service is rendered outside the State of Illinois, the amount of reimbursement shall be the greater of 76% of actual charge or the amount set forth in a workers' compensation medical fee schedule adopted by the

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state in which the procedure, treatment or service is rendered, if such a schedule has been adopted. Charges for a procedure, treatment or service outside the State shall be subject to the instructions, guidelines, and payment guides and policies in this fee schedule.

- B) On and after June 28, 2011, providers of out-of-state procedures, treatments, services, products, or supplies shall be reimbursed at the lesser of that state's fee schedule amount or the fee schedule amount for the region in which the employee resides. If no fee schedule exists in that state, the provider shall be reimbursed at the lesser of the actual charge or the fee schedule amount for the region in which the employee resides. If the employee does not reside in this State, providers of out-of-state treatments, services, products or supplies shall be reimbursed at the lesser of the actual charge or the fee schedule amount for the location of the hearing site. "Hearing site" means the location established by the Commission for arbitration and Commission hearings.

2) Implants

- A) Prior to September 1, 2011, when the charges are for facility fees (ambulatory surgical treatment center, hospital inpatient (standard and trauma), and hospital outpatient services), the following revenue codes are pass-through charges to be deducted from the charge and reimbursed at 65% of actual charge: 0274 (prosthetics/orthotics); 0275 (pacemaker); 0276 (lens implant); 0278 (implants); 0540 and 0545 (ambulance); 0624 (investigational devices); and 0636 (drugs requiring detailed coding). Charges billed under these revenue codes shall be billed at the provider's normal rates under its standard chargemaster. If the provider cannot use the chargemaster to demonstrate the charge is the provider's normal rate, the provider shall provide evidence that the charge is billed at the provider's normal rate.
- B) On and after September 1, 2011, implants, which include revenue codes 0276 (lens implant) and 0278 (implants) or any other substantially similar updated code as determined by the

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Commission, shall be reimbursed at 25% above the net manufacturer's invoice price less rebates, plus actual reasonable and customary shipping charges whether or not the implant charge is submitted by a provider in conjunction with a bill for all other services associated with the implant, submitted by a provider on a separate claim form, submitted by a distributor, or submitted by the manufacturer of the implant. The following revenue codes shall be paid at 65% of actual charge, which is the provider's normal rates under its standard chargemaster: 0274 (prosthetics/orthotics); 0275 (pacemaker); 0540 and 0545 (ambulance); 0624 (investigational devices); and 0636 (drugs requiring detailed coding). A standard chargemaster is the provider's list of charges for procedures, treatments, products, supplies or services used to bill payers in a consistent manner. If the provider cannot use the chargemaster to demonstrate the charge is the provider's normal rate, the provider shall provide evidence that the charge is billed at the provider's normal rate.

- h) The fee schedule includes the following service categories:
  - 1) Ambulatory Surgical Treatment Center (ASTC) and Accredited Ambulatory Surgical Treatment Facility (ASTF)
    - A) This schedule applies to licensed ambulatory surgical treatment centers as defined by the Illinois Department of Public Health (77 Ill. Adm. Code 205.110) and accredited ambulatory surgical treatment facilities accredited by one of the following organizations: American Association for the Accreditation of Ambulatory Surgical Facilities (AAAASF), The Joint Commission (formerly JCAHO), or Accreditation Association for Ambulatory Health Care (AAAHHC).
    - B) The use of this schedule is in accordance with the Current Procedural Terminology, American Medical Association, 515 North State Street, Chicago, Illinois 60610 (2006), no later dates or editions.

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- C) This schedule provides the maximum fee schedule amount for surgical services administered in an ASTC or ASTF setting for codes 10021 through 69990. The schedule is a partial global reimbursement schedule in that all charges rendered during the operative session are subject to a single fee schedule amount, except as provided in subsections (h)(1)(D) and (h)(1)(F).
- D) Implants
- i) Prior to September 1, 2011, the following revenue codes are pass-through charges to be deducted from the charge and reimbursed at 65% of actual charge: 0274 (prosthetics/orthotics); 0275 (pacemaker); 0276 (lens implant); 0278 (implants); 0540 and 0545 (ambulance); 0624 (investigational devices); and 0636 (drugs requiring detailed coding). Charges billed under these revenue codes shall be billed at the provider's normal rates under its standard chargemaster. If the provider cannot use the chargemaster to demonstrate the charge is the provider's normal rate, the provider shall provide evidence that the charge is billed at the provider's normal rate.
- ii) On and after September 1, 2011, implants, which include revenue codes 0276 (lens implant) and 0278 (implants) or any other substantially similar updated code as determined by the Commission, shall be reimbursed at 25% above the net manufacturer's invoice price less rebates, plus actual reasonable and customary shipping charges whether or not the implant charge is submitted by a provider in conjunction with a bill for all other services associated with the implant, submitted by a provider on a separate claim form, submitted by a distributor, or submitted by the manufacturer of the implant. The following revenue codes shall be paid at 65% of actual charge, which is the provider's normal rates under its standard chargemaster: 0274 (prosthetics/orthotics); 0275 (pacemaker); 0540 and 0545 (ambulance); 0624 (investigational devices); and 0636 (drugs requiring detailed coding). A standard

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chargemaster is the provider's list of charges for procedures, treatments, products, supplies or services used to bill payers in a consistent manner. If the provider cannot use the chargemaster to demonstrate the charge is the provider's normal rate, the provider shall provide evidence that the charge is billed at the provider's normal rate.

- E) All professional services performed in an ASTC or ASTF setting are subject to the HCPCS Level II schedule in subsection (h)(5) or the professional services schedule in subsection (h)(8).
  - F) This schedule does not apply to the professional or technical components of radiology and pathology and laboratory services performed in an ASTC or ASTF setting. Charges for these services must be submitted on a separate claim form and shall be subject to the professional services schedule in subsection (h)(8).
  - G) Surgery services under this schedule shall be reimbursed in accordance with the Multiple Procedure and Bilateral Surgery provisions of the Payment Guide in Section 8B of the instructions and guidelines in the fee schedule and the applicable modifiers in Section 8F of the instructions and guidelines in the fee schedule.
- 2) Anesthesia
- A) The use of this schedule is in accordance with the Current Procedural Terminology, American Medical Association, 515 North State Street, Chicago, Illinois 60610 (2006), no later dates or editions, and the Relative Value Guide, American Society of Anesthesiologists, 520 North Northwest Highway, Park Ridge, Illinois 60068-2573 (2006), no later dates or editions.
  - B) This schedule was established utilizing health care provider charges from August 1, 2002 through August 1, 2004 from which a conversion factor was established. The maximum fee schedule reimbursement amount is determined by multiplying the conversion factor set forth in the schedule by the sum of all units

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according to guidelines set forth in the Relative Value Guide as follows:

- i)  $\text{Base Value} + \text{Time Units} + \text{Modifying Units} = \text{Total Units}$   
 $\text{Total Units} \times \text{Conversion Factor} = \text{Total Fee}$
  - ii) Physical status modifying units may be added to the basic value and time units and, in addition, units may be added for qualifying circumstances (extraordinary circumstances) in accordance with the Relative Value Guide.
- C) Special coding situations, such as those involving multiple procedures, additional procedures, unusual monitoring, prolonged physician services, postoperative pain management, monitored (stand-by) anesthesia, invasive anesthesia and chronic pain management services, require application of the fee schedule in a manner consistent with the Relative Value Guide.
- D) Anesthesia time begins when an anesthesiologist or certified registered nurse anesthetist (CRNA) physically starts to prepare the patient for the induction of anesthesia in the operating room (or its equivalent) and ends when the anesthesiologist is no longer in constant attendance (when the patient is safely put under postoperative supervision).
- 3) **Dental**  
Prior to September 1, 2011, all procedures, treatments and services are reimbursed at 76% of actual charge unless services are billed under the HCPCS Level II schedule in subsection (h)(5) or professional fee schedule in subsection (h)(8). On and after September 1, 2011 and until the Commission posts a fee schedule for dental bills, all dental bills shall be paid at 53.2% of actual charge unless the services are billed under the HCPCS Level II schedule in subsection (h)(5) or professional fee schedule in subsection (h)(8).
- 4) **Emergency Room**

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- A) This schedule applies to any department or facility of a hospital licensed by the Illinois Department of Public Health pursuant to the Hospital Licensing Act [210 ILCS 85] that:
- i) operates as an emergency room or emergency department, whether situated on or off the main hospital campus; and
  - ii) is held out to the public as providing care for emergency medical conditions without requiring an appointment, or has provided at least one-third of all its outpatient visits for the treatment of emergency medical conditions on an urgent basis during the previous calendar year.
- B) All procedures, treatments and services subject to this schedule are reimbursed at 76% of actual charge. Procedures, treatments and services subject to this schedule rendered on or after September 1, 2011 are reimbursed at 53.2% of actual charge.
- C) Radiology, pathology and laboratory and physical medicine and rehabilitation services performed in an emergency room shall be reimbursed in accordance with the radiology schedule in subsection (h)(7)(C), the pathology and laboratory schedule in subsection (h)(7)(D) and the physical medicine and rehabilitation schedule in subsection (h)(7)(E).
- D) Emergency room facility charges, and professional services delivered in an emergency room facility billed by the facility using the facility's tax identification number, shall be subject to the emergency room facility schedule and are not subject to the HCPCS Level II schedule in subsection (h)(5) or the professional services schedule in subsection (h)(8). Health care professionals who perform services in an emergency room facility and bill for services using their own tax identification number on a separate claim form shall be subject to the HCPCS Level II schedule in subsection (h)(5) or the professional services schedule in subsection (h)(8) and are not covered under the emergency room facility schedule.

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- 5) HCPCS (Healthcare Common Procedure Coding System) Level II  
The use of this schedule is in accordance with the HCPCS Level II, U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services, 7500 Security Boulevard, Baltimore, Maryland 21244 (2006), no later dates or editions. Level II of the HCPCS is a standardized coding system used to identify products and services not included in the Current Procedural Terminology codes.
- 6) Hospital Inpatient: Standard and Trauma
  - A) The use of these schedules is in accordance with the Diagnosis-Related Group (DRG) classification system established by the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services, 42 CFR 405 (2005), no later dates or editions. A DRG is a diagnosis-related group code that groups patients into homogeneous classifications that demonstrate similar length-of-stay patterns and use of hospital resources. The DRG determines the maximum fee schedule amount for an inpatient hospital stay, except as provided in subsections (h)(6)(F) and (h)(6)(G).
  - B) No later than June 30, 2009, the use of these schedules will be in accordance with the Medicare Severity Diagnosis Related Group (MS-DRG) classification system established by the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services, 42 CFR 411 (2007), no later dates or editions. An MS-DRG is a diagnosis related group code that groups patients based on the severity of a patient's condition and resource consumption. The MS-DRG determines the maximum fee schedule amount for an inpatient hospital stay, except as provided in subsections (h)(6)(F) and (h)(6)(G).
  - C) Inpatient care shall be defined as when a patient is admitted to a hospital where services include, but are not limited to, bed and board, nursing services, diagnostic or therapeutic services, and medical or surgical services.

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- D) Inpatient hospital bills are subject to the hospital inpatient standard schedule. Inpatient hospital bills from trauma centers designated as Level I and Level II trauma centers by the Illinois Department of Public Health pursuant to 77 Ill. Adm. Code 515.2030 and 515.2040 and that contain an admission type of "5" on a UB-04/CMS 1450 FL 14 (uniform billing form used by hospitals; FL 14 is the form locator number that indicates where the codes are to be listed on the UB-04/CMS 1450 form) are subject to the hospital inpatient trauma schedule.
- E) Hospital providers must identify the DRG code on each bill (UB-04/CMS 1450 claim form). The DRG assignment should be made in a manner consistent with the grouping practices used by the hospital when billing both government and private carriers.
- F) Implants
- i) Prior to September 1, 2011, the following revenue codes/pass-through charges are deducted from the DRG charge and reimbursed at 65% of actual charge: 0274 (prosthetics/orthotics); 0275 (pacemaker); 0276 (lens implant); 0278 (implants); 0540 and 0545 (ambulance); 0624 (investigational devices); and 0636 (drugs requiring detailed coding). If the maximum amount of payment for an inpatient hospital stay is 76% of actual charge or 53.2% of actual charge for services rendered on or after September 1, 2011, the DRG charge is determined after the pass-through charges are removed. Charges billed under these revenue codes shall be billed at the provider's normal rates under its standard chargemaster. If the provider cannot use the chargemaster to demonstrate the charge is the provider's normal rate, the provider shall provide evidence that the charge is billed at the provider's normal rate.
- ii) On and after September 1, 2011, implants, which include revenue codes 0276 (lens implant) and 0278 (implants) or any other substantially similar updated code as determined by the Commission, shall be reimbursed at 25% above the

## ILLINOIS WORKERS' COMPENSATION COMMISSION

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net manufacturer's invoice price less rebates, plus actual reasonable and customary shipping charges whether or not the implant charge is submitted by a provider in conjunction with a bill for all other services associated with the implant, submitted by a provider on a separate claim form, submitted by a distributor, or submitted by the manufacturer of the implant. The following revenue codes shall be paid at 65% of actual charge, which is the provider's normal rates under its standard chargemaster: 0274 (prosthetics/orthotics); 0275 (pacemaker); 0540 and 0545 (ambulance); 0624 (investigational devices); and 0636 (drugs requiring detailed coding). A standard chargemaster is the provider's list of charges for procedures, treatments, products, supplies or services used to bill payers in a consistent manner. If the provider cannot use the chargemaster to demonstrate the charge is the provider's normal rate, the provider shall provide evidence that the charge is billed at the provider's normal rate.

## G) Cost Outliers

- i) In the case of cost outliers (extraordinary treatment in which the bill for an inpatient stay is at least two times the fee schedule amount for the assigned DRG after pass-through revenue code charges referred to in subsection (h)(6)(F) have been deducted), the maximum reimbursement amount will be the assigned DRG fee schedule amount plus 76% of the charges that exceed that DRG amount. The pass-through revenue code charges are reimbursed at 65% of actual charge and shall be billed at the provider's normal rates under its standard chargemaster.
- ii) On and after September 1, 2011, for cost outliers (extraordinary treatment in which the bill for an inpatient stay is at least 2.857 times the fee schedule amount for the assigned DRG after pass-through revenue code charges referred to in subsection (h)(6)(F) have been deducted), the maximum reimbursement amount will be the assigned

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DRG fee schedule amount plus 53.2% of the charges that exceed that DRG amount. The pass-through revenue code charges are reimbursed at 65% of actual charge and shall be billed at the provider's normal rates under its standard chargemaster. Implants shall be reimbursed at 25% above the net manufacturer's invoice price less rebates, plus actual reasonable and customary shipping charges.

- H) Charges for professional services performed in conjunction with charges for other services associated with the hospitalization and billed by a hospital on a UB-04/CMS 1450 or a 1500 claim form (billing form established by Centers for Medicare and Medicaid Services for use by physicians) using the hospital's own tax identification number shall be reimbursed at 76% of actual charge or 53.2% of actual charge for services rendered on or after September 1, 2011 in addition to the amount listed in this schedule for the assigned code. Health care professionals who perform services and bill for services using their own tax identification number on a separate claim form shall be subject to the HCPCS Level II schedule in subsection (h)(5) or the professional services schedule in subsection (h)(8).
- 7) Hospital Outpatient
- A) The use of this schedule is in accordance with the Current Procedural Terminology, American Medical Association, 515 North State Street, Chicago, Illinois 60610 (2006), no later dates or editions.
  - B) This schedule includes radiology, pathology and laboratory, and physical medicine and rehabilitation as well as surgical services performed in a hospital outpatient setting that were not performed during an emergency room encounter or inpatient hospital admission. The radiology, pathology and laboratory, and physical medicine and rehabilitation schedules shall be applied to the number of units billed on the UB-04.
  - C) Radiology

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- i) This schedule provides the maximum fee schedule amount for radiology services performed in a hospital outpatient setting for codes 70010 through 79999. The schedule applies to the technical component of radiology services that are billed in conjunction with revenue codes 320 through 359, 400 through 409 and 610 through 619.
  - ii) This schedule does not apply when the bill type requires the application of the hospital inpatient schedule in subsection (h)(6) or the hospital outpatient surgical facility schedule in subsection (h)(7)(F).
  - iii) Professional radiology services billed by a hospital using the hospital's tax identification number are reimbursed at 76% of actual charge or 53.2% of actual charge for services rendered on or after September 1, 2011. Radiologists or radiology groups who perform services using their own tax identification number shall be subject to the HCPCS Level II in subsection (h)(5) or the professional services schedule in subsection (h)(8) even though the technical component is performed in a hospital setting.
- D) Pathology and Laboratory
- i) This schedule provides the maximum fee schedule amount for pathology and laboratory services performed in a hospital outpatient setting for codes 80048 through 89356. This schedule applies to the technical component of pathology and laboratory services that are billed in conjunction with revenue codes 300 through 319.
  - ii) This schedule does not apply when the bill type requires the application of the hospital inpatient schedule in subsection (h)(6) or the hospital outpatient surgical facility schedule in subsection (h)(7)(F).

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- iii) Professional pathology and laboratory services billed by a hospital using the hospital's tax identification number are reimbursed at 76% of actual charge or 53.2% of actual charge for services rendered on or after September 1, 2011. Pathologists who perform services using their own tax identification number shall be subject to the HCPCS Level II in subsection (h)(5) or the professional services schedule in subsection (h)(8) even though the technical component is performed in a hospital setting.
- E) Physical Medicine and Rehabilitation
- i) This schedule provides the maximum fee schedule amount for physical therapy services performed in a hospital outpatient setting for codes 97001 through 97799. This schedule applies to all physical and occupational therapy services that are billed in conjunction with revenue codes 420 through 439.
  - ii) This schedule does not apply when the bill type requires the application of the hospital inpatient schedule in subsection (h)(6) or the hospital outpatient surgical facility schedule in subsection (h)(7)(F).
  - iii) All physical medicine and rehabilitation services provided in a hospital outpatient setting are subject to this schedule.
- F) Hospital Outpatient Surgical Facility (HOSF)
- i) This schedule provides a global maximum fee schedule amount for surgical services performed in a hospital outpatient setting for codes 10021 through 69990. All services performed in an operative session shall be reimbursed at a single fee schedule amount, except as provided in subsection (h)(7)(F)(ii). The single fee schedule amount shall represent the maximum amount payable for the total charges on a claim form that represents the total charges derived from all line items/revenue codes

## ILLINOIS WORKERS' COMPENSATION COMMISSION

## NOTICE OF ADOPTED AMENDMENT

contained in the form. Except for the carve-out revenue codes listed in subsection (h)(7)(F)(ii), this fee schedule shall not be applied on a line item basis.

## ii) Implants

- Prior to September 1, 2011, the following revenue codes are pass-through charges to be deducted from the charge and reimbursed at 65% of actual charge: 0274 (prosthetics/orthotics); 0275 (pacemaker); 0276 (lens implant); 0278 (implants); 0540 and 0545 (ambulance); 0624 (investigational devices); and 0636 (drugs requiring detailed coding). Charges billed under these revenue codes shall be billed at the provider's normal rates under its standard chargemaster. If the provider cannot use the chargemaster to demonstrate the charge is the provider's normal rate, the provider shall provide evidence that the charge is billed at the provider's normal rate.
- On and after September 1, 2011, implants, which include revenue codes 0276 (lens implant) and 0278 (implants) or any other substantially similar updated code as determined by the Commission, shall be reimbursed at 25% above the net manufacturer's invoice price less rebates, plus actual reasonable and customary shipping charges whether or not the implant charge is submitted by a provider in conjunction with a bill for all other services associated with the implant, submitted by a provider on a separate claim form, submitted by a distributor, or submitted by the manufacturer of the implant. The following revenue codes shall be paid at 65% of actual charge, which is the provider's normal rates under its standard chargemaster: 0274 (prosthetics/orthotics); 0275 (pacemaker); 0540 and 0545 (ambulance); 0624 (investigational devices);

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and 0636 (drugs requiring detailed coding). A standard chargemaster is the provider's list of charges for procedures, treatments, products, supplies or services used to bill payers in a consistent manner. If the provider cannot use the chargemaster to demonstrate the charge is the provider's normal rate, the provider shall provide evidence that the charge is billed at the provider's normal rate.

- iii) Surgery services under this schedule shall be reimbursed in accordance with the Multiple Procedure and Bilateral Surgery provisions of the Payment Guide in Section 8B of the instructions and guidelines in the fee schedule and the applicable modifiers in Section 8F of the instructions and guidelines in the fee schedule. The instructions and guidelines are available via a link from the Commission's website at [www.iwcc.il.gov](http://www.iwcc.il.gov).
- iv) Cost Outliers
- Prior to September 1, 2011, in the case of cost outliers (extraordinary treatment in which the bill for hospital outpatient facility surgical charges is at least two times the fee schedule amount for the assigned code after pass-through revenue code charges referred to in subsection (h)(7)(F)(ii) have been deducted) the maximum reimbursement amount will be the assigned code fee schedule amount plus 76% of the charges that exceed the code amount. The pass-through revenue charges are reimbursed at 65% of actual charge and shall be billed at the provider's normal rates under its standard chargemaster.
  - On and after September 1, 2011, for cost outliers (extraordinary treatment in which the bill for hospital outpatient facility surgical charges is at

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least 2.857 times the fee schedule amount for the assigned DRG after pass-through revenue code charges referred to in subsection (h)(7)(F)(ii) have been deducted), the maximum reimbursement amount will be the assigned code fee schedule amount plus 53.2% of the charges that exceed that code amount. The pass-through revenue code charges are reimbursed at 65% of actual charge and shall be billed at the provider's normal rates under its standard chargemaster. Implants shall be reimbursed at 25% above the net manufacturer's invoice price less rebates, plus actual reasonable and customary shipping charges.

- v) Surgical services performed in the emergency room (revenue codes 450 through 459) are not subject to this schedule and shall be subject to the emergency room facility schedule in subsection (h)(4).
  - vi) Charges for professional services performed in conjunction with charges for other services associated with the surgery and billed by a hospital on a UB-04/CMS 1450 or a 1500 claim form (billing form established by Centers for Medicare and Medicaid Services for use by physicians) using the hospital's own tax identification number shall be reimbursed at 76% of actual charge or 53.2% of actual charge for services rendered on or after September 1, 2011 in addition to the amount listed in this schedule for the assigned surgical code. Health care professionals who perform services and bill for services using their own tax identification number on a separate claim form shall be subject to the HCPCS Level II schedule in subsection (h)(5) or the professional services schedule in subsection (h)(8).
- 8) Professional Services

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- A) The use of this schedule is in accordance with the Current Procedural Terminology, American Medical Association, 515 North State Street, Chicago, Illinois 60610 (2006), no later dates or editions.
- B) Services in this schedule include evaluation and management, surgery, physician, medicine, radiology, pathology and laboratory, chiropractic, physical therapy, and any other services covered under the Current Procedural Terminology.
- C) Reimbursement for services under this schedule shall be in accordance with the modifiers table in Section 8F of the instructions and guidelines in the fee schedule. The instructions and guidelines in the fee schedule are available via a link from the Commission's website at [www.iwcc.il.gov](http://www.iwcc.il.gov).
- D) Surgery services under this schedule shall be reimbursed in accordance with the Payment Guide to Global Days, Multiple Procedures, Bilateral Surgeries, Assistant Surgeons, Co-Surgeons, and Team Surgery in Section 8B of the instructions and guidelines in the fee schedule and the modifiers table in Section 8F of the instructions and guidelines in the fee schedule. The instructions and guidelines are available via a link from the Commission's website at [www.iwcc.il.gov](http://www.iwcc.il.gov).
- E) Medicine services under this schedule shall be reimbursed in accordance with the professional, technical and total component categories outlined in Section 8E of the instructions and guidelines in the fee schedule and the modifiers table in Section 8F of the instructions and guidelines in the fee schedule.
- F) Pathology and laboratory services under this schedule shall be reimbursed in accordance with the professional, technical and total component categories outlined in Section 8D of the instructions and guidelines in the fee schedule and the modifiers table in Section 8F of the instructions and guidelines in the fee schedule.

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- G) Radiology services under this schedule shall be reimbursed in accordance with the professional, technical and total component categories outlined in Section 8C of the instructions and guidelines in the fee schedule and the modifiers table in Section 8F of the instructions and guidelines in the fee schedule.
- 9) Rehabilitation Hospitals
- A) This schedule applies to inpatient rehabilitation hospitals that are freestanding.
- B) This schedule reimburses a rehabilitation hospital one per diem rate per day, on the basis of the assigned primary diagnosis code. The single per diem rate shall reimburse the rehabilitation hospital for all services provided in the course of a day.
- C) The use of this schedule is in accordance with The International Classification of Diseases, Ninth Revision, Clinical Modification, (ICD-9-CM), Volume 2, U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services, 7500 Security Boulevard, Baltimore, Maryland 21244 (2007), no later dates or editions.
- 10) Prescriptions
- A) This schedule applies to prescriptions filled and dispensed outside of a licensed pharmacy.
- B) Prescriptions shall be billed at the Average Wholesale Price, plus a dispensing fee of \$4.18. [820 ILCS 305/8.2(a-3)]
- C) Average Wholesale Price or its equivalent as registered by the National Drug Code shall be set forth for that drug on that date as published in Medispan. [820 ILCS 305/8.2(a-3)]
- D) If a prescription has been repackaged, the Average Wholesale Price used to determine the maximum reimbursement shall be the

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Average Wholesale Price for the underlying drug product, as identified by its National Drug Code from the original labeler.

- i) The fee schedule requires that services be reported with the HCPCS Level II or Current Procedural Terminology codes that most comprehensively describe the services performed. Proprietary bundling edits more restrictive than the National Correct Coding Policy Manual in Comprehensive Code Sequence for Part B Medicare Carriers, Version 12.0, U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services, 7500 Security Boulevard, Baltimore, Maryland 21244 (2006), no later dates or editions, are prohibited. Bundling edits is the process of reporting codes so that they most comprehensively describe the services performed.
- j) An allied health care professional, such as a certified registered nurse anesthetist (CRNA), physician assistant (PA) or nurse practitioner (NP), is to be reimbursed at the same rate as other health care professionals when the allied health care professional is performing, coding and billing for the same services as other health care professionals.
- k) Charges of an independently operated diagnostic testing facility shall be subject to the professional services and HCPCS Level II fee schedules where applicable. An independent diagnostic testing facility is an entity independent of a hospital or physician's office, whether a fixed location, a mobile entity, or an individual nonphysician practitioner, in which diagnostic tests are performed by licensed or certified nonphysician personnel under appropriate physician supervision.
- l) No later than September 30, 2006 and each year thereafter, the Commission shall make an automatic adjustment to the maximum payment for a procedure, treatment or service in effect in January of that year. The Commission shall increase or decrease the maximum payment by the percentage change of increase or decrease in the Consumer Price Index-U for the 12-month period ending August 31 of that year. The change shall be effective January 1 of the following year. *The Consumer Price Index-U means the index published by the Bureau of Labor Statistics of the U.S. Department of Labor that measures the average change in prices of all goods and services purchased by all urban consumers, U.S. city average, all items, 1982-84=100.* (Section 8.2 of the Act)

(Source: Amended at 36 Ill. Reg. 17108, effective November 20, 2012)

## ILLINOIS RACING BOARD

## NOTICE OF EMERGENCY AMENDMENT

- 1) Heading of the Part: Medication
- 2) Code Citation: 11 Ill. Adm. Code 603
- 3) Section Number: 603.160                      Emergency Action: Amend
- 4) Statutory Authority: 230 ILCS 5/9(b)
- 5) Effective Date of Emergency Amendment: November 28, 2012
- 6) If this emergency amendment is to expire before the end of the 150-day period, please specify the date on which it will expire: The emergency rulemaking will expire at the end of the 150-day period, or upon adoption of permanent rules, whichever comes first.
- 7) Date filed with the Index Department: November 26, 2012
- 8) A copy of the emergency amendment, including any material incorporated by reference, is on file in the Illinois Racing Board's central office and is available for public inspection.
- 9) Reason for Emergency: Sections 603.60 and 603.75 were recently amended to reflect the most recent version of the RCI drug guidelines, October 2012 version 4.01. Section 603.160 is updated.
- 10) A Complete Description of the Subjects and Issues Involved: This emergency rulemaking updates Section 603.160 to reflect the most recent version of the RCI drug guidelines, October 2012 version 4.01.
- 11) Are there any proposed amendments pending on this Part: Yes

<u>Section Numbers</u> :	<u>Proposed Action</u> :	<u>Illinois Register Citation</u> :
603.60	Amend	36 Ill. Reg. 12988; August 17, 2012
603.75	Amend	36 Ill. Reg. 12988; August 17, 2012
- 12) Statement of Statewide Policy Objectives: No local governmental units will be required to increase expenditures.

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NOTICE OF EMERGENCY AMENDMENT

- 13) Information and questions regarding these emergency amendment shall be directed to:

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

312/814-5017

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

## ILLINOIS RACING BOARD

## NOTICE OF EMERGENCY AMENDMENT

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

PART 603  
MEDICATION

## Section

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

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

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## NOTICE OF EMERGENCY AMENDMENT

SOURCE: Adopted at 21 Ill. Reg. 3232, effective March 4, 1997; amended at 22 Ill. Reg. 2217, effective January 1, 1998; amended at 22 Ill. Reg. 3594, effective February 1, 1998; amended at 25 Ill. Reg. 15611, effective December 1, 2001; amended at 26 Ill. Reg. 12360, effective August 1, 2002; amended at 27 Ill. Reg. 5027, effective March 7, 2003; amended at 27 Ill. Reg. 7331, effective April 15, 2003; amended at 28 Ill. Reg. 1374, effective January 19, 2004; amended at 28 Ill. Reg. 4751, effective March 1, 2004; emergency amendment at 28 Ill. Reg. 7565, effective May 11, 2004, for a maximum of 150 days; emergency expired October 7, 2004; amended at 28 Ill. Reg. 11250, effective August 1, 2004; amended at 28 Ill. Reg. 15790, effective December 1, 2004; emergency amendment at 29 Ill. Reg. 2779, effective February 22, 2005, for a maximum of 150 days; emergency amendment at 29 Ill. Reg. 4116, effective February 25, 2005, for a maximum of 150 days; amended at 29 Ill. Reg. 5726, effective April 8, 2005; amended at 29 Ill. Reg. 12265, effective July 24, 2005; amended at 29 Ill. Reg. 14038, effective September 1, 2005; emergency amendment at 30 Ill. Reg. 14371, effective August 21, 2006, for a maximum of 150 days; amended at 30 Ill. Reg. 18729, effective November 20, 2006; amended at 31 Ill. Reg. 1478, effective January 1, 2007; emergency amendment at 31 Ill. Reg. 6680, effective April 23, 2007, for a maximum of 150 days; amended at 31 Ill. Reg. 12982, effective September 1, 2007; amended at 32 Ill. Reg. 7397, effective May 1, 2008; amended at 33 Ill. Reg. 12571, effective August 25, 2009; expedited correction at 34 Ill. Reg. 9551, effective August 25, 2009; emergency amendment at 35 Ill. Reg. 265, effective December 17, 2010, for a maximum of 150 days; emergency amendment at 35 Ill. Reg. 2810, effective February 1, 2011, for a maximum of 150 days; amended at 35 Ill. Reg. 7400, effective April 25, 2011; amended at 35 Ill. Reg. 8485, effective May 23, 2011; emergency amendment at 35 Ill. Reg. 15296, effective September 6, 2011, for a maximum of 150 days; emergency rule repealed by emergency amendment at 35 Ill. Reg. 18434, effective October 24, 2011, for the remainder of the 150 days; emergency amendment at 35 Ill. Reg. 18959, effective October 25, 2011, for a maximum of 150 days; amended at 36 Ill. Reg. 330, effective January 1, 2012; emergency amendment at 36 Ill. Reg. 3290, effective February 15, 2012, for a maximum of 150 days; emergency amendment at 36 Ill. Reg. 6057, effective April 6, 2012, for a maximum of 150 days; amended at 36 Ill. Reg. 8967, effective June 1, 2012; amended at 36 Ill. Reg. 12815, effective August 1, 2012; amended at 36 Ill. Reg. 17078, effective November 28, 2012; emergency amendment at 36 Ill. Reg. 17131, effective November 28, 2012, for a maximum of 150 days.

**Section 603.160 Penalties****EMERGENCY**

- a) Any person who administers or conspires to administer any foreign substance to any horse in violation of this Part shall be subject to a fine and/or license suspension or revocation and the purse money won may be re-distributed.

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- b) Penalties for violations of this Part shall be based on the following criteria:
- 1) the nature of the foreign substance; e.g., cough medicine, steroid, narcotic, stimulant, depressant, etc.;
  - 2) the accessibility of the drug; e.g., can be purchased over the counter, only with a prescription, only with a license for controlled substances, cannot be purchased in this country;
  - 3) the age and experience of the violator;
  - 4) whether the violator has ever been the subject of a medication ruling in this or any other racing jurisdiction;
  - 5) what action, if any, was taken by the violator to avoid the violation;
  - 6) the purse of the race.
- c) Any person who violates any provision of this Part for which no specific penalty is provided may be penalized by the stewards or the Board in accordance with the provisions for penalties contained elsewhere in this Chapter or in the Illinois Horse Racing Act of 1975. When imposing penalties, the stewards or the Board shall consider all relevant factors including, but not limited to those specified in this Part.
- d) In harness racing, any trainer suspended for a violation of this Part shall, upon notice of the violation, submit to the Stewards a current stable list on a form provided by the Board.
- 1) The horses on the stable list shall be placed on the Steward's List unless:
    - A) The owner of each horse on the stable list secures the services of a trainer approved by the Stewards; and
    - B) The approved trainer stables the horses on the stable list on the grounds of an organization licensee for the full term of the penalized trainer's suspension;

## ILLINOIS RACING BOARD

## NOTICE OF EMERGENCY AMENDMENT

- 2) Horses on the stable list shall be permitted to leave to race in other racing jurisdictions or for medical reasons.
- e) Penalties for Class 4 and 5 drug violations:
- 1) Class 4 as defined in the Association of Racing Commissioners International Uniform Classification Guidelines for Foreign Substances (ARCI, 1510 Newtown Pike, Suite 210, Lexington KY 40511; [October 2012 version 4.01](#)~~December 2011 version 3.00~~; this incorporation includes no later amendments or editions). Except as provided in Sections 603.60 and 603.70 of this Part, upon finding of a Class 4 substance, the trainer shall be subject to a fine and/or license suspension or revocation and the purse money won may be re-distributed according to the criteria set forth in subsection (e)(3).
  - 2) Class 5 as defined in the Association of Racing Commissioners International Uniform Classification Guidelines for Foreign Substances. Except as provided in Sections 603.75 and 603.60(c) of this Part, upon finding of a Class 5 substance, the trainer shall be subject to a fine and/or license suspension or revocation and the purse money won may be re-distributed according to the criteria set forth in subsection (e)(3).
  - 3) In determining a disqualification and purse redistribution under this subsection (e), the Stewards shall use the following criteria:
    - A) A recommendation by the Board veterinarian and/or Board chemist regarding the significance of the concentration of the drug or metabolite present and the estimated withdrawal time.
    - B) A recommendation by industry experts, including equine pharmacologists and equine physiologists, regarding the effect of the drug on the horse in the concentration found and/or estimated withdrawal times.
    - C) Repeat violations of these medication and prohibited substance rules by the same trainer or with respect to the same horse.

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- D) Prior violations of similar rules in other racing jurisdictions by the same trainer or with respect to the same horse.
  - E) The criteria set forth in subsection (b).
- 4) The provisions of this subsection (e) shall be applied retroactively when substantively applicable, including all actions pending before the Board, without regard to when the cause of action accrued; provided, however, that this subsection (e)(4) shall not operate to affect rights of individuals that have fully vested prior to April 23, 2007.

(Source: Amended by emergency rulemaking at 36 Ill. Reg. 17131, effective November 28, 2012, for a maximum of 150 days)

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PEREMPTORY AMENDMENTS

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

<u>Section Numbers:</u>	<u>Peremptory Action:</u>
310.50	Amendment
310.APPENDIX A, TABLE W	Amendment
- 4) Reference to the Specific State or Federal Court Order, Federal Rule or Statute which Requires this Peremptory Rulemaking: The Department of Central Management Services (CMS) is amending the Pay Plan (80 Ill. Adm. Code 310) Sections 310.50, 310.500 and 310.Appendix A Table W to reflect a Memorandum of Understanding (MOU). The MOU is between the State of Illinois and the American Federation of State, County and Municipal Employees signed October 26, 2012. The MOU assigns the RC-062-24 pay grade to the Public Service Administrator (PSA) title Options 9A and 9B. On September 24, 2012, the Illinois Labor Relations Board issued a Certification of Unit Clarification (Case No. S-UC-(S)-13-002) including the PSA title Options 9A (Certified Internal Auditor) and 9B (Certified information Systems Auditor) following the newly-created options that were derived from the PSA title Option 8C.
- 5) Statutory Authority: Authorized by Sections 8, 8a and 9(7) of the Personnel Code [20 ILCS 415/8, 20 ILCS 415/8a and 20 ILCS 415/9(7)], of Section 1-5(d) of the Illinois Administrative Procedure Act [5 ILCS 100/1-5(d)] and by Sections 4, 6, 15 and 21 of the Illinois Public Labor Relations Act [5 ILCS 315/4, 6, 15 and 21]
- 6) Effective Date: November 20, 2012
- 7) A Complete Description of the Subjects and Issues Involved: In Section 310.50, the Option definition is expanded to include two examining options, 9A and 9B, and clarifying Option 8C. In Section 310.APPENDIX A TABLE W and the title table, the Options 9A and 9B are added to the Public Service Administrator options assigned to RC-062-24.
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Date filed with the Index Department: November 20, 2012

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PEREMPTORY AMENDMENTS

- 10) This and other Pay Plan amendments are available in the Division of Technical Services of the Bureau of Personnel.
- 11) Is this peremptory rulemaking in compliance with Section 5-50 of the Illinois Administrative Procedure Act? Yes
- 12) Are there any other proposed amendments pending on this Part? Yes.

<u>Section Numbers:</u>	<u>Proposed Action:</u>	<u>Ill. Reg. Citation:</u>
310.47	Amendment	36 Ill. Reg. 4991; April 6, 2012
310.130	Amendment	36 Ill. Reg. 4991; April 6, 2012
310.600	Amendment	36 Ill. Reg. 4991; April 6, 2012
310.630	Amendment	36 Ill. Reg. 4991; April 6, 2012
310.640	Amendment	36 Ill. Reg. 4991; April 6, 2012
310.660	Amendment	36 Ill. Reg. 4991; April 6, 2012
310.670	Amendment	36 Ill. Reg. 4991; April 6, 2012
310.APPENDIX A TABLE S	Amendment	36 Ill. Reg. 4991; April 6, 2012
310.APPENDIX A TABLE W	Amendment	36 Ill. Reg. 4991; April 6, 2012
310.APPENDIX A TABLE AA	Amendment	36 Ill. Reg. 4991; April 6, 2012
310.APPENDIX B TABLE S	Amendment	36 Ill. Reg. 4991; April 6, 2012
310.APPENDIX B TABLE W	Amendment	36 Ill. Reg. 4991; April 6, 2012

- 13) Statement of Statewide Policy Objectives: The amendment to the Pay Plan affects only the employees subject to the Personnel Code and does not set out any guidelines that affect local or other jurisdictions in the State.
- 14) Information and questions regarding this peremptory amendment shall be directed to:

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

217/782-7964

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DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

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

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

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PEREMPTORY AMENDMENTS

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

## CHAPTER I: DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

PART 310  
PAY PLAN

## SUBPART A: NARRATIVE

Section	
310.20	Policy and Responsibilities
310.30	Jurisdiction
310.40	Pay Schedules
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- 310.TABLE AB RC-150 (Public Service Administrators Option 6, AFSCME)
- 310.TABLE AC RC-036 (Public Service Administrators Option 8L Department of Healthcare and Family Services, INA)
- 310.TABLE AD RC-184 (Public Service Administrators Option 8X Department of Natural Resources, SEIU Local 73)
- 310.TABLE AE RC-090 (Internal Security Investigators, Metropolitan Alliance of Police Chapter 294)
- 310.APPENDIX B Frozen Negotiated-Rates-of-Pay
- 310.TABLE A Frozen RC-104-Rates-of-Pay (Conservation Police Supervisors, Laborers' – ISEA Local #2002)
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310.APPENDIX F	Physician and Physician Specialist Salary Schedule (Repealed)
310.APPENDIX G	Broad-Band Pay Range Classes Salary Schedule

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

SOURCE: Filed June 28, 1967; codified at 8 Ill. Reg. 1558; emergency amendment at 8 Ill. Reg. 1990, effective January 31, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 2440, effective February 15, 1984; emergency amendment at 8 Ill. Reg. 3348, effective March 5, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 4249, effective March 16, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 5704, effective April 16, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 7290, effective May 11, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 11299, effective June 25, 1984; emergency amendment at 8 Ill. Reg. 12616, effective July 1, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 15007, effective August 6, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 15367, effective August 13, 1984; emergency amendment at 8 Ill. Reg. 21310, effective October 10, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 21544, effective October 24, 1984; amended at 8 Ill. Reg. 22844, effective November 14, 1984; emergency amendment at 9 Ill. Reg. 1134, effective January 16, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 1320, effective January 23, 1985; amended at 9 Ill. Reg. 3681,

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effective March 12, 1985; emergency amendment at 9 Ill. Reg. 4163, effective March 15, 1985, for a maximum of 150 days; emergency amendment at 9 Ill. Reg. 9231, effective May 31, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 9420, effective June 7, 1985; amended at 9 Ill. Reg. 10663, effective July 1, 1985; emergency amendment at 9 Ill. Reg. 15043, effective September 24, 1985, for a maximum of 150 days; amended at 10 Ill. Reg. 3230, effective January 24, 1986; preemptory amendment at 10 Ill. Reg. 3325, effective January 22, 1986; emergency amendment at 10 Ill. Reg. 8904, effective May 13, 1986, for a maximum of 150 days; preemptory amendment at 10 Ill. Reg. 8928, effective May 13, 1986; emergency amendment at 10 Ill. Reg. 12090, effective June 30, 1986, for a maximum of 150 days; preemptory amendment at 10 Ill. Reg. 13675, effective July 31, 1986; preemptory amendment at 10 Ill. Reg. 14867, effective August 26, 1986; amended at 10 Ill. Reg. 15567, effective September 17, 1986; emergency amendment at 10 Ill. Reg. 17765, effective September 30, 1986, for a maximum of 150 days; preemptory amendment at 10 Ill. Reg. 19132, effective October 28, 1986; preemptory amendment at 10 Ill. Reg. 21097, effective December 9, 1986; amended at 11 Ill. Reg. 648, effective December 22, 1986; preemptory amendment at 11 Ill. Reg. 3363, effective February 3, 1987; preemptory amendment at 11 Ill. Reg. 4388, effective February 27, 1987; preemptory amendment at 11 Ill. Reg. 6291, effective March 23, 1987; amended at 11 Ill. Reg. 5901, effective March 24, 1987; emergency amendment at 11 Ill. Reg. 8787, effective April 15, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 11830, effective July 1, 1987, for a maximum of 150 days; preemptory amendment at 11 Ill. Reg. 13675, effective July 29, 1987; amended at 11 Ill. Reg. 14984, effective August 27, 1987; preemptory amendment at 11 Ill. Reg. 15273, effective September 1, 1987; preemptory amendment at 11 Ill. Reg. 17919, effective October 19, 1987; preemptory amendment at 11 Ill. Reg. 19812, effective November 19, 1987; emergency amendment at 11 Ill. Reg. 20664, effective December 4, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20778, effective December 11, 1987; preemptory amendment at 12 Ill. Reg. 3811, effective January 27, 1988; preemptory amendment at 12 Ill. Reg. 5459, effective March 3, 1988; amended at 12 Ill. Reg. 6073, effective March 21, 1988; emergency amendment at 12 Ill. Reg. 7734, effective April 15, 1988, for a maximum of 150 days; preemptory amendment at 12 Ill. Reg. 7783, effective April 14, 1988; preemptory amendment at 12 Ill. Reg. 8135, effective April 22, 1988; preemptory amendment at 12 Ill. Reg. 9745, effective May 23, 1988; emergency amendment at 12 Ill. Reg. 11778, effective July 1, 1988, for a maximum of 150 days; emergency amendment at 12 Ill. Reg. 12895, effective July 18, 1988, for a maximum of 150 days; preemptory amendment at 12 Ill. Reg. 13306, effective July 27, 1988; corrected at 12 Ill. Reg. 13359; amended at 12 Ill. Reg. 14630, effective September 6, 1988; amended at 12 Ill. Reg. 20449, effective November 28, 1988; preemptory amendment at 12 Ill. Reg. 20584, effective November 28, 1988; preemptory amendment at 13 Ill. Reg. 8080, effective May 10, 1989; amended at 13 Ill. Reg. 8849, effective May 30, 1989; preemptory amendment at 13 Ill. Reg. 8970, effective May 26, 1989; emergency amendment at

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13 Ill. Reg. 10967, effective June 20, 1989, for a maximum of 150 days; emergency amendment expired November 17, 1989; amended at 13 Ill. Reg. 11451, effective June 28, 1989; emergency amendment at 13 Ill. Reg. 11854, effective July 1, 1989, for a maximum of 150 days; corrected at 13 Ill. Reg. 12647; preemptory amendment at 13 Ill. Reg. 12887, effective July 24, 1989; amended at 13 Ill. Reg. 16950, effective October 20, 1989; amended at 13 Ill. Reg. 19221, effective December 12, 1989; amended at 14 Ill. Reg. 615, effective January 2, 1990; preemptory amendment at 14 Ill. Reg. 1627, effective January 11, 1990; amended at 14 Ill. Reg. 4455, effective March 12, 1990; preemptory amendment at 14 Ill. Reg. 7652, effective May 7, 1990; amended at 14 Ill. Reg. 10002, effective June 11, 1990; emergency amendment at 14 Ill. Reg. 11330, effective June 29, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 14361, effective August 24, 1990; emergency amendment at 14 Ill. Reg. 15570, effective September 11, 1990, for a maximum of 150 days; emergency amendment expired February 8, 1991; corrected at 14 Ill. Reg. 16092; preemptory amendment at 14 Ill. Reg. 17098, effective September 26, 1990; amended at 14 Ill. Reg. 17189, effective October 2, 1990; amended at 14 Ill. Reg. 17189, effective October 19, 1990; amended at 14 Ill. Reg. 18719, effective November 13, 1990; preemptory amendment at 14 Ill. Reg. 18854, effective November 13, 1990; preemptory amendment at 15 Ill. Reg. 663, effective January 7, 1991; amended at 15 Ill. Reg. 3296, effective February 14, 1991; amended at 15 Ill. Reg. 4401, effective March 11, 1991; preemptory amendment at 15 Ill. Reg. 5100, effective March 20, 1991; preemptory amendment at 15 Ill. Reg. 5465, effective April 2, 1991; emergency amendment at 15 Ill. Reg. 10485, effective July 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 11080, effective July 19, 1991; amended at 15 Ill. Reg. 13080, effective August 21, 1991; amended at 15 Ill. Reg. 14210, effective September 23, 1991; emergency amendment at 16 Ill. Reg. 711, effective December 26, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 3450, effective February 20, 1992; preemptory amendment at 16 Ill. Reg. 5068, effective March 11, 1992; preemptory amendment at 16 Ill. Reg. 7056, effective April 20, 1992; emergency amendment at 16 Ill. Reg. 8239, effective May 19, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 8382, effective May 26, 1992; emergency amendment at 16 Ill. Reg. 13950, effective August 19, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 14452, effective September 4, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 238, effective December 23, 1992; preemptory amendment at 17 Ill. Reg. 498, effective December 18, 1992; amended at 17 Ill. Reg. 590, effective January 4, 1993; amended at 17 Ill. Reg. 1819, effective February 2, 1993; amended at 17 Ill. Reg. 6441, effective April 8, 1993; emergency amendment at 17 Ill. Reg. 12900, effective July 22, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 13409, effective July 29, 1993; emergency amendment at 17 Ill. Reg. 13789, effective August 9, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 14666, effective August 26, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 19103, effective October 25, 1993; emergency amendment at 17 Ill. Reg. 21858, effective December 1, 1993, for a maximum of 150

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days; amended at 17 Ill. Reg. 22514, effective December 15, 1993; amended at 18 Ill. Reg. 227, effective December 17, 1993; amended at 18 Ill. Reg. 1107, effective January 18, 1994; amended at 18 Ill. Reg. 5146, effective March 21, 1994; preemptory amendment at 18 Ill. Reg. 9562, effective June 13, 1994; emergency amendment at 18 Ill. Reg. 11299, effective July 1, 1994, for a maximum of 150 days; preemptory amendment at 18 Ill. Reg. 13476, effective August 17, 1994; emergency amendment at 18 Ill. Reg. 14417, effective September 9, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 16545, effective October 31, 1994; preemptory amendment at 18 Ill. Reg. 16708, effective October 28, 1994; amended at 18 Ill. Reg. 17191, effective November 21, 1994; amended at 19 Ill. Reg. 1024, effective January 24, 1995; preemptory amendment at 19 Ill. Reg. 2481, effective February 17, 1995; preemptory amendment at 19 Ill. Reg. 3073, effective February 17, 1995; amended at 19 Ill. Reg. 3456, effective March 7, 1995; preemptory amendment at 19 Ill. Reg. 5145, effective March 14, 1995; amended at 19 Ill. Reg. 6452, effective May 2, 1995; preemptory amendment at 19 Ill. Reg. 6688, effective May 1, 1995; amended at 19 Ill. Reg. 7841, effective June 1, 1995; amended at 19 Ill. Reg. 8156, effective June 12, 1995; amended at 19 Ill. Reg. 9096, effective June 27, 1995; emergency amendment at 19 Ill. Reg. 11954, effective August 1, 1995, for a maximum of 150 days; preemptory amendment at 19 Ill. Reg. 13979, effective September 19, 1995; preemptory amendment at 19 Ill. Reg. 15103, effective October 12, 1995; amended at 19 Ill. Reg. 16160, effective November 28, 1995; amended at 20 Ill. Reg. 308, effective December 22, 1995; emergency amendment at 20 Ill. Reg. 4060, effective February 27, 1996, for a maximum of 150 days; preemptory amendment at 20 Ill. Reg. 6334, effective April 22, 1996; preemptory amendment at 20 Ill. Reg. 7434, effective May 14, 1996; amended at 20 Ill. Reg. 8301, effective June 11, 1996; amended at 20 Ill. Reg. 8657, effective June 20, 1996; amended at 20 Ill. Reg. 9006, effective June 26, 1996; amended at 20 Ill. Reg. 9925, effective July 10, 1996; emergency amendment at 20 Ill. Reg. 10213, effective July 15, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 10841, effective August 5, 1996; preemptory amendment at 20 Ill. Reg. 13408, effective September 24, 1996; amended at 20 Ill. Reg. 15018, effective November 7, 1996; preemptory amendment at 20 Ill. Reg. 15092, effective November 7, 1996; emergency amendment at 21 Ill. Reg. 1023, effective January 6, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 1629, effective January 22, 1997; amended at 21 Ill. Reg. 5144, effective April 15, 1997; amended at 21 Ill. Reg. 6444, effective May 15, 1997; amended at 21 Ill. Reg. 7118, effective June 3, 1997; emergency amendment at 21 Ill. Reg. 10061, effective July 21, 1997, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 12859, effective September 8, 1997, for a maximum of 150 days; preemptory amendment at 21 Ill. Reg. 14267, effective October 14, 1997; preemptory amendment at 21 Ill. Reg. 14589, effective October 15, 1997; preemptory amendment at 21 Ill. Reg. 15030, effective November 10, 1997; amended at 21 Ill. Reg. 16344, effective December 9, 1997; preemptory amendment at 21 Ill. Reg. 16465, effective December 4, 1997; preemptory amendment at 21 Ill. Reg. 17167, effective December 9, 1997; preemptory amendment at 22 Ill.

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Reg. 1593, effective December 22, 1997; amended at 22 Ill. Reg. 2580, effective January 14, 1998; preemptory amendment at 22 Ill. Reg. 4326, effective February 13, 1998; preemptory amendment at 22 Ill. Reg. 5108, effective February 26, 1998; preemptory amendment at 22 Ill. Reg. 5749, effective March 3, 1998; amended at 22 Ill. Reg. 6204, effective March 12, 1998; preemptory amendment at 22 Ill. Reg. 7053, effective April 1, 1998; preemptory amendment at 22 Ill. Reg. 7320, effective April 10, 1998; preemptory amendment at 22 Ill. Reg. 7692, effective April 20, 1998; emergency amendment at 22 Ill. Reg. 12607, effective July 2, 1998, for a maximum of 150 days; preemptory amendment at 22 Ill. Reg. 15489, effective August 7, 1998; amended at 22 Ill. Reg. 16158, effective August 31, 1998; preemptory amendment at 22 Ill. Reg. 19105, effective September 30, 1998; preemptory amendment at 22 Ill. Reg. 19943, effective October 27, 1998; preemptory amendment at 22 Ill. Reg. 20406, effective November 5, 1998; amended at 22 Ill. Reg. 20581, effective November 16, 1998; amended at 23 Ill. Reg. 664, effective January 1, 1999; preemptory amendment at 23 Ill. Reg. 730, effective December 29, 1998; emergency amendment at 23 Ill. Reg. 6533, effective May 10, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 7065, effective June 3, 1999; emergency amendment at 23 Ill. Reg. 8169, effective July 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 11020, effective August 26, 1999; amended at 23 Ill. Reg. 12429, effective September 21, 1999; preemptory amendment at 23 Ill. Reg. 12493, effective September 23, 1999; amended at 23 Ill. Reg. 12604, effective September 24, 1999; amended at 23 Ill. Reg. 13053, effective September 27, 1999; preemptory amendment at 23 Ill. Reg. 13132, effective October 1, 1999; amended at 23 Ill. Reg. 13570, effective October 26, 1999; amended at 23 Ill. Reg. 14020, effective November 15, 1999; amended at 24 Ill. Reg. 1025, effective January 7, 2000; preemptory amendment at 24 Ill. Reg. 3399, effective February 3, 2000; amended at 24 Ill. Reg. 3537, effective February 18, 2000; amended at 24 Ill. Reg. 6874, effective April 21, 2000; amended at 24 Ill. Reg. 7956, effective May 23, 2000; emergency amendment at 24 Ill. Reg. 10328, effective July 1, 2000, for a maximum of 150 days; emergency expired November 27, 2000; preemptory amendment at 24 Ill. Reg. 10767, effective July 3, 2000; amended at 24 Ill. Reg. 13384, effective August 17, 2000; preemptory amendment at 24 Ill. Reg. 14460, effective September 14, 2000; preemptory amendment at 24 Ill. Reg. 16700, effective October 30, 2000; preemptory amendment at 24 Ill. Reg. 17600, effective November 16, 2000; amended at 24 Ill. Reg. 18058, effective December 4, 2000; preemptory amendment at 24 Ill. Reg. 18444, effective December 1, 2000; amended at 25 Ill. Reg. 811, effective January 4, 2001; amended at 25 Ill. Reg. 2389, effective January 22, 2001; amended at 25 Ill. Reg. 4552, effective March 14, 2001; preemptory amendment at 25 Ill. Reg. 5067, effective March 21, 2001; amended at 25 Ill. Reg. 5618, effective April 4, 2001; amended at 25 Ill. Reg. 6655, effective May 11, 2001; amended at 25 Ill. Reg. 7151, effective May 25, 2001; preemptory amendment at 25 Ill. Reg. 8009, effective June 14, 2001; emergency amendment at 25 Ill. Reg. 9336, effective July 3, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 9846, effective July 23, 2001; amended at 25 Ill. Reg. 12087,

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effective September 6, 2001; amended at 25 Ill. Reg. 15560, effective November 20, 2001; preemptory amendment at 25 Ill. Reg. 15671, effective November 15, 2001; amended at 25 Ill. Reg. 15974, effective November 28, 2001; emergency amendment at 26 Ill. Reg. 223, effective December 21, 2001, for a maximum of 150 days; amended at 26 Ill. Reg. 1143, effective January 17, 2002; amended at 26 Ill. Reg. 4127, effective March 5, 2002; preemptory amendment at 26 Ill. Reg. 4963, effective March 15, 2002; amended at 26 Ill. Reg. 6235, effective April 16, 2002; emergency amendment at 26 Ill. Reg. 7314, effective April 29, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 10425, effective July 1, 2002; emergency amendment at 26 Ill. Reg. 10952, effective July 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 13934, effective September 10, 2002; amended at 26 Ill. Reg. 14965, effective October 7, 2002; emergency amendment at 26 Ill. Reg. 16583, effective October 24, 2002, for a maximum of 150 days; emergency expired March 22, 2003; preemptory amendment at 26 Ill. Reg. 17280, effective November 18, 2002; amended at 26 Ill. Reg. 17374, effective November 25, 2002; amended at 26 Ill. Reg. 17987, effective December 9, 2002; amended at 27 Ill. Reg. 3261, effective February 11, 2003; expedited correction at 28 Ill. Reg. 6151, effective February 11, 2003; amended at 27 Ill. Reg. 8855, effective May 15, 2003; amended at 27 Ill. Reg. 9114, effective May 27, 2003; emergency amendment at 27 Ill. Reg. 10442, effective July 1, 2003, for a maximum of 150 days; emergency expired November 27, 2003; preemptory amendment at 27 Ill. Reg. 17433, effective November 7, 2003; amended at 27 Ill. Reg. 18560, effective December 1, 2003; preemptory amendment at 28 Ill. Reg. 1441, effective January 9, 2004; amended at 28 Ill. Reg. 2684, effective January 22, 2004; amended at 28 Ill. Reg. 6879, effective April 30, 2004; preemptory amendment at 28 Ill. Reg. 7323, effective May 10, 2004; amended at 28 Ill. Reg. 8842, effective June 11, 2004; preemptory amendment at 28 Ill. Reg. 9717, effective June 28, 2004; amended at 28 Ill. Reg. 12585, effective August 27, 2004; preemptory amendment at 28 Ill. Reg. 13011, effective September 8, 2004; preemptory amendment at 28 Ill. Reg. 13247, effective September 20, 2004; preemptory amendment at 28 Ill. Reg. 13656, effective September 27, 2004; emergency amendment at 28 Ill. Reg. 14174, effective October 15, 2004, for a maximum of 150 days; emergency expired March 13, 2005; preemptory amendment at 28 Ill. Reg. 14689, effective October 22, 2004; preemptory amendment at 28 Ill. Reg. 15336, effective November 15, 2004; preemptory amendment at 28 Ill. Reg. 16513, effective December 9, 2004; preemptory amendment at 29 Ill. Reg. 726, effective December 15, 2004; amended at 29 Ill. Reg. 1166, effective January 7, 2005; preemptory amendment at 29 Ill. Reg. 1385, effective January 4, 2005; preemptory amendment at 29 Ill. Reg. 1559, effective January 11, 2005; preemptory amendment at 29 Ill. Reg. 2050, effective January 19, 2005; preemptory amendment at 29 Ill. Reg. 4125, effective February 23, 2005; amended at 29 Ill. Reg. 5375, effective April 4, 2005; preemptory amendment at 29 Ill. Reg. 6105, effective April 14, 2005; preemptory amendment at 29 Ill. Reg. 7217, effective May 6, 2005; preemptory amendment at 29 Ill. Reg. 7840, effective May 10, 2005; amended at 29 Ill. Reg. 8110, effective May 23, 2005; preemptory amendment at

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29 Ill. Reg. 8214, effective May 23, 2005; preemptory amendment at 29 Ill. Reg. 8418, effective June 1, 2005; amended at 29 Ill. Reg. 9319, effective July 1, 2005; preemptory amendment at 29 Ill. Reg. 12076, effective July 15, 2005; preemptory amendment at 29 Ill. Reg. 13265, effective August 11, 2005; amended at 29 Ill. Reg. 13540, effective August 22, 2005; preemptory amendment at 29 Ill. Reg. 14098, effective September 2, 2005; amended at 29 Ill. Reg. 14166, effective September 9, 2005; amended at 29 Ill. Reg. 19551, effective November 21, 2005; emergency amendment at 29 Ill. Reg. 20554, effective December 2, 2005, for a maximum of 150 days; preemptory amendment at 29 Ill. Reg. 20693, effective December 12, 2005; preemptory amendment at 30 Ill. Reg. 623, effective December 28, 2005; preemptory amendment at 30 Ill. Reg. 1382, effective January 13, 2006; amended at 30 Ill. Reg. 2289, effective February 6, 2006; preemptory amendment at 30 Ill. Reg. 4157, effective February 22, 2006; preemptory amendment at 30 Ill. Reg. 5687, effective March 7, 2006; preemptory amendment at 30 Ill. Reg. 6409, effective March 30, 2006; amended at 30 Ill. Reg. 7857, effective April 17, 2006; amended at 30 Ill. Reg. 9438, effective May 15, 2006; preemptory amendment at 30 Ill. Reg. 10153, effective May 18, 2006; preemptory amendment at 30 Ill. Reg. 10508, effective June 1, 2006; amended at 30 Ill. Reg. 11336, effective July 1, 2006; emergency amendment at 30 Ill. Reg. 12340, effective July 1, 2006, for a maximum of 150 days; preemptory amendment at 30 Ill. Reg. 12418, effective July 1, 2006; amended at 30 Ill. Reg. 12761, effective July 17, 2006; preemptory amendment at 30 Ill. Reg. 13547, effective August 1, 2006; preemptory amendment at 30 Ill. Reg. 15059, effective September 5, 2006; preemptory amendment at 30 Ill. Reg. 16439, effective September 27, 2006; emergency amendment at 30 Ill. Reg. 16626, effective October 3, 2006, for a maximum of 150 days; preemptory amendment at 30 Ill. Reg. 17603, effective October 20, 2006; amended at 30 Ill. Reg. 18610, effective November 20, 2006; preemptory amendment at 30 Ill. Reg. 18823, effective November 21, 2006; preemptory amendment at 31 Ill. Reg. 230, effective December 20, 2006; emergency amendment at 31 Ill. Reg. 1483, effective January 1, 2007, for a maximum of 150 days; preemptory amendment at 31 Ill. Reg. 2485, effective January 17, 2007; preemptory amendment at 31 Ill. Reg. 4445, effective February 28, 2007; amended at 31 Ill. Reg. 4982, effective March 15, 2007; preemptory amendment at 31 Ill. Reg. 7338, effective May 3, 2007; amended at 31 Ill. Reg. 8901, effective July 1, 2007; emergency amendment at 31 Ill. Reg. 10056, effective July 1, 2007, for a maximum of 150 days; preemptory amendment at 31 Ill. Reg. 10496, effective July 6, 2007; preemptory amendment at 31 Ill. Reg. 12335, effective August 9, 2007; emergency amendment at 31 Ill. Reg. 12608, effective August 16, 2007, for a maximum of 150 days; emergency amendment at 31 Ill. Reg. 13220, effective August 30, 2007, for a maximum of 150 days; preemptory amendment at 31 Ill. Reg. 13357, effective August 29, 2007; amended at 31 Ill. Reg. 13981, effective September 21, 2007; preemptory amendment at 31 Ill. Reg. 14331, effective October 1, 2007; amended at 31 Ill. Reg. 16094, effective November 20, 2007; amended at 31 Ill. Reg. 16792, effective December 13, 2007; preemptory amendment at 32 Ill. Reg. 598, effective December 27, 2007; amended at

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32 Ill. Reg. 1082, effective January 11, 2008; preemptory amendment at 32 Ill. Reg. 3095, effective February 13, 2008; preemptory amendment at 32 Ill. Reg. 6097, effective March 25, 2008; preemptory amendment at 32 Ill. Reg. 7154, effective April 17, 2008; expedited correction at 32 Ill. Reg. 9747, effective April 17, 2008; preemptory amendment at 32 Ill. Reg. 9360, effective June 13, 2008; amended at 32 Ill. Reg. 9881, effective July 1, 2008; preemptory amendment at 32 Ill. Reg. 12065, effective July 9, 2008; preemptory amendment at 32 Ill. Reg. 13861, effective August 8, 2008; preemptory amendment at 32 Ill. Reg. 16591, effective September 24, 2008; preemptory amendment at 32 Ill. Reg. 16872, effective October 3, 2008; preemptory amendment at 32 Ill. Reg. 18324, effective November 14, 2008; preemptory amendment at 33 Ill. Reg. 98, effective December 19, 2008; amended at 33 Ill. Reg. 2148, effective January 26, 2009; preemptory amendment at 33 Ill. Reg. 3530, effective February 6, 2009; preemptory amendment at 33 Ill. Reg. 4202, effective February 26, 2009; preemptory amendment at 33 Ill. Reg. 5501, effective March 25, 2009; preemptory amendment at 33 Ill. Reg. 6354, effective April 15, 2009; preemptory amendment at 33 Ill. Reg. 6724, effective May 1, 2009; preemptory amendment at 33 Ill. Reg. 9138, effective June 12, 2009; emergency amendment at 33 Ill. Reg. 9432, effective July 1, 2009, for a maximum of 150 days; amended at 33 Ill. Reg. 10211, effective July 1, 2009; preemptory amendment at 33 Ill. Reg. 10823, effective July 2, 2009; preemptory amendment at 33 Ill. Reg. 11082, effective July 10, 2009; preemptory amendment at 33 Ill. Reg. 11698, effective July 23, 2009; preemptory amendment at 33 Ill. Reg. 11895, effective July 31, 2009; preemptory amendment at 33 Ill. Reg. 12872, effective September 3, 2009; amended at 33 Ill. Reg. 14944, effective October 26, 2009; preemptory amendment at 33 Ill. Reg. 16598, effective November 13, 2009; preemptory amendment at 34 Ill. Reg. 305, effective December 18, 2009; emergency amendment at 34 Ill. Reg. 957, effective January 1, 2010, for a maximum of 150 days; preemptory amendment at 34 Ill. Reg. 1425, effective January 5, 2010; preemptory amendment at 34 Ill. Reg. 3684, effective March 5, 2010; preemptory amendment at 34 Ill. Reg. 5776, effective April 2, 2010; preemptory amendment at 34 Ill. Reg. 6214, effective April 16, 2010; amended at 34 Ill. Reg. 6583, effective April 30, 2010; preemptory amendment at 34 Ill. Reg. 7528, effective May 14, 2010; amended at 34 Ill. Reg. 7645, effective May 24, 2010; preemptory amendment at 34 Ill. Reg. 7947, effective May 26, 2010; preemptory amendment at 34 Ill. Reg. 8633, effective June 18, 2010; amended at 34 Ill. Reg. 9759, effective July 1, 2010; preemptory amendment at 34 Ill. Reg. 10536, effective July 9, 2010; preemptory amendment at 34 Ill. Reg. 11864, effective July 30, 2010; emergency amendment at 34 Ill. Reg. 12240, effective August 9, 2010, for a maximum of 150 days; preemptory amendment at 34 Ill. Reg. 13204, effective August 26, 2010; preemptory amendment at 34 Ill. Reg. 13657, effective September 8, 2010; preemptory amendment at 34 Ill. Reg. 15897, effective September 30, 2010; preemptory amendment at 34 Ill. Reg. 18912, effective November 15, 2010; preemptory amendment at 34 Ill. Reg. 19582, effective December 3, 2010; amended at 35 Ill. Reg. 765, effective December 30, 2010; emergency amendment at 35 Ill. Reg. 1092,

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effective January 1, 2011, for a maximum of 150 days; peremptory amendment at 35 Ill. Reg. 2465, effective January 19, 2011; peremptory amendment at 35 Ill. Reg. 3577, effective February 10, 2011; emergency amendment at 35 Ill. Reg. 4412, effective February 23, 2011, for a maximum of 150 days; peremptory amendment at 35 Ill. Reg. 4803, effective March 11, 2011; emergency amendment at 35 Ill. Reg. 5633, effective March 15, 2011, for a maximum of 150 days; peremptory amendment at 35 Ill. Reg. 5677, effective March 18, 2011; amended at 35 Ill. Reg. 8419, effective May 23, 2011; amended at 35 Ill. Reg. 11245, effective June 28, 2011; emergency amendment at 35 Ill. Reg. 11657, effective July 1, 2011, for a maximum of 150 days; emergency expired November 27, 2011; peremptory amendment at 35 Ill. Reg. 12119, effective June 29, 2011; peremptory amendment at 35 Ill. Reg. 13966, effective July 29, 2011; peremptory amendment at 35 Ill. Reg. 15178, effective August 29, 2011; emergency amendment at 35 Ill. Reg. 15605, effective September 16, 2011, for a maximum of 150 days; peremptory amendment at 35 Ill. Reg. 15640, effective September 15, 2011; peremptory amendment at 35 Ill. Reg. 19707, effective November 23, 2011; amended at 35 Ill. Reg. 20144, effective December 6, 2011; amended at 36 Ill. Reg. 153, effective December 22, 2011; peremptory amendment at 36 Ill. Reg. 564, effective December 29, 2011; peremptory amendment at 36 Ill. Reg. 3957, effective February 24, 2012; peremptory amendment at 36 Ill. Reg. 4158, effective March 5, 2012; peremptory amendment at 36 Ill. Reg. 4437, effective March 9, 2012; amended at 36 Ill. Reg. 4707, effective March 19, 2012; amended at 36 Ill. Reg. 8460, effective May 24, 2012; peremptory amendment at 36 Ill. Reg. 10518, effective June 27, 2012; emergency amendment at 36 Ill. Reg. 11222, effective July 1, 2012, for a maximum of 150 days; peremptory amendment at 36 Ill. Reg. 13680, effective August 15, 2012; peremptory amendment at 36 Ill. Reg. 13973, effective August 22, 2012; peremptory amendment at 36 Ill. Reg. 15498, effective October 16, 2012; amended at 36 Ill. Reg. 16213, effective November 1, 2012; peremptory amendment at 36 Ill. Reg. 17138, effective November 20, 2012.

## SUBPART A: NARRATIVE

**Section 310.50 Definitions**

The following definitions of terms are for purposes of clarification only. They affect the Schedule of Rates (Subpart B), and Negotiated Rates of Pay (Appendix A). Section 310.500 contains definitions of terms applying specifically to the Merit Compensation System.

"Adjustment in Salary" – A change in salary rate occasioned by a previously committed error or oversight, or required in the best interest of the State as defined in Sections 310.80 and 310.90.

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"Base Salary" – A dollar amount of pay specifically designated in the Negotiated Rates of Pay (Appendix A) or Schedule of Rates (Subpart B). Base salary does not include commission, incentive pay, bilingual pay, longevity pay, overtime pay, shift differential pay or deductions for time not worked.

"Bilingual Pay" – The dollar amount per month, or percentage of the employee's monthly base salary, paid in addition to the employee's base salary when the individual position held by the employee has a job description that requires the use of sign language, Braille, or another second language (e.g., Spanish), or that requires the employee to be bilingual.

"Comparable Classes" – Two or more classes that are in the same pay grade.

"Creditable Service" – All service in full or regularly scheduled part-time pay status beginning with the date of initial employment or the effective date of the last salary increase that was at least equivalent to a full step.

"Demotion" – The assignment for cause of an employee to a vacant position in a class in a lower pay grade than the former class.

"Differential" – The additional compensation added to the base salary of an employee resulting from conditions of employment imposed on the employee during normal schedule of work.

"Entrance Base Salary" – The initial base salary assigned to an employee upon entering State service.

"Hourly Pay Grade" – The designation for hourly negotiated pay rates is "H".

"In Between Pay Grade" – The designation for negotiated pay rates in between pay grades is ".5".

"In-hiring Rate" – An in-hiring rate is a minimum rate/step for a class that is above the normal minimum of the range, as approved by the Director of Central Management Services after a review of competitive market starting rates for similar classes.

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"Option" – The denotation of directly-related education, experience and/or knowledge, skills and abilities required to qualify for the position allocated to the classification. The requirements may meet or exceed the requirements indicated in the classification specification. The following options are for the Public Service Administrator classification and have a negotiated pay grade and/or a broad-banded salary range assigned:

- 1 = General Administration/Business Marketing/Labor/Personnel
- 2 = Fiscal Management/Accounting/Budget/Internal Audit/Insurance/Financial
- 2B = Financial Regulatory
- 2C = Economist
- 3 = Management Information System/Data Processing/Telecommunications
- 3J = Java Application Developer
- 3N = Wide Area Networks
- 4 = Physical Sciences/Environment
- 6 = Health and Human Services
- 6B = Day Care Quality Assurance
- 6C = Health Statistics
- 6D = Health Promotion/Disease Prevention
- 6E = Laboratory Specialist
- 6F = Infectious Disease
- 6G = Disaster/Emergency Medical Services
- 7 = Law Enforcement/Correctional
- 8A = Special License – Architect License
- 8B = Special License – Boiler Inspector License
- 8C = Special License – Certified Public Accountant/~~Certified Internal Auditor~~
- 8D = Special License – Federal Communications Commission License/National Association of Business and Educational Radio
- 8E = Special License – Engineer (Professional)
- 8F = Special License – Federal Aviation Administration Medical Certificate/First Class
- 8G = Special License – Clinical Professional Counselor
- 8H = Special License – Environmental Health Practitioner
- 8I = Special License – Professional Land Surveyor License

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- 8J = Special License – Registered American Dietetic Association/Public Health Food Service Sanitation Certificate/Licensed Dietitian
- 8K = Special License – Licensed Psychologist
- 8L = Special License – Law License
- 8N = Special License – Registered Nurse License
- 8O = Special License – Occupational Therapist License
- 8P = Special License – Pharmacist License
- 8Q = Special License – Religious Ordination by Recognized Commission
- 8R = Special License – Dental Hygienist
- 8S = Special License – Social Worker/Clinical Social Worker
- 8T = Special License – Administrative Certificate issued by the Illinois State Board of Education
- 8U = Special License – Physical Therapist License
- 8V = Special License – Audiologist License
- 8W = Special License – Speech-Language Pathologist License
- 8X = Special License – Blaster Certificate
- 8Y = Special License – Plumbing License
- 8Z = Special License – Special Metrologist Training
- 9A = Special License – Certified Internal Auditor
- 9B = Special License – Certified Information Systems Auditor
- 9G = Special License – Registered Professional Geologist License
- 9T = Teamster Management Information Systems, effective December 30, 2009 through February 1, 2011

The following options are for the Senior Public Service Administrator classification and have a negotiated pay grade and/or a broad-banded salary range assigned:

- 1 = General Administration/Business Marketing/Labor/Personnel
- 2 = Fiscal Management/Accounting/Budget/ Internal Audit/Insurance/Financial
- 2B = Financial Regulatory
- 3 = Management Information System/Data Processing/Telecommunications
- 4 = Physical Sciences/Environment
- 5 = Agriculture/Conservation

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- 6 = Health and Human Services
- 7 = Law Enforcement/Correctional
- 8A = Special License – Architect License
- 8B = Special License – Boiler Inspector License
- 8C = Special License – Certified Public Accountant/Certified Internal Auditor/Certified Information Systems Auditor
- 8D = Special License – Dental License
- 8E = Special License – Engineer (Professional)
- 8F = Special License – Clinical Professional Counseling
- 8G = Special License – Geologist License
- 8H = Special License – Environmental Health Practitioner
- 8I = Special License – Illinois Auctioneer License
- 8K = Special License – Licensed Psychologist
- 8L = Special License – Law License (Illinois)
- 8M = Special License – Veterinary Medicine License
- 8N = Special License – Nurse (Registered IL) License
- 8O = Special License – Occupational Therapist License
- 8P = Special License – Pharmacist License
- 8Q = Special License – Nursing Home Administration License
- 8R = Special License – Real Estate Brokers License
- 8S = Special License – Social Worker/Clinical Social Worker
- 8T = Special License – Illinois Teaching Certificate (Type 75)/General Administrative Certificate (Type 61) issued by the Illinois State Board of Education
- 8Z = Special License – Certified Real Estate Appraisal License

Other classification titles contain an option and the option also may denote differences in the distinguishing features of work indicated in the classification specification. The classification titles containing an option are:

- Children and Family Service Intern, Option 1
- Children and Family Service Intern, Option 2
- Health Services Investigator I, Option A – General
- Health Services Investigator I, Option B – Controlled Substance Inspector
- Health Services Investigator II, Option A – General

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Health Services Investigator II, Option B – Controlled Substance Inspector  
 Health Services Investigator II, Option C – Pharmacy  
 Health Services Investigator II, Option D – Pharmacy/Controlled Substance Inspector  
 Juvenile Justice Youth and Family Specialist Option 1  
 Juvenile Justice Youth and Family Specialist Option 2  
 Medical Administrator I Option C  
 Medical Administrator I Option D  
 Medical Administrator II Option C  
 Medical Administrator II Option D  
 Physician Specialist – Option A  
 Physician Specialist – Option B  
 Physician Specialist – Option C  
 Physician Specialist – Option D  
 Physician Specialist – Option E  
 Research Fellow, Option B

"Pay Grade" – The numeric designation used for an established set of steps or salary range.

"Pay Plan Code" – The designation used in assigning a specific salary rate based on a variety of factors associated with the position. Pay Plan Codes used in the Pay Plan are:

- B = Negotiated regular pension formula rate for the State of Illinois
- E = Educator title AFSCME negotiated 12-month regular pension formula rate for the State of Illinois
- J = Negotiated regular pension formula rate for states other than Illinois, California or New Jersey
- L = Educator title AFSCME negotiated 12-month alternative pension formula rate for the State of Illinois
- M = Educator title AFSCME negotiated 9-month regular pension formula rate at the Illinois School for the Visually Impaired
- N = Educator title Illinois Federation of Teachers negotiated 9-month regular pension formula rate for the Illinois School for the Deaf

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- O = Educator title AFSCME negotiated 9-month regular pension formula rate at the Illinois Center for Rehabilitation and Education-Roosevelt
- P = Educator title AFSCME negotiated 12-month maximum-security institution rate for the State of Illinois
- Q = Negotiated alternative pension formula rate for the State of Illinois
- S = Negotiated maximum-security institution rate for the State of Illinois
- U = Negotiated regular pension formula rate for the state of California or New Jersey

"Promotion" – The appointment of an employee, with the approval of the agency and the Department of Central Management Services, to a vacant position in a class in a higher pay grade than the former class.

"Reallocation" – The change in the classification of a position resulting from significant changes in assigned duties and responsibilities.

"Reclassification" – The assignment of a position or positions to a different classification based on creation of a new classification or the revision of existing class specification, and approved by the Civil Service Commission.

"Reevaluation" – The assignment of a different pay grade to a class based upon change in relation to other classes or to the labor market.

"Salary Range" – The dollar value represented by Steps 1c through 8 of a pay grade assigned to a class title.

"Satisfactory Performance Increase" – An upward revision in the base salary from one designated step to the next higher step in the pay grade for that class as a result of having served the required amount of time at the former rate with not less than a satisfactory level of competence. (Satisfactory level of competence shall mean work, the level of which, in the opinion of the agency head, is above that typified by the marginal employee.)

"Transfer" – The assignment of an employee to a vacant position having the same pay grade.

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"Work Year" – That period of time determined by the agency and filed with the Department of Central Management Services in accordance with 80 Ill. Adm. Code 303.300.

(Source: Amended by peremptory rulemaking at 36 Ill. Reg. 17138, effective November 20, 2012)

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

<u>Title</u>	<u>Title Code</u>	<u>Bargaining Unit</u>	<u>Pay Grade</u>
Accountant	00130	RC-062	14
Accountant Advanced	00133	RC-062	16
Accountant Supervisor	00135	RC-062	18
Accounting and Fiscal Administration Career Trainee	00140	RC-062	12
Activity Therapist	00157	RC-062	15
Activity Therapist Coordinator	00160	RC-062	17
Activity Therapist Supervisor	00163	RC-062	20
Actuarial Assistant	00187	RC-062	16
Actuarial Examiner	00195	RC-062	16
Actuarial Examiner Trainee	00196	RC-062	13
Actuarial Senior Examiner	00197	RC-062	19
Actuary I	00201	RC-062	20
Actuary II	00202	RC-062	24
Agricultural Market News Assistant	00804	RC-062	12
Agricultural Marketing Generalist	00805	RC-062	14
Agricultural Marketing Reporter	00807	RC-062	18
Agricultural Marketing Representative	00810	RC-062	18
Agriculture Land and Water Resource Specialist I	00831	RC-062	14
Agriculture Land and Water Resource Specialist II	00832	RC-062	17
Agriculture Land and Water Resource Specialist III	00833	RC-062	20
Aircraft Pilot I	00955	RC-062	19
Aircraft Pilot II	00956	RC-062	22
Aircraft Pilot II – Dual Rating	00957	RC-062	23
Appraisal Specialist I	01251	RC-062	14
Appraisal Specialist II	01252	RC-062	16
Appraisal Specialist III	01253	RC-062	18
Arts Council Associate	01523	RC-062	12
Arts Council Program Coordinator	01526	RC-062	18
Arts Council Program Representative	01527	RC-062	15
Assignment Coordinator	01530	RC-062	20
Bank Examiner I	04131	RC-062	16
Bank Examiner II	04132	RC-062	19

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Bank Examiner III	04133	RC-062	22
Behavioral Analyst Associate	04355	RC-062	15
Behavioral Analyst I	04351	RC-062	17
Behavioral Analyst II	04352	RC-062	19
Business Administrative Specialist	05810	RC-062	16
Business Manager	05815	RC-062	18
Buyer	05900	RC-062	18
Cancer Registrar II	05952	RC-062	16
Capital Development Board Account Technician	06515	RC-062	11
Capital Development Board Art in Architecture Technician	06533	RC-062	12
Capital Development Board Construction Support Analyst	06520	RC-062	11
Capital Development Board Project Technician	06530	RC-062	12
Chemist I	06941	RC-062	16
Chemist II	06942	RC-062	19
Chemist III	06943	RC-062	21
Child Protection Advanced Specialist	07161	RC-062	19
Child Protection Associate Specialist	07162	RC-062	16
Child Protection Specialist	07163	RC-062	18
Child Support Specialist I	07198	RC-062	16
Child Support Specialist II	07199	RC-062	17
Child Support Specialist Trainee	07200	RC-062	12
Child Welfare Associate Specialist	07216	RC-062	16
Child Welfare Staff Development Coordinator I	07201	RC-062	17
Child Welfare Staff Development Coordinator II	07202	RC-062	19
Child Welfare Staff Development Coordinator III	07203	RC-062	20
Child Welfare Staff Development Coordinator IV	07204	RC-062	22
Children and Family Service Intern – Option I	07241	RC-062	12
Children and Family Service Intern – Option II	07242	RC-062	15
Clinical Laboratory Technologist I	08220	RC-062	18
Clinical Laboratory Technologist II	08221	RC-062	19
Clinical Laboratory Technologist Trainee	08229	RC-062	14
Communications Systems Specialist	08860	RC-062	23
Community Management Specialist I	08891	RC-062	15
Community Management Specialist II	08892	RC-062	17
Community Management Specialist III	08893	RC-062	19
Community Planner I	08901	RC-062	15
Community Planner II	08902	RC-062	17
Community Planner III	08903	RC-062	19

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Conservation Education Representative	09300	RC-062	12
Conservation Grant Administrator I	09311	RC-062	18
Conservation Grant Administrator II	09312	RC-062	20
Conservation Grant Administrator III	09313	RC-062	22
Construction Program Assistant	09525	RC-062	12
Correctional Counselor I	09661	RC-062	15
Correctional Counselor II	09662	RC-062	17
Correctional Counselor III	09663	RC-062	19
Corrections Apprehension Specialist	09750	RC-062	19
Corrections Industries Marketing Representative	09803	RC-062	17
Corrections Leisure Activities Specialist I	09811	RC-062	15
Corrections Leisure Activities Specialist II	09812	RC-062	17
Corrections Leisure Activities Specialist III	09813	RC-062	19
Corrections Parole Agent	09842	RC-062	17
Corrections Senior Parole Agent	09844	RC-062	19
Criminal Intelligence Analyst I	10161	RC-062	18
Criminal Intelligence Analyst II	10162	RC-062	20
Criminal Intelligence Analyst Specialist	10165	RC-062	22
Criminal Justice Specialist I	10231	RC-062	16
Criminal Justice Specialist II	10232	RC-062	20
Criminal Justice Specialist Trainee	10236	RC-062	13
Curator of the Lincoln Collection	10750	RC-062	16
Data Processing Supervisor I	11435	RC-062	11
Data Processing Supervisor II	11436	RC-062	14
Data Processing Supervisor III	11437	RC-062	18
Day Care Licensing Representative I	11471	RC-062	16
Developmental Disabilities Council Program Planner I	12361	RC-062	12
Developmental Disabilities Council Program Planner II	12362	RC-062	16
Developmental Disabilities Council Program Planner III	12363	RC-062	18
Dietary Manager I	12501	RC-062	16
Dietary Manager II	12502	RC-062	18
Dietitian	12510	RC-062	15
Disability Appeals Officer	12530	RC-062	22
Disability Claims Adjudicator I	12537	RC-062	16
Disability Claims Adjudicator II	12538	RC-062	18
Disability Claims Adjudicator Trainee	12539	RC-062	13
Disability Claims Analyst	12540	RC-062	21
Disability Claims Specialist	12558	RC-062	19

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Disaster Services Planner	12585	RC-062	19
Document Examiner	12640	RC-062	22
Economic Development Representative I	12931	RC-062	17
Economic Development Representative II	12932	RC-062	19
Educational Diagnostician	12965	RC-062	12
Educator – Provisional	13105	RC-062	12
Employment Security Field Office Supervisor	13600	RC-062	20
Employment Security Manpower Representative I	13621	RC-062	12
Employment Security Manpower Representative II	13622	RC-062	14
Employment Security Program Representative	13650	RC-062	14
Employment Security Program Representative – Intermittent	13651	RC-062	14H
Employment Security Service Representative	13667	RC-062	16
Employment Security Service Representative (Intermittent)	13667	RC-062	16H
Employment Security Specialist I	13671	RC-062	14
Employment Security Specialist II	13672	RC-062	16
Employment Security Specialist III	13673	RC-062	19
Employment Security Tax Auditor I	13681	RC-062	17
Employment Security Tax Auditor II	13682	RC-062	19
Energy and Natural Resources Specialist I	13711	RC-062	15
Energy and Natural Resources Specialist II	13712	RC-062	17
Energy and Natural Resources Specialist III	13713	RC-062	19
Energy and Natural Resources Specialist Trainee	13715	RC-062	12
Engineering Technician IV (Department of Public Health)	13734	RC-062	18
Environmental Health Specialist I	13768	RC-062	14
Environmental Health Specialist II	13769	RC-062	16
Environmental Health Specialist III	13770	RC-062	18
Environmental Protection Associate	13785	RC-062	12
Environmental Protection Specialist I	13821	RC-062	14
Environmental Protection Specialist II	13822	RC-062	16
Environmental Protection Specialist III	13823	RC-062	18
Environmental Protection Specialist IV	13824	RC-062	22
Equal Pay Specialist	13837	RC-062	17
Executive I	13851	RC-062	18
Executive II	13852	RC-062	20
Financial Institutions Examiner I	14971	RC-062	16
Financial Institutions Examiner II	14972	RC-062	19
Financial Institutions Examiner III	14973	RC-062	22
Financial Institutions Examiner Trainee	14978	RC-062	13

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Fire Protection Specialist I	15351	RC-062	16
Flight Safety Coordinator	15640	RC-062	22
Forensic Scientist I	15891	RC-062	18
Forensic Scientist II	15892	RC-062	20
Forensic Scientist III	15893	RC-062	22
Forensic Scientist Trainee	15897	RC-062	15
Gaming Licensing Analyst	17171	RC-062	13
Gaming Senior Special Agent	17191	RC-062	23
Gaming Special Agent	17192	RC-062	19
Gaming Special Agent Trainee	17195	RC-062	14
Guardianship Representative	17710	RC-062	17
Habilitation Program Coordinator	17960	RC-062	17
Handicapped Services Representative I	17981	RC-062	11
Health Facilities Surveyor I	18011	RC-062	16
Health Facilities Surveyor II	18012	RC-062	19
Health Facilities Surveyor III	18013	RC-062	20
Health Information Administrator	18041	RC-062	15
Health Services Investigator I – Opt. A	18181	RC-062	19
Health Services Investigator I – Opt. B	18182	RC-062	20
Health Services Investigator II – Opt. A	18185	RC-062	22
Health Services Investigator II – Opt. B	18186	RC-062	22
Health Services Investigator II – Opt. C	18187	RC-062	25
Health Services Investigator II – Opt. D	18188	RC-062	25
Historical Documents Conservator I	18981	RC-062	13
Historical Exhibits Designer	18985	RC-062	15
Historical Research Editor II	19002	RC-062	14
Human Relations Representative	19670	RC-062	16
Human Resources Representative	19692	RC-062	17
Human Resources Specialist	19693	RC-062	20
Human Rights Investigator I	19774	RC-062	16
Human Rights Investigator II	19775	RC-062	18
Human Rights Investigator III	19776	RC-062	19
Human Rights Mediator	19771	RC-062	17
Human Rights Specialist I	19778	RC-062	14
Human Rights Specialist II	19779	RC-062	16
Human Rights Specialist III	19780	RC-062	18
Human Services Casework Manager	19788	RC-062	20
Human Services Caseworker	19785	RC-062	16

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PEREMPTORY AMENDMENTS

Human Services Grants Coordinator I	19791	RC-062	14
Human Services Grants Coordinator II	19792	RC-062	17
Human Services Grants Coordinator III	19793	RC-062	20
Human Services Grants Coordinator Trainee	19796	RC-062	12
Human Services Sign Language Interpreter	19810	RC-062	16
Iconographer	19880	RC-062	12
Industrial and Community Development Representative I	21051	RC-062	17
Industrial and Community Development Representative II	21052	RC-062	19
Industrial Services Consultant I	21121	RC-062	14
Industrial Services Consultant II	21122	RC-062	16
Industrial Services Consultant Trainee	21125	RC-062	11
Industrial Services Hygienist	21127	RC-062	19
Industrial Services Hygienist Technician	21130	RC-062	16
Industrial Services Hygienist Trainee	21133	RC-062	12
Information Technology/Communication Systems Specialist I	21216	RC-062	19
Information Technology/Communication Systems Specialist II	21217	RC-062	24
Instrument Designer	21500	RC-062	18
Insurance Analyst III	21563	RC-062	14
Insurance Analyst IV	21564	RC-062	16
Insurance Company Claims Examiner II	21602	RC-062	19
Insurance Company Field Staff Examiner	21608	RC-062	16
Insurance Company Financial Examiner Trainee	21610	RC-062	13
Insurance Performance Examiner I	21671	RC-062	14
Insurance Performance Examiner II	21672	RC-062	17
Insurance Performance Examiner III	21673	RC-062	20
Intermittent Unemployment Insurance Representative	21689	RC-062	12H
Internal Auditor I	21721	RC-062	17
Internal Security Investigator I, not Department of Corrections	21731	RC-062	18
Internal Security Investigator II, not Department of Corrections	21732	RC-062	21
International Marketing Representative I, Department of Agriculture	21761	RC-062	14
Juvenile Justice Youth and Family Specialist, Option 1	21991	RC-062	18
Juvenile Justice Youth and Family Specialist, Option 2	21992	RC-062	20
KidCare Supervisor	22003	RC-062	20
Labor Conciliator	22750	RC-062	20
Laboratory Equipment Specialist	22990	RC-062	18
Laboratory Quality Specialist I	23021	RC-062	19
Laboratory Quality Specialist II	23022	RC-062	21

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PEREMPTORY AMENDMENTS

Laboratory Research Specialist I	23027	RC-062	19
Laboratory Research Specialist II	23028	RC-062	21
Land Acquisition Agent I	23091	RC-062	15
Land Acquisition Agent II	23092	RC-062	18
Land Acquisition Agent III	23093	RC-062	21
Land Reclamation Specialist I	23131	RC-062	14
Land Reclamation Specialist II	23132	RC-062	17
Liability Claims Adjuster I	23371	RC-062	14
Liability Claims Adjuster II	23372	RC-062	18
Library Associate	23430	RC-062	12
Life Sciences Career Trainee	23600	RC-062	12
Liquor Control Special Agent II	23752	RC-062	15
Local Historical Services Representative	24000	RC-062	17
Local Housing Advisor I	24031	RC-062	14
Local Housing Advisor II	24032	RC-062	16
Local Housing Advisor III	24033	RC-062	18
Local Revenue and Fiscal Advisor I	24101	RC-062	15
Local Revenue and Fiscal Advisor II	24102	RC-062	17
Local Revenue and Fiscal Advisor III	24103	RC-062	19
Lottery Regional Coordinator	24504	RC-062	19
Lottery Sales Representative	24515	RC-062	16
Management Operations Analyst I	25541	RC-062	18
Management Operations Analyst II	25542	RC-062	20
Manpower Planner I	25591	RC-062	14
Manpower Planner II	25592	RC-062	17
Manpower Planner III	25593	RC-062	20
Manpower Planner Trainee	25597	RC-062	12
Medical Assistance Consultant I	26501	RC-062	13
Medical Assistance Consultant II	26502	RC-062	16
Medical Assistance Consultant III	26503	RC-062	19
Mental Health Administrator I	26811	RC-062	18
Mental Health Administrator II	26812	RC-062	20
Mental Health Administrator Trainee	26817	RC-062	16
Mental Health Recovery Support Specialist I	26921	RC-062	17
Mental Health Recovery Support Specialist II	26922	RC-062	18
Mental Health Specialist I	26924	RC-062	12
Mental Health Specialist II	26925	RC-062	14
Mental Health Specialist III	26926	RC-062	16

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PEREMPTORY AMENDMENTS

Mental Health Specialist Trainee	26928	RC-062	11
Meteorologist	27120	RC-062	18
Methods and Procedures Advisor I	27131	RC-062	14
Methods and Procedures Advisor II	27132	RC-062	16
Methods and Procedures Advisor III	27133	RC-062	20
Methods and Procedures Career Associate I	27135	RC-062	11
Methods and Procedures Career Associate II	27136	RC-062	12
Methods and Procedures Career Associate Trainee	27137	RC-062	09
Metrologist Associate	27146	RC-062	15
Microbiologist I	27151	RC-062	16
Microbiologist II	27152	RC-062	19
Natural Resources Advanced Specialist	28833	RC-062	20
Natural Resources Coordinator	28831	RC-062	15
Natural Resources Specialist	28832	RC-062	18
Oral Health Consultant	30317	RC-062	18
Paralegal Assistant	30860	RC-062	14
Pension and Death Benefits Technician I	30961	RC-062	12
Pension and Death Benefits Technician II	30962	RC-062	19
Plumbing Consultant (Department of Public Health)	32910	RC-062	22
Police Training Specialist	32990	RC-062	17
Program Integrity Auditor I	34631	RC-062	16
Program Integrity Auditor II	34632	RC-062	19
Program Integrity Auditor Trainee	34635	RC-062	12
Property Consultant	34900	RC-062	15
Public Aid Investigator	35870	RC-062	19
Public Aid Investigator Trainee	35874	RC-062	14
Public Aid Lead Casework Specialist	35880	RC-062	17
Public Aid Program Quality Analyst	35890	RC-062	19
Public Aid Quality Control Reviewer	35892	RC-062	17
Public Aid Quality Control Supervisor	35900	RC-062	19
Public Aid Staff Development Specialist I	36071	RC-062	15
Public Aid Staff Development Specialist II	36072	RC-062	17
Public Health Educator Associate	36434	RC-062	14
Public Health Program Specialist I	36611	RC-062	14
Public Health Program Specialist II	36612	RC-062	16
Public Health Program Specialist III	36613	RC-062	19
Public Health Program Specialist Trainee	36615	RC-062	12
Public Information Coordinator	36750	RC-062	18

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PEREMPTORY AMENDMENTS

Public Information Officer I	37001	RC-062	12
Public Information Officer II	37002	RC-062	14
Public Information Officer III	37003	RC-062	19
Public Information Officer IV	37004	RC-062	21
Public Safety Inspector	37007	RC-062	16
Public Safety Inspector Trainee	37010	RC-062	10
Public Service Administrator, Option 8Z	37015	RC-062	19
Public Service Administrator, Options 2, 7 Gaming Board and Departments of Healthcare and Family Services and Revenue, 8C, <del>and</del> 8F executive chief pilot function Department of Transportation, <a href="#">9A and 9B</a>	37015	RC-062	24
Public Service Administrator, Options 8B and 8Y	37015	RC-062	23
Railroad Safety Specialist I	37601	RC-062	19
Railroad Safety Specialist II	37602	RC-062	21
Railroad Safety Specialist III	37603	RC-062	23
Railroad Safety Specialist IV	37604	RC-062	25
Real Estate Investigator	37730	RC-062	19
Real Estate Professions Examiner	37760	RC-062	22
Recreation Worker I	38001	RC-062	12
Recreation Worker II	38002	RC-062	14
Rehabilitation Counselor	38145	RC-062	17
Rehabilitation Counselor Senior	38158	RC-062	19
Rehabilitation Counselor Trainee	38159	RC-062	15
Rehabilitation Services Advisor I	38176	RC-062	20
Rehabilitation Workshop Supervisor I	38194	RC-062	12
Rehabilitation Workshop Supervisor II	38195	RC-062	14
Rehabilitation Workshop Supervisor III	38196	RC-062	16
Reimbursement Officer I	38199	RC-062	14
Reimbursement Officer II	38200	RC-062	16
Research Economist I	38207	RC-062	18
Research Scientist I	38231	RC-062	13
Research Scientist II	38232	RC-062	16
Research Scientist III	38233	RC-062	20
Residential Services Supervisor	38280	RC-062	15
Resource Planner I	38281	RC-062	17
Resource Planner II	38282	RC-062	19
Resource Planner III	38283	RC-062	22
Retirement System Disability Specialist	38310	RC-062	19

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PEREMPTORY AMENDMENTS

Revenue Audit Supervisor (IL)	38369	RC-062	25
Revenue Audit Supervisor (states other than IL and not assigned to RC-062-29)	38369	RC-062	27
Revenue Audit Supervisor (See Note)	38369	RC-062	29
Revenue Auditor I (IL)	38371	RC-062	16
Revenue Auditor I (states other than IL and not assigned to RC-062-21)	38371	RC-062	19
Revenue Auditor I (See Note)	38371	RC-062	21
Revenue Auditor II (IL)	38372	RC-062	19
Revenue Auditor II (states other than IL and not assigned to RC-062-24)	38372	RC-062	22
Revenue Auditor II (See Note)	38372	RC-062	24
Revenue Auditor III (IL)	38373	RC-062	22
Revenue Auditor III (states other than IL and not assigned to RC-062-26)	38373	RC-062	24
Revenue Auditor III (See Note)	38373	RC-062	26
Revenue Auditor Trainee (IL)	38375	RC-062	12
Revenue Auditor Trainee (states other than IL and not assigned to RC-062-15)	38375	RC-062	13
Revenue Auditor Trainee (See Note)	38375	RC-062	15
Revenue Collection Officer I	38401	RC-062	15
Revenue Collection Officer II	38402	RC-062	17
Revenue Collection Officer III	38403	RC-062	19
Revenue Collection Officer Trainee	38405	RC-062	12
Revenue Computer Audit Specialist (IL)	38425	RC-062	23
Revenue Computer Audit Specialist (states other than IL and not assigned to RC-062-27)	38425	RC-062	25
Revenue Computer Audit Specialist (See Note)	38425	RC-062	27
Revenue Senior Special Agent	38557	RC-062	23
Revenue Special Agent	38558	RC-062	19
Revenue Special Agent Trainee	38565	RC-062	14
Revenue Tax Specialist I	38571	RC-062	12
Revenue Tax Specialist II (IL)	38572	RC-062	14
Revenue Tax Specialist II (states other than IL, CA or NJ)	38572	RC-062	17
Revenue Tax Specialist II (CA or NJ)	38572	RC-062	19
Revenue Tax Specialist III	38573	RC-062	17
Revenue Tax Specialist Trainee	38575	RC-062	10

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PEREMPTORY AMENDMENTS

Senior Public Service Administrator, Option 7 Gaming Board and Department of Revenue	40070	RC-062	26
Site Assistant Superintendent I	41071	RC-062	15
Site Assistant Superintendent II	41072	RC-062	17
Site Interpretive Coordinator	41093	RC-062	13
Site Services Specialist I	41117	RC-062	15
Site Services Specialist II	41118	RC-062	17
Social Service Consultant I	41301	RC-062	18
Social Service Consultant II	41302	RC-062	19
Social Service Program Planner I	41311	RC-062	15
Social Service Program Planner II	41312	RC-062	17
Social Service Program Planner III	41313	RC-062	20
Social Service Program Planner IV	41314	RC-062	22
Social Services Career Trainee	41320	RC-062	12
Social Worker I	41411	RC-062	16
Staff Development Specialist I	41771	RC-062	18
Staff Development Technician I	41781	RC-062	12
Staff Development Technician II	41782	RC-062	15
State Mine Inspector	42230	RC-062	19
State Police Field Specialist I	42001	RC-062	18
State Police Field Specialist II	42002	RC-062	20
Statistical Research Specialist I	42741	RC-062	12
Statistical Research Specialist II	42742	RC-062	14
Statistical Research Specialist III	42743	RC-062	17
Storage Tank Safety Specialist	43005	RC-062	18
Telecommunications Specialist	45295	RC-062	15
Telecommunications Systems Analyst	45308	RC-062	17
Telecommunications Systems Technician I	45312	RC-062	10
Telecommunications Systems Technician II	45313	RC-062	13
Terrorism Research Specialist I	45371	RC-062	18
Terrorism Research Specialist II	45372	RC-062	20
Terrorism Research Specialist III	45373	RC-062	22
Terrorism Research Specialist Trainee	45375	RC-062	14
Unemployment Insurance Adjudicator I	47001	RC-062	11
Unemployment Insurance Adjudicator II	47002	RC-062	13
Unemployment Insurance Adjudicator III	47003	RC-062	15
Unemployment Insurance Revenue Analyst I	47081	RC-062	15
Unemployment Insurance Revenue Analyst II	47082	RC-062	17

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PEREMPTORY AMENDMENTS

Unemployment Insurance Revenue Specialist	47087	RC-062	13
Unemployment Insurance Special Agent	47096	RC-062	18
Vehicle Emission Compliance Supervisor, Environmental Protection Agency	47583	RC-062	15
Veterans Educational Specialist I	47681	RC-062	15
Veterans Educational Specialist II	47682	RC-062	17
Veterans Educational Specialist III	47683	RC-062	21
Veterans Employment Representative I	47701	RC-062	14
Veterans Employment Representative II	47702	RC-062	16
Volunteer Services Coordinator I	48481	RC-062	13
Volunteer Services Coordinator II	48482	RC-062	16
Volunteer Services Coordinator III	48483	RC-062	18
Wage Claims Specialist	48770	RC-062	09
Weatherization Specialist I	49101	RC-062	14
Weatherization Specialist II	49102	RC-062	17
Weatherization Specialist III	49103	RC-062	20
Weatherization Specialist Trainee	49105	RC-062	12
Workers Compensation Insurance Compliance Investigator	49640	RC-062	20

NOTE: The positions allocated to the Public Service Administrator title that are assigned to a negotiated RC-062 pay grade have the following Options: 2; 7; 8B; 8C; 8F; 8Y; ~~and~~ 8Z; 9A; and 9B. The positions allocated to the Senior Public Service Administrator title that are assigned to a negotiated RC-062 pay grade have the Option 7. See the definition of option in Section 310.50.

For the Revenue Tax Specialist II position classification title only – The pay grade assigned to the employee is based on the location of the position and the residence held by the employee. In the same position classification, the employee holding a position and residence outside the boundaries of the State of Illinois is assigned to a different pay grade than the pay grade assigned to the employee holding a position within the boundaries of the State of Illinois. The pay grade assigned to the employee holding a position located within the boundaries of the State of Illinois is the pay grade with the (IL) indication next to the position classification. The pay grade assigned to the employee holding the position located outside the boundaries of the State of Illinois is determined by the location of the employee's residence or position location (e.g., IL, CA or NJ or a state other than IL, CA or NJ). If the employee's residence moves to another state while the employee is in the same position located outside the boundaries of the State of Illinois, or moves into another position located outside the boundaries of

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PEREMPTORY AMENDMENTS

the State of Illinois in the same position classification, the base salary may change depending on the location of the employee's new residence. In all cases, change in base salary shall be on a step for step basis (e.g., if the original base salary was on Step 5 in one pay grade, the new base salary will also be on Step 5 of the newly appropriate pay grade).

For the Revenue Audit Supervisor, Revenue Auditor I, II and III, Revenue Auditor Trainee, and Revenue Computer Audit Specialist position classification titles only – Effective July 1, 2010, State employees appointed to positions allocated to the Revenue Audit Supervisor, Revenue Auditor I, II and III, Revenue Auditor Trainee, and Revenue Computer Audit Specialist classifications shall be assigned to the pay grades:

Revenue Audit Supervisor, RC-062-29  
 Revenue Auditor I, RC-062-21  
 Revenue Auditor II, RC-062-24  
 Revenue Auditor III, RC-062-26  
 Revenue Auditor Trainee, RC-062-25  
 Revenue Computer Audit Specialist, RC-062-27

if the employee lives in California, 50% or more of the employee's work is within a 200 mile radius of the Paramus NJ Illinois Department of Revenue office, or 50% or more of the employee's work is within the District of Columbia.

**Effective July 1, 2011**  
**Bargaining Unit: RC-062**

**For employees who by May 1, 2011**  
**do not submit for retirement prior to January 1, 2012**

Pay Grade	Pay Plan Code	S T E P S							
		<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>	<u>6</u>	<u>7</u>	<u>8</u>
09	B	3096	3192	3294	3396	3505	3608	3779	3930
09	Q	3222	3320	3428	3533	3648	3757	3937	4096
09	S	3288	3389	3498	3606	3722	3830	4012	4173
10	B	3195	3313	3410	3523	3634	3746	3938	4097

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PEREMPTORY AMENDMENTS

10	Q	3324	3445	3550	3671	3785	3904	4112	4276
10	S	3393	3514	3622	3741	3857	3983	4188	4355
11	B	3314	3426	3536	3665	3785	3903	4110	4274
11	Q	3447	3570	3686	3818	3946	4070	4290	4461
11	S	3515	3639	3756	3891	4020	4147	4367	4540
12	B	3447	3574	3690	3828	3954	4100	4320	4491
12	Q	3588	3721	3844	3992	4127	4277	4511	4691
12	S	3658	3792	3916	4068	4206	4357	4591	4775
12H	B	21.21	21.99	22.71	23.56	24.33	25.23	26.58	27.64
12H	Q	22.08	22.90	23.66	24.57	25.40	26.32	27.76	28.87
12H	S	22.51	23.34	24.10	25.03	25.88	26.81	28.25	29.38
13	B	3577	3708	3849	3993	4138	4294	4532	4713
13	Q	3725	3861	4013	4171	4323	4482	4737	4926
13	S	3796	3936	4091	4250	4399	4563	4818	5011
14	B	3729	3871	4022	4199	4351	4517	4780	4971
14	Q	3888	4036	4201	4382	4547	4721	4996	5194
14	S	3960	4116	4276	4461	4627	4802	5075	5275
14H	B	22.95	23.82	24.75	25.84	26.78	27.80	29.42	30.59
14H	Q	23.93	24.84	25.85	26.97	27.98	29.05	30.74	31.96
14H	S	24.37	25.33	26.31	27.45	28.47	29.55	31.23	32.46
15	B	3878	4049	4216	4380	4559	4729	5013	5212
15	Q	4046	4223	4399	4577	4766	4942	5237	5448
15	S	4121	4302	4477	4658	4847	5021	5319	5531
16	B	4059	4240	4429	4611	4805	4997	5292	5503
16	Q	4235	4429	4629	4822	5020	5221	5532	5755
16	S	4317	4508	4710	4905	5101	5304	5609	5833

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PEREMPTORY AMENDMENTS

16H	B	24.98	26.09	27.26	28.38	29.57	30.75	32.57	33.86
16H	Q	26.06	27.26	28.49	29.67	30.89	32.13	34.04	35.42
16H	S	26.57	27.74	28.98	30.18	31.39	32.64	34.52	35.90
17	B	4253	4448	4653	4851	5048	5252	5564	5787
17	Q	4437	4650	4864	5066	5272	5489	5814	6049
17	S	4518	4732	4946	5151	5354	5567	5900	6134
18	B	4476	4691	4910	5134	5342	5557	5887	6124
18	Q	4675	4907	5133	5366	5585	5807	6156	6401
18	S	4753	4984	5212	5447	5666	5891	6233	6484
19	B	4716	4957	5191	5430	5661	5897	6256	6506
19	J	4716	4957	5191	5430	5661	5897	6256	6506
19	Q	4929	5182	5421	5680	5916	6165	6536	6798
19	S	5012	5263	5505	5760	5999	6246	6616	6881
20	B	4983	5236	5478	5739	5989	6237	6615	6880
20	Q	5208	5470	5728	6000	6258	6518	6917	7192
20	S	5291	5552	5807	6079	6338	6599	6994	7274
21	B	5262	5534	5801	6071	6347	6612	7025	7305
21	U	5262	5534	5801	6071	6347	6612	7025	7305
21	Q	5500	5784	6061	6345	6635	6913	7341	7635
21	S	5581	5862	6140	6428	6715	6991	7423	7719
22	B	5563	5854	6138	6430	6727	7006	7443	7741
22	Q	5812	6118	6418	6718	7029	7325	7778	8087
22	S	5897	6195	6498	6798	7111	7408	7860	8174
23	B	5901	6214	6533	6842	7157	7468	7940	8258
23	Q	6171	6496	6829	7149	7481	7806	8294	8625
23	S	6250	6575	6909	7232	7561	7886	8376	8709

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PEREMPTORY AMENDMENTS

24	B	6281	6614	6963	7294	7633	7975	8477	8815
24	J	6281	6614	6963	7294	7633	7975	8477	8815
24	Q	6565	6916	7275	7626	7973	8335	8859	9214
24	S	6647	6993	7353	7704	8057	8418	8938	9296
25	B	6695	7060	7433	7804	8174	8547	9095	9459
25	J	6695	7060	7433	7804	8174	8547	9095	9459
25	Q	6994	7379	7764	8158	8546	8932	9505	9886
25	S	7077	7459	7846	8235	8623	9010	9585	9971
26	B	7143	7535	7936	8336	8725	9117	9705	10093
26	U	7143	7535	7936	8336	8725	9117	9705	10093
26	Q	7488	7894	8312	8732	9141	9549	10167	10574
27	B	7627	8042	8466	8894	9312	9730	10358	10773
27	J	7627	8042	8466	8894	9312	9730	10358	10773
27	U	7627	8042	8466	8894	9312	9730	10358	10773
28	B	8002	8435	8883	9333	9771	10208	10869	11306
29	U	8397	8853	9321	9795	10253	10713	11406	11862

**For employees who by May 1, 2011  
submit for retirement prior to January 1, 2012**

<u>Pay Grade</u>	<u>Pay Plan Code</u>	<u>S T E P S</u>							
		<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>	<u>6</u>	<u>7</u>	<u>8</u>
09	B	3156	3254	3358	3462	3573	3678	3853	4007
09	Q	3285	3385	3495	3603	3719	3830	4014	4177
09	S	3353	3456	3566	3676	3795	3905	4090	4255
10	B	3257	3378	3477	3592	3706	3820	4015	4178

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PEREMPTORY AMENDMENTS

10	Q	3389	3512	3619	3743	3859	3980	4192	4360
10	S	3459	3583	3693	3815	3932	4061	4270	4441
11	B	3379	3493	3606	3737	3859	3979	4190	4358
11	Q	3514	3640	3759	3893	4024	4150	4374	4549
11	S	3584	3711	3829	3968	4099	4229	4452	4629
12	B	3514	3644	3763	3903	4031	4181	4404	4579
12	Q	3659	3794	3920	4071	4208	4361	4600	4783
12	S	3729	3867	3993	4148	4289	4443	4681	4868
12H	B	21.62	22.42	23.16	24.02	24.81	25.73	27.10	28.18
12H	Q	22.52	23.35	24.12	25.05	25.90	26.84	28.31	29.43
12H	S	22.95	23.80	24.57	25.53	26.39	27.34	28.81	29.96
13	B	3647	3780	3925	4072	4219	4378	4621	4806
13	Q	3798	3936	4091	4253	4408	4570	4830	5022
13	S	3871	4013	4171	4334	4486	4653	4913	5110
14	B	3802	3947	4101	4282	4437	4605	4873	5069
14	Q	3964	4115	4284	4468	4636	4813	5094	5296
14	S	4037	4196	4360	4549	4717	4896	5174	5379
14H	B	23.40	24.29	25.24	26.35	27.30	28.34	29.99	31.19
14H	Q	24.39	25.32	26.36	27.50	28.53	29.62	31.35	32.59
14H	S	24.84	25.82	26.83	27.99	29.03	30.13	31.84	33.10
15	B	3954	4129	4298	4466	4649	4821	5112	5314
15	Q	4126	4306	4486	4666	4860	5039	5339	5555
15	S	4202	4387	4565	4750	4942	5120	5424	5640
16	B	4138	4323	4516	4702	4899	5095	5396	5611
16	Q	4318	4516	4720	4916	5119	5324	5641	5868
16	S	4401	4597	4803	5001	5201	5408	5719	5948

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PEREMPTORY AMENDMENTS

16H	B	25.46	26.60	27.79	28.94	30.15	31.35	33.21	34.53
16H	Q	26.57	27.79	29.05	30.25	31.50	32.76	34.71	36.11
16H	S	27.08	28.29	29.56	30.78	32.01	33.28	35.19	36.60
17	B	4337	4535	4744	4946	5147	5355	5673	5901
17	Q	4524	4741	4960	5166	5376	5596	5928	6167
17	S	4606	4825	5043	5252	5459	5676	6015	6255
18	B	4564	4783	5007	5234	5446	5666	6003	6244
18	Q	4766	5003	5233	5471	5694	5921	6276	6526
18	S	4846	5081	5314	5554	5777	6006	6355	6611
19	B	4809	5054	5293	5537	5772	6012	6378	6633
19	J	4809	5054	5293	5537	5772	6012	6378	6633
19	Q	5025	5283	5528	5792	6032	6286	6664	6932
19	S	5111	5366	5613	5873	6116	6369	6745	7016
20	B	5080	5338	5586	5851	6107	6360	6744	7015
20	Q	5310	5578	5841	6117	6380	6646	7052	7333
20	S	5394	5661	5921	6198	6463	6729	7131	7416
21	B	5365	5642	5914	6190	6472	6741	7162	7448
21	U	5365	5642	5914	6190	6472	6741	7162	7448
21	Q	5608	5898	6180	6470	6765	7048	7485	7784
21	S	5691	5977	6261	6554	6846	7128	7568	7871
22	B	5672	5969	6259	6556	6859	7144	7589	7893
22	Q	5926	6238	6544	6849	7167	7468	7930	8245
22	S	6012	6317	6626	6932	7251	7554	8014	8335
23	B	6016	6336	6661	6976	7298	7615	8095	8420
23	Q	6292	6624	6963	7289	7627	7959	8456	8794
23	S	6372	6704	7045	7374	7710	8040	8540	8880

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PEREMPTORY AMENDMENTS

24	B	6404	6743	7099	7437	7782	8132	8643	8988
24	J	6404	6743	7099	7437	7782	8132	8643	8988
24	Q	6693	7051	7417	7775	8130	8499	9032	9394
24	S	6778	7130	7497	7855	8215	8583	9114	9479
25	B	6827	7199	7578	7957	8335	8714	9274	9645
25	J	6827	7199	7578	7957	8335	8714	9274	9645
25	Q	7131	7523	7916	8318	8713	9107	9692	10080
25	S	7216	7606	8000	8397	8792	9186	9773	10166
26	B	7283	7682	8091	8500	8896	9296	9896	10291
26	U	7283	7682	8091	8500	8896	9296	9896	10291
26	Q	7635	8049	8475	8903	9320	9736	10367	10782
27	B	7776	8199	8632	9069	9494	9921	10561	10984
27	J	7776	8199	8632	9069	9494	9921	10561	10984
27	U	7776	8199	8632	9069	9494	9921	10561	10984
28	B	8159	8601	9057	9516	9962	10408	11082	11527
29	U	8561	9026	9504	9987	10454	10923	11629	12094

**Effective January 1, 2012**  
**Bargaining Unit: RC-062**

<u>Pay Grade</u>	<u>Pay Plan Code</u>	<u>S T E P S</u>							
		<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>	<u>6</u>	<u>7</u>	<u>8</u>
09	B	3135	3232	3335	3438	3549	3653	3826	3979
09	Q	3262	3362	3471	3577	3694	3804	3986	4147
09	S	3329	3431	3542	3651	3769	3878	4062	4225
10	B	3235	3354	3453	3567	3679	3793	3987	4148
10	Q	3366	3488	3594	3717	3832	3953	4163	4329

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PEREMPTORY AMENDMENTS

10	S	3435	3558	3667	3788	3905	4033	4240	4409
11	B	3355	3469	3580	3711	3832	3952	4161	4327
11	Q	3490	3615	3732	3866	3995	4121	4344	4517
11	S	3559	3684	3803	3940	4070	4199	4422	4597
12	B	3490	3619	3736	3876	4003	4151	4374	4547
12	Q	3633	3768	3892	4042	4179	4330	4567	4750
12	S	3704	3839	3965	4119	4259	4411	4648	4835
12H	B	21.48	22.27	22.99	23.85	24.63	25.54	26.92	27.98
12H	Q	22.36	23.19	23.95	24.87	25.72	26.65	28.10	29.23
12H	S	22.79	23.62	24.40	25.35	26.21	27.14	28.60	29.75
13	B	3622	3754	3897	4043	4190	4348	4589	4772
13	Q	3772	3909	4063	4223	4377	4538	4796	4988
13	S	3843	3985	4142	4303	4454	4620	4878	5074
14	B	3776	3919	4072	4251	4405	4573	4840	5033
14	Q	3937	4086	4254	4437	4604	4780	5058	5259
14	S	4010	4167	4329	4517	4685	4862	5138	5341
14H	B	23.24	24.12	25.06	26.16	27.11	28.14	29.78	30.97
14H	Q	24.23	25.14	26.18	27.30	28.33	29.42	31.13	32.36
14H	S	24.68	25.64	26.64	27.80	28.83	29.92	31.62	32.87
15	B	3926	4100	4269	4435	4616	4788	5076	5277
15	Q	4097	4276	4454	4634	4826	5004	5302	5516
15	S	4173	4356	4533	4716	4908	5084	5385	5600
16	B	4110	4293	4484	4669	4865	5059	5358	5572
16	Q	4288	4484	4687	4882	5083	5286	5601	5827
16	S	4371	4564	4769	4966	5165	5370	5679	5906

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PEREMPTORY AMENDMENTS

16H	B	25.29	26.42	27.59	28.73	29.94	31.13	32.97	34.29
16H	Q	26.39	27.59	28.84	30.04	31.28	32.53	34.47	35.86
16H	S	26.90	28.09	29.35	30.56	31.78	33.05	34.95	36.34
17	B	4306	4504	4711	4912	5111	5318	5634	5859
17	Q	4492	4708	4925	5129	5338	5558	5887	6125
17	S	4574	4791	5008	5215	5421	5637	5974	6211
18	B	4532	4750	4971	5198	5409	5626	5961	6201
18	Q	4733	4968	5197	5433	5655	5880	6233	6481
18	S	4812	5046	5277	5515	5737	5965	6311	6565
19	B	4775	5019	5256	5498	5732	5971	6334	6587
19	J	4775	5019	5256	5498	5732	5971	6334	6587
19	Q	4991	5247	5489	5751	5990	6242	6618	6883
19	S	5075	5329	5574	5832	6074	6324	6699	6967
20	B	5045	5301	5546	5811	6064	6315	6698	6966
20	Q	5273	5538	5800	6075	6336	6599	7003	7282
20	S	5357	5621	5880	6155	6417	6681	7081	7365
21	B	5328	5603	5874	6147	6426	6695	7113	7396
21	U	5328	5603	5874	6147	6426	6695	7113	7396
21	Q	5569	5856	6137	6424	6718	6999	7433	7730
21	S	5651	5935	6217	6508	6799	7078	7516	7815
22	B	5633	5927	6215	6510	6811	7094	7536	7838
22	Q	5885	6194	6498	6802	7117	7417	7875	8188
22	S	5971	6272	6579	6883	7200	7501	7958	8276
23	B	5975	6292	6615	6928	7246	7561	8039	8361
23	Q	6248	6577	6914	7238	7575	7904	8398	8733
23	S	6328	6657	6995	7322	7656	7985	8481	8818

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PEREMPTORY AMENDMENTS

24	B	6360	6697	7050	7385	7728	8075	8583	8925
24	J	6360	6697	7050	7385	7728	8075	8583	8925
24	Q	6647	7002	7366	7721	8073	8439	8970	9329
24	S	6730	7080	7445	7800	8158	8523	9050	9412
25	B	6779	7148	7526	7902	8276	8654	9209	9577
25	J	6779	7148	7526	7902	8276	8654	9209	9577
25	Q	7081	7471	7861	8260	8653	9044	9624	10010
25	S	7165	7552	7944	8338	8731	9123	9705	10096
26	B	7232	7629	8035	8440	8834	9231	9826	10219
26	U	7232	7629	8035	8440	8834	9231	9826	10219
26	Q	7582	7993	8416	8841	9255	9668	10294	10706
27	B	7722	8143	8572	9005	9428	9852	10487	10908
27	J	7722	8143	8572	9005	9428	9852	10487	10908
27	U	7722	8143	8572	9005	9428	9852	10487	10908
28	B	8102	8540	8994	9450	9893	10336	11005	11447
29	U	8502	8964	9438	9917	10381	10847	11549	12010

**Effective February 1, 2012**  
**Bargaining Unit: RC-062**

<u>Pay Grade</u>	<u>Pay Plan Code</u>	<u>S T E P S</u>							
		<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>	<u>6</u>	<u>7</u>	<u>8</u>
09	B	3198	3297	3402	3507	3620	3726	3903	4059
09	Q	3327	3429	3540	3649	3768	3880	4066	4230
09	S	3396	3500	3613	3724	3844	3956	4143	4310
10	B	3300	3421	3522	3638	3753	3869	4067	4231
10	Q	3433	3558	3666	3791	3909	4032	4246	4416

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PEREMPTORY AMENDMENTS

10	S	3504	3629	3740	3864	3983	4114	4325	4497
11	B	3422	3538	3652	3785	3909	4031	4244	4414
11	Q	3560	3687	3807	3943	4075	4203	4431	4607
11	S	3630	3758	3879	4019	4151	4283	4510	4689
12	B	3560	3691	3811	3954	4083	4234	4461	4638
12	Q	3706	3843	3970	4123	4263	4417	4658	4845
12	S	3778	3916	4044	4201	4344	4499	4741	4932
12H	B	21.91	22.71	23.45	24.33	25.13	26.06	27.45	28.54
12H	Q	22.81	23.65	24.43	25.37	26.23	27.18	28.66	29.82
12H	S	23.25	24.10	24.89	25.85	26.73	27.69	29.18	30.35
13	B	3694	3829	3975	4124	4274	4435	4681	4867
13	Q	3847	3987	4144	4307	4465	4629	4892	5088
13	S	3920	4065	4225	4389	4543	4712	4976	5175
14	B	3852	3997	4153	4336	4493	4664	4937	5134
14	Q	4016	4168	4339	4526	4696	4876	5159	5364
14	S	4090	4250	4416	4607	4779	4959	5241	5448
14H	B	23.70	24.60	25.56	26.68	27.65	28.70	30.38	31.59
14H	Q	24.71	25.65	26.70	27.85	28.90	30.01	31.75	33.01
14H	S	25.17	26.15	27.18	28.35	29.41	30.52	32.25	33.53
15	B	4005	4182	4354	4524	4708	4884	5178	5383
15	Q	4179	4362	4543	4727	4923	5104	5408	5626
15	S	4256	4443	4624	4810	5006	5186	5493	5712
16	B	4192	4379	4574	4762	4962	5160	5465	5683
16	Q	4374	4574	4781	4980	5185	5392	5713	5944
16	S	4458	4655	4864	5065	5268	5477	5793	6024

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PEREMPTORY AMENDMENTS

16H	B	25.80	26.95	28.15	29.30	30.54	31.75	33.63	34.97
16H	Q	26.92	28.15	29.42	30.65	31.91	33.18	35.16	36.58
16H	S	27.43	28.65	29.93	31.17	32.42	33.70	35.65	37.07
17	B	4392	4594	4805	5010	5213	5424	5747	5976
17	Q	4582	4802	5024	5232	5445	5669	6005	6248
17	S	4665	4887	5108	5319	5529	5750	6093	6335
18	B	4623	4845	5070	5302	5517	5739	6080	6325
18	Q	4828	5067	5301	5542	5768	5998	6358	6611
18	S	4908	5147	5383	5625	5852	6084	6437	6696
19	B	4871	5119	5361	5608	5847	6090	6461	6719
19	J	4871	5119	5361	5608	5847	6090	6461	6719
19	Q	5091	5352	5599	5866	6110	6367	6750	7021
19	S	5177	5436	5685	5949	6195	6450	6833	7106
20	B	5146	5407	5657	5927	6185	6441	6832	7105
20	Q	5378	5649	5916	6197	6463	6731	7143	7428
20	S	5464	5733	5998	6278	6545	6815	7223	7512
21	B	5435	5715	5991	6270	6555	6829	7255	7544
21	U	5435	5715	5991	6270	6555	6829	7255	7544
21	Q	5680	5973	6260	6552	6852	7139	7582	7885
21	S	5764	6054	6341	6638	6935	7220	7666	7971
22	B	5746	6046	6339	6640	6947	7236	7687	7995
22	Q	6003	6318	6628	6938	7259	7565	8033	8352
22	S	6090	6397	6711	7021	7344	7651	8117	8442
23	B	6095	6418	6747	7067	7391	7712	8200	8528
23	Q	6373	6709	7052	7383	7727	8062	8566	8908
23	S	6455	6790	7135	7468	7809	8145	8651	8994

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PEREMPTORY AMENDMENTS

24	B	6487	6831	7191	7533	7883	8237	8755	9104
24	J	6487	6831	7191	7533	7883	8237	8755	9104
24	Q	6780	7142	7513	7875	8234	8608	9149	9516
24	S	6865	7222	7594	7956	8321	8693	9231	9600
25	B	6915	7291	7677	8060	8442	8827	9393	9769
25	J	6915	7291	7677	8060	8442	8827	9393	9769
25	Q	7223	7620	8018	8425	8826	9225	9816	10210
25	S	7308	7703	8103	8505	8906	9305	9899	10298
26	B	7377	7782	8196	8609	9011	9416	10023	10423
26	U	7377	7782	8196	8609	9011	9416	10023	10423
26	Q	7734	8153	8584	9018	9440	9861	10500	10920
27	B	7876	8306	8743	9185	9617	10049	10697	11126
27	J	7876	8306	8743	9185	9617	10049	10697	11126
27	U	7876	8306	8743	9185	9617	10049	10697	11126
28	B	8264	8711	9174	9639	10091	10543	11225	11676
29	U	8672	9143	9627	10115	10589	11064	11780	12250

(Source: Amended by peremptory rulemaking at 36 Ill. Reg. 17138, effective November 20, 2012)

JOINT COMMITTEE ON ADMINISTRATIVE RULES  
DECEMBER AGENDA

SCHEDULED MEETING:

MICHAEL A. BILANDIC BUILDING  
ROOM 600C  
CHICAGO, ILLINOIS  
DECEMBER 11, 2012  
11:00 A.M.

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

**RULEMAKINGS CURRENTLY BEFORE JCAR**

NOTICE: *It is the policy of the Committee to allow only representatives of State agencies to testify orally on any rule under consideration at Committee hearings. If members of the public wish to express their views with respect to a proposed rule, they should submit written comments to the Office of the Joint Committee on Administrative Rules at the following address:*

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

**PROPOSED RULEMAKINGS**

Agriculture

1. General Operations of the State Fairs and Fairgrounds (8 Ill. Adm. Code 270)
  - First Notice Published: 36 Ill. Reg. 12940 – 8/17/12
  - Expiration of Second Notice: 12/21/12

Capitol Development Board

2. Illinois Energy Conservation Code (71 Ill. Adm. Code 600)

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JOINT COMMITTEE ON ADMINISTRATIVE RULES  
DECEMBER AGENDA

- First Notice Published: 36 Ill. Reg. 6784 – 5/4/12
- Expiration of Second Notice: 12/16/12

Central Management Services

3. Day Care (89 Ill. Adm. Code 1300)
  - First Notice Published: 36 Ill. Reg. 14460 – 9/28/12
  - Expiration of Second Notice: 12/28/12

Comptroller

4. Standard Procurement (44 Ill. Adm. Code 1120)
  - First Notice Published: 36 Ill. Reg. 12702 – 8/10/12
  - Expiration of Second Notice: 1/9/13

Education

5. Certification (23 Ill. Adm. Code 25)
  - First Notice Published: 36 Ill. Reg. 13480 – 8/31/12
  - Expiration of Second Notice: 12/13/12
6. Agricultural Education Program (23 Ill. Adm. Code 75)
  - First Notice Published: 36 Ill. Reg. 13496 – 8/31/12
  - Expiration of Second Notice: 12/13/12
7. Calculation of Excess Cost under Section 18-3 of the School Code (23 Ill. Adm. Code 140)
  - First Notice Published: 36 Ill. Reg. 13501 – 8/31/12
  - Expiration of Second Notice: 12/13/12

Financial and Professional Regulation

8. Payday Loan Reform Act (38 Ill. Adm. Code 210)
  - First Notice Published: 36 Ill. Reg. 3605 – 3/9/12
  - Expiration of Second Notice: 12/15/12

Gaming Board

9. Video Gaming (General) (11 Ill. Adm. Code 1800)

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JOINT COMMITTEE ON ADMINISTRATIVE RULES  
DECEMBER AGENDA

- First Notice Published: 36 Ill. Reg. 14032 – 9/14/12
- Expiration of Second Notice: 12/21/12

Healthcare and Family Services

10. Managed Care Community Networks (89 Ill. Adm. Code 143)
  - First Notice Published: 36 Ill. Reg. 9045 – 6/22/12
  - Expiration of Second Notice: 1/3/13
11. Hospital Services (89 Ill. Adm. Code 148)
  - First Notice Published: 36 Ill. Reg. 13780 – 9/7/12
  - Expiration of Second Notice: 1/3/13

Insurance

12. Medical Malpractice Data Base (50 Ill. Adm. Code 928)
  - First Notice Published: 36 Ill. Reg. 9692 – 7/6/12
  - Expiration of Second Notice: 12/19/12

Natural Resources

13. Designation of Restricted Waters in the State of Illinois (17 Ill. Adm. Code 2030)
  - First Notice Published: 36 Ill. Reg. 13514 – 8/31/12
  - Expiration of Second Notice: 12/19/12

Racing Board

14. Concessionaire Rules (11 Ill. Adm. Code 402)
  - First Notice Published: 36 Ill. Reg. 13812 – 9/7/12
  - Expiration of Second Notice: 12/12/12

State Universities Retirement System

15. Universities Retirement (80 Ill. Adm. Code 1600)
  - First Notice Published: 36 Ill. Reg. 13568 – 8/31/12
  - Expiration of Second Notice: 12/13/12

Treasurer

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JOINT COMMITTEE ON ADMINISTRATIVE RULES  
DECEMBER AGENDA

16. Banking and Automated Teller Machine Services (74 Ill. Adm. Code 600)  
-First Notice Published: 36 Ill. Reg. 13819 – 9/7/12  
-Expiration of Second Notice: 1/3/13

**PEREMPTORY RULEMAKING**

Central Management Services

17. Pay Plan (80 Ill. Adm. Code 310)  
-Notice Published: 36 Ill. Reg. 15498 – 11/2/12

**AGENCY RESPONSES**

Healthcare and Family Services

18. Medical Payment (89 Ill. Adm. Code 140; 36 Ill. Reg. 11329)  
19. Hospital Services (89 Ill. Adm. Code 148; 36 Ill. Reg. 10326)

JOINT COMMITTEE ON ADMINISTRATIVE RULES  
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of November 20, 2012 through November 26, 2012 and have been scheduled for review by the Committee at its December 11, 2012 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>
1/3/13	<u>Department of Healthcare and Family Services,</u> Managed Care Community Networks (89 Ill. Adm. Code 143)	6/22/12 36 Ill. Reg. 9045	12/11/12
1/3/13	<u>Department of Healthcare and Family Services,</u> Hospital Services (89 Ill. Adm. Code 148)	9/7/12 36 Ill. Reg. 13780	12/11/12
1/3/13	<u>Office of the State Treasurer,</u> Banking and Automated Teller Machine Services (74 Ill. Adm. Code 600)	9/7/12 36 Ill. Reg. 13819	12/11/12
1/9/13	<u>Comptroller,</u> Standard Procurement (44 Ill. Adm. Code 1120)	8/10/12 36 Ill. Reg. 12702	12/11/12

## CHIEF PROCUREMENT OFFICER FOR CAPITAL DEVELOPMENT BOARD

## NOTICE OF PUBLIC INFORMATION

## NOTICE OF CAMPAIGN CONTRIBUTION VIOLATION OF PROCUREMENT CODE

1. Statutory Authority: Section 50-37 of the Illinois Procurement Code [30 ILCS 500/50-37] prohibits business entities with contracts and solicitations worth in excess of \$50,000 in combined annual value pending with a given officeholder responsible for awarding the contracts from making campaign contributions to campaign committees established to promote the candidacy of the officeholder or any other declared candidate for that office. The prohibition also extends to contributions made by various affiliated persons and businesses of a business entity that is subject to the prohibition. Section 50-37 requires that notice of violation of the prohibition and the penalty imposed is to be published in the *Illinois Register*.
2. Name of Contributor: Mr. Stephen Cicciarelli, President and part owner of The PIPCO Companies, Ltd.
3. Date of Violation: October 21, 2010
4. Description of Violation: Mr. Stephen Cicciarelli, an affiliated person of the business entity. The PIPCO Companies, Ltd., made a contribution of \$1,000.00 to Brady for Senate, Inc., a campaign committee established to support the election of Bill Brady for public office. At the time of the contribution, Bill Brady was a declared candidate for the office of Governor, and The PIPCO Companies, Ltd. had a pending bid with the Capital Development Board, the total annual value of which was in excess of \$50,000.
5. Summary of Action Taken by the Agency: Section 50-37 provides that State contracts with a business entity that violates the campaign contribution prohibition are voidable at the discretion of the chief procurement officer. The Chief Procurement Officer for the Capital Development Board (CPO-CDB) has notified The PIPCO Companies, Ltd. of the apparent violation, reviewed responsive material provided by The PIPCO Companies, Ltd., and have considered the value, status, and necessity of the contracts. In addition, the CPO-CDB has taken into consideration the recognition by The PIPCO Companies, Ltd. of the violation and their understanding of the necessity to avoid such situations in the future. The CPO-CDB finds that voiding affected contracts, bids or proposals would not be in the best interest of the State.

As required by Section 50-37(e) of the Procurement Code, Brady for Senate, Inc., is required to pay to the State an amount equal to the value of the contribution within 30 days after the publication of this Notice.

**ILLINOIS ADMINISTRATIVE CODE**  
**Issue Index - With Effective Dates**

Rules acted upon in Volume 36, Issue 49 are listed in the Issues Index by Title number, Part number, Volume and Issue. Inquiries about the Issue Index may be directed to the Administrative Code Division at (217) 782-7017/18.

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