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- Issue 15 - April 11, 2003: Data through March 31, 2003 (1st Quarter)
- Issue 28 - July 11, 2003: Data through June 30, 2003 (2nd Quarter)
- Issue 41 - October 10, 2003: Data through September 29, 2003 (3rd Quarter)
- Issue 2 - January 9, 2004: Data through December 29, 2003 (Annual)

30 ILCS 500/)

ARTICLE 5

POLICY ORGANIZATION

(30 ILCS 500/5-25)

Sec. 5-25. Rulemaking authority. A State agency authorized to make procurements under this Code shall have the authority to promulgate rules to carry out that authority. That rulemaking on specific procurement topics is mentioned in specific Sections of this Code shall not be construed as prohibiting or limiting rulemaking on other procurement topics.

All rules shall be promulgated in accordance with the Illinois Administrative Procedure Act. Contractual provisions, specifications, and procurement descriptions are not rules and are not subject to the Illinois Administrative Procedure Act. All rules other than those promulgated by the Board shall be presented in writing to the Board for its review and comment. The Board shall express its opinions and recommendations in writing. Both the proposed rules and Board recommendations shall be made available for public review. The rules shall also be approved by the applicable chief procurement officer and the Joint Committee on Administrative Rules.

(Source: P.A. 90-572, eff. date - See Sec. 99-5.)

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. The Register will also contain the Cumulative Index and Sections Affected Indices will be printed on a quarterly basis. The printing schedule for the quarterly and annual indexes are the end of March, June, Sept, Dec.

Rulemaking activity consist of proposed or adopted new rules; amendments to or repeaters 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 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' activities.

The Illinois Register is the property of the State of Illinois, granted by the authority of the Illinois Administrative Procedure Act [5ILCS 100/1-1 et seq.].

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NOTICE OF PROPOSED AMENDMENTS

4) **Statutory Authority:** Implementing and authorized by the Real Estate License Act of 2000 [225 ILCS 454].

5) **A complete description of the subjects and issues involved:** These proposed amendments implement provisions contained in Public Act 92-217 and clarify portions of the real estate education provisions authorized under the Real Estate License Act of 2000. PA 92-217 established an Audit Fund to provide the Office of Banks and Real Estate (OBRE) with the resources to contract with certified public accountants to conduct audits of escrow accounts held by real estate brokers. Section 1450.246 establishes the basis for contracting with a certified public accountant to conduct such audits and the criteria OBRE must use to assess the cost of such audits to the real estate broker. Section 1450.266 establishes guidelines for advisory letters to licensees from OBRE. Certain portions of Subpart G are also clarified pertaining to the real estate school rules.

6) **Will these proposed amendments replace emergency amendments currently in effect?** No

7) **Does this rulemaking contain an automatic repeal date?** No

8) **Do these proposed amendments contain incorporations by reference?** No

9) **Are there any other proposed amendments pending to this Part?** No

10) **Statement of Statewide Policy Objectives:** This proposal does not substantively affect local government in any manner.

11) **Time, place and manner in which interested persons may comment on this proposed rulemaking:** Interested parties should submit written comments or views concerning the proposed rulemaking to the attention of:

    Alan Anderson  
    Legislative Liaison  
    Office of Banks and Real Estate  
    500 East Monroe  
    Springfield, Illinois  62701  
    Telephone: 217/782-3000  
    Telefax: 217/558-4297

12) **Initial Regulatory Flexibility Analysis:**
OFFICE OF BANKS AND REAL ESTATE

NOTICE OF PROPOSED AMENDMENTS

a) Types of small businesses affected: Real estate offices and schools

b) Reporting, bookkeeping or other procedures required for compliance: Sponsoring brokers are required to comply with audit procedures for special accounts contained in Section 1450.246.

c) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: January 2002

The full text of the Proposed Amendments begin on the next page.
OFFICE OF BANKS AND REAL ESTATE

NOTICE OF PROPOSED AMENDMENTS

TITLE 68: PROFESSIONS AND OCCUPATIONS
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SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS
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REAL ESTATE LICENSE ACT OF 2000

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AUTHORITY: Implementing the Real Estate License Act of 2000 [225 ILCS 455] and authorized by Section 60(7) of the Illinois Civil Administrative Code of Illinois [20 ILCS 2105/60(7)].


SUBPART A: DEFINITIONS

Section 1450.10 Definitions
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Unless otherwise clarified by this Part, definitions set forth in the Act also apply for purposes of this Part.

"Act" means the Real Estate License Act of 2000 [225 ILCS 455].

"Affidavit of Non-participation" means a sworn statement made by an unlicensed person associated with or an owner of a licensed real estate corporation, limited liability company, partnership, or limited partnership attesting that the unlicensed person is not actively directing or engaging in real estate activities as part of that association or ownership.

"Certificate of registration" means the document issued by OBRE indicating approval of a continuing education course for which CE credit can be granted.

"Compliance agreement" means an agreement entered into between a licensee and OBRE in conjunction with an administrative warning letter.

"Credit hour" means classroom attendance for a minimum of 50 minutes of lecture or its equivalent through a distance learning program approved by OBRE. For the purposes of these regulations the term “classroom hour” shall have the same meaning as credit hour.

"Good moral character" means a reliable and trustworthy character as will enable a person to discharge the duties of a real estate licensee in a manner which protects the public's interest and welfare. Evidence of inability to discharge such duties may include the commission of conduct violative of Section 20-20 of the Act.

"Managing broker" means a broker who has supervisory responsibilities for licensees in one or, in the case of a multi-office company, more than one office and who has been appointed as such by the sponsoring broker. Refer to the definition of sponsoring broker below.

"Moral turpitude" means conduct that is inherently base, depraved or vile.

"Office" means a real estate broker's place of business where the general public is invited to transact business and where records may be maintained and licenses displayed, whether or not it is the broker's principal place of business. When determining whether an office exists the following shall be considered by OBRE:

An office is any business location or structure which is owned, controlled, operated or maintained by a person who, at that location or structure, is:
engaging in licensed activities;

offering real estate services to consumers;

holding out to the public that the person is engaged in the practice of real estate brokerage;

maintaining original real estate documents and records related to active or pending transactions;

maintaining current escrow records; or

meeting consumers for the purpose of engaging in real estate licensed activities.

The following places do not constitute an office:

a motor vehicle primarily used for transportation;

a place whose purpose is solely devoted to advertising real estate matters of a general nature or to making a sponsoring broker's business name generally known;

a place which a licensee uses solely for storage or archiving of records; or

a licensee's residence unless held out to the public as a location at which real estate brokerage services are available to the public.

A licensee engaged in the practice of real estate brokerage shall maintain an office. If the licensee is sponsored by another, then the office shall be the office of the sponsoring broker.

A post office box, mail drop location, or other similar facility shall not constitute an office, so long as none of the activities described in this definition take place at this facility.

A “school branch” means a location where a pre-license school provides instruction other than the sponsoring school’s principal location.

"Semester hours" shall be converted into quarter hours at a ratio of 2 semester hours to 3 quarter hours.
"Sole owner" when used to describe a licensee means a licensee who has a 100% ownership interest alone, has ownership as a joint tenant or tenant by the entirety or holds 100% beneficial interest in a land trust.

"Sponsoring broker" means the broker who has issued a sponsor card to a licensed salesperson, another licensed broker, or a leasing agent.

There shall be only one sponsoring broker for any one real estate company. According to the definition herein, the sponsoring broker is the entity holding the company real estate license, whether the entity is an individual who operates as a sole proprietorship, a partnership, limited liability company, corporation or registered limited liability partnership.

The entity that is the sponsoring broker for the real estate company may delegate its duties in accordance with company policy to appropriate company personnel, authorized to act and sign on behalf of the sponsoring broker.

Some examples include but are not limited to:

   the sponsoring broker could authorize a managing broker for the company to sign sponsor cards in the name of the sponsoring broker;

   the sponsoring broker could authorize a qualified company employee or independent contractor to oversee bookkeeping duties relative to the sponsoring broker's escrow account;

   the sponsoring broker may delegate authorized signers for the escrow account to sign on behalf of the sponsoring broker; and

   the sponsoring broker may delegate to authorized company personnel, the ability to sign contracts entered into by the sponsoring broker in accordance with the sponsoring broker's company policy.

(Source: Amended at 27 Ill. Reg. _____________, effective _____________)

Section 1450.95 Fees

   a) License of a Leasing Agent.
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1) The application fee for an initial leasing agent license shall be $50.

2) The application fee to renew a leasing agent license shall be $25 per year.

3) The late renewal fee for leasing agent licenses renewed after the expiration date of the license shall be $50.

4) The fee for issuing a 120 day leasing agent permit shall be $25.

b) License of Real Estate Salesperson.

1) The fee for an initial license as a salesperson is $100. The fee must accompany the application to determine the applicant's fitness to receive a license.

2) The fee for renewal of a salesperson's license which has not expired shall be calculated at the rate of $25 per year.

3) The fee for the renewal of a salesperson's license which has been expired for not more than 2 years, as provided for in Section 5-55 of the Act, is the sum of all lapsed renewal fees plus $50.

c) License of Broker.

1) The fee for an initial license as a broker is $100. The fee must accompany the application to determine an applicant's fitness to receive a license.

2) The fee for the renewal of a broker's license which has not expired shall be calculated at the rate of $50 per year.

3) The fee for the renewal of a broker's license which has been expired for not more than 2 years, as provided for in Section 5-55 of the Act, is the sum of all lapsed renewal fees plus $50.

d) License of Partnership, Limited Liability Company, or Corporation.

1) The fee for an initial license for a partnership, limited liability company, or corporation is $100. The fee must accompany the application to determine an applicant's fitness to receive a license.
2) The fee for the renewal of a license for a partnership, limited liability company, or corporation shall be calculated at the rate of $50 per year.

3) The fee for the renewal of a license for a partnership, limited liability company or corporation which has been expired is the sum of all lapsed renewal fees plus $50.

e) License for Branch Office.

1) The fee for an initial license for a branch office is $100. The fee must accompany the application to determine an applicant's fitness to receive a license.

2) The fee for the renewal of a branch office license shall be calculated at the rate of $50 per year.

3) The fee for the renewal of a branch office license which has been expired is the sum of all lapsed renewal fees plus $50.

f) Pre-License School, Instructor, and Course Fees.

1) The fee for an application for initial approval of a pre-license school is $1,000. The fee must accompany the application to determine an applicant's fitness to receive a license.

2) The fee for renewal of approval of a pre-license school shall be calculated at the rate of $500 per year.

3) The fee for the renewal of approval of a pre-license school which has been expired is the sum of all lapsed renewal fees plus $50.

4) The fee for an application for initial approval of a branch for a pre-license school is $150 per branch. The fee must accompany the application to determine an applicant's fitness to receive approval.

5) The fee for renewal of approval of a branch for a pre-license school shall be calculated at the rate of $100 per branch per year.

6) The fee for the renewal of approval of a branch for a pre-license school which has been expired is the sum of all lapsed renewal fees plus $50.
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7) The fee for transferring a branch location shall be $25 per transfer.

8) The fee for application for initial approval of a pre-license instructor is $100. The fee must accompany the application to determine the applicant's fitness for approval.

9) The fee for renewal of approval of a pre-license instructor shall be calculated at the rate of $100 per year.

10) The fee for the renewal of approval of a pre-license instructor which has been expired is the sum of all lapsed renewal fees plus $50.

11) The fee for application for initial approval of a pre-license course is $100. The fee must accompany the application for approval.

12) The fee for renewal of approval of a pre-license course shall be calculated at the rate of $25 per year.

13) The fee for the renewal of approval of a pre-license course which has been expired is the sum of all lapsed renewal fees plus $50.

g) Continuing Education School, Instructor, and Course Fees.

1) The fee for an application for initial approval as a continuing education (CE) school shall be $2,000. The fee must accompany the application to determine an applicant's fitness for approval.

2) The fee for renewal of approval as a CE school shall be $2,000 per year.

3) The fee for renewal of approval as a CE school which has expired shall be all lapsed renewal fees plus $50.

4) The fee for an application for initial approval as a CE instructor shall be $50. The fee must accompany the application to determine an applicant's fitness to receive approval.

5) The fee for renewal of approval as a CE instructor shall be $50 per year.
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6) The fee for the renewal of approval as a CE instructor which has been expired shall be all lapsed renewal fees plus $50.

7) The fee for an application for initial approval of a CE course shall be $100. The fee must accompany the application for approval.

8) The fee for renewal of approval of a CE course shall be $25 per year.

9) The fee for renewal of approval of a CE course which has expired shall be all lapsed renewal fees plus $50.

h) General.

1) All fees paid pursuant to the Act and this Section are non-refundable.

2) The fee for the issuance of a duplicate license or pocket card, for the issuance of a replacement license or pocket card for a license or pocket card which has been lost or destroyed, for the issuance of a license with a change of name or address other than during the renewal period, or for the issuance of a license with a change of location of business, is $25.

3) The fee for a certification of a licensee's record for any purpose is $25.

4) The fee for a wall license showing registration shall be the cost of producing the license.

5) The fee for a roster of persons licensed under the Act or for a list of licensees sponsored by the sponsoring broker shall be the cost of producing the roster.

6) Applicants for an examination as a leasing agent, broker, salesperson, or instructor shall be required to pay a fee covering the cost of providing the examination. If a designated testing service is utilized for the examination, the fee shall be paid directly to the designated testing service. Failure to appear for the examination on the scheduled date, at the time and place specified, after the applicant's application for examination has been received and acknowledged, shall result in the forfeiture of the examination fee.

7) The fee for requesting a waiver of continuing education requirements pursuant to Section 5-70 of the Act shall be $25.
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8) The fee for processing a sponsor card other than at the time of original licensure is $25.

9) The fee for a copy of a transcript of the proceedings under Section 20-60(h) of the Act shall be the cost of a copy of the transcript. A copy of the balance of the record will be provided at OBRE's cost for producing the record.

10) The fee for certifying the record referred to in Section 20-75 of the Act is $1 per page of the record.

11) OBRE may charge an administrative fee not to exceed $500, as a part of a compliance agreement issued with an administrative warning letter pursuant to Section 1450.250(d)(2).

12) Each university, college, community college or school supported by public funds shall be exempt from the school licensure fees provided each university, college, community college or school meets the following criteria:

   A) the facility is supported by public funds;
   
   B) the instructors are considered full-time faculty and are supported by public funds;
   
   C) the program, pre-license and/or continuing education, revenues are deposited into the general fund of the university, college, community college or school as are other appropriated public funds; and
   
   D) the program, pre-license and/or continuing education is not a for-profit division of the university, college, community college or school.

(Source: Amended at 27 Ill. Reg. __________, effective ____________)

Section 1450.105 Renewals

a) Every leasing agent license issued under the Act shall expire on July 31 of each even numbered year.
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b) Every salesperson’s license issued under the Act shall expire on April 30 of each odd numbered year. All salespersons licenses which expire on March 31, 2001, pursuant to the Real Estate License Act of 1983 shall be extended to April 30, 2001.

e) Every broker’s license issued under the Act shall expire on April 30 of each even numbered year. All brokers licenses which expire on January 31, 2000, pursuant to the Real Estate License Act of 1983 shall be extended to April 30, 2000. Sponsoring brokers shall also submit a properly completed consent to audit and examine special accounts form.

d) Every license issued to a corporation, limited liability company, partnership, limited partnership, or branch office under the Act shall expire on October 31 of each even numbered year. The holder of the license shall submit the following:

1) A properly completed consent to audit and examine special accounts form; and

2) A properly completed change of business information form as provided for in Section 1450.110 of this Part.

e) Renewal applications shall be submitted on forms provided by OBRE. All renewals shall include the name and license number of the sponsoring broker. Failure to receive a renewal form from OBRE shall not constitute an excuse for failure to pay the renewal fee or to renew one’s license.

f) Practicing or offering to practice on an expired or inoperative license shall constitute unlicensed or unauthorized practice and shall be grounds for discipline pursuant to Section 20-20 of the Act.

g) Any leasing agent, salesperson, or broker whose license under the Act has expired is eligible to renew the license without paying any lapsed renewal fees or reinstatement fee provided that the license expired while the licensee was:

1) on active duty with the United States Army, United States Navy, United States Marine Corps, United States Air Force, United States Coast Guard, the State Militia called into the service or training of the United States, or

2) engaged in training or education under the supervision of the United States prior to induction into military service, or
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3) serving as the Director or Deputy Director of Real Estate in the State of Illinois, or as an employee of OBRE. A licensee renewing his or her license in accordance with this subsection may renew the license within a period of two years following the termination of service and are not required to take a refresher course or a retest.

h) In accordance with Section 5-55 of the Act, any licensee whose license under this Act has expired for more than 2 years shall not be eligible for renewal of that license. Any licensee whose license has been expired for less than 2 years may renew the license at any time by complying with the requirements of this Part, by paying the fees required by Section 1450.95 of this Part and by providing OBRE with evidence that the licensee has satisfactorily completed the required continuing education courses, including six hours per year while the license was expired. nonrenewed.

i) In accordance with Section 5-50 of the Act, upon request, OBRE shall prepare and mail to the sponsoring real estate broker a listing of licensees who, according to the records of OBRE, are sponsored by that broker. The sponsoring broker shall notify OBRE concerning any inaccuracies in the listing within 30 days after its receipt.

(Source: Amended at 27 Ill. Reg. _______________, effective _______________)

Section 1450.110 Change of Information

a) It is the responsibility of each licensee to immediately notify OBRE of any change of name, address, or office location. For example, if the licensee has had a name change either by court order or due to a change in marital status, the licensee shall notify OBRE of the name change together with a certified copy of the marriage certificate or portions of the court order relating to the name change, and indicate under which name the license shall issue. If the licensee regularly practices under a diminutive of their first name (e.g., Meg for Margaret or Mark for Mariusz or Sam for Shamim), last name or a middle name instead of the licensee's full legal name, the licensee shall notify OBRE of the alternate name. To help ensure proper credit, the licensee shall ensure that all continuing education certificates are issued under the name of licensure.

b) It is the responsibility of each sponsoring broker to immediately notify OBRE of any change of business information.

1) When a licensee acquires or transfers any interest in a corporation, limited liability company, partnership, or limited partnership licensed under the Act,
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the sponsoring broker shall submit to OBRE a properly completed change of business information form.

2) When a licensee becomes an officer or manager of a corporation, limited liability company, partnership, or limited partnership licensed under the Act, the sponsoring broker shall submit to OBRE a properly completed change of business information form. Any changes in managing brokers, branch or principal offices shall be reported in writing to OBRE within 15 days after the change.

(Source: Amended at 27 Ill. Reg. _______________, effective _______________)

Section 1450.115 Continuing Education

a) Continuing Education Hour Requirements

1) Pursuant to Article 5 of the Act, each licensee who is required to take continuing education (CE) shall complete 6 hours of CE for each year of the prerenewal period in courses approved by the Advisory Council. Licensees who complete CE after the expiration of a license are eligible for approval of CE upon payment of all fees required by this Part and completion of the necessary forms.

2) Pursuant to Section 5-70 of the Act, CE requirements apply to those licensees who obtained initial licensure in Illinois on or after January 1, 1977 and those licensees who did not have a license for 15 years as of January 1, 1992. Continuous licensure is not required to be eligible for this exemption. However, if a license has been nonrenewed for a period of 2 years or more, the date of initial licensure, for purposes of this Section, shall be the date of licensure after that nonrenewed period.

3) A renewal applicant is not required to comply with CE requirements for the first renewal following original licensure if:

   A) the_an- initial salesperson’s license was issued less than one year prior to the expiration date; or
   
   B) the initial_ a broker’s license was issued to a person, not already licensed as a salesperson, less than one year prior to the expiration date.
4) A renewal applicant is required to complete 6 hours of continuing education if:

   A) the licensee’s initial salesperson license was issued more than one year prior to that licensee’s first expiration date and less than two years prior to that licensee’s first expiration date.

   B) a broker’s license was issued to a person, not already licensed as a salesperson, more than one year prior to that licensee’s first broker expiration date and less than two years prior to that licensee’s first broker expiration date.

5) Salespersons and brokers licensed in Illinois but residing and practicing in other states shall comply with the CE requirements set forth in this Section, unless they are exempt pursuant to Section 5-70(a) of the Act or subsection (a)(2) or (a)(3) above.

6) OBRE shall conduct random audits to verify compliance with this Section.

b) Approved Continuing Education

1) CE credit may be earned for verified attendance at or participation in a course which is offered by an approved CE school that meets the requirements set forth in Section 1450.285 of this Part.

2) CE credit may also be earned for completion of a self-study course that is offered by an approved CE school that meets the requirements set forth in Section 1450.295 of this Part.

3) Pursuant to Section 5-70 of the Act, the CE in a curriculum approved by the Education Advisory Council requirement shall be satisfied by successful completion of the following:

   A) Core category: A minimum of 6 hours of CE in a curriculum approved by the Education Advisory Council.

   B) Elective category: A maximum of 6 hours of CE in the following elective courses:

      i) Appraisal;
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   ii) Property management;

   iii) Residential brokerage;

   iv) Farm property management;

   v) Rights and duties of sellers, buyers and brokers;
   vi) Commercial brokerage and leasing;

   vii) Real estate financing; and

   viii) Other CE courses approved by the Advisory Council (e.g. real estate
tax laws).

4) One hour of approved CE shall include at least 50 minutes of classroom instruction
and shall be exclusive of any time devoted to taking the examination as set forth in
subsection (b)(6) below.

5) Each CE course shall include one or more subjects from either the core category or
elective category set forth in subsection (b)(3)(A) or (b)(3)(B), where the individual is
in actual attendance, or participates in, or completes self-study. All CE courses shall
be a minimum of three hours and shall be offered in three-hour increments. Each
three-hour increment shall be from topics in the core or elective category. In no case
shall topics from the core and elective category be combined with the same three-
hour period. The CE school shall clearly indicate on the certificate of completion the
number of hours earned from each CE course and identify whether the completed
course was from the core or elective category.

6) Each CE course shall include the successful completion of an examination which
measures the attendee’s understanding of the course material. A score of at least 70%
is required on the examination for successful completion of any CE course.

   A) The examination shall be given on-site immediately following any CE course.
   When a sequence of courses is offered, the examination may be given either at
the end of each individual course or it may be given at the end of the sequence
of courses so long as the examination covers all aspect of the course material.
B) All examinations, including self-study examinations and retake examinations, shall be proctored by a representative of the approved CE school and shall include at least 25 questions for each three-hour increment of CE earned.

C) No credit for CE shall be given to any licensee unless the examination is successfully completed. The CE school shall allow the attendee one retake within 30 days after a failed examination in order to receive credit for CE. No more than one retake shall be allowed. A licensee failing a retake shall not receive credit for that CE course unless the entire course is retaken and the examination is successfully completed.

7) Self-study CE shall comply with all of the requirements of this Section, except that:

A) Verified attendance is only required for taking the examination.

B) Classroom instruction is not required for self-study CE, as the intent is for the licensees to review and learn the material on their own.

C) Acceptable self-study materials include, but are not limited to, reading material and audio/video cassettes.

D) The examination site for self-study CE shall be determined by the CE school, and it shall be proctored by a representative of the approved sponsor. An approved instructor is not required to proctor the examination.

8) All CE courses shall:

A) Contribute to the advancement, integrity, extension and enhancement of professional skills and knowledge in the practice of real estate.

B) Provide experiences (e.g. role playing, lectures, films) which contain subject matter and course materials relevant to that set forth in Section 5-70 of the Act; and

C) Be developed and presented by persons with education and/or experience in the subject matter of the CE course.

9) Nothing shall prohibit an approved CE school and its instructors from utilizing audio-visual aides or satellite communications with two-way voice interaction in assisting in the presentation of CE courses.
10) Pursuant to Section 5-70(f) of the Act, CE credit may be earned by an approved instructor for teaching an approved CE course or pre-license course also approved for CE. Credit for teaching an approved CE course may only be earned one time per course during a prerenewal period. One hour of teaching is equal to one hour of CE.

11) As provided for in Section 5-75 of the Act, if licensees have earned CE hours offered in another state or territory for which they will be claiming credit toward full compliance in Illinois, each applicant shall submit an application along with a $25 processing fee within 90 days after completion of the CE course and prior to expiration of the license. The Advisory Council shall review and recommend approval or disapproval of the CE course provided the CE school and CE course are substantially equivalent to those approved in Illinois and provided that the course included the successful completion of a proctored examination. In determining whether the CE school and CE course are substantially equivalent the Advisory Council shall use the criteria in Sections 5-70 through 5-85 of the Act and this Section.

12) CE credit shall not be given for CE courses taken in Illinois from schools not pre-approved by OBRE.

13) Except for self-study CE courses, no more than 6 hours of CE may be taken in any calendar day.

c) Certification of Compliance with CE Requirements

1) Each licensee shall certify on the renewal application full compliance with the CE requirements set forth in subsections (a) and (b) on this Section.

2) OBRE may require additional evidence demonstrating compliance with the CE requirements (e.g. certificate of completion, transcript, etc.). It is the responsibility of each renewal applicant as proof of CE completed.

3) When during an audit or compliance review, OBRE determines that a licensee may be deficient in complying with CE requirements, OBRE will notify the licensee, and the sponsoring broker of the licensee, by certified or registered mail, return receipt requested, or other signature restricted delivery service, of the possible deficiency. The licensee shall have 60 days from the date the deficiency notification is mailed to submit to OBRE evidence of compliance with CE requirements.
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A) If satisfactory evidence of compliance with CE requirement (as set forth in subsection (c)(2) of this Section) is submitted, OBRE shall notify the licensee by first class mail, that the licensee is in compliance.

B) If the licensee has certified compliance with CE requirements on the licensee’s most recent renewal application pursuant to subsection (c)(1) of this Section but cannot submit evidence of having been in compliance on the date the licensee made the certification, the licensee may during the 60 days notice period submit evidence of having attained compliance with CE requirements after the date the certification was made. The submission of evidence of post-certification completion must be accompanied by a non-refundable administrative fee of $25 per course credit hour completed after the date the licensee originally certified compliance. The submission of evidence will not be reviewed or considered if the proper fee does not accompany the submission. Upon submission of the evidence and appropriate fee, the evidence will be reviewed. If the evidence is found to be satisfactory, OBRE shall notify the licensee and the sponsoring broker of the licensee that the licensee is in compliance. Any credit hours submitted for post-certification course completion and found satisfactory may not be used as credit to the next renewal requirements.

E) If the licensee fails to submit within the 60 day notice period satisfactory evidence of compliance with CE requirements, the failure shall be evidence of a violation of Section 20-20(a) of the Act regarding false or fraudulent representation to obtain a license and the continuing education requirements of Article 5 of the Act. OBRE shall send notice pursuant to Section 20-60 of the Act indicating the commencement of disciplinary proceedings. A copy of this notice shall be sent to the sponsoring broker of the licensee.

(Source: Amended at 27 Ill. Reg. _______________, effective _______________)

Section 1450.140 Advertising

a) Deceptive and misleading advertising includes, but is not limited to, the following:
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1) advertising a property that is subject to an exclusive listing agreement with a sponsoring broker other than the licensee's own without the permission of and identifying that listing broker; and

2) failing to remove advertising of a listed property within a reasonable time, given the nature of the advertising, after the earlier of the closing of a sale on the listed property or the expiration or termination of the listing agreement; and

3) advertising a property at auction as an absolute auction or auction without reserve, when there is a minimum bid or opening bid required.

b) For the purposes of this Section and Section 1450.145 on Internet Advertising, listing information available on a sponsoring broker's or licensee's website, extranet or similar site but behind a firewall or similar device requiring a password, registration or other type of security clearance to access that information shall not be considered advertising.

c) For the purposes of this Section and Section 1450.145 on Internet Advertising, unsolicited marketing of a licensee's real estate brokerage services and farming (prospect) shall be considered advertising.

d) Nothing in Section 10-30 of the Act shall require a sponsoring broker to include the name of one of its sponsored licensees on signs or other general advertising of the sponsoring broker.

(Source: Amended at 27 Ill. Reg. _______________, effective _______________)

Section 1450.160 Employment Agreements

Every sponsoring broker shall have a written employment agreement with every licensee they sponsor. This agreement shall be dated and signed by the parties. The agreement shall include, at a minimum, the employment or independent contractor relationship terms, including but not limited to, supervision, duties, compensation, duration, and termination. The term “duration“ as used in this Section is not intended to require a specific termination date, but rather to allow the parties to negotiate the term of the agreement, such as “at will”, or a specific length of time, and how the agreement is renewed or terminated, and that these provisions be included in the agreement. The employing broker shall give to every employee and independent contractor a copy of the employment Agreement and any modifications.

(Source: Amended at 27 Ill. Reg. _______________, effective _______________)
Section 1450.165 Unlicensed Assistants

a) Licensees under the Act may employ, or otherwise utilize the services of, unlicensed assistants to assist them with administrative, clerical, or personal activities for which a license under the Act is not required.

b) An unlicensed assistant, on behalf of and under the direction of a licensee, may engage in the following administrative, clerical, or personal activities without being in violation of the licensing requirements of the Act. The following list is intended to be illustrative and declarative of the Act and is not intended to increase or decrease the scope of activities for which a license is required under the Act. An unlicensed assistant of a licensee may:

1) answer the telephone, take messages, and forward calls to a licensee;

2) submit listings and changes to a multiple listing service;

3) follow up on a transaction after a contract has been signed;

4) assemble documents for a closing;

5) secure public information from a courthouse, sewer district, water district, or other repository of public information;

6) have keys made for a company listing;

7) draft advertising copy and promotional materials for approval by a licensee;

8) place advertising;

9) record and deposit earnest money, security deposits, and rents;

10) complete contract forms with business and factual information at the direction of and with approval by a licensee;

11) monitor licenses and personnel files;

12) compute commission checks and perform bookkeeping activities;

13) place signs on property;
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14) order items of routine repair as directed by a licensee;

15) prepare and distribute flyers and promotional information under the direction of and with approval by a licensee;

16) act as a courier to deliver documents, pick up keys, etc.;

17) place routine telephone calls on late rent payments;

18) schedule appointments for the licensee (this does not include making phone calls, telemarketing, or performing other activities to solicit business on behalf of the licensee);

19) respond to questions by quoting directly from published information;

20) sit at a property for a broker tour which is not open to the public;

21) gather feedback on showings;

22) perform maintenance, engineering, operations or other building trades work and answer questions about such work;

23) provide security;

24) provide concierge services and other similar amenities to existing tenants;

25) manage or supervise maintenance, engineering, operations, building trades and security; and

26) perform other administrative, clerical, and personal activities for which a license under the Act is not required.

c) An unlicensed assistant of a licensee may not perform the following activities for which a license under the Act is required. The following list is intended to be illustrative and declarative of the Act and is not intended to increase or decrease the scope of activities for which a license is required under the Act. An unlicensed assistant of a licensee may not:

1) host open houses, or home show booths or fairs;

2) show property;
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3) interpret information on listings, titles, financing, contracts, closings, or other information relating to a transaction;

4) explain or interpret a contract, listing, lease agreement, or other real estate documents with anyone outside the licensee’s company;

5) negotiate or agree to any commission, commission split, management fee, or referral fee on behalf of a licensee; or

6) perform any other activity for which a license under the Act is required.

d) Any licensee who employs an unlicensed assistant shall be responsible for the actions of the unlicensed assistant taken while under the supervision of or at the direction of the licensee.

e) Any licensee who is responsible for the actions of an unlicensed assistant by statute, regulation, contract, or office policy and who permits, aids, assists, or allows an unlicensed assistant to perform any activity for which a license under the Act is required shall be in violation of the Act.

f) Stenographic, clerical, maintenance, engineering, building trades, security, or office personnel not directly engaged in the practice of real estate brokerage as defined in Section 1-10 of the Act are not required to be licensed.

g) A licensee is prohibited from acting as an unlicensed assistant for any licensee other than their sponsoring broker or a licensee sponsored by their sponsoring broker.

(Source: Amended at 27 Ill. Reg. _______________, effective _______________)

1450.175 Special Accounts

a) Escrow Moneys Defined.

1) "Escrow moneys" means all moneys, promissory notes or any other type or manner of legal tender or financial consideration deposited with any person for the benefit of the parties to the transaction. A transaction exists once an accepted real estate contract is signed or lease agreed to by the parties. Escrow moneys include without limitation earnest moneys and security deposits, except those security deposits in which the person holding the security deposit is also
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the sole owner of the property being leased or sold and for which the security deposit is being held.

2) Pursuant to the terms of a written agreement between a licensee and a client, such as a property management agreement, rent moneys paid to a licensee for transmittal to the licensee's client (e.g., the owner) shall not be considered to be "escrow moneys". In addition, other moneys held in a custodial account by a licensee for transmittal to licensee's client, pursuant to the terms of a written agreement, such as a contract for deed, shall not be subject to these escrow rules.

3) Earnest money constitutes escrow moneys whether in the form of personal checks, cashier's checks, money orders, cash, or any other forms of legal tender.

b) Escrow Accounts. Pursuant to Section 20-20(h)(8) of the Act, sponsoring brokers who accept escrow moneys shall maintain and deposit in a special account (hereinafter referred to as an escrow account), separate and apart from personal or other business accounts, all escrow moneys entrusted to them while acting as the real estate brokers, escrow agents, or as the temporary custodians of the funds of others.

1) Such escrow account shall be non-interest bearing, unless the character of the deposit is such that payment of interest thereon is otherwise required by law or unless the principals to the transaction specifically require, in writing, that the deposit be placed in an interest bearing account.

2) If an interest bearing account is required, the recipient of the interest shall be specifically indicated, in writing, by the principals of the transaction.

3) A sponsoring broker may maintain more than one escrow account.

4) An escrow account need not be maintained by a sponsoring broker who does not receive escrow moneys entrusted to him or her while acting as a real estate broker, or as escrow agent, or as temporary custodian of the funds of others.

5) Every escrow account, whether interest bearing or non-interest bearing, shall be maintained at a federally insured depository.

6) Commingling Prohibited. Each sponsoring broker shall deposit only escrow moneys received in connection with any real estate transaction in an escrow
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account. The sponsoring broker shall not deposit personal funds in an escrow account, except he or she may deposit from his or her own personal funds, and keep in any escrow account, an amount sufficient to avoid incurring service charges relating to the escrow account. The sum shall be specifically documented as being for service charges and the sponsoring broker shall have proof available that the amount of his or her own funds in the escrow account does not exceed the minimum amount required by the depository to maintain the account without incurring service charges. Transfer of funds as provided for in subsection(i)(4) of this Section shall not constitute commingling.

c) The sponsoring broker shall provide a receipt to the payor of any cash constituting escrow funds and shall retain a copy of the receipt.

d) Time of Deposit of Escrow Moneys. All escrow moneys accepted by a sponsoring broker shall be placed in the sponsoring broker's escrow account not later than the next business day following the transaction. A transaction exists once an accepted real estate contract is signed or lease agreed to by the parties. If such funds are received on a day prior to a bank holiday or any other day on which the bank or savings and loan association is closed, such funds shall then be deposited on the next business day upon which the depository is open.

e) A sponsoring broker serving as escrow agent shall notify all principals in writing if a principal fails to tender escrow moneys, when a principal's payment as escrow moneys is dishonored by the financial institution on which it was drawn, or when there appears on the face of the governing contract to be a deficiency in the amount on deposit.

f) Maintenance of Escrow Moneys on Deposit in Escrow Account. The sponsoring broker shall keep all escrow moneys on deposit in an escrow account until a transaction is consummated or terminated, except to the extent that such escrow moneys, or any part thereof, shall be disbursed according to the provisions set forth in subsection (g).

g) Disbursement of Escrow Moneys. Pursuant to Section 20-20(h)(8) of the Act, the sponsoring broker shall disburse escrow moneys according to the following requirements, however, a sponsoring broker may not disburse funds until they have been honored by the payor's depository.

1) The sponsoring broker must disburse escrow moneys upon consummation or termination of the transaction. Such disbursement must be according to the terms of the contract and must be made not earlier than the day the transaction is consummated
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or terminated and not later than the next business day following the sponsoring broker’s receipt of notice of the consummation or termination, of otherwise in accordance with the written direction of all principals to the transaction or their duly authorized agents.

A) Commissions and/or fees earned by a sponsoring broker in any transaction shall be disbursed by that broker from the funds deposited in an escrow account no earlier than the day the transaction is consummated or terminated and not later than the next business day after the transaction is consummated or terminated, or otherwise in accordance with the written direction of all principals to the transaction or their duly authorized agents.

B) Authorized disbursements are those which are made on behalf of, and at the written direction of, all principals to the transaction or their duly authorized agents.

C) A sponsoring broker shall not withhold, for any period of time, an authorized disbursement of escrow moneys due to any claim for a commission or compensation to any licensee.

2) Pursuant to Section 20-20(h)(8)(i) of the Act, if prior to the consummation or termination of the transaction, the sponsoring broker receives written direction from all the principals to the transaction or their duly authorized agents agreeing to the disbursement of the escrow moneys, that broker must disburse the escrow moneys according to the written directions. Such disbursement must be made not later than the next business day following the sponsoring broker’s receipt of the last required written direction.

3) The sponsoring broker may release escrow moneys pursuant to Section 20-20(h)(8)(i) of the Act which allows a sponsoring broker to disburse escrow moneys prior to the consummation or termination of the transaction in accordance with directions providing for the release, payment or distribution of escrow moneys contained in any written contract signed by the principals to the transaction or their duly authorized agents. In any such case the terms of the contract concerning the release of the escrow moneys shall be adhered to by the sponsoring broker.

4) Pursuant to Section 20-20(h)(8)(i) of the Act and notwithstanding any other requirements or responsibilities in this Part, if the sponsoring broker receives an order
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from a court of competent jurisdiction providing for the disbursement of the escrow moneys, that broker must disburse the escrow moneys according to the terms of the order.

5) For the purposes of this Section, “duly authorized agents” shall mean an attorney in-fact, an attorney at-law who represents that they are acting on behalf of one of the principals to the transaction, or any other person the licensee can prove was authorized to act on behalf of a principal to the transaction.

h) Disputes Regarding Escrow Moneys. In the event of a dispute over the return or forfeiture of any escrow moneys held by the sponsoring broker or if a sponsoring broker has knowledge that any party to a transaction contests or disagrees with an anticipated disbursement of escrow moneys held by that broker, he or she shall continue to hold the deposit in his or her escrow account:

1) until he or she has a written release from all parties or their duly authorized agents consenting to the disposition, in which case the escrow moneys must be disbursed according to the terms of the written direction no later than the next business day after the sponsoring broker's receipt of the last required written release;

2) until a civil action is filed, by either the sponsoring broker or one of the parties, to determine its disposition, at which time payment may be made into court;

3) until the funds are turned over to the State Treasurer or such other appropriate State agency or officer designated pursuant to the Act or the Uniform Disposition of Unclaimed Property Act [765 ILCS 1025], because of inactivity of the account or inability to locate the parties, or inability of the parties to reach a resolution.

If an interpleader action is filed by the sponsoring broker, and the broker is authorized by real estate contract to withdraw from the escrow account those amounts as may be necessary to reimburse the sponsoring broker for costs and reasonable attorney's fees associated with that action, excluding costs and attorney's fees associated with that broker's attempt to collect a commission or fee.

i) Escrow Records. Each sponsoring broker who accepts earnest money shall maintain, in his or her office or place of business, a bookkeeping system in accordance with sound
accounting principles, and without limiting the foregoing, such system shall consist of at least the following escrow records as further described below:

1) Journal. A journal shall be maintained for each escrow account. Such journal shall show the chronological sequence in which funds are received and disbursed by the sponsoring broker.

   A) For funds received, such journal shall include the date, the funds were received, the name of the party who delivers such funds to the sponsoring broker, the name of the person on whose behalf such funds were delivered to that broker and the amount of such funds so delivered.

   B) For fund disbursement, such journal shall include the date, the payee, the check number and the amount disbursed.

   C) A running balance shall be shown after each entry (receipt and disbursement).

2) Ledger. A ledger shall be maintained for each transaction. The ledger shall show the receipt and the disbursement of funds affecting a single particular transaction such as between buyer and seller, or landlord and tenant, or the respective parties to any other relationship. The ledger shall include the names of all parties to a transaction, the amount of such funds received by the sponsoring broker and the date of such receipt. The ledger shall show, in connection with disbursements of such funds, the date thereof, the payee, the check number and the amount disbursed. The ledger shall segregate one transaction from another transaction. There shall be a separate ledger or separate section of each ledger, as the broker shall elect, for each of the various kinds of real estate transactions (e.g. lease). If the ledger is computer generated from the same data entry from which the journal is generated, the sponsoring broker must maintain copies of the bank deposit slips, bank disbursement slips, or other bank receipts, to account for the data on the ledger.

3) Monthly Reconciliation Statement. Each sponsoring broker shall reconcile, within ten days after receipt of the monthly bank statement, each escrow account maintained by such broker except where there has been no transactional activity during the previous month. Such reconciliation shall include a written work sheet comparing the balances as shown on the bank or savings and loan association statement, the journal and the ledger, respectively,
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in order to insure agreement between the escrow account and the journal and the ledger entries with respect to each escrow account. Each such reconciliation shall be kept for at least 5 years from the last day of the month covered by such reconciliation.

4) If escrow moneys are transferred from an escrow account to another account for disbursement, the sponsoring broker must maintain a copy of all records reflecting a disbursement from the other account.

5) Master Escrow Account Log. Each sponsoring broker shall maintain a Master Escrow Account Log identifying all escrow bank account numbers, and the name and address of the bank where the escrow accounts are located. The Master Escrow Account Log must specifically include all bank account numbers opened for individual transactions, even if such account numbers fall under another umbrella account number.

6) A sponsoring broker may employ a more sophisticated bookkeeping system based on sound accounting principles, including a system of electronic data processing equipment. However, any such system must contain or produce printed records containing the information required by this Section, although it need not be in the same format as provided for in this Section.

7) OBRE shall have available for distribution, on request, samples of an approved journal, ledger, monthly reconciliation statement, and Master Escrow Account Log.

8) Pursuant to Section 20-20(h)(9) of the Act, the sponsoring broker shall make available to the real estate enforcement personnel of the OBRE during normal business hours all escrow records and related documents maintained in connection with the practice of real estate within 24 hours after a request.

9) Copies of Escrow Money Instruments. Except as otherwise provided by law, the broker shall retain copies of all escrow money instruments received from a principal as part of a transaction, including copies of all personal checks, cashier’s checks, certified checks, money orders, promissory notes, or other financial instruments. The broker shall also retain copies and/or documentation of all disbursements or transfers into or out of an escrow account.
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10) Escrow records shall be retained for 5 years. The escrow records for the immediate prior 2 years shall be maintained in the office location and the balance of the records can be maintained at another location.

11) If escrow records are lost, stolen, or destroyed due to fire, flood or any other circumstances, the broker must report such loss to the OBRE enforcement division within 30 days by signature restricted delivery. The broker must also immediately obtain copies of monthly bank statements, deposit and disbursement receipts, and any other available records, to reconstruct such loss of escrow records.

12) A sponsoring broker may delegate the bookkeeping duties under this Part to another person, including a manager broker, a bookkeeper, certified public account, unlicensed assistant, licensed assistant, or sponsored licensee. However, compliance with the bookkeeping duties remain the responsibility of the sponsoring broker. The sponsoring broker is ultimately responsible for the proper administration of the escrow account pursuant to this Part.

(Source: Amended at 27 Ill. Reg. _______________, effective _______________)

Section 1450.200 Written Agreements

e) No licensee shall solicit, accept or execute any contract or other document relating to a real estate transaction which shall contain any blanks with the intention of filling them to be filled in after signing or initialing the contract or other document.

e) No licensee shall make any addition to, deletion from or alteration of any signed contract or other document relating to a real estate transaction without the written, telefax or telegraphic consent or direction from all signatories. No licensee shall process any contract or other document that has been altered after being signed, unless each addition, deletion or alteration is signed or initialed by all signatories at the time of the addition, deletion or alteration.

e) A true copy of the original or corrected contract or other document relating to a real estate transaction shall be hand delivered or mailed within 24 hours of the time of signing or initializing the original or correction to the person signing or initializing any the contract or other document.
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d) All forms used by licensees intended to become binding real estate contracts shall clearly state this in the heading in large bold type. No licensee shall use a form designated Offer to Purchase when it is intended that the form shall be a binding real estate contract.

(Source: Amended at 27 Ill. Reg. _______________, effective _______________)

Section 1450.205 Referral Fees and Affinity Relationships

a) No licensee may pay a referral fee to an unlicensed person who is not a principal to the transaction. In order to meet the license requirement, the person receiving the referral fee may be duly licensed as a real estate broker in either Illinois or the person’s, another state or country of domicile. If their country of domicile does not have a licensing statute for real estate agents then in order to receive a referral fee the person must be complying with the laws, if any, their country has adopted concerning the practice of the real estate brokerage business.

b) No licensee may request a referral fee unless reasonable cause for payment of the referral fee exists. Reasonable cause for payment of a referral fee means that:

1) an actual introduction of a client has been made to the licensee; or

2) a contractual referral fee relationship exists with the licensee. The fact that reasonable cause to demand a referral fee exists does not necessarily mean that a legal right to the referral fee exists.

c) A licensee is prohibited from interfering with the agency relationship of another licensee or attempting to induce a client to break a listing or an exclusive representation agreement with another licensee for the purpose of replacing that agreement with a new listing or representation agreement in order to obtain a referral fee. For purposes of this Section, an agency relationship shall be deemed to exist when a written, exclusive agency agreement (either a listing or buyer representation agreement) is entered into. Interfering with the agency relationship of another licensee includes, but is not limited to:

1) demanding a referral fee from another licensee without reasonable cause;

2) threatening to take harmful action against the client of another licensee because of their existing agency relationship and in order to obtain a referral fee; or
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3) counseling the client of another licensee on how to terminate or amend an existing agency contract in order to obtain a referral fee.

Any activities that involve the communication of corporate relocation policies or benefits to a transferring employee, as long as that communication does not involve advice or encouragement on how to terminate or amend an existing contract shall not be considered interference.

(Source: Amended at 27 Ill. Reg. _______________, effective _______________)

Section 1450.220 Unprofessional Conduct

OBRE may suspend, revoke or take other disciplinary action based upon its finding that the licensee or applicant has engaged in dishonorable, unethical or unprofessional conduct of a character likely to deceive, defraud, or harm the public. The following descriptions are illustrative of the types of conduct which would constitute “dishonorable, unethical or unprofessional conduct of a character likely to deceive, defraud, or harm the public.”

a) Failure to act in the best interests of a client.

b) Deliberately misleading a client as to the market value of the property.

c) Failing to advertise the property as obligated by the listing agreement.

d) Deliberately misrepresenting to prospective purchases or their agents the condition of the property or the availability of access to show the property.

e) Purchasing or transferring of the property through an intermediary in order to conceal the purchase by the licensee.

f) Inducing a seller to list the property through false representations.

g) Inducing a seller through false representations of false promises to transfer the property to the licensee.

h) Taking unfair advantage of a client’s or customer’s age, disability, or lack of understanding of the English language.
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i) Engaging in conduct with the public or other real estate licensees in the practice of real estate in a manner that is abusive, harassing or lews.

j) Representing oneself as a sponsoring broker or managing broker without providing the actual supervision and management of the real estate business.

k) Failing to reasonably safeguard confidential information or improperly using confidential information.

l) Obstructing an inspection, audit, investigation, examination, or a disciplinary proceeding by falsifying or willfully destroying a document which is required to be kept.

m) Any violation of Section 1450.175, Special Accounts, shall be deemed unprofessional conduct.

n) Assisting or inducing a licensee to violate the Act or this Part.

(Source: Amended at 27 Ill. Reg. _______________, effective _______________)

Section 1450.225 Discipline Suspension or Denial for Failure to Comply with Illinois Tax Acts, Pay Taxes, Child Support Order or Any Default on Illinois Guaranteed Student Loan

a) If OBRE receives certification that a licensee is in violation of Section 20-35, 20-40, or 20-45 of the Act, OBRE shall notify the licensee by certified or registered mail, return receipt requested, or other signature restricted delivery, that the licensee may be disciplined unless the will be suspended for 90 days from the date of the notice, unless the licensee provides to OBRE certification that the licensee has complied with the Illinois Tax Acts, eliminated the delinquency or has arranged for payment of the obligations in a manner satisfactory to the appropriate administering agency.

b) If OBRE receives certification that an applicant is in violation of Section 20-35, 20-40, or 20-45 of the Act, OBRE shall notify such applicant, by certified or registered mail, return receipt requested, or other signature restricted delivery of its intent to deny the applicant a license under the Act, unless the applicant provides to OBRE certification proof that the applicant has complied with the Illinois Tax Act, eliminated the delinquency or has arranged for payment of the obligations in a manner satisfactory to the appropriate administering agency.
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c) For the purposes of this Section “Certification” shall mean: be defined as:

1) a verified statement by the appropriate administering agency of such delinquency, failure to file, or failure to pay or default; or
2) a verified statement by the licensee or applicant on an application or renewal form of such delinquency or failure to pay;
3) a finding by an administrative body, or
4) a finding by a court of competent jurisdiction that the licensee or applicant is delinquent in child support or is liable to pay a certain amount for Illinois taxes or is delinquent or has defaulted on an Illinois guaranteed student loan obligation.

d) A licensee or applicant may participate in request a hearing, but the basis for the hearing shall only be for the purpose of proving that the petitioner is not the person for which such failure to pay or delinquency arrearage information was received, that the petitioner has executed a formal, written payment plan with the appropriate administering agency, signed by both parties, or that the petitioner has satisfied the outstanding debt, collateral attack of the certification is not permitted in its entirety.

e) A licensee will be eligible for reinstatement, renewal or issuance reinstated, renewed, or issued upon a showing that the certified failure to file, failure to pay, default arrearage or delinquency has been satisfied and by completing the appropriate application and paying any fees as established by this Part.

(Source: Amended at 27 Ill. Reg. _______________, effective _______________)

Section 1450.246 Audits of Special Funds by Outside Auditors

a) General Rule. OBRE may cause audits of special accounts of sponsoring brokers to be conducted by licensed certified public accountants under the circumstances and as provided for in this section.

b) Basis for Audit. Upon receipt of:

1) a complaint from one or more members of the public;

2) information from another regulatory or law enforcement agency; or

3) evidence developed by OBRE or one of its investigators;
c) which causes OBRE to reasonably believe that escrow moneys required to be kept in a special account have been misappropriated, OBRE may contract with a licensed certified public accountant for the purpose of auditing the special accounts of the sponsoring broker responsible for the account(s) in question.

d) Definitions. The following terms shall have the meanings set forth in this section:

1) Reasonable belief. The complaints, information or evidence available to OBRE are of such a nature or have sufficient credibility that a prudent person in the exercise of good judgment would reasonably rely or act upon such information or evidence.

2) Misappropriated or Misappropriation. The use of escrow moneys for a purpose other than that for which the escrow moneys were deposited or which is permitted by the Real Estate License Act of 2000, these Rules, or the agreements providing for the handling of the escrow moneys. The mere failure to follow the provisions of Section 1450.175 of these Rules dealing with the deposit and accounting for escrow moneys shall not constitute misappropriation.

3) Escrow Moneys. Shall have the same definition as set forth in Section 1-10 of the Act.

e) Notice of Audit. OBRE shall notify in writing the sponsoring broker responsible for the special accounts to be audited that an auditor has been retained to audit those special accounts, the identity of the auditor or auditing firm and the fact that the sponsoring broker must submit all pertinent records for audit within thirty days of receipt of the written notice.

f) Procedures for Audit. The auditor or OBRE shall contact the sponsoring broker responsible for the special accounts for the purpose of scheduling the audit of the special accounts. The sponsoring broker shall provide the records requested for the purpose of the audit to the auditor at the scheduled time and location or as otherwise agreed by the sponsoring broker and the auditor or OBRE.

g) Written Report. Any licensed certified public accountant performing an audit for OBRE under the provisions of this section and the Act shall provide a written report to OBRE, with a copy to the sponsoring broker, detailing the findings of the auditor with specific reference to compliance with the special account requirements of the Act and these Rules.
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h) Noncompliance and Cost of Audit. The sponsoring broker shall be responsible for the cost of the audit if an order is issued by the Commissioner, pursuant to Section 20-60 of the Act, finding that escrow moneys were misappropriated by the sponsoring broker or his, her, or its employees, independent contractors, agents or designees.

(Source: Added at 27 Ill. Reg. _______________, effective _______________)

Section 1450.266 Advisory Letters

a) OBRE may issue advisory letters on issues dealing with the interpretation and application of the Real Estate License Act of 2000 and the Rules promulgated pursuant to the Act.

b) A licensee is entitled to rely upon an advisory letter from OBRE and will not be disciplined by OBRE for actions taken in reliance on the advisory letter. An advisory letter may only be relied upon by the licensee seeking the advisory letter. However, OBRE may change its position prospectively, at which time the licensee who sought the advisory letter will have to meet the new position or policy of OBRE.

c) Although not binding on OBRE, licensees other than the licensee who sought the advisory letter, may refer to an advisory letter issued by OBRE as the reason for a licensee’s acts or omissions that result in OBRE considering disciplinary action against the licensee. OBRE will consider such arguments but will not be bound by the advisory letter except as to the licensee who actually sought the advisory letter from OBRE.

d) Requests for advisory letters shall be submitted in writing to OBRE. The request shall include at a minimum the following:

1) the name of the licensee on whose behalf the advisory letter is sought;

2) the factual situation or hypothetical factual situation on which the advisory letter is sought;

3) citations to any provisions of the Act, Rules or cases that the licensee or the licensee’s advisor believes is relevant to the issue as well as a discussion of the relevance of the cited material to the issue on which advice is sought; and

4) a statement of the issue or issues on which advice is sought.
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e) Because advisory letters will be available through the Freedom of Information Act requests and may also be published by OBRE, the party requesting the advisory letter should indicate whether the name of the licensee should be disclosed in the advisory letter. If the request for the advisory letter includes a request to keep the name of the licensee or other parties in the letter confidential, then the person requesting the advisory letter shall submit along with the request a second letter using generic business names, for example Licensee A, Company B, for the names to be kept confidential. If OBRE receives such a request then the published response will only use the generic names.

f) OBRE shall respond to the licensee requesting the advisory letter within sixty (60) days of receipt of the request by OBRE which response may be the advisory letter, an estimated time for providing an advisory letter, a request for clarification or additional information or a statement that OBRE declines to issue an advisory letter as requested with an indication of the reason for declining to issue the advisory letter. OBRE shall provide a copy of all correspondence concerning a request for an advisory letter to the sponsoring broker, if any, of the licensee requesting the advisory letter.

(Source: Added at 27 Ill. Reg. _______________, effective _______________)

SUBPART G: PRE-LICENSE AND CONTINUING EDUCATION SCHOOL RULES

Section 1450.270 Definition of Schools and School Branch (Repealed)

“Schools", when used in this Part, refer to pre-license schools or continuing education schools as defined in Section 1-10 of the Act. Pre-license schools are those schools licensed by OBRE offering courses in subjects related to real estate transactions, including subjects upon which an applicant is examined in determining fitness to receive a license. Continuing education school refers to any school licensed by OBRE for continuing education in accordance with Section 30-15 of the Act.

A "school branch" means a pre-license or continuing education school other than the sponsoring schools' principal location.

(Source: Repealed at 27 Ill. Reg. _______________, effective _______________)

Section 1450.275 Pre-License Schools and Instructors

a) In accordance with Section 30-5(a) of the Act, any person or entity a school seeking approval to provide for pre-license education shall submit an application on forms provided by OBRE along with the appropriate fee required by this Part. OBRE shall
Advisory Council, upon the recommendation of the Advisory Council, approve a pre-license school if it meets certain minimum requirements and pays the required fee as provided described in the Act and this Part, this Section.

b) An approved pre-license school could be:

1) A college or university chartered by its state education authority;

2) A private real estate school, whether operated by a corporation, community organization or any other entity to meet the education requirements of an applicant for a real estate broker or salesperson license under the Act, or

3) A public real estate school approved by the state education authority, and supported by public taxes.

b) (c) The program of education for a pre-license school shall:

1) Be approved by the school's governing and/or supervising body;

2) Use instructors who have a valid license as a pre-license instructor as set forth in the Act and Section 1450.278 of these rules; Have a faculty all of whom meet the qualifications of subsection (f) below;

3) Have a curriculum which conforms to the standards of Section 1450.276 subsection (g) below;

4) Administer a minimum 100 question final course examination as outlined in Section 1450.276, subsection(g)(6) f) below.

c) (d) Facilities

1) A pre-license school must provide an office in Illinois or a bordering state for the maintenance of all records, office equipment and office space necessary for customer service.

2) A pre-license school seeking approval of any classroom site shall furnish to OBRE an affidavit setting forth the name of the owner of the premises to be utilized and a copy of the lease, if applicable.
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2) The premises, equipment and facilities of the pre-license school shall comply with all applicable community fire codes, building codes, and health and safety standards.

3) The pre-license school is subject to inspection prior to approval or at any time thereafter by authorized representatives of OBRE. The inspection shall be during regular business hours, with at least 24 hours' advance notice of the inspection.

4) No pre-license school shall be maintained in a private residence.

5) Whenever an approved pre-license school intends to operate a branch location, then an application shall be submitted to OBRE for each branch location. Each application shall be accompanied by the fee as required by this Part.

6) No approved pre-license school shall allow the school premises or classrooms to be used during class time by anyone to directly or indirectly recruit new affiliates for any company. Instructors and school administrators shall promptly report to OBRE any such efforts to recruit students.

d) Administration

1) Pre-License schools shall use only licensed pre-license instructors. Instructors within an adult education, community education or vocational education program at any approved pre-license school shall meet the criteria for approval as set forth in subsection (f) of this Section.

2) No licensed approved pre-license school shall advertise that it is endorsed, recommended, or accredited by OBRE. The pre-license school, however, may indicate that the school is licensed by and the course of study has been approved by OBRE.

3) Every approved real estate course is to begin, an approved pre-license school shall submit to OBRE, upon its request, a schedule of all courses to be taught and when and where they will be taught. OBRE shall be notified of any changes to that schedule. Submit notice to OBRE where the class is to be taught, title of the course, who is to instruct the class, date and time of the class and estimated class enrollment.

4) The pre-license school shall provide a prospective student prior to enrollment with information which specifies the course of study to be offered, the tuition to be
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charged, the school's policy regarding refund of unearned tuition when a student is dismissed or withdraws voluntarily or through hardship, any additional fee to be charged for supplies, materials or books which become the property of the student upon payment, and other matters that are material to the relationship between the school and the student, for example, cost of retaking a course, current status of licensure, if any, any disciplinary action taken by OBRE, attendance requirements).

5) Each pre-license school shall maintain for each student a record which shall include the course of instruction undertaken, dates of attendance, and areas of study completed satisfactorily. Each student's record shall be maintained by the pre-license school for a period of 5 years and shall be available for inspection by the student or by OBRE or its designee during regular business hours.

6) Total tuition for any course of instruction offered by the pre-license school shall be the same for all students at any given time.

6) 7) A licensed pre-license school shall upon request give evidence of the financial resources available to equip and maintain the school, as documented by, e.g., a current balance sheet or an income statement.

7) OBRE shall be reimbursed by any out-of-state pre-license school for all reasonable expenses incurred by the inspector to inspect its facilities in the course of inspection.

e) OBRE shall notify administrative officials of the applicant in writing within 15 days after its approval or disapproval. In the event the applicant is disapproved, the reasons will be detailed and the applicant advised that the applicant may request a hearing as provided for in Section 30-5 of the Act.

f) OBRE shall be notified of all proposed changes in ownership of a pre-license school on forms provided by OBRE thirty (30) days prior to the change in ownership.

f) Qualifications of Pre-License Instructors in Approved Pre-License Schools

The approved pre-license school shall employ only pre-license instructors who have been approved by OBRE and meet the following:

1) Except as provided in subsection (f)(7) below, pass an examination approved by OBRE with a minimum score of 70; and
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2) Holds a real estate broker's license for at least the last 3 years and has been engaged in active practice as an Illinois real estate broker; or

3) Is currently admitted to practice law by the Supreme Court of Illinois and for at least 3 years has been engaged in the active practice of law in Illinois; or

4) Is a properly credentialed pre-license instructor of real estate courses who is or has been engaged in the practice of teaching for at least 3 years; or as evidenced by a professional designation such as but not limited to, a designated real estate instructor (DREI); or approved by a college or university's governing body to teach in a real estate degree program; or

5) Is properly licensed or certificated to engage in the business of appraisal, finance and/or related real estate occupations and who is a member of a nationally recognized association in that field, and for at least 3 years has been engaged in that practice; or

6) In the judgment of the Director, is qualified by experience or education, or both, to supervise a course of study pursuant to the provisions of this Section. In determining whether a person is qualified to supervise a course of study under this Section, the Director shall consider:

   A) The individual's teaching experience;

   B) The individual's real estate experience;

   C) Any real estate, business or legal education of the individual;

   D) The results of a personal interview with the individual. The personal interview may be conducted via telephone if it would be overly burdensome and unreasonable for the applicant to personally appear for the interview (e.g., applicant living out-of-state). Any applicant who the Director has determined does not meet the requirements of this subsection (f)(6)(D) shall be evaluated by the Advisory Council. The Advisory Council shall evaluate the application and make a recommendation to the Commissioner for approval or disapproval of the applicant as a pre-license instructor. OBRE shall issue approval to the applicant or notify the applicant in writing why approval cannot be issued:
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7) Previously approved pre-license instructors are exempt from taking the examination as long as they maintain an active instructor’s certificate and have no break in active status greater than 2 years.

8) A pre-license school seeking the approval of OBRE for pre-license instructors shall submit an application on forms provided by OBRE and the appropriate fee.

9) No approved pre-license instructor shall be seated for either the salesperson or broker licensure examination except for the purpose of securing a salesperson or broker’s license.

g) Curriculum for Pre-License Schools

1) The pre-license school shall offer classroom instruction in the following subjects:

   A) Real Estate Transactions as outlined in subsection (g)(3)(A) below;

   B) Brokerage Administration and Contracts and Conveyances as outlined in subsections (g)(3)(B) and (C) below; and

   C) In addition to those listed in subsections (g)(1)(A) and (B) above, at least 3 optional courses as outlined in subsection (g)(3) below shall be offered.

2) The application of the pre-license school requesting approval shall include an outline of the content of the courses to be offered. Each outline shall make reference to the textbook used and other material related to the course or subject matter, and shall conform to the approved curriculum outlines prepared by OBRE.

3) Approved courses shall meet the minimum criteria set forth below: A) Real Estate Transactions shall include a minimum of 45 class hours. The course shall include instruction in real estate law, types of interest and ownership in real estate, home ownership, legal descriptions, titles, liens, taxes, encumbrances, listing, advertising, appraisal, finance, closings, and professional code of ethics.
B) Brokerage Administration shall consist of a minimum of 15 class hours and shall be mandatory for all broker candidates. The course shall include instruction in Illinois real estate law and licensure, listings, title search, forms for closing, contract forms, and the broker-salesperson relationship.

C) Contracts and Conveyances shall consist of a minimum of 15 class hours and shall be mandatory for all broker candidates. The course shall include instruction in deeds, fixtures, contracts, real estate closings, foreclosure and redemption, land use controls, landlord/tenant relationship, cooperatives and condominiums.

D) A mandatory course consisting of 15 class hours, which shall include agency, disclosure, environmental issues, license law and other topics in a curriculum approved by the EAC and OBRE.

E) Appraisal shall consist of a minimum of 15 class hours. The course shall include instruction in the appraisal process, real property and value, economic trends, depreciation, land value.

F) Property Management shall consist of a minimum of 15 class hours. The course shall include instruction in fundamentals of tenant-management relationship, property modernization, property maintenance, leases, insurance, commercial property, industrial property, advertising.

G) Financing shall consist of a minimum of 15 class hours. The course shall include instruction in types of financing, sources of financing, mortgages, mortgage documents, closing a mortgage, interest, liens, foreclosure, insurance, mortgage risk, principles of property value for mortgage credit, mortgage analysis, construction loans.

H) Sales and Brokerage shall consist of a minimum of 15 class hours. The course shall include instruction in qualifications and functions of a real estate broker, land utilization, appraisal principles and methods, office organization, selection, training and supervision of salespersons and office personnel, compensation of salesperson listings, prospects, real estate markets, financial control, and government regulations.
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I) Farm Property Management shall include a minimum of 15 class hours. The course shall include instruction in inventorying assets, determining method of operation, tenants, budgeting, crop and livestock production, marketing, tax planning and depreciation, government programs and regulations, insurance and ethics.

J) Real Property Insurance shall include a minimum of 15 class hours. The course shall include instruction in risk, functions of insurance, insurance contracts, types and purposes of insurance.

4) OBRE shall make available to the public upon request copies of the curriculum of any of the courses specified above.

5) If additional elective courses are developed, they shall be approved by OBRE prior to implementation. The courses shall be approved upon determination that the course is at least 15 clock hours in length and constitutes real estate related material.

6) Examinations. Each course shall end in a mandatory final examination for which the minimum pass rate shall be no less then 75%.

7) Changes in ownership, management and curriculum occurring subsequent to the approval of a program shall be approved by OBRE prior to implementation in order for approval to continue uninterrupted.

h) OBRE shall notify officials of the school in writing within 15 days after its approval or disapproval. In the event the pre-license school is disapproved, the reasons thereof will be detailed and the officials advised that the disapproval may be appealed by notifying OBRE, in writing, within 10 days after the receipt of the disapproval.

(Source: Amended at 27 Ill. Reg. _______________ , effective _______________ )

Section 1450.276 Curriculum for Pre-License Schools

a) Pre-license schools shall offer, at a minimum, the courses provided for in this Section.

b) The application for licensure as a pre-license school shall include a list of courses to be offered, an outline and course description for each course along with an examination and answer key. Each outline shall make reference to the textbook used and other material
related to the course or subject matter, and shall conform to the approved curriculum outlines prepared by OBRE.

c) Pre-license schools must provide the following courses:

1) **Real Estate Transactions** which shall include a minimum of 45 class hours. The course shall include instruction in real estate law, types of interest and ownership in real estate, home ownership, legal descriptions, titles, liens, taxes, encumbrances, listing, advertising, appraisal, finance, closings, and professional code of ethics. This course will be required for those wishing to obtain a salesperson’s license.

2) **Brokerage Administration** that shall consist of a minimum of 15 class hours and shall be mandatory for all broker candidates. The course shall include instruction in Illinois real estate law and licensure, listings, title search, forms for closing, contract forms, and the broker-salesperson relationship.

3) **Contracts and Conveyances** which shall consist of a minimum of 15 class hours and shall be mandatory for all broker candidates. The course shall include instruction in deeds, fixtures, contracts, real estate closings, foreclosure and redemption, land use controls, landlord/tenant relationship, cooperatives and condominiums.

4) **Advanced Principles 2000** which shall consist of a minimum of 15 class hours and shall be mandatory for all broker candidates, which shall include agency, disclosure, environmental issues, escrow, license law and other topics approved by the EAC and OBRE.

d) Pre-license schools shall provide one or more of the following courses:

1) **Appraisal** which shall consist of a minimum of 15 class hours. The course shall include instruction in the appraisal process, real property and value, economic trends, depreciation, land value and;

2) **Property Management** which shall consist of a minimum of 15 class hours. The course shall include, but not be limited to, instruction in fundamentals of tenant-management relationship, property modernization, property maintenance, leases, real property insurance, commercial property, industrial property, advertising and;

3) **Financing** which shall consist of a minimum of 15 class hours. The course shall include instruction in types of financing, sources of financing, mortgages, mortgage
documents, closing a mortgage, interest, liens, foreclosure, real property insurance, mortgage risk, principles of property value for mortgage credit, mortgage analysis, construction loans and;

4) Sales and Brokerage which shall consist of a minimum of 15 class hours. The course shall include instruction in qualifications and functions of a real estate broker; land utilization; appraisal principles and methods; office organization; selection, training and supervision of salespersons and office personnel; compensation of salesperson listings; prospects; real estate markets; financial control; and government regulations.

5) Farm Property Management which shall include a minimum of 15 class hours. The course shall include instruction in inventorying assets, determining method of operation, tenants, budgeting, crop and livestock production, marketing, tax planning and depreciation, government programs and regulations, insurance and ethics.

6) Real Property Insurance which shall include a minimum of 15 class hours. The course shall include instruction in risk, functions of insurance, insurance contracts, types and purposes of insurance.

7) Such other courses as approved from time to time by OBRE. If additional elective courses are developed, they shall be approved by OBRE prior to implementation. The courses shall be approved upon determination that the course is at least 15 clock hours (one clock hour equal 50 minutes) in length and constitutes real estate related material.

e) Examinations. Each course shall end in a mandatory proctored final examination consisting of 50 questions for each 15 classroom hours for which the minimum passing score shall be no less than 75%.

f) Attendance at all classes is mandatory; however, credit for absences not to exceed 10% of the class hours may be made up by attendance at make-up classes as provided in subsection (g) below. Missing any class hours after having the opportunity to make up class hours as provided in subsection (g) of this Section shall result in failure of the course.

g) Each school shall provide time and facilities for conducting make-up classes for students who were absent from the regularly scheduled class period.

(Source: Added at 27 Ill. Reg. _______________, effective _______________)

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Section 1450.277 Expiration Date and Renewal Period for Pre-License Schools

a) Every pre-license school and school branch license as well as their course approvals shall expire on June 30 of each odd numbered year.

b) Each pre-license school shall be responsible for submitting an application for renewal of the license on forms provided by OBRE. Failure to receive a renewal form shall not constitute a valid reason for failure to submit a renewal application or pay the renewal fee or to renew the appropriate license.

c) The applicable fees shall be those set forth in Section 1450.95 of this Part.

d) As part of the renewal application each pre-license school shall submit a list of courses, an outline, course description and examination answer key for each course to be taught.

e) Operation of a pre-license school on an expired or inoperative license shall constitute the unlicensed or unauthorized practice and may be grounds for discipline.

f) Any pre-license school or school branch whose license under the Act has expired for more than two years shall not be eligible for renewal of that license. Any pre-license school whose license has been expired for less than two years may renew the license only after providing OBRE with evidence that all qualifications of Section 1450.275 have been met and the required fees have been paid.

(Source: Added at 27 Ill. Reg. ______________, effective ______________)

Section 1450.278 Pre-License Instructors

a) An applicant for a license as a pre-license instructor must be approved by OBRE and meet the following criteria:

1) Except as provided in subsection (b) below, pass an examination approved by OBRE with a minimum score of 75 percent; make application for the license within one year of receiving the necessary minimum score, have a real estate broker's license and been active as a real estate broker for at least the last 3 years; or

2) Be currently admitted to practice law by the Supreme Court of Illinois, and for at least 3 years has been engaged in the active practice of law in Illinois; or
3) Be a properly credentialed pre-license instructor of real estate courses who is or has been engaged in the practice of teaching for at least 3 years; or as evidenced by a professional designation such as but not limited to, a designated real estate instructor (DREI); or approved by a college or university's governing body to teach in a real estate degree program; or

4) Be properly licensed or certified to engage in the business of appraisal, finance and/or related real estate occupations and who is a member of a nationally recognized association in that field, and for at least 3 years has been engaged in that practice; or

5) In the judgment of the Director of Real Estate, after receipt of a recommendation from the Advisory Council, the person is qualified by experience or education, or both, to supervise a course of study pursuant to the provisions of this Section. In determining whether a person is qualified to supervise a course of study under this Section, the Director shall consider:

   A) The individual's teaching experience;

   B) The individual's real estate experience;

   C) Any real estate, business or legal education of the individual;

   D) The results of a personal interview with the individual. The personal interview may be conducted via telephone if it would be overly burdensome and unreasonable for the applicant to personally appear for the interview (e.g., applicant living out-of-state); and

   E) The recommendation of the Advisory Council. The Advisory Council shall evaluate the application and make a recommendation to the Director of Real Estate for approval or disapproval of the applicant as a pre-license instructor.

OBRE shall issue approval to the applicant or notify the applicant in writing why approval cannot be issued.

b) Previously approved pre-license instructors are exempt from taking the examination as long as they have maintained a valid instructor's, and have no lapse in licensure greater than 2 years.

No approved pre-license instructor shall be seated for either the salesperson or broker licensure examination except for the purpose of securing a salesperson’s or broker’s license.
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Nothing in this provision shall prevent OBRE from using pre-license instructors to monitor and evaluate the examination.

(Source: Added at 27 Ill. Reg. _______________, effective _______________)

Section 1450.280 Expiration Date and Renewal Period for Pre-License Schools and Pre-License Instructors

a) Every pre-license school or school branch license shall expire on June 30 of each odd numbered year.

b) Pre-license Every pre-license instructor licenses license and every registration of a pre-license course shall expire on June 30 of each odd numbered year.

c) Each licensed pre-license school and pre-license instructor shall be responsible for submitting an application for renewal of the license on forms provided by OBRE verifying that a pre-license course was taught during the pre-renewal period by the applicant or the applicant attended an OBRE approved instructor training program during the pre-renewal period. Failure to receive a renewal form shall not constitute a valid reason for failure to submit the renewal form or pay the required renewal fee or to renew the appropriate license.

de) The applicable fees shall be those set forth in Section 1450.95 of this Part.

e) Each pre-license school and pre-license instructor shall submit a list of courses to be taught as part of the renewal application.

f) Instructing Operation of a pre-license school instructing or courses on an expired or inoperative license shall constitute the unlicensed or unauthorized practice and may be grounds for discipline pursuant to Section 20-20 of the Act.

g) Any licensed pre-license instructor whose license under the Act has expired is eligible to renew the license without paying any lapsed renewal fees or reinstatement fees provided that the license expired while the instructor was:

1) on active duty with the United States Army, United States Navy, United States Marine Corps, United States Air Force, United States Coast Guard, the State Militia called into the service or training of the United States; or
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2) engaged in training or education under the supervision of the United States prior to induction into military service; or

3) serving as the Director of Real Estate in the State of Illinois, or as an employee of OBRE.

A pre-license instructor renewing his or her license in accordance with this subsection (e) may renew the license within a period of two years following the termination of service and is not required to retest or reapply.

f) Except as otherwise provided in this section, in accordance with Section 30-5 of the Act, any pre-license school or school branch, or pre-license instructor whose license under the Act has expired for more than two years shall not be eligible for renewal of that license.

1) Any pre-license school or pre-license instructor whose license has expired for less than two years may renew the license at any time by complying with the requirements of this section and by paying the fees required.

2) Any pre-license school or pre-license instructor whose license has been expired for less than two years may renew the license only after providing OBRE with evidence that, in the case of a school, all qualifications of Section 1450.273 have been met. In the case of a pre-license instructor, that instructor must show he or she has taught at least one course within the period of licensure or has completed an OBRE-approved instructor training program.

Any pre-license instructor whose license has been expired for less than two years may renew the license only after providing OBRE with evidence that all qualifications of Section 1450.278 have been met, that the instructor taught at least one course within the period of licensure or has completed an OBRE-approved instructor training program and the required fee is paid.

(Source: Amended at 27 Ill. Reg. ________________, effective ________________)

Section 1450.285 Continuing Education Schools and Instructors
a) Approval of continuing education (CE) Schools. Those entities seeking approval as CE schools shall maintain an office in Illinois for maintenance of all records, office equipment and office space necessary for customer service.

1) The CE school's office may be subject to inspection by authorized representatives of OBRE during regular working hours and upon at least 24 hours' notice when OBRE has reason to believe that there is not full compliance with the Act or this Part and that this inspection is necessary to ensure full compliance.

2) OBRE shall be reimbursed by any out-of-state CE school for all reasonable expenses incurred by the inspector in the course of the inspection to inspect its facilities.

3) Entities seeking licensure approval as CE schools shall file a CE school application, on forms provided by OBRE, along with the required fee. The application shall include the following:

A) A list of all CE courses that the CE school is planning to offer during the 12 month period following approval and a list of all instructors the school plans to utilize in the offering of the CE courses. The list shall include the instructor's name, address, and approval number as provided in Section 30-15(f) of the Act. An approved CE school shall not be precluded from offering CE courses or from utilizing instructors not listed in the initial application or subsequent annual renewals if written notice of the CE course and the instructor to be utilized is submitted 30 days prior to the CE course date pursuant to subection (a)(3)(C)(v) below;

A) B) An agreement by the applicant that the applicant shall provide to OBRE, upon request, a schedule including the description, location, date, and time, and name of instructor of each CE course to be offered;

B) The CE school's certification:

i) that the content areas of all CE courses offered by the CE school for CE credit will conform to those listed in Section 5-70(e) of the Act and that CE schools shall not offer for approved credit any of the courses set forth in Section 5-85 of the Act;

ii) that all CE courses offered by the CE school for CE credit will comply with the criteria in the Act and these Rules; this Section
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ii) iii) that the CE school will be responsible for verifying attendance at each CE course and providing a certificate of completion signed by the CE school on forms provided by OBRE.

iii) That Further, that the CE school will maintain its these records for not less than 5 years and shall make these records available for inspection by the licensee or OBRE or its designee during regular business hours;

iv) that upon request by OBRE, the CE school will submit evidence as is necessary to establish compliance with this Section and Sections 30-15 through 30-25 of the Act. The evidence shall be required when OBRE has reason to believe that there is not full compliance with the Act and this Part and that this information is necessary to ensure compliance;

v) vi) that the CE school will submit to OBRE a written notice of a CE course 30 days prior to the CE course date if the program was not listed in the application or any subsequent renewal application. The notice shall include the description, location date and time of the CE course to be offered;

v) vii) that the CE schools will only offer CE, other than distance education self-study CE, in an environment which is conducive to learning (i.e., adequate lighting, seating) and does not jeopardize the health, safety, and welfare of the attendees; and

vi) vii) that financial resources are available to equip and maintain its office in a manner necessary to enable the CE school to comply with Article 30 of the Act, this Section and this Part, documented by a current balance sheet, an income statement or any similar evidence as requested by OBRE; and

vii) that upon request the CE school will make available to a licensee who has taken one or more of the CE school’s courses the records dealing with the licensee’s participation in those courses.

D) Evidence of the CE school's ability to provide the certificates required—by Section 30-15(b)(5) of the Act.
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4) Validly licensed pre-license CE schools seeking approved to offer CE courses required for a continuing education school license shall be deemed to be approved to offer CE programs upon completion of the required application for approval and the submission of the fee required by Section 1450.95.

5) Within 30 days after the action by the Advisory Council, OBRE shall issue approval to the CE school or notify the CE school, in writing, why approval cannot be issued.

b) Approved Licensed CE schools shall comply with the following:

1) No licensed approved CE school shall allow the premises or classrooms utilized during CE courses to be used by anyone to directly or indirectly recruit new affiliates, for any company. CE schools and CE instructors shall report to OBRE any efforts to recruit students, licensees.

2) No licensed approved CE school shall advertise that it is endorsed, recommended, or accredited by OBRE. The CE school, however, may indicate that the school and the CE course have been approved by OBRE.

3) Licensed Approved CE schools shall utilize in the teaching of approved CE courses only CE instructors who have been licensed approved by OBRE.

4) Licensed Approved CE schools shall specify in any advertising promoting CE courses the number of CE hours that may be credited toward Illinois CE requirements for license renewal. Further, licensed approved CE schools shall specify the number of core or elective CE course hours that may be earned by successfully completing the course.

5) All CE courses given by licensed approved CE schools shall be open to all licensees and not be limited to members of a single organization or group.

c) Administration

1) All CE schools shall seek a certificate of registration for all CE courses it plans to offer and shall not offer any CE course until OBRE has issued a certificate of registration for that course. All requests for registration of courses shall include a course description, course outline, examination and answer key.
2) **Upon request all CE schools shall also notify OBRE as to all CE instructors it plans to use.**

3) **The CE school shall be responsible for assuring verified attendance at each CE course or self-study examination. No renewal applicant shall receive CE credit for time not actually spent attending the CE course or when a passing score of 70% on the examination was not achieved.**

8) **To maintain approved CE school status, each CE school shall submit annually during the 30 days preceding April 1 a school renewal application along with the required fee. The CE school shall be required to submit to OBRE with the renewal application the following:**
   A) **A list of those CE courses planned to be offered in the 12-month period immediately following the renewal period. This list shall include a description, location, date and time the course is planned to be offered.**
   B) **A list of those instructors the school plans to utilize. This list shall include the name, address, and instructor approval number for each.**

4) **Each licensed approved CE school shall submit to OBRE on or before the 15th of each month, a graduation report of those licensees passing approved CE courses offered by it during the preceding calendar month.**
   A) **The monthly graduation reports shall, at a minimum, include the following information for each licensee:**
      i) **the licensee's name, address, social security number, and license number;**
      ii) **the CE course school's name and license number; and**
      iii) **the CE course name, course identification number, course category (core or elective), and credit hours, and the date and time classes were held; and**
      iv) **such other information as may be required by OBRE.**
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B) If no courses were given by a CE school during the preceding calendar month, that CE school shall report in writing that no courses were given.

C) The monthly graduation reports shall be submitted on forms or in a computer readable format provided by OBRE.

D) There is no processing fee for a monthly graduation report submitted in the computer readable format specified by OBRE. Each monthly graduation report submitted on paper or in a format other than that specified by OBRE shall be accompanied by a processing fee of $0.50 per licensee, per course, listed on the report, payable by check to OBRE.

E) A monthly graduation report received by OBRE with a postmark after the day it is due (the 15th day of the month) shall be accompanied by an administrative fee of $200 in addition to the fees set forth above.

F) If a CE school fails to file monthly graduation reports or a statement saying that no CE courses were given, or fails to pay the required fees, as set forth in subsections (a)(9)(D) (c)(3)(d) and (E) of this Section for three successive months, then the courses offered by that school may be disqualified pursuant to procedures set forth in Section 30-15 (d) of the Act until all delinquent graduation reports, processing fees, and administrative fees as set forth in subsections (a)(9)(c) and (E) of this Section have been submitted to and are received by OBRE. OBRE shall send notice to the school of an informal conference before the Advisory Council and of pending disqualification pursuant to Section 30-15(d) of the Act by certified or registered mail, return receipt requested or by other signature restricted delivery service.

(Source: Amended at 27 Ill. Reg. ________________, effective ________________)

Section 1450.286 Curriculum for Continuing Education Schools and Course Registration Process

a) The following are the subject matters for core (mandatory) courses subject to change by OBRE, through its Advisory Council:

1) license law and escrow

2) fair housing
3) **agency**

b) The following are the subject matters for elective courses subject to change by OBRE, through its Advisory Council:

1) **antitrust**

2) **appraisal**

3) **property management**

4) **residential brokerage**

5) **farm property management**

6) **rights and duties of sellers, buyers and brokers**

7) **commercial brokerage and leasing**

8) **real estate financing**

9) **environmental**

10) **technology**.

c) **Credit hours may be earned for self-study programs approved by the Advisory Council.**

d) **A broker or salesperson may earn credit for a specific continuing education course only once during the prerenewal period.**

e) **OBRE shall issue certificates of registration for approved CE courses upon successful completion of the following process:**

1) The person or entity seeking approval for the CE course shall complete and submit the application approved by OBRE for a certificate of registration;

2) The CE course shall be identified as either “core” or “elective” by the applicant;
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3) The CE course description, outline, examination and answer key is submitted along with the application;

4) The required fee as provided for in Section 1450.95 of this Part is submitted; and

5) The Advisory Council approves the application for registration of the CE course.

f) CE credit may be granted for pre-license courses but only after issuance of a certificate of registration by OBRE following the process provided for in subparagraph (e) of this Section.

(Source: Added at 27 Ill. Reg. ______________, effective ______________)

Section 1450.287 Expiration Date and Renewal Period for Continuing Education Schools

a) Every continuing education school license shall expire on June 30 of each even numbered year.

b) Every certificate of registration of a CE course shall expire on June 30 of each even numbered year.

c) Each licensed CE school shall be responsible for renewal of the license on forms provided by OBRE. Failure to receive a renewal form shall not constitute a valid reason for failure to submit the proper application for renewal.

d) The applicable fees shall be those set forth in Section 1450.95 of this Part.

e) Each CE school shall submit the renewal application along with the proper fee and a list of courses to be taught, course descriptions, course outlines, examinations and answer keys.

f) Operation of a CE school on an expired or inoperative license shall constitute the unlicensed or unauthorized practice and shall be grounds for discipline under the Act.

g) Any continuing education school whose license under the Act has expired for more than two years shall not be eligible for renewal of that license. Any CE school whose license has been expired for less than two years may renew the license after providing OBRE with evidence that all qualifications of Section 1450.285 have been met and the proper renewal fees have been paid.

(Source: Added at 27 Ill. Reg. ______________, effective ______________)
Section 1450.288  Continuing Education Instructors

a) An applicant seeking approval from OBRE to become a licensed CE instructor shall submit a completed application, on forms provided by OBRE, along with the required fee as provided for in Section 1450.95 of this Part.

b) An individual applying to become a licensed CE instructor shall meet at least one of the following criteria:

1) Licensed and active in practice as a real estate broker for at least the last three years; or

2) Is currently admitted to practice law and for three years has been engaged in real estate related work as part of his or her active practice of law or has taught pre-licensure real estate courses; or

3) Is a properly credentialed instructor of real estate courses who is or has been engaged in the practice of teaching for at least three years; or as evidenced by a professional designation, such as but not limited to a designated real estate instructor (DREI); or approved by a college or university's governing body to teach in a real estate degree program; or

4) Is properly licensed or certified to engage in the business of appraisal, finance and/or related real estate occupations (not including real estate salespersons or leasing agents) and for at least three years has been engaged in that practice; or

5) Is qualified by experience or education as outlined in Section 30-15(b)(9) of the Act. In determining whether a person is qualified to teach CE under that Section, the Director of Real Estate shall consider the following:

   A) The individual's teaching experience;

   B) The individual's real estate experience;

   C) Any real estate, business or legal education of the individual; and

   D) The results of a personal interview with the individual. The personal interview may be conducted via telephone if it would be overly
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burdensome and unreasonable for the applicant to personally appear for the interview (e.g., applicant living out-of-state); and

E) The recommendation of the Advisory Council. The Advisory Council shall make a recommendation to the Director of Real Estate for approval or disapproval of the applicant as a CE instructor.

c) Individuals validly licensed to teach salesperson and broker pre-license courses, pursuant to Section 1450.278 of this Part, are qualified as CE instructors as long as they submit an application to OBRE for licensure as a CE instructor and pay the required fee.

d) OBRE shall notify the applicant in writing within 15 days after its approval or disapproval. In the event the applicant is disapproved, the reasons will be detailed and the applicant advised that the applicant may request a hearing as provided for in Section 30-5 of the Act.

(Source: Added at 27 Ill. Reg. _______________, effective _______________)

Section 1450.290 Expiration Date and Renewal Period for Continuing Education Schools and Continuing Education Instructors

-a) Every continuing education school license shall expire on June 30 of each even numbered year.

b) Every continuing education instructor license and registration of a CE course shall expire on June 30 of each even numbered year.

c) Each licensed CE school and CE instructor shall be responsible for renewal of the license on forms provided by OBRE. Failure to receive a renewal form shall not constitute a valid reason to submit the proper application for renewal and for failure to pay the proper renewal fee, or to renew the appropriate license.

d) The applicable fees shall be those set forth in Section 1450.95 of this Part.

e) Each CE school and CE instructor shall submit a list of courses to be taught as part of the renewal application.

d) Teaching Operation of a CE school; or instructing CE courses on an expired or inoperative license shall constitute the unlicensed or unauthorized practice and shall be grounds for discipline pursuant to Section 20-20 of the Act.
e) Any licensed CE instructor whose license under the Act has expired is eligible to renew the license without paying any lapsed renewal fees or reinstatement fees provided that the license expired while the instructor was:

1) on active duty with the United States Army, United States Navy, United States Marine Corps, United States Air Force, United States Coast Guard, the State Militia called into the service or training of the United States; or
2) engaged in training or education under the supervision of the United States prior to induction into military service; or
3) serving as the Director of Real Estate in the State of Illinois, or as an employee of OBRE. A CE instructor renewing his or her license in accordance with this subsection may renew the license within a period of two years following the termination of service and are not required to retest or reapply.

f) Any continuing education school or continuing education instructor whose license under the Act has expired for more than two years shall not be eligible for renewal of that license.

h) Any CE school or CE instructor whose license has expired for less than two years may renew the license at any time by complying with the requirements of this Section and by paying the fees required.

-1) Any CE school or CE instructor whose license has expired for less than two years may renew the license at any time by complying with the requirements of this Section and by paying the fees required.

-2) Any CE school or CE instructor whose license has been expired for less than two years may renew the license only after providing OBRE with evidence that in the case of a CE school, all qualifications of Section 1450.288 have been met and the proper renewal fee is paid.

-3) Any CE instructor applying for renewal must verify that he or she has taught at least one course within the period of licensure or has completed an OBRE-approved instructor training program.

(Source: Amended at 27 Ill. Reg. _______________, effective _______________)

Section 1450.295 Distance Education Courses Learning Programs

Distance education courses are courses in which instruction does not take place in a traditional face to face classroom situation but rather when instruction takes place through other media. Distance education programs include but are not limited to those that are presented through on-line courses.
interactive classrooms, video conferencing, audio tape, print media, video tape, compact disks and interactive computer.

Distance education courses learning programs shall be affiliated with a licensed pre-license or CE an approved school and meet the curriculum requirements set forth in Section 1450.276, 1450.275 and/or Section 1450.286, 1450.285 of this Part, as applicable. Distance learning programs mean those courses designed to be taken by means other than attendance in a classroom e.g., Internet courses or correspondence/home study-type courses.

a) Distance education courses must meet all requirements for pre-license or CE courses, whichever is applicable, and any additional requirements established by the Act and these Rules. The program shall:

1) Be approved by OBRE in accordance with Section 30.5 of the Act;
2) Maintain a brief description of each lesson;
3) Maintain a list of approved instructors who prepare each specific lesson;
4) Maintain a list of titles, authors, publishers, and copyright dates of all instructional materials;
5) Require minimum passing scores for all examinations of no less than 75%;
6) Consist of at least 5 lessons and examinations plus one additional final examination of at least 100 questions.

The program shall develop a written statement of teaching methods to be employed and materials and equipment needed for each course of instruction.

c) Pre-license or CE schools providing distance education courses The program shall establish written policies and procedures for grading examinations and lessons, which shall include provisions for instructor comments, suggestions and written correction of errors. There shall also be written procedures for the prompt return of materials. Copies of these policies shall be provided to OBRE upon request.

d) Schools providing distance education courses The program shall establish performance objectives for each specific course of study.
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Section 1450.300 Class Attendance Requirements (Repealed)

a) Attendance at all classes is mandatory; however, credit for absences not to exceed 10% of the class hours may be made by the attendance at make-up classes as provided in subsection (b) below. Absences in excess of 10% of class hours shall result in failure of the course.

b) Each school shall provide time and facilities for conducting make-up classes for students who were absent from the regularly scheduled class period.

Section 1450.305 Recruitment at Test Center

Recruitment of test takers to become affiliated with a licensee at test facilities where the Illinois Real Estate Licensing Examination is being conducted is not permitted before, during, or after the examination.
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(Source: Amended at 27 Ill. Reg. _____________, effective ______________)

Section 1450.310 Withdrawal of Approval of Schools (Repealed)

a) Upon written recommendation of the Board, OBRE shall withdraw, suspend or place on probation the approval of the pre-license school or a continuing education school when the quality of the program fails to continue to meet the established criteria as set forth in this Part or if approval of the school or program was based upon false or deceptive information.

b) If the Board has reason to believe there has been any fraud, dishonesty, or lack of integrity in the furnishing of any documentation for the evaluation of a school or program, it shall refer the matter to the appropriate personnel for investigation and any disciplinary action which might be appropriate under the Act.

c) An approved pre-license school which does not maintain an average passing rate of at least 40% for all students who take the licensure examination for the first time over a 6 month period, either January through June or July through December, shall at the recommendation of the Board, receive a written warning of noncompliance from OBRE. Approval may be suspended, withdrawn or other disciplinary action taken in accordance with this Part if the school fails to maintain an average passing rate of at least 40% of all students who take the licensure examination for the first time over the next 6 month period.

d) A probation period shall be further defined as a time during which an approved school cannot receive approval for any course additions or changes.

e) A real estate program whose approval is being reconsidered shall be given at least 30 days written notice prior to any reconsideration by the Board. The officials in charge may either submit written comments or request a hearing before the Board.

f) In the event the real estate license of the administrator of an approved school is suspended or revoked, the school approval shall automatically be rescinded.

(Source: Repealed at 27 Ill. Reg. _____________, effective ______________)

Section 1450.315 Discipline of Schools or Instructors

a) The Advisory Council, after notice, can conduct an informal conference for the purpose of reviewing a school’s or instructor’s compliance with this Act and this Part. The Advisory
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Council may make a recommendation to the Board based upon its findings and conclusions resulting from that conference.

b) a) Upon written recommendation of the Board to the Commissioner, OBRE may refuse to issue or renew a license or certificate of registration, reprimand, fine, withdraw approval, place on probation, suspend, or revoke any license or otherwise discipline any license or certificate of registration of any real estate pre-license school, pre-license instructor, approved CE school, approved CE instructor, course, or applicant for the license or certificate of registration when, at any time:

1) The quality of the course, instruction or program fails to meet the established criteria as set forth in the Act and this Part.

2) If the license approval was based upon false or deceptive information.

3) If any other professional license, accreditation, certification of the instructor or school is suspended, revoked or otherwise disciplined.

4) When the applicant or licensee has:

   A) subverted or attempted to subvert the integrity of any exam or course, including through improper reproduction of an exam, providing an answer key to an exam, cheating, bribery or otherwise, or aids and abets an applicant or licensee to subvert the integrity of any exam or course;

   B) made any substantial misrepresentation, misleading or untruthful advertising, including without limitation guaranteeing success or a "pass score" on any exam or in any course or using any trade name or insignia of membership in any educational or any real estate organization of which the applicant or licensee is not a member;

   C) taught real estate courses without being qualified, including, but not limited to, being unapproved by OBRE, being unlicensed, having a nonrenewed license or being uncertified, or aids and abets an unqualified individual to teach a real estate course;

   D) failed to provide information to OBRE as required under any provision of the Act or this Part; or
E) disregarded or violated any provision of the Act or this Part.

c) Disciplinary proceedings shall be conducted by the Board as provided for in the Act and Subpart F of this Part.

d) OBRE may temporarily suspend without hearing the certificate of registration approval for a licensed CE school's courses for failure to comply with the Act or these Rules upon recommendation of the Advisory Council. No CE credit shall be granted to any licensee for completing a CE course for which the certificate of registration approval of OBRE has been temporarily suspended.

(Source: Amended at 27 Ill. Reg. ______________, effective ______________)
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NOTICE OF PROPOSED AMENDMENTS

1) The Heading of the Part: Licensing Standards for Group Day Care Homes

2) Code Citation: 89 III. Adm. Code 408

3) Section Numbers: Proposed Actions

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4) Statutory Authority: Child Care Act [225 ILCS 10], the Children’s Product Safety Act [430 ILCS125], the Abused and Neglected Child Reporting Act [325 ILCS 5/3]

5) A Complete Description of the Subjects and Issues Involved: In addition to formatting and grammatical corrections, the Department is amending Part 408 as follows:

In Section 408.5, the definitions of “corporal punishment,” “day care capacity”, “extended capacity”, “preschool age”, and “SACWIS” were added. In addition clarifications were made to the definitions of “CANTS”, “caregiver”, “family home”, and “premises”.

In Section 408.10, the requirement was added that at least 3 positive references, and a written licensing study signed by the licensing supervisor be provided prior to recommending issuance of a license.

In Section 408.20, the provision that no facility shall be licensed to provide care for more than 18 hours within a 24-hour period was added.
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In section 408.30, a statement was added to require that firearms and ammunition stored on the premises shall be available to the licensing representative for inspection.

In Section 408.35, a requirement that the primary caregiver obtain training in providing care to children with disabilities was added in accordance with Public Act 92-0164. Additional requirements that the caregiver be present in the home when children are in attendance unless a qualified substitute caregiver is arranged and that the caregiver be stable, law abiding, responsible mature individual were added.

In Section 408.45, the requirements that corporal punishment is not to be used on children, that outside employment during hours that child care is not being provided shall not interfere with child care and that the caregiver be awake, alert and able to supervise were added.

In section 408.60, the requirement that no child shall remain on the premises for more than 18 consecutive hours was added. In addition, a requirement was added that day care homes shall have a written policy explaining to the parents and guardians what actions the caregiver will take when children are not picked up at the agreed time.

Section 408.65, was rewritten for clarification. No substantive changes were made.

In Section 408.70, the requirement that children be immunized against chickenpox before admittance to day care home was added to be consistent with Illinois Department of Public Health rules. The clarifications that hand sanitizers or diaper wipes are not an acceptable substitute for soap and running water when washing children’s hands, and the provision that children shall be supervised at all times and protected from exploitation, abuse or neglect were also added.

In Section 408.105, in order to reduce the risk of Sudden Infant Death Syndrome (SIDS) deaths, the option of putting infants on their side when these infants cannot turn over was removed and the provision of removing soft bedding and other soft products from cribs when children are napping or sleeping was added.

In Section 408.115, the provisions were added that unrelated children over 2 years may not share a bedroom with children of the opposite sex and that during night time care, the caregiver must sleep on the same floor where children sleep but be within hearing distance of the children in care.
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In Section 408.120, the acceptance of a signature on children’s medical reports by an advanced practice nurse or physician assistant was added according to provisions in Public Act 92-703. Additional reporting requirements were added, such as when a child is missing from the day care center and when there is any change in the household composition.

In Section 408.130, the provision that licensed providers are subject to periodic monitoring while the license is valid was added.

In Appendix G, the topics or courses on caring for children with disabilities and information about asthma were added as acceptable in-service training requirements.

Appendix H was added to provide a summary view in chart form of the number and ages of children that can be served in a group day care home.

6) Will these proposed amendments replace an emergency rule currently in effect? No

7) Do these proposed amendments contain an automatic repeal date? No

8) Do these proposed amendments contain incorporations by reference? No

9) Are there any other amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: Not applicable

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:

Comments on this proposed rulemaking may be submitted in writing for a period of 45 days following publication of this notice. Comments should be submitted to:

Jeff Osowski
Office of Child and Family Policy
Department of Children and Family Services
406 E. Monroe, Station #65
Springfield, Illinois 62703-1498
Telephone: (217) 524-1983
TDD: (217) 524-3715
DEPARTMENT OF CHILDREN AND FAMILY SERVICES

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E-Mail: CFPolicy@idcfs.state.il.us
Facsimile (217)557-0692

The Department will consider fully all written comments on this proposed rulemaking submitted during the 45-day comment period. Comments submitted by small businesses should be identified as such.

12) **Initial Regulatory Flexibility Analysis:**

   A) **Types of small businesses affected:** This rulemaking affects home operated child care businesses that are subject to licensure by the Department.

   B) **Reporting, bookkeeping or other procedures required for compliance:** There are no additional costs to small businesses.

   C) **Types of professional skills necessary for compliance:** None

13) **Regulatory Agenda on which this rulemaking was summarized:** The amendments regarding License Standards for Group Day Care Homes were not anticipated.

The full text of the proposed rulemaking begins on the next page.
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TITLE 89: SOCIAL SERVICES
CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES
SUBCHAPTER e: REQUIREMENTS FOR LICENSURE

PART 408
LICENSING STANDARDS FOR GROUP DAY CARE HOMES

Section
408.1 Purpose
408.5 Definitions
408.7 Effective Date of Standards (Repealed)
408.10 Application For License
408.15 Application for Renewal of License
408.20 Provisions Pertaining to the License
408.25 Provisions Pertaining to Permits
408.30 General Requirements for Group Day Care Homes
408.35 General Requirements for Group Day Care Home Family
408.40 Background Checks
408.45 Caregivers
408.50 Child Care Assistants
408.55 Substitutes
408.60 Admission and Discharge Procedures
408.65 Number and Ages of Children Served
408.70 Health and Medical Care and Safety
408.75 Discipline of Children
408.80 Nutrition and Meals
408.85 Program
408.90 Transportation of Children
408.95 Swimming
408.100 Children with Special Needs
408.105 Children Under 30 Months of Age
408.110 School Age Children
408.115 Night Care
408.120 Records and Reports
408.125 Confidentiality of Records and Information
408.130 Cooperation with the Department
408.135 Severability of This Part

APPENDIX A Meal Pattern Chart for Children 0 to 12 Months of Age
APPENDIX B Meal Pattern Chart for Children Over One Year of Age
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APPENDIX C Minimum Equipment and Supplies - Preschool Programs
APPENDIX D Minimum Equipment and Supplies - Infant and Toddler Programs
APPENDIX E Background of Abuse, Neglect, or Criminal History Which May Prevent Licensure or Employment in a Group Day Care Home
APPENDIX F Early Childhood Teacher Credentialing Programs
APPENDIX G In-service Training
APPENDIX H Chart of Number and Ages of Children Served

AUTHORITY: Implementing and authorized by the Child Care Act of 1969 [225 ILCS 10], the Children’s Product Safety Act [430 ILCS 125], Section 3 of the Abused and Neglected Child Reporting Act [325 ILCS 5/3], and Sections 1 and 2 of the Facilities Requiring Smoke Detectors Act [425 ILCS 10/1 and 2].


Section 408.5 Definitions

“Access to children” means an employee’s job duties require that the employee be present in a licensed child care facility during the hours that children are present in the facility. In addition, any person who is permitted to be alone outside the visual or auditory supervision of facility staff with children receiving care in a licensed child care facility is subject to the background check requirements of this Part.

"Accredited college or university" means a college or university that has been accredited by a regional or national institutional accrediting association recognized by the U.S. Department of Education or a non-governmental recognition counterpart.

"Adult" means any person who is 18 years of age or older.

“Applicant” means a person living in the residence to be licensed who will be the primary caregiver in the group day care home.
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"Approved smoke detector" or "detector" means a smoke detector of the ionization or photoelectric type which complies with all the requirements of the rules and regulations of the Illinois State Fire Marshal. (Section 2 of the Facilities Requiring Smoke Detectors Act [425 ILCS 10/2])

"Assistant" or "child care assistant" means a person (whether a volunteer or an employee) who assists a licensed home caregiver in the operation of the group day care home.

"Attendance" means the total number of children under the age of 12 present at any one time.

"Authorized representative of the Department" means the licensing representative or any person acting on behalf of the Director of the Department.

"Background check" means:

- a criminal history check via fingerprints of persons age 18 and over that are submitted to the Illinois State Police and the Federal Bureau of Investigation (FBI) for comparison to their criminal history records, as appropriate; and

- a check of the Statewide Automated Child Welfare Information System (SACWIS) Child Abuse and Neglect Tracking System (CANTS) and other state child protection systems, as appropriate, to determine whether an individual is currently alleged or has been indicated as a perpetrator of child abuse or neglect; and

- a check of the Statewide Child Sex Offender Registry.

"Basement" means the story below the street floor where occupants must traverse a full set of stairs, eight or more risers, to access the street floor.

"CANTS" means the Child Abuse and Neglect Tracking System operated and maintained by the Department. This system is being replaced by the Statewide Automated Child Welfare Information System (SACWIS).

"Caregiver" means the individual directly responsible for child care. The caregiver could be the licensee or other qualified person providing care to the children.
"Children with special needs" means children who exhibit one or more of the following characteristics, confirmed by clinical evaluation:

- Visual impairment: the child's visual impairment is such that development to full potential without special services cannot be achieved.

- Hearing impairment: the child's residual hearing is not sufficient to enable him or her to understand the spoken word and to develop language, thus causing extreme deprivation in learning and communication, or a hearing loss is exhibited that prevents full awareness of environmental sounds and spoken language, limiting normal language acquisition and learning.

- Physical or health impairment: the child exhibits a physical or health impairment that requires adaptation of the physical plant.

- Speech and/or language impairment: the child exhibits deviations of speech and/or language processes that are outside the range of acceptable variation within a given environment and prevent full social development.

- Learning disability: the child exhibits one or more deficits in the essential processes of perception, conceptualization, language, memory, attention, impulse control or motor function.

- Behavioral disability: the child exhibits an effective disability and/or maladaptive behavior that significantly interferes with learning and/or social functioning.

- Mental impairment: the child's intellectual development, mental capacity, and/or adaptive behavior are markedly delayed. Such mental impairment may be mild, moderate, severe or profound.

"Conviction" means a judgment of conviction or sentence entered upon a plea of guilty or upon a verdict or finding of guilty of an offense, rendered by a legally constituted jury or by a court of competent jurisdiction authorized to try the case without a jury. (Section 2-5 of the Criminal Code of 1961 [720 ILCS 5/2-5])

“Corporal punishment” means hitting, spanking, swatting, beating, shaking, pinching, excessive exercise, exposure to extreme temperatures, and other measures that produce physical pain.
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“Cot” means a comfortable, safe and child-sized alternative bed made of resilient, fire retardant, sanitizable fabric that is on legs or otherwise above the floor and can be stored to allow for air flow.

"Department” means the Illinois Department of Children and Family Services. (Section 2.18 of the Child Care Act of 1969 [225 ILCS 10/2.18])

"Discipline" means the process of helping children to develop inner controls so that they can manage their own behavior in socially acceptable ways.

“Disinfect” means to eliminate virtually all germs from inanimate surfaces through the use of chemicals or physical agents (e.g., heat). In the child care environment, a solution of ¼ cup household liquid chlorine bleach added to one gallon of water (or one tablespoon bleach to one quart of water) and prepared fresh daily is an effective disinfectant for environmental surfaces and other objects. A weaker solution of 1 tablespoon bleach to 1 gallon of cool water is effective for use on toys, eating utensils, etc. Commercial products may also be used.

“Extended capacity” means an addition of 4 school age children who may be accepted in accordance with 408.65(c). This allows the maximum capacity in a group day care home to reach 16.

“Family home” or “family residence” means the location or portion of a location where the applicant and his or her family reside, and may include basements and attics. It does not include other structures that are separate from the home but are may be considered part of the overall premises, such as adjacent apartments, unattached basements in multi-unit buildings, unattached garages, and other unattached buildings.

"Ground level" means that a child can step directly from the exit onto the ground, a sidewalk, a patio, or any other surface that is not above or below the ground.

"Group day care home" means a family home which receives more than 3 up to 16 children for less than 24 hours per day. The number counted includes the family's natural, foster, or adopted children and all other persons under the age of 12. (Section 2.20 of the Child Care Act of 1969 [225 ILCS 10/2.20])

"Guardian” means the guardian of the person of a minor. (Section 2.03 of the Child Care Act of 1969 [225 ILCS 10/2.03])
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“Infant” means a child through 12 months of age.

"Initial background check" means fingerprints have been obtained for a criminal history check, and the individual has cleared a check of the Statewide Automated Child Welfare Information System (SACWIS) Child Abuse and Neglect Tracking System (CANTS) and the Statewide Child Sex Offender Registry.

“License” means a document issued by the Department that authorizes child care facilities to operate in accordance with applicable standards and the provisions of the Child Care Act of 1969.

"License applicant", for purposes of background checks, means the operator or person with direct responsibility for daily operation of the facility to be licensed. (Section 4.4 of the Child Care Act of 1969 [225 ILCS 10/4.4])

"License study" means the review of an application for license, on-site visits, interviews, and the collection and review of supporting documents to determine compliance with the Child Care Act of 1969 and the standards prescribed by this Part.

"Licensed capacity" means the number of children the Department has determined the group day care home can care for at any one time, in addition to any children living in the home who are under the age of 12 years means the maximum number of children receiving child care under age 12 permitted in the group day care home at any one time. Children age 12 and over on the premises are not considered in determining license capacity.

"Licensing representative" means a person authorized by the Department under Section 5 of The Child Care Act of 1969 to examine facilities for licensure.

"Member of the household" means a person who resides in a family home as evidenced by factors including, but not limited to, maintaining clothing and personal effects at the household address, or receiving mail at the household address, or using identification with the household address.

"Minor traffic violation" means a traffic violation under the laws of the State of Illinois or any municipal authority therein or another state or municipal authority that is punishable solely as a petty offense. (See Section 6-601 of the Illinois Driver Licensing Law [625 ILCS 5/6-601])
"Parents", as used in this Part, means those persons assuming legal responsibility for care and protection of the child on a 24-hour basis; includes guardian or legal custodian.

"Permit" means a one-time only document issued by the Department of Children and Family Services for a six-month period to allow the individuals to become eligible for a license.

"Persons subject to background checks" means:
- the operators of the child care facility;
- all current and conditional employees of the child care facility;
- any persons who are used to replace or supplement staff; and
- any person who has access to children, as defined in this Section.

If the child care facility operates in a family home, the license applicants and all members of the household age 13 and over are subject to background checks, as appropriate, even if these members of the household are not usually present in the home during the hours the child care facility is in operation.

"Physician" means a person licensed to practice medicine in the State of Illinois or a contiguous state.

"Premises" means the location of the group day care home wherein the family resides and includes the attached yard, garage, basement and any other outbuildings.

“Preschool age” means children under five years of age and children five years old who do not attend full day kindergarten.

"Program" means all activities provided for the children during their hours of attendance in the group day care home.

"Protected exit from a basement" means an exit that is separated from the remainder of the group day care home by barriers (such as walls, floors, or solid doors) providing one-hour fire resistance. The separation must be designed to limit the spread of fire and restrict the movement of smoke.
"Resource personnel" means physicians, nurses, psychologists, social workers, speech therapists, physical and occupational therapists, educators and other technical and professional persons whose expertise is utilized in providing specialized services to children with special needs.

“SACWIS” means the Statewide Automated Child Welfare Information System operated by the Illinois Department of Children and Family Services that is replacing the Child Abuse and Neglect Tracking system (CANTS).

"School age" means children 6 to 12 years of age and 5 year olds who are in full-day kindergarten.

"Special use areas" means areas of the home that may not be included in the measurement of the area used for child care. Special use areas include, but are not limited to, laundry rooms, furnace rooms, bathrooms, hazardous areas, and areas off-limits to children.

“Story” means that level of a building included between the upper surface of a floor and the upper surface of the floor or roof next above.

“Street floor” means a story or floor level accessible from the street or from outside a building at ground level, with the floor level at the main entrance located not more than 4 risers above or below the ground level and arranged and utilized to qualify as the main floor.

"Swimming pool" means any natural or artificial basin of water intended for public swimming or recreational bathing which exceeds 2'6" in depth as specified in the Illinois Swimming Pool and Bathing Beach Act and Code (77 Ill. Adm. Code 820). The term includes bathing beaches and pools at private clubs, health clubs, or private residences when used for children enrolled in a child care facility.

"Wading pool" means any natural or artificial basin of water less than 2'6" in depth that is intended for recreational bathing, water play or similar activity. The term includes recessed areas less than 2’6” in depth in swimming pools that are designated primarily for children.

(Source: Amended at 27 Ill. Reg. ______, effective ___________)
Section 408.10 Application For License

a) A complete application shall be filed with the Department of Children and Family Services on forms prescribed and provided by the Department.

b) A complete application shall include:

1) a completed, signed and dated Application for Home License;
2) a list of persons who will be working in the group day care home, including any substitutes and assistants, and members of the household age 13 and over;
3) completed, signed and dated authorizations to conduct the background check for the applicant, each employee or person used to replace or supplement staff and each member of the household age 13 and over;
4) a completed, signed and dated Family Home Information form;
5) a completed, signed and dated Child Support Certification form;
6) documentation that the applicant meets the qualifications for a caregiver in Section 408.45(e); and
7) the names, addresses and telephone numbers of at least 3 adults not related to the applicants, nor living in the household, who can attest to their character and suitability to provide child care.

c) The license shall be issued when the standards prescribed by this Part have been met. Upon receipt of an application for a license, the Department shall conduct a license study in order to determine if the group day care home meets licensing standards. The licensing study shall be in writing and shall be reviewed and signed by the licensing supervisor and the licensing representative performing the study. A license may not be recommended without the receipt of at least 3 positive, written references, and a written study signed by the licensing representative and supervisor. The applicant shall receive a copy of the results of the on-site compliance review upon request.

d) A new application shall be filed when any of the following occurs:
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1) When an application for a license has been withdrawn, and the applicant or licensee seeks to reapply;

2) When there is a change in the name of the licensee or the location of the group day care home;

3) When there is a change in the status of joint licensees, such as separation, divorce or death; or

4) Not sooner than 12 months after the Department has revoked or refused to renew a license and a new license is sought.

   e) **Written approval** of the Department is required to effect changes in the license capacity, the area of the home used for child care, or the ages of children served in conformance with the requirements of Section 408.65. Approval will not be granted unless the day care home’s current operation is in compliance with the standards prescribed by this Part.

(Source: Amendment at 27 Ill. Reg., effective ________________)

Section 408.20 Provisions Pertaining to the License

a) The *licensees* licensee(s) shall be a primary caregiver or caregivers who reside in the family home and meet the requirements of this Part. Further, the *licensees* licensee(s) shall be an individual, a man and woman married to each other or two persons related by blood, marriage, or adoption who reside in the family home.

b) A group day care home license is valid for three years unless revoked by the Department or voluntarily surrendered by the licensee.

c) The number and ages of children under age 12 cared for in the group day care home at any one time shall be in compliance with provisions in Section 408.65; not exceed the license capacity. However, the caregiver may accept one additional school-age child in accordance with Section 408.65(f), as long as the total number of children in the home under age 12 does not exceed 16 children.

d) The age limits specified on the license shall be observed, unless the licensee has submitted a transition plan to the Department in accordance with Section
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408.65(e) 408.65(g) in order to keep members of a sibling group together, and the Department has approved the plan.

e) Child care may be provided only in those areas specified on the license.

f) The license is valid only for the family residence of the licensee and shall not be transferred to another person or other legal entity.

g) The license shall not be valid for a name or an address other than the name and address on the license.

h) No group day care home provider shall be licensed to provide care for more than 18 hours within a 24-hour period.

i) The license shall be prominently displayed in the home at all times.

j) There shall be no fee or charge for the license.

(Source: Amended at 27 Ill. Reg. _____, effective ________________)

Section 408.30 General Requirements for Group Day Care Homes

a) The physical facilities of the home, both indoors and outdoors, shall meet the following requirements for safety to children.

1) The home shall have a first aid kit consisting of adhesive bandages, scissors, syrup of ipecac, non-permeable gloves, Poison Control Center telephone number (1-800-222-1222 or 800-942-5969), thermometer, sterile gauze pads, adhesive tape, tweezers, first aid cream and mild soap. Syrup of ipecac shall only be dispensed upon direction from a physician or the Poison Control Center.

2) The kitchen shall be equipped with a readily accessible and operable fire extinguisher rated for Class A, B, and C fires and a flashlight in working order.

3) Electrical outlets that are within reach of children under 5 years of age shall have protective coverings. There shall be no exposed or uninsulated wiring.
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4) The home shall be equipped with a minimum of one approved smoke detector in operating condition on every floor level, including basements and occupied attics.

A) A smoke detector in operating condition shall be within 15 feet of rooms where children nap or sleep. The detector shall be installed on the ceiling and at least 6 inches from any wall, or on a wall located between 4 and 6 inches from the ceiling. In addition, there shall be at least one detector at the beginning and end of each separate corridor or hallway 200 feet or more in length in any occupied story.

B) In further, in any facility constructed after December 31, 1987, or which undergoes substantial remodeling of its structure or wiring system after that date, the smoke detectors shall be permanently wired into the structure's AC power line, and, if more than one detector is required to be installed, the detectors shall be wired so that the activation of one detector will activate all the detectors in the facility unit. For purposes of this subsection (a)(4), "substantial remodeling" represents more than 15 percent of the replacement cost of the group day care home.

C) Compliance with any applicable federal, State or local law, rule or building code which requires the installation and maintenance of smoke detectors in a manner different from this Section, but providing a level of safety for occupants which is equal to or greater than that provided by this Section, shall be deemed to be compliance with this Section. (Section 2 of the Facilities Requiring Smoke Detectors Act [425 ILCS 10/2])

5) Fixed space heaters, fireplaces, radiators, and other heating sources in areas occupied by children shall be separated by partitions or a sturdy barrier to prevent contact. Portable space heaters may not be used in a group day care home during the hours that child care is provided.

6) A facility, in which a wood-burning stove or fireplace has been installed and that is used during the hours that child care is provided, shall provide a written plan of how the stove or fireplace will be used and what actions will be taken to ensure the children’s safety when in use.
7) In one and two-family dwellings, children under 30 months of age shall be housed and cared for on the second floor or below. In other residential buildings, children under 30 months of age shall be housed and cared for only in areas that the Office of the State Fire Marshal or local agencies authorized by the Office of the State Fire Marshal to conduct inspections on its behalf state, in writing, that the combination of remote exits, fire detection, fire suppression, and/or automatic sprinkler system render the residence safe for the care of infants and toddlers.

8) No area accessible only by a ladder or folding stairs or through a trap door shall be used for sleeping or napping.

9) When the basement area may be used for child care, 2 exits shall be provided.

   A) At least one exit shall be a basement exit via a door directly to the outside (without traversing any other level of the home) or a protected exit from a basement via a door or stairway that allows unobstructed travel directly to the outside of the building at street or ground level. The stairway may not be more than 8 feet high.

   B) A second exit may be a window.

      i) The window shall be operable from the inside without the use of tools; and

      ii) Provide a clear opening not less than 20 inches in width, 24 inches in height, and 5.7 square feet in area.

      iii) If a window is used as a second exit, the bottom of the window opening shall be no more than 44 inches above the floor.

      iv) When the bottom of a window opening used as a second exit is more than 24 inches from the floor, there should be a permanently affixed, sturdy ramp or stairs located below
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the window to allow speedy access in the event of an emergency.

C) If the basement area does not meet these requirements, the basement may be used for child care only with the prior written approval of the Office of the State Fire Marshal or local agencies authorized by the Office of the State Fire Marshal to conduct inspections on its behalf.

10) All walls and surfaces shall be free from chipped or peeling paint.

11) Walls of rooms that children use shall be maintained free of lead paint.

12) Furniture and equipment shall be kept in safe repair.

13) First aid supplies, medication, cleaning materials, poisons, sharp scissors, plastic bags, sharp knives, cigarettes, matches, lighters, flammable liquids, and other hazardous materials shall be stored in places inaccessible to children. Hazardous items for infants and toddlers also include items that can cause choking, including but not limited to: coins, balloons, safety pins, marbles, Styrofoam (trademark) and similar products, and sponge, soft rubber or soft plastic toys that can be bitten or broken into small pieces.

14) Tools and gardening equipment shall be stored in locked cabinets, if possible, or in places inaccessible to all children.

15) Exit doors shall be kept clear of equipment and debris at all times.

16) There shall be an operable telephone available on the premises of the licensee. The number of the Poison Control Center (1-800-222-1222 or 1-800-942-5969) and other emergency numbers shall be posted in an area that is readily available in an emergency.

17) Free hanging cords on blinds, shades and drapes shall be tied or otherwise kept out of reach of children.
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b) The licensee shall identify those areas in the home used for child care. The identified areas minus any special use areas shall be measured to calculate the square footage available for child care. There shall be:

1) A minimum of 35 square feet of floor space for each child in care; and

2) An additional 20 square feet of floor space for each child under 30 months of age when the play area is the same as the sleep area. However, if portable bedding is used for napping, then removed, the licensing representative shall approve the use of only 35 square feet of space for each child if the applicant/licensee has adequate storage space for the bedding materials and the bedding materials are removed before and after nap time.

c) No person may smoke tobacco in any area of the group day care home in which day care services are being provided to children, while those children are present on the premises. In addition, no person may smoke tobacco while providing transportation, in either an open or enclosed vehicle, to children who are receiving child care services. Nothing in this subsection prohibits smoking in the home in the presence of a person's own children or in the presence of children to whom day care services are not then being provided. [225 ILCS 10/5.5]

d) Indoor space shall consist of a clean, comfortable environment for children.

1) The group day care home shall be well-ventilated, free from observable hazards, properly lighted and heated, and free of fire hazards.

2) The dwelling shall be kept clean, sanitary, and in good repair.

3) There shall be provision for isolating a child who becomes ill or who is suspected of having a communicable, infectious or contagious disease.

4) When used for child care, basement floors shall have protective covering such as, but not limited to, tile, carpet, linoleum. Paint or sealer alone is not acceptable as a protective covering.

5) When children under 30 months of age are in care, stairs leading to second levels, attics or basements shall be fitted with a sturdy gate, door or other barrier to prevent the children’s access to the stairs without adult
supervision. Such a barrier shall be moveable enough so as not to impede evacuation, if necessary.

e) The kitchen shall be clean, equipped for the preservation, storage, preparation and serving of food, and reasonably safe from hazards.

f) Garbage and refuse containers used to discard diapering supplies, food products or disposable meal service supplies in areas for child care shall be disinfected daily unless plastic liners are used and disposed of daily.

g) A safe and sanitary water supply shall be maintained. If a private water supply is used instead of an approved public water supply, the applicant shall supply written records of current test results indicating the water supply is safe for drinking. New test results must be provided prior to relicensing. If nitrate content exceeds 10 parts per million, bottled water must be used for children under 15 months of age.

h) Hot and cold running water shall be provided. Caregivers shall always test the hot water before allowing children less than 5 years of age to use the water.

i) The group day care home shall provide one toilet for each 10 persons or portion thereof who are present during the hours the group day care home is in operation. These 10 persons include caregivers, child care assistants, members of the household and children other than those under 30 months of age for whom a potty chair is provided.

j) There shall be a minimum of 75 square feet of outdoor space per child for the total number of children using the area at any one time. At least 25% of the required space shall be on the premises of the group day care home. The remainder may be a public park, playground or other outdoor recreation area within walking distance (1000 feet) of the group day care home provided the caregiver or an adult assistant accompanies children to this outdoor area.

k) There shall be safe outdoor space for active play.

1) Space shall be provided for play in yards, nearby parks or playgrounds under adult supervision.

2) Space shall be protected by physical means or by adult caregiver supervision against all hazards such as pools, ponds, standing water,
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traffic, and construction. Further, outdoor space shall be partitioned or supervised in such a manner that young children are not endangered by the activities of older children.

3) Play areas shall be well drained and safely maintained.

4) All pieces of outdoor equipment used by children 5 years of age and younger on the day care premises that is purchased or installed on or after April 1, 2001 shall meet the following standards to guard against entrapment or situations that may cause strangulation.

   A) Openings in exercise rings shall be smaller than 4½ inches or larger than 9 inches in diameter.
   B) There shall be no openings in a play structure with a dimension between 3½ inches and 9 inches (except for exercise rings). Side railings, stairs and other locations that a child might slip or climb through shall be checked for appropriate dimensions.
   C) Distances between vertical slats or poles, where used, must be 3½ inches or less (to prevent head entrapment).
   D) No opening shall form an angle of less than 55 degrees, unless one leg of the angle is horizontal or slopes downward.
   E) No opening shall be between 3/8 inch and one inch in size (to prevent finger entrapment).

5) The use of a trampoline by children in care is prohibited.

6) In-ground swimming pools located in areas accessible to children shall be fenced. The fence shall be at least 5 feet in height and secured by a locked gate. Group day care homes that are licensed or have a permit on April 1, 2001 and are in compliance with the requirement for a 3½ foot fence shall be considered in compliance with the fence requirement.

7) All above-ground pools shall have non-climbable sidewalls that are at least four feet high or shall be enclosed with a 5 foot fence that is at least 36 inches away from the pool’s side wall and secured with a locked gate. When the pool is not in use, steps shall be removed from the pool or otherwise protected to insure the pool cannot be accessed. Group day care
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homes that are licensed or have a permit on April 1, 2001 and are in compliance with the requirement for a 3½ foot fence shall be considered in compliance with the fence requirement.

8) Portable wading pools shall be emptied daily and disinfected before being air-dried.

9) All hot tubs shall have securely locked covers or otherwise be inaccessible to children.

10) Children shall be closely supervised by the caregiver when public parks or playgrounds are used for play, the children shall be closely supervised by the caregiver or adult assistant during play and while traveling to and from the area.

11) Supervision shall be provided during outdoor play by caregivers who meet the requirements of Section 408.45 of this Part.

l) A caregiver who relies upon outdoor space shared with other residents in a multiple family dwelling shall have a written agreement with the other residents or the owners of the outdoor area authorizing the use of the space by the group day care home and the children cared for.

m) Insect and rodent control shall be maintained.

1) All outside doors except those with operable self-closing devices, operable windows, and other openings used for ventilation shall be screened.

2) Chemicals for insect and rodent control shall be applied in minimum amounts and shall not be used when children are present. Over-the-counter products may be used only according to package instructions. Commercial chemicals, if used, shall be applied by a licensed pest control operator and shall meet all standards of the Department of Public Health (Structural Pest Control Code, 77 Ill. Adm. Code 830). A record of any pesticides used shall be maintained.

n) Healthy household pets that present no danger to children are permitted.
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1) A licensed veterinarian shall certify that the animals are free of diseases that could endanger the children’s health and that dogs and cats have been inoculated for rabies.

2) If certification is not available, animals shall be confined at all times in an area inaccessible to children.

3) There shall be careful supervision of children who are permitted to handle and care for the animals.

4) Immediate treatment shall be available to any child who is bitten or scratched by an animal.

5) The presence of monkeys, ferrets, turtles, iguanas, psittacine birds (birds of the parrot family) or any wild or dangerous animal is prohibited in areas accessible to children during the hours the group day care home is in operation. Wild and dangerous animals include, but are not limited to, venomous and constricting snakes, undomesticated cats and dogs, raccoons and other animals determined to be dangerous by local public health authorities.

o) The Department shall request that the Illinois Department of Public Health or a local health department authorized by it and/or the Office of the State Fire Marshal or the local fire department authorized by it inspect the group day care home and its premises whenever the Department has reason to believe that conditions in the home or its premises pose potential health or safety hazards to the children cared for in the home.

p) There shall be written plans for immediate evacuation in case of emergency. The evacuation plan shall identify the exits from each area used for child care and shall specify the evacuation route. Fire drills shall be conducted monthly for the purpose of removing children from the home as quickly as possible. Tornado drills shall be conducted monthly for the purpose of getting children accustomed to moving to a position of safety in event of a tornado. Records shall be maintained of the dates and times required drills are conducted. The alphabetic card file required by Section 408.120(a)(2) 408.120(c) shall accompany the caregiver during the drills.
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q) In the event of a fire, the group day care home shall be evacuated immediately and the children's safety insured before calling the fire department or attempting to combat the fire.

r) Handguns are prohibited on the premises of the group day care home except in the possession of peace officers or other adults who must possess a handgun as a condition of employment and who reside in the group day care home.

s) Any firearm, other than a handgun in the possession of a peace officer or other person as provided in subsection (r), shall be kept in a disassembled state, without ammunition, in locked storage in a closet, cabinet, or other locked storage facility inaccessible to children. Ammunition for such firearms shall be kept in locked storage separate from that of the disassembled firearms, inaccessible to children. **Firearms and ammunition shall be available for inspection by the licensing representative to determine compliance with storage requirements.**

t) The operator of the group home shall notify the parents or guardian of any child accepted for care that firearms and ammunition are stored on the premises. The operator shall also notify the parents or guardian that such firearms and ammunition are in locked storage inaccessible to children (Section 7 of the Act). Such notification need not disclose the location where the firearms and ammunition are stored. (Section 7 of the Act)

u) A group day care home operator relying upon a cooperative or lending arrangement to meet the equipment requirements of this Part shall provide a copy of a written agreement specifying which equipment required by this Part is covered by the agreement. Further, the operator shall demonstrate to the satisfaction of the Department that the equipment covered by the agreement is both available and utilized by the group day care home as required by this Part.

v) Operation of other business on the premises must not interfere with the care of children.

w) A group day care home may not house bedridden or chronically ill persons except by permission of the Department. The Department shall grant such permission unless the person has a reportable contagious or communicable disease or requires care that adversely affects the ability of the caregiver to supervise children.

(Source: Amended at 27 Ill. Reg.______, effective ______________)
Section 408.35 General Requirements for Group Day Care Home Family

a) Each person subject to background checks, as defined in Section 408.5 shall authorize the background check required by 89 Ill. Adm. Code 385 (Background Checks) and be cleared in accordance with the requirements of Part 385.

b) When notified by the Department that an employee, member of the household or other person in frequent contact with children at the facility is the subject of a formal investigation for child abuse or neglect pursuant to the Abused and Neglected Child Reporting Act [325 ILCS 5], the licensee shall take reasonable action necessary to insure that the employee or other person is restricted during the pendency of the investigation from contact with children whose care has been entrusted to the facility during the pending investigation. Such reasonable action includes, but is not limited to, barring or removing the person from the facility or assuring that another adult is always present when the subject of the investigation is in contact with children.

c) The licensee shall be present in the home when children are in attendance unless a qualified substitute caregiver, per Section 408.55, is present.

d) Licensees and other adult members of the household in contact with group day care children shall be stable, law abiding, responsible, mature individuals.

e) Members of the household who have contact with the children in care shall treat them with respect, courtesy, and patience.

f) The caregivers and all members of the household shall provide medical evidence that they are free of a reportable communicable disease which may be transmitted while providing child care; and, in the case of caregivers, that they are free of physical or mental conditions which could interfere with the child care responsibilities. The medical report for caregivers shall be valid for 3 years.

g) Caregivers and members of the household shall have a tuberculin skin test administered by the Mantoux method in accordance with the rules of the Department of Public Health (77 Ill. Adm. Code 690.720).

h) Should the caregivers or any member of the household be diagnosed as having a communicable disease for which isolation is required by the Department of Public
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Health (IDPH) or local health department, the group day care home shall not provide child care until notified by the public health agency that the infectious period has elapsed and that child care may resume. Further, if a child care assistant or substitute who does not reside in the group day care home has been diagnosed as having a communicable disease for which isolation is required, that person shall be barred from the home until the presence of such person is authorized by the IDPH or the local health department.

ig) During the hours of operation of the group day care home, there shall be at least one person on the premises certified in first aid, the Heimlich maneuver and infant/child cardiopulmonary resuscitation (CPR) by the American Red Cross, the American Heart Association or other entity approved by the Illinois Department of Public Health. CPR certification shall be for the age range of children in care. The caregivers shall have on file current certificates attesting to the training.

jh) The operators of the group day care home shall carry public liability insurance in the single limit minimum amount of $100,000 per occurrence.

ki) Persons, including members of the household, counted in the staff-to-child ratio required by Section 408.65 must be present, awake and free from responsibilities other than those directly related to the care and supervision of children when children are present. These responsibilities may include light housekeeping to maintain the areas wherein child care is provided.

lj) Caregivers, assistants and other persons shall not smoke or consume alcohol in the presence of children. A caregiver or child care assistant who appears to be under the influence of alcohol or other drug shall not have responsibility of the care of children.

mk) If the group day care home receives children for night-time care, the caregiver may sleep while children are present if the caregiver and the children sleep on the same floor (level) of the residence and the children's bedrooms are within hearing distance of the caregiver's bedroom.

n) The licensee shall successfully complete a Department approved basic course in providing care to children with disabilities. Refer to Appendix G for basic course requirements. The licensee shall have on file a certificate attesting to the successful completion of the training.

1) Current license holders shall complete this training within 36 months from the effective date of this Section.

2) New licensees shall complete this training within 36 months from the issue date of the initial license.
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3) A licensee who has completed training prior to the effective date of this Section may have that training approved as meeting the provisions of this Section. A certificate of training completion and a description of the course content must be submitted to the Department for approval.

(Source: Amendment at 27 Ill. Reg., effective _________________________)

Section 408.45 Caregivers

a) The caregiver is responsible for the day-to-day operation of the group day care home in accordance with the standards prescribed in this Part.

b) The caregiver or a designated child care assistant meeting the requirements of this Section shall be at the group day care home at all times that the group day care home is in operation, except when transporting children or accompanying them on field trips.

c) The caregivers in a group day care home shall be at least 21 years of age.

d) The caregivers shall have a high school diploma or equivalency certificate.

e) In addition to meeting the requirements of Sections 408.35 and 408.40 the caregiver in a group day home shall have achieved:

1) One year (1560 clock hours) child development experience in a licensed day care home, nursery school, kindergarten, or licensed day care center plus 6 semester or equivalent quarter hours in courses related directly to child care and/or child development from an accredited college or university;

2) One year (30 semester hours or 45 quarter hours) of credit from an accredited college or university with 6 semester or equivalent quarter hours related directly to child care and/or child development; or

3) Completion of a credentialing program approved in accordance with Appendix F of this Part.

f) The caregivers shall complete 15 clock hours of in-service training per calendar year in accordance with the requirements in Appendix G.
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1) Such training may be derived from programs offered by any of the entities identified in Appendix G.

2) Courses or workshops to meet this requirement include, but are not limited to, those listed in Appendix G.

g) The records of the group day care home shall document the continuing education in which the caregiver has participated, and these records shall be available for review by the Department.

h) Through interaction with the licensing representative, children, parents or guardian of children in care and operation of the group day care home in accordance with standards prescribed by this Part, caregivers shall exhibit competence in the following specific areas:

1) Knowledge of basic hygiene, safety, and nutrition;

2) The ability to relate comfortably with parents and to communicate with them on differences in caregiving methods, values, and goals;

3) The ability to communicate with children;

4) The ability to set realistic controls for children and to enforce these without harshness or physical abuse;

5) Knowledge of the children’s need to explore and manipulate and the willingness to provide and maintain a home where children can enjoy living and learning.

6) Using developmentally appropriate behavior management techniques that do not constitute corporal punishment of children.

i) The caregivers shall be responsible for the planning and supervision of the program and activities of the children; orienting child care assistants and substitutes to the operation of the group day care home; on-site supervision of child care assistants; and in-service training totaling a minimum of 15 clock hours per year for the child care assistants. Orientation and training may be provided by the primary caregivers or outside resource persons and shall include recognizing
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and reporting child abuse or neglect, licensing standards prescribed by this Part, first aid, health and sanitation, fire prevention and safety procedures, special health, developmental, or nutritional needs of children cared for in the group day care home.

j) The caregivers may not work or be employed outside the home during the hours that child care is being provided. This restriction does not apply to spouses qualifying as caregivers, provided one of them is in the home during the hours that child care is being provided. **Outside employment during hours that child care is not being provided shall not interfere with child care.**

i) The caregiver shall be awake, alert, and able to supervise the children when providing care.

(Source: Amended at 27 Ill. Reg. _______, effective _________________________)

Section 408.60 Admission and Discharge Procedures

a) **No child Child(ren) served in a day care facility shall not remain on the premises for more than 12 hours in any 24-hour period unless the parent's employment schedule requires more than 12 hours of day care. At no time shall child(ren) cared for in a day care facility remain on the premises for more than 18 24 consecutive hours.**

b) Prior to acceptance of a child for care, the caregiver shall require that the parent(s) or guardian accompany the child to the home to become acquainted with the caregiver and with the service to be provided. No child under six years of age may be admitted to the group day care home unless the health examination, complete with lead risk assessment if the child resides in an area defined as low risk by the Illinois Department of Public Health, or a screening for lead poisoning if the child resides in an area defined as high risk by the Illinois Department of Public Health, has been completed as required by Department of Public Health rules at 77 Ill. Adm. Code 665, Child Health Examination.

c) The parent(s) or guardian shall be permitted to visit the home, without prior notice, during the hours their child(ren) is/are in care.

d) The caregiver(s) shall conduct a daily, pre-admissions screening to determine if the child has obvious symptoms of illness. If symptoms of illness are present, the caregiver shall determine whether or not to provide care for the child, depending
upon the apparent degree of illness, other children present, and facilities available to provide care for the ill child in accordance with the requirements of Section 408.70.

e) Child(ren) with diarrhea and those with rash combined with fever (oral temperature of 100 degrees Fahrenheit or higher) shall not be admitted to the group day care home while these symptoms persist, and shall be removed as soon as possible should these symptoms develop while the child is in care.

f) A child shall be discharged from the facility only to the child's parent(s) or guardian or to a person designated in writing by the parent(s) or guardian to receive the child.

g) The caregiver shall refuse to release a child to any person, whether related or unrelated to the child, who has not been authorized, in writing, by the parent(s) or guardian to receive the child. Persons not known to the caregiver shall be required to provide a driver's license (with photo) or photo identification card issued by the Illinois Secretary of State to establish their identity prior to a child's release to them.

h) The facility shall maintain a list of persons designated, in writing, by the parent(s), or guardian to whom the facility can be expected to discharge the child at least once per week. These persons, in addition to the parent(s) or guardian, shall constitute the primary list of persons to whom the child may be released. In addition, the facility shall maintain a contingency list of persons designated, in writing, by the parent(s) or guardian to whom the child may be released less frequently than once per week. When the child is released to a person on the contingency list, the facility shall maintain a record of the person to whom the child was released, the date and time that the child was released, and the manner that the child left the facility (whether on foot, by passenger car, by taxicab or other means of transportation).

i) Other discharge provisions of this Section notwithstanding, a child leaving the authorization of the parent(s) or guardian. Such authorization shall include the time that the child is to be released and the means of transportation the child is to use.
All group day care homes shall have a written policy that explains the actions the provider will take if a parent or guardian does not retrieve, or arrange to have someone retrieve, their child at the designated, agreed upon time. The policy shall consist of the provider’s expectations, clearly presented to the parent or guardian in the form of a written agreement that shall be signed by the parent or guardian, and shall include at least the following elements:

1) The consequences of not picking up the child(ren) on time, including:
   A) Amount of late fee, if any, and when those fees begin to accrue;
   B) The degree of diligence the provider will use to reach emergency contacts, e.g., number of attempted phone calls to parents and emergency contacts, requests for police assistance in finding emergency contacts; and
   C) Length of time the facility will keep the child beyond the pick-up time before contacting outside authorities, such as the child abuse hotline or police.

2) Emphasis on the importance of having up-to-date emergency contact numbers on file.

3) Acknowledgement of the provider’s responsibility for the child’s protection and well-being until the parent or outside authorities arrive.

4) A reminder to staff that the child is not responsible for the situation. All discussions regarding these situations shall be with the parent or guardian, never with the child.

(Source: Amendment at 27 Ill. Reg., effective _______________________

Section 408.65 Number and Ages of Children Served (See Also Appendix H)
a) The maximum number of children cared for in a group day care home shall be 16 children under the age of 12, including the caregiver's own children, related children, and unrelated children.

b) Twelve children between 3 and 6 years of age may be cared for by a caregiver and an assistant 18 years of age or older. The assistant must be present when more than 8 such children are present.

c) Except as provided by subsection (b), the number of children to be served in the group day care home at any one time (license capacity) when a caregiver and assistant are present shall be determined in accordance with the following:

1) No more than 4 children under 15 months of age shall be cared for in a group day care home;

2) No more than 6 children under 30 months of age shall be cared for in a group day care home of which no more than 4 children may be under 15 months of age;

3) No more than 12 children under 6 years of age shall be cared for in a group day care home of which no more than 6 children may be under 30 months of age and 4 under 15 months of age.

a) A caregiver alone

The maximum number of children under the age of 12 cared for in a group day care home by a caregiver alone shall be 8 except when all the children are school age. The maximum number includes the caregiver's own children, related children and unrelated children under age 12 living in the home. A caregiver alone may care for children in accordance with the following age groupings:

d) A caregiver alone may care for:

1) A mixed age group consisting of:

A) Up to 8 children under 12 years of age, of which

B) Up to 5 children may be under 5 years of age, of which
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C) Up to 3 children may be under 24 months of age; or

2) A mixed age group consisting of:

A) Up to 8 children under 12 years of age, of which
B) Up to 6 children may be under 5 years of age, of which
C) Up to 2 children may be under 30 months of age; or

3) Up to 8 pre-school children if no child is under age 3; or

4) Up to 12 school age children as defined by Section 408.5.

b) A caregiver and an assistant 18 years of age or older

The maximum number of children under the age of 12 cared for in a group day care home by a caregiver and an assistant shall be 12 except when extended capacity is consider under condition in Section 408.65(c). The maximum number includes the caregiver’s own children, related children and unrelated children under age 12 living in the home. The caregiver and assistant 18 years of age or older may care for children in accordance with the following age groupings:

1) 12 children between 3 and 6 years of age. The assistant must be present when more than 8 such children are present; or

2) No more than 12 children under 12 years of age of which no more than 6 children may be under 30 months of age, of which no more than 4 children may be under 15 months of age.

c) Extended capacity

1) A caregiver and a full-time assistant or if a part-time before and/or after school assistant is employed may care for 4 additional children who are attending school full-time. The assistant shall be present at all times when school children are present and there are more then 12 children in the home.
2) Care provided for the additional before and after school children is limited to children who attend school full-time and it is limited to before and/or after school, holidays, weekends, during unforeseen school closings, and during the summer.

e) In addition to the children who may receive child care in accordance with the requirements of subsection(d), a caregiver may accept 4 additional children who are attending school full time if a part time before and/or after school assistant is employed and the Office of the State Fire Marshal or local agencies authorized by the Office of the State Fire Marshal to conduct inspections on its behalf approve the group day home for acceptance of the expanded capacity. Care provided for children who attend school full-time is limited to before and/or after school, holidays, weekends, during unforeseen school closings, and during the summer. The assistant shall be present at all times when school children are present and there are more than 12 children in the home.

df) In the event of a brief unforeseen school closing, the caregiver may accept one additional school-age child and still be considered in compliance with the capacity requirements, as long as the total number of children under age 12 in the home does not exceed the maximum of 16 children. The caregiver shall maintain a record of the dates, names and ages of the children for whom this care was provided.

eg) When acceptance of siblings of children who are already in care will place the licensee out of compliance with the established age groupings, the licensee may develop a transition plan that shall be submitted to the licensing representative for review and approval. The plan may be approved when:

1) The licensee is not currently operating under a transition plan and is in full compliance with all the licensing standards;

2) At least one of the siblings has been in care for 30 days or more; and

3) The transition plan will bring the home back into compliance with the established age groupings within 6 months after the date the plan is approved.

(Source: Amendment at 27 Ill. Reg.____, effective _______)

(source: Amendment at 27 Ill. Reg.____, effective _______)
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Section 408.70 Health, and Medical Care and Safety

a) A medical report, on forms prescribed by the Department, shall be on file for each child, on the first day of care, and shall be dated no earlier than 6 months prior to enrollment.

1) The medical report shall be valid for 2 years, except that subsequent examinations for school-age children shall be in accordance with the requirements of Section 27-8.1 of the School Code [105 ILCS 5/27-8.1], provided copies of the exam are on file at the facility.

2) Unless the examining physician has made a determination that it is unnecessary, a tuberculin skin test by the Mantoux method and the results of that test shall be included in the initial examination for all children who have attained one year of age, or at the age of one year for children who are enrolled before their first birthday. The tuberculin skin test by the Mantoux method shall be repeated when children begin elementary and secondary school unless the examining physician determines that the test is unnecessary.

3) The initial examination shall show that children from the ages of one to six years have been screened for lead poisoning for children residing in an area defined as high risk by the Illinois Department of Public Health in its Lead Poisoning Prevention Code (77 Ill. Adm. Code 845) or that a lead risk assessment has been completed for children residing in an area defined as low risk by the Illinois Department of Public Health.

4) The report shall indicate that the child has been immunized as required by the rules of the Illinois Department of Public Health for immunizations (77 Ill. Adm. code 695). These required immunizations are poliomyelitis, measles, rubella, diphtheria, mumps, pertussis, tetanus, hepatitis B and haemophilus influenzae B, and varicella (chickenpox) or provide proof of immunity according to requirements in Part 695.50 of the Department of Public Health.

5) In accordance with the Child Care Act of 1969, a parent may request that immunizations, physical examinations, and/or medical treatment be waived on religious grounds. A request for such waiver shall be in writing, signed by the parent, and kept in the child's record.
6) Exceptions made for children who for medical reasons should not be subjected to immunizations or tuberculin tests shall be so indicated by the physician on the child's medical form.

b) A child suspected of having or diagnosed as having a reportable infectious, contagious, or communicable disease for which isolation is required by the Illinois Department of Public Health's General Procedures for the Control of Communicable Disease (77 Ill. Adm. Code 690.1000) shall be excluded from the home until the Illinois Department of Public Health or local health department authorized by it states, in writing, that the communicable, contagious or infectious stage of the disease has passed and that the child may be re-admitted to the group day care home.

c) Necessary medications shall be administered according to specific written instructions from the child’s parents or guardians.

1) Prescription medicine labels must bear the child's name, the physician's name, the drug store or pharmacy, prescription number, date of the prescription, and directions for administering.

2) Nonprescription medication provided by the parents may be administered upon written parental permission that specifies the duration and frequency of medication. Such medication shall be administered in accordance with package instructions, and shall be labeled with the child's name and dated.

3) There shall be a signed statement by the child's parent or guardian giving permission to the caregiver to administer medication to the child.

4) The caregiver shall maintain a record of the dates, hours and dosages that are given.

5) Medication shall be returned to the parents when it is no longer required. Additionally, medication provided for a child no longer cared for in the facility and medication that has reached its expiration date shall be destroyed.
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6) Medical services, such as direct medical care to the child, shall be administered as required by a physician, subject to the receipt of appropriate releases from parents.

d) Personal hygiene standards, such as the following, shall be observed:

1) Each child shall be provided with an individual towel, washcloth, and drinking cup. Single-use, disposable articles are acceptable.

2) A separate sleeping arrangement, such as a bed, cot, crib, or playpen with individual bedding, shall be provided for each child who sleeps or naps while in care. A twin size bed may be used for two children under age 4, provided each child shall have individual sheets.

   A) The bed shall be kept in a clean and sanitary condition at all times, and bedding shall be suitable for the season.

   B) Family beds may be used for children if separate linens are used.

   C) Rubber sheets shall be used when necessary.

3) The caregiver shall require parents to supply clothing suitable to weather conditions, as well as a complete change of clothing in case of need.

4) Caregivers and children shall use soap and running water to wash their hands before meals, after toileting, after diaper changing, and after contact with respiratory secretions. Hand sanitizers or diaper wipes are not an acceptable substitute for soap and running water. Caregivers shall supervise children’s hand washing to ensure that children are not scalded by hot water.

5) Open cuts, sores or lesions on caregivers or children shall be covered.

6) Caregivers shall wash their hands with soap and water prior to food preparation and after any physical contact with a child during food preparation. Hands shall be dried using single-use towels.

7) Sheets shall be changed when soiled and at least weekly.

8) Clothing soiled due to toilet accidents shall be changed immediately.
e) In order to reduce the risk of infection or contagion to others, there must be space provided in the group day care home for the isolation and observation of a child who becomes ill. An ill child shall be provided a bed or cot away from other children and a caregiver or assistant shall supervise the child at all times he/she is in the home.

f) When a group day care home admits ill or injured children, a plan for the care of such children must be agreed upon with the parents to assure that the needs of the children for rest, attention, personal care and administration of prescribed medication are met. No child requiring exclusion from the home in accordance with 77 Ill. Adm. Code 690 may be admitted.

g) Caregivers shall take reasonable measures to reduce the spread of communicable disease among children in the facility by observing such procedures as:

1) Using only washable toys with diapered children;

2) Washing washable toys at least once per day;

3) Cleaning facility-provided stuffed toys;

4) Washing toys mouthed by one child before they are used by another child; and

5) Washing pacifiers and other items placed in the mouth if dropped to the floor or ground.

h) There shall be an emergency plan for each child in case of accident or sudden illness.

1) The caregiver shall have available at all times the name, address, and telephone number where the child's parents or guardian, relative, friend, or physician, and the Department can be reached.

2) There shall be a planned source of readily available emergency medical care; a hospital emergency medical room, clinic, or the child's physician.
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3) When the caregiver accompanies a child to the source of emergency care, an adult who meets the standards prescribed by Section 408.55 must assume supervision of other children in the home.

4) In case of illness or accident, the parent, guardian, or supervising agency responsible for the child shall be notified immediately.

   i) Children shall be supervised at all times. All children in the group home shall be protected from exploitation, neglect, and abuse.

(Source: Amended at 27 Ill Reg., effective ________________)

Section 408.105 Children Under 30 Months of Age

a) Children under 30 months of age shall not be permitted in bathrooms, kitchens, or hazardous areas without the caregiver or assistant present.

   b) To reduce the incidence of sudden infant death syndrome, children who cannot turn over alone shall be placed on their backs when put down to sleep unless contraindicated by a physician. Placing these children on their abdomens for any reason shall be avoided, unless specifically instructed by the child’s physician to do so.

   cb) Children under 30 months of age shall be provided a daily program that is designed to meet their needs.

      1) The caregivers shall demonstrate warm, positive feelings toward each child through actions such as hugging, patting, smiling, and cuddling.

      2) Routines such as naps and feedings shall be discussed with the parents and shall be consistent with the child's routine at home.

      3) Non-mobile children who are awake shall be moved to different positions and shall be held, rocked, and carried about.

      4) The caregivers shall frequently change the place, position, and toys available for children who cannot move about the room.
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5) Consistent toilet training shall be undertaken at a time mutually agreed upon by parents and caregiver in accordance with the child's age and/or stage of development.

6) Children shall be taken outdoors for a portion of every day, when weather permits, except when the child is ill or unless indicated otherwise by parents or physician.

d) Feeding schedules and procedures shall meet the developmental needs of the children.

1) Flexible feeding schedules of children shall be established to coordinate with parents’ schedules at home and to allow for nursing.

2) To reduce the incidence of sudden infant death syndrome, children who cannot turn over alone shall be placed on their sides or backs when put down to sleep unless contraindicated by a physician. Placing children on their abdomen for any reason shall be avoided, unless specifically instructed by the child's physician to do so.

3) Infants shall either be held or be fed sitting up for bottle feeding. Infants unable to sit shall always be held for bottle feeding. When infants are able to hold their own non-glass bottle, they may feed themselves without being held. The bottle must be removed when the child has fallen asleep. Bottle propping and carrying of bottles by young children throughout the day/night shall not be permitted.

4) Bottles shall never be warmed or defrosted in a microwave oven.

5) Children shall be allowed and encouraged to feed themselves when they indicate a readiness to do so.

6) Safe finger foods such as those that dissolve in the mouth may be provided.

ed) Proper standards of hygiene shall be observed in the home.

1) Hands shall be washed with soap and water and dried before the feeding of each child.
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2) **Formula** If the child's formula is brought in by the parent, it shall be labeled and refrigerated.

3) All utensils shall be washed after each use.

4) Foods stored or prepared in jars shall be served from a separate dish for each child. Any leftovers from the serving dish shall be discarded. Leftovers in the jar shall be labeled with the child's name, dated, refrigerated, and served within 24 hours or discarded.

5) A toilet shall be easily accessible so that the contents of reusable diapers may be disposed of before placing the diapers in the diaper pail. Disposable diapers and their contents shall be disposed of in accordance with the manufacturer's instructions.

6) Persons changing diapers shall wash hands under running water with soap after each change of diaper. Hands shall be dried with single-use towels. Additionally, disposable, non-permeable gloves shall be worn when changing a child who has watery or bloody stools.

7) The child whose diaper is being changed is to be washed on the hands and anal area if there has been defecation or if irritation is present.

8) Children who are not toilet trained shall be diapered in their own cribs, at a central diapering area on a surface that is disinfected after each use, or on a disposable paper sheet that is disposed of after each diapering.

9) The toilet seat, if soiled, or potty shall be cleaned after every use.

10) Soiled diapers shall be changed promptly.

11) Sheets shall be changed when soiled, and all sheets shall be changed routinely two times per week.

12) All beds shall be wiped clean as often as necessary.
13) Toys and equipment shall be kept clean.

fe) A germicidal solution of ¼ cup household chlorine bleach to one gallon of water (or one tablespoon bleach to one quart of water) or other germicidal solution approved by the Centers for Disease Control and Prevention shall be used to clean surfaces soiled by blood or body fluids. The bleach solution shall be made fresh daily.

gf) The equipment must be appropriate to the developmental needs of the children in care.

1) Safe, sturdy, well-constructed individual cribs, playpens, or port-a-cribs for infants shall be equipped with good firm, fitting mattresses made of waterproof materials that can be washed. Washable cots may be used for children 15 months of age and over.

2) Sleeping equipment for children under 15 months must have protection to prevent falls.

3) There shall be no more than 1½ inches of space between the mattress and bed frame when the mattress is pushed flush at one corner of the crib.

4) Bed linens used on the cots, cribs, or playpens shall be safe, tightly fitting, and washable.

54) Conveniently located, washable, plastic-lined covered receptacles shall be provided for soiled diapers and linens.

64) A toilet seat or potty shall be provided.

he) The materials must be appropriate to the developmental needs of the child in care.
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1) Provision shall be made for an adequate supply of individual diapers, clothing, powder, oil, etc.

2) There shall be a variety of toys and art materials for children under 30 months of age to observe, grasp, pick up, and manipulate.

3) Pull toys, pounding toys, large hollow blocks, or large balls shall be available for development of large muscles.

4) Mobile walkers are prohibited. Stationary exercisers may be used.

jh) Equipment and play materials shall be durable and free from characteristics that may be hazardous or injurious to children under 30 months of age. Hazardous or injurious characteristics include sharp, rough edges; toxic paint; and objects small enough to be swallowed.

(Source: Amendment at 27 Ill. Reg., effective _________________________)

Section 408.115 Night Care

a) A group day care home receiving children for night care shall comply with the standards prescribed for group day care homes in addition to the special requirements prescribed in this Section.

b) A child shall be considered to be enrolled in evening and/or night care when a majority of his or her time at the group day care home occurs between 6:00 p.m. and 6:00 a.m.

c) The child shall be bathed, if needed.

d) No child under 5 years of age shall be left unattended while in the bathtub.

e) Each child must have individual sleeping garments that are clean and comfortable.

f) An individual bed, crib, or cot and individual linen and bedding shall be provided for each child except as provided in this subsection (f):
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1) A double bed shall be the minimum size for sleeping 2 non-enuretic children of the same sex.

2) Rubber sheets or suitable substitutes shall be supplied when necessary.

3) If a crib is used there shall be no more than 1½ inches of space between the mattress and bed frame when the mattress is pushed flush at one corner of the crib.

4) Unrelated children over 2 years of age may not share a bedroom over night with children of the opposite sex.

5) Caregivers and children receiving night care shall sleep on the same floor (level) of the residence.

6) If the group day care home receives children for night-time care, the caregiver may sleep while children are present if the caregiver and the children sleep on the same floor (level) of the residence and the children’s bedrooms are within hearing distance of the caregiver’s bedroom to provide for the needs of the children and to respond immediately in an emergency.

7) A basement area may be used for sleeping or napping if it has been approved in accordance with Section 408.30(a)(9).

8) A room above the first floor may be used for sleeping or napping if the room has 2 exits with one exit leading directly to the outside with means to safely reach the ground level.

9) There shall be a night light or other mechanism to illuminate hallways leading to stairs and/or the restroom.

10) A child who goes to school from a group day care home providing night care shall be clean and properly dressed according to the weather.

11) Each child shall have individual toilet articles such as comb, toothbrush, towel, and washcloth.

12) Health care routines at bedtime and/or upon rising shall include:
1) Brushing teeth at bedtime and upon rising.

2) Brushing or combing the hair upon rising.

3) Establishing a routine for toileting at bedtime and upon rising.

When possible, children shall be left for care and picked up either before or after their normal sleeping period so that there is minimum disturbance of the children during sleep.

The group day care home shall serve meals and snacks that supplement food served at home as prescribed in Section 408.80.

1) An evening meal that meets nutritional requirements shall be served at a regular time each evening and shall be available to children who may arrive without having first eaten.

2) A bedtime snack shall be served, unless contraindicated by parents or physician in accordance with Section 408.80.

3) Children who remain overnight and go to school directly from the group day care home shall have breakfast, including juice or fruit, unless they are receiving breakfast at school.

(Source: Amended at 27 Ill. Reg. _____, effective _________________)

Section 408.120  Records and Reports

a) A facility shall maintain a record file on the child(ren) enrolled.

1) A written application for admission of each child shall be on file with the signature of the parent or guardian.

2) An alphabetic card file or register on each child shall be maintained and shall include:

   A) Name, date of birth, and sex;
   B) Date of admission and discharge;
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C) Scheduled days and hours of care;

D) Name(s) of parent(s) or guardian(s), home address and business address and telephone numbers, marital status, and the working hours of the parent(s) or guardian(s);

E) Name, address and telephone number of child's physician (or other person designated by parent(s) who object to medical treatment on religious grounds);

F) Name(s), addresses and telephone numbers of others authorized to pick up the child; and

G) Names, addresses, and telephone numbers of others to contact within the immediate area if parents or guardian cannot be contacted in case of emergency.

H) Information regarding the child's personal development, habits, medical needs, and other information critical to the child's well-being.

3) There shall be signed consent forms from the parent or guardian including:

A) Permission for emergency medical care and treatment if the parent is not readily available.

B) Permission to administer medication, if applicable.

C) Permission for someone other than parent or guardian to pick up child if necessary.

D) Visits, trips or excursions off the premises.

E) Transportation provided by caregiver.

F) Permission to use the facility's swimming pool, if applicable.
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4) Accidents or illnesses which have occurred to the child at the facility shall be recorded in the file. When a child is not permitted to attend the facility because of an accident or illness, the date of readmission to the facility shall be recorded.

5) All required health and medical reports as required by Section 408.70.

6) A statement signed by the parent(s) or guardian indicating receipt of a summary of licensing standards and other materials as required by subsection (c) shall be in the child's record file.

b) A facility shall maintain accurate daily attendance records on all children enrolled. If a child attends on a part-time or irregular basis, this shall be recorded in the attendance record.

c) The facility shall distribute a summary of the licensing standards, provided by the Department, to the parent(s) or guardian of each child at the time that the child is accepted for care in the facility. In addition, consumer information materials provided by the Department including, but not limited to, information on reporting and prevention of child abuse and neglect and preventing and reporting communicable disease, shall be distributed to the parent(s) or guardian of each child crude for when designated for such distribution by the Department. Each child's record shall contain a statement signed by the child's parent(s) or guardian, indicating that they have received a summary of licensing standards and other materials designated by the Department for such distribution.

d) The group day care home shall enter in the child's record and orally report immediately to the child's parent, guardian, and the Department any serious occurrences involving child(ren). Oral reports shall be confirmed in writing within two working days of the occurrence. If the home is unable to contact the parent, guardian or Department immediately, it shall document this fact in the child's record. These occurrences include serious accident or injury requiring extensive medical care or hospitalization; death; arrest; alleged abuse or neglect; major fire or other emergency situations.

e) Evidence of child abuse or neglect shall be reported immediately to the Department in accordance with the Abused and Neglected Child Reporting Act. [325 ILCS 5] Suspected child abuse or neglect shall be reported immediately to the Child Abuse/Neglect Hotline as required by the Abused and Neglected Child
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Reporting Act, as amended. The telephone number for the reporting hotline is 1-800-252-2873.

f) The caregiver shall immediately notify the Department of the death of any child at the facility; a child is missing from the group day care home; any illness or injury of a child resulting in medical treatment or hospitalization, and any known or suspected case or carrier or a reportable contagious, infectious, or communicable disease among child(ren), staff or member(s) of the household.

g) The caregiver shall immediately notify the Department of any natural disaster or other occurrence resulting in the loss of or damage to physical plant or equipment required to operate the group day care home in accordance with this Part.

h) Records shall be maintained on all staff and shall contain all pertinent information relative to character, suitability, and qualifications for the position; health; three character references verified by the group day care home; history of employment for the previous five years; date of employment by the group day care home; and, if applicable, date and reason(s) for separation from the day care home.

i) The caregiver shall make available to staff a current and complete copy of the licensing standards in a location readily accessible to staff. Further, the licensee shall maintain a record signed by staff indicating that they have reviewed the licensing standards and any subsequent changes to those standards provided to the licensee by the Department. Records documenting compliance with this requirement shall be maintained by the licensee and available for licensing review.

j) Each staff person shall sign a statement prescribed by the Department acknowledging his or her status as a mandated reporter of child abuse or neglect under the Abused and Neglected Child Reporting Act and acknowledging he or she has knowledge and understanding of the reporting requirements under that Act. Such statement shall be signed and dated by the staff person prior to employment, and shall be maintained by the licensee.

k) The facility shall maintain and submit reports on staff to the Department on forms provided by the Department.

1) An individual report on each new employee shall be filed with the Department; a copy of this report shall be kept at the facility.

2) All staff changes shall be reported to the Department immediately.
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3) Copies of documentation of medical information, verification of educational achievement, and character references of employees shall be provided upon request by the Department.

l) The facility shall promptly report any known or suspected case or carrier of communicable disease to local health authorities, and shall comply with the Illinois Department of Public Health's rules for the Control of Communicable Diseases (77 Ill. Adm. Code 690).

m) Authorized Department licensing representatives or other Department representatives who have the Director's written authorization which specifies the statutory authority or administrative rule under which the access is granted shall have access to records and reports. All persons who have access to the records and reports shall respect their confidential nature.

n) A medical record for each child, on forms provided by the Department, shall be maintained at the facility, dated no earlier than 6 months prior to enrollment, and signed by the examining physician, an advance practice nurse who has a written collaborative agreement with a collaborating physician that authorizes the advance practice nurse to perform health examinations, a physician assistant who has been delegated the performance of health examinations by the supervising physician; or the medical record is certified by a recognized health facility.

o) The licensee shall notify the supervising agency within one week, in writing, of any changes to the household composition. Changes that require notification include the addition of any new person into the home, the return of any former household member, or the departure of any household member.

(Source: Amended at 27 Ill. Reg. _______, effective ______________________)

Section 408.130 Cooperation with the Department

Authorized representatives of the Department shall be admitted to the facility during the facility's hours of operation for the purpose of determining compliance with the Child Care Act of 1969 and standards set forth in this Part.
Licensed providers are subject to periodic monitoring as long as the license is valid, whether or not child care is actually being provided.

(Source: Amended at 27 Ill. Reg. __________, effective ______________________)
a) Entities that may provide in-service training to meet the requirements of Section 406.9(o) include, but are not limited to:

1) colleges and universities
2) child care resource and referral agencies
3) Illinois Department of Public Health or local health departments
4) Office of the State Fire Marshal or local fire department
5) Illinois Department of Children and Family Services
6) Illinois Department of Human Services
7) state or national child care or child advocacy organizations
8) national, state or local family day care home associations
9) Child and Adult Care Food Program sponsors
10) Healthy Child Care Illinois nurses
11) American Red Cross, American Heart Association and other providers of first aid and CPR training that have been approved by the Illinois Department of Public Health

b) Topics or courses to meet the in-service training requirements include, but are not limited to:

1) child care and child development
2) guidance and discipline
3) first aid and CPR
4) symptoms of common childhood illness
5) food preparation and nutrition
6) health and sanitation
7) small business management
8) child abuse and neglect
9) working with parents and families
10) caring for children with disabilities
11) information about asthma and its management
12) SIDS education

c) In-service training may be acquired through the following:
DEPARTMENT OF CHILDREN AND FAMILY SERVICES

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1) attending college or university or vocational school classes (clock hours spent in the classroom are counted)

2) attending conferences or workshops (Certificate or other proof of attendance, clock hours and subject matter is required.)

3) attending state or local child care association meetings when a specific training program is provided by a guest speaker or group member (Documentation of attendance, subject matter and clock hours is required.)

4) in-home training by a Child and Adult Care Food Program sponsor representative, nurse or other trainer (Documentation must include the topic and the clock hours.)

5) self-study materials provided by a child care resource and referral (CCR&R) agency (Certification of clock hours must be secured from the CCR&R.)

6) internet home study programs if the internet site provides documentation of use and number of clock hours

The training instructor, speaker or president of the child care organization sponsoring the training, may sign the documentation of completion. The child care resource and referral (CCR&R) agency must sign and provide documentation of completion for self-study materials, and the internet site must provide documentation for home study programs.

d) Licensed providers shall meet the 15 Hrs following—clock hour requirements for in-service training per calendar year:

<table>
<thead>
<tr>
<th>Calendar year</th>
<th>Required Hours</th>
</tr>
</thead>
<tbody>
<tr>
<td>2001</td>
<td>7 Hrs. 30 Min.</td>
</tr>
<tr>
<td>2002</td>
<td>12 Hrs.</td>
</tr>
<tr>
<td>2003 and thereafter</td>
<td>15 Hrs.</td>
</tr>
</tbody>
</table>

e) For newly licensed providers, required annual in-service training hours are prorated based on the month of the effective date of license.

1) For newly licensed providers in 2001

<table>
<thead>
<tr>
<th>Month of License</th>
<th>Training Hours Required</th>
</tr>
</thead>
<tbody>
<tr>
<td>April</td>
<td>7 Hrs. 30 Min.</td>
</tr>
<tr>
<td>May</td>
<td>6 Hrs. 45 Min.</td>
</tr>
</tbody>
</table>
NOTICE OF PROPOSED AMENDMENTS

<table>
<thead>
<tr>
<th>Month</th>
<th>Training Hours Required</th>
</tr>
</thead>
<tbody>
<tr>
<td>June</td>
<td>6 Hrs.</td>
</tr>
<tr>
<td>July</td>
<td>5 Hrs.</td>
</tr>
<tr>
<td>August</td>
<td>4 Hrs. 15 Min.</td>
</tr>
<tr>
<td>September</td>
<td>3 Hrs. 15 Min.</td>
</tr>
<tr>
<td>October</td>
<td>2 Hrs. 30 Min.</td>
</tr>
<tr>
<td>November</td>
<td>1 Hr. 45 Min.</td>
</tr>
<tr>
<td>December</td>
<td>1 Hr.</td>
</tr>
</tbody>
</table>

For newly licensed providers in 2002

<table>
<thead>
<tr>
<th>Month</th>
<th>Training Hours Required</th>
</tr>
</thead>
<tbody>
<tr>
<td>January</td>
<td>12 Hrs.</td>
</tr>
<tr>
<td>February</td>
<td>11 Hrs.</td>
</tr>
<tr>
<td>March</td>
<td>10 Hrs.</td>
</tr>
<tr>
<td>April</td>
<td>9 Hrs.</td>
</tr>
<tr>
<td>May</td>
<td>8 Hrs.</td>
</tr>
<tr>
<td>June</td>
<td>7 Hrs.</td>
</tr>
<tr>
<td>July</td>
<td>6 Hrs.</td>
</tr>
<tr>
<td>August</td>
<td>5 Hrs.</td>
</tr>
<tr>
<td>September</td>
<td>4 Hrs.</td>
</tr>
<tr>
<td>October</td>
<td>3 Hrs.</td>
</tr>
<tr>
<td>November</td>
<td>2 Hrs.</td>
</tr>
<tr>
<td>December</td>
<td>1 Hr.</td>
</tr>
</tbody>
</table>

For newly licensed providers in 2003 and thereafter

<table>
<thead>
<tr>
<th>Month</th>
<th>Training Hours Required</th>
</tr>
</thead>
<tbody>
<tr>
<td>January</td>
<td>15 Hrs.</td>
</tr>
<tr>
<td>February</td>
<td>13 Hrs. 45 Min.</td>
</tr>
<tr>
<td>March</td>
<td>12 Hrs. 30 Min</td>
</tr>
<tr>
<td>April</td>
<td>11 Hrs. 15 Min.</td>
</tr>
<tr>
<td>May</td>
<td>10 Hrs.</td>
</tr>
<tr>
<td>June</td>
<td>8 Hrs. 45 Min.</td>
</tr>
<tr>
<td>July</td>
<td>7 Hrs. 30 Min.</td>
</tr>
<tr>
<td>August</td>
<td>6 Hrs. 15 Min.</td>
</tr>
</tbody>
</table>
Courses approved by the Department in carrying for children with disabilities must include the following component:

4) Introduction to Inclusive Child Care
5) Getting to Know Children With Disabilities
6) Building Relationships With Families
7) Including Young Children With Disabilities in Daily Activities
8) Community Services for Young Children With Disabilities
9) Preparing for the Arrival of Children With Disabilities

(Source: Amendment at 27 Ill. Reg., effective ________________)
### Section 418, Appendix H
**Chart of Number and Ages of Children Served**

<table>
<thead>
<tr>
<th></th>
<th>408.65</th>
<th>Caregiver Alone</th>
<th>Caregiver &amp; Assistant 18 yrs &amp; older</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>a)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>1)</td>
<td>8 children under 12</td>
<td></td>
<td>8</td>
</tr>
<tr>
<td></td>
<td></td>
<td>5 under 5 yrs old</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>3 under 24 months</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>2)</td>
<td>8 under 12</td>
<td></td>
<td>8</td>
</tr>
<tr>
<td></td>
<td></td>
<td>6 under 5 yrs old</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>2 under 30 months</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>3)</td>
<td>8 under 12</td>
<td></td>
<td>8</td>
</tr>
<tr>
<td></td>
<td></td>
<td>0 under 3 yrs old</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>4)</td>
<td>12 school age</td>
<td></td>
<td>12</td>
</tr>
<tr>
<td></td>
<td></td>
<td>5 through 12 yrs old</td>
<td></td>
<td></td>
</tr>
<tr>
<td>b)</td>
<td></td>
<td>12 children</td>
<td></td>
<td>12</td>
</tr>
<tr>
<td></td>
<td></td>
<td>3 through 6 yrs old</td>
<td></td>
<td></td>
</tr>
<tr>
<td>c)</td>
<td></td>
<td>Extended Capacity</td>
<td></td>
<td>16</td>
</tr>
<tr>
<td></td>
<td></td>
<td>4 additional school children to the rations in Section 408.65(b) above</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

1) The Heading of the Part: Confidentiality of Personal Information of Persons Served by the Department of Children and Family Services

2) Code Citation: 89 Ill. Adm. Code 431

3) Section Numbers: Proposed Action:

<table>
<thead>
<tr>
<th>Section Numbers</th>
<th>Proposed Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>431.20</td>
<td>Amended</td>
</tr>
<tr>
<td>431.90</td>
<td>Amended</td>
</tr>
<tr>
<td>431.100</td>
<td>Amended</td>
</tr>
<tr>
<td>431.110</td>
<td>Amended</td>
</tr>
<tr>
<td>431.130</td>
<td>Repealed</td>
</tr>
</tbody>
</table>

4) Statutory Authority: 20 ILCS 505/5

5) A Complete Description of the Subjects and Issues Involved:
The revised Rule Sections, in part, implement Public Act 92-0319, which allows the disclosure of appropriate information about the findings and actions taken to ensure the safety of the children who were the subjects of the investigation by the Child Protective Service Unit to an extended family member interviewed for relevant information in the course of the investigation. Section 431.130, Impoundment of Records by the Office of the Inspector General, has been deleted due to the implementation of Part 430, Office of the Inspector General (OIG). Other revisions have been made for purposes of clarification.

6) Will this amended rule replace an emergency rule currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this proposed amendment contain incorporations by reference? No

9) Are there any proposed amendments to this Part pending?

<table>
<thead>
<tr>
<th>Section Numbers</th>
<th>Proposed Action</th>
<th>Illinois Register Citation:</th>
</tr>
</thead>
<tbody>
<tr>
<td>431.40</td>
<td>Amendment</td>
<td>March 29, 2002</td>
</tr>
<tr>
<td></td>
<td></td>
<td>26 Ill Reg. 4527</td>
</tr>
</tbody>
</table>
10) **Statement of Statewide Policy Objectives:** The amended rule sections do not expand a state mandate as defined in Section 3 of the State Mandates Act [30 ILCS 805].

11) **Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:** Comments on this proposed rulemaking may be submitted in writing for a period of 45 days following publication of this notice. Comments should be submitted to:

Jeff Osowski  
Office of Child and Family Policy  
Department of Children and Family Services  
406 East Monroe Street, Station #65  
Springfield, Illinois 62701-1498  

Telephone: 217/524-1983  
TDD: 217/524-3715  
FAX: 217/557-0692  
E-Mail address: cfpolicy@idcfs.state.il.us

The Department will consider fully all written comments on this proposed rulemaking submitted during the 45-day comment period. Comments submitted by small businesses should be identified as such.

12) **Initial Regulatory Flexibility Analysis:**

The Department has determined that the proposed amendments do not have an economic impact on small business.

13) **State reason(s) for this rulemaking if it was not included in either of the two most recent regulatory agendas:** The revisions to the rules were not anticipated at the time the regulatory agenda was completed.

*The full text of the proposed amendments begins on the next page.*
PART 431
CONFIDENTIALITY OF PERSONAL INFORMATION OF PERSONS SERVED BY THE DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Section
431.15 Purpose
431.20 Definitions
431.30 Maintenance of Records
431.40 Required Consents Prior to Disclosure of Personal Information
431.50 Client Access to Records Which Contain Personal Information
431.60 Subject Access to Records of Child Abuse and Neglect Investigations
431.70 Denial of Requests to Access Information
431.80 Disclosure of Records of Child Abuse and Neglect Investigations
431.85 Public Disclosure of Information Regarding the Abuse or Neglect of a Child
431.90 Disclosure of Personal Information Without Consent
431.100 Disclosure of Information of a Mental Health Nature
431.110 Disclosure of Information Regarding Acquired Immunodeficiency Syndrome (AIDS)
431.120 Removal of Records Prohibited
431.130 Impoundment of Records by the Office of the Inspector General (Repealed)
431.140 Applicability of This Part


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18 Ill. Reg. 7951; amended at 19 Ill. Reg. 17082, effective December 15, 1995; amended at 23 Ill. Reg. 677, effective January 15, 1999; amended at 26 Ill. Reg. __________, effective ________________.

Section 431.20 Definitions

"Case record or record," means the record maintained for a family service case, a child service case, or a payment/monitoring-only case; which may include the child abuse/neglect (CA/N) investigative file. The term "case record" applies to records maintained by the Department or a purchase of service agency responsible for case management regardless of whether the services were provided directly by Department staff or purchased from a private provider. The confidentiality of case record information and access to such information may differ, depending on the type of information sought.

"Case transfer" means fiscal and planning responsibility for a case which is opened on the Department’s information system that may be moved from one region, site or field office to another or from a purchase of service agency to the Department or to another purchase of service agency. A different worker is assigned when a case is transferred; and those activities necessary to transfer case management responsibility for service delivery to a family and or child from worker to worker or Department office to Department office or Department office to purchase of service agency or purchase of service agency to purchase of service agency are completed. Transfer includes physical delivery of the case record as necessary for service provision.

"Children for whom the Department is legally responsible" means children for whom the Department has temporary protective custody or custody or guardianship via court order, or children whose parent(s) have signed an adoptive surrender or voluntary placement agreement with the Department.

"Court appointed special advocate" means a person appointed by a court to protect the minor's best interests and insure the proper delivery of child welfare services.

"Disclose" and "permit access to" means to release, transfer, permit examination of, or otherwise communicate information orally, in writing, by electronic means or in any other manner.

"Impound" means to seize and retain in legal custody during the pendency of an investigation and any disciplinary, civil or criminal actions which result from an
DEPARTMENT OF CHILDREN AND FAMILY SERVICES

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investigation conducted pursuant to the authority of the DCFS-Office of the Inspector General.

"Indicated Report" means any report of child abuse or neglect made to the Department for which it is determined, after an investigation, that credible evidence of the alleged abuse or neglect exists.

"Mental health information" means records, reports or other information about the provision of mental health or developmental disability services as defined in the Mental Health and Developmental Disabilities Confidentiality Act [740 ILCS 110].

"Minor" means any individual who has not reached his 18th birthday.

"Person served by the Department" or "Client" means any person who receives services or applies for services from the Department through its various offices. The term includes children for whom the Department is legally responsible, persons who involuntarily are investigated by the Department concerning allegations of child abuse or neglect and who may receive Department services during the course of, or subsequent to, such an investigation, persons who are receiving Department services through an order of the court, and persons who voluntarily request services from the Department.

"Personal information" means any identifying information, excluding work products, which is a part of the permanent record and which describes, locates or indexes anything about an individual including, but not limited to, education, financial transactions, medical history, criminal or employment records, registration or membership in an organization or activity, or admission to an institution. Personal information may be classified as mental health information, child abuse or neglect information, medical information, or other types of sensitive information and may be governed by different access, consent and disclosure requirements.

"Serious physical injury", for purposes of this Part, includes but is not limited to brain damage, skull fractures, subdural hematomas, internal injuries, wounds, third degree burns, multiple or spiral fractures, poisoning, physical injury when evidence indicates the child has been tortured.

"State Central Register" means the specialized Department unit which receives and transmits reports of alleged child abuse and neglect.
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"Subject of a report" means any child reported to the child abuse/neglect State Central Register and his or her parent, personal guardian or other person responsible for the child's welfare who is named in the report.

"Unfounded report" means any report of child abuse or neglect for which it is determined, after an investigation, that no credible evidence of the alleged abuse or neglect exists.

"Work product", for the purposes of this Part, means a worker's notes which are not part of the permanent record, concerning interviewing technique, strategies for working with a person served by the Department and personal observations, which are kept for the worker's own personal use and are not disclosed to any other person except the worker's supervisor or attorney.

(Source: Amended at 26 Ill. Reg. _________, effective ________________)

Section 431.90 Disclosure of Personal Information Without Consent

a) Persons Who May Receive Personal Information Without Consent

The Department shall disclose personal information to the following persons or category of persons without the consent of the individual in accordance with the provisions of the Children and Family Services Act [20 ILCS 505]; Mental Health and Developmental Disabilities Confidentiality Act [740 ILCS 110], the AIDS Confidentiality Act [410 ILCS 305], or the Abused and Neglected Child Reporting Act [325 ILCS 5], as applicable to the type of information being requested:

1) Law Enforcement Officers

A) Department child welfare staff, with approval of the immediate supervisor, shall release personal information to State's Attorneys, the Attorney General, municipal and sheriff's police (in Illinois or other jurisdictions), and the Department of State Police, when releasing the information is consistent with the best interests of the child or when the information is relevant to a pending investigation.

B) If personal information is requested by law enforcement officers other than listed in subsection (A), or if the information requested
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is not consistent with best interests of the child served by the Department, the information may be released only by the Director of the Department or his designee.

2) Persons Who Have Subpoenas or Other Court Orders
   A) The Department shall disclose personal information when ordered to do so by a court order. The Department shall make a good faith effort to notify the person whose records are the subject of the order that the order exists and the nature of the proceedings, unless specifically ordered by the court to not contact the subjects. The Department shall notify the court or the person obtaining the court order of the confidential nature of the information and its policies regarding personal information. In addition, the Department may take any appropriate legal actions to limit or quash the court order.

   B) In the event that a court has issued a subpoena, the Department shall make a good faith effort to contact the subject of the order as explained in the subsection above. If a subpoena is issued by a Clerk of the Court without any judicial involvement, the Department shall notify the person who had the subpoena issued of its policies regarding personal information and shall make a good faith effort to promptly notify the person whose information is the subject of the subpoena. The Department shall not release the information for 14 days following the receipt of the subpoena unless the person consents to the release of the records or an earlier, reasonable return date is provided in the subpoena. After 14 days have passed from the receipt of the subpoena, the Department shall release the information if releasing it is consistent with the best interests of the child.

   C) When a person served by the Department is engaged in litigation against the Department, the Department shall release personal information concerning that individual or his children which is subject to discovery under the laws of the State of Illinois.

   D) DCFS shall provide records to a court, other than juvenile court, party to a lawsuit or a party’s attorney only after the Regional Counsel has reviewed the subpoena, request or order from the court and confidential information has been redacted. Mental
health, drug treatment and Human Immunodeficiency Virus (HIV) and other records strictly protected by statute will only be produced if they are being sought by one of the parties to the litigation and only after the court conducts an in-camera inspection of the documents and makes a specific finding that access to such records is necessary for the determination of an issue pending before the court or the court makes a specific finding that public disclosure of the information contained in the records is necessary for the resolution of an issue pending before the court, and the Department shall request that a protective order be entered if the court orders the release of such confidential information contained in the Department investigation or case file.

3) Legislators

Only the Director of the Department shall authorize the release of the contents of case records to the Illinois legislature or committees or commissions thereof. Individual legislators shall not have access to case records unless they are acting under the authority given them by the law.

4) Professionals or Other Service Providers

Persons receiving services from the Department or its contractual agencies are to be informed that personal information (other than mental health information) may be shared without their consent with other service providers when it is necessary for the proper provision of services or the establishment of paternity or support for a dependent minor.

A) With the exception of mental health records, as provided for in Section 431.100, personal information may be released by Department employees acting within their official capacity to professionals who are providing services to persons served by the Department. These professionals may include psychiatrists, psychologists, physicians, social workers, homemakers, contractors with the Department, social service agencies, foster parents, child care facilities and others providing services to persons served by the Department when such information is necessary for or the proper delivery of services to the persons served by the Department.
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B) The Department, in releasing personal information, will limit the information released to that which is necessary to properly provide the service. The person(s) receiving the information shall be notified by the Department that the information is confidential and that the information is not to be further released except as is necessary for the proper delivery of service.

C) Release of mental health materials must be made in conformity with the Mental Health and Developmental Disabilities Confidentiality Act [740 ILCS 110].

D) Department employees may release personal information needed to establish paternity or support for a dependent child or relative.

5) Court Appointed Special Advocates

Court appointed special advocates may attend the child's portion of administrative case reviews involving children for whom they are appointed as advocates and may review documents directly related to delivery of child welfare services which are in the best interests of such minor. However, court appointed special advocates are not allowed access to mental health or drug or alcohol assessment and treatment records, confidential medical records, or records of child abuse or neglect reports and investigations and may attend the parent's portion of the administrative case review only with the permission of the parents or their authorized representative.

6) Research Purposes

The release of personal information for research purposes to any source outside the agency shall only be allowed within the discretion of the Director of the Department or designee upon express written consent. The researcher shall ensure, in writing, the confidentiality of identifying information. The researcher shall not release any identifying information without the express written permission of the Director.

7) DCFS-Office of the Inspector General
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Personal information shall be released to the DCFS-Office of the Inspector General when the records are pertinent to an investigation authorized under Section 35.5 of the Children and Family Services Act [20 ILCS 505/35.5] and involves allegations or incidents of possible misconduct, misfeasance, malfeasance, or violations of rules, procedures, or laws.

8) DCFS and Purchase of Service Agency (POS) Staff

Department and POS staff shall have access to child abuse and neglect and other case record information in the furtherance of their responsibilities under the Abused and Neglected Child Reporting Act, the Child Care Act, the Children and Family Services Act, the Juvenile Court Act and any other act that governs child welfare. Any sharing of information between divisions of the Department or between the Department and purchase of service providers, or between purchase of service providers as necessary for case management is a transfer and not a disclosure of information.

9) Extended Family

An extended family member interviewed for relevant information during the course of an investigation by the Child Protective Service Unit may request and receive the following information about the findings and actions taken by the Child Protective Service Unit to ensure the safety of the child or children who were the subjects of the investigation:

A) name of the child who was the subject of the abuse or neglect report;

B) whether the report was indicated or unfounded;

C) whether the Department took protective custody;

D) whether a Department case has been opened for the family or children;

E) what Department services are being provided the family or children; and
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F) whether a safety plan has been established.

10) State’s Attorneys

State’s Attorneys shall have access to child abuse or neglect and/or case record information when necessary for the discharge of their official duties during the investigation and prosecution of the abuse or neglect of a child or termination of parental rights pursuant to the Criminal Code [720 ILCS 5] or another penal statute, the Juvenile Court Act of 1987 [705 ILCS 405], the Child Care Act of 1969 [225 ILCS 5] or ANCRA [325 ILCS 5].

8 11) Protection and Advocacy for Mentally Ill Persons

Personal information, with the exception of mental health information, may be released to the agency designated by the Governor for administering the protection and advocacy system for mentally ill persons, in accordance with the provisions of the Protection and Advocacy for Mentally Ill Persons Act [405 ILCS 45].

9 12) Others Not Cited Above

Personal information may be released for the purposes and to persons other than those listed in these rules upon the written authorization of the Director when such authorization is not prohibited by state or federal law or regulation or rule.

b) Law Enforcement Agencies Data System (LEADS) Information in Child Protection Records

In accordance with the Civil Administrative Code of Illinois (Part 10.5) [20 ILCS 2605], the Department of Children and Family Services shall have access to LEADS information and underlying criminal history record information as defined in the Illinois Uniform Conviction Act when necessary for the Department to perform its duties under the Abused and Neglected Child Reporting Act, the Child Care Act of 1969 and the Children and Family Services Act.

LEADS information included in the child protection investigation file may be forwarded to the child welfare worker as part of the investigative file. Child protection investigators and child welfare workers shall share underlying public documents on a “need to know” basis with other persons providing services when
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it is relevant to child protection or service decisions to be made on behalf of the child or family [Child and Family Services Act of 1969, 20 ILCS 505/35.1].

b c) Responses to Requests for Information

1) Written Requests

A) The Department shall accept written requests for the disclosure of personal information without the consent of the concerned individuals only when the requestor has provided a notary public's attestation as to his identity and has included the names of the individuals about whom the information is requested. Information shall only be released in compliance with this Part.

B) The Department will provide a written response to each written request via certified mail deliverable only to the requestor.

2) Telephone Requests

A) The Department shall accept telephone requests for child abuse and neglect information only when the request comes from Department staff investigating a report of child abuse or neglect, law enforcement officials investigating a report of child abuse or neglect or determining whether a child should be taken into temporary child protective custody, physicians examining a child and the information is needed to determine whether a child is abused or neglected or to determine whether a child should be taken into temporary protective custody, and out-of-state agencies involved in a child abuse or neglect report.

B) The Department shall accept telephone requests for other personal information without the consent of the concerned individuals only if the requesting person or agency is authorized by the rules in this Part to receive the information which they are requesting.

C) The Department shall not provide information to unknown requestors at the time of the initial inquiry. Instead, Department staff shall obtain the requestor's name, type of business, an official business phone number through which his identity and authority to
receive the information can be verified, and the phone number at his current location. The Department shall verify the requestor's identity and authority to receive the information by checking an official telephone listing or checking with a third party at the business office.

3) In-Person Requests

A) The Department shall accept in-person requests for the disclosure of personal information without the consent of the concerned individuals only when the requestors produce positive identification and proof of their legal authority to receive the requested information.

B) The Department will recognize only those guardians, custodians, court appointed special advocates or guardians ad litem who produce a court order appointing them to their positions. The Department will recognize only those attorneys or personal representatives who produce a written consent to release the requested information. The consent must be signed by the concerned individual and it must be notarized.

(Source: Amended at 26 Ill. Reg. _________, effective _____________)

Section 431.100 Disclosure of Information of a Mental Health Nature

Release of and access to clinical, social work, psychological, psychiatric or other information of a mental health nature shall be governed by Section 4 of the Mental Health and Developmental Disabilities Confidentiality Act [740 ILCS 110/4]. Significant portions of that Act are as follows:

a) The following persons shall be entitled, upon request, to inspect and copy a recipient's record or any part thereof:

1) the parent or guardian of a recipient who is under 12 years of age;
2) the recipient if he is 12 years of age or older;
3) the parent or guardian of a recipient who is at least 12 but under 18 years, if the recipient is informed and does not object or if the therapist does not find that there are compelling reasons for denying such access. The
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parent or guardian who is denied access by either the recipient or the
therapist may petition a court for access to the record;
4) the guardian of a recipient who is 18 years or older; or
5) an attorney or guardian ad litem who represents a minor 12 years of age
or older in any judicial or administrative proceeding, provided that the
court or administrative hearing officer has entered an order granting the
attorney this right.

b) Except as otherwise provided in the Mental Health and Developmental
Disabilities Confidentiality (MH/DD) Act [740 ILCS 110], records and
communications as defined in that Act may be disclosed only with the written
consent of the persons identified in subsection (a) above.

c) Information disclosed with the written consent of those described in
subsection (a) above may not be redisclosed to any other person without the
express written consent of those described in subsection (a) above. Those
persons authorized to give consent may revoke their consent at any time.

d) Where the Department has legal guardianship of a child under 12 years, the
Department may deny access of the biological parents to information pertaining to
the child's mental health only if two professional social workers (Master of Social
Work degree) employed by the Department certify in writing that denial of such
access is in the best interests of the child and/or parents.

e) Mental health information can be shared within the Department and purchase of
service providers, with traditional and home of relative foster parents, and
adoptive parents when relevant to the Department’s discharge of its duties under
the Child and Family Services Act, Adoption Act or Abused and Neglected Child
Reporting Act.

f) Mental health information can be shared with a juvenile court judge, guardian ad
litem or State’s Attorney in an abuse or neglect temporary custody hearing,
adjudicatory hearing, dispositional hearing or termination of parental rights
hearing when the information is relevant to the juvenile court proceeding.

(Source: Amended at 26 Ill. Reg. __________, effective _____________)

Section 431.110 Disclosure of Information Regarding Acquired Immunodeficiency
Syndrome (AIDS)
DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

a) The Department shall be informed of the results of Human Immunodeficiency Virus (HIV) tests performed on and of all diagnoses of AIDS Related-Complex (ARC) or Acquired Immunodeficiency Syndrome (AIDS), as defined in Public Health rules, 77 Ill. Adm. Code 697, (AIDS Confidentiality and Testing Code), for children for whom the Department is legally responsible.

b) The Department shall release information on children for whom it is legally responsible regarding HIV test results, diagnoses of ARC or AIDS to the child's legal parents and to persons who have the need to know such information. The categories of persons who have a need to know this information about a child are as follows:

1) those persons who supervise or provide direct care to the child such as:

   A) foster parents,
   B) relative caretakers,
   C) directors or operators of child care facilities, such as group homes, child care institutions, child welfare agencies, state operated facilities, day care homes, day care centers and the personnel of such facilities:

      i) who provide direct care for a child by feeding, diapering, or handling blood or bodily fluids; or
      ii) who provide direct care to a child who bites, spits, has a bleeding problem such as nose bleeds or hemophilia or who cannot control normal bodily functions;

2) physicians, nurses, dentists and other medical providers who will be providing direct care to the child;

3) other persons who provide direct care for a child for whom the information is necessary in order to provide Department approved services for the child, i.e., advocates and counselors; or

4) prospective adoptive parents who have been licensed under 89 Ill. Adm. Code 402, who are willing to adopt a child with a terminal illness, and who have demonstrated an interest in a specific child who has tested positive for HIV infection or who has been diagnosed with ARC or AIDS.
5) juvenile court; or

6) the child’s school.

c) Persons to whom the Department has released information regarding HIV test results, diagnoses of ARC or AIDS, shall keep this information confidential in accordance with the provisions of the AIDS Confidentiality Act [410 ILCS 305] and the AIDS Confidentiality and Testing Code (77 Ill. Adm. Code 697). Such information shall not be disclosed to other persons except as authorized by the Department in accordance with subsection (b). Such authorization shall be signed by the Department's Guardianship Administrator or designee as defined by 89 Ill. Adm. Code 327.2 and shall contain the names and respective positions of those individuals to whom the information will be disclosed.

(Source: Amended at 26 Ill. Reg. ______, effective ________________)

Section 431.130 Impoundment of Records by the Office of the Inspector General

(Repealed)

a) The Office of the Inspector General of the Department, pursuant to Public Act 88-7, may impound records, files, documents and papers from any Department office, facility, foster home or facility or program operated for or licensed by the Department which are pertinent to an investigation authorized under Section 35.5 of the Children and Family Services Act [20 ILCS 505/35.5].

b) During business hours an Office of Inspector General investigator may impound records pertinent to an investigation of allegations or incidents of possible misconduct, misfeasance, malfeasance, or violations of rules, procedures, or laws by means of an unannounced visit to the facility, home or program. If it is necessary to impound records after working hours, the investigator may access a Department facility, home or program by contacting the Department administrator designated by the Director. If the investigator must gain access to a private agency facility, home or program, the investigator may do so by contacting the private agency administrator responsible for the facility, home or program.

c) If records are sought from a foster home, the Office of Inspector General investigator shall seek the consent of and voluntary disclosure by the foster parent prior to impounding any records from the home. All consents shall be in writing.
d) The Office of Inspector General investigator will impound the original of any record, file, document or paper necessary for the investigation. The office, facility, foster home, or program may make photocopies of the original file in the presence of the investigator for purposes of creating a working file that remains at the office, facility, foster home, or program during the pendency of the investigation. The private agency director or DCFS office or facility administrator or their designees shall ensure that the impounded file contains all relevant documents in existence at the time of impoundment. Any original documents received or created after impoundment of the record will be maintained in a designated folder marked "Original". The working file shall be kept separate from the original file.

e) The investigator will return all impounded documents upon completion of the investigation or any subsequent proceedings resulting from the investigation, but may retain copies of the documents for the investigative file. Copies of impounded documents pertinent to the findings of the investigation will be retained for a minimum of ten years.

f) All evidence or files should be impounded and maintained in a manner to preserve evidence for possible criminal and quasi-criminal prosecutions with respect to both the subjects of Office of Inspector General investigations and the subjects of the original Department investigations.

(Source: Amended at 19 Ill. Reg. 17082, effective December 15, 1995)
DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Administrative Hearings

2) Code Citation: 89 Ill. Adm. Code 508

3) Section Numbers: Proposed Action:
   508.10    Amendment
   508.60    Amendment
   508.110   Amendment
   508.130   Amendment
   508.140   Amendment

4) Statutory Authority: Implementing and authorized by Sections 5-10 (a)(i) and 1005 of the Illinois Administrative Procedure Act [5 ILCS 100/5-10 (a) (i) and 100/10-5], the Alcoholism and Other Drug Abuse and Dependency Act [20 ILCS 301], Sections 55 through 55.63 of the Civil Administrative Code of Illinois [20 ILCS 5/1], Sections 2-105 and 5-104 of the Mental Health and Developmental Disabilities Act [20 ILCS 1705/5], and the Illinois Grant Funds Recovery Act [30 ILCS 705].

5) A Complete Description of the Subjects and Issues involved:
   This amendment changes references from “Secretary” to “decision-maker” to allow others, designated by the Secretary, to make the final administrative decision. The proposed amendments also make minor word changes to the text of the rule.

6) Will this proposed amendment replace an emergency amendment currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this proposed amendment contain incorporations by reference? No

9) Are there any other amendments pending on this Part? No

10) Statement of Statewide Policy Objectives (if applicable): This rulemaking does not create or expand a State mandate.

11) 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 this issue of the Illinois Register. All requests and comments should be submitted in writing to:
DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

Mr. Karl Menninger
Acting Bureau Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue, East
3rd Floor, Harris Building
Springfield, Illinois 62762
(217) 795-9772

If because of physical disability you are unable to put comments into writing, you may make them orally to the person listed above.

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: None

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized:
This rulemaking will be included in the January 2003 Regulatory Agenda

The full text of the Proposed Amendments begins on the next page:
DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES

PART 508
ADMINISTRATIVE HEARINGS

Section 508.10 Authority – Applicability of This Part
Section 508.20 Definitions
Section 508.30 Appearance – Representation by Counsel
Section 508.40 Emergency Action
Section 508.50 Notice and Initiation of an Administrative Hearing
Section 508.60 Motions
Section 508.70 Filings
Section 508.80 Service
Section 508.90 Prehearing Conferences
Section 508.100 Discovery
Section 508.110 Hearings
Section 508.120 Subpoenas
Section 508.130 Administrative Law Judge’s Report and Recommendations
Section 508.140 Proposal for Decision
Section 508.150 Final Orders
Section 508.160 Records of Proceedings
Section 508.170 Miscellaneous

AUTHORITY: Implementing and authorized by Sections 5-10 (a)(i) and 10-5 of the Illinois Administrative Procedure Act [5 ILCS 100/5-10 (a)(i) and 100/10-5], the Alcoholism and Other Drug Abuse and Dependency Act [20 ILCS 301], Sections 55 through 55.63 of the Civil Administrative Code of Illinois [20 ILCS 5/1], Sections 2-105 and 5-104 of the Mental Health and Developmental Disabilities Code [405 ILCS 5/2-105 and 5/5-104], Section 5 of the Mental Health and Developmental Disabilities Administrative Act [20 ILCS 1705/5], and the Illinois Grant Funds Recovery Act [30 ILCS 705].

SOURCE: Adopted by emergency at 23 Ill. Reg. 4468, effective April 2, 1999, for a maximum of 150 days; adopted at 23 Ill. Reg. 11157, effective August 24, 1999; amended at 27 Ill. Reg. .........................., effective ......................

Section 508.10 Authority-Applicability of This Part
DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

a) This Part on practice and procedure for administrative hearings is promulgated pursuant to Section 5-10(a)(i) of the Illinois Administrative Procedure Act (IAPA) [5 ILCS 100/5-10(a)(i)]. This Part shall apply to all administrative hearings of the Department of Human Services governed by the Department’s rules at 59 Ill. Adm. Code 50 (Office of the Inspector General Investigations of Alleged Abuse or Neglect and Deaths in State-Operated Facilities and Community Agencies), 59 Ill. Adm. Code 101.75 (Conduct of Hearings and Appeals for Bogard et al. v. Bradley et al. Consent Decree Class Members), 59 Ill. Adm. Code 115 (Standards and Licensure Requirements for Community Integrated Living Arrangements), 59 Ill. Adm. Code 117 (Family Assistance and Home-Based Support Programs for Persons with Mental Disabilities), 59 Ill. Adm. Code 119 (Minimum Standards for Certification of Developmental Training Programs), and 59 Ill. Adm. Code 258 (Standards and Requirements for Preadmission Screening and Participating Mental Health Centers), and 77 Ill. Adm. Code 672 (WIC Vendor Management Code), 77 Ill. Adm. Code 2060 (Alcoholism and Substance Abuse Treatment and Intervention Licenses), 89 Ill. Adm. Code 511 (Grants and Grant Funds Recovery), 89 Ill. Adm. Code 530 (Criteria for the Evaluation of Programs of Services in Community Rehabilitation Programs). All contested cases and licensing actions therein that are required by law to be preceded by a notice and opportunity to be heard shall be governed by this Part.

b) Where a statute or rule prescribes certain alternative procedures or requirements for hearings, those procedures or requirements will be followed as though they were set forth in this Part. In the event there is a conflict between the statute or rule and this Part, the more specific rule or statute shall prevail.

(Amended at 27 Ill. Reg. ____________, effective ____________)

Section 508.60 Motions

a) Motions, unless made during a hearing, shall be made in writing and shall set forth the relief or order sought and the legal authority for the action requested. Except as otherwise provided in this Part or by a specific statute or rule, motions may seek any relief or order recognized in the Illinois Code of Civil Procedure [735 ILCS 5] and Rules of the Illinois Supreme Court and shall include a reference to the applicable section of such Code or Rules. Motions based on a matter that does not appear of record shall be supported by affidavit.
b) Written motions shall be titled as to the party making the motion and the nature of the relief sought. Such title shall be in capital letters and shall be placed either below the caption or to the right of the caption beneath the docket number. No motion shall be identically titled with any other motion. Examples of properly-titled motions: RESPONDENT’S MOTION TO DISMISS, RESPONDENT’S SECOND MOTION TO DISMISS.

c) Motions, objections and requests for continuances and all responses shall be in writing unless made at a prehearing conference or a hearing.

d) Motions on the pleadings if not raised at the earliest opportunity shall be deemed waived. Motions on the pleadings shall not be granted if the pleadings are not in conformity with this Section.

e) The administrative law judge shall not have the authority to dismiss, postpone, vacate, or overturn a final order or decision issued by the Secretary.

f) Motions for a continuance shall be granted only for good cause shown. Good cause may include, but is not limited to, the death or illness of the grievant or a witness, inclement weather that severely limits travel in the area of the hearing, etc. With the exception of an emergency, motions for a continuance shall be in writing and filed at least 7 days prior to the hearing. Motions for a continuance shall be made immediately when the party learns that a continuance is needed and shall contain statements as to when the party learned that a continuation was needed, steps that were taken to avoid the continuance, and the current reasons the continuance is needed. After one continuance has been granted to a party additional continuances may be granted to that party only if:

1) a hearing on the issue of whether or not to grant the continuance has been held and the administrative law judge finds that the moving party has presented sufficient evidence showing entitlement to another continuance;

2) there is an emergency; or

3) all parties so stipulate.

g) Whenever possible, as much of the hearing as possible shall be completed and only those matters that must be continued shall be continued.
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h) If there is an unforeseen emergency, motions for a continuance may be made by telephone rather than in writing. Motions by telephone shall be made through a conference call involving the administrative law judge and all parties and shall be confirmed within 3 days by the filing of a written motion.

i) At any time prior to the issuance of the administrative law judge’s recommended decision, the party may move to disqualify the administrative law judge on the grounds of bias or conflict of interest. Bias or conflict of interest may include, but is not limited to, the grievant or witness being a family member of the administrative law judge, the existence of a financial relationship between the administrative law judge and a witness or grievant, etc. Such motion shall be made in writing to the administrative law judge, setting out the specific instances of bias or conflict of interest. An adverse decision or ruling, in and of itself, is not grounds for disqualification. The administrative law judge’s employment, or contract as an administrative law judge, by the Department is not, in and of itself, a conflict of interest. The appeal shall be suspended until the administrative law judge rules on the motion. The administrative law judge may decide to disqualify himself/herself if a determination of bias or conflict of interest exists or may decide that the appeal should be denied. If the motion is granted the Secretary shall appoint a new administrative law judge.

(Amended at 27 Ill. Reg. ____________, effective ________________)

Section 508.110 Hearings

a) Except for hearings under Parts 59 Ill. Adm. Code 50, 115, 117, 119, and 120, all hearings conducted in any proceedings shall be open to the public subject to individual rights to confidentiality.

b) Hearings will be conducted by the Secretary or by an administrative law judge appointed by the Secretary. If the Secretary conducts the hearing, any reference in this Part to the administrative law judge shall be read to refer to the Secretary, except for references that may limit the administrative law judge’s power as opposed to the Secretary’s. The final decision-maker for the hearing shall be designated by rule or statute governing the hearing. If there is no such designation in rule or statute, the Secretary shall designate the final decision-maker.
DEPARTMENT OF HUMAN SERVICES

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c) The administrative law judge shall conduct hearings; administer oaths; issue
   subpoenas; hold informal conferences for the settlement, simplification, or
definition of issues; dispose of procedural requests, motions, and similar matters;
continue the hearing from time to time when necessary; examine witnesses; and
rule upon the admissibility of evidence.

d) The administrative law judge shall direct all parties to enter their appearances on
   the record.

e) Written opening arguments and written closing arguments shall not be permitted
   unless all parties so stipulate or the administrative law judge so directs.

f) Parties may by stipulation agree upon any facts involved in the proceeding. The
   facts stipulated shall be considered as evidence in the proceeding. Unless
   precluded by law, disposition may be made of any administrative hearing by
   stipulation, agreed settlement, consent order, default, or motion.

g) At any stage of the hearing or after all parties have completed the presentation of
   their evidence, the administrative law judge may call for further testimony,
   subject to cross-examination by the parties.

h) The rules of evidence and privilege as applied in civil cases in the circuit courts of
   this State shall be followed. However, evidence not admissible under those rules
   of evidence may be admitted (except where precluded by statute or rule) if it is of
   a type commonly relied upon by reasonably prudent persons in the conduct of
   their affairs. Immaterial, irrelevant, or unduly repetitious material shall be
   excluded. A copy of the whole or any part of an admissible book, copy of the
   whole or any part of an admissible book, record, paper, or memorandum of the
   Department which is made by photostatic and other method of accurate and
   permanent reproduction may be admitted in evidence at the hearing without
   further proof of the accuracy of such copy. Objections to evidentiary offers may
   be made and shall be noted in the record. Cross examination of each witness shall
   be allowed. [5 ILCS 100/10-40]

i) Official notice may be taken of matters of which circuit courts of this State may
   take judicial notice. In addition, official notice may be taken of generally
   recognized technical or scientific facts within the Department’s specialized
   knowledge. Parties shall be notified either before or during the hearing, or by
   reference in preliminary reports or otherwise, of the material noticed, including
DEPARTMENT OF HUMAN SERVICES

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any staff memoranda or data, and they shall be afforded an opportunity to contest the material so noticed. The Department’s experience, technical competence and specialized knowledge may be utilized in the evaluation of evidence. [5 ILCS 100/10-40]

j) Absent a showing of good cause, no document shall be offered into evidence that was not disclosed in accordance with the requirements in Section 508.100(a), and no witness shall testify whose name was not provided pursuant to Section 508.100(c). For purposes of this subsection, a showing of good cause shall mean that a party, through no fault of its own, did not have the name of a witness within the timeframes necessary for compliance with Section 508.100 (a) and (b).

k) The Department will arrange for audio or video taping or for a certified stenographic reporter (court reporter) to make a stenographic record of the hearing in all administrative hearings under this Part. Any person may make arrangements to obtain a copy of the stenographic record from the reporter. The Department reserves the right to employ a certified stenographic reporter. There shall be no audio or video taping apart from any made by the certified stenographic reporter employed for those purposes by the Department without the express consent of the administrative law judge and all parties to the hearing.

l) Corrections to the transcript of the hearing may be made by the Secretary or administrative law judge who heard the matter.

m) If a party, or any person at the direction of or in collusion with a party, violates any ruling or order of the administrative law judge, the administrative law judge, on motion, may enter such orders as are just, including, among others, the following:

1) that further proceedings be stayed until the order or rule is complied with;

2) that the offending party be barred from filing any other pleadings relating to any issues to which the refusal or failure relates;

3) that the offending party be barred from maintaining any particular claim or defense relating to that issue;

4) that a witness be barred from testifying concerning that issue;
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5) that, as to claims or defenses asserted in any pleadings to which that issue is material, an order of default be entered against the offending party or that the offending party’s pleading be dismissed without prejudice; or

6) that any portion of the offending party’s pleadings relating to that issue be stricken and, if thereby made appropriate, judgment be entered as to the issue.

n) At any time, the administrative law judge may order the removal of any person from the hearing room who is creating a disturbance or engaging in conduct that disrupts the hearing.

o) At the request of any party, the administrative law judge may exclude all witnesses from the hearing room, except that each party or a representative of a party, in addition to legal counsel, shall be allowed to remain.

p) When it is impractical for the parties, witnesses or administrative law judge to appear in the same site for a hearing, testimony may be taken by telephonic means, interactive video conferencing, or any other means, at the discretion of the administrative law judge. If a hearing is to be conducted by such means, the notice shall so inform the parties and include instructions for providing any necessary telephone numbers. The in-person presence of some parties or witnesses at the hearing shall not prevent the participation of other parties or witnesses. A party to such a hearing must submit to the administrative law judge at least 7 days before the date of the scheduled hearing any documents that are intended to be introduced at the hearing. Copies of the documents must also be provided to any other party prior to the date of the scheduled hearing. All documents submitted to the administrative law judge will be identified on the record.

q) The applicable burden of proof shall be determined by the regulation establishing rule or statute governing the right to hearing. If the regulation establishing rule or statute governing the right to a hearing is silent concerning the burden of proof, such burden shall be a preponderance of the evidence. [5 ILCS 100/10-15]

r) Failure of a party to appear at the administrative hearing at the time the hearing is scheduled will result in a dismissal of the contested cases or recommendation of dismissal to the decision-maker if the decision-maker did not preside at the hearing.
s) If a party fails to appear and the hearing is dismissed, that party may request a rehearing of the contested case from the administrative law judge. Requests for reinstating the contested case must be filed no later than 10 days after the date of the notice of dismissal. Based on the statements in the request and the facts of the record, the administrative law judge shall:

1) Grant the request if the request meets the requirements of this subsection (s) and schedule a hearing with notice to all parties including a copy of the request to any opposing parties; or

2) Deny the request, if the request fails to meet the requirements of this subsection (s), and issue a written decision setting forth the reasons for the denial. In such cases, if an adverse decision on the merits was issued, a timely appeal to the denial of a timely request for a rehearing shall also constitute a timely appeal on the merits of the matter.

(Source: Amended at 27 Ill. Reg. ______________, effective ______________)

Section 508.130 Administrative Law Judge’s Report and Recommendations

a) At the conclusion of a hearing at which the Secretary decision-maker has not presided, the administrative law judge shall make a written report of the hearing submit a decision, opinion, or report, with his or her findings of fact and conclusions of law and his or her recommendations, if any, to the Secretary decision-maker. However, in a hearing under Section 45-25 of the Alcoholism and Other Drug Abuse and Dependency Act [20 ILCS 301/45-25] the report shall only summarize the testimony presented at hearing and the administrative law judge’s opinion about the reliability of the witnesses. The administrative law judge shall complete the decision, opinion, or report within 30 days after the close of the hearing.

b) The Secretary or appropriate DHS staff must receive a copy of the decision, and the petitioner’s copy must be mailed by certified mail. The decision, opinion, or report shall be accompanied by the audio or video recording or a transcript of the proceedings, all exhibits admitted into evidence, copies of all pleadings and documents or evidence made a part of the record and any other material that is deemed to be a part of the record.
Section 508.140 Proposal for Decision

a) When the Secretary decision-maker has not heard the administrative hearing or read the record and his or her final decision would be adverse to any party other than the Department, a proposal for decision shall be served upon all parties to the proceeding. The proposal for decision shall contain:

1) A statement of the reasons for the proposed decision;

2) A statement of each issue of fact or law necessary to the proposed decision.

b) The proposed decision shall be prepared by the persons who conducted the hearing or one who has read the record.

c) Any party adversely affected by the proposed decision shall have 20 days from the receipt of the proposal for decision in which to file written exceptions and a brief. [5 ILCS 100/10-45] Failure to file written exceptions and a brief in the time provided for in the proposal for decision shall be deemed a waiver of the right to file exceptions and a brief. The Department shall have 10 days to respond to the exceptions or brief.

d) The proposal for decision shall be served on all parties personally or by certified mail.

e) The Secretary decision-maker in his or her discretion may provide for oral arguments on the proposal for decision. If oral arguments are allowed, they shall be scheduled as convenient to the Secretary decision-maker.

(Source: Amended at 27 Ill. Reg. ____________, effective ________________)

(Source: Amended at 27 Ill. Reg. ____________, effective ________________)

(Source: Amended at 27 Ill. Reg. ____________, effective ________________)
DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: The Forest Products Transportation Act

2) Code Citation: 17 Ill. Adm. Code 1530

3) Section Numbers: Proposed Action:
   1530.10 Amendment
   1530.30 Amendment
   1530.50 Amendment
   1530.60 Amendment
   1530.70 Repealed
   EXHIBIT A Amendment

4) Statutory Authority: Implementing and authorized by the Forest Products Transportation Act [225 ILCS 740].

5) A Complete Description of the Subjects and Issues Involved: This Part is being amended to redefine "proof of ownership" and require use of Department forms for proof of ownership; update the Department's address; repeal the Section on Registration and revise the Purchase Agreement for Purpose of Transportation form.

6) Will this rulemaking replace an emergency rulemaking currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Do these proposed amendments contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objective: This rulemaking does not affect units of local government.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on the proposed rulemaking may be submitted in writing for a period of 45 days following publication of this notice to:

Karen Jacobs
Department of Natural Resources
One Natural Resources Way
12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: Illinois licensed timber buyers, timber haulers and timber growers.

B) Reporting, bookkeeping or other procedures required for compliance:

Timber buyers/timber haulers have been required to carry proof of ownership while hauling forest products or trees for many years. This proposal requires that proof of ownership be on a form provided by the Department, rather than merely containing the information required by the Department. Impact on timber buyer/timber haulers should be minimal, as the IDNR has always provided a form that may have been used by the buyer/hauler, and many of them chose to do so rather than creating their own form.

Registration of timber growers was a voluntary program under Section 740/7 and 740/8 of the Forest Products Transportation Act [225 ILCS 740/7 and 740/8]. In over 15 years, there has not been a timber grower registered with the Department. Public Act 92-0805, effective August 21, 2002, repealed these sections dealing with registration of timber growers. This proposed amendment mirrors that change.

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: July 2002

The full text of the Proposed Amendments begins on the next page:
DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

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

PART 1530
THE FOREST PRODUCTS TRANSPORTATION ACT

Section
1530.10 Definitions
1530.20 Intent of Forest Products Transportation Act
1530.30 Correspondence and Inquiries Regarding this Act
1530.40 Enforcement of Act
1530.50 Proof of Ownership
1530.60 Requirements and Format for "Proof of Ownership"
1530.70 Registration (Repealed)
1530.80 Violations (Repealed)
1530.90 Effective Date (Repealed)
EXHIBIT A Purchase Agreement for Purpose of Transportation
EXHIBIT B Daily Hauling Log

AUTHORITY: Implementing and authorized by the Forest Products Transportation Act [225 ILCS 740].


Section 1530.10 Definitions

The following terms are defined as is set forth in Sections 2 through 2.07 inclusive of the Forest Products Transportation Act (The Act), as amended, [225 ILCS 740/2-2.07]:

a) Department means the Department of Natural Resources.

b) "Tree" or "trees" means any tree, standing or felled, living or dead, and includes
both those trees included within the definition of "timber" in Section 2 of the Timber Buyers Licensing Act [225 ILCS 735] and Christmas trees. The term does not apply to trees or parts of trees that have been cut into firewood.

c) "Forest product" means logs which can be used for sawing or processing into lumber for building or structural purposes, for the manufacture of furniture or for the manufacture of any article.

d) "Person" means any person, partnership, firm, association, business trust or corporation.

e) "Timber Grower" means the owner, tenant or operator of land in this State who has an interest in, or is entitled to receive any part of the proceeds from the sale of timber grown in this State and includes persons exercising authority to sell timber.

f) "Proof of ownership" means a printed document provided by the Department that serves as a written bill of lading. The information required in this document is established by Section 1530.60 includes a written bill of sale executed by the owner-seller, a written bill of lading executed by the owner-seller or a written or printed indication that the person in possession is the agent or employee of the owner or has possession with the knowledge and consent of the owner.

g) "Owner", when referring to trees or forest products grown or growing on public lands under the jurisdiction of the federal government, the State or any unit of local government or school district within the State, means the person empowered by law, or by action of the corporate authorities of the governmental entity pursuant to law, to sell or dispose of trees and forest products from the governmental lands.

(Source: Amended at 27 Ill. Reg. ___________, effective ________________)

Section 1530.30 Correspondence and Inquiries Regarding this Act

All correspondence and/or inquiries regarding this Act shall be directed to:

State of Illinois
Department of Natural Resources
Office of Law Enforcement Division of Forest Resources
One Natural Resources Way 600 N. Grand Ave. West
DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

P.O. Box 19225
Springfield, IL 62702-1271, Illinois 62794-9225
Attention: Forest Products

(Source: Amended at 27 Ill. Reg. ________________, effective _________________)

Section 1530.50 Proof of Ownership

a) Any person hauling, conveying or transporting 2 or more "trees" or "forest products" or either of them (as defined herein), on any road or highway in this State shall be required to show proof of ownership or that such hauling, conveying or transporting is with the consent of the owner or duly authorized agent thereof or party in interest with respect to such "trees" or "forest products".

b) Complete "proof of ownership" shall be available for inspection at all times and shall be kept with the vehicle or other conveyance load.

c) A timber grower registration may be used in lieu of "proof of ownership" by timber growers transporting their own products.

d) Interstate haulers conveying forest products or trees whose origin was a state other than Illinois may show documents required by the Federal Motor Carrier Safety Administration Interstate Commerce Commission as "proof of ownership".

(Source: Amended at 27 Ill. Reg. ___________, effective _________________)

Section 1530.60 Requirements and Format for "Proof of Ownership"

a) The "proof of ownership" required under the Act and as set forth in this Part shall be completed on forms provided by the Department and contain the following information:

1) Point of origin. Shall be a legal description of the location of the timber, woodland, log yard, etc., and shall include the county, township, range and section of origin, when located outside corporate limits. Within corporate limits a street address or other usable location should be given.

2) Point of destination.
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c) Sellers name, address, phone number and signature. "Seller's name" shall be the name of the timber grower, timber buyer or sawmill from which the timber was purchased. When timber is removed from a sawmill or concentration yard and transported to another location, said businesses/areas shall be identified as the "seller".

d) Transporter's name, address and phone number if different from buyers.

e) Buyer's (that person who now owns the transported forest products, tree or trees, as defined in the Act) name, address, timber buyer's license number (when applicable), phone number and signature.

f) Date over-the-road hauling will occur. This date may be a period of time which is inclusive of the timber purchase contract dates.

g) Statement that the "forest products, tree or trees" have been purchased from the designated seller or are being transported with knowledge and consent of the buyer or that person in possession is an agent or employee of the buyer.

h) Date of purchase. For all purposes except the payment of harvest fees, the date of purchase shall be the date the purchase agreement was made. Harvest fees shall be due within one month after the quarter in which payments are made.

i) Daily hauling log. For each load of "forest products or trees" hauled, the transporter shall record the date the load was hauled, the number of logs, and the destination. Each record entry shall be signed by the driver of the conveyance hauling said "forest products or trees".

b) While a specific form is not required for providing the above required information, a suggested printed format (form U-102-73) may be requested from the Department, and may be imprinted on the letterhead used in the general conduct of business of any "person" in complying with the Act and this Part.

(Source: Amended at 27 Ill. Reg. __________, effective _____________________)

Section 1530.70 Registration (Repealed)
Registration as a "Timber Grower" shall be on a form prescribed by the Department (Form U-103-73) which may be obtained on request from the Department. Registration as a "Timber Grower" shall conform to the following requirements:

a) Areas not conjunctive both physically and by ownership shall be registered individually.

b) The registration fee shall be $5.00.

c) Applications for registration, payment of fees and all supporting documentation shall be submitted together.

d) Use of signs, decals, logos or labels is optional to the timber grower. Such signs, decals, logos or labels used to display registration on vehicles or labels for attachment to "forest products, tree or trees" shall conform to the following requirements, and be subject to the review of the Department. Their design shall be a solid green outline map of Illinois with the lettering limited to, Registered Timber Grower and assigned number, printed in block letters. Attachable sales tags, cards, etc. need only display the words, Registered Timber Grower and assigned number. All designs meeting these requirements shall be approved by the Department. The cost of such shall be at the expense of the registrant. Examples of vehicle and attachable labels shall be made a part of the application.

e) The Department shall be notified in writing of any change in the registration information of a continuing operation or of the cessation of business within 10 days of any change or cessation. A fee of $3.00 will be charged for any change in registration information filed with the Department.

f) Checks or money orders shall be made payable to: Department of Natural Resources, Division of Forestry.

(Source: Repealed at 27 Ill. Reg. ____________, effective ________________ )
Section 1530.EXHIBIT A  Purchase Agreement for Purpose of Transportation  
Date: ______________, 2019 |

The undersigned seller:  (Check one - if licensed buyer, must give license number)   
Timber Grower _____  Sawmill _____  Concentration Yard _____   
Timber Buyer _____  License No. ___________  Phone: AC (     ) _____ - ________  

(Name)      (Address)  

stipulates that the undersigned buyer, ____________________________________  
(Name)  
(Address)  
License Number ______________  

Phone: AC (     ) _____ - ________ has purchased from the seller "forest products, tree or trees"  

List Species: __________________________________________________________________  

______________________________________________________________________________  

Removal from the seller's control shall be on ______________, or between ________________  
and ________________  

(Date)         (Date)  

If transportation is to be by conveyance other than the buyer's own means, the contracted  
transporter's name, address, phone number and status (employee, contract hauler, etc.) should be  
given here:  

______________________________________________________________________________  

______________________________________________________________________________  

Point of origin (location of timber, woodland, log yard, etc.) by county, township, range and  
section number is:  

______________________________________________________________________________  

______________________________________________________________________________
DEPARTMENT OF NATURAL RESOURCES

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Point of destination:

______________________________________________________________________________
______________________________________________________________________________

We hereby certify that the aforementioned forest products, tree or trees have been purchased from the designated seller or are being transported with the knowledge and consent of the buyer, and that the person in possession is an agent or employee of the buyer.

Date of purchase: _________________________

________________________________  __________________________________
Signature of Seller     Signature of Buyer

Provide Daily Log of Loads Hauled on Reverse

    (Source:  Amended at 27 Ill. Reg. _____________, effective _________________)
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1) **Heading of the Part:** Timber Buyer Licensing and Harvest Fees

2) **Code Citation:** 17 Ill. Adm. Code 1535

3) **Section Numbers:**

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<td>Amendment</td>
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</table>

4) **Statutory Authority:** Implementing and authorized by the Timber Buyer Licensing Act [225 ILCS 735].

5) **A Complete Description of the Subjects and Issues Involved:** This Part is being amended to update licensing requirements, add information regarding the 4% fee paid to the Department; add Sections on bonding definitions, bonding requirements and aggregate value determinations of timber; update the Sections on value determination, volume estimates information and penalties; and repeal the Section on arbitration.

6) **Will this rulemaking replace an emergency rulemaking currently in effect?** No

7) **Does this rulemaking contain an automatic repeal date?** No

8) **Do these proposed amendments contain incorporations by reference?** No

9) **Are there any other proposed amendments pending on this Part?** No

10) **Statement of Statewide Policy Objective:** This rulemaking does not affect units of local government.

11) **Time, Place and Manner in which interested persons may comment on this proposed**
DEPARTMENT OF NATURAL RESOURCES

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rulemaking: Comments on the proposed rulemaking may be submitted in writing for a period of 45 days following publication of this notice to:

Karen Jacobs
Department of Natural Resources
One Natural Resources Way
Springfield IL  62702-1271
217/782-1809

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: Illinois licensed timber buyers (both residents and non-residents)

B) Reporting, bookkeeping or other procedures required for compliance: Timber buyers have been required for many years to provide proof of bonding, and to keep records of purchases and harvest fee payments. Nothing within this proposed amendment changes those requirements. Public Act 92-0805 (effective August 21, 2002) necessitated some administrative rule language regarding clarification of bonding procedures and determination of harvest fees, as well as adding new provisions regarding determination of aggregate values of timber. These proposed amendments should have minimal impact on the daily operations of timber buyers.

C) Types of professional skills necessary for compliance: None.

13) Regulatory Agenda on which this rulemaking was summarized: July 2002

The full text of the Proposed Amendments begins on the next page:
DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

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

PART 1535
TIMBER BUYER LICENSING AND HARVEST FEES

Sections
1535.1 Timber Buyer's License
1535.5 Records
1535.10 Payment of 4% Fee to Department
1535.15 Bonding Definitions
1535.16 Bonding Requirements
1535.20 Value Determination
1535.25 Aggregate Value Determinations of Timber
1535.30 Volume Estimates
1535.40 Arbitration (Repealed)
1535.50 Information
1535.60 Penalty

AUTHORITY: Implementing and authorized by the Timber Buyers Licensing Act [225 ILCS 735].


Section 1535.1 Timber Buyer's License

a) All timber buyers, as defined by the Illinois Timber Buyers Licensing Act [225 ILCS 735/2], shall obtain a license from the Department before engaging in the business of timber buying. Application for such license shall be filed on forms provided by the Department and shall contain the following minimum information:
DEPARTMENT OF NATURAL RESOURCES

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1) Name of applicant;

2) Principal officers if applicant is a corporation or the partners if applicant is a partnership;

3) Location of the principal office or place of business of the applicant;

4) The counties in which the applicant proposes to engage in the business of timber buyer;

5) The names and addresses of any persons authorized to purchase timber in the name of the licensed buyer;

6) Type and amount of bond; and

7) Any other information as required by the Department.

b) Only persons listed with the Department as authorized buyers may represent the licensee. Said authorized buyers shall designate in all contractual arrangements that the licensee is the timber buyer. Failure to comply with this provision shall constitute "buying timber without a timber buyer's license". **Authorized buyers may only be listed on one license. To be eligible to hold a timber buyers license, the applicant must be at least 18 years of age.**

(Source: Amended at 27 Ill. Reg. ___________, effective ________________)

Section 1535.5Records

The books, accounts, records and papers used in the conduct of a timber buyer's business, must contain, at a minimum, the following information regarding each timber purchase:

a) date of purchase. For all purposes, except the payment of harvest fees, the date of purchase shall be the date the purchase agreement was made. **Harvest fees shall be due within one month after the quarter in which payments are made;**

b) date of payment(s);

c) amount of payment(s);
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d) amount of harvest fee;

e) date harvest fee sent to Illinois Department of Natural Resources; and

f) name, address and telephone number of seller.

(Source: Amended at 27 Ill. Reg. __________, effective __________________)

Section 1535.10 Payment of 4% Fee to Department

a) All 4% harvest fees collected from timber owners or values determined in barter transactions or in timber harvests by owners from their lands shall be sent to the Department of Natural Resources (Department or DNR) accompanied by a completed Form FPF-1 (Harvest Fee-Report of Purchase) as supplied by the Illinois Department of Natural Resources.

b) Any timber buyer purchasing timber from the federal government shall not be required to deduct the 4% harvest fee from the purchase price, report such purchases or make payment to the Department of an amount which equals 4% of the purchase price.

c) Payments are to be made payable to the Department of Natural Resources and must be in the exact amount shown due on the accompanying Form FPF-1.

When any payment is returned to the Department by the Office of the State Treasurer as non-negotiable, the person issuing the check or order will be given written demand delivered by certified mail for payment equal to the original amount by certified instrument, such as a cashier’s check or money order, to the person's last known address. Failure to pay the original amount within 30 days of such delivery shall result in the bond being forfeited to the Department make the person liable to the Department for, in addition to the amount owing upon such check or order, damages of treble the amount so owing, but in no case less than $100 nor more than $500. The Department will assess and collect this penalty pursuant to the requirements of Section 17-1a of the Criminal Code of 1961 [720 ILCS 5/17-1a].

d) Payments to the Department may be made on an individual sales or quarterly basis. A quarterly and individual sales report cannot be filed for the same quarter. Quarters are established by the calendar year and shall be for the periods of:
January-March, April-June, July-September, October-December.

e) All timber transactions for which monies are due to the Department of Natural Resources shall be submitted by the last day of the month following the end of each quarter.

(Source: Amended at 27 Ill. Reg. __________, effective _________________)

Section 1535.15 Bonding Definitions

a) Bond means surety bond or other security in lieu thereof described in 225 ILCS 735/4.

b) Surety bond means an indemnity agreement in a sum certain payable to the Department, executed by the timber buyer as principal and which is supported by the guarantee of a corporation authorized to transact business as a surety in Illinois.

c) Other security means an indemnity agreement in a sum certain executed by the timber buyer as principal which is supported by the deposit with the Department of one or more of the following:

1) An irrevocable letter of credit of any bank organized or authorized to transact business in Illinois, payable only to the Department upon presentation;

2) Certificates of deposit, drawn on a federally insured bank, made payable or assigned to the Department and placed in its possession.

(Source: Added at 27 Ill. Reg. __________, effective _________________)

Section 1535.16 Bonding Requirements

a) Surety Bond Requirements

1) Bonds shall be signed by the timber buyer as principal, and by a good and sufficient corporate surety, authorized to transact business as a surety in Illinois.
2) Each surety bond shall provide that the bond shall not be cancelled by the surety except after not less than 60 days notice to the Department. Such notice shall be served upon the Department in writing by registered or certified mail to the Department's Springfield offices.

3) Prior to the expiration of the 60 days notice of cancellation, the timber buyer shall deliver to the Department a replacement bond. If such bond is not delivered, all activities covered by the permit and bond shall cease at the expiration of the 60 day period.

b) Other Securities Requirements

1) Letters of credit shall be subject to the following conditions:

A) The letter may only be issued by a bank organized or authorized to do business in the United States ("issuing bank"). If the issuing bank does not have an office for collection in Illinois, there shall be either a confirming bank designated that is authorized to accept, negotiate and pay the letter upon presentment in Illinois, or an Illinois registered agent designated by the issuing bank.

B) Letters of credit shall be irrevocable during their terms. A letter of credit shall be forfeited and shall be collected by the Department if not replaced by other suitable bond or letter of credit at least 30 days before its expiration date.

C) The letter of credit shall provide on its face that the Department, its lawful assigns, or the attorneys for the Department or its assigns, may sue, waive notice and process, appear on behalf of, and confess judgment against the issuing bank (and any confirming bank) in the event that the letter of credit is dishonored. The letter of credit shall be deemed to be made in Sangamon County, Illinois, for the purpose of enforcement and any actions thereon shall be enforceable in the Courts of Illinois, and shall be construed under Illinois law.

2) Certificates of deposit shall be subject to the following conditions:

A) The Department shall require that certificates of deposit be made payable to or assigned to the Department both in writing and upon
DEPARTMENT OF NATURAL RESOURCES

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the records of the bank issuing the certificates. If assigned, the Department shall require the banks issuing these certificates to waive all rights of setoff or liens against those certificates.

B) Any interest accruing on a certificate of deposit shall be for the benefit of the timber buyer.

C) The certificate of deposit, if a negotiable instrument, shall be placed in the Department's possession. If the certificate of deposit is not a negotiable instrument, a withdrawal receipt, endorsed by the timber buyer, shall be placed in the Department's possession.

(Source: Added at 27 Ill. Reg. __________, effective _________________)

Section 1535.20 Value Determination

a) The value of timber purchased shall be the gross amount received by the owner and paid by the timber buyer for any interests rights involved in the timber purchase.

b) When timber is purchased in whole or in part or in total by barter, the fair market value of the bartered item or service used as payment for timber or logs to the timber owner shall be used in determining the harvest fee due the Department of Natural Resources. Any payment made from any source shall require a 4% harvest fee payment to the Department.

c) If timber is cut from an owner's land without establishing the amount to be paid or the bartered value of the timber or logs, such timber or logs shall will have the value set at the point in the marketing system where ownership changes at the mill or primary processing plant.

1) When harvested logs (used for lumber, cooperage, pilling or veneer) are piled and sold but not delivered to the primary plant site by the timber owner, a deduction of $100.00 per thousand board feet or 50% of the purchase price, whichever is less, may be taken from the purchase price paid by the timber buyer prior to determining the 4% harvest fee. This deduction is not available to persons in the business of timber buying or acting as a timber buyer. When logs or pulpwood are sold and delivered to the primary plant site by the timber owner, the following may be used in...
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establishing harvest fee deductions. In no case shall the deduction exceed $55 per thousand bd. ft.

A)—— Logs for lumber, cooperage, piling, or veneer, the amount of fifty-five dollars ($55) per thousand bd. ft. or fifty percent (50%) of the purchase price whichever is less, shall be deducted from the price agreed to by the timber buyer and the timber seller to be paid to the timber owner prior to determination of the 4% harvest fee. This deduction is not available to persons engaged in the business of timber buying or acting as a timber buyer.

B)—— Pulpwood purchased by weight shall be given a value of one dollar and fifty cents ($1.50) per ton for purposes of determining the harvest fee.

2)—— When logs (used for lumber, cooperage, piling or veneer) are sold and delivered to the primary plant site by the timber owner, a deduction of $125.00 per thousand board feet or 50% of the purchase price, whichever is less, may be taken from the purchase price paid by the timber buyer prior to determining the 4% harvest fee. This deduction is not available to persons in the business of timber buying or acting as a timber buyer.

3)—— For pulpwood purchased by weight and delivered to the mill by the timber owner, 50% of the purchase price may be deducted prior to determining the 4% harvest fee.

d)—— Value determination methods at the mill site, other than for logs for lumber, cooperage, piling, veneer, or pulpwood, shall may be determined by the Department of Natural Resources on request. All requests must state in detail the nature of the product and method of determining mill site value.

3)—— Logs or pulpwood purchased at the woods edge or at the roadside shall be considered at full purchase price for the purpose of determining the harvest fee.

e)—— For timber cut by industry on their lands owned by a timber buyer or mill and used by that timber buyer or mill industry in its production process, value will be determined as a stumpage value. The Illinois Timber Prices Survey, for
DEPARTMENT OF NATURAL RESOURCES

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the quarter when the timber was harvested, (Sept. - Dec. 1983, and as updated quarterly) may be used as a guide. ("Illinois Timber Prices" survey published by the Illinois Agricultural Statistics Service and the Illinois Department of Natural Resources.)

(Source: Amended at 27 Ill. Reg. __________, effective ______________)

Section 1535.25 Aggregate Value Determinations of Timber

a) Primary determination of the aggregate value of timber shall be the total dollar value paid at the first point of sale to a processing facility.

b) Secondary determination of the aggregate value of timber shall be calculated using the Doyle Log Rule, as published in the Forestry Handbook Second Edition (1984) edited for the Society of American Foresters by Karl F. Wenger and published by John Wiley and Sons, to determine volume. The highest dollar amount of the commercial timber for tree species had it been offered for sale on the open market will be used for the price. The "Illinois Timber Prices" report issued by the Illinois Agricultural Statistics Service and the Illinois Department of Natural Resources, for the time frame of the timber harvest, shall be used to determine the commercial timber value.

(Source: Added at 27 Ill. Reg. __________, effective ______________)

Section 1535.30 Volume Estimates

a) When volume estimates are used in the determination of value, the following scales and measurements will be used:


2) Pulpwood, ton or cord, as established by local market specifications in use at the time of cutting or delivery to the pulpwood mill.
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3) Piling, linear feet by grade within established specifications and dimensions in use by the buyer. If such specifications cannot be determined, the Doyle International Log Rule will be used.

4) Other specialized forest products - established local market specification or custom in use at the time of harvest as described by the buyer in a written communication to the Department.

b) Standard forest mensuration procedures shall be used whenever estimates are substituted for actual measurements provided that the procedure has a probability of error of less than ten percent.

c) In the establishment of volume-price values, such published price guides as the Illinois Timber Prices Survey may be used as a guide when published by a government agency, accredited school of forestry or trade association.

(Source: Amended at 27 Ill. Reg. ______________, effective ______________)

Section 1535.40 Arbitration (Repealed)

a) In the event either party feels payment sought or offered is insufficient and that mutually agreeable figure cannot be reached, they may notify the other in writing that arbitration is sought. When notice is received the second party must notify, in writing, the party seeking arbitration of their acceptance or rejection of arbitration.

b) A list of arbitrators will be maintained by the Department. Listing an Illinois Forestry Development Act (P.A. 83-446, September 17, 1983) arbitrator by appointment of the Director, Department of Natural Resources, will be with the acceptance of the appointee.

c) Appointment as an arbitrator will be made after consideration of overall knowledge in the practice of value assessment of woodland fiber products. Other necessary qualifications are a minimum of five years experience as an Illinois Licensed Timber Buyer under the provisions of the Timber Buyers Licensing Act or a B.S. degree in forestry from an accredited School of Forestry and a minimum of five years as a forester. Accreditation must be from the Society of American Foresters.
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d)——Acceptance of arbitration by both parties will be a binding agreement. Rejection of arbitration by either party will not alter any option provided by other means.

e)——Upon agreement to arbitration the Department will provide, within 30 days, three names of possible arbitrators taken from the Illinois Forestry Development Act list of arbitrators. The party agreeing to arbitration shall select from the names their first choice for arbitrator within 15 days. If the party requesting arbitration rejects the name, the requesting party shall then pick a name from the two remaining names within the following 15 days. The party agreeing to arbitration shall accept or reject that name. If they decline, the remaining individual of the three shall become the arbitrator. Acceptance or rejection shall be made known to the other party within the fifteen (15) day period. After an arbitrator is selected and notified the arbitrator shall have 60 days to complete the necessary investigation and file his report with the Department.

f)——Upon appointment, the arbitrator shall determine positions, including materials involved, monetary value and harvest fee due the Department and other information that may be deemed necessary as set forth by each party. Conduct of the investigation shall be in a form established by the arbitrator.

g)——The arbitrator's report shall be in writing to both parties. The finding must be in favor of one or the other party’s position. The party whose position is not supported by the arbitrator's decision shall be responsible for all arbitration costs and any payment due under the provisions of the Illinois Forestry Development Act (P.A. 83-446, September 17, 1983).

(Source: Repealed at 27 Ill. Reg. _________, effective _______________)

Section 1535.50 Information

Anyone wishing additional information concerning this Part, or a supply of Form FPF-1 may contact the Department of Natural Resources at the following address:

Department of Natural Resources
Office of Law Enforcement Division of Forest Resources
One Natural Resources Way 600 North Grand Ave., West
P.O. Box 19255
Springfield, IL 62702-1271 62794-9225
DEPARTMENT OF NATURAL RESOURCES

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(Source: Amended at 27 Ill. Reg. __________, effective _______________)

Section 1535.60 Penalty

a) Any person violating the provisions of this Part shall, upon finding of guilt by a court of law conviction, be subject to statutory penalties as prescribed by the The Timber Buyers Licensing Act [225 ILCS 735] and to revocation of license and suspension of privileges refusal to issue any permit or license, as set out in the Timber Buyers Licensing Act.

b) Any such revocation/suspension procedures shall be governed by the Timber Buyers Licensing Act and implementing regulations by Department Formal Hearings Conducted for Rulemaking and Contested Cases (17 Ill. Adm. Code 2530).

(Source: Amended at 27 Ill. Reg. __________, effective _______________)
NOTICE OF PROPOSED AMENDMENTS

1) **Heading of the Part:** Private Detective, Private Alarm, Private Security, and Locksmith Act of 1993

2) **Code Citation:** 68 Ill. Adm. Code 1240

3) **Section Numbers:**

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4) **Statutory Authority:** Private Detective, Private Alarm, Private Security, and Locksmith Act of 1993 [225 ILCS 446]

5) **A Complete Description of the Subjects and Issues Involved:** PA 92-833 made numerous revisions in the Private Detective, Private Alarm, Private Security, and Locksmith Act of 1993, including requiring that an agency licensed under this Act may not put a new employee without a permanent employee registration card (PERC) to work until the person’s fingerprints have been cleared by the Department of State Police as showing no criminal history in Illinois. This temporary authority to work may still be revoked upon receipt of fingerprint data from the FBI indicating a criminal conviction. It also exempts peace officers from PERC and firearm card requirements.

6) **Will these proposed amendments replace emergency amendments currently in effect?** Yes

7) **Does this rulemaking contain an automatic repeal date?** No

8) **Do these proposed amendments contain incorporations by reference?** No

9) **Are there any other proposed amendments pending on this Part?** No

10) **Statement of Statewide Policy Objectives (if applicable):** This rulemaking has no impact on local government.

11) **Time, Place and Manner in which interested persons may comment on this proposed rulemaking:**
Interested persons may submit written comments to:

Department of Professional Regulation  
Attention: Barb Smith  
320 West Washington, 3rd Floor  
Springfield, IL 62786  
217/785-0813 Fax #: 217/782-7645

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

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: Private detectives, security contractors, alarm contractors, locksmiths, and agencies and employees regulated under the Act will be affected.

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary for compliance: Training and/or experience in various security or other related areas are necessary for licensure.

13) Regulatory Agenda on which this rulemaking was summarized: July 2002

The full text of the Proposed Amendments is the same as the text that appears in the Emergency Amendments published in this issue of the Illinois Register on page 1308:
DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

1) The Heading of the Part: Reports of Child Abuse and Neglect
2) Code Citation: 89 Ill. Adm. Code 300
3) Section Numbers: Adopted Action:
   300.160 Amendment
4) Statutory Authority: Implementing and authorized by the Abused and Neglected Child Reporting Act [325 ILCS 5] and Section 3 of the Consent by Minors to Medical Procedures Act [410 ILCS 210/3]
5) Effective Date of Rule(s): January 15, 2003
6) Does this rulemaking contain an automatic repeal date? No
7) Does this rule contain incorporations by reference? No
8) A copy of the adopted rule is on file in the agency’s principal office and is available for public inspection.
9) Notice of Proposal Published in Illinois Register: March 29, 2002 at 26 Ill. Reg. 4516
10) Has JCAR issued a Statement of Objections to this rule? No
11) Difference(s) between proposal and final version:
   In response to public comments submitted during the first notice period, the Department is eliminating its proposed age differential on what reports it will investigate. All reports involving juvenile perpetrators regardless of age will be investigated. In this way the safety concerns for any child who is reported to have been abused by a perpetrator less than 18 years of age will be addressed. However, the Department will not retain an indicated report involving a juvenile perpetrator less than 10 years of age
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 rule replace an emergency rule currently in effect? No
14) Are there any amendments pending on this Part? Yes
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### 15) Summary and Purpose of Rule Amendments:

The Department believes that very young children (under the age of ten) who are named as alleged perpetrators of abuse should not be stigmatized as an indicated perpetrator of child abuse. Victims who have been abused by children under ten years of age will be protected and both victim and perpetrator will be evaluated for treatment and services. In such cases, if it is determined that the abuse took place, it is the adult responsible for the child who should be investigated for neglect due to the fact that improper supervision has been given. In addition, the retention schedules for indicated abuse and neglect reports involving juvenile perpetrators should be consistent with laws regarding the record keeping of delinquent acts by the juvenile justice system and not follow the youth along into adulthood.

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

Mr. Jeff Osowski  
Office of Child and Family Policy  
Department of Children and Family Services  
406 E. Monroe, Station #65  
Springfield, Illinois 62703-1498  
Telephone: (217) 524-1983  
TDD: (217) 524-3715  
E-Mail: cfpolicy@idcfss.state.il.us

The full text of the Adopted Amendments begins on the next page.
DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES
SUBCHAPTER a: SERVICE DELIVERY

PART 300
REPORTS OF CHILD ABUSE AND NEGLECT

Section
300.10 Purpose
300.20 Definitions
300.30 Reporting Child Abuse or Neglect to the Department
300.40 Content of Child Abuse or Neglect Reports
300.50 Transmittal of Child Abuse or Neglect Reports
300.60 Special Types of Reports (Recodified)
300.70 Referrals to the Local Law Enforcement Agency and State's Attorney
300.80 Delegation of the Investigation
300.90 Time Frames for the Investigation
300.100 Initial Investigation
300.110 The Formal Investigative Process
300.120 Taking Children into Temporary Protective Custody
300.130 Notices Whether Child Abuse or Neglect Occurred
300.140 Transmittal of Information to the Illinois Department of Professional Regulation and to School Superintendents
300.150 Referral for Other Services
300.160 Special Types of Reports
300.170 Child Death Review Teams
APPENDIX A Acknowledgement of Mandated Reporter Status
APPENDIX B Child Abuse and Neglect Allegations

AUTHORITY: Implementing and authorized by the Abused and Neglected Child Reporting Act [325 ILCS 5] and Section 3 of the Consent by Minors to Medical Procedures Act [410 ILCS 210/3].

Section 300.160  Special Types of Reports

Five types of child abuse or neglect reports shall receive special attention as specified in subsections (a) through (e) below:

a) Incident Involving the Death of a Child

1) The Department shall immediately contact the appropriate medical examiner or coroner, the local law enforcement agency, and the State's Attorney when there is reasonable cause to suspect that a child has died as a result of abuse or neglect. The child protective investigator assigned to the investigation shall require a copy of the completed autopsy report from the coroner or medical examiner.

2) The Department shall refer to the child death review teams described in Section 300.170 of this Part the death of any child who is:

A) a child for whom the Department of Children and Family Services is legally responsible;

B) a child being served in an open service case either by the Department or through purchase of service contracts with private agencies;

C) the subject of a pending child abuse or neglect investigation;
DEPARTMENT OF CHILDREN AND FAMILY SERVICES

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D) a child who was the subject of an abuse or neglect investigation at any time during the 12 months immediately preceding the child's death; or

E) any other child whose death is reported to the State central register as a result of alleged child abuse or neglect if the report is subsequently indicated.

3) The Department shall cooperate with the work of the Office of the Inspector General and the child death review teams by:

A) providing to the team all records and case information relevant to the review, including records and information concerning all available previous reports or investigations of suspected child abuse or neglect. Other records and case information relevant to the review include:
   i) birth certificates;
   ii) all relevant medical and mental health records;
   iii) records of law enforcement agency investigations;
   iv) records of coroner or medical examiner investigations;
   v) records of the Department of Corrections concerning a person's parole;
   vi) records of a probation and court services department, and records of a social service agency that provided services to the child or the child's family;

B) assisting the Office of the Inspector General and the team in its review of the child's death;

C) reporting on any follow-up interventions suggested by the Office of the Inspector General or the team;

D) providing follow-up on death cases where circumstances surrounding the death suggest other children may be at risk. Follow-up may include, but is not limited to:
   i) further investigation;
   ii) risk assessment;
   iii) grief counseling for other children in the family;
   iv) referrals for other services as appropriate;

E) providing information and consultation regarding the juvenile court process and the availability of the court to protect or intervene with surviving siblings; and

F) assisting with arrangements for the date, time, and location of team meetings.
4) The Department shall prepare individual death review reports and issue an annual cumulative report to the Governor and General Assembly incorporating the data, appropriate findings and recommendations from the individual reports.

A) Child death review reports shall be completed no later than six months after the date of the death of the child. Upon completion of each report the Department shall notify the President of the Senate, the Minority Leader of the Senate, the Speaker of the House of Representatives, the Minority Leader of the House of Representatives, and the members of the Senate and the House of Representatives in whose district the child's death occurred. Reports shall address:

i) cause of death;

ii) identification of child protective or other services provided or actions taken regarding the child and his or her family;

iii) extraordinary or pertinent information concerning the circumstances of the child's death;

iv) whether the child or the child's family received assistance, care, or other social services prior to the child's death;

v) actions or further investigation undertaken by the Department since the death of the child; and

vi) recommendations concerning child protective, child welfare, or prevention issues.

B) Reports shall not contain information identifying the name of the deceased child, his or her siblings, parents or other persons legally responsible for the child, or any other members of the child's household.

C) Reports concerning the death of a child and the cumulative reports shall be made available to the public after completion or submittal.

i) A child-specific request for a report may be honored by the Department when the Department determines that disclosure of the information is not contrary to the best interest of the deceased child's siblings or other children in the household.

ii) The Department shall not release or disclose to the public the substance or content of any psychological, psychiatric, therapeutic, clinical, or medical report pertaining to the deceased child or the child's family except as it may apply directly to the cause of the child's death.
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D) The Department may request and shall receive in a timely fashion from departments, boards, bureaus, or other agencies of the State, or any of its political subdivisions, or any duly authorized agency, or any other agency that provided assistance, care or services to the deceased child, any information they are authorized to provide to enable the Department to prepare the report.

b) Reports Involving Child Care Facilities

Reports alleging abuse or neglect of children in child care facilities shall be made and received in the same manner as other reports. The appropriate supervisor or administrator at the facility shall be notified once the formal investigation has been commenced. Department licensing staff will be notified of all reports on licensed facilities upon commencement of the formal investigation. The Department shall advise the supervisor or administrator of their responsibility to take reasonable action necessary, based on all relevant circumstances and the allegations being investigated, to insure that the alleged perpetrator of the reported abuse or neglect is restricted from contact with children in the facility during the course of the formal investigation.

c) Reports Involving Schools

When a report is received alleging abuse or neglect of a child by a school employee known to the child through the employee's official or professional capacity, the Department will take the following actions:

1) To the extent possible, conduct an investigation involving a teacher at a time when the teacher is not scheduled to conduct classes.

2) Conduct investigations involving other school employees in such a way as to minimize disruption of the school day.

3) Make reasonable efforts to conduct the initial investigation in coordination with the employee's supervisor, if the report does not involve allegations of sexual abuse or extreme physical abuse.

4) When a report of alleged abuse involving a teacher occurred in the course of the teacher's efforts to maintain safety for other students, determine whether the teacher used reasonable force in accordance with rules established by the local board of education as authorized by the School Code [105 ILCS 5].

5) Advise school officials that they may, in accordance with the School Code [105 ILCS 5], withhold from any person, information on the whereabouts of any child removed from school premises, when the child has been taken into protective custody as a victim of suspected child abuse and that they may direct persons seeking information to the Department or to the local law enforcement agency.
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6) Advise school employees accused of child abuse or neglect of their due process rights, of the steps in the investigative process, and that they may have their superior, association or union representative, and attorney present at any interview or meeting at which the school employee is present.

7) Prior to indicating a report involving a school employee, the Department will take the following steps:
   A) send the employee a copy of the investigative file with identifying information deleted. Any materials and evidence submitted to the Department subsequent to sending the employee a copy of the investigative file shall be sent to the employee upon receipt by the Department;
   B) allow the school employee, prior to the final finding, an opportunity to:
      i) present evidence to the contrary regarding the report; and
      ii) request an informal conference at which the employee may present the additional evidence and/or, subject to the discretion of the Department, confront the accuser, provided the accuser is 14 years of age or older.

8) If an informal conference is requested, the Department shall schedule the conference after receipt by the employee of the copy of the investigative file, and shall:
   A) conduct the conference in a neutral setting away from the school grounds during hours when school is not in session, unless requested otherwise by the school employee;
   B) notify the following persons of the conference, if the purpose of the conference is merely to submit additional evidence:
      i) the school employee and representative,
      ii) Department representatives including the investigative worker;
   C) notify the following additional persons if the employee wishes to confront the accuser and the Department has approved such a confrontation:
      i) the accuser, provided the accuser is 14 years of age or older, and the accuser's parents, guardian and/or representative of a Child Advocacy Center, when involved in the case. (The accuser is the person who has made the allegation of abuse or neglect. The accuser is not necessarily the same as the reporter.)
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ii) representatives of the State's Attorney's Office or law enforcement agency in the county where the alleged incident occurred, when the State's Attorney's Office or law enforcement agency are currently involved in the investigation and/or are considering filing criminal charges in the case.

iii) persons identified by the employee who have information relevant to the report, who will be included in only those portions of the conference pertaining to their testimony;

D) following the conference, allow the school employee at least five calendar days to present additional evidence to the Department;

E) make a final determination with regard to the report in accordance with Section 300.110 of this Part.

9) No such conference will be allowed when there is a criminal investigation pending and the Department has been advised by law enforcement authorities or the State's Attorney not to allow a face-to-face confrontation between the accused and the accuser.

10) When determining whether to allow the school employee to confront an accuser who is 14 years or older, the Department shall take the following into consideration:

A) whether, due to the nature of the allegation, a confrontation with the accused school employee would cause excessive trauma to the child, and

B) whether the child has a documented history of mental, emotional or developmental problems.

11) The Department shall inform the child and the child's parents in writing prior to the conference and orally at the conference that:

A) they may decline to attend or proceed with the conference, and

B) if they do attend, they may refuse to answer any questions posed, and

C) if the child attends, he or she has the right to have an attorney or other person representing his or her interests present at the conference, in addition to his or her parents or guardian.

12) Child's or parent's refusal to attend a conference or to answer questions shall not be grounds for unfounding an otherwise credible report.

13) All proceedings shall be confidential and no statement, summary, transcript, recording or other investigative product shall be released except on written order of the court, or in compliance with the confidentiality
provisions of the Abused and Neglected Child Reporting Act. Violations of these provisions is a Class A misdemeanor (see 325 ILCS 5/11).

14) Whether or not an informal conference has been conducted, the school employee retains all other appeal rights provided in the Abused and Neglected Child Reporting Act [325 ILCS 5/7.16] and 89 Ill. Adm. Code 336 (Appeal of Child Abuse and Neglect Investigation Findings).

d) Reports Involving State Facilities and State Employees Acting in Their Official Capacity
When reports are received alleging abuse or neglect of children by any State of Illinois Department or any State employee acting in his or her official capacity, the report-taker will immediately notify the Director of the Department or designee. The Director or designee will transmit the details of the report to the Division of Internal Investigation, Illinois Department of State Police.

e) Reports Involving Juvenile Alleged Perpetrators
Reports of abuse or neglect in which a juvenile (anyone under 18 years of age) has been named as the alleged perpetrator shall be handled as follows:
1) Juvenile Parents of Alleged Victims
   All calls received by State Central Register (SCR) that meet the Department's criteria to be accepted for investigation, and in which the alleged perpetrator is a juvenile who is also the parent of the alleged victim, will be investigated and maintained on the State Central Register without regard to the age of the alleged perpetrator.

2) All Other Children Under the Age of 18
   Calls received at SCR alleging that children under the age of 18 are responsible for abuse or neglect will be accepted for investigation. SCR will consider situations in which children under the age of 18 are allegedly responsible for abuse or neglect to determine whether there is reasonable cause to suspect that the maltreatment is the result of blatant disregard on the part of an adult who is an eligible perpetrator. If so, a report will be accepted alleging inadequate supervision with the adult as the alleged perpetrator.

3) Indicated Findings
   A) If after an investigation, reports are indicated and children under the age of 10 are determined to be the perpetrator, the child will not be named as the perpetrator for purposes of retaining the report in the State Central Register.
   B) If, after an investigation, reports are indicated and children between the ages of 10 and 18 are determined to be the perpetrator, reports that carry a five year retention schedule will be expunged.
NOTICE OF ADOPTED AMENDMENTS

from the State Central Register after five years or at the perpetrator's 21st birthday, whichever is sooner.

C) In the event that the same child between the ages of 10 and 18 is determined to be an indicated perpetrator of another report that requires a five year retention schedule, the information concerning the previous reports and the subsequent report will be maintained at the State Central Register for a period of five years from the date of the subsequent report or at the perpetrator's 21st birthday, whichever is sooner.

D) Reports that carry a 20 or 50 year retention schedule will be expunged from the State Central Register after five years or at the perpetrator's 23rd birthday, whichever is sooner.

E) In the event that the same child between the ages of 10 and 18 is subsequently determined to be an indicated perpetrator of an allegation carrying a 20 or 50 year retention schedule, the information concerning the previous reports and the subsequent report will be maintained at the State Central Register for a period of five years from the date of the subsequent report or at the perpetrator's 23rd birthday, whichever is sooner.

(Source: Amended at 27 Ill. Reg. 1114, effective January 15, 2003)
DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

1) The Heading of the Part: Part 340, Foster Parent Code

2) Code Citation: 89 III. Adm. Code 340

3) Section Numbers: Proposed Actions
   340.40    Amended
   340.110   Amended

4) Statutory Authority: Foster Parent Law [20 ILCS 520]

5) Effective Date of Rule(s): January 15, 2003

6) Does this rulemaking contain an automatic repeal date? No

7) Does this proposed amendment contain incorporations by reference? No

8) A copy of the adopted rule is on file in the agency’s principal office and is available for public inspection.

9) Notice of Proposal Published in Illinois Register: September 6, 2002 at 26 Ill Reg. 13140.

10) Has JCAR issued a Statement of Objections to this rule? No

11) Difference(s) between proposal and final version: Other than editing and formatting corrections, no differences are present.

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 rule replace an emergency rule currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Rule Amendments: The Department is amending Part 340 as follows:
DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

In Section 340.40, the foster parent right to be considered as a placement option for foster children that had previously been placed in that home has been added. It was inadvertently omitted when the original rule was filed in 2000.

In Section 340.110, the word “monthly” has been deleted from the reports the agency performance teams are to make.

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

Jeff Osowski
Office of Child and Family Policy
Department of Children and Family Services
406 E. Monroe, Station #65
Springfield, Illinois 62703-1498
Telephone: (217) 524-1983
TDD: (217) 524-3715
E-Mail: cfpolicy@idcfs.state.il.us

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

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES
SUBCHAPTER b: PROGRAM AND TECHNICAL SUPPORT

PART 340
FOSTER PARENT CODE

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SUBPART E: SEVERABILITY OF THIS PART

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APPENDIX A Outline and Minimum Requirements for Foster Parent Law Annual Plan
APPENDIX B Rating Components for Foster Parent Law Implementation Plans

AUTHORITY: Implementing and authorized by the Foster Parent Law [20 ILCS 520].

SUBPART B: FOSTER PARENT RIGHTS AND RESPONSIBILITIES

Section 340.40 Foster Parent Rights

A foster parent's rights include, but are not limited to, the following:

a) The right to be treated with dignity, respect, and consideration as a professional member of the child welfare team.

b) The right to be given standardized pre-service training and appropriate ongoing training to meet mutually assessed needs and improve the foster parent's skills.

c) The right to be informed as to how to contact the appropriate child placement agency in order to receive information and assistance to access supportive services for children in the foster parent's care.

d) The right to receive timely financial reimbursement commensurate with the care needs of the child as specified in the service plan.

e) The right to be provided a clear, written understanding of a placement agency's plan concerning the placement of a child in the foster parent's home. Inherent in this right is the foster parent's responsibility to support activities that will promote the child's right to relationships with his or her own family and cultural heritage.

f) The right to be provided a fair, timely, and impartial investigation of complaints concerning the foster parent's licensure, to be provided the opportunity to have a person of the foster parent's choosing present during the investigation, and to be provided due process during the investigation; the right to be provided the opportunity to request and receive mediation or an administrative review of decisions that affect licensing parameters, or both mediation and an administrative review; and the right to have decisions concerning a licensing corrective action plan specifically explained and tied to the licensing standards violated.

g) The right, at any time during which a child is placed with the foster parent, to receive additional or necessary information that is relative to the care of the child.
DEPARTMENT OF CHILDREN AND FAMILY SERVICES

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h) The right to be notified of scheduled meetings and staffings concerning the foster child in order to actively participate in the case planning and decision-making process regarding the child, including individual service planning meetings, administrative case reviews, interdisciplinary staffings, and individual educational planning meetings; the right to be informed of decisions made by the courts or the child welfare agency concerning the child; the right to provide input concerning the plan of services for the child and to have that input given full consideration in the same manner as information presented by any other professional on the team; and the right to communicate with other professionals who work with the foster child within the context of the team, including therapists, physicians, and teachers.

i) The right to be given, in a timely and consistent manner, any information a case worker has regarding the child and the child's family which is pertinent to the care and needs of the child and to the making of a permanency plan for the child. Disclosure of information concerning the child's family shall be limited to that information that is essential for understanding the needs of and providing care to the child in order to protect the rights of the child's family. When a positive relationship exists between the foster parent and the child's family, the child's family may consent to disclosure of additional information.

j) The right to be given reasonable written notice of any change in a child's case plan, plans to terminate the placement of the child with the foster parent, and the reasons for the change or termination in placement. The notice shall be waived only in cases of a court order or when a child is determined to be at imminent risk of harm.

k) The right to be notified in a timely and complete manner of all court hearings, including notice of the date and time of the court hearing, the name of the judge or hearing officer hearing the case, the location of the hearing, and the court docket number of the case; and the right to intervene in court proceedings or to seek mandamus under the Juvenile Court Act of 1987.

l) The right to be considered as a placement option when a foster child who was formerly placed with the foster parent is to be re-entered into foster care, if that placement is consistent with the best interest of the child and other children in the foster parent's home.

m) The right to have timely access to the child placement agency's existing appeals process and the right to be free from acts of harassment and retaliation by any other party when exercising the right to appeal.

n) The right to be informed of the Foster Parent Hotline established under Section 35.6 of the Children and Family Services Act and all of the rights accorded to foster parents concerning reports of misconduct by Department employees,
service providers, or contractors, confidential handling of those reports, and investigation by the Inspector General appointed under Section 35.5 of the Children and Family Services Act. [20 ILCS 520/1-15]

(Source: Amended at 27 Ill. Reg. 1125, effective January 15, 2003)

SUBPART D: REVIEW, APPROVAL, MONITORING AND REPORTING

Section 340.110 Monitoring

a) Implementation of annual plans shall be monitored by the Advisory Council, as necessary, through information and indicators provided by the Department, such as:
   1) Written monthly reports from agency performance teams; and
   2) Reports containing information that is germane to the agency's plan from other Department units, such as the Division of Quality Assurance and the Advocacy Office for Children and Families.

b) A copy of all information that is given to the Advisory Council about a particular region or purchase of service agency shall also be given to the region or purchase of service agency.

c) Complaints received by the Advisory Council will be referred to the appropriate Department unit, such as Licensing, the Advocacy Office for Children and Families, Quality Assurance, or the agency performance team.

(Source: Amended at 27 Ill. Reg. 1125, effective January 15, 2003)
1) **The Heading of the Part:** Confidentiality of Personal Information of Persons Served by the Department of Children and Family Services

2) **Code Citation:** 89 Ill. Adm. Code 431

3) **Section Numbers:**
   - Adopted Action: 431.30 Amendment

4) **Statutory Authority:** Implementing Section 35.1 of the Children and Family Services Act [20 ILCS 505/35.1], the Mental Health and Developmental Disabilities Confidentiality Act [740 ILCS 110], Sections 11 and 11.1 of the Abused and Neglected Child Reporting Act [325 ILCS 5/11 and 11.1], the AIDS Confidentiality Act [410 ILCS 305], and the Protection and Advocacy for Mentally Ill Persons Act [405 ILCS 45]; and authorized by Section 5 of the Children and Family Services Act [20 ILCS 505/5] and Section 11.1 of the Abused and Neglected Child Reporting Act [325 ILCS 5/11.1].

5) **Effective Date of Rule(s):** January 15, 2003

6) **Does this rulemaking contain an automatic repeal date?** No

7) **Does this rule contain incorporations by reference?** No

10) A copy of the adopted rule is on file in the agency’s principal office and is available for public inspection.

11) **Notice of Proposal Published in Illinois Register:** March 29, 2002 at 26 Ill. Reg. 4527

10) **Has JCAR issued a Statement of Objections to this rule?** No

16) **Difference(s) between proposal and final version:**

   In regard to the new retention schedule for juvenile perpetrators, the Department has deleted reference to juvenile perpetrators between the ages of 13 and 18 and is making the new retention schedule applicable to all children between the ages of 10 and eighteen years of age who are indicated as perpetrators of child abuse. This change is necessary due to a change to proposed amendments to 89 Ill. Adm. Code 300, Reports of Child Abuse and Neglect, also proposed on March 29, 2002.
DEPARTMENT OF CHILDREN AND FAMILY SERVICES

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17) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes

18) Will this rule replace an emergency rule currently in effect? No

19) Are there any amendments pending on this Part? No

20) Summary and Purpose of Rule Amendments:

The Department is amending its rules regarding the retention of child abuse and neglect reports to describe its method of retaining reports based on the severity of the report and the elimination of references to "priorities". The priority terminology was eliminated in a previous rulemaking on October 1, 2001 at 25 Ill. Reg. 12781 when 89 Ill. Adm. Code 300, Appendix B was amended. In addition, these new proposed amendments add a special retention schedule for juvenile perpetrators. The retention schedules for indicated abuse and neglect reports involving juvenile perpetrators should be consistent with laws regarding the record keeping of delinquent acts by the juvenile justice system and not follow the youth long into adulthood.

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

   Mr. Jeff Osowski
   Office of Child and Family Policy
   Department of Children and Family Services
   406 E. Monroe, Station #65
   Springfield, Illinois 62703-1498
   Telephone: (217) 524-1983
   TDD: (217) 524-3715
   E-Mail: cfpolicy@idcfs.state.il.us

The full text of the Adopted Amendments begins on the next page.
431.15 Purpose
431.20 Definitions
431.30 Maintenance of Records
431.40 Required Consents Prior to Disclosure of Personal Information
431.50 Client Access to Records Which Contain Personal Information
431.60 Subject Access to Records of Child Abuse and Neglect Investigations
431.70 Denial of Requests to Access Information
431.80 Disclosure of Records of Child Abuse and Neglect Investigations
431.85 Public Disclosure of Information Regarding the Abuse or Neglect of a Child
431.90 Disclosure of Personal Information Without Consent
431.100 Disclosure of Information of a Mental Health Nature
431.110 Disclosure of Information Regarding Acquired Immunodeficiency Syndrome (AIDS)
431.120 Removal of Records Prohibited
431.130 Impoundment of Records by the Office of the Inspector General
431.140 Applicability of This Part


DEPARTMENT OF CHILDREN AND FAMILY SERVICES

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Section 431.30  Maintenance of Records

a)  The Department, through its institutions, facilities and various offices shall maintain a record on all persons receiving services from the Department, either directly or through the purchase of services, and on all persons for whom a child abuse or neglect report has been indicated, unfounded, or for whom a decision about the report has not yet been made. Upon request from the subjects of the report, the Department may keep records of unfounded reports of child abuse or neglect to prevent future harassment of the subjects. Additionally, in accordance with Section 7.17 of the Abused and Neglected Child Reporting Act [325 ILCS 5/7.17], the Department may maintain case records containing identifying information related to child abuse or neglect reports.

b)  The retention schedule for indicated, unfounded, undetermined and pending child abuse and neglect records is based on the seriousness of the allegations described in 89 Ill. Adm. Code 300, Appendix B, as follows:

1)  50 Years
All reports where allegations regarding the death of the child subject (Allegation #1/51) or sexual penetration (Allegation #19) were indicated shall be retained for 50 years after the report was indicated.

2)  20 Years
A)  The following allegations involving the serious physical injury, sexual molestation or sexual exploitation of the child subject shall be retained for 20 years.

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<tr>
<td>#2/52</td>
<td>Head Injuries</td>
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<td>#4/54</td>
<td>Internal Injuries</td>
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<tr>
<td>#5/55</td>
<td>Burns/Scalding (Third Degree Burns Only)</td>
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<tr>
<td>#7/57</td>
<td>Wounds</td>
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<tr>
<td>#9/59</td>
<td>Bone Fractures (Multiple or Spiral Fractures Only)</td>
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<tr>
<td>#16</td>
<td>Torture</td>
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<td>#18</td>
<td>Diseases Transmitted Sexually</td>
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<td>#20</td>
<td>Sexual Exploitation</td>
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<tr>
<td>#21</td>
<td>Sexual Molestation</td>
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</tbody>
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DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

B) The following allegations may be retained for 20 years, depending on the seriousness of the injury.

- #6/56 Poison/Noxious Substances
- #9/59 Bone Fractures (Other than Multiple or Spiral Fractures)
- #11/61 Cuts, Bruises, Welts, Abrasions and Oral Injuries
- #12/62 Human Bites
- #13/63 Sprains, Dislocations
- #14 Typing/Close Confinement
- #15/65 Substance Misuse
- #75 Abandonment/Desertion
- #79 Medical Neglect

The following factors shall be used to determine whether to retain any of the above allegations for 20 years:

- Extent of the injuries. Are the injuries limited to one spot on the child's body or are there multiple injuries on many parts of the child's body?

- Long-term effects of the injuries. Will the child be left with scars, deformities or permanent disabilities?

- Medical treatment required. Does the child require hospitalization, surgery, emergency medical treatment or other major medical treatment as a result of the injuries?

- Pattern or chronicity of injuries. Is there an ongoing history or pattern of harsh punishment or neglect that resulted in injury? Are there severe injuries at different stages of healing?

If none of the above factors are present, the allegations shall be retained for five years.
3) 5 Years
The following indicated allegations shall be retained for five years.

#17/67 Mental Injury
#10/60 Substantial Risk of Physical Injury
#22 Substantial Risk of Sexual Injury
#74 Inadequate Supervision
#76 Inadequate Food
#77 Inadequate Shelter
#78 Inadequate Clothing
#82 Environmental Neglect
#84 Lock-Out

4) Subsequent Indicated Reports
All subsequent indicated reports involving any of the same subjects or the sibling or offspring shall be maintained after the last report was indicated in accordance with retention periods specified in this Section.

5) Unfounded Allegations
All identifying information concerning records of unfounded reports involving the death (Allegation #1/51), sexual abuse (Allegations #18, 19, 20, 21) or serious physical injury (e.g., Allegations #2/52, 4/54, 5/55, 7/57, 9/59) of a child shall be maintained in the State Central Register for three years after the date the final finding report is entered. All identifying information about unfounded reports made by mandated reporters involving Allegations #6/56, 11/61, 12/62, 13/63, 14, 15/56, 75, and 79 shall be retained by the SCR for 12 months after the date the final finding report is entered. Additionally, those unfounded reports of physical injury made by mandated reporters not retained by the State Central Register for three years shall be retained for 12 months after the date the final finding report is entered.

All identifying information concerning unfounded reports involving Allegations #17/67, 10/60, 22, 74, 76, 77, 78, 82, and 84 made by a mandated reporter shall be maintained by the SCR for 60 days after the final finding report is entered. All identifying information concerning unfounded reports not retained for three years made by non-mandated reporters shall be retained by the SCR for 30 days after the final finding report is entered. All identifying information concerning any unfounded report involving Department wards shall be retained for 60 days regardless of reporting source.
If the alleged perpetrator or caretaker requests, in writing, within 10 days after the date on the SCR-generated notice, that a record of the unfounded report be retained as evidence of false reporting, the SCR computer and hard copy files and the local index shall be maintained. Written requests postmarked more than 10 days after the date on the SCR notice and oral requests, that are not confirmed in writing, shall not be honored. The child abuse and neglect investigative file shall also be maintained. SCR will notify the local investigative unit when to destroy records of these unfounded false reports.

6) Pending and Undetermined Reports
Child abuse and neglect reports that are pending or undetermined shall remain in the SCR computer and hard copy files, the local index, and the child abuse and neglect investigative file until a decision is reached.

c) The retention schedule for indicated child abuse and neglect records involving juvenile perpetrators (persons under the age of 18 years) is as follows:
1) If, after an investigation, reports are indicated and children between the ages of 10 and 18 are determined to be the perpetrator, reports that carry a five-year retention schedule will be expunged from the State Central Register after five years or at the perpetrator's 21st birthday, whichever is sooner.
2) In the event that the same child between the ages of 10 and 18 is determined to be an indicated perpetrator of another report that requires a five year retention schedule, the information concerning the previous reports and the subsequent report will be maintained at the State Central Register for a period of five years after the date of the subsequent report or until the perpetrator's 21st birthday, whichever is sooner.
3) Reports that carry a 20 or 50 year retention schedule will be expunged from the State Central Register after five years or at the perpetrator's 23rd birthday, whichever is sooner.
4) In the event that same child between the ages of 10 and 18 is subsequently determined to be an indicated perpetrator of an allegation carrying a 20 or 50 year retention schedule, the information concerning the previous reports and the subsequent report will be maintained at the State Central Register for a period of five years after the date of the subsequent report or until the perpetrator's 23rd birthday, whichever is sooner.

d) All retained records shall be of a confidential nature and shall not be made available to the general public, except as provided for in Section 431.85.

b) All identifying information about any indicated report held in the State Central Register or the local index shall be expunged no later than 5 years after the report
was indicated unless a different retention period is specified in this Section. However, if a subsequent report involving any of the same subjects, or the siblings or offspring of the child subjects was indicated, identifying information about the subjects of all indicated reports designated as Priority One and Propriety Two in Appendix B of 89 Ill. Adm. Code 300 (Reports of Child Abuse and Neglect) shall be maintained in the State Central Register and the local index in accordance with the retention period specified in this Section:

e) All identifying information about any indicated report involving the death or sexual penetration of a child reported to the State Central Register or local index shall be retained for fifty years.

d) All identifying information about any indicated report involving the serious physical injury, sexual molestation or sexual exploitation of a child reported to the State Central Register shall be retained for twenty years.

e) All identifying information about any unfounded report involving the death of a child, the sexual abuse of a child, or serious physical injury to a child shall be retained in the State Central Register for three years from the date the final finding report is entered into the State Central Register. All identifying information about any unfounded report made by a mandated reporter involving a report designated as Priority One or Two in Appendix B of 89 Ill. Adm. Code 300, Reports of Child Abuse or Neglect shall be retained in the State Central Register for 12 months from the date the final finding report is entered into the State Central Register.

f) All identifying information about any unfounded report made by a mandated reporter involving a report designated as Priority Three in Appendix B of 89 Ill. Adm. Code 300 (Reports of Child Abuse or Neglect) shall be retained in the State Central Register for 60 days from the date the final finding report is entered into the State Central Register.

g) All identifying information about any unfounded report made by a nonmandated reporter involving a report designated as Priority One or Two in Appendix B of 89 Ill. Adm. Code 300 (Reports of Child Abuse or Neglect) shall be retained in the State Central Register for 30 days from the date the final finding report is entered into the State Central Register.

h) All such records shall be of a confidential nature and shall not be made available to the general public except as provided for in Section 431.85.

(Source: Amended at 27 Ill. Reg. 1131, effective January 15, 2003)
ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

1) The Heading of the Part: Non-Discrimination in Affiliate Transactions for Gas Utilities

2) Code Citation: 83 Ill. Adm. Code 550

3) Section Numbers:  
   550.150  
   Adopted Action: Amendment


5) Effective Date of Amendment: February 1, 2003

6) Does this rulemaking contain an automatic repeal date? No

7) Does this amendment contain incorporations by reference? No

8) A statement that a copy of the adopted rule, amendment, or repealer, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection: A copy of the adopted amendment, including any material incorporated by reference, is on file in the Commission's Springfield office and is available for public inspection.

9) Notice of Proposal Published in Illinois Register:
   July 26, 2002, at 26 Ill. Reg. 11329

10) Has JCAR issued a Statement of Objections to this amendment? No

11) Difference(s) between proposal and final version:
   None

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? No changes required

13) Will this amendment replace an emergency amendment currently in effect? No

14) Are there any amendments pending on this Part? No
15) **Summary and Purpose of Amendment?**

This amendment corrects an error in a citation to other Commission rules.

16) **Information and questions regarding this adopted amendment shall be directed to:**

Conrad S. Rubinkowski  
Office of General Counsel  
Illinois Commerce Commission  
527 East Capitol Avenue  
Springfield, IL 62701  
(217)785-3922

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

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

TITLE 83: PUBLIC UTILITIES
CHAPTER I: ILLINOIS COMMERCE COMMISSION
SUBCHAPTER d: GAS UTILITIES

PART 550
NON-DISCRIMINATION IN AFFILIATE TRANSACTIONS FOR GAS UTILITIES

Section 550.10 Definitions
550.20 Non-Discrimination
550.30 Marketing and Advertising
550.40 Tying
550.50 Release, Assignment, Transfer, and Brokering of Interstate Natural Gas Pipeline and Storage Services
550.60 Nondiscriminatory Provision of Information to Unaffiliated Entities
550.70 Customer Information
550.80 Exception for Corporate Support Information
550.85 Indirect Information Sharing
550.90 Confidentiality of ARGS Information
550.100 Independent Functioning
550.110 Employees
550.120 Transfer of Goods and Services
550.130 List of Affiliated Interests
550.140 Maintenance of Books and Records and Commission Access
550.150 Internal Audits
550.160 Complaint Procedures


Section 550.150 Internal Audits
a) Gas utilities shall conduct biennial internal audits or have internal audits conducted by independent public accountants on transactions with affiliated interests. These audits shall test compliance with this Part, with any applicable Commission orders, with the gas utility’s affiliated interest operating agreement(s) and/or guidelines, with 83 Ill. Adm. Code 505, and with 83 Ill. Adm. Code 506 §40. The audits shall include written reports of conclusions and associated workpapers that shall be available to the Commission Staff for review. The audit reports shall be submitted to the Commission’s Director of Accounting within 30 days after completion. Any audit performed pursuant to this Section may be designated as confidential with the Commission's Director of Accounting.

b) The first internal audit report shall be submitted on or before December 1, 2002. Succeeding audit reports shall be submitted on or before December 1 of each even numbered succeeding year.

c) Subsections (a) and (b) of this Section shall not apply to transactions with corporations that are affiliated interests of the gas utility solely because they share a common director or transactions with individuals that are affiliated interests of the gas utility solely because they are an elective officer or director of the gas utility.

(Source: Amended at 27 Ill. Reg. 1139, effective February 1, 2003)
DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED REPEALER

1) **Heading of the Part**: Conservation 2000 – Natural Resources Cost-share Program

2) **Code Citation**: 17 Ill. Adm. Code 1522

3) **Section Numbers**: Adopted Action:
   - 1522.10 Repealed
   - 1522.20 Repealed
   - 1522.30 Repealed
   - 1522.40 Repealed
   - 1522.50 Repealed
   - 1522.60 Repealed
   - 1522.70 Repealed
   - 1522.80 Repealed
   - 1522.90 Repealed
   - EXHIBIT A Repealed
   - EXHIBIT B Repealed
   - EXHIBIT C Repealed

4) **Statutory Authority**: Implementing and authorized by Section 6z-31 of the State Finance Act [30 ILCS 105/6z-31].

5) **Effective Date of Repealer**: January 9, 2003

6) **Does this Rulemaking Contain an Automatic Repeal Date?** No

7) **Do these amendments contain incorporations by reference?** No

8) **Date filed in Agency's Principal Office**: January 9, 2003

9) **Date Notice of Proposal Published in Illinois Register**: 26 Ill. Reg. 8640, June 21, 2002

10) **Has JCAR Issued a Statement of Objections to this Repealer?** 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 agreement letter issued by JCAR?** Yes

13) **Will this Repealer replace an Emergency Amendment currently in effect?** No
14) Are there any amendments pending in this Part? No

15) Summary and Purpose of Amendments:

This rule is being incorporated with the proposed Conservation 2000 – Ecosystems Program rule at 17 Ill. Adm. Code 1523.

16) Information and questions regarding this Repealer shall be directed to:

Stanley Yonkauski, Jr.
Department of Natural Resources
One Natural Resources
Springfield, IL 62702-1271
217/782-1809
DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

1) **Heading of the Part:** Conservation 2000 – Ecosystems Program

2) **Code Citation:** 17 Ill. Adm. Code 1523

3) **Section Numbers:**

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<td>1523.10</td>
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4) **Statutory Authority:** Implementing and authorized by Section 6z-32 of the State Finance Act [30 ILCS 105/62-32].

5) **Effective Date of Amendments:** January 9, 2003

6) **Does this rulemaking contain an automatic repeal date?** No

7) **Does this amendment contain incorporations by reference?** No

8) **A copy of the adopted amendments, including all material incorporated by reference is on file in the Department of Natural Resource=s principal office and is available for public inspection.**

9) **Notice of Proposal Published in Illinois Register:** June 21, 2002; 26 Ill. Reg. 8675
10) Has JCAR issued a Statement of Objections to these rules? No
11) Differences between proposal and final version:

In Section 1523.10, “that are” has been added after “Partnerships” and the comma stricken; the hyphen between “ecosystem based” has been stricken; “Ecosystem” has been added before program” and “The mission of the Ecosystem Program is to monitor, maintain, enhance and restore the biodiversity and ecological conditions of Illinois’ landscapes through local partnerships” has been added at the end of the sentence.

In Section 1523.20, the following definition has been added “‘Best Management Practices (BMPs)” include a broad range of conservation practices that individually or in combination help to reduce or prevent adverse impacts to the landscape or ecosystem.”; in the definition of “Comprehensive Environmental Review Process”, “to insure the greatest protection of all natural and cultural resources to the extend possible and” has been added before “for compliance with” and “Department policies” has been replaced with “and federal environmental statutes regarding the protection of” and “Illinois statutes protecting” has been stricken and “regarding” has been deleted. The following definition was added after “Ecosystem Partnership Area”, “‘Ecosystem Partnership Support Grant” means a grant made to Ecosystem Partnerships to provide funding to help with expenses incurred in the areas of maintenance, education, communication and administration.”; in the definition of “Ecosystem Projects”, “Projects” has been stricken and “Project Grants” has been added in its place and “within the following criteria:” has been added after “Areas”; the definitions of “Habitat Grant”, “Land Acquisition/Easement Grant”, “Outreach/Education Grant”, “Planning Grant”, “Research Grant” and “Resource Economics Grant” has been indented one level; in the definition of “Habitat Grant”, “on the ground application” has been replaced with “the installation” and “techniques” has been replaced with “practices” and “habitat” has been added before “restoration”. In the definition of “Program Guidance”, “focus,” has been deleted and “direction and administrative policies of” has been replaced with “and direction of” and the following has been added at the end of the sentence: “The document expands upon the 9 criteria that define the role of an Ecosystem Partnership which are to: acquire, protect and restore natural resources of local and State significance; acquire, preserve, and restore habitat areas that meet minimum functional habitat area guidelines; develop and implement restoration/recovery of species “guilds” or insure diversity of habitat; create, protect, and restore adequate buffer to protect sensitive habitats from non-compatible land uses; connect habitat areas; use ecosystem-based Best Management Practices; restore and naturalize hydrologic functions; develop educational strategies that complement ecosystem protection, restoration and enhancement activities; integrate
DEPARTMENT OF NATURAL RESOURCES

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research and monitoring into partnership and program work; integrate the ecosystems program with other local, State and federal programs and initiatives.”

In Section 1523.30(a)(1), “, or” has been stricken and “and goals” has been added at the end of the sentence.

In Section 1523.40, “within 9 months after the effective date of this amendatory rulemaking” has been replaced with “after September 1, 2003; in subsection (w), “Project” has been added after “Ecosystem”.

In Section 1523.50, “periodically” has been deleted; “each” has been added before Ecosystem Partnership”; “that” has been added after “written notification” and “at a minimum, the following criteria:” has been added at the end of the sentence; subsection (a), “Sections 1523.30 and 1523.40” has been replaced with “this Part”; subsection (b) has been replaced with “Whether the Ecosystem Partnership has demonstrated sound fiscal accountability and complied with the terms and conditions of grants awarded it.”; subsection (e) “maintain the integrity of the program and” has been added after “LPC”;
subsection (g), “the Ecosystem Partnership tracked and monitored” has been added before “funded grants” and “to ensure that they” was added after “funded grants”.

In Section 1523.60(a), “Each designated Ecosystem Partnership may apply for a” has been replaced with “The amount allocated for a” and “for an amount” has been replaced with “shall be” and “this Part” has been replaced with “subsection (b) of this Section”.
“and the Vision Plan Framework. The development of new guidelines established in the Vision Plan Framework allows for each Ecosystem Partnership to be eligible for a Vision Plan Grant even though some Ecosystem Partnerships may have previously been awarded Ecosystem Planning Grants. However, when evaluating applications for Vision Plan Grants, Ecosystem Partnerships not previously awarded an Ecosystem Planning Grant will be given first priority for funding. Applications will be accepted continuously and grants will be awarded by the Department as funding becomes available. Contingent upon an Ecosystem Partnership’s development of a scope-of-work that meets Department requirements, grants will be awarded in the order in which the applications were received.” has been deleted.; subsection (b) has been replaced with “The Vision Plan Framework describes the steps that an Ecosystem Partnership needs to take to make sound natural resource planning and management decisions by using good science. It also guides Ecosystem Partnerships through the steps to be taken to develop and organize a Vision Plan document. The Vision Plan Framework specifically provides guidance on the development of a social inventory for the partnership area; development of a cultural resource inventory; assessment of physical and biological natural resource information;
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identification of issues and concerns; development of a purpose and vision statement; identification of goals, objectives, strategies, and action items; identification of ecosystem based best management practices to help solve identified problems; development of a work plan and implementation strategy; development of a monitoring strategy for tracking plan implementation; encouragement to use volunteer support to conduct physical project monitoring using established protocols; development of a public/stakeholder participation summary and creation of an Executive Summary.” has been deleted.; subsection (c), “should generally identify” has been replaced with “identifies:”

In Section 1523.90, “an” has been added before “Ecosystem” and “Grant” has been added after “Project”, “mailed” has been replaced with “submitted”, “either” has been added after the word “via” and a period has been added after “mailed”. “If the grant application is mailed, the grant application must be postmarked on or before February 1 of each year preceding the fiscal year during which the applicant is requesting funding. If the grant application is submitted online, the grant application is due by 5:00 p.m.” has been added before “on the last business day”.

In Section 1523.110(a), “established” has been replaced with “as set forth” and “definition of” has been added before “Program Guidance” and “Vision Plan;” has been deleted after “Program Guidance” and “including the Vision Plan” has been added after “Partnership”. In subsection (b)(2), “criteria set forth in the definition of” has been added before “Program Guidance”. In subsection (b)(5), “the criteria set forth in the definition of” has been added before “Program Guidance”.

In Section 1523.130, “first come-first served” has been replaced with “first-come first-served”.

In Section 1523.140(b), “by the Comptroller” has been deleted.

In Section 1523.150(g), in the last sentence, “may” has been replaced with “reserves the right to”; subsection (l), in the first sentence, “to do capital” has been changed to read “to undertake capital”.

In Section 1523.160, in the heading, a hyphen has been placed between “Cost” and “Share”.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes. An Agreement was made that DNR agrees to submit
rules within 6 months on the Conservation 2000 Cost-Share Program that, at a minimum, generally outline the policies, procedures, and standards that Ecosystem Partnerships will be held accountable for in order to be reimbursed. The federal standards are depicted in the Code of Federal Regulations, but modifications specific to Illinois, negotiated by DNR, U.S. Army Corps of Engineers and the USDA are reflected in letters of agreement that are currently found only in a booklet maintained outside of rule.

13) Will this rulemaking replace an emergency rule currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Rulemaking:

The Ecosystems Program of Conservation 2000 was an initiative to develop a new mechanism (Ecosystem partnerships) to engage public, private organizations and local, state and federal agencies in an effort to integrate biodiversity and ecosystem protection objectives with other initiatives (e.g., Soil erosion control, water quality, storm water management).

This amendment seeks to streamline internal and external administrative procedures to clarify the role of Ecosystem Partnerships, to provide a foundation for future growth of Ecosystem Partnerships to increase efficiency in program management.

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

Stanley Yonkauski, Jr.
Department of Natural Resources
One Natural Resources Way
Springfield IL  62702-1271
217/782-1809

The full text of the adopted amendments begins on the following page:
DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

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

PART 1523
CONSERVATION 2000 – ECOSYSTEMS PROGRAM

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

AUTHORITY: Implementing and authorized by Sections 6z-32, 5.411 and 5.412 of the State Finance Act [30 ILCS 105/6z-32, 5.411 and 5.412].
Section 1523.10 Program Objective

The Ecosystems Program of Conservation 2000 ("Ecosystems Program") was developed by the Illinois Department of Natural Resources to establish and protect a system of representative, functioning ecosystems in both public and private ownership by providing incentives to landowners. The Ecosystems Program of Conservation 2000 provides technical, policy, administrative and financial assistance to Ecosystem Partnerships that are watershed or ecosystem based coalitions of individuals and organizations that people who are cooperating to improve the natural resource base of the watersheds where they live, work, and play, while promoting compatible and sustainable economic activity. It is the objective of the Ecosystems Program to promote the formation of these Ecosystem Partnerships in representative complexes of watersheds that are "resource rich," i.e., that possess significant concentrations of rare and/or vulnerable natural resources and also possess significant concentrations of general fish and wildlife habitat. The program emphasizes natural resource restoration and enhancement through restoration of ecosystem functions at the watershed or landscape scale. Adoption of bylaws is the most important foundation upon which each Ecosystem Partnership is built. It is the intent of the Department that each Ecosystem Partnership execute the responsibilities contained in this Part through an open and democratic process that provides an opportunity for broad participation of interested groups and individuals representing a cross section of geographic areas. Ecosystem Partnerships are encouraged to seek and gain non-profit status to be legally recognized. The Ecosystem Program promotes habitat preservation, restoration and enhancement of natural ecosystems within the context of the human environment. The mission of the Ecosystems Program is to monitor, maintain, enhance and restore the biodiversity and ecological conditions of Illinois' landscapes through local partnerships.

(Source: Amended at 27 Ill. Reg. 1145, effective January 9, 2003)

Section 1523.20 Definitions

"Best Management Practices (BMPs)" include a broad range of conservation practices that individually or in combination help to reduce or prevent adverse impacts to the landscape or ecosystem.

"Comprehensive Environmental Review Process (CERP)" means the internal a standardized process used by within the Department of Natural Resources to
DEPARTMENT OF NATURAL RESOURCES

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review its agency actions, including funding of grants or projects, to insure the greatest protection of all natural and cultural resources to the extent possible and for compliance with Illinois and federal environmental statutes regarding the protection of a number of Illinois statutes protecting vulnerable natural or cultural resources, including but not limited to, natural areas, wetlands, threatened and endangered species, and archeological sites.

"Conservation 2000 Administrator Ecosystems Program Manager" means the Ecosystems Division Administrator charged with the responsibility for the development of policy, management and administration of Conservation 2000 for the Department budget, finance, and personnel coordinator for the Ecosystems Program.

"Department" means the Illinois Department of Natural Resources.

"Director" means Director of the Illinois Department of Natural Resources, or his designee.

"Ecosystem Administrator Coordinator" means a regional Department of Natural Resources staff person who is assigned by the Director the primary departmental contact to an Ecosystem Partnership.

"Ecosystem Partnership Partnerships" means a coalition of individuals people and organizations, designated by the Director interest groups who work cooperatively to promote habitat preservation, restoration and enhancement of natural ecosystems within the context of the human environment. The term partnership does not meet the legal criteria of a partnership as defined in the Uniform Partnership Act [805 ILCS 205] protect and enhance the natural resources of representative ecosystems on a watershed basis by promoting compatible economic development and sustainable land use practices, which has been designated by the Director to participate in the Ecosystems Program of Conservation 2000 (C2000).

"Ecosystem Partnership Area" means the area within the boundaries of a designated Ecosystem Partnership as requested by and on record with the Illinois Department of Natural Resources.
DEPARTMENT OF NATURAL RESOURCES

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"Ecosystem Partnership Support Grant" means a grant made to Ecosystem Partnerships to provide funding to help with expenses incurred in the areas of maintenance, education, communication and administration.

"Ecosystem Project Grants Projects" means competitively funded projects designed to protect, enhance or restore biodiversity the natural resources of ecosystems, in a manner that is, or promote compatible with or sustainable economic development and sustainable land use practices uses within, specific Ecosystem Partnership Areas within the following criteria areas:

"Habitat Grant" means a category of grant that will result in the installation of land and water management, creation, restoration and enhancement practices that promote increased biodiversity or improved ecological functions. These practices should follow the Program Guidance, be based upon habitat restoration literature or commonly used habitat restoration practices, have long-term ecological benefits, and be as self-sustaining as possible.

"Land Acquisition/Easement Grant" means a category of grant that will result in 30 year/perpetual easements and fee simple acquisitions that protect habitat and restore ecosystem functions.

"Outreach/Education Grant" means a category of grant that will result in projects that reach a target audience, informing them of the importance of or techniques used in the restoration, preservation, and/or management of ecosystems and biodiversity.

"Planning Grant" means a category of grant that will result in development of plans that integrate Ecosystem Partnership goals with Program Guidance principles and/or with the mission of related and relevant programs.

"Research Grant" means a category of grant that will result in investigation, data analysis, and research of ecological factors in the Ecosystem Partnership Area that can be used to advance Ecosystem Partnership goals and the Ecosystem Program's mission.
"Resource Economics Grant" means a category of grant that will result in unique economic development projects directly associated with human access or sustainable non-destructive use of an ecosystem.

"Local Partnership Council (LPC)" means the governing body of a group of individuals from a designated Ecosystem Partnership appointed by the Director of the Department of Natural Resources to review and make recommendations for funding of Ecosystem Projects.

"Program Guidance" means a document developed and released by the Department that provides periodic updates on the mission, goals, objectives, and direction of Conservation 2000. The document expands upon the 9 criteria that define the role of an Ecosystem Partnership which are to: acquire, protect and restore natural resources of local and State significance; acquire, preserve, and restore habitat areas that meet minimum functional habitat area guidelines; develop and implement restoration/recovery of species "guilds" or insure diversity of habitat; create, protect, and restore adequate buffer to protect sensitive habitats from non-compatible land uses; connect habitat areas; use ecosystem-based Best Management Practices; restore and naturalize hydrologic functions; develop educational strategies that complement ecosystem protection, restoration and enhancement activities; integrate research and monitoring into partnership and program work; integrate the ecosystems program with other local, State and federal programs and initiatives.

"Vision Plan" means a strategic document developed by an Ecosystem Partnership that identifies natural resource issues and provides realistic ecosystem-based strategies that should be undertaken to achieve a set of desired goals and objectives. The Vision Plan outlines citizens', local governments', private organizations' and businesses' role in the stewardship of the Ecosystem Partnership Area's natural and cultural resources. The Vision Plan will follow an outline and results-based planning framework (Vision Plan Framework) developed by the Department's Ecosystems Division.

"Vision Plan Framework" means a guidance document developed by the Department's Ecosystems Division outlining a process and requirements for developing a Vision Plan. The Vision Plan Framework will be updated as necessary and provided to Ecosystem Partnerships.

(Source: Amended at 27 Ill. Reg. 1145, effective January 9, 2003)
Section 1523.30  Ecosystem Partnership Designation

a) A coalition of individuals, groups and/or organizations interested in being designated as an Ecosystem Partnership may request designation by writing the Director and providing:
   1) Their organizing principles, mission statement, constitution, charter, articles of incorporation, or statement of purpose and goals.
   2) A map of the boundaries of the proposed Ecosystem Partnership.
   3) The signature of each initial member or participants in the proposed Ecosystem Partnership must be included in the Ecosystem Partnership letter of request to the Director. Included in the list should be each member's address, telephone number, fax number, e-mail address, and affiliation, and a description of the interests the member represents, both individual and organizational.
   4) From the list of initial members, a list of proposed temporary board members in the proposed Ecosystem Partnership. A description of the Partnership area's natural resource condition or natural resource significance.
   5) A description of the Ecosystem Partnership Area's natural resources, and the condition and significance of those resources. A list of proposed Local Partnership Council members, their names, addresses, telephone numbers, fax numbers, E-mail addresses, and affiliations, and a description of the interests they represent.
   6) Letters of support from businesses, organizations, etc., within the Ecosystem Partnership Area.

b) The Director shall grant or deny designation as an Ecosystem Partnership in writing within 90 days after the receipt of the request. The Director shall consider the following criteria in reaching that decision:
   1) The relationship between the mission or purpose of the proposed Ecosystem Partnership and the mission and policies of the Department and Conservation 2000.
   2) The natural resource significance of the ecosystems or watersheds proposed for inclusion in the proposed Partnership Area partnership area, e.g., whether they have been recognized as Resource Rich Areas of Illinois as cross referenced in the publication: Inventory of Resource Rich Areas in Illinois: An Evaluation of Ecological Resources (Suloway et al., Illinois Department of Natural Resources, 1996), or whether they possess complexes of natural areas as defined in 525 ILCS 30/3.10, or otherwise
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possess landscape scale natural resource attributes of regional significance.

3) The representation of diverse interests associated with the proposed Ecosystem Partnership.

4) The coalition's potential demonstrated ability to achieve its stated goal, its potential to achieve that goal given its composition and demonstrated leadership, and the organizational skills of members.

5) Technical and financial resources available for program expansion.

6) Other potential local support for the proposed Ecosystem Partnership.

c) The letter of designation from the Director shall be the official notification to the prospective Ecosystem Partnership that it has met the requirements in subsections (a) and (b) and has received Ecosystem Partnership designation. Maintenance of this designation is contingent on the fulfillment of the criteria contained in Section 1523.50.

d) The initial list of LPC temporary board members submitted to the Director and approved in the Director's letter of designation for the Ecosystem Partnership shall serve for a period not to exceed 9 months from the designation date. No official business can be conducted by the temporary board members until they organize and elect a Chairperson, Vice-Chairperson and Secretary/Treasurer. These LPC officers and the temporary board members shall then prepare and adopt bylaws that meet the criteria set forth in Section 1523.40, at a meeting open to the public, and perform other duties as may be required for the Ecosystem Partnership to become established and to operate. Procedures to record the minutes of all meetings held throughout this process must be in place and a copy of those minutes must be provided to the designated Ecosystem Administrator and the Conservation 2000 Administrator, and shall be made available to members of the public.

(Source: Amended at 27 Ill. Reg. 1145, effective January 9, 2003)

Section 1523.40 Ecosystem Partnership Bylaws Withdrawal of Designation

Bylaws shall be adopted by a simple majority of the Ecosystem Partnership members and temporary board members designated by the Director within 9 months after Department designation as an Ecosystem Partnership. Ecosystem Partnerships previously designated by the Director, as provided in Section 1523.30, that do not have formally adopted bylaws meeting the following criteria shall adopt bylaws consistent with the minimum criteria set forth in this Section after September 1, 2003. A copy of the approved bylaws must be sent to the designated
Ecosystem Administrator and to the Conservation 2000 Administrator. Bylaws shall contain, but are not limited to, the following:

a) Name of Ecosystem Partnership.
b) Purpose and goals of Ecosystem Partnership.
c) Mailing address for the Ecosystem Partnership.
d) Criteria establishing what constitutes a quorum for official business of either the LPC, standing committees or special committees.
e) Procedures to amend the bylaws.
f) Procedures to establish or define the role of standing and special committees.
g) Procedures to ensure that there is not a conflict of interest on behalf of a member of the LPC during the evaluation and scoring of Ecosystem Project Grant applications. Any member of the LPC who is eligible to evaluate and score these grant applications must excuse themselves from the evaluation or scoring of applications of an entity on which they are a board member, staff or officer, or in which a member of their immediate family might directly benefit. Records of all actions and decisions must be kept by the Ecosystem Partnership and members scoring projects must disclose their affiliation with any organization submitting an Ecosystem Project Grant application through the individual LPC. The composite score of each grant application shall be made available to the public upon request.

h) Eligibility criteria to become a member of the Ecosystem Partnership.
i) Eligibility criteria for an individual or member of an organization to serve as an officer, board member or committee member of the LPC.
j) Procedures for open nomination and election of board members and officers.
k) Eligibility criteria for an individual or organization to vote for members and/or officers on the LPC.
l) Term for which elected LPC board members and officers shall serve.
m) Procedure to elect LPC board members and officers.
n) Provisions to promote and include participation by a broad range of interested groups and individuals within the Ecosystem Partnership Area.
o) Criteria for board members and officers to maintain good standing within the LPC.
p) Procedures to record the minutes of every meeting and to adopt, maintain and distribute those minutes, including providing copies to the designated Ecosystem Administrator and the Conservation 2000 Administrator, and making copies available to members of the public.

q) Criteria for members to maintain good standing within the Ecosystem Partnership.
r) Procedures to notify the public of meetings, including insuring that the pertinent details are published no less than 10 days in advance of meetings in a newspaper.
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with general circulation within the Ecosystem Partnership Area. Meetings shall be open to the public, except for the purpose of discussing personnel issues and evaluation and scoring of Ecosystem Partnership Grant applications. The LPC may elect to evaluate and score Ecosystem Project Grant applications in a meeting not open to the public if all grant applicants are notified of the proposed meeting and the LPC follows all requirements outlined in subsection (g).

s) A schedule of meetings (at least once per quarter in a calendar year). This schedule must be published in a newspaper with general circulation within the Ecosystem Partnership Area.

i) Procedures for maintaining and adjusting the boundaries of the Ecosystem Partnership Area.

u) Procedures to dissolve the Ecosystem Partnership and to distribute assets. All assets purchased with Department funds shall be returned to the Department.

v) Procedures to notify the public of the Ecosystem Project Grant process and deadlines, including insuring that the pertinent details are published no less than 10 days in advance of deadlines in a newspaper with general circulation within the Ecosystem Partnership Area.

w) Criteria to score and rank Ecosystem Project Grant applications.

x) Procedures to retain and maintain all records, including financial, of the Ecosystem Partnership.

Three years after the initial designation of an Ecosystem Partnership, and every 3 years thereafter, the Department of Natural Resources will review the status of Ecosystem Partnerships. Based on this review the Director may reaffirm that designation or withdraw the designation. If the designation is withdrawn, the subject partnership will no longer be eligible for Ecosystem Program support or Ecosystem Planning or Ecosystem Project funding. The review shall consider:

a) Whether the Ecosystem Partnership has formally adopted goals.

b) Whether the Ecosystem Partnership has demonstrated progress towards those goals.

c) Whether the membership of the Ecosystem Partnership has remained broad and inclusive.

d) Whether the Ecosystem Partnership meets regularly and can demonstrate good attendance.

(Source: Amended at 27 Ill. Reg. 1145, effective January 9, 2003)
The Department will review the status of each Ecosystem Partnership, after the third year following designation of the Partnership. Based upon this review, the Director may reaffirm the designation, withdraw the designation, or place the partnership on probation. If placed on probation, the Ecosystem Partnership must correct the issues of concern within 12 months from the receipt of written notification that the Ecosystem Partnership has been placed on probation. The written notification will detail the issues the Department has identified. If the issues are not resolved to the Department's satisfaction within the 12 month period, the Director will withdraw designation. If the designation is withdrawn, the Ecosystem Partnerships will no longer be eligible for Ecosystem Partnership support, Vision Plan or project funding. The Department's review shall consider, at a minimum, the following criteria:

a) Whether the Ecosystem Partnership continues to meet the conditions set forth in this Part.
b) Whether the Ecosystem Partnership has demonstrated sound fiscal accountability and complied with the terms and conditions of grants awarded it.
c) Whether the Ecosystem Partnership has completed an Ecosystem Vision Plan, or equivalent plan, and is implementing provisions of the plan.
d) Whether the Ecosystem Partnership has demonstrated progress towards meeting adopted goals.
e) Whether the actions of the LPC maintain the integrity of the program and are consistent with the mission and intent of the Ecosystems Program.
f) Whether the Ecosystem Partnership has sought and gained non-profit status.
g) Whether quality grants were submitted in the Ecosystem Partnership Area and whether the Ecosystem Partnership tracked and monitored funded grants to ensure that they were executed and completed in a timely manner.
h) Whether the Ecosystem Partnership utilizes natural resource monitoring to show progress towards improving biodiversity and ecosystem health.
i) Whether the Ecosystem Partnership has the ability to integrate research and data collection efforts with statewide data collection, management storage and retrieval systems.

Subject to sufficient funding, the Department will annually allocate a prescribed dollar amount for Ecosystem Planning Grants. Designated Ecosystem Partnerships may apply for up to $10,000 by providing a Scope of Work that describes the planning process to be employed, describes the resource and economic issues to be addressed, a planning timetable, and a projected budget. Applications will be accepted continuously and grants will be made if annually allocated funds remain available when a Scope of Work acceptable to the Partnership and the Department has been agreed upon.

(Source: Amended at 27 Ill. Reg. 1145, effective January 9, 2003)
Section 1523.60  Ecosystem Vision Plan Grants Planning Grant Eligibility

a) Ecosystem Partnerships are expected to use sound information based upon good science in developing Vision Plans. Vision Plans will provide guidance on ecosystem-based natural resource protection, maintenance and enhancement and be used to prioritize funding opportunities for further planning and project grants. Subject to sufficient funding, the Department will annually allocate a prescribed dollar amount for the development of Vision Plans by Ecosystem Partnerships. The amount allocated for a Vision Plan Grant shall be commensurate with the needs identified in the scope-of-work. The scope-of-work will provide information consistent with subsection (b) of this Section.

b) The Vision Plan Framework describes the steps that an Ecosystem Partnership needs to take to make sound natural resource planning and management decisions by using good science. It also guides Ecosystem Partnerships through the steps to be taken to develop and organize a Vision Plan document. The Vision Plan Framework specifically provides guidance on the development of a social inventory for the partnership area; development of a cultural resource inventory; assessment of physical and biological natural resource information; identification of issues and concerns; development of a purpose and vision statement; identification of goals, objectives, strategies, and action items; identification of ecosystem based best management practices to help solve identified problems; development of a work plan and implementation strategy; development of a monitoring strategy for tracking plan implementation; encouragement to use volunteer support to conduct physical project monitoring using established protocols; development of a public/stakeholder participation summary and creation of an executive summary.

c) Ecosystem Partnerships interested in developing a Vision Plan must submit a letter requesting consideration for an Ecosystem Vision Plan Grant to the Conservation 2000 Administrator. The Conservation 2000 Administrator will review the request and send a Vision Plan Framework application packet to the applicant. The packet will include the Vision Plan Framework, the Program Guidance and other materials that could be used to help guide the planning process. At minimum, every applicant must submit a scope-of-work that addresses tasks outlined in the Vision Plan Framework and that identifies:

1) The purpose.
2) The expected outcomes.
3) The plan development process, including: the tasks required to complete the planning process, members of the planning team, party or parties
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responsible for writing the plan, and the primary liaison with the Ecosystems Program of the Department.

4) Any data needs.

5) Resource and economic concerns to be addressed, including ecological values, socioeconomic values, and protection and management issues, so far as they may be known.

6) Coordination efforts with other local, regional, or State agencies, institutions, or organizations.

7) Subgrantees or subcontractors.

8) A timetable for project completion.

9) An itemized budget.

Designated Ecosystem Partnerships that have not previously received an Ecosystem Planning Grant from the Department are eligible to apply for one.

(Source: Amended at 27 Ill. Reg. 1145, effective January 9, 2003)

Section 1523.70 Ecosystem Project Grants Planning Grant Application

Ecosystem Project Grants are competitively selected grants to conduct projects in Ecosystem Partnership Areas. Matching dollars are not required, although the rate of match will be considered as a competitive criterion. However, an approved grant that has a match commitment shall be required to document that match. Ecosystem Projects are awarded in 6 categories: Habitat, Research, Outreach/Education, Resource Economics, Planning, and Land Acquisition/Easement. In Habitat or Land Acquisition/Easement projects, if funding is sought for habitat enhancement practices, the grantee must comply with Section 1523.160. If it is more expeditious to fund an Ecosystem Project with another municipal, State, or federal agency through an intergovernmental agreement, rather than a grant agreement, this mechanism may be utilized as an alternative. All other conditions for a grant agreement expressed in this Section must be incorporated as conditions of the intergovernmental agreement.

A letter requesting consideration for an Ecosystem Planning Grant and a proposed Scope of Work for the planning process should be sent to the Ecosystem Projects Coordinator. At a minimum the Scopes of Work should identify:

a) The Planning Goals.

b) The Expected Outcomes.

c) The Plan Development Process, including the planning process to be employed, members of the planning team, party or parties responsible for writing the plan, and the primary liaison with the Ecosystems Program of the Department.

d) Any data needs.
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e) Resource and economic concerns to be addressed, including ecological values, socioeconomic values, and protection and management issues, so far as they may be known.
f) Coordination efforts with other local, regional, or State agencies, institutions, or organizations.
g) A timetable for project completion.
h) An itemized budget.

(Source: Amended at 27 Ill. Reg. 1145, effective January 9, 2003)

Section 1523.80 Ecosystem Project Grant Eligibility Planning Grant Limitations, Award, and Notification

Any individual, organization, or corporation may apply for grants to undertake Ecosystem Projects within Ecosystem Partnership Areas. However, individuals and entities are not eligible to apply for Land Acquisition Easement project grants to acquire or purchase an easement in land in which they possess any ownership or financial interest. A qualified third party, as defined at Section 2 of the Real Property Conservation Rights Act [765 ILCS 120/2], must submit and administer an Ecosystem Project Grant and hold the easement or title to all lands purchased by this program. Further, an individual or entity possessing any ownership or financial interest in the land must not have any ownership or financial interest in the third party submitting or administering a grant or holding title or easement. Ecosystem Planning grants are limited to $10,000. They will be awarded on a first come-first served basis to eligible applicants subject to availability of funds, once a Scope of Work mutually agreeable to the applicant and the Department has been developed. The Director shall notify an applicant in writing when an agreed Scope of Work has been approved. The applicant will also be notified at that time or when funds are subsequently available of the Ecosystem Planning Grant Award.

(Source: Amended at 27 Ill. Reg. 1145, effective January 9, 2003)

Section 1523.90 Ecosystem Project Grant Application Process Grants

Applications for an Ecosystem Project Grant must be submitted to the Department's Ecosystems Division in Springfield, Illinois as listed in Section 1523.170, via either the Internet or mailed. If the grant application is mailed, the grant application must be postmarked on or before February 1 of each year preceding the fiscal year during which the applicant is requesting funding. If the grant application is submitted online, the grant application is due by 5:00 p.m. on the last business day in February of the year preceding the fiscal year during which the applicant is
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requesting funding (e.g., by February 28, 2003 for Fiscal Year 2004 funding). Project applications must be submitted either online at the Department's Ecosystems Program website or typed on official forms to be considered for funding. Forms may be downloaded from the Department's Ecosystems Program website or requested from the Conservation 2000 Administrator at the contact address, telephone number or email address listed in Section 1523.170. Applications will not be accepted by facsimile machine. The Department encourages applications be submitted over the Internet—Ecosystem Project Grants are competitively selected grants to conduct projects in Ecosystem Partnership Areas. Grant funds are provided on a reimbursement basis. Matching dollars are not required, although the rate of match will be considered as a competitive criterion. Ecosystem Projects are awarded in 5 categories: Habitat Projects, Research Projects, Outreach Projects, Resource Economics Projects, and Capital Projects. Because Capital Projects employ Capital Development Bond Funds, capital projects are limited to habitat protection or habitat enhancement projects that include land acquisition, acquisition of conservation easements, or cost-share practices covered in the Conservation 2000—Natural Resources Cost Share Program administrative rule (17 Ill. Adm. Code 1522). If Habitat or Capital Projects seek Ecosystem Project funding for habitat enhancement practices described in the Conservation 2000—Natural Resources Cost Share administrative rule, the conditions of installation and maintenance of the practices prescribed in the rule must be complied with, although the match requirements and dollar caps described in the rule shall not apply. If it is more expeditious to fund an Ecosystem Project with another municipal, State, or federal agency through an intergovernmental agreement, rather than a grant agreement, this mechanism may be utilized as an alternative, provided all other conditions for a grant agreement expressed herein are incorporated as conditions of the intergovernmental agreement.

(Source: Amended at 27 Ill. Reg. 1145, effective January 9, 2003)

Section 1523.100 Ecosystem Project Grant Application Eligibility

a) An applicant for an Ecosystem Project Grant must submit a description of the proposed Ecosystem Project on the required application. The application shall be prescribed by the Department and is available from the program contact location described in Section 1523.170.

b) The application shall at a minimum require:
   1) The name of the Ecosystem Partnership Area in which the Ecosystem Project is to be located.
   2) The name and address of the applicant and of a contact person, if different than the applicant.
   3) A project title.
   4) A project abstract.
5) A description of and justification for the proposed project based upon the criteria outlined in Section 1523.110(b)(2).
6) Sufficient information to locate the proposed project.
7) A project budget identifying, at a minimum, the requested amount of Conservation 2000 funds, any matching funds or in-kind services.
8) The attachment of a U.S. Geological Survey map (1:24,000 topographic maps) and design plans to allow the site-specific assessment of potential natural resource impacts of projects that will alter vegetation or otherwise alter surface features and to identify potential properties for land acquisitions/easements.
9) The application must be type written if it is not submitted electronically.

c) The application may also include attachments beyond those required in subsection (b)(8). All supplemental attachments will be kept on file at the program's central office in Springfield; however, at the discretion of the Conservation 2000 Administrator, not all attachments may be distributed for the grant review process.

d) Grant applications may be modified by the Conservation 2000 Administrator with concurrence from the applicant.

Any individual, organization, or corporation may apply for grants to undertake Ecosystem Projects within Ecosystem Partnership Areas.

(Source: Amended at 27 Ill. Reg. 1145, effective January 9, 2003)

Section 1523.110 Review of Ecosystem Project Grant Applications Application Process

a) Applications meeting the requirements set forth in Section 1523.100 will be provided to the appropriate Ecosystem Partnership for the LPC to review, score and provide recommendations for funding according to procedures outlined in the Ecosystem Partnership bylaws. The LPC shall evaluate Ecosystem Project Grant applications based upon: criteria as set forth in the definition of Program Guidance; and goals and objectives of the Ecosystem Partnership including the Vision Plan. In the review, each LPC will provide a score to the Department based upon a consistent statewide numeric standard procedure provided by the Department.

b) Department staff will also make recommendations for funding to the Director based on a review process and the collective evaluation of the following:

1) The ratio of matching dollars and value of in-kind services to the requested Conservation 2000 dollars.
2) The project's Natural Resource Evaluation. The Natural Resource Evaluation is designed to assess the relative natural resource benefit of a project using the criteria set forth in the definition of Program Guidance within each of the 6 Ecosystem Project categories: Habitat, Research, Outreach/Education, Resource Economics, Planning and Land Acquisition/Easement.

A) The Natural Resource Evaluation for Habitat and Land Acquisition/Easement projects will take into consideration:
   i) Appropriateness of the project as reflected by the project's relationship to existing plans, Department policies and objectives, and current scientific understanding.
   ii) The duration of the habitat protection or improvement practice, and potential cumulative benefits in relation to previously funded practices.
   iii) The ecological ramifications of a project. For example, use of exotic species detracts from the ecological benefits of a project; use of native species enhances the ecological benefits of a project; multi-species benefits increase overall ecological benefits; and projects that address restoration of ecosystem functions offer the greatest benefits.
   iv) Relative cost effectiveness.
   v) Follow-up monitoring of effectiveness of a project. Projects including follow-up monitoring will receive greater consideration.

B) The Natural Resource Evaluation for Research projects will take into consideration:
   i) The degree to which the proposed research helps formulate or advance partnership goals and any existing watershed management goals or plans.
   ii) Validity of the research design and methodology.
   iii) Expertise of the investigators.
   iv) Appropriateness of the budget, given the scope and time line for the project.
   v) Availability of the research results. The results of the investigation must be made available to the Ecosystem Partnership and the Department, at a minimum, in a timely manner after completion of the research.

C) The Natural Resource Evaluation for Outreach/Education projects will take into consideration:
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i) Relationship to a resource management plan or, in the absence of a plan, the Department's educational and/or resource management goals.

ii) The breadth of the audience to be reached.

iii) The quality of the educational materials to be produced or utilized in the outreach effort.

iv) Measures included to ensure technical accuracy of written materials and consistency with stated Department policies.

v) Efforts to assess the effectiveness of outreach efforts.

D) The Natural Resource Evaluation for Resource Economics projects will take into consideration:

i) The relationship between the proposed project and the Ecosystem Partnership's goals.

ii) The relationship between project cost and direct economic benefits to be generated.

iii) Validity of models and statistical techniques employed in forecasting economic benefits.

iv) The potential applicability of project results to other Ecosystem Partnerships.

E) The Natural Resource Evaluation for Planning projects will take into consideration:

i) Quality and validity of the planning effort with respect to the diversity and breadth of stakeholder involvement.

ii) Quality of the planning effort with respect to the degree the natural resource inventory information (particularly the quality, quantity and distribution of native habitat information) has been inventoried and incorporated as green infrastructure and a framework for planning.

iii) The relationship between the Ecosystem Partnership's currently proposed planning effort and its past planning efforts and past performance. (What was the success of past planning? Is this planning effort building upon earlier planning; i.e., Vision Plan?)

iv) The potential applicability to other Ecosystem Partnerships as a planning process.

3) The project's Ecosystem Partnership Performance Evaluation. The Ecosystem Partnership Performance Evaluation is based upon the relationship of the proposed project to the Ecosystem Partnership's:
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A) Stated goals and any published watershed plan endorsed by the Ecosystem Partnership.
B) Planning efforts that meet the standards of Section 1523.60.
C) Use of volunteers (whose efforts have not been included as in-kind match) in implementation.
D) Participation of multiple partners with a high level of coordination between partners.
E) Past grant performance, if the applicant has previously received funding under this program.
F) Potential for educational interpretation of amenities to be developed as part of the project.
G) Consistency of the application with the Program Guidance.
H) Ability to integrate research and data collection efforts with statewide data collection, management storage and retrieval systems.

4) Results of the Department's Comprehensive Environmental Review Process (CERP). The CERP assesses the potential for negative natural resource impacts and project conformance with other natural resource regulatory statutes.

5) Other factors, such as the criteria set forth in the definition of Program Guidance, special funding, relationship to Departmental initiatives and plans including the Statewide Comprehensive Outdoor Recreation Plan, potential value to other Ecosystem Partnerships, etc., will be considered, when applicable, to the selection of projects.

Applications for Ecosystem Projects must be mailed to the Department of Natural Resources, Ecosystems Program and be postmarked on or before February 16 of the year preceding the fiscal year during which the applicant is requesting funding (e.g., by February 16, 1998 for Fiscal Year 1999 funding). Project applications must be completed on official forms to be considered for funding. Forms may be requested from the Department of Natural Resources, Ecosystems Program at the contact address and telephone number listed in Section 1523.180. Applications will not be accepted by facsimile machine. The Department may accept applications over the Internet.

(Source: Amended at 27 Ill. Reg. 1145, effective January 9, 2003)

Section 1523.120 Selection and Notification of Ecosystem Project Grant Awards Application
The Director shall select projects for funding based on the recommendations of the Ecosystem Partnerships and of Department staff participating in the evaluation processes described in Section 1523.110. Project selections will be publicly announced and successful applicants will be notified. Upon notification, successful applicants will be allowed 30 days to review their application. Within this 30 day period, the applicant must contact its Ecosystem Administrator to request revisions, if required, to its application. The application will be the basis for the Department to generate a scope-of-work. At the end of the 30 day period, the Department will develop a grant agreement and the scope-of-work will be incorporated in, and made a part of, the grant agreement. The grant agreement will be mailed to the applicant. The applicant must not begin work until it receives a fully executed copy signed by the Director or is given written authority to proceed by the Department.

a) An applicant for an Ecosystem Project Grant must submit a description of the proposed Ecosystem Project on the required application. The application shall be prescribed by the Department and is available from the program contact location described in Section 1523.180 of this Part.

b) The application shall at a minimum require:
   1) The name of the Ecosystem Partnership Area in which the Ecosystem Project is to be executed.
   2) The name and address of the applicant, and the name and address of a contact person if different than the applicant.
   3) A project title.
   4) A description of the proposed project.
   5) A project budget identifying, at a minimum, the requested amount of C2000 funds, any matching funds or in-kind labor.
   6) The attachment of maps, e.g., U.S. Geological Survey, 1:24,000 Topographic maps or county plat maps, and design plans that allow the site-specific assessment of potential natural resource impacts of projects that will alter vegetation or otherwise alter surface features.

c) The application shall also identify allowed attachments beyond those required in Section 1523.120(b)(6) above. At the discretion of the Ecosystems Program Coordinator attachments not allowed will be removed before further consideration of the project. Applications submitted on previously approved versions of the form will be returned with a copy of the current form and allowed a maximum of 15 days for resubmittal. Forms submitted by the initial deadline that are incomplete or have inadequate maps or design plans to allow site-specific review of alterations of vegetation or surface features will be returned to the applicant for completion or rectification and allowed a maximum of 15 days for resubmittal. Resubmitted applications that are incomplete or lack adequate maps or design plans to allow site-specific review of alterations of vegetation or surface features...
Section 1523.130 Ecosystem Partnership Support Grants Review of Ecosystem Projects

Upon a determination by the Director that it will benefit the work of the Ecosystem Partnerships and subject to sufficient funding, the Department may provide grants for equipment, supplies, training, services, or other support to Ecosystem Partnerships. The Department shall formulate the conditions of the grant agreement and make Ecosystem Partnership Support Grants available, subject to the conditions of grant agreements, on a first-come first-served basis. Applications received by the Department will be provided to the appropriate Local Partnership Council for review and recommendation to the Director, based on the Ecosystem Partnership's goals, objectives, and priorities. Each Local Partnership Council will provide a rank of High, Medium, or Low for each project. Amendments to applications recommended by the Ecosystem Partnerships made as a result of the partnership's review and agreed to by applicants may be made at this time. Department staff will also make recommendations for funding to the Director based on a review process and the collective evaluation of the following:

a) The ratio of matching dollars and value of in-kind services to the requested C2000 dollars.

b) The project's Natural Resource Evaluation. The Natural Resource Evaluation is designed to assess the relative natural resource benefit of a project within each of the 5 Ecosystem Project Categories: Habitat, Research, Outreach, Resource Economics, and Capital.

1) The Natural Resource Evaluation for Habitat and Capital projects will take into consideration:

   A) Appropriateness of the project as reflected by the project's relationship to existing plans, Department policies and objectives, and current scientific understanding.

   B) The duration of the habitat protection or improvement practice, and potential cumulative benefits in relation to previously funded practices.

   C) The ecological ramifications of a project. For example, use of exotic species detracts from the ecological benefits of a project; use of native species enhances the ecological benefits of a project; multi-species benefits increase overall ecological benefits; and projects that address restoration of ecosystem functions offer the greatest benefits.
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D) Relative cost effectiveness.
E) Follow-up monitoring of effectiveness of a project. Projects that include follow-up monitoring will receive greater consideration.

2) The Natural Resource Evaluation for Research projects will take into consideration:
   A) The degree to which the proposed research helps formulate or advance partnership goals and any existing watershed management goals or plans.
   B) Validity of the research design and methodology.
   C) Expertise of the investigators.
   D) Appropriateness of the budget given the scope and timeline for the project.
   E) Availability of the research results. The results of the investigation must be made available to the Ecosystem Partnership and the Department, at a minimum, in a timely manner after completion of the research.

3) The Natural Resource Evaluation for Outreach projects will take into consideration:
   A) Relationship to a resource management plan or in the absence of a plan the Department's educational and/or resource management goals.
   B) The breadth of the audience to be reached.
   C) The quality of the educational materials to be produced.
   D) Measures included to ensure technical accuracy of written materials and consistency with stated Department policies.
   E) Efforts to assess the effectiveness of outreach efforts.

4) The Natural Resource Evaluation for Resource Economics projects will take into consideration:
   A) The relationship between the proposed project and the partnership's goals.
   B) The relationship between project cost and direct economic benefits to be generated.
   C) Validity of models and statistical techniques employed in forecasting economic benefits.
   D) The potential applicability of project results to other partnerships.
   E) The project's Partnership Performance Evaluation. The Partnership Performance Evaluation is based primarily on the Local Partnership Council Rank, but may also consider:
   1) The relationship between the Ecosystem Partnership's stated goals and any published watershed plan endorsed by the partnership.
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2) Consistency with the watershed approach.
3) The participation of volunteers (whose efforts have not been included as in-kind match) in implementation.
4) The participation of multiple partners with a high level of coordination between partners.
5) Whether an applicant has previously received funding under this program, and if so, the past performance.
6) The potential for educational interpretation of amenities to be developed as part of the project.

d) The relative distribution of requests between the 5 Ecosystem Project categories and the distribution of highly ranked projects within each of the 5 project categories.
e) Results of the Department’s Comprehensive Environmental Review Process (CERP). The CERP assesses the potential for negative natural resource impacts and project conformance with other natural resource regulatory statutes.
f) Other factors, such as special funding, relationship to Departmental initiatives and plans including the Statewide Outdoor Recreation Partnership Plan, potential value to other partnerships, etc., will be considered, when applicable, to the selection of projects.

(Source: Amended at 27 Ill. Reg. 1145, effective January 9, 2003)

Section 1523.140 Ecosystem Vision Plan, Project, and Support Grant Execution and Reimbursement Selection and Notification of Ecosystem Project Grant Awards

Payment of grant funds will be on a reimbursement basis. However, upon a determination the applicant is prepared to carry out the conditions of the grant, the Department may approve the advancement of grant dollars. No work is to begin until a grant agreement has been fully executed between the applicant and the Department, or written authority to proceed is given by the Department. Work begun before the date of execution of the grant agreement is not reimbursable. The Director shall select projects for funding based on the recommendations of the Ecosystem Partnerships and of Department staff participating in the evaluation processes described above. Project selections will be publicly announced and successful applicants will be notified. Upon notification successful applicants will be provided with an outline for a Scope of Work that will be used to develop a grant agreement that will be mailed to the applicant. The applicant must sign and return the grant agreement, but must not begin work until it receives a fully executed copy signed by the Director.

a) With the Department's written approval, expenditures made by the applicant in support of an awarded project and made after the date of the press release...
announcing the award, but before the execution of a grant agreement, may be counted toward the required match. Should the applicant fail to expend the identified match dollars, the Department may prorate reimbursement of grant funds. To initiate a payment under the grant agreement, whether it be an advance payment, interim payment, or final payment, it must be requested through the Ecosystem Administrator appointed to each Ecosystem Partnership.

b) For approval of an advance payment the applicant must provide evidence of its capacity to begin implementation of a project. For reimbursement payments for completed work, beyond any advance payment and up to and including final payment, evidence of progress toward project completion as outlined in the grant agreement, documentation of the expenditure of the match share, and documentation of actual project expenditures must accompany all requests for reimbursement. Reimbursements for travel, lodging, and/or per diem shall not be above prevailing State rates set by the Governor's Travel Control Board. Upon signature of the reimbursement request by the Ecosystem Administrator, the reimbursement request and all supporting documentation must be forwarded to the Ecosystem Division at the contact address provided in Section 1523.170. If the supporting documentation is in order, the Department will process the required instrument to initiate payment. For final payment on a completed project, a final report must be received and approved by the Ecosystem Administrator and Conservation 2000 Administrator. The final report shall contain details of the methods used to fulfill the grant agreement and documentation of completion of the project in accordance with the terms and conditions of the grant agreement.

(Source: Amended at 27 Ill. Reg. 1145, effective January 9, 2003)

Section 1523.150 Ecosystem Vision Plan, Project, and Support Grant Compliance Requirements

Partnership Support Grants

All recipients of the Ecosystem Vision Plan, Ecosystem Project or Ecosystem Partnership Support Grants must comply with the following program requirements: Upon a determination by the Director that it will benefit the work of the Ecosystem Partnerships and subject to sufficient funding, the Department may provide grants of equipment, supplies, training, services, or other support to Ecosystem Partnerships. The Department shall formulate the conditions of the grant agreement and make Ecosystem Partnership Support Grants available, subject to the conditions of the grant agreements, on either a first come-first served basis or a competitive basis subject to the same review criteria outlined for Ecosystem Project Grants in Section 1523.130.
a) The grantee must notify the media that the Ecosystem Vision Plan or Ecosystem Project has received funding from the State of Illinois, Department of Natural Resources, Conservation 2000 Fund. All publications, written documents, news articles, TV and radio releases, interviews and personal presentations that relate to this project must credit the Department's Conservation 2000 Ecosystems Program. A notice crediting the Conservation 2000 Ecosystems Program must be posted at the main entrance to any real property or interest in real property purchased under the program.

b) For grants or agreements that include the purchase of equipment, the grantee must provide a written report to the Department by March 31 for equipment purchased during the preceding calendar year (January 1 through December 31) and an equipment usage report must be submitted for each of the succeeding three calendar years after purchase. Equipment usage reports must include a detailed description of the equipment items, a description of habitat management accomplished, resources protected, theft prevention measures, property and license controls, and a quantitative measure of equipment usage. Equipment purchased by the grantee, under the terms of a grant, shall become the property of the grantee. Equipment acquired under this program may not be employed for commercial purposes, and may only be used for purposes similar to those described in the Ecosystem Vision Plan, Ecosystem Partnership Support or Ecosystem Project grant agreement.

c) The grantee must provide a written preliminary report to the Department within 90 days after receipt of notice of the award of Conservation 2000 Funds for conservation or habitat practices, land acquisition or a conservation easement. The report shall be for the portions of the property covered by a practice, acquisition or easement funded in part or solely by the Department. The report shall include specifics on the project site, ownership, conditions, changes, and any issues specified in the grant agreement. Thereafter, the grantee must provide to the Department a written report containing this same information once every 5 years throughout the life of the practice, throughout the duration of the easement, or as long as the acquisition is held in the grantee's ownership. It shall be the obligation of the grantee to ensure the reporting requirements are also binding on any successors or assigns.

d) If the purchase of equipment is part of an Ecosystem Vision Plan, Ecosystem Project or Ecosystem Partnership Support Grant, and the cost of that equipment, individually or in aggregate from the same vendor, meets or exceeds $25,000, the equipment must either be purchased through an established State, federal or municipal procurement process, or purchased through a competitive procurement process. In the latter case, documentation of invitation, submission, opening,
evaluation, correction, withdrawal, and award of bids will be required for reimbursement. The Department reserves the right to require the grantee to use a written, competitive sealed bidding process for costs under $25,000.

e) If the purchase of professional or artistic services, computer equipment, telecommunication equipment, software or services is identified as a project component, and the cost meets or exceeds $25,000, the grantee must use a written process for the solicitation of competitive sealed proposals, unless the grantee verifies, in writing, that competitive sealed bidding for a single procurement is not practical or advantageous; or the grantee documents, in writing, to the Ecosystems Division, that sole source procurement is the most economically feasible solution. The Department reserves the right to require the grantee to use a written, competitive sealed bidding process for costs under $25,000.

f) All equipment, materials, supplies or personal property purchased through the Ecosystems Program is subject to retrieval by the Department and/or reassignment by the Director upon dissolution of the grantee, abandonment of the Ecosystem Vision Plan process, Ecosystem Project or Ecosystem Support function, or as a result of grantee non-compliance with the terms and conditions of the grant. All property retrieved by the Department shall be reassigned by the Director for uses as similar as possible to the original Ecosystem Vision Plan process, Ecosystem Project or Ecosystem Partnership Support purposes.

g) Any real property or interest in real property purchased with State funds, in part or solely, under the Ecosystems Program must have a lien or conservation easement, as deemed appropriate by the Department, recorded on the property and must be available for inspection by Department staff to determine compliance with provisions of the purchase and/or provisions of the grant. Any diversion of such property from its stated uses shall be grounds for recovery of the funds granted toward purchase of the property. The grantee shall replace the property, upon a determination that a diversion has occurred, if the diversion is not addressed to the Department's satisfaction. The Department shall provide written acceptance of the proposed replacement property. Failure to comply with the notification and request for repayment will render the grantee ineligible for participation in this or any other Department grant or cost-share programs. Should the grantee fail to repay the grant funds plus interest, the Department reserves the right to avail itself of judicial means of recovery.

h) The grantee is fully responsible for and must assume all operation and maintenance costs and responsibilities associated with an Ecosystem Vision Plan process, or Ecosystem Project or Ecosystem Partnership Support Grant. The Department will not be responsible for any operation and maintenance costs associated with an Ecosystem Vision Plan process, Ecosystem Project, or
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Ecosystem Partnership Support function, unless that project has been implemented upon Department property, and only with approval prior to submission of the application for the project.

i) Any Conservation 2000 monies not expended or legally obligated at the completion of an Ecosystem Vision Plan process or Ecosystem Project, or during the term of an Ecosystem Partnership Support Grant, must be returned to the Department for deposit in the Conservation 2000 Fund within 45 days. Any expenditure by the grantee that does not comply with the grant will be disallowed and must be returned to the Department for deposit in the Conservation 2000 Fund. Conservation 2000 Fund monies received as an advance payment shall become part of the project principal and must be reported as a part of expenditure documentation. In accordance with Section 10 of the Illinois Grant Funds Recovery Act [30 ILCS 705/10] all interest earned on funds held by the grantee shall become part of the grant when earned. Any interest earned under the grant and not expended as grant principal during the term of the grant shall be returned to the Department.

j) No equipment, materials, supplies or real property purchased as part of an Ecosystem Vision Plan, Ecosystem Project or Ecosystem Partnership Support Grant shall be transferred or disposed of or used in a manner other than specified by the grant without approval of the Department.

k) If Department funds are used, partially or solely, to install land management practices on a property or acquire interests in real property, the grantee cannot develop or use that property in any manner that is not compatible with sustaining the practices or with perpetuating the ecological conditions that were preserved through the acquisition, respectively, unless otherwise specified in the terms and conditions of the grant. No changes or disturbance will be allowed by the grantee on that portion of the property covered by an Ecosystem Project, unless otherwise stipulated in the terms and conditions of the grant, without the written approval of the Director. The terms and conditions of this grant shall be binding on the grantee and any successors or assigns of interests in the real property.

l) If the terms and conditions allow the owner of any outstanding interest in real property acquired through an Ecosystem Project to undertake capital improvements, remove vegetation, disturb soil or similar activities with the grantee's approval, the grantee shall consult with the Department at least 60 days in advance of providing the owner with approval to proceed. The Department shall reply to the grantee, in writing, pursuant to the proposed action of the owner.

m) Department representatives must have reasonable access to an Ecosystem Project at any reasonable time during project development and after completion to assess progress or to ensure continuing compliance with program requirements.
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n) Reports or informational, media, or publicity materials associated with an Ecosystem Vision Plan, Ecosystem Project or Ecosystem Partnership Support Grant must credit the Department and Conservation 2000 Ecosystems Program, and must stipulate that the Department has participated in the development of these materials through financial and other support but does not necessarily endorse all of the views expressed in the materials.

o) The grantee of an Ecosystem Vision Plan, Ecosystem Project or Ecosystem Partnership Support Grant must certify, in writing, that it will comply with all the terms and conditions of the grant agreement for that grantee's specific project.

(Source: Amended at 27 Ill. Reg. 1145, effective January 9, 2003)

Section 1523.160 Natural Resources Cost-Share Ecosystem Planning, Project, and Support Grant Execution and Reimbursement

a) The Department will provide incentives to landowners in the form of cost-share natural resource management practices. These cost-share practices will assist Ecosystem Partnerships in implementing ecosystem management practices and strategies. The success of each Ecosystem Partnership in contributing to an ecosystem based management strategy will depend to a great extent on the cooperation, commitment, and contributions of private landowners within each Ecosystem Partnership Area. The availability of cost-share assistance will further the mission of the Department and the goals of the Conservation 2000 Program. The Department may consult with and coordinate the development of their approved practices with other county, State and federal partners.

b) Installed practices shall meet recommended guidelines and specifications as detailed in the Natural Resources Conservation Service's (NRCS) Technical Guide IL-645-1, and Department adopted modifications to the NRCS Technical Guide for Illinois River 2020 conservation practices (April 2001). These specifications will be used for determining the need and practicality of a cost-share practice, for preparing plans in design and layout, and for certifying proper installation of a practice. Guidelines and specifications may be customized to address site specific ecological needs. Copies of these documents are available at the Department's office located at One Natural Resources Way, Springfield, Illinois 62702-1271, Department Regional Offices, County Soil and Water Conservation District (SWCD) offices, and local NRCS offices.

c) Eligible practices must be recommended in a Natural Resource Management Plan approved by the landowner and the Department. Approved practices will: promote the use of native plants (except where non-native plants can be justified);
increase buffer widths; extend de-watering times, interspersion of habitat types, and control of exotic species; and promote the use of prescribed fire.

d) The landowner is responsible for installing, maintaining and performing all cost-share practices for no less than 10 years from the date of installation (date completed practice is approved by the Ecosystem Partnership and/or Department). Other parties, buyers, or heirs can assume custody, rights, privileges and obligations by signing an agreement to adopt the approved Natural Resource Management Plan. Conversion of a cost-share practice to another non-program land use prior to the expiration of the practice or the unwillingness of new owners to assume custody will require a 100% refund of the cost-share payment and a 15% per annum penalty fee.

e) The amount of reimbursement to a landowner from all sources may not exceed 100% of the base cost of the practice established by the federal Farm Service Agency (FSA). The base cost represents the amount upon which the cost-share maximum is derived. Federal cost-share program assistance will be used for initial payment when federal or other cost-share programs' practices are utilized concurrently with Conservation 2000; the cost-share rate shall equal the rate of the other concurrent cost-share program in effect in the county where the practice is installed.

f) Cost-share practices may be attempted a second time if practice failure was not the direct fault (determined by the Department or its designee) of the landowner. Consumption of renewable resources, as identified in the Natural Resource Management Plan, is allowed on cost-share practice areas. Recreational uses of cost-share practice areas is permitted, but shall be compatible with the management objectives specified in the Natural Resource Management Plan.

g) Cost-share funds shall not be used for the establishment or production of fruit and nut orchards, aquaculture, grass or forb seed production, greentree reservoirs, commercial campgrounds, irrigation systems, Christmas tree production, nurseries, licensed hunting preserves, road construction, bridges, gates, boundary fences, contour farming/strip cropping practices, no-till or strip-till planting systems, or establishment of pasture/haylands. Except as approved by the Department, exotic plants and animals shall not be knowingly released or cultured on cost-share practice areas.

h) Cost-share payments are reimbursements. Landowners will not be allowed advance payment for installing practices. Payments to landowners can only occur after the Department or its designee has certified completion of the approved practices. The grantee is responsible for the periodic inspections of all installed practices. Copies of these inspections shall be sent to the Department within four months after each inspection. Where non-compliance situations are determined,
the landowner will be required, at his or her own expense, to take steps necessary to restore compliance or refund cost-share payments for those practices in non-compliance.

Payment of grant funds will be on a reimbursement basis. However, up to 40% of the granted dollars may be advanced upon a determination that the applicant is prepared to carry out the conditions of the grant. The Director may determine that a higher rate of advanced payment is warranted if it is in the interest of the Department. No work is to begin until a grant agreement has been fully executed between the applicant and the State of Illinois. Work begun before the date of execution of the grant agreement is not reimbursable.

a) At the Department's discretion and with the Department's written approval, expenditures made by the applicant in support of an awarded project made after the date of the press release announcing the award, but before the execution of a grant agreement, may be counted toward the required match. Reimbursement will be pro-rated should the applicant fail to expend the identified match dollars. To initiate a payment under the grant agreement, whether it be an advance payment, interim payment, or final payment, it must be requested through the Ecosystem Coordinator appointed to each Ecosystem Partnership.

b) For approval of an advance payment the applicant must provide evidence of its capacity to begin implementation of a project. For reimbursement payments for completed work, beyond any advance payment and up to and including final payment, evidence of progress toward project completion as outlined in the grant agreement, evidence of expenditure of matching dollars, and signed receipts for all expenditures must accompany all requests for reimbursement. Reimbursements for travel, lodging, and/or per diem shall not be above prevailing State rates set by the Governor's Travel Control Board. Upon signing of the reimbursement request by the Ecosystem Coordinator, the reimbursement request and all supporting documentation must be forwarded to the Ecosystems Program at the contact address provide in Section 1523.180. If the supporting documentation is in order, the Ecosystems Program Manager will process a voucher for payment by the Comptroller. For final payment on a completed project, a final report must be received and approved by the Ecosystem Coordinator. The final report shall contain details of the methods used to fulfill the grant agreement and documentation of completion of the project in accordance with the terms and conditions of the grant agreement.

(Source: Amended at 27 Ill. Reg. 1145, effective January 9, 2003)

Section 1523.170 Program Information/Contact Ecosystem Planning, Project, and Support Grant Compliance Requirements
All recipients of Ecosystem Planning, Ecosystem Project or Ecosystem Partnership Support Grants must comply with the following program requirements:

a) The grantee must notify the media that the Ecosystem Planning Process or Ecosystem Project received funding from the State of Illinois, Department of Natural Resources, Conservation 2000 Fund. All publications, written documents, news articles, TV and radio releases, interviews and personal presentations that relate to this project must credit the Department and Conservation 2000. A notice crediting Conservation 2000 must be posted at the main entrance to any real property or interest in real property purchased under the program.

b) The grantee must provide a written report to the Department by December 31 of each of the first four years for grants or agreements that include the purchase of equipment and/or computer software. Equipment and/or computer software usage reports must include a description of the material, a description of habitat management accomplished, resources protected, theft prevention measures, property and license controls, and a quantitative measure of equipment and/or software usage. Equipment and/or software purchased by the grantee, under the terms of a grant, shall become the property of the grantee. Equipment and/or software acquired under this program may not be employed for commercial purposes, and may only be used for purposes similar to those described in the Ecosystem Planning or Ecosystem Project Grant Agreement.

c) The grantee must provide a written report to the Department within 90 days after receipt of notice of the award of Conservation 2000 Funds for conservation or habitat practices, land acquisition or a conservation easement. The report shall be for the portion(s) of the property covered by a practice, acquisition or easement funded in part or solely by the Department. The report shall include specifics on the project site, ownership, conditions, changes, and any issues specified in the grant agreement. Thereafter, the grantee must provide a written report containing the same information required above, once every 5 years to the Department, throughout the life of the practice, throughout the duration of the easement, or as
long as the acquisition is held in the grantee's ownership. It shall be the obligation of the grantee to ensure that the reporting requirements shall also be binding on any successors or assigns.

d) If the purchase of equipment and/or computer software is part of an Ecosystem Planning, Ecosystem Project or Ecosystem Partnership Support Grant, and the cost of that equipment and/or software, individually or in aggregate from the same vendor, meets or exceeds $10,000, the equipment must either be purchased through an established State, federal or municipal procurement process, or purchased through a competitive procurement process. In the latter case, documentation of invitation, submission, opening, evaluation, correction, withdrawal, and award of bids will be required for reimbursement.

e) If the purchase of professional or artistic services, computer equipment, software or services, or telecommunication equipment, software or services is identified as a project component, the grantee must develop a written process for the solicitation of competitive sealed proposals, unless the grantee determines, in writing, that competitive sealed bidding for a single other procurement is not practical or advantageous; or the grantee determines, in writing, that sole source procurement is the most economically feasible solution.

f) All equipment, materials, supplies or personal property purchased through the C2000 program is subject to retrieval by the Department and/or reassignment by the Director upon dissolution of the grantee, future abandonment of the Ecosystem Planning Process, Ecosystem Project or Ecosystem Support Function, or as a result of grantee non-compliance with the terms and conditions of the grant. All property retrieved by the Department shall be reassigned by the Director for uses as similar as possible to the original Ecosystem Planning Process, Ecosystem Project or Ecosystem Support purposes.

g) Any real property or interest in real property purchased with State funds under the C2000 program must be available for inspection by Department staff to determine compliance with provisions of the purchase and/or provisions of the grant. Any diversion of such property from its stated uses shall be grounds for recovery of the funds granted toward purchase of the property. The grantee shall replace the property, upon a determination that a diversion has occurred, if the diversion is not addressed to the Department's satisfaction. The Department shall provide written acceptance of the proposed replacement property. Failure to comply with the notification and request for repayment will render the grantee ineligible for participation in this or any other Departmental grant or cost-share programs. Should the grantee fail to repay the granted funds plus interest, the Department may avail itself of judicial means of recovery.
h) The grantee is fully responsible for and must assume all operation and maintenance costs and responsibilities associated with an Ecosystem Planning Process, Ecosystem Project or Ecosystem Partnership Support Grant. The Department will not be responsible for any operation and maintenance costs associated with an Ecosystem Planning Process, Ecosystem Project, or Ecosystem Partnership Support Function, unless that project has been implemented upon Department property, and only with approval prior to submission of the application for the project.

i) Any Conservation 2000 monies not expended or legally obligated at the completion of an Ecosystem Planning Process or Ecosystem Project, or during the term of an Ecosystem Partnership Support Grant, must be returned to the Department for deposit in the Conservation 2000 Fund within 45 days. Any expenditure by the grantee that does not comply with the grant will be disallowed and must be returned to the Department for deposit in the Conservation 2000 Fund. Conservation 2000 Fund monies received as an advance payment shall become part of the project principal and must be reported as a part of expenditure documentation. In accordance with Section 10 of the Illinois Grant Funds Recovery Act [30 ILCS 705/10] all interest earned on funds held by the grantee shall become part of the grant when earned. Any interest earned under the grant and not expended as grant principal during the term of the grant shall be returned to the Department.

j) No equipment, materials, supplies or real property purchased as part of an Ecosystem Project or Ecosystem Partnership Support Grant shall be transferred or disposed of or used in a manner other than specified by the grant without approval of the Director.

k) If Department funds are used, partially or solely, to install land management practices on a property or acquire interests in real property, the grantee cannot develop or use that property in any manner that is not compatible with sustaining the practices or with perpetuating the ecological conditions that were preserved through the acquisition, respectively, unless otherwise specified in the terms and conditions of the grant. No changes or disturbance will be allowed by the grantee on that portion of the property covered by a Ecosystem Project, unless otherwise stipulated in the terms and conditions of the grant, without the written approval of the Director of the Department of Natural Resources. The terms and conditions of this grant shall be binding on the grantee and any successors or assigns of interests in the real property.

l) If the grantee possesses the discretionary authority in the terms and conditions to allow the owner of any outstanding interest in real property acquired through an Ecosystem Project to do capital improvements, remove vegetation, disturb soil or
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similar activities, the grantee shall consult with the Department at least 60 days in
advanced of providing such approvals. The Department shall reply to the grantee,
in writing, pursuant to the proposed action of the owner.

m) Department of Natural Resources representatives must have access to an
Ecosystem Project at any reasonable time during project development and after
completion to assess progress or to ensure continuing compliance with program
requirements.

n) Before informational, media, or publicity materials associated with an Ecosystem
Planning, Ecosystem Project or Ecosystem Partnership Support Grant are printed,
released or otherwise duplicated, the Department must review and approve such
material. All such materials must credit the Department and Conservation 2000.

o) The grantee of an Ecosystem Planning or Ecosystem Project Grant must prepare a
Scope of Work document for inclusion in the grant agreement. The Scope of
Work document must include, at minimum, the location, schedule, process,
procedures, staff, subgrantees, budget, and end product of the project being
funded by Conservation 2000 Funds.

p) The grantee of an Ecosystem Planning, Ecosystem Project or Ecosystem
Partnership Support Grant must certify, in writing, that it will comply with all the
terms and conditions of the grant agreement for that grantee's specific project.

(Source: Amended at 27 Ill. Reg. 1145, effective January 9, 2003)

Section 1523.180  Program Information/Contact (Repealed)

Illinois Department of Natural Resources
Office of Realty and Environmental Planning
Conservation 2000, Ecosystems Program
Lincoln Tower Plaza
524 South Second Street
Springfield IL 62701-1787
Telephone: 217-782-7940

(Source: Repealed at 27 Ill. Reg. 1145, effective January 9, 2003)
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1) Heading of the Part: Primary Drinking Water Standards


3) Section numbers: Adopted action:
   611.101, 611.160, 611.220 Amend
   611.250, 611.740, 611.830 Amend
   611.883, 611.902, 611.903 Amend
   611.950, 611.951, 611.952 Add
   611.953, 611.954, 611.955 Add
   611.956, 611.957 Add

4) Statutory authority: 415 ILCS 5/7.2, 17.5, and 27.

5) Effective date of amendments: January 10, 2003

6) Does this rulemaking contain an automatic repeal date?: No.

7) Do these amendments contain incorporations by reference?
   No. The existing text of Part 611 includes numerous incorporations by reference, including a single incorporation in the text that is subject to the present amendments. These amendments, however, do not affect any incorporations by reference.

8) Statement of availability:
   The adopted amendments, a copy of the Board’s opinion and order adopted December 19, 2002, and all materials incorporated by reference are on file at the Board’s principal office and are available for public inspection and copying.

9) Notice of proposal published in Illinois Register:
   October 25, 2002, 26 Ill. Reg. 15176

10) Has JCAR issued a Statement of Objections to these rules? No.

   Section 17.5 of the Environmental Protection Act [415 ILCS 5/17.5] provides that Section 5-35 of the Administrative Procedure Act [5 ILCS 100/5-35] does not apply to
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this rulemaking. Because this rulemaking is not subject to Section 5-35 of the APA, it is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules (JCAR).

11) Differences between proposal and final version:

A table that appears in the Board’s opinion and order of December 19, 2002 in docket R03-4 summarizes the differences between the amendments proposed by the Board in an opinion and order dated September 5, 2002, in consolidated docket R02-1/R02-12/R02-17, and those adopted by an order dated December 19, 2002. Many of the differences are explained in greater detail in the Board’s opinion and order of December 19, 2002 adopting the amendments.

One substantive difference between the proposed and adopted versions of these amendments is the implementation date. As described in the answer to question 15 below, the Board changed the implementation deadline from January 14, 2005 to January 1, 2005 at the request of the Illinois Environmental Protection Agency.

12) Have all the changes agreed upon by the Board and JCAR been made as indicated in the agreements issued by JCAR?

Section 17.5 of the Environmental Protection Act [415 ILCS 5/17.5] provides that Section 5-35 of the Administrative Procedure Act [5 ILCS 100/5-35] does not apply to this rulemaking. Because this rulemaking is not subject to Section 5-35 of the APA, it is not subject to First Notice or to Second Notice review by JCAR.

Since the Notices of Proposed Amendments appeared in the October 25, 2002 issue of the Illinois Register, the Board received a number of suggestions for revisions from JCAR. The Board evaluated each suggestion and incorporated a number of changes into the text as a result, as indicated in the opinion and order of December 19, 2002 in docket R03-4, as indicated in item 11 above. See the December 19, 2002 opinion and order in docket R03-4 for additional details on the JCAR suggestions and the Board actions with regard to each.

13) Will these amendments replace emergency amendments currently in effect? No.

14) Are there any other amendments pending on this Part? No.
15) **Summary and purpose of amendments:**

The following briefly describes the subjects and issues involved in this rulemaking. A comprehensive description is contained in the Board’s opinion and order of December 19, 2002, adopting amendments in docket R03-4, which opinion and order is available from the address below.

This proceeding updates the Illinois SDWA drinking water rules to correspond with amendments adopted by USEPA that appeared in the *Federal Register* during the update period of January 1, 2002 through June 30, 2002. Specifically, the amendments to Part 611 implement the January 14, 2002 (67 Fed. Reg. 1812) federal long-term 1 surface water treatment rule (LT1SWTR). This rule extends the requirements of the earlier December 16, 1998 (63 Fed. Reg. 69478) interim enhanced surface water rule (IESWTR) to smaller water systems. The 1998 IESWTR imposed filtration and disinfection requirements on larger water systems (those providing water to 10,000 persons or more) that use surface water or groundwater under the direct influence of surface water. The 2002 LT1ESWTR extends enhanced filtration and disinfection requirements to smaller public water supplies (those serving fewer than 10,000 persons).

The Board incorporated the January 14, 2002 federal amendments into the Illinois drinking water regulations with only minimal changes to their text. The principal changes made related to the style and structure of the LT1ESWTR. A table that appears in the Board’s opinion and order of December 19, 2002 in docket R03-4 itemizes the several changes made by the Board to the text of the federal rules. Fulfilling one request of the Illinois Environmental Protection Agency, however, has a substantive effect on implementation of the rule. The Agency requested that the Board change the effective date for the LT1ESWTR from January 14, 2005, to the first of a month. The Agency noted that the compliance demonstrations required under the rule are made on a calendar-month basis, and an implementation deadline in the middle of the month thwarts this regulatory scheme. The Board agreed with the Agency, and used January 1, 2005 as the implementation deadline in the adopted Illinois rule.

Tables appear in the Board’s opinion and order of December 19, 2002, in docket R03-4 that list numerous corrections and amendments that are not based on current federal amendments. The tables contain deviations from the literal text of the federal amendments underlying these amendments, as well as corrections and clarifications that the Board made in the base text involved. Persons interested in the details of those corrections and amendments should refer to the December 19, 2002 opinion and order in docket R03-4.
Section 17.5 of the Environmental Protection Act [415 ILCS 5/17.5] provides that Section 5-35 of the Administrative Procedure Act [5 ILCS 100/5-35] does not apply to this rulemaking. Because this rulemaking is not subject to Section 5-35 of the APA, it is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules (JCAR).

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

Please reference consolidated Docket R03-4 and direct inquiries to the following person:

Michael J. McCambridge
Staff Attorney
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Request copies of the Board’s opinion and order of December 19, 2002 at 312-814-3620. Alternatively, you may obtain a copy of the Board’s opinion and order from the Internet at http://www.ipcb.state.il.us.

The full text of the adopted amendments begins on the next page:
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE F: PUBLIC WATER SUPPLIES
CHAPTER I: POLLUTION CONTROL BOARD

PART 611
PRIMARY DRINKING WATER STANDARDS

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AUTHORITY: Implementing Sections 7.2, 17, and 17.5 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/7.2, 17, 17.5, and 27].

ILLINOIS REGISTER

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SUBPART A: GENERAL

Section 611.101 Definitions

As used in this Part, the term:

“Act” means the Environmental Protection Act [415 ILCS 5].

“Agency” means the Illinois Environmental Protection Agency.
BOARD NOTE: The Department of Public Health regulates non-community water supplies (“non-CWSs,” including non-transient, non-community water supplies (“NTNCWSs”) and transient non-community water supplies (“transient non-CWSs”)). For the purposes of regulation of supplies by Public Health by reference to this Part, “Agency” will mean the Department of Public Health.

“Ai” means “inactivation ratio.”

“Approved source of bottled water,” for the purposes of Section 611.130(e)(4), means a source of water and the water therefrom, whether it be from a spring, artesian well, drilled well, municipal water supply, or any other source, that has been inspected and the water sampled, analyzed, and found to be a safe and sanitary quality according to applicable laws and regulations of State and local government agencies having jurisdiction, as evidenced by the presence in the plant of current certificates or notations of approval from each government agency or agencies having jurisdiction over the source, the water it bottles, and the distribution of the water in commerce.
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BOARD NOTE: Derived from 40 CFR 142.62(g)(2) and 21 CFR 129.3(a) (2000) (2002). The Board cannot compile an exhaustive listing of all federal, state, and local laws to which bottled water and bottling water may be subjected. However, the statutes and regulations of which the Board is aware are the following: the Illinois Food, Drug and Cosmetic Act [410 ILCS 620], the Bottled Water Act [815 ILCS 310], the DPH Water Well Construction Code (77 Ill. Adm. Code 920), the DPH Water Well Pump Installation Code (77 Ill. Adm. Code 925), the federal bottled water quality standards (21 CFR 103.35), the federal drinking water processing and bottling standards (21 CFR 129), the federal Current Good Manufacturing Practice in Manufacturing, Packing, or Holding Human Food (21 CFR 110), the federal Fair Packaging and Labeling Act (15 USC 1451 et seq.), and the federal Fair Packaging and Labeling regulations (21 CFR 201).

“Best available technology” or “BAT” means the best technology, treatment techniques or other means that USEPA has found are available for the contaminant in question. BAT is specified in Subpart F of this Part.

“Board” means the Illinois Pollution Control Board.

“CAS No.” means “Chemical Abstracts Services Number.”

“CT” or “CTcalc” is the product of “residual disinfectant concentration” (RDC or C) in mg/L determined before or at the first customer, and the corresponding “disinfectant contact time” (T) in minutes. If a supplier applies disinfectants at more than one point prior to the first customer, it must determine the CT of each disinfectant sequence before or at the first customer to determine the total percent inactivation or “total inactivation ratio.” In determining the total inactivation ratio, the supplier must determine the RDC of each disinfection sequence and corresponding contact time before any subsequent disinfection application points. (See “CT99.9.”)

“CT99.9” is the CT value required for 99.9 percent (3-log) inactivation of Giardia lamblia cysts. CT99.9 for a variety of disinfectants and conditions appear in Tables 1.1-1.6, 2.1 and 3.1 of Section 611.Appendix B. (See “Inactivation Ratio.”)

BOARD NOTE: Derived from the definition of “CT” in 40 CFR 141.2 (2000).

“Coagulation” means a process using coagulant chemicals and mixing by which colloidal and suspended materials are destabilized and agglomerated into flocs.
“Community water system” or “CWS” means a public water system (PWS) that serves at least 15 service connections used by year-round residents or regularly serves at least 25 year-round residents.

BOARD NOTE: This definition differs slightly from that of Section 3.05 of the Act.

“Compliance cycle” means the nine-year calendar year cycle during which public water systems (PWSs) must monitor. Each compliance cycle consists of three three-year compliance periods. The first calendar cycle begins January 1, 1993, and ends December 31, 2001; the second begins January 1, 2002, and ends December 31, 2010; the third begins January 1, 2011, and ends December 31, 2019.

“Compliance period” means a three-year calendar year period within a compliance cycle. Each compliance cycle has three three-year compliance periods. Within the first compliance cycle, the first compliance period runs from January 1, 1993, to December 31, 1995; the second from January 1, 1996, to December 31, 1998; the third from January 1, 1999, to December 31, 2001.

“Comprehensive performance evaluation” or “CPE” is a thorough review and analysis of a treatment plant’s performance-based capabilities and associated administrative, operation, and maintenance practices. It is conducted to identify factors that may be adversely impacting a plant’s capability to achieve compliance and emphasizes approaches that can be implemented without significant capital improvements.

BOARD NOTE: The final sentence of the definition of “comprehensive performance evaluation” in 40 CFR 141.2 is codified as Section 611.160(a)(2), since it contains substantive elements that are more appropriate in a substantive provision.

“Confluent growth” means a continuous bacterial growth covering the entire filtration area of a membrane filter or a portion thereof, in which bacterial colonies are not discrete.

“Contaminant” means any physical, chemical, biological or radiological substance or matter in water.

“Conventional filtration treatment” means a series of processes including coagulation, flocculation, sedimentation, and filtration resulting in substantial particulate removal.
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“Diatomaceous earth filtration” means a process resulting in substantial particulate removal in which:

A precoat cake of diatomaceous earth filter media is deposited on a support membrane (septum); and

While the water is filtered by passing through the cake on the septum, additional filter media known as body feed is continuously added to the feed water to maintain the permeability of the filter cake.

“Direct filtration” means a series of processes including coagulation and filtration but excluding sedimentation resulting in substantial particulate removal.

“Disinfectant” means any oxidant, including but not limited to chlorine, chlorine dioxide, chloramines, and ozone added to water in any part of the treatment or distribution process, that is intended to kill or inactivate pathogenic microorganisms.

“Disinfectant contact time” or “T” means the time in minutes that it takes for water to move from the point of disinfectant application or the previous point of RDC measurement to a point before or at the point where RDC is measured.

Where only one RDC is measured, T is the time in minutes that it takes for water to move from the point of disinfectant application to a point before or at the point where RDC is measured.

Where more than one RDC is measured, T is:

For the first measurement of RDC, the time in minutes that it takes for water to move from the first or only point of disinfectant application to a point before or at the point where the first RDC is measured, and

For subsequent measurements of RDC, the time in minutes that it takes for water to move from the previous RDC measurement point to the RDC measurement point for which the particular T is being calculated.
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T in pipelines must be calculated based on “plug flow” by dividing the internal volume of the pipe by the maximum hourly flow rate through that pipe.

T within mixing basins and storage reservoirs must be determined by tracer studies or an equivalent demonstration.

“Disinfection” means a process that inactivates pathogenic organisms in water by chemical oxidants or equivalent agents.

“Disinfection byproduct” or “DBP” means a chemical byproduct that forms when disinfectants used for microbial control react with naturally occurring compounds already present in source water. DBPs include, but are not limited to, bromodichloromethane, bromoform, chloroform, dichloroacetic acid, bromate, chlorite, dibromochloromethane, and certain haloacetic acids.

“Disinfection profile” is a summary of daily Giardia lamblia inactivation through the treatment plant. The procedure for developing a disinfection profile is contained in Section 611.742.

“Distribution system” includes all points downstream of an “entry point” to the point of consumer ownership.

“Domestic or other non-distribution system plumbing problem” means a coliform contamination problem in a PWS with more than one service connection that is limited to the specific service connection from which the coliform-positive sample was taken.

“Dose equivalent” means the product of the absorbed dose from ionizing radiation and such factors as account for differences in biological effectiveness due to the type of radiation and its distribution in the body as specified by the International Commission on Radiological Units and Measurements (ICRU).

“Enhanced coagulation” means the addition of sufficient coagulant for improved removal of disinfection byproduct (DBP) precursors by conventional filtration treatment.

“Enhanced softening” means the improved removal of disinfection byproduct (DBP) precursors by precipitative softening.
“Entry point” means a point just downstream of the final treatment operation, but upstream of the first user and upstream of any mixing with other water. If raw water is used without treatment, the “entry point” is the raw water source. If a PWS receives treated water from another PWS, the “entry point” is a point just downstream of the other PWS, but upstream of the first user on the receiving PWS, and upstream of any mixing with other water.

“Filter profile” is a graphical representation of individual filter performance, based on continuous turbidity measurements or total particle counts versus time for an entire filter run, from startup to backwash inclusively, that includes an assessment of filter performance while another filter is being backwashed.

“Filtration” means a process for removing particulate matter from water by passage through porous media.

“Flocculation” means a process to enhance agglomeration or collection of smaller floc particles into larger, more easily settleable particles through gentle stirring by hydraulic or mechanical means.

“GAC10” means granular activated carbon (GAC) filter beds with an empty-bed contact time of 10 minutes based on average daily flow and a carbon reactivation frequency of every 180 days.

“GC” means “gas chromatography” or “gas-liquid phase chromatography.”

“GC/MS” means gas chromatography (GC) followed by mass spectrometry (MS).

“Gross alpha particle activity” means the total radioactivity due to alpha particle emission as inferred from measurements on a dry sample.

“Gross beta particle activity” means the total radioactivity due to beta particle emission as inferred from measurements on a dry sample.

“Groundwater under the direct influence of surface water” means any water beneath the surface of the ground with significant occurrence of insects or other macroorganisms, algae, or large-diameter pathogens, such as Giardia lamblia or (for Subpart B systems serving at least 10,000 persons only) Cryptosporidium, or significant and relatively rapid shifts in water characteristics, such as turbidity,
temperature, conductivity, or pH, that closely correlate to climatological or surface water conditions. “Groundwater under the direct influence of surface water” is as determined in Section 611.212.

“GWS” means “groundwater system,” a public water supply (PWS) that uses only groundwater sources. BOARD NOTE: Drawn from 40 CFR 141.23(b)(2) & 141.24(f)(2) note(2000)(2002).

“Haloacetic acids (five)” or “HAA5” means the sum of the concentrations in milligrams per liter (mg/L) of five haloacetic acid compounds (monochloroacetic acid, dichloroacetic acid, trichloroacetic acid, monobromoacetic acid, and dibromoacetic acid), rounded to two significant figures after addition.

“Halogen” means one of the chemical elements chlorine, bromine or iodine.

“HPC” means “heterotrophic plate count,” measured as specified in Section 611.531(c).

“Inactivation ratio” (Ai) means:

\[ Ai = \frac{CT_{\text{calc}}}{CT_{99.9}} \]

The sum of the inactivation ratios, or “total inactivation ratio” (B) is calculated by adding together the inactivation ratio for each disinfection sequence:

\[ B = \sum(Ai) \]

A total inactivation ratio equal to or greater than 1.0 is assumed to provide a 3-log inactivation of Giardia lamblia cysts. BOARD NOTE: Derived from the definition of “CT” in 40 CFR 141.2(2000)(2002).

“Initial compliance period” means the three-year compliance period that begins January 1, 1993, except for the MCLs for dichloromethane, 1,2,4-trichlorobenzene, 1,1,2-trichloroethane, benzo(a)pyrene, dalapon, di(2-ethylhexyl) adipate, di(2-ethylhexyl) phthalate, dinoseb, diquat, endothall, endrin, glyphosate, hexachlorobenzene, hexachlorocyclopentadiene, oxamyl, picloram, simazine, 2,3,7,8-TCDD, antimony,
beryllium, cyanide, nickel, and thallium as they apply to suppliers whose supplies have fewer than 150 service connections, for which it means the three-year compliance period that begins on January 1, 1996.

“Inorganic contaminants” or “IOCs” refers to that group of contaminants designated as such in United States Environmental Protection Agency (USEPA) regulatory discussions and guidance documents. IOCs include antimony, asbestos, barium, beryllium, cadmium, chromium, cyanide, mercury, nickel, nitrate, nitrite, selenium, and thallium.


“L” means “liter.”

“Legionella” means a genus of bacteria, some species of which have caused a type of pneumonia called Legionnaires Disease.

“Man-made beta particle and photon emitters” means all radionuclides emitting beta particles or photons listed in “Maximum Permissible Body Burdens and Maximum Permissible Concentrations of Radionuclides in Air and in Water for Occupational Exposure,” NCRP Report Number 22, incorporated by reference in Section 611.102, except the daughter products of thorium-232, uranium-235 and uranium-238.

“Maximum contaminant level” or “MCL” means the maximum permissible level of a contaminant in water that is delivered to any user of a public water system. (See Section 611.121.)

“Maximum contaminant level goal” or “MCLG” means the maximum level of a contaminant in drinking water at which no known or anticipated adverse effect on the health of persons would occur, and which allows an adequate margin of safety. MCLGs are nonenforceable health goals.

BOARD NOTE: The Board has not routinely adopted the regulations relating to the federal MCLGs because they are outside the scope of the Board’s identical-in-substance mandate under Section 17.5 of the Act.

“Maximum residual disinfectant level” or “MRDL” means the maximum permissible level of a disinfectant added for water treatment that may not be exceeded at the consumer’s tap without an unacceptable possibility of adverse health effects. MRDLs are enforceable in the same manner as are MCLs. (See Section 611.313 and Section 611.383.)
“Maximum residual disinfectant level goal” or “MRDLG” means the maximum level of a disinfectant added for water treatment at which no known or anticipated adverse effect on the health of persons would occur, and which allows an adequate margin of safety. MRDLGs are nonenforceable health goals and do not reflect the benefit of the addition of the chemical for control of waterborne microbial contaminants.

“Maximum total trihalomethane potential” or “MTP” means the maximum concentration of total trihalomethanes (TTHMs) produced in a given water containing a disinfectant residual after 7 days at a temperature of 25° C or above.

“MFL” means millions of fibers per liter larger than 10 micrometers.

“mg” means milligrams (1/1000 of a gram).

“mg/L” means milligrams per liter.

“Mixed system” means a PWS that uses both groundwater and surface water sources.

“MUG” means 4-methyl-umbelliferyl-beta-d-glucuronide.

“Near the first service connection” means at one of the 20 percent of all service connections in the entire system that are nearest the public water system (PWS) treatment facility, as measured by water transport time within the distribution system.

“nm” means nanometer (1/1,000,000,000 of a meter).

“Non-community water system” or “NCWS” or “non-CWS” means a public water system (PWS) that is not a community water system (CWS). A non-community water system is either a “transient non-community water system (TWS)” or a “non-transient non-community water system (NTNCWS).”
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“Non-transient non-community water system” or “NTNCWS” means a public water system (PWS) that is not a community water system (CWS) and that regularly serves at least 25 of the same persons over six months per year.

“NPDWR” means “national primary drinking water regulation.”

“NTU” means “nephelometric turbidity units.”

“Old MCL” means one of the inorganic maximum contaminant levels (MCLs), codified at Section 611.300, or organic MCLs, codified at Section 611.310, including any marked as “additional State requirements.” BOARD NOTE: Old MCLs are those derived prior to the implementation of the USEPA “Phase II” regulations. The Section 611.640 definition of this term, which applies only to Subpart O of this Part, differs from this definition in that the definition does not include the Section 611.300 inorganic MCLs.

“P-A Coliform Test” means “Presence-Absence Coliform Test.”

“Paired sample” means two samples of water for Total Organic Carbon (TOC). One sample is of raw water taken prior to any treatment. The other sample is taken after the point of combined filter effluent and is representative of the treated water. These samples are taken at the same time. (See Section 611.382.)

“Performance evaluation sample” or “PE sample” means a reference sample provided to a laboratory for the purpose of demonstrating that the laboratory can successfully analyze the sample within limits of performance specified by the Agency; or, for bacteriological laboratories, Public Health; or, for radiological laboratories, the Illinois Department of Nuclear Safety. The true value of the concentration of the reference material is unknown to the laboratory at the time of the analysis.

“Person” means an individual, corporation, company, association, partnership, state, unit of local government, or federal agency.

“Phase I” refers to that group of chemical contaminants and the accompanying regulations promulgated by USEPA on July 8, 1987, at 52 Fed. Reg. 25712.

“Phase IIIB” refers to that group of chemical contaminants and the accompanying regulations promulgated by USEPA on July 1, 1991, at 56 Fed. Reg. 30266.

“Phase V” refers to that group of chemical contaminants promulgated by USEPA on July 17, 1992, at 57 Fed. Reg. 31776.

“Picocurie” or “pCi” means the quantity of radioactive material producing 2.22 nuclear transformations per minute.

“Point of disinfectant application” is the point at which the disinfectant is applied and downstream of which water is not subject to recontamination by surface water runoff.

“Point-of-entry treatment device” or “POE” is a treatment device applied to the drinking water entering a house or building for the purpose of reducing contaminants in the drinking water distributed throughout the house or building.

“Point-of-use treatment device” or “POU” is a treatment device applied to a single tap used for the purpose of reducing contaminants in drinking water at that one tap.

“Public Health” means the Illinois Department of Public Health.

BOARD NOTE: The Department of Public Health (“Public Health”) regulates non-community water supplies (“non-CWSs,” including non-transient, non-community water supplies (“NTNCWSs”) and transient non-community water supplies (“transient non-CWSs”). For the purposes of regulation of supplies by Public Health by reference to this Part, “Agency” must mean Public Health.

“Public water system” or “PWS” means a system for the provision to the public of water for human consumption through pipes or other constructed conveyances, if such system has at least 15 service connections or regularly serves an average of at least 25 individuals daily at least 60 days out of the year. A PWS is either a community water system (CWS) or a non-community water system (non-CWS). Such term includes:

Any collection, treatment, storage, and distribution facilities under control of the operator of such system and used primarily in connection with such system; and
Any collection or pretreatment storage facilities not under such control that are used primarily in connection with such system.

BOARD NOTE: Where used in Subpart F, “public water supply” means the same as “public water system.”

“Radioactive contaminants” refers to that group of contaminants designated “radioactive contaminants” in USEPA regulatory discussions and guidance documents. “Radioactive contaminants” include tritium, strontium-89, strontium-90, iodine-131, cesium-134, gross beta emitters, and other nuclides.

BOARD NOTE: Derived from 40 CFR 141.25(c) Table B (2000) (2002). These radioactive contaminants must be reported in Consumer Confidence Reports under Subpart U when they are detected above the levels indicated in Section 611.720(c)(3).

“Reliably and consistently” below a specified level for a contaminant means an Agency determination based on analytical results following the initial detection of a contaminant to determine the qualitative condition of water from an individual sampling point or source. The Agency must base this determination on the consistency of analytical results, the degree below the MCL, the susceptibility of source water to variation, and other vulnerability factors pertinent to the contaminant detected that may influence the quality of water.


“Rem” means the unit of dose equivalent from ionizing radiation to the total body or any internal organ or organ system. A “millirem (mrem)” is 1/1000 of a rem.

“Repeat compliance period” means a compliance period that begins after the initial compliance period.

“Representative” means that a sample must reflect the quality of water that is delivered to consumers under conditions when all sources required to supply water under normal conditions are in use and all treatment is properly operating.

“Residual disinfectant concentration” (“RDC” or “C” in CT calculations) means the concentration of disinfectant measured in mg/L in a representative sample of water. For purposes of the requirement of Section 611.241(d) of maintaining a detectable RDC in the distribution system, “RDC” means a residual of free or combined chlorine.
“Safe Drinking Water Act” or “SDWA” means the Public Health Service Act, as amended by the Safe Drinking Water Act, Pub. L. 93-523, 42 USC 300f et seq.

“Sanitary survey” means an onsite review of the water source, facilities, equipment, operation and maintenance of a public water system (PWS) for the purpose of evaluating the adequacy of such source, facilities, equipment, operation and maintenance for producing and distributing safe drinking water.

“Sedimentation” means a process for removal of solids before filtration by gravity or separation.

“SEP” means special exception permit (Section 611.110).

“Service connection,” as used in the definition of public water system, does not include a connection to a system that delivers water by a constructed conveyance other than a pipe if any of the following is true:

The water is used exclusively for purposes other than residential use (consisting of drinking, bathing, and cooking, or other similar uses);

The Agency determines by issuing an SEP that alternative water for residential use or similar uses for drinking and cooking is provided to achieve the equivalent level of public health protection provided by the applicable national primary drinking water regulations; or

The Agency determines by issuing an SEP that the water provided for residential use or similar uses for drinking, cooking, and bathing is centrally treated or treated at the point of entry by the provider, a pass-through entity, or the user to achieve the equivalent level of protection provided by the applicable national primary drinking water regulations.


“Slow sand filtration” means a process involving passage of raw water through a bed of sand at low velocity (generally less than 0.4 meters per hour (m/h)) resulting in substantial particulate removal by physical and biological mechanisms.
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“SOC” or “Synthetic organic chemical contaminant” refers to that group of contaminants designated as “SOCs,” or “synthetic organic chemicals” or “synthetic organic contaminants,” in USEPA regulatory discussions and guidance documents. “SOCs” include alachlor, aldicarb, aldicarb sulfone, aldicarb sulfoxide, atrazine, benzo[a]pyrene, carbofuran, chlordane, dalapon, dibromoethylene (ethylene dibromide or EDB), dibromochloropropane (DBCP), di(2-ethylhexyl)adipate, di(2-ethylhexyl)phthalate, dinoseb, diquat, endothall, endrin, glyphosate, heptachlor, heptachlor epoxide, hexachlorobenzene, hexachlorocyclopentadiene, lindane, methoxychlor, oxamyl, pentachlorophenol, picloram, simazine, toxaphene, polychlorinated biphenyls (PCBs), 2,4-D, 2,3,7,8-TCDD, and 2,4,5-TP.

“Source” means a well, reservoir, or other source of raw water.

“Special irrigation district” means an irrigation district in existence prior to May 18, 1994 that provides primarily agricultural service through a piped water system with only incidental residential use or similar use, where the system or the residential users or similar users of the system comply with either of the following exclusion conditions:

The Agency determines by issuing an SEP that alternative water is provided for residential use or similar uses for drinking or cooking to achieve the equivalent level of public health protection provided by the applicable national primary drinking water regulations; or

The Agency determines by issuing an SEP that the water provided for residential use or similar uses for drinking, cooking, and bathing is centrally treated or treated at the point of entry by the provider, a pass-through entity, or the user to achieve the equivalent level of protection provided by the applicable national primary drinking water regulations.


“Standard sample” means the aliquot of finished drinking water that is examined for the presence of coliform bacteria.

“Subpart B system” means a public water system that uses surface water or groundwater under the direct influence of surface water as a source and which is subject to the requirements of Subpart B and the analytical and monitoring
requirements of Sections 611.531, 611.532, 611.533, 611.Appendix B, and 611.Appendix C of this Part.

“Supplier of water” or “supplier” means any person who owns or operates a public water system (PWS). This term includes the “official custodian.”

“Surface water” means all water that is open to the atmosphere and subject to surface runoff.

“SUVA” means specific ultraviolet absorption at 254 nanometers (nm), which is an indicator of the humic content of water. It is a calculated parameter obtained by dividing a sample’s ultraviolet absorption at a wavelength of 254 nm (UV\textsubscript{254}) (in m\textsuperscript{-1}) by its concentration of dissolved organic carbon (in mg/L).

“SWS” means “surface water system,” a public water supply (PWS) that uses only surface water sources, including “groundwater under the direct influence of surface water.”

BOARD NOTE: Drawn Derived from 40 CFR 141.23(b)(2) and 141.24(f)(2) note (2000), (2002).

“System with a single service connection” means a system that supplies drinking water to consumers via a single service line.

“Too numerous to count” means that the total number of bacterial colonies exceeds 200 on a 47-mm diameter membrane filter used for coliform detection.

“Total organic carbon” or “TOC” means total organic carbon (in mg/L) measured using heat, oxygen, ultraviolet irritation, chemical oxidants, or combinations of these oxidants that convert organic carbon to carbon dioxide, rounded to two significant figures.

“Total trihalomethanes” or “TTHM” means the sum of the concentration of trihalomethanes (THMs), in milligrams per liter (mg/L), rounded to two significant figures.

BOARD NOTE: See the definition of “trihalomethanes” for a listing of the four compounds that USEPA considers TTHMs to comprise.
“Transient, non-community water system” or “transient non-CWS” means a non-CWS that does not regularly serve at least 25 of the same persons over six months of the year.

BOARD NOTE: The federal regulations apply to all “public water systems,” which are defined as all systems having at least 15 service connections or regularly serving water to at least 25 persons. (See 42 USC 300f(4).) The Act mandates that the Board and the Agency regulate “public water supplies,” which it defines as having at least 15 service connections or regularly serving 25 persons daily at least 60 days per year. (See Section 3.28 of the Act [415 ILCS 5/3.28].) The Department of Public Health regulates transient, non-community water systems.

“Treatment” means any process that changes the physical, chemical, microbiological, or radiological properties of water, is under the control of the supplier, and is not a point-of-use treatment device or a point-of-entry treatment device as defined in this Section. Treatment includes, but is not limited to, aeration, coagulation, sedimentation, filtration, activated carbon treatment, disinfection, and fluoridation.

“Trihalomethane” or “THM” means one of the family of organic compounds, named as derivatives of methane, in which three of the four hydrogen atoms in methane are each substituted by a halogen atom in the molecular structure. The THMs are the following compounds:

- Trichloromethane (chloroform),
- Dibromochloromethane,
- Bromodichloromethane, and
- Tribromomethane (bromoform)

“µg” means micrograms (1/1,000,000 of a gram).

“USEPA” or “U.S. EPA” means the U.S. Environmental Protection Agency.

“Uncovered finished water storage facility” is a tank, reservoir, or other facility that is open to the atmosphere and which is used to store water that will undergo no further treatment except residual disinfection.
“Virus” means a virus of fecal origin that is infectious to humans by waterborne transmission.

“VOC” or “volatile organic chemical contaminant” refers to that group of contaminants designated as “VOCs,” “volatile organic chemicals,” or “volatile organic contaminants,” in USEPA regulatory discussions and guidance documents. “VOCs” include benzene, dichloromethane, tetrachloromethane (carbon tetrachloride), trichloroethylene, vinyl chloride, 1,1,1-trichloroethane (methyl chloroform), 1,1-dichloroethylene, 1,2-dichloroethane, cis-1,2-dichloroethylene, ethylbenzene, monochlorobenzene, o-dichlorobenzene, styrene, 1,2,4-trichlorobenzene, 1,1,2-trichloroethane, tetrachloroethylene, toluene, trans-1,2-dichloroethylene, xylene, and 1,2-dichloropropane.

“Waterborne disease outbreak” means the significant occurrence of acute infectious illness, epidemiologically associated with the ingestion of water from a public water system (PWS) that is deficient in treatment, as determined by the appropriate local or State agency.

“Wellhead protection program” means the wellhead protection program for the State of Illinois, approved by USEPA under Section 1428 of the SDWA. BOARD NOTE: Derived from 40 CFR 141.71(b)-(2000) (2002). The wellhead protection program includes the “groundwater protection needs assessment” under Section 17.1 of the Act, and 35 Ill. Adm. Code 615 et seq.


(Source: Amended at 27 Ill. Reg. 1183, effective January 10, 2003)

Section 611.160 Composite Correction Program

a) The Agency may require in writing that a PWS conduct a Composite Correction Program (CCP). The CCP shall consist of two elements: a Comprehensive Performance Evaluation (CPE) and a Comprehensive Technical Assistance (CTA).

1) A CPE is a thorough review and analysis of a plant’s performance-based capabilities and associated administrative, operation, and maintenance practices. It must identify factors that may be adversely impacting a
plant’s capability to achieve compliance and emphasize approaches that can be implemented without significant capital improvements.

2) For purposes of compliance with Subparts Subparts R and X of this Part, the comprehensive performance evaluation must consist of at least the following components: Assessment of plant performance; evaluation of major unit processes; identification and prioritization of performance limiting factors; assessment of the applicability of comprehensive technical assistance; and preparation of the CPE report.

BOARD NOTE: Subsection (a)(2) of this Section is derived from the third sentence of the definition of “comprehensive performance evaluation” in 40 CFR 141.2 (2002).

3) A CTA is the performance improvement phase that is implemented if the CPE results indicate improved performance potential. During the CTA phase, the PWS shall identify and systematically address plant-specific factors. The CTA is a combination of utilizing CPE results as a basis for followup, implementing process control priority-setting techniques and maintaining long-term involvement to systematically train staff and administrators.

b) A PWS shall implement any followup recommendations made in writing by the Agency that result as part of the CCP.

c) A PWS may appeal to the Board, pursuant to Section 40 of the Act, any Agency requirement that it conduct a CCP or any followup recommendations made in writing by the Agency that result as part of the CCP, except when a CPE is required under Section 611.745(b)(4).


(Source: Amended at 27 Ill. Reg. 1183, effective January 10, 2003)
The requirements of this Subpart constitute NPDWRs. This Subpart establishes criteria under which filtration is required as a treatment technique for PWSs supplied by a surface water source and PWSs supplied by a groundwater source under the direct influence of surface water. In addition, these regulations establish treatment technique requirements in lieu of MCLs for the following contaminants: Giardia lamblia, viruses, HPC bacteria, Legionella, and turbidity. Each supplier with a surface water source or a groundwater source under the direct influence of surface water shall provide treatment of that source water that complies with these treatment technique requirements. The treatment technique requirements consist of installing and properly operating water treatment processes which reliably achieve:

1) At least 99.9 percent (3-log) removal or inactivation of Giardia lamblia cysts between a point where the raw water is not subject to recontamination by surface water runoff and a point downstream before or at the first customer; and

2) At least 99.99 percent (4-log) removal or inactivation of viruses between a point where the raw water is not subject to recontamination by surface water runoff and a point downstream before or at the first customer.

A supplier using a surface water source or a groundwater source under the direct influence of surface water is considered to be in compliance with the requirements of subsection (a) if:

1) It meets the requirements for avoiding filtration in Sections 611.230 through 611.232 and the disinfection requirements in Section 611.241; or

2) It meets the filtration requirements in Section 611.250 and the disinfection requirements in Section 611.242.

Each supplier using a surface water source or a groundwater source under the direct influence of surface water shall have a certified operator pursuant to 35 Ill. Adm. Code 603.103 and the Public Water Supply Operations Act [415 ILCS 45].
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d) Additional requirements for PWSs serving 10,000 or more persons. In addition to complying with requirements in this Subpart, PWSs serving 10,000 or more persons must also comply with the requirements in Subpart R of this Part.

e) Additional requirements for systems serving fewer than 10,000 people. In addition to complying with requirements in this Subpart B, systems serving fewer than 10,000 people must also comply with the requirements in Subpart X of this Part.

BOARD NOTE: Derived from 40 CFR 141.70 (1998) (2002). The Public Water Supply Operations Act applies only to CWSs, which are regulated by the Agency. It does not apply to non-CWSs, which are regulated by Public Health. Public Health has its own requirements for personnel operating water supplies that it regulates, e.g., 77 Ill. Adm. Code 900.40(e).

(Source: Amended at 27 Ill. Reg. 1183, effective January 10, 2003)

Section 611.250 Filtration

A supplier that uses a surface water source or a groundwater source under the direct influence of surface water, and does not meet all of the criteria in Sections 611.231 and 611.232 for avoiding filtration, must provide treatment consisting of both disinfection, as specified in Section 611.242, and filtration treatment that complies with the requirements of subsection (a), (b), (c), (d), or (e) by June 29, 1993, or within 18 months after the failure to meet any one of the criteria for avoiding filtration in Sections 611.231 and 611.232, whichever is later. Failure to meet any requirement after the date specified in this introductory paragraph is a treatment technique violation.

a) Conventional filtration treatment or direct filtration.

1) For a system using conventional filtration or direct filtration, the turbidity level of representative samples of the system’s filtered water must be less than or equal to 0.5 NTU in at least 95 percent of the measurements taken each month, except that if the Agency determines, by special exception permit, that the system is capable of achieving at least 99.9 percent removal or inactivation of Giardia lamblia cysts at some turbidity level higher than 0.5 NTU in at least 95 percent of the measurements taken each month, the Agency must substitute this higher turbidity limit for that system. However, in no case may the Agency approve a turbidity limit
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that allows more than 1 NTU in more than five percent of the samples taken each month.

2) The turbidity level of representative samples of a system’s filtered water must at no time exceed 5 NTU.

3) Beginning January 1, 2001, a supplier serving at least 10,000 or more persons must meet the turbidity requirements of Section 611.743(a).

4) Beginning January 1, 2005, a supplier that serves fewer than 10,000 people must meet the turbidity requirements in Section 611.955.

b) Slow sand filtration.

1) For a system using slow sand filtration, the turbidity level of representative samples of the system’s filtered water must be less than or equal to 1 NTU in at least 95 percent of the measurements taken each month, except that if the Agency determines, by special exception permit, that there is no significant interference with disinfection at a higher level, the Agency must substitute the higher turbidity limit for that system.

2) The turbidity level of representative samples of a system’s filtered water must at no time exceed 5 NTU.

c) Diatomaceous earth filtration.

1) For a system using diatomaceous earth filtration, the turbidity level of representative samples of the system’s filtered water must be less than or equal to 1 NTU in at least 95 percent of the measurements taken each month.

2) The turbidity level of representative samples of a system’s filtered water must at no time exceed 5 NTU.

d) Other filtration technologies. A supplier may use a filtration technology not listed in subsections (a) through (c) if it demonstrates, by special exception permit application, to the Agency, using pilot plant studies or other means, that the alternative filtration technology, in combination with disinfection treatment that meets the requirements of Section 611.242, consistently achieves 99.9 percent
removal or inactivation of Giardia lamblia cysts and 99.99 percent removal or inactivation of viruses. For a supplier that makes this demonstration, the requirements of subsection (b) apply. Beginning January 1, 2002, a supplier serving 10,000 or more persons must meet the requirements for other filtration technologies in Section 611.743(b). Beginning January 1, 2005, a supplier that serves fewer than 10,000 people must meet the requirements for other filtration technologies in Section 611.955.

e) Turbidity is measured as specified in Sections 611.531(d) and 611.533(a).
Beginning January 1, 2002, a supplier serving 10,000 or more persons must meet the turbidity requirements in Section 611.743(a).

(Source: Amended at 27 Ill. Reg. 1183, effective January 10, 2003)

SUBPART R: ENHANCED FILTRATION AND DISINFECTION--SYSTEMS THAT SERVE 10,000 OR MORE PEOPLE

Section 611.740 General Requirements

a) The requirements of this Subpart R are National Primary Drinking Water Regulations. These regulations establish requirements for filtration and disinfection that are in addition to standards under which filtration and disinfection are required under Subpart B of this Part. The requirements of this Subpart are applicable to a Subpart B system supplier serving 10,000 or more persons, beginning January 1, 2002, unless otherwise specified in this Subpart. The regulations in this Subpart establish or extend treatment technique requirements in lieu of maximum contaminant levels (MCLs) for the following contaminants: Giardia lamblia, viruses, heterotrophic plate count bacteria, Legionella, Cryptosporidium, and turbidity. Each Subpart B system supplier serving 10,000 or more persons must provide treatment of its source water that complies with these treatment technique requirements and are in addition to those identified in Section 611.220. The treatment technique requirements consist of installing and properly operating water treatment processes that reliably achieve:

1) At least 99 percent (2-log) removal of Cryptosporidium between a point where the raw water is not subject to recontamination by surface water
runoff and a point downstream before or at the first customer for filtered systems, or Cryptosporidium control under the watershed control plan for unfiltered systems; and

2) Compliance with the profiling and benchmark requirements under the provisions of Section 611.742.

b) A PWS supplier subject to the requirements of this Subpart is considered to be in compliance with the requirements of subsection (a) of this Section if:

1) It meets the requirements for avoiding filtration in Sections 611.232 and 611.741, and the disinfection requirements in Sections 611.240 and 611.742; or

2) It meets the applicable filtration requirements in either Section 611.250 or Section 611.743, and the disinfection requirements in Sections 611.240 and 611.742.

c) A supplier must not begin construction of uncovered finished water storage facilities after February 16, 1999.

d) A Subpart B system supplier that did not conduct optional monitoring under Section 611.742 because it served fewer than 10,000 persons when such monitoring was required, but which serves more than 10,000 persons prior to January 1, 2005 must comply with Sections 611.740, 611.741, 611.743, 611.744, and 611.745. Such a supplier must also obtain the approval of the Agency to establish a disinfection benchmark. A supplier that decides to make a significant change to its disinfection practice, as described in Section 611.742(c)(1)(A) through (c)(1)(D) must obtain the approval of the Agency prior to making such a change.


(Source: Amended at 27 Ill. Reg. 1183, effective January 10, 2003)
Section 611.830 Applicability

Except as otherwise provided, this Subpart T applies to violations of both identical in substance regulations and additional State requirements.

(Source: Amended at 26 Ill. Reg. 1183, effective January 10, 2003)

SUBPART U: CONSUMER CONFIDENCE REPORTS

Section 611.883 Content of the Reports

a) Each CWS must provide to its customers an annual report that contains the information specified in this Section and Section 611.884.

b) Information on the source of the water delivered.

1) Each report must identify the sources of the water delivered by the CWS by providing information on the following:

A) The type of the water (e.g., surface water, groundwater); and

B) The commonly used name (if any) and location of the body (or bodies) of water.

2) If a source water assessment has been completed, the report must notify consumers of the availability of this information and the means to obtain it. In addition, systems are encouraged to highlight in the report significant sources of contamination in the source water area if they have readily available information. Where a system has received a source water assessment from the Agency, the report must include a brief summary of the system’s susceptibility to potential sources of contamination, using language provided by the Agency or written by the PWS.

c) Definitions.

1) Each report must include the following definitions:
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A) Maximum Contaminant Level Goal or MCLG: The level of a contaminant in drinking water below which there is no known or expected risk to health. MCLGs allow for a margin of safety.

BOARD NOTE: Although an MCLG is not an NPDWR that the Board must include in the Illinois SDWA regulations, the use of this definition is mandatory where the term “MCLG” is defined.

B) Maximum Contaminant Level or MCL: The highest level of a contaminant that is allowed in drinking water. MCLs are set as close to the MCLGs as feasible using the best available treatment technology.

2) A report for a CWS operating under relief from an NPDWR issued under Sections 611.111, 611.112, 611.130, or 611.131 must include the following definition: “Variances, Adjusted Standards, and Site-specific Rules: State permission not to meet an MCL or a treatment technique under certain conditions.”

3) A report that contains data on contaminants that USEPA regulates using any of the following terms must include the applicable definitions:

A) Treatment technique: A required process intended to reduce the level of a contaminant in drinking water.

B) Action level: The concentration of a contaminant that, if exceeded, triggers treatment or other requirements which a water system must follow.

C) Maximum residual disinfectant level goal or MRDLG: The level of a drinking water disinfectant below which there is no known or expected risk to health. MRDLGs do not reflect the benefits of the use of disinfectants to control microbial contaminants.

BOARD NOTE: Although an MRDLG is not an NPDWR that the Board must include in the Illinois SDWA regulations, the use of this definition is mandatory where the term “MRDLG” is defined.
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D) Maximum residual disinfectant level or MRDL: The highest level of a disinfectant allowed in drinking water. There is convincing evidence that addition of a disinfectant is necessary for control of microbial contaminants.

d) Information on detected contaminants.

1) This subsection (d) specifies the requirements for information to be included in each report for contaminants subject to mandatory monitoring (except Cryptosporidium). It applies to the following:

A) Contaminants subject to an MCL, action level, MRDL, or treatment technique (regulated contaminants);

B) Contaminants for which monitoring is required by Section 611.510 (unregulated contaminants); and

C) Disinfection byproducts or microbial contaminants for which monitoring is required by Section 611.382 and Subpart L, except as provided under subsection (e)(1) of this Section, and which are detected in the finished water.

2) The data relating to these contaminants must be displayed in one table or in several adjacent tables. Any additional monitoring results that a CWS chooses to include in its report must be displayed separately.

3) The data must be derived from data collected to comply with monitoring and analytical requirements during calendar year 1998 for the first report and subsequent calendar years thereafter, except that the following requirements also apply:

A) Where a system is allowed to monitor for regulated contaminants less often than once a year, the tables must include the date and results of the most recent sampling, and the report must include a brief statement indicating that the data presented in the report is from the most recent testing done in accordance with the regulations. No data older than five years need be included.
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B) Results of monitoring in compliance with Section 611.382 and Subpart L need only be included for five years from the date of last sample or until any of the detected contaminants becomes regulated and subject to routine monitoring requirements, whichever comes first.

4) For detected regulated contaminants (listed in Appendix A of this Part), the tables must contain the following:

A) The MCL for that contaminant expressed as a number equal to or greater than 1.0 (as provided in Appendix A of this Part);

B) The Maximum Contaminant Level Goal (MCLG) for that contaminant expressed in the same units as the MCL;

C) If there is no MCL for a detected contaminant, the table must indicate that there is a treatment technique, or specify the action level, applicable to that contaminant, and the report must include the definitions for treatment technique or action level, as appropriate, specified in subsection (c)(3) of this Section;

D) For contaminants subject to an MCL, except turbidity and total coliforms, the highest contaminant level used to determine compliance with an NPDWR, and the range of detected levels, as follows:

i) When compliance with the MCL is determined annually or less frequently: the highest detected level at any sampling point and the range of detected levels expressed in the same units as the MCL.

ii) When compliance with the MCL is determined by calculating a running annual average of all samples taken at a sampling point: the highest average of any of the sampling points and the range of all sampling points expressed in the same units as the MCL.

iii) When compliance with the MCL is determined on a system-wide basis by calculating a running annual average of all
samples at all sampling points: the average and range of detection expressed in the same units as the MCL;

BOARD NOTE to subsection (d)(4)(D): When rounding of results to determine compliance with the MCL is allowed by the regulations, rounding should be done prior to multiplying the results by the factor listed in Appendix A; derived from 40 CFR 153 (1999) (2002).

E) For turbidity the following:

i) When it is reported pursuant to Section 611.560: the highest average monthly value.

ii) When it is reported pursuant to the requirements of Section 611.211(b): the highest monthly value. The report must include an explanation of the reasons for measuring turbidity.

iii) When it is reported pursuant to Section 611.250, or 611.743, or 611.955(b): the highest single measurement and the lowest monthly percentage of samples meeting the turbidity limits specified in Section 611.250, or 611.743, or 611.955(b) for the filtration technology being used. The report must include an explanation of the reasons for measuring turbidity;

F) For lead and copper the following: the 90th percentile value of the most recent round of sampling and the number of sampling sites exceeding the action level;

G) For total coliform the following:

i) The highest monthly number of positive samples for systems collecting fewer than 40 samples per month; or

ii) The highest monthly percentage of positive samples for systems collecting at least 40 samples per month;
H) For fecal coliform the following: the total number of positive samples; and

I) The likely sources of detected contaminants to the best of the supplier’s knowledge. Specific information regarding contaminants may be available in sanitary surveys and source water assessments, and must be used when available to the supplier. If the supplier lacks specific information on the likely source, the report must include one or more of the typical sources for that contaminant listed in Appendix G of this Part which are most applicable to the CWS.

5) If a CWS distributes water to its customers from multiple hydraulically independent distribution systems that are fed by different raw water sources, the table must contain a separate column for each service area and the report must identify each separate distribution system. Alternatively, a CWS may produce separate reports tailored to include data for each service area.

6) The tables must clearly identify any data indicating violations of MCLs, MRDLs, or treatment techniques, and the report must contain a clear and readily understandable explanation of the violation including the following: the length of the violation, the potential adverse health effects, and actions taken by the CWS to address the violation. To describe the potential health effects, the CWS must use the relevant language of Appendix A of this Part.

7) For detected unregulated contaminants for which monitoring is required (except Cryptosporidium), the tables must contain the average and range at which the contaminant was detected. The report may include a brief explanation of the reasons for monitoring for unregulated contaminants.

e) Information on Cryptosporidium, radon, and other contaminants:

1) If the CWS has performed any monitoring for Cryptosporidium, including monitoring performed to satisfy the requirements of Subpart L of this Part, that indicates that Cryptosporidium may be present in the source water or the finished water, the report must include the following:

A) A summary of the results of the monitoring; and
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B) An explanation of the significance of the results.

2) If the CWS has performed any monitoring for radon which indicates that radon may be present in the finished water, the report must include the following:

A) The results of the monitoring; and

B) An explanation of the significance of the results.

3) If the CWS has performed additional monitoring that indicates the presence of other contaminants in the finished water, the report must include the following:

A) The results of the monitoring; and

B) An explanation of the significance of the results noting the existence of any health advisory or proposed regulation.

f) Compliance with an NPDWR. In addition to the requirements of subsection (d)(6) of this Section, the report must note any violation that occurred during the year covered by the report of a requirement listed below, and include a clear and readily understandable explanation of the violation, any potential adverse health effects, and the steps the CWS has taken to correct the violation.

1) Monitoring and reporting of compliance data;

2) Filtration and disinfection prescribed by Subpart B of this Part. For CWSs that have failed to install adequate filtration or disinfection equipment or processes, or have had a failure of such equipment or processes which constitutes a violation, the report must include the following language as part of the explanation of potential adverse health effects: Inadequately treated water may contain disease-causing organisms. These organisms include bacteria, viruses, and parasites that can cause symptoms such as nausea, cramps, diarrhea, and associated headaches.

3) Lead and copper control requirements prescribed by Subpart G of this Part. For systems that fail to take one or more actions prescribed by Sections 611.350(d), 611.351, 611.352, 611.353, or 611.354, the report must include
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the applicable language of Appendix A of this Part for lead, copper, or both.

4) Treatment techniques for acrylamide and epichlorohydrin prescribed by Section 611.296. For systems that violate the requirements of Section 611.296, the report must include the relevant language from Appendix A of this Part.

5) Recordkeeping of compliance data.

6) Special monitoring requirements prescribed by Sections 611.510 and 611.630; and

7) Violation of the terms of a variance, adjusted standard, site-specific rule, or administrative or judicial order.

g) Variances, adjusted standards, and site-specific rules. If a system is operating under the terms of a variance, adjusted standard, or site-specific rule issued under Sections 611.111, 611.112, or 611.131, the report must contain the following:

1) An explanation of the reasons for the variance, adjusted standard, or site-specific rule;

2) The date on which the variance, adjusted standard, or site-specific rule was issued;

3) A brief status report on the steps the CWS is taking to install treatment, find alternative sources of water, or otherwise comply with the terms and schedules of the variance, adjusted standard, or site-specific rule; and

4) A notice of any opportunity for public input in the review, or renewal, of the variance, adjusted standard, or site-specific rule.

h) Additional information.

1) The report must contain a brief explanation regarding contaminants that may reasonably be expected to be found in drinking water, including bottled water. This explanation may include the language of subsections (h)(1)(A) through (h)(1)(C) of this Section or CWSs may use their own comparable
language. The report also must include the language of subsection (h)(1)(D) of this Section.

A) The sources of drinking water (both tap water and bottled water) include rivers, lakes, streams, ponds, reservoirs, springs, and wells. As water travels over the surface of the land or through the ground, it dissolves naturally-occurring minerals and, in some cases, radioactive material, and can pick up substances resulting from the presence of animals or from human activity.

B) Contaminants that may be present in source water include the following:

i) Microbial contaminants, such as viruses and bacteria, which may come from sewage treatment plants, septic systems, agricultural livestock operations, and wildlife;

ii) Inorganic contaminants, such as salts and metals, which can be naturally-occurring or result from urban stormwater runoff, industrial or domestic wastewater discharges, oil and gas production, mining, or farming;

iii) Pesticides and herbicides, which may come from a variety of sources such as agriculture, urban stormwater runoff, and residential uses;

iv) Organic chemical contaminants, including synthetic and volatile organic chemicals, which are byproducts of industrial processes and petroleum production, and can also come from gas stations, urban stormwater runoff, and septic systems; and

v) Radioactive contaminants, which can be naturally-occurring or be the result of oil and gas production and mining activities.

C) In order to ensure that tap water is safe to drink, USEPA prescribes regulations which limit the amount of certain contaminants in water provided by public water systems. United States Food and Drug
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Administration (USFDA) regulations establish limits for contaminants in bottled water that must provide the same protection for public health.

D) Drinking water, including bottled water, may reasonably be expected to contain at least small amounts of some contaminants. The presence of contaminants does not necessarily indicate that water poses a health risk. More information about contaminants and potential health effects can be obtained by calling the USEPA Safe Drinking Water Hotline (800-426-4791).

2) The report must include the telephone number of the owner, operator, or designee of the CWS as a source of additional information concerning the report.

3) In communities with a large proportion of non-English speaking residents, as determined by the Agency, the report must contain information in the appropriate languages regarding the importance of the report or contain a telephone number or address where such residents may contact the system to obtain a translated copy of the report or assistance in the appropriate language.

4) The report must include information about opportunities for public participation in decisions that may affect the quality of the water.

5) The CWS may include such additional information as it deems necessary for public education consistent with, and not detracting from, the purpose of the report.


(Source: Amended at 27 Ill. Reg. 1183, effective January 10, 2003)
Section 611.902 Tier 1 Public Notice--Form, Manner, and Frequency of Notice

a) Violations or situations that require a Tier 1 public notice. This subsection (a) lists the violation categories and other situations requiring a Tier 1 public notice. Appendix G of this Part identifies the tier assignment for each specific violation or situation.

1) Violation of the MCL for total coliforms when fecal coliform or E. coli are present in the water distribution system (as specified in Section 611.325(b)), or when the water supplier fails to test for fecal coliforms or E. coli when any repeat sample tests positive for coliform (as specified in Section 611.525);

2) Violation of the MCL for nitrate, nitrite, or total nitrate and nitrite, as defined in Section 611.301, or when the water supplier fails to take a confirmation sample within 24 hours after the supplier’s receipt of the results from the first sample showing an exceedence of the nitrate or nitrite MCL, as specified in Section 611.606(b);

3) Exceedence of the nitrate MCL by a non-CWS supplier, where permitted to exceed the MCL by the Agency under Section 611.300(d), as required under Section 611.909;

4) Violation of the MRDL for chlorine dioxide, as defined in Section 611.313(a), when one or more samples taken in the distribution system the day following an exceedence of the MRDL at the entrance of the distribution system exceed the MRDL, or when the water supplier does not take the required samples in the distribution system, as specified in Section 611.383(c)(2)(A);

5) Violation of the turbidity MCL under Section 141.13(b), where the Agency determines after consultation that a Tier 1 notice is required or where consultation does not take place within 24 hours after the supplier learns of the violation;
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6) Violation of the Surface Water Treatment Rule (SWTR), or Interim Enhanced Surface Water Treatment Rule (IESWTR), or Long Term 1 Enhanced Surface Water Treatment Rule (LT1ESWTR) treatment technique requirement resulting from a single exceedence of the maximum allowable turbidity limit (as identified in Appendix G), where the primary agency determines after consultation that a Tier 1 notice is required or where consultation does not take place within 24 hours after the supplier learns of the violation;

7) Occurrence of a waterborne disease outbreak, as defined in Section 611.101, or other waterborne emergency (such as a failure or significant interruption in key water treatment processes, a natural disaster that disrupts the water supply or distribution system, or a chemical spill or unexpected loading of possible pathogens into the source water that significantly increases the potential for drinking water contamination);

8) Other violations or situations with significant potential to have serious adverse effects on human health as a result of short-term exposure, as determined by the Agency by an SEP issued pursuant to Section 611.110.

b) When the Tier 1 public notice is to be provided. Additional steps required. A PWS supplier must:

1) Provide a public notice as soon as practical but no later than 24 hours after the supplier learns of the violation;

2) Initiate consultation with the Agency as soon as practical, but no later than 24 hours after the PWS supplier learns of the violation or situation, to determine additional public notice requirements; and

3) Comply with any additional public notification requirements (including any repeat notices or direction on the duration of the posted notices) that are established as a result of the consultation with the Agency. Such requirements may include the timing, form, manner, frequency, and content of repeat notices (if any) and other actions designed to reach all persons served.
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c) The form and manner of the public notice. A PWS supplier must provide the notice within 24 hours in a form and manner reasonably calculated to reach all persons served. The form and manner used by the PWS supplier are to fit the specific situation, but must be designed to reach residential, transient, and non-transient users of the water system. In order to reach all persons served, a water supplier is to use, at a minimum, one or more of the following forms of delivery:

1) Appropriate broadcast media (such as radio and television);
2) Posting of the notice in conspicuous locations throughout the area served by the water supplier;
3) Hand delivery of the notice to persons served by the water supplier; or
4) Another delivery method approved in writing by the Agency by an SEP issued pursuant to Section 611.110.


(Source: Amended at 27 Ill. Reg. 1183, effective January 10, 2003)

Section 611.903 Tier 2 Public Notice--Form, Manner, and Frequency of Notice

a) Violations or situations that require a Tier 2 public notice. This subsection lists the violation categories and other situations requiring a Tier 2 public notice. Appendix G to this Part identifies the tier assignment for each specific violation or situation.

1) All violations of the MCL, MRDL, and treatment technique requirements, except where a Tier 1 notice is required under Section 611.902(a) or where the Agency determines by an SEP issued pursuant to Section 611.110 that a Tier 1 notice is required;
2) Violations of the monitoring and testing procedure requirements, where the Agency determines by an SEP issued pursuant to Section 611.110 that a Tier 2 rather than a Tier 3 public notice is required, taking into account potential health impacts and persistence of the violation; and
3) Failure to comply with the terms and conditions of any relief equivalent to a SDWA Section 1415 variance or a SDWA Section 1416 exemption in place.

b) When Tier 2 public notice is to be provided.

1) A PWS supplier must provide the public notice as soon as practical, but no later than 30 days after the supplier learns of the violation. If the public notice is posted, the notice must remain in place for as long as the violation or situation persists, but in no case for less than seven days, even if the violation or situation is resolved. The Agency may, in appropriate circumstances, by an SEP issued pursuant to Section 611.110, allow additional time for the initial notice of up to three months from the date the supplier learns of the violation. It is not appropriate for the Agency to grant an extension to the 30-day deadline for any unresolved violation or to allow across-the-board extensions by rule or policy for other violations or situations requiring a Tier 2 public notice. Extensions granted by the Agency must be in writing.

2) The PWS supplier must repeat the notice every three months as long as the violation or situation persists, unless the Agency determines that appropriate circumstances warrant a different repeat notice frequency. In no circumstance may the repeat notice be given less frequently than once per year. It is not appropriate for the Agency to allow less frequent repeat notice for an MCL violation under the Total Coliform Rule or a treatment technique violation under the Surface Water Treatment Rule or Interim Enhanced Surface Water Treatment Rule. It is also not appropriate for the Agency to allow across-the-board reductions in the repeat notice frequency for other ongoing violations requiring a Tier 2 repeat notice. An Agency determination allowing repeat notices to be given less frequently than once every three months must be in writing.

3) For the turbidity violations specified in this subsection (b)(3), a PWS supplier must consult with the Agency as soon as practical but no later than 24 hours after the supplier learns of the violation, to determine whether a Tier 1 public notice under Section 611.902(a) is required to protect public health. When consultation does not take place within the 24-hour period, the water system must distribute a Tier 1 notice of the violation within the next 24 hours (i.e., no later than 48 hours after the
supplied learns of the violation), following the requirements under Section 611.902(b) and (c). Consultation with the Agency is required for the following:

A) Violation of the turbidity MCL under Section 141.320(b); or

B) Violation of the SWTR, or IESWTR, or treatment technique requirement resulting from a single exceedence of the maximum allowable turbidity limit.

c) The form and manner of Tier 2 public notice. A PWS supplier must provide the initial public notice and any repeat notices in a form and manner that is reasonably calculated to reach persons served in the required time period. The form and manner of the public notice may vary based on the specific situation and type of water system, but it must at a minimum meet the following requirements:

1) Unless directed otherwise by the Agency in writing, by an SEP issued pursuant to Section 611.110, a CWS supplier must provide notice by:

A) Mail or other direct delivery to each customer receiving a bill and to other service connections to which water is delivered by the PWS supplier; and

B) Any other method reasonably calculated to reach other persons regularly served by the supplier, if they would not normally be reached by the notice required in subsection (c)(1)(A) of this Section. Such persons may include those who do not pay water bills or do not have service connection addresses (e.g., house renters, apartment dwellers, university students, nursing home patients, prison inmates, etc.). Other methods may include: Publication in a local newspaper; delivery of multiple copies for distribution by customers that provide their drinking water to others (e.g., apartment building owners or large private employers); posting in public places served by the supplier or on the Internet; or delivery to community organizations.

2) Unless directed otherwise by the Agency in writing, by an SEP issued pursuant to Section 611.110, a non-CWS supplier must provide notice by the following:
A) Posting the notice in conspicuous locations throughout the distribution system frequented by persons served by the supplier, or by mail or direct delivery to each customer and service connection (where known); and

B) Any other method reasonably calculated to reach other persons served by the system if they would not normally be reached by the notice required in subsection (c)(2)(A) of this Section. Such persons may include those served who may not see a posted notice because the posted notice is not in a location they routinely pass by. Other methods may include the following: Publication in a local newspaper or newsletter distributed to customers; use of E-mail to notify employees or students; or delivery of multiple copies in central locations (e.g., community centers).


(Source: Amended at 27 Ill. Reg. 1183, effective January 10, 2003)

**SUBPART X--ENHANCED FILTRATION AND DISINFECTION--SYSTEMS SERVING FEWER THAN 10,000 PEOPLE**

Section 611.950 General Requirements

a) The requirements of this Subpart X constitute national primary drinking water regulations. These regulations establish requirements for filtration and disinfection that are in addition to criteria under which filtration and disinfection are required under Subpart B of this Part. The regulations in this Subpart X establish or extend treatment technique requirements in lieu of maximum contaminant levels for the following contaminants: Giardia lamblia, viruses, heterotrophic plate count bacteria, Legionella, Cryptosporidium, and turbidity. The treatment technique requirements consist of installing and properly operating water treatment processes that reliably achieve the following:

1) At least 99 percent (2 log) removal of Cryptosporidium between a point where the raw water is not subject to recontamination by surface water runoff and a point downstream before or at the first customer for filtered
systems, or Cryptosporidium control under the watershed control plan for unfiltered systems; and

2) Compliance with the profiling and benchmark requirements in Sections 611.953 and 611.954.

b) Applicability of the Subpart X requirements. A supplier is subject to these requirements if the following is true of its system:

1) Is a public water system;

2) Uses surface water or groundwater under the direct influence of surface water as a source; and

3) Serves fewer than 10,000 persons.

c) Compliance deadline. A supplier must comply with these requirements in this Subpart X beginning January 1, 2005, except where otherwise noted.

d) Subpart X requirements. There are seven requirements of this Subpart X, and a supplier must comply with all requirements that are applicable to its system. These requirements are the following:

1) The supplier must cover any finished water reservoir that the supplier began to construct on or after March 15, 2002, as described in Section 611.951;

2) If the supplier’s system is an unfiltered system, the supplier must comply with the updated watershed control requirements described in Section 611.952;

3) If the supplier’s system is a community or non-transient non-community water system the supplier must develop a disinfection profile, as described in Section 611.953;

4) If the supplier’s system is considering making a significant change to its disinfection practices, the supplier must develop a disinfection benchmark and consult with the Agency for approval of the change, as described in Section 611.954;
5) If the supplier’s system is a filtered system, the supplier must comply with the combined filter effluent requirements, as described in Section 611.955;

6) If the supplier’s system is a filtered system that uses conventional or direct filtration, the supplier must comply with the individual filter turbidity requirements, as described in Section 611.956; and

7) The supplier must comply with the applicable reporting and recordkeeping requirements, as described in Section 611.957.

BOARD NOTE: Derived from 40 CFR 141.500 through 141.503 (2002).

(Source: Added at 27 Ill. Reg. 1183, effective January 10, 2003)

Section 611.951 Finished Water Reservoirs

a) Applicability. A Subpart B system supplier that serves fewer than 10,000 persons is subject to this requirement.

b) Requirements. If a supplier begins construction of a finished water reservoir on or after March 15, 2002, the reservoir must be covered. A finished water reservoir for which a supplier began construction prior to March 15, 2002 is not subject to this requirement.

BOARD NOTE: Derived from 40 CFR 141.510 and 141.511 (2002).

(Source: Added at 27 Ill. Reg. 1183, effective January 10, 2003)

Section 611.952 Additional Watershed Control Requirements for Unfiltered Systems

a) Applicability. A Subpart B system supplier that serves fewer than 10,000 persons which does not provide filtration must continue to comply with all of the filtration avoidance criteria in Sections 611.211 and 611.230 through 611.233, as well as the additional watershed control requirements in subsection (b) of this Section.

b) Requirements to avoid filtration. A supplier must take any additional steps necessary to minimize the potential for contamination by Cryptosporidium
oocysts in the source water. A watershed control program must fulfill the following for Cryptosporidium:

1) The program must identify watershed characteristics and activities that may have an adverse effect on source water quality; and

2) The program must monitor the occurrence of activities that may have an adverse effect on source water quality.

c) Determination of adequacy of control requirements. During an onsite inspection conducted under the provisions of Section 611.232(c), the Agency must determine whether a watershed control program is adequate to limit potential contamination by Cryptosporidium oocysts. The adequacy of the program must be based on the comprehensiveness of the watershed review; the effectiveness of the program to monitor and control detrimental activities occurring in the watershed; and the extent to which the supplier has maximized land ownership or controlled land use within the watershed.

BOARD NOTE: Derived from 40 CFR 141.520 through 141.522 (2002).

(Source: Added at 27 Ill. Reg. 1183, effective January 10, 2003)

Section 611.953 Disinfection Profile

a) Applicability. A disinfection profile is a graphical representation of a system’s level of Giardia lamblia or virus inactivation measured during the course of a year. A Subpart B community or non-transient non-community water system that serves fewer than 10,000 persons must develop a disinfection profile unless the Agency, by an SEP issued pursuant to Section 611.110, determines that a profile is unnecessary. The Agency may approve the use of a more representative data set for disinfection profiling than the data set required under subsections (c) through (g) of this Section.

b) Determination that a disinfection profile is not necessary. The Agency may only determine that a disinfection profile is not necessary if the system’s TTHM and HAA5 levels are below 0.064 mg/L and 0.048 mg/L, respectively. To determine these levels, TTHM and HAA5 samples must have been collected after January 1, 1998, during the month with the warmest water temperature, and at the point of maximum residence time in the distribution system.
c) Development of a disinfection profile. A disinfection profile consists of the following three steps:

1) First, the supplier must collect data for several parameters from the plant, as discussed in subsection (d) of this Section, over the course of 12 months. If the supplier serves between 500 and 9,999 persons it must begin to collect data no later than July 1, 2003. If the supplier serves fewer than 500 persons, it must begin to collect data no later than January 1, 2004.

2) Second, the supplier must use this data to calculate weekly log inactivation as discussed in subsections (e) and (f) of this Section; and

3) Third, the supplier must use these weekly log inactivations to develop a disinfection profile as specified in subsection (g) of this Section.

d) Data required for a disinfection profile. A supplier must monitor the following parameters to determine the total log inactivation using the analytical methods in Section 611.231, once per week on the same calendar day, over 12 consecutive months:

1) The temperature of the disinfected water at each residual disinfectant concentration sampling point during peak hourly flow;

2) If a supplier uses chlorine, the pH of the disinfected water at each residual disinfectant concentration sampling point during peak hourly flow;

3) The disinfectant contact times (“T”) during peak hourly flow; and

4) The residual disinfectant concentrations (“C”) of the water before or at the first customer and prior to each additional point of disinfection during peak hourly flow.

e) Calculations based on the data collected. The supplier must calculate the total inactivation ratio as follows, and multiply the value by 3.0 to determine log inactivation of Giardia lamblia:
1) If the supplier uses only one point of disinfectant application, it must determine either of the following:

A) One inactivation ratio ($\frac{CT_{\text{calc}}}{CT_{99.9}}$) before or at the first customer during peak hourly flow, or

B) Successive $\frac{CT_{\text{calc}}}{CT_{99.9}}$ values, representing sequential inactivation ratios, between the point of disinfectant application and a point before or at the first customer during peak hourly flow. Under this alternative, the supplier must calculate the total inactivation ratio by determining $\frac{CT_{\text{calc}}}{CT_{99.9}}$ for each sequence and then adding the $\frac{CT_{\text{calc}}}{CT_{99.9}}$ values together to determine $\sum \frac{CT_{\text{calc}}}{CT_{99.9}}$.

2) If the supplier uses more than one point of disinfectant application before the first customer, it must determine the $\frac{CT_{\text{calc}}}{CT_{99.9}}$ value of each disinfection segment immediately prior to the next point of disinfectant application, or for the final segment, before or at the first customer, during peak hourly flow using the procedure specified in subsection (e)(1)(B) of this Section.

f) Use of chloramines, ozone, or chlorine dioxide as a primary disinfectant. If a supplier uses chloramines, ozone, or chlorine dioxide for primary disinfection, the supplier must also calculate the logs of inactivation for viruses and develop an additional disinfection profile for viruses using methods approved by the Agency.

g) Development and maintenance of the disinfection profile in graphic form. Each log inactivation serves as a data point in the supplier’s disinfection profile. A supplier will have obtained 52 measurements (one for every week of the year). This will allow the supplier and the Agency the opportunity to evaluate how microbial inactivation varied over the course of the year by looking at all 52 measurements (the supplier’s disinfection profile). The supplier must retain the disinfection profile data in graphic form, such as a spreadsheet, which must be available for review by the Agency as part of a sanitary survey. The supplier must use this data to calculate a benchmark if the supplier is considering changes to disinfection practices.

BOARD NOTE: Derived from 40 CFR 141.530 through 141.536 (2002).
Section 611.954 Disinfection Benchmark

a) Applicability. A Subpart B system supplier that is required to develop a disinfection profile under Section 611.953 must develop a disinfection benchmark if it decides to make a significant change to its disinfection practice. The supplier must consult with the Agency for approval before it can implement a significant disinfection practice change.

b) Significant changes to disinfection practice. Significant changes to disinfection practice include:

1) Changes to the point of disinfection;

2) Changes to the disinfectants used in the treatment plant;

3) Changes to the disinfection process; or

4) Any other modification identified by the Agency.

c) Considering a significant change. A supplier that is considering a significant change to its disinfection practice must calculate disinfection benchmark, as described in subsections (d) and (e) of this Section, and provide the benchmarks to the Agency. A supplier may only make a significant disinfection practice change after consulting with the Agency for approval. A supplier must submit the following information to the Agency as part of the consultation and approval process:

1) A description of the proposed change;

2) The disinfection profile for Giardia lamblia (and, if necessary, viruses) and disinfection benchmark;

3) An analysis of how the proposed change will affect the current levels of disinfection; and

4) Any additional information requested by the Agency.
d) Calculation of a disinfection benchmark. A supplier that is making a significant change to its disinfection practice must calculate a disinfection benchmark using the following procedure:

1) Step 1: Using the data that the supplier collected to develop the disinfection profile, determine the average Giardia lamblia inactivation for each calendar month by dividing the sum of all Giardia lamblia inactivations for that month by the number of values calculated for that month; and

2) Step 2: Determine the lowest monthly average value out of the 12 values. This value becomes the disinfection benchmark.

e) If a supplier uses chloramines, ozone or chlorine dioxide for primary disinfection the supplier must calculate the disinfection benchmark from the data that the supplier collected for viruses to develop the disinfection profile in subsection (d) of this Section. This viral benchmark must be calculated in the same manner used to calculate the Giardia lamblia disinfection benchmark in subsection (d) of this Section.


(Source: Added at 27 Ill. Reg. 1183, effective January 10, 2003)

Section 611.955 Combined Filter Effluent Turbidity Limits

a) Applicability. A Subpart B system supplier that serves fewer than 10,000 persons, which is required to filter, and which utilizes filtration other than slow sand filtration or diatomaceous earth filtration must meet the combined filter effluent turbidity requirements of subsections (b) through (d) of this Section. If the supplier uses slow sand or diatomaceous earth filtration the supplier is not required to meet the combined filter effluent turbidity limits of this Subpart X, but the supplier must continue to meet the combined filter effluent turbidity limits in Section 611.250.

b) Combined filter effluent turbidity limits. A supplier must meet two strengthened combined filter effluent turbidity limits.
1) The first combined filter effluent turbidity limit is a “95th percentile” turbidity limit that a supplier must meet in at least 95 percent of the turbidity measurements taken each month. Measurements must continue to be taken as described in Sections 611.231 and 233. Monthly reporting must be completed according to Section 611.957(a). The following are the required limits for specific filtration technologies:

A) For a system with conventional filtration or direct filtration, the 95th percentile turbidity value is 0.3 NTU.

B) For a system with any other alternative filter technology, the 95th percentile turbidity value is a value (not to exceed 1 NTU) to be determined by the Agency, by an SEP issued pursuant to Section 611.110, based on the demonstration described in subsection (c) of this Section.

2) The second combined filter effluent turbidity limit is a “maximum” turbidity limit which a supplier may at no time exceed during the month. Measurements must continue to be taken as described in Sections 611.231 and 233. Monthly reporting must be completed according to Section 611.957(a). The following are the required limits for specific filtration technologies:

A) For a system with conventional filtration or direct filtration, the maximum turbidity value is 1 NTU.

B) For a system with any other alternative filter technology, the maximum turbidity value is a value (not to exceed 5 NTU) to be determined by the Agency, by an SEP issued pursuant to Section 611.110, based on the demonstration described in subsection (c) of this Section.

c) Requirements for an alternative filtration system.

1) If a supplier’s system consists of alternative filtration (filtration other than slow sand filtration, diatomaceous earth filtration, conventional filtration, or direct filtration) the supplier is required to conduct a demonstration (see tables in subsection (b) of this Section). The supplier must demonstrate to the Agency, using pilot plant studies or other means, that its system’s
filtration, in combination with disinfection treatment, consistently achieves:

A) 99 percent removal of Cryptosporidium oocysts;

B) 99.9 percent removal and/or inactivation of Giardia lamblia cysts; and

C) 99.99 percent removal and/or inactivation of viruses.

2) This subsection (c)(2) corresponds with 40 CFR 141.552(b), which USEPA has designated as “reserved.” This statement maintains structural correspondence with the corresponding federal regulation.

d) Requirements for a lime-softening system. If a supplier practices lime softening, the supplier may acidify representative combined filter effluent turbidity samples prior to analysis using a protocol approved by the Agency.


(Source: Added at 27 Ill. Reg. 1183, effective January 10, 2003)

Section 611.956 Individual Filter Turbidity Requirements

a) Applicability. A Subpart B system supplier that serves fewer than 10,000 persons and utilizing conventional filtration or direct filtration must conduct continuous monitoring of turbidity for each individual filter in a supplier’s system. The following requirements apply to continuous turbidity monitoring:

1) Monitoring must be conducted using an approved method in Section 611.231;

2) Calibration of turbidimeters must be conducted using procedures specified by the manufacturer;

3) Results of turbidity monitoring must be recorded at least every 15 minutes;
3) Failure of turbidity monitoring equipment. If there is a failure in the continuous turbidity monitoring equipment, the supplier must conduct grab sampling every four hours in lieu of continuous monitoring until the turbidimeter is back on-line. The supplier has 14 days to resume continuous monitoring before a violation is incurred.

c) Special requirements for systems with two or fewer filters. If a supplier’s system only consists of two or fewer filters, the supplier may conduct continuous monitoring of combined filter effluent turbidity in lieu of individual filter effluent turbidity monitoring. Continuous monitoring must meet the same requirements set forth in subsections (a)(1) through (a)(4) and (b) of this Section.

d) Follow-up action. Follow-up action is required according to the following requirements:

1) If the turbidity of an individual filter (or the turbidity of combined filter effluent (CFE) for a system with two filters that monitor CFE in lieu of individual filters) exceeds 1.0 NTU in two consecutive recordings 15 minutes apart, the supplier must report to the Agency by the 10th of the following month and include the filter numbers, corresponding dates, turbidity values which exceeded 1.0 NTU, and the cause (if known) for the exceedences.

2) If a supplier was required to report to the Agency for three months in a row and turbidity exceeded 1.0 NTU in two consecutive recordings 15 minutes apart at the same filter (or CFE for systems with two filters that monitor CFE in lieu of individual filters), the supplier must conduct a self-assessment of the filters within 14 days of the day on which the filter exceeded 1.0 NTU in two consecutive measurements for the third straight month, unless a CPE, as specified in subsection (d)(3) of this Section, was required. A supplier that has a system with two filters which monitor CFE in lieu of individual filters must conduct a self assessment on both filters. The self-assessment must consist of at least the following components: assessment of filter performance, development of a filter profile,
identification and prioritization of factors limiting filter performance, assessment of the applicability of corrections, and preparation of a filter self-assessment report. If a self-assessment is required, the date that it was triggered and the date that it was completed.

3) If a supplier was required to report to the Agency for two months in a row and turbidity exceeded 2.0 NTU in two consecutive recordings 15 minutes apart at the same filter (or CFE for systems with two filters that monitor CFE in lieu of individual filters), the supplier must arrange to have a comprehensive performance evaluation (CPE) conducted by the Agency or a third party approved by the Agency not later than 60 days following the day the filter exceeded 2.0 NTU in two consecutive measurements for the second straight month. If a CPE has been completed by the Agency or a third party approved by the Agency within the 12 prior months or the system and Agency are jointly participating in an ongoing comprehensive technical assistance (CTA) project at the system, a new CPE is not required. If conducted, a CPE must be completed and submitted to the Agency no later than 120 days following the day the filter exceeded 2.0 NTU in two consecutive measurements for the second straight month.

e) Special individual filter monitoring for a lime-softening system. If a supplier’s system utilizes lime softening, the supplier may apply to the Agency for alternative turbidity exceedence levels for the levels specified in subsection (d) of this Section. The supplier must be able to demonstrate to the Agency that higher turbidity levels are due to lime carryover only, and not due to degraded filter performance.


(Source: Added at 27 Ill. Reg. 1183, effective January 10, 2003)

Section 611.957 Reporting and Recordkeeping Requirements

a) Reporting. This Subpart X requires a supplier to report several items to the Agency. Subsections (a)(1) through (a)(4) of this Section describe the items that must be reported and the frequency of reporting. (The supplier is required to report the information described in subsections (a)(1) through (a)(4) of this Section, if it is subject to the specific requirement indicated.)
1) If a supplier is subject to the combined filter effluent requirements (Section 611.955), it must report as follows:

A) The total number of filtered water turbidity measurements taken during the month, by the 10th of the following month.

B) The number and percentage of filtered water turbidity measurements taken during the month that are less than or equal to the supplier’s required 95th percentile limit, by the 10th of the following month.

C) The date and value of any turbidity measurements taken during the month that exceed the maximum turbidity value for the supplier’s filtration system, by the 10th of the following month.

2) If the supplier is subject to the individual filter turbidity requirements (Section 611.956), it must report as follows:

A) The fact that the supplier’s system conducted individual filter turbidity monitoring during the month, by the 10th of the following month.

B) The filter numbers, corresponding dates, and the turbidity values that exceeded 1.0 NTU during the month, by the 10th of the following month, but only if two consecutive measurements exceeded 1.0 NTU.

C) If a self-assessment is required, the date that it was triggered and the date that it was completed, by the 10th of the following month (or 14 days after the self-assessment was triggered only if the self-assessment was triggered during the last four days of the month).

D) If a CPE is required, the fact that the CPE is required and the date that it was triggered, by the 10th of the following month.

E) A copy of completed CPE report, within 120 days after the CPE was triggered.
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3) If the supplier is subject to the disinfection profiling (Section 611.953), it must report results of optional monitoring that show TTHM levels 0.064 mg/L and HAA5 levels 0.048 mg/L (only if the supplier wishes to forgo profiling) or that the supplier has begun disinfection profiling, as follows:

A) For a supplier that serves 500-9,999 persons, by July 1, 2003; or

B) For a supplier that serves fewer than 500 persons, by January 1, 2004.

4) If the supplier is subject to the disinfection benchmarking (Section 611.954), it must report a description of the proposed change in disinfection, its system’s disinfection profile for Giardia lamblia (and, if necessary, viruses) and disinfection benchmark, and an analysis of how the proposed change will affect the current levels of disinfection, anytime the supplier is considering a significant change to its disinfection practice.

b) Recordkeeping. A supplier must keep several types of records based on the requirements of this Subpart X, in addition to recordkeeping requirements under Sections 611.261 and 611.262. Subsections (b)(1) through (b)(3) describe the necessary records, the length of time these records must be kept, and for which requirement the records pertain. (The supplier is required to maintain records described in subsections (b)(1) through (b)(3) of this Section, if it is subject to the specific requirement indicated.)

1) If the supplier is subject to the individual filter turbidity requirements (Section 611.956), it must retain the results of individual filter monitoring as necessary records for at least three years.

2) If the supplier is subject to disinfection profiling (Section 611.953), it must retain the results of its disinfection profile (including raw data and analysis) as necessary records indefinitely.

3) If the supplier is subject to disinfection benchmarking (Section 611.954), it must retain its disinfection benchmark (including raw data and analysis) as necessary records indefinitely.

BOARD NOTE: Derived from 40 CFR 141.570 and 141.571 (2002).
### Section 611.Appendix G  
**NPDWR Violations and Situations Requiring Public Notice**

See note 1 at the end of this Appendix for an explanation of the Agency’s authority to alter the magnitude of a violation from that set forth in the following table.

<table>
<thead>
<tr>
<th>Contaminant</th>
<th>MCL/MRDL/TT violations(^2)</th>
<th>Monitoring &amp; testing procedure violations</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Tier of public notice required</td>
<td>Citation</td>
</tr>
</tbody>
</table>

### I. Violations of National Primary Drinking Water Regulations (NPDWR):\(^3\)

#### A. Microbiological Contaminants

1. **Total coliform**
   - \(2\) 611.325(a)
   - \(3\) 611.521-611.525

2. **Fecal coliform/E. coli**
   - \(1\) 611.325(b)
   - \(4\) 1, 3 611.525

3. **Turbidity MCL**
   - \(2\) 611.320(a)
   - \(3\) 611.560

4. **Turbidity MCL (average of two days’ samples >5 NTU)**
   - \(2, 1\) 611.320(b)
   - \(3\) 611.560

5. **Turbidity (for TT violations resulting from a single exceedence of maximum allowable turbidity level)**
   - \(2, 1\) 611.231(b), 611.233(b)(1), 611.250(a)(2), 611.250(b)(2), 611.250(c)(2), 611.250(d), 611.743(a)(2), 611.743(b), 611.955(b)(2)
   - \(3\) 611.531(a), 611.532(b), 611.533(a), 611.744, 611.956(a)(1)-(a)(3), 611.956(b)
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<table>
<thead>
<tr>
<th>Rule Violations</th>
<th>Section(s)</th>
<th>Violation Type</th>
<th>Code(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>6. Surface Water Treatment</strong>&lt;br&gt;Rule violations, other than violations resulting from single exceedence of max. allowable turbidity level (TT)**</td>
<td>611.211, 611.213, 611.220, 611.230-611.233, 611.240-611.242, 611.250</td>
<td>2</td>
<td>611.531-611.533</td>
</tr>
<tr>
<td><strong>7. Interim Enhanced Surface Water Treatment Rule violations</strong>, other than violations resulting from single exceedence of max. turbidity level (TT)**</td>
<td>611.740-611.743, 611.950-611.955</td>
<td>2</td>
<td>611.742, 611.744, 611.953, 611.954, 611.956</td>
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<tr>
<td><strong>8. Filter Backwash Recycling Rule violations</strong></td>
<td>611.276</td>
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<tr>
<td><strong>9. Long Term 1 Enhanced Surface Water Treatment Rule violations</strong></td>
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**B. Inorganic Chemicals (IOCs)**

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<th>Chemical Name</th>
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<tr>
<td><strong>1. Antimony</strong></td>
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<td>611.600, 611.601, 611.603</td>
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<tr>
<td><strong>2. Arsenic</strong></td>
<td>611.301(b)</td>
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<tr>
<td>[Footnote: 10] <strong>Asbestos (fibers &gt; 10 m)</strong></td>
<td>611.301(b)</td>
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<td>611.600, 611.601, 611.602</td>
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<tr>
<td><strong>3. Asbestos (fibers &gt;10 m)</strong></td>
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<tr>
<td><strong>4. Barium</strong></td>
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<td><strong>5. Beryllium</strong></td>
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<tr>
<td><strong>6. Cadmium</strong></td>
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# NOTICE OF ADOPTED AMENDMENTS

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<td>Cyanide</td>
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<td>Fluoride</td>
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**C. Lead and Copper Rule (Action Level for lead is 0.015 mg/L, for copper is 1.3 mg/L)**

<table>
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<tr>
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<th>Subsection</th>
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**D. Synthetic Organic Chemicals (SOCs)**

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<td>2,4-D</td>
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<td>2,4,5-TP (silvex)</td>
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<td>611.310(c)</td>
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<td>Alachlor</td>
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<td>Atrazine</td>
<td>4</td>
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<td>5. Benzo(a)pyrene (PAHs)</td>
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<tr>
<td>--------------------------</td>
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<tr>
<td>6. Carbofuran</td>
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<td>7. Chlordane</td>
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<td>8. Dalapon</td>
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<td>9. Di(2-ethylhexyl)adipate</td>
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<td>10. Di(2-ethylhexyl)phthalate</td>
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<td>11. Dibromochloropropane (DBCP)</td>
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<td>12. Dinoseb</td>
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<td>13. Dioxin (2,3,7,8-TCDD)</td>
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<td>14. Diquat</td>
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<td>15. Endothall</td>
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<td>16. Endrin</td>
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<td>18. Glyphosate</td>
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<td>19. Heptachlor</td>
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<td>20. Heptachlor epoxide</td>
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<td>21. Hexachlorobenzene</td>
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<td>22. Hexachlorocyclopentadiene</td>
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<td>23. Lindane</td>
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<td>24. Methoxychlor</td>
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<td>25. Oxamyl (Vydate)</td>
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<td>26. Pentachlorophenol</td>
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<td>27. Picloram</td>
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<td>28. Polychlorinated biphenyls (PCBs)</td>
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<td>29. Simazine</td>
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<td>30. Toxaphene</td>
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**E. Volatile Organic Chemicals (VOCs)**

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<td>2. Carbon tetrachloride</td>
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<td>3. Chlorobenzene (monochlorobenzene)</td>
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<td>4. o-Dichlorobenzene</td>
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<td>5. p-Dichlorobenzene</td>
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<td>6. 1,2-Dichloroethane</td>
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<td>7. 1,1-Dichloroethylene</td>
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<th>Section 2</th>
<th>Section 3</th>
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<td>9. trans-1,2-Dichloroethylene</td>
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<td>10. Dichloromethane</td>
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<td>11. 1,2-Dichloropropane</td>
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<tr>
<td>18. 1,1,2-Trichloroethane</td>
<td>2</td>
<td>611.310(a)</td>
<td>3</td>
</tr>
<tr>
<td>19. Trichloroethylene</td>
<td>2</td>
<td>611.310(a)</td>
<td>3</td>
</tr>
<tr>
<td>20. Vinyl chloride</td>
<td>2</td>
<td>611.310(a)</td>
<td>3</td>
</tr>
<tr>
<td>21. Xylenes (total)</td>
<td>2</td>
<td>611.310(a)</td>
<td>3</td>
</tr>
</tbody>
</table>

**F. Radioactive Contaminants**

<table>
<thead>
<tr>
<th>Contaminant</th>
<th>Section 1</th>
<th>Section 2</th>
<th>Section 3</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Beta/photon emitters</td>
<td>2</td>
<td>611.330(d)</td>
<td>3</td>
</tr>
<tr>
<td>2. Alpha emitters</td>
<td>2</td>
<td>611.330(c)</td>
<td>3</td>
</tr>
<tr>
<td>3. Combined radium (226 &amp; 228)</td>
<td>2</td>
<td>611.330(b)</td>
<td>3</td>
</tr>
<tr>
<td>4. Uranium</td>
<td>11 2</td>
<td>611.330(e)</td>
<td>12 3</td>
</tr>
</tbody>
</table>

**G. Disinfection Byproducts (DBPs), Byproduct Precursors, Disinfectant Residuals.** Where disinfection is used in the treatment of drinking water, disinfectants combine with organic and inorganic matter present in water to form chemicals called disinfection byproducts (DBPs). USEPA sets standards for controlling the levels of disinfectants and DBPs in drinking water, including trihalomethanes (THMs) and haloacetic acids (HAAs).  

<table>
<thead>
<tr>
<th>Byproduct</th>
<th>Section 1</th>
<th>Section 2</th>
<th>Section 3</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Total trihalomethanes (TTHM)</td>
<td>2</td>
<td>14 611.310, 611.312(a)</td>
<td>3</td>
</tr>
<tr>
<td>2. Haloacetic Acids (HAA5)</td>
<td>2</td>
<td>611.312(a)</td>
<td>3</td>
</tr>
<tr>
<td>3. Bromate</td>
<td>2</td>
<td>611.312(a)</td>
<td>3</td>
</tr>
<tr>
<td>4. Chlorite</td>
<td>2</td>
<td>611.312(a)</td>
<td>3</td>
</tr>
<tr>
<td>5. Chlorine (MRDL)</td>
<td>2</td>
<td>611.313(a)</td>
<td>3</td>
</tr>
<tr>
<td>6. Chloramine (MRDL)</td>
<td>2</td>
<td>611.313(a)</td>
<td>3</td>
</tr>
</tbody>
</table>
POLLUTION CONTROL BOARD
NOTICE OF ADOPTED AMENDMENTS

<p>| | | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>7. Chlorine dioxide (MRDL), where any two consecutive daily samples at entrance to distribution system only are above MRDL</td>
<td>2</td>
<td>611.313(a), 611.383(c)(3)</td>
<td>2, 3, 611.382(a), (c), 611.383(c)(2)</td>
</tr>
<tr>
<td>8. Chlorine dioxide (MRDL), where samples in distribution system the next day are also above MRDL</td>
<td>161</td>
<td>611.313(a), 611.383(c)(3)</td>
<td>1, 611.382(a), (c), 611.383(c)(2)</td>
</tr>
<tr>
<td>9. Control of DBP precursors--TOC (TT)</td>
<td>2</td>
<td>611.385(a)-(b)</td>
<td>3, 611.382(a), (d)</td>
</tr>
<tr>
<td>10. Benchmarking and disinfection profiling</td>
<td>N/A</td>
<td>N/A</td>
<td>3, 611.742, 611.953, 611.954</td>
</tr>
<tr>
<td>11. Development of monitoring plan</td>
<td>N/A</td>
<td>N/A</td>
<td>3, 611.382(f)</td>
</tr>
</tbody>
</table>

H. Other Treatment Techniques

<p>| | | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Acrylamide (TT)</td>
<td>2</td>
<td>611.296</td>
<td>N/A, N/A</td>
</tr>
<tr>
<td>2. Epichlorohydrin (TT)</td>
<td>2</td>
<td>611.296</td>
<td>N/A, N/A</td>
</tr>
</tbody>
</table>

II. Unregulated Contaminant Monitoring: 17

<p>| | | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>A. Unregulated contaminants</td>
<td>N/A</td>
<td>N/A</td>
<td>3, 611.510</td>
</tr>
<tr>
<td>B. Nickel</td>
<td>N/A</td>
<td>N/A</td>
<td>3, 611.603, 611.611</td>
</tr>
</tbody>
</table>

III. Public Notification for Relief Equivalent to a SDWA Section 1415 Variance or a Section 1416 Exemption:

<p>| | | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>A. Operation under relief equivalent to a SDWA section 1415 variance or a section 1416 exemption</td>
<td>3</td>
<td>1415, 1416</td>
<td>N/A, N/A</td>
</tr>
<tr>
<td>B. Violation of conditions of relief equivalent to a SDWA section 1415 variance or a section 1416 exemption</td>
<td>2</td>
<td>1415, 1416, 611.111, 611.112</td>
<td>N/A, N/A</td>
</tr>
</tbody>
</table>
IV. Other Situations Requiring Public Notification:

<table>
<thead>
<tr>
<th>A. Fluoride secondary maximum contaminant level (SMCL) exceedence</th>
<th>3</th>
<th>611.858</th>
<th>N/A</th>
<th>N/A</th>
</tr>
</thead>
<tbody>
<tr>
<td>B. Exceedence of nitrate MCL for a non-CWS supplier, as allowed by the Agency</td>
<td>1</td>
<td>611.300(d)</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>C. Availability of unregulated contaminant monitoring data</td>
<td>3</td>
<td>611.510</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>D. Waterborne disease outbreak</td>
<td>1</td>
<td>611.101, 611.233(b)(2)</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>E. Other waterborne emergency</td>
<td>1</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>F. Other situations as determined by the Agency by an SEP issued pursuant to Section 611.110</td>
<td>1, 2, 3</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
</tr>
</tbody>
</table>

Appendix G--Endnotes

1. Violations and other situations not listed in this table (e.g., reporting violations and failure to prepare Consumer Confidence Reports) do not require notice, unless otherwise determined by the Agency by an SEP issued pursuant to Section 611.110. The Agency may, by an SEP issued pursuant to Section 611.110, further require a more stringent public notice tier (e.g., Tier 1 instead of Tier 2 or Tier 2 instead of Tier 3) for specific violations and situations listed in this Appendix, as authorized under Sections 611.902(a) and 611.903(a).

2. Definition of the abbreviations used: “MCL” means maximum contaminant level, “MRDL” means maximum residual disinfectant level, and “TT” means treatment technique.

3. The term “violations of National Primary Drinking Water Regulations (NPDWR)” is used here to include violations of MCL, MRDL, treatment technique, monitoring, and testing procedure requirements.

4. Failure to test for fecal coliform or E. coli is a Tier 1 violation if testing is not done after any repeat sample tests positive for coliform. All other total coliform monitoring and testing procedure violations are Tier 3 violations.
5. A supplier that violates the turbidity MCL of 5 NTU based on an average of measurements over two consecutive days must consult with the Agency within 24 hours after learning of the violation. Based on this consultation, the Agency may subsequently decide to issue an SEP pursuant to Section 611.110 that elevates the violation to a Tier 1 violation. If a supplier is unable to make contact with the Agency in the 24-hour period, the violation is automatically elevated to a Tier 1 violation.

6. A supplier with a treatment technique violation involving a single exceedence of a maximum turbidity limit under the Surface Water Treatment Rule (SWTR), or the Interim Enhanced Surface Water Treatment Rule (IESWTR), or the Long Term 1 Enhanced Surface Water Treatment Rule are required to consult with the Agency within 24 hours after learning of the violation. Based on this consultation, the Agency may subsequently decide to issue an SEP pursuant to Section 611.110 that elevates the violation to a Tier 1 violation. If a supplier is unable to make contact with the Agency in the 24-hour period, the violation is automatically elevated to a Tier 1 violation.

7. Most of the requirements of the Interim Enhanced Surface Water Treatment Rule (63 Fed. Reg. 69477 (December 16, 1998)) (Sections 611.740-611.741, 611.743-611.744) become effective January 1, 2002 for a Subpart B supplier (surface water systems and groundwater systems under the direct influence of surface water) that serves at least 10,000 persons. However, Section 611.742 is currently effective. The Surface Water Treatment Rule (SWTR) remains in effect for a supplier serving at least 10,000 persons even after 2002; the Interim Enhanced Surface Water Treatment Rule adds additional requirements and does not in many cases supersede the SWTR.

8. The arsenic MCL citations are effective January 23, 2006. Until then, the citations are Sections 611.330(b) and 611.612(c).

9. The arsenic Tier 3 violation MCL citations are effective January 23, 2006. Until then, the citations are Sections 611.100, 611.101, and 611.612.

10. Failure to take a confirmation sample within 24 hours for nitrate or nitrite after an initial sample exceeds the MCL is a Tier 1 violation. Other monitoring violations for nitrate are Tier 3.

11. The uranium MCL Tier 2 violation citations are effective December 8, 2003 for a CWS supplier.

12. The uranium Tier 3 violation citations are effective December 8, 2000 for a CWS supplier.
13. A Subpart B community or non-transient non-community system supplier that serves 10,000 persons or more must comply with new DBP MCLs, disinfectant MRDLs, and related monitoring requirements beginning January 1, 2002. All other community and non-transient non-community systems must meet the MCLs and MRDLs beginning January 1, 2004. A Subpart B transient non-community system supplier serving 10,000 or more persons that uses chlorine dioxide as a disinfectant or oxidant must comply with the chlorine dioxide MRDL beginning January 1, 2002. A Subpart B transient non-community system supplier that serves fewer than 10,000 persons, which uses only groundwater not under the direct influence of surface water, and which uses chlorine dioxide as a disinfectant or oxidant must comply with the chlorine dioxide MRDL beginning January 1, 2004.


15. Failure to monitor for chlorine dioxide at the entrance to the distribution system the day after exceeding the MRDL at the entrance to the distribution system is a Tier 2 violation.

16. If any daily sample taken at the entrance to the distribution system exceeds the MRDL for chlorine dioxide and one or more samples taken in the distribution system the next day exceed the MRDL, Tier 1 notification is required. A failure to take the required samples in the distribution system after the MRDL is exceeded at the entry point also triggers Tier 1 notification.

17. Some water suppliers must monitor for certain unregulated contaminants listed in Section 611.510.

18. This citation refers to sections 1415 and 1416 of the federal Safe Drinking Water Act. Sections 1415 and 1416 require that “a schedule prescribed . . . for a public water system granted relief equivalent to a SDWA section 1415 variance or a section 1416 exemption must require compliance by the system . . .”

19. In addition to sections 1415 and 1416 of the federal Safe Drinking Water Act, 40 CFR 142.307 specifies the items and schedule milestones that must be included in relief equivalent to a SDWA section 1415 small system variance. In granting any form of relief from an NPDWR, the Board will consider all applicable federal requirements for and limitations on the State’s ability to grant relief consistent with federal law.

20. Other waterborne emergencies require a Tier 1 public notice under Section 611.902(a) for situations that do not meet the definition of a waterborne disease outbreak given in Section 611.101, but which still have the potential to have serious adverse effects on health as a result of
short-term exposure. These could include outbreaks not related to treatment deficiencies, as well as situations that have the potential to cause outbreaks, such as failures or significant interruption in water treatment processes, natural disasters that disrupt the water supply or distribution system, chemical spills, or unexpected loading of possible pathogens into the source water.


(Source: Amended at 27 Ill. Reg. 1183, effective January 10, 2003)

Section 611. Appendix H Standard Health Effects Language for Public Notification

<table>
<thead>
<tr>
<th>Contaminant</th>
<th>MCLG $^1$ mg/L</th>
<th>MCL $^2$ mg/L</th>
<th>Standard health effects language for public notification</th>
</tr>
</thead>
<tbody>
<tr>
<td>National Primary Drinking Water Regulations (NPDWR): A. Microbiological Contaminants</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1a. Total coliform</td>
<td>Zero</td>
<td>See footnote 3</td>
<td>Coliforms are bacteria that are naturally present in the environment and are used as an indicator that other, potentially-harmful, bacteria may be present. Coliforms were found in more samples than allowed and this was a warning of potential problems.</td>
</tr>
<tr>
<td>1b. Fecal coliform/E. coli</td>
<td>Zero</td>
<td>Zero</td>
<td>Fecal coliforms and E. coli are bacteria whose presence indicates that the water may be contaminated with human or animal wastes. Microbes in these wastes can cause short-term effects, such as diarrhea, cramps, nausea, headaches, or other symptoms. They may pose a special health risk for infants, young children, some of the elderly, and people with severely compromised immune systems.</td>
</tr>
</tbody>
</table>
### 2a. Turbidity (MCL)\(^4\)

<table>
<thead>
<tr>
<th>None</th>
<th>1 NTU (^5/5) NTU</th>
</tr>
</thead>
<tbody>
<tr>
<td>Turbidity has no health effects. However, turbidity can interfere with disinfection and provide a medium for microbial growth. Turbidity may indicate the presence of disease-causing organisms. These organisms include bacteria, viruses, and parasites that can cause symptoms such as nausea, cramps, diarrhea, and associated headaches.</td>
<td></td>
</tr>
</tbody>
</table>

### 2b. Turbidity (SWTR TT)\(^5\)

<table>
<thead>
<tr>
<th>None</th>
<th>TT (^7)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Turbidity has no health effects. However, turbidity can interfere with disinfection and provide a medium for microbial growth. Turbidity may indicate the presence of disease-causing organisms. These organisms include bacteria, viruses, and parasites that can cause symptoms such as nausea, cramps, diarrhea and associated headaches.</td>
<td></td>
</tr>
</tbody>
</table>

### 2c. Turbidity (IESWTR TT and LT1ESWTR TT)\(^8\)

<table>
<thead>
<tr>
<th>None</th>
<th>TT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Turbidity has no health effects. However, turbidity can interfere with disinfection and provide a medium for microbial growth. Turbidity may indicate the presence of disease-causing organisms. These organisms include bacteria, viruses, and parasites that can cause symptoms such as nausea, cramps, diarrhea and associated headaches.</td>
<td></td>
</tr>
</tbody>
</table>

### B. Surface Water Treatment Rule (SWTR), Interim Enhanced Surface Water Treatment Rule (IESWTR) violations, Long Term 1 Enhanced Surface Water Treatment Rule (LT1ESWTR), and Filter Backwash Recycling Rule (FBRR) violations:

### 3. Giardia lamblia (SWTR/IESWTR/LT1ESWTR)\(^9\)

<table>
<thead>
<tr>
<th>Zero</th>
<th>TT (^10)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Inadequately treated water may contain disease-causing organisms. These organisms include bacteria, viruses, and parasites that can cause symptoms such as nausea, cramps, diarrhea, and associated headaches.</td>
<td></td>
</tr>
</tbody>
</table>
## NOTICE OF ADOPTED AMENDMENTS

<table>
<thead>
<tr>
<th>4. Viruses (SWTR/IESWTR/LT1ESWTR)</th>
<th>Inadequately treated water may contain disease-causing organisms. These organisms include bacteria, viruses, and parasites that can cause symptoms such as nausea, cramps, diarrhea, and associated headaches.</th>
</tr>
</thead>
<tbody>
<tr>
<td>5. Heterotrophic plate count (HPC) bacteria (SWTR/IESWTR/LT1ESWTR)</td>
<td>Inadequately treated water may contain disease-causing organisms. These organisms include bacteria, viruses, and parasites that can cause symptoms such as nausea, cramps, diarrhea, and associated headaches.</td>
</tr>
<tr>
<td>6. Legionella (SWTR/IESWTR/LT1ESWTR)</td>
<td>Inadequately treated water may contain disease-causing organisms. These organisms include bacteria, viruses, and parasites that can cause symptoms such as nausea, cramps, diarrhea, and associated headaches.</td>
</tr>
<tr>
<td>7. Cryptosporidium (IESWTR/FBRR/LT1ESWTR)</td>
<td>Inadequately treated water may contain disease-causing organisms. These organisms include bacteria, viruses, and parasites that can cause symptoms such as nausea, cramps, diarrhea, and associated headaches.</td>
</tr>
</tbody>
</table>

### C. Inorganic Chemicals (IOCs)

<table>
<thead>
<tr>
<th>8. Antimony</th>
<th>0.006</th>
<th>0.006</th>
<th>Some people who drink water containing antimony well in excess of the MCL over many years could experience increases in blood cholesterol and decreases in blood sugar.</th>
</tr>
</thead>
<tbody>
<tr>
<td>9. Arsenic</td>
<td>0</td>
<td>0.01</td>
<td>Some people who drink water containing arsenic in excess of the MCL over many years could experience skin damage or problems with their circulatory system, and may have an increased risk of getting cancer.</td>
</tr>
<tr>
<td></td>
<td>Component</td>
<td>MFL</td>
<td>MFL</td>
</tr>
<tr>
<td>---</td>
<td>-------------------</td>
<td>-----</td>
<td>-----</td>
</tr>
<tr>
<td>10.</td>
<td>Asbestos (10 µm)</td>
<td>7 MFL&lt;sup&gt;12&lt;/sup&gt;</td>
<td>7 MFL</td>
</tr>
<tr>
<td>11.</td>
<td>Barium</td>
<td>2</td>
<td>2</td>
</tr>
<tr>
<td>12.</td>
<td>Beryllium</td>
<td>0.004</td>
<td>0.004</td>
</tr>
<tr>
<td>13.</td>
<td>Cadmium</td>
<td>0.005</td>
<td>0.005</td>
</tr>
<tr>
<td>14.</td>
<td>Chromium (total)</td>
<td>0.1</td>
<td>0.1</td>
</tr>
<tr>
<td>15.</td>
<td>Cyanide</td>
<td>0.2</td>
<td>0.2</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td>16. Fluoride</td>
<td>4.0</td>
<td>4.0</td>
<td>Some people who drink water containing fluoride in excess of the MCL over many years could get bone disease, including pain and tenderness of the bones. Fluoride in drinking water at half the MCL or more may cause mottling of children’s teeth, usually in children less than nine years old. Mottling, also known as dental fluorosis, may include brown staining and/or pitting of the teeth, and occurs only in developing teeth before they erupt from the gums.</td>
</tr>
<tr>
<td>17. Mercury (inorganic)</td>
<td>0.002</td>
<td>0.002</td>
<td>Some people who drink water containing inorganic mercury well in excess of the MCL over many years could experience kidney damage.</td>
</tr>
<tr>
<td>18. Nitrate</td>
<td>10</td>
<td>10</td>
<td>Infants below the age of six months who drink water containing nitrate in excess of the MCL could become seriously ill and, if untreated, may die. Symptoms include shortness of breath and blue baby syndrome.</td>
</tr>
<tr>
<td>19. Nitrite</td>
<td>1</td>
<td>1</td>
<td>Infants below the age of six months who drink water containing nitrite in excess of the MCL could become seriously ill and, if untreated, may die. Symptoms include shortness of breath and blue baby syndrome.</td>
</tr>
</tbody>
</table>
## NOTICE OF ADOPTED AMENDMENTS

<table>
<thead>
<tr>
<th>20. Total Nitrate and Nitrite</th>
<th>10</th>
<th>10</th>
<th>Infants below the age of six months who drink water containing nitrate and nitrite in excess of the MCL could become seriously ill and, if untreated, may die. Symptoms include shortness of breath and blue baby syndrome.</th>
</tr>
</thead>
<tbody>
<tr>
<td>21. Selenium</td>
<td>0.05</td>
<td>0.05</td>
<td>Selenium is an essential nutrient. However, some people who drink water containing selenium in excess of the MCL over many years could experience hair or fingernail losses, numbness in fingers or toes, or problems with their circulation.</td>
</tr>
<tr>
<td>22. Thallium</td>
<td>0.0005</td>
<td>0.002</td>
<td>Some people who drink water containing thallium in excess of the MCL over many years could experience hair loss, changes in their blood, or problems with their kidneys, intestines, or liver.</td>
</tr>
</tbody>
</table>

### D. Lead and Copper Rule

<table>
<thead>
<tr>
<th>23. Lead</th>
<th>Zero</th>
<th>TT&lt;sup&gt;13&lt;/sup&gt;</th>
<th>Infants and children who drink water containing lead in excess of the action level could experience delays in their physical or mental development. Children could show slight deficits in attention span and learning abilities. Adults who drink this water over many years could develop kidney problems or high blood pressure.</th>
</tr>
</thead>
</table>
### E. Synthetic Organic Chemicals (SOCs)

<table>
<thead>
<tr>
<th>Substance</th>
<th>MCL</th>
<th>Action Level</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>24. Copper</td>
<td>1.3</td>
<td>TT (^{14})</td>
<td>Copper is an essential nutrient, but some people who drink water containing copper in excess of the action level over a relatively short amount of time could experience gastrointestinal distress. Some people who drink water containing copper in excess of the action level over many years could suffer liver or kidney damage. People with Wilson’s Disease should consult their personal doctor.</td>
</tr>
<tr>
<td>25. 2,4-D</td>
<td>0.07</td>
<td>0.07</td>
<td>Some people who drink water containing the weed killer 2,4-D well in excess of the MCL over many years could experience problems with their kidneys, liver, or adrenal glands.</td>
</tr>
<tr>
<td>26. 2,4,5-TP (silvex)</td>
<td>0.05</td>
<td>0.05</td>
<td>Some people who drink water containing silvex in excess of the MCL over many years could experience liver problems.</td>
</tr>
<tr>
<td>27. Alachlor</td>
<td>Zero</td>
<td>0.002</td>
<td>Some people who drink water containing alachlor in excess of the MCL over many years could have problems with their eyes, liver, kidneys, or spleen, or experience anemia, and may have an increased risk of getting cancer.</td>
</tr>
<tr>
<td>28. Atrazine</td>
<td>0.003</td>
<td>0.003</td>
<td>Some people who drink water containing atrazine well in excess of the MCL over many years could experience problems with their cardiovascular system or reproductive difficulties.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td>29. Benzo(a)pyrene (PAHs).</td>
<td>Zero</td>
<td>0.0002</td>
<td>Some people who drink water containing benzo(a)pyrene in excess of the MCL over many years may experience reproductive difficulties and may have an increased risk of getting cancer.</td>
</tr>
<tr>
<td>30. Carbofuran</td>
<td>0.04</td>
<td>0.04</td>
<td>Some people who drink water containing carbofuran in excess of the MCL over many years could experience problems with their blood, or nervous or reproductive systems.</td>
</tr>
<tr>
<td>31. Chlordane</td>
<td>Zero</td>
<td>0.002</td>
<td>Some people who drink water containing chlordane in excess of the MCL over many years could experience problems with their liver or nervous system, and may have an increased risk of getting cancer.</td>
</tr>
<tr>
<td>32. Dalapon</td>
<td>0.2</td>
<td>0.2</td>
<td>Some people who drink water containing dalapon well in excess of the MCL over many years could experience minor kidney changes.</td>
</tr>
<tr>
<td>33. Di(2-ethylhexyl)adipate</td>
<td>0.4</td>
<td>0.4</td>
<td>Some people who drink water containing di(2-ethylhexyl)adipate well in excess of the MCL over many years could experience general toxic effects or reproductive difficulties.</td>
</tr>
<tr>
<td>34. Di(2-ethylhexyl)-phthalate</td>
<td>Zero</td>
<td>0.006</td>
<td>Some people who drink water containing di(2-ethylhexyl)-phthalate in excess of the MCL over many years may have problems with their liver, or experience reproductive difficulties, and may have an increased risk of getting cancer.</td>
</tr>
</tbody>
</table>
### NOTICE OF ADOPTED AMENDMENTS

<table>
<thead>
<tr>
<th>Substance</th>
<th>MCL</th>
<th>PQL</th>
<th>Remarks</th>
</tr>
</thead>
<tbody>
<tr>
<td>35. Dibromochloropropane (DBCP)</td>
<td>Zero</td>
<td>0.0002</td>
<td>Some people who drink water containing DBCP in excess of the MCL over many years could experience reproductive difficulties and may have an increased risk of getting cancer.</td>
</tr>
<tr>
<td>36. Dinoseb</td>
<td>0.007</td>
<td>0.007</td>
<td>Some people who drink water containing dinoseb well in excess of the MCL over many years could experience reproductive difficulties.</td>
</tr>
<tr>
<td>37. Dioxin (2,3,7,8-TCDD)</td>
<td>Zero</td>
<td>$3 \times 10^{-8}$</td>
<td>Some people who drink water containing dioxin in excess of the MCL over many years could experience reproductive difficulties and may have an increased risk of getting cancer.</td>
</tr>
<tr>
<td>38. Diquat</td>
<td>0.02</td>
<td>0.02</td>
<td>Some people who drink water containing diquat in excess of the MCL over many years could get cataracts.</td>
</tr>
<tr>
<td>39. Endothall</td>
<td>0.1</td>
<td>0.1</td>
<td>Some people who drink water containing endothall in excess of the MCL over many years could experience problems with their stomach or intestines.</td>
</tr>
<tr>
<td>40. Endrin</td>
<td>0.002</td>
<td>0.002</td>
<td>Some people who drink water containing endrin in excess of the MCL over many years could experience liver problems.</td>
</tr>
<tr>
<td>41. Ethylene dibromide</td>
<td>Zero</td>
<td>0.00005</td>
<td>Some people who drink water containing ethylene dibromide in excess of the MCL over many years could experience problems with their liver, stomach, reproductive system, or kidneys, and may have an increased risk of getting cancer.</td>
</tr>
<tr>
<td></td>
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</tr>
<tr>
<td>---</td>
<td>---</td>
<td>---</td>
<td>-----------------------------------------------------------------</td>
</tr>
<tr>
<td>42. Glyphosate</td>
<td>0.7</td>
<td>0.7</td>
<td>Some people who drink water containing glyphosate in excess of the MCL over many years could experience problems with their kidneys or reproductive difficulties.</td>
</tr>
<tr>
<td>43. Heptachlor</td>
<td>Zero</td>
<td>0.0004</td>
<td>Some people who drink water containing heptachlor in excess of the MCL over many years could experience liver damage and may have an increased risk of getting cancer.</td>
</tr>
<tr>
<td>44. Heptachlor epoxide</td>
<td>Zero</td>
<td>0.0002</td>
<td>Some people who drink water containing heptachlor epoxide in excess of the MCL over many years could experience liver damage, and may have an increased risk of getting cancer.</td>
</tr>
<tr>
<td>45. Hexachlorobenzene</td>
<td>Zero</td>
<td>0.001</td>
<td>Some people who drink water containing hexachlorobenzene in excess of the MCL over many years could experience problems with their liver or kidneys, or adverse reproductive effects, and may have an increased risk of getting cancer.</td>
</tr>
<tr>
<td>46. Hexachlorocyclopentadiene</td>
<td>0.05</td>
<td>0.05</td>
<td>Some people who drink water containing hexachlorocyclopentadiene well in excess of the MCL over many years could experience problems with their kidneys or stomach.</td>
</tr>
<tr>
<td>47. Lindane</td>
<td>0.0002</td>
<td>0.0002</td>
<td>Some people who drink water containing lindane in excess of the MCL over many years could experience problems with their kidneys or liver.</td>
</tr>
</tbody>
</table>
### NOTICE OF ADOPTED AMENDMENTS

<table>
<thead>
<tr>
<th>Substance</th>
<th>MCL</th>
<th>ADE</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Methoxychlor</td>
<td>0.04</td>
<td>0.04</td>
<td>Some people who drink water containing methoxychlor in excess of the MCL over many years could experience reproductive difficulties.</td>
</tr>
<tr>
<td>Oxamyl (Vydate)</td>
<td>0.2</td>
<td>0.2</td>
<td>Some people who drink water containing oxamyl in excess of the MCL over many years could experience slight nervous system effects.</td>
</tr>
<tr>
<td>Pentachlorophenol</td>
<td>Zero</td>
<td>0.001</td>
<td>Some people who drink water containing pentachlorophenol in excess of the MCL over many years could experience problems with their liver or kidneys, and may have an increased risk of getting cancer.</td>
</tr>
<tr>
<td>Picloram</td>
<td>0.5</td>
<td>0.5</td>
<td>Some people who drink water containing picloram in excess of the MCL over many years could experience problems with their liver.</td>
</tr>
<tr>
<td>Polychlorinated biphenyls (PCBs)</td>
<td>Zero</td>
<td>0.0005</td>
<td>Some people who drink water containing PCBs in excess of the MCL over many years could experience changes in their skin, problems with their thymus gland, immune deficiencies, or reproductive or nervous system difficulties, and may have an increased risk of getting cancer.</td>
</tr>
<tr>
<td>Simazine</td>
<td>0.004</td>
<td>0.004</td>
<td>Some people who drink water containing simazine in excess of the MCL over many years could experience problems with their blood.</td>
</tr>
</tbody>
</table>
### NOTättI OF ADOPTTED AMENDMENTS

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th>Some people who drink water containing toxaphene in excess of the MCL over many years could have problems with their kidneys, liver, or thyroid, and may have an increased risk of getting cancer.</th>
</tr>
</thead>
<tbody>
<tr>
<td>54. Toxaphene</td>
<td>Zero</td>
<td>0.003</td>
<td>Some people who drink water containing toxaphene in excess of the MCL over many years could have problems with their kidneys, liver, or thyroid, and may have an increased risk of getting cancer.</td>
</tr>
</tbody>
</table>

### F. Volatile Organic Chemicals (VOCs)

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th>Some people who drink water containing benzene in excess of the MCL over many years could experience anemia or a decrease in blood platelets, and may have an increased risk of getting cancer.</th>
</tr>
</thead>
<tbody>
<tr>
<td>55. Benzene</td>
<td>Zero</td>
<td>0.005</td>
<td>Some people who drink water containing benzene in excess of the MCL over many years could experience anemia or a decrease in blood platelets, and may have an increased risk of getting cancer.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th>Some people who drink water containing carbon tetrachloride in excess of the MCL over many years could experience problems with their liver and may have an increased risk of getting cancer.</th>
</tr>
</thead>
<tbody>
<tr>
<td>56. Carbon tetrachloride</td>
<td>Zero</td>
<td>0.005</td>
<td>Some people who drink water containing carbon tetrachloride in excess of the MCL over many years could experience problems with their liver and may have an increased risk of getting cancer.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th>Some people who drink water containing chlorobenzene in excess of the MCL over many years could experience problems with their liver or kidneys.</th>
</tr>
</thead>
<tbody>
<tr>
<td>57. Chlorobenzene (monochlorobenzene)</td>
<td>0.1</td>
<td>0.1</td>
<td>Some people who drink water containing chlorobenzene in excess of the MCL over many years could experience problems with their liver or kidneys.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th>Some people who drink water containing o-dichlorobenzene well in excess of the MCL over many years could experience problems with their liver, kidneys, or circulatory systems.</th>
</tr>
</thead>
<tbody>
<tr>
<td>58. o-Dichlorobenzene</td>
<td>0.6</td>
<td>0.6</td>
<td>Some people who drink water containing o-dichlorobenzene well in excess of the MCL over many years could experience problems with their liver, kidneys, or circulatory systems.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th>Some people who drink water containing p-dichlorobenzene in excess of the MCL over many years could experience anemia, damage to their liver, kidneys, or spleen, or changes in their blood.</th>
</tr>
</thead>
<tbody>
<tr>
<td>59. p-Dichlorobenzene</td>
<td>0.075</td>
<td>0.075</td>
<td>Some people who drink water containing p-dichlorobenzene in excess of the MCL over many years could experience anemia, damage to their liver, kidneys, or spleen, or changes in their blood.</td>
</tr>
</tbody>
</table>
### POLLUTION CONTROL BOARD

**NOTICE OF ADOPTED AMENDMENTS**

<p>| | | | |</p>
<table>
<thead>
<tr>
<th></th>
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<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>60.</td>
<td>1,2-Dichloroethane</td>
<td>Zero</td>
<td>0.005</td>
</tr>
<tr>
<td>61.</td>
<td>1,1-Dichloroethylene</td>
<td>0.007</td>
<td>0.007</td>
</tr>
<tr>
<td>62.</td>
<td>cis-1,2-Dichloroethylene</td>
<td>0.07</td>
<td>0.07</td>
</tr>
<tr>
<td>63.</td>
<td>trans-1,2-Dichloroethylene</td>
<td>0.1</td>
<td>0.1</td>
</tr>
<tr>
<td>64.</td>
<td>Dichloromethane</td>
<td>Zero</td>
<td>0.005</td>
</tr>
<tr>
<td>65.</td>
<td>1,2-Dichloropropane</td>
<td>Zero</td>
<td>0.005</td>
</tr>
<tr>
<td>66.</td>
<td>Ethylbenzene</td>
<td>0.7</td>
<td>0.7</td>
</tr>
<tr>
<td></td>
<td>Substance</td>
<td>MCL</td>
<td>MCL with Amend.</td>
</tr>
<tr>
<td>---</td>
<td>-------------------------</td>
<td>-----</td>
<td>----------------</td>
</tr>
<tr>
<td>67.</td>
<td>Styrene</td>
<td>0.1</td>
<td>0.1</td>
</tr>
<tr>
<td>68.</td>
<td>Tetrachloroethylene</td>
<td>Zero</td>
<td>0.005</td>
</tr>
<tr>
<td>69.</td>
<td>Toluene</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>70.</td>
<td>1,2,4-Trichlorobenzene</td>
<td>0.07</td>
<td>0.07</td>
</tr>
<tr>
<td>71.</td>
<td>1,1,1-Trichloroethane</td>
<td>0.2</td>
<td>0.2</td>
</tr>
<tr>
<td>72.</td>
<td>1,1,2-Trichloroethane</td>
<td>0.003</td>
<td>0.005</td>
</tr>
<tr>
<td>73.</td>
<td>Trichloroethylene</td>
<td>Zero</td>
<td>0.005</td>
</tr>
</tbody>
</table>
### NOTICE OF ADOPTED AMENDMENTS

<p>| | | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>74.</td>
<td>Vinyl chloride</td>
<td>Zero</td>
<td>0.002</td>
</tr>
<tr>
<td>75.</td>
<td>Xylenes (total)</td>
<td>10</td>
<td>10</td>
</tr>
</tbody>
</table>

**G. Radioactive Contaminants**

<p>| | | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>76.</td>
<td>Beta/photon emitters</td>
<td>Zero</td>
<td>4 mrem/yr</td>
</tr>
<tr>
<td>77.</td>
<td>Alpha emitters</td>
<td>Zero</td>
<td>15 pCi/L</td>
</tr>
<tr>
<td>78.</td>
<td>Combined radium (226 &amp; 228)</td>
<td>Zero</td>
<td>5 pCi/L</td>
</tr>
<tr>
<td>79.</td>
<td>Uranium</td>
<td>Zero</td>
<td>30 µg/L</td>
</tr>
</tbody>
</table>
H. Disinfection Byproducts (DBPs), Byproduct Precursors, and Disinfectant Residuals: Where disinfection is used in the treatment of drinking water, disinfectants combine with organic and inorganic matter present in water to form chemicals called disinfection byproducts (DBPs). USEPA sets standards for controlling the levels of disinfectants and DBPs in drinking water, including trihalomethanes (THMs) and haloacetic acids (HAA5) \(^{18}\)

<table>
<thead>
<tr>
<th>80. Total trihalomethanes (TTHMs)</th>
<th>N/A</th>
<th>0.10/0.080 (^{19})</th>
<th>Some people who drink water containing trihalomethanes in excess of the MCL over many years may experience problems with their liver, kidneys, or central nervous system, and may have an increased risk of getting cancer.</th>
</tr>
</thead>
<tbody>
<tr>
<td>81. Haloacetic Acids (HAA5)</td>
<td>N/A</td>
<td>0.060 (^{21})</td>
<td>Some people who drink water containing haloacetic acids in excess of the MCL over many years may have an increased risk of getting cancer.</td>
</tr>
<tr>
<td>82. Bromate</td>
<td>Zero</td>
<td>0.010</td>
<td>Some people who drink water containing bromate in excess of the MCL over many years may have an increased risk of getting cancer.</td>
</tr>
<tr>
<td>83. Chlorite</td>
<td>0.08</td>
<td>1.0</td>
<td>Some infants and young children who drink water containing chlorite in excess of the MCL could experience nervous system effects. Similar effects may occur in fetuses of pregnant women who drink water containing chlorite in excess of the MCL. Some people may experience anemia.</td>
</tr>
<tr>
<td>84. Chlorine</td>
<td>4 (MRDLG)</td>
<td>4.0 (MRDL)</td>
<td>Some people who use water containing chlorine well in excess of the MRDL could experience irritating effects to their eyes and nose. Some people who drink water containing chlorine well in excess of the MRDL could experience stomach discomfort.</td>
</tr>
<tr>
<td>Code</td>
<td>Description</td>
<td>MRDLG</td>
<td>MRDL</td>
</tr>
<tr>
<td>------</td>
<td>-------------</td>
<td>--------</td>
<td>-------</td>
</tr>
<tr>
<td>85</td>
<td>Chloramines</td>
<td>4</td>
<td>4.0</td>
</tr>
<tr>
<td>85a</td>
<td>Chlorine dioxide, where any two consecutive daily samples taken at the entrance to the distribution system are above the MRDL</td>
<td>0.8</td>
<td>0.8</td>
</tr>
</tbody>
</table>
### 86a. Chlorine dioxide, where one or more distribution system samples are above the MRDL

<table>
<thead>
<tr>
<th>Standard</th>
<th>Value</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chlorine dioxide</td>
<td>0.8 (MRDLG)</td>
<td>Some infants and young children who drink water containing chlorine dioxide in excess of the MRDL could experience nervous system effects. Similar effects may occur in fetuses of pregnant women who drink water containing chlorine dioxide in excess of the MRDL. Some people may experience anemia. Add for public notification only: The chlorine dioxide violations reported today include exceedences of the USEPA standard within the distribution system that delivers water to consumers. Violations of the chlorine dioxide standard within the distribution system may harm human health based on short-term exposures. Certain groups, including fetuses, infants, and young children, may be especially susceptible to nervous system effects from excessive chlorine dioxide exposure.</td>
</tr>
</tbody>
</table>

### 87. Control of DBP precursors (TOC)

<table>
<thead>
<tr>
<th>Standard</th>
<th>Value</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chlorine dioxide</td>
<td>0.8 (MRDL)</td>
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<th>Description</th>
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<thead>
<tr>
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<th>Description</th>
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<tbody>
<tr>
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<td>0.8 (MRDL)</td>
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</tbody>
</table>

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<thead>
<tr>
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<th>Value</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chlorine dioxide</td>
<td>0.8 (MRDL)</td>
<td>Some infants and young children who drink water containing chlorine dioxide in excess of the MRDL could experience nervous system effects. Similar effects may occur in fetuses of pregnant women who drink water containing chlorine dioxide in excess of the MRDL. Some people may experience anemia. Add for public notification only: The chlorine dioxide violations reported today include exceedences of the USEPA standard within the distribution system that delivers water to consumers. Violations of the chlorine dioxide standard within the distribution system may harm human health based on short-term exposures. Certain groups, including fetuses, infants, and young children, may be especially susceptible to nervous system effects from excessive chlorine dioxide exposure.</td>
</tr>
</tbody>
</table>

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<thead>
<tr>
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<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
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</tbody>
</table>

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<thead>
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<th>Description</th>
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<tbody>
<tr>
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</tr>
</tbody>
</table>
### I. Other Treatment Techniques:

<p>| | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>88. Acrylamide</td>
<td>Zero</td>
<td>TT</td>
</tr>
<tr>
<td></td>
<td>Some people who drink water containing high levels of acrylamide over a long period of time could have problems with their nervous system or blood, and may have an increased risk of getting cancer.</td>
<td></td>
</tr>
</tbody>
</table>

<p>| | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>89. Epichlorohydrin</td>
<td>Zero</td>
<td>TT</td>
</tr>
<tr>
<td></td>
<td>Some people who drink water containing high levels of epichlorohydrin over a long period of time could experience stomach problems, and may have an increased risk of getting cancer.</td>
<td></td>
</tr>
</tbody>
</table>

---

**Appendix H--Endnotes**

1. “MCLG” means maximum contaminant level goal.

2. “MCL” means maximum contaminant level.

3. For a water supplier analyzing at least 40 samples per month, no more than 5.0 percent of the monthly samples may be positive for total coliforms. For a supplier analyzing fewer than 40 samples per month, no more than one sample per month may be positive for total coliforms.

4. There are various regulations that set turbidity standards for different types of systems, including Section 611.320, the 1989 Surface Water Treatment Rule, and the 1998 Interim Enhanced Surface Water Treatment Rule, and the 2002 Long Term 1 Enhanced Surface Water Treatment Rule. The MCL for the monthly turbidity average is 1 NTU; the MCL for the 2-day average is 5 NTU for a supplier that is required to filter but has not yet installed filtration (Section 611.320).

5. “NTU” means nephelometric turbidity unit.

6. There are various regulations that set turbidity standards for different types of systems, including Section 611.320, the 1989 Surface Water Treatment Rule (SWTR), and the 1998 Interim Enhanced Surface Water Treatment Rule (IESWTR), and the 2002 Long Term 1 Enhanced Surface Water Treatment Rule. A supplier subject to the Surface Water Treatment Rule (both filtered and unfiltered) may not exceed 5 NTU. In addition, in filtered systems, 95
percent of samples each month must not exceed 0.5 NTU in systems using conventional or direct filtration and must not exceed 1 NTU in systems using slow sand or diatomaceous earth filtration or other filtration technologies approved by the Agency.

7. “TT” means treatment technique.

8. There are various regulations that set turbidity standards for different types of systems, including Section 611.320, the 1989 Surface Water Treatment Rule (SWTR), the 1998 Interim Enhanced Surface Water Treatment Rule (IESWTR), and the 2002 Long Term 1 Enhanced Surface Water Treatment Rule. For a supplier subject to the IESWTR (systems serving at least 10,000 people, using surface water or groundwater under the direct influence of surface water), that use conventional filtration or direct filtration, after January 1, 2002, the turbidity level of a system’s combined filter effluent may not exceed 0.3 NTU in at least 95 percent of monthly measurements, and the turbidity level of a system’s combined filter effluent must not exceed 1 NTU at any time. A supplier subject to the IESWTR using technologies other than conventional, direct, slow sand, or diatomaceous earth filtration must meet turbidity limits set by the Agency. For a supplier subject to the LT1ESWTR (a supplier that serves fewer than 10,000 people, using surface water or groundwater under the direct influence of surface water) that uses conventional filtration or direct filtration, after January 1, 2005, the turbidity level of the supplier’s combined filter effluent may not exceed 0.3 NTU in at least 95 percent of monthly measurements, and the turbidity level of the supplier’s combined filter effluent must not exceed 1 NTU at any time. A supplier subject to the LT1ESWTR using technologies other than conventional, direct, slow sand, or diatomaceous earth filtration must meet turbidity limits set by the Agency.

9. The bacteria detected by heterotrophic plate count (HPC) are not necessarily harmful. HPC is simply an alternative method of determining disinfectant residual levels. The number of such bacteria is an indicator of whether there is enough disinfectant in the distribution system.

10. SWTR, IESWTR, and LT1ESWTR treatment technique violations that involve turbidity exceedences may use the health effects language for turbidity instead.

11. These arsenic values are effective January 23, 2006. Until then, the MCL is 0.05 mg/L and there is no MCLG.

12. Millions of fibers per liter.

13. Action Level = 0.015 mg/L.
14. Action Level = 1.3 mg/L.

15. Millirems per year.

16. Picocuries per liter.

17. The uranium MCL is effective December 8, 2003 for all community water systems.

18. A surface water system supplier or a groundwater system supplier under the direct influence of surface water is regulated under Subpart B of this Part. A Suppart B community water system supplier or a non-transient non-community system supplier that serves 10,000 or more persons must comply with DBP MCLs and disinfectant maximum residual disinfectant levels (MRDLs) beginning January 1, 2002. All other community and non-transient non-community system suppliers must meet the MCLs and MRDLs beginning January 1, 2004. Subpart B transient non-community system suppliers serving 10,000 or more persons and using chlorine dioxide as a disinfectant or oxidant must comply with the chlorine dioxide MRDL beginning January 1, 2002. Subpart B transient non-community system suppliers serving fewer than 10,000 persons and systems using only groundwater not under the direct influence of surface water and using chlorine dioxide as a disinfectant or oxidant must comply with the chlorine dioxide MRDL beginning January 1, 2004.

19. The MCL of 0.10 mg/L for TTHMs is in effect until January 1, 2002 for a Subpart B community water system supplier serving 10,000 or more persons. This MCL is in effect until January 1, 2004 for community water systems with a population of 10,000 or more using only groundwater not under the direct influence of surface water. After these deadlines, the MCL will be 0.080 mg/L. On January 1, 2004, a supplier serving fewer than 10,000 will have to comply with the new MCL as well.

20. The MCL for total trihalomethanes is the sum of the concentrations of the individual trihalomethanes.

21. The MCL for haloacetic acids is the sum of the concentrations of the individual haloacetic acids.

22. “MRDLG” means maximum residual disinfectant level goal.

23. “MRDL” means maximum residual disinfectant level.
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS


(Source: Amended at 27 Ill. Reg. 1183, effective January 10, 2003)
### NOTICE OF ADOPTED AMENDMENTS

1) **Heading of the Part:** Emergency Medical Services and Trauma Center Code

2) **Code Citation:** 77 Ill. Adm. Code 515

3) **Section Numbers:**

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4) **Statutory Authority:** Emergency Medical Services (EMS) System Act [210 ILCS 50]

5) **Effective date of amendments:** January 10, 2003

6) Does this rulemaking contain an automatic repeal date? No

7) Does this rulemaking contain any incorporations by reference? No

8) A copy of the adopted amendments is on file in the Department’s principal office and is available for public inspection.

9) **Notice(s) of Proposal was Published in Illinois Register:** July 26, 2002 - Ill. Reg. 11363

10) Has JCAR issued a Statement of Objection to these amendments? No

11) **Difference between proposal and final version:**

The following changes were made in response to comments received during the first notice or public comment period:

1. In Section 515.380(e), ASys tems shall have a policy in place concerning recognition of DNR orders written prior to July 1, 2001 @ was added.
2. In Section 515.450(a), AEMS . . . Department@ was deleted and Aany System participants and/or providers covered under the Act@ was added.

3. In Section 515.450(b), Aperson who believes that the Act or this Part may have been violated may submit@ was added after AA@; Amay be submitted@ was deleted.

4. In Section 515.450(c), AEMT . . . hospital@ was deleted and ASystem participant or provider@ was added.

5. In Section 515.450(e), Aor Trauma Center Medical Director@ was added after AEMSMD@.

6. In Section 515.450(g), (h) and (i), Alicenec@ was changed to ASystem participant@.

7. In Section 515.450(i), Afindings@ was changed to Aresults (i.e., whether the complaint was found to be valid, invalid, or undetermined)@; A10" was changed to A20".

8. In Section 515.450(i), AThe . . . determination@ was deleted.

9. In Section 515.450, the following was added:
   Ak) A complainant or EMS System participant or provider who is dissatisfied with the determination or investigation by the Department may request a hearing pursuant to Section 515.160 of this Part. A request for a hearing shall be submitted to the Department within 30 days after the determination is mailed.

10. In Section 515.500(c), Afor application in the treatment of allergic reactions and anaphylaxis@ was added after Achildren@.

11. In Section 515.510(d), A, which includes hospital and field internship experience@ was added after Aexperience@.

12. In Section 515.510(d), Afor application in the treatment of allergic reaction and anaphylaxis@ was added after Achildren@.
13. In Section 515.520(d), A, which includes hospital and field internship experience was added after Aexperience.

14. In Section 515.520(d), A for application in the treatment of allergic reactions and anaphylaxis was added after Achildren.

15. In Section 515.520(h), Aexperience and was stricken.

16. In Section 515.540(b), A at least was added after Aof.

17. In Section 515.830(a)(1) and (3), (b)(1)(A) and (B), and (b)(3)(A), AD was stricken and AE was added.

18. In Section 515.830(j), A may was changed to A shall.

The following changes were made in response to comments and suggestions of the JCAR:

In Section 515.450(b), line 2, Aa was added after Asubmit.

In addition, various typographical, grammatical and form changes were made in response to the comments from JCAR.

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 these amendments replace emergency amendments currently in effect? No

14) Are there any other amendments pending on this Part? Yes

If Yes:

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15) Summary and purpose of the amendments:
Section 515.220 (EMS Regional Plan Content) is being amended to require the EMS Medical Directors Committee portion of the Regional Plan to address protocols for stroke screening and to require EMS System hospital internal disaster plans to address biological and chemical incidents and the availability of decontamination.

Section 515.380 (Do Not Resuscitate (DNR) Policy) is being amended to correct a medical term and to delete reference to a date that has passed.

Section 515.450 (Complaints) is being added to establish requirements for submitting and investigating complaints.

Section 515.500 (Emergency Medical Technician Basic Training) is being amended in response to Public Act 92-0376 (effective August 15, 2001), which amended the Emergency Medical Services (EMS) Systems Act to require emergency medical technicians (EMTs) to be trained in the use of epinephrine.

Section 515.510 (Emergency Medical Technician - Intermediate Training) is being amended to change the minimum requirements for the content of the EMT-I training program and to implement P.A. 92-0376.

Section 515.520 (Emergency Medical Technician - Paramedic Training) is being amended to add minimum course hour requirements and to implement P.A. 92-0376.

Section 515.540 (EMT Licensure) is being amended to include reference to the passing score on the Department’s licensing examination, if the examination is available.

Section 515.590 (EMT License Renewals) is being amended to require EMT-I's and EMT-Ps to complete a transition program for all sections of the National Standard Curriculum that are not currently in place in their System.

Section 515.700 (EMS Lead Instructor) is being amended to require EMT-I and EMT-P Lead Instructors to attend a Department-approved curriculum review course whenever revisions are made to the National Standard Curricula for Basic, Intermediate, and/or Paramedic. Requirements that were in place prior to July 1, 2000, are being deleted.

Section 515.830 (Ambulance Licensing Requirements) is being amended to include requirements for epinephrine, in accordance with P.A. 92-0376. In addition, language from P.A. 92-0376 is being included prohibiting patients, individuals who accompany a
patient, and emergency services personnel from smoking while inside an ambulance or specialized emergency medical services vehicle (SEMSV).

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

Peggy Snyder
Division of Legal Services
Department of Public Health
535 West Jefferson, Fifth Floor
Springfield, Illinois  62761
217/782-2043
e-mail:  rules@idph.state.il.us

The full text of the adopted Amendments/Rules begins on the next page:
ILLINOIS DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

TITLE 77: PUBLIC HEALTH
CHAPTER 1: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER f: EMERGENCY SERVICES AND HIGHWAY SAFETY

PART 515
EMERGENCY MEDICAL SERVICES AND TRAUMA CENTER CODE

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515.430 Suspension, Revocation and Denial of Licensure of EMTs
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SUBPART D: EMERGENCY MEDICAL TECHNICIANS

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515.510 Emergency Medical Technician-Intermediate Training
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515.530 EMT Testing and Fees
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515.550 Scope of Practice – Licensed EMT
515.560 EMT-B Continuing Education
515.570 EMT-I Continuing Education
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515.720 First Responder
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515.730 Pre-Hospital Registered Nurse
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515.810 EMS Vehicle System Participation
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515.2030 Level I Trauma Center Designation Criteria
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515.2040 Level II Trauma Center Designation Criteria
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515.2045  Level II Pediatric Trauma Center
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515.3000  EMS Assistance Fund Administration

APPENDIX A  A Request for Designation (RFD) Trauma Center
APPENDIX B  A Request for Renewal of Trauma Center Designation
APPENDIX C  Minimum Trauma Field Triage Criteria
APPENDIX D  Standing Medical Orders
APPENDIX E  Minimum Prescribed Data Elements
APPENDIX F  Template for In-House Triage for Trauma Centers
APPENDIX G  Credentials of General/Trauma Surgeons Level I and Level II
APPENDIX H  Credentials of Emergency Department Physicians Level I and Level II
APPENDIX I  Credentials of General/Trauma Surgeons Level I and Level II Pediatric Trauma Centers
APPENDIX J  Credentials of Emergency Department Physicians Level I and Level II Pediatric Trauma Centers

AUTHORITY:  Implementing and authorized by the Emergency Medical Services (EMS) Systems Act [210 ILCS 50].

Section 515.220  EMS Regional Plan Content

a) The EMS Medical Directors Committee portion of the Regional Plan shall address at least the following:

1) Protocols for inter-System/inter-Region patient transports, including protocols for pediatric patients and pediatric patients with special health care needs, identifying the conditions of emergency patients which may not be transported to the different levels of emergency department, based on their department classifications and relevant Regional considerations (e.g., transport times and distances);

2) Regional standing medical orders;

3) Patient transfer patterns, including criteria for determining whether a patient needs the specialized service of a trauma center, along with protocols for the bypassing of or diversion to any hospital, trauma center or Regional trauma center which are consistent with individual System bypass or diversion protocols and protocols for patient choice or refusal;

4) Protocols for resolving Regional or inter-System conflict;

5) An EMS disaster preparedness plan which includes the actions and responsibilities of all EMS participants within the Region for care and transport of both the adult and pediatric population;

6) Regional standardization of continuing education requirements;

7) Regional standardization of Do Not Resuscitate (DNR) policies, and protocols for power of attorney for health care;

8) Protocols for disbursement of Department grants (Section 3.30(a)(1-8) of the Act);

9) Protocols for stroke screening;

10) Development of protocols to improve and integrate EMS for children (or EMSC) into the current delivery of emergency services within the Region; and

11) Development of a policy in regard to incidents involving school buses, which shall include, but not be limited to:

A) Assessment of the incident, including mechanism and extent of damage to the vehicle;

B) Passenger assessment/extent of injuries;

C) A provision for transporting all children with special healthcare needs and those with communication difficulties;

D) Age specific issues; and
E) Use of a release form for nontransports.

b) The Trauma Center Medical Directors or Trauma Center Medical Directors Committee portion of the Regional Plan shall address at least the following:

1) The identification of Regional Trauma Centers and identification of trauma centers that specialize in pediatrics;

2) Protocols for inter-System and inter-Region trauma patient transports, including identifying the conditions of emergency patients which may not be transported to the different levels of emergency department, based on their department classifications and relevant Regional considerations (e.g., transport times and distances);

3) Regional trauma standing medical orders;

4) Trauma patient transfer patterns, including criteria for determining whether a patient needs the specialized services of a trauma center, along with protocols for the bypassing of or diversion to any hospital, trauma center or Regional trauma center which are consistent with individual System bypass or diversion protocols and protocols for patient choice or refusal (These policies must include the criteria of Section 515.Appendix C.);

5) The identification of which types of patients can be cared for by Level I and Level II Trauma Centers;

6) Criteria for inter-hospital transfer of trauma patients, including the transfer of pediatric patients;

7) The treatment of trauma patients in each trauma center within the Region;

8) The establishment of a Regional trauma quality assurance and improvement subcommittee, consisting of trauma surgeons, which shall perform periodic medical audits of each trauma center's trauma services, and forward tabulated data from such reviews to the Department; and

9) A program for conducting a quarterly conference which shall include at a minimum a discussion of morbidity and mortality between all professional staff involved in the care of trauma patients. (Section 3.30(b)(1-9) of the Act)

A) This shall include but not be limited to all cases that have been deemed potentially preventable or preventable in the trauma center review using the American College of Surgeons "Guidelines for Judgement Regarding Mortality and Contributing Factors and Guidelines Related to Morbidity and Mortality" (from "Resources for Optimal Care of the Injured Patient"). This review should exclude trauma patients who were dead on arrival.
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B) In addition, the review must include all patients who were transferred more than two hours from time of arrival at the initial institution and who meet one or more of the following criteria at the receiving trauma center:
   i) Admitted to an intensive care unit;
   ii) Admitted to a bed with telemetry monitoring;
   iii) Went directly to the operating room;
   iv) Went to the operating room from the emergency department;
   v) Discharged to a rehabilitation or skilled care facility;
   vi) Died following arrival.

C) The Region must include a review of morbidity/audit filters that have been determined by the Region.

D) Cumulative Regional reports will be made available upon request from the Department.

c) The Region's EMS Medical Directors and Trauma Center Medical Directors Committees shall appoint any subcommittees which they deem necessary to address specific issues concerning Region activities. (Section 3.30(c) of the Act)

d) Internal Disaster Plans
   1) Each System hospital shall submit an internal disaster plan to the EMS Medical Directors Committee and the Trauma Center Medical Directors Committee.
   2) The hospital internal disaster plan shall be coordinated with, or a part of, the hospital's overall disaster plan.
   3) The plan shall be coordinated with local and State disaster plans.
   4) The hospital internal disaster plan shall be developed by a hospital committee and shall at a minimum:
      A) Identify the authority to implement the internal disaster plan, including the chain of command and how notification shall be made throughout the hospital;
      B) Identify the critical operational elements required in the hospital in the event of an internal disaster;
      C) If the facility needs to go on bypass or resource limitation status, identify the person responsible for notification and the persons both outside and within the hospital who should be notified;
      D) Identify a person or group responsible for ensuring that needed resources and supplies are available;
      E) Identify a person to communicate with representatives from other agencies, organizations, and the EMS System;
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F) Identify a person who is responsible for procuring all supplies required to manage the facility and return the facility to the preincident status;

G) Identify the plan and procedure for educating facility employees on their role and responsibilities during the disaster;

H) Designate a media spokesperson;

I) Establish a method for resource coordination between departments and individuals to address management of staff, patients and patient flow patterns;

J) Designate a person (safety officer) with responsibility for establishing safety policies to include, but not be limited to, decontamination operations, safety zones, site safety plans, evacuation parameters, and traffic patterns;

K) Designate a location where personnel, not actually committed to the incident, will report for assignments, as needed (i.e., a staging area);

L) Include notification procedures to EMS Systems, area ambulances, both public and private, and police and fire authorities of the type of incident that caused the hospital to implement its internal disaster plan and of any special instructions, e.g., use of a different driveway or entrance;

M) Establish a designated form of communication, both internal and external, to maintain two-way communication (e.g., Mobile Emergency Communications of Illinois (MERCI), ham radio, walkie talkies);

N) Include a policy to call in additional nursing staff when an identified staffing shortage exists;

O) Include the policy developed pursuant to Section 515.315(f); and

P) Include contingency plans for the transfer of patients to other facilities if an evacuation of the hospital becomes necessary due to a catastrophe, including but not limited to a power failure. (Section 3.30 of the Act); and

Q) Address biological and chemical incidents and the availability of decontamination.

(Source: Amended at 27 Ill. Reg. 1277, effective January 10, 2003)

SUBPART C: EMS SYSTEMS
Section 515.380  Do Not Resuscitate (DNR) Policy

a) A System shall develop a DNR policy for use by System personnel. The policy shall be implemented only after it has been reviewed and approved by the Department, in accordance with the requirements of this Section. For purposes of this Section, DNR refers to the withholding of cardiopulmonary resuscitation (CPR); electrical therapy to include pacing, cardioversion, and defibrillation; tracheal intubation and manually or mechanically assisted ventilations, unless otherwise stated on the DNR Order.

b) The policy shall include, but not be limited to, specific procedures and protocols for cardiac arrest/DNR situations arising in long-term care facilities, with hospice and home care patients, and with patients who arrest during inter-hospital transfers or transportation to or from home.

c) The policy shall include specific procedures and protocols for withholding CPR in situations where explicit signs of biological death are present (e.g., decapitation, rigor mortis without profound hypothermia, profound dependent lividity), or the patient has been declared dead by a coroner or the patient's physician. The policy shall include recording such information on the run sheet and requesting the physician or coroner to sign the run sheet (if applicable).

d) For situations not covered by subsection (c) of this Section, the policy shall require that resuscitative procedures be followed unless a valid DNR Order is present.

e) Beginning July 1, 2001, a valid DNR Order shall be written on a form provided by the Department and shall contain the following information. If the Department form is reproduced, brightly colored orange paper shall be used. Systems shall have a policy in place concerning recognition of DNR orders written prior to July 1, 2001.

1) Name of the patient,
2) Name and signature of attending physician,
3) Effective date,
4) The words "Do Not Resuscitate",
5) Evidence of consent – either:
   A) signature of patient; or
   B) signature of legal guardian; or
   C) signature of durable power of attorney for health care agent; or
   D) signature of surrogate decision-maker.

f) A living will by itself cannot be recognized by pre-hospital care providers.

g) Revocation of a written DNR Order shall be made only in one or more of the following ways:
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1) The Order is physically destroyed or verbally rescinded by the physician who signed the Order; or
2) The Order is physically destroyed or verbally rescinded by the person who gave written consent to the Order.

h) A System's DNR policy shall require System personnel to make a reasonable attempt to verify the identity of the patient (for example, identification by another person or an identifying bracelet) named in a valid DNR Order.

i) The policy shall describe the roles of the on-line medical control physician and ECRN in DNR situations.

j) The policy shall state which System ambulance personnel are authorized to respond to a valid DNR Order (EMT-P, EMT-I, EMT-B, Pre-hospital RN).

k) The policy shall cross-reference the System's coroner notification policy.

l) The policy shall describe the System's program for educating System personnel concerning the policy.

m) The policy shall identify the quality assurance measures specific to this policy, including the methods and periods of review, and the submission of a yearly report to the Department indicating issues or problems that have been identified and the System's responses to those issues or problems.

(Source: Amended at 27 Ill. Reg. 1277, effective January 10, 2003)

Section 515.450 Complaints

a) For the purposes of this Section, "complaint" means a report of an alleged violation of the Act or this Part by any System participants and/or providers covered under the Act. Complaints shall be defined as problems related to the care and treatment of a patient.

b) A person who believes that the Act or this Part may have been violated may submit a complaint by means of a telephone call, letter, fax, or in person. An oral complaint will be reduced to writing by the Department. The complainant is requested to supply the following information concerning the allegation:

1) Date and time or shift of occurrence;
2) Names of the patient, EMS personnel, family members, and other persons involved;
3) Relationship of the complainant to the patient or to the provider;
4) Condition and status of the patient; and
5) Details of the situation.

c) All complaints shall be submitted to the Department's Central Complaint Registry or to the EMS Medical Director (EMSMD). If the complaint involves a trauma
patient, the complaint shall also be submitted to the Trauma Center Medical Director along with the EMSMD. Complaints received by the EMSMD or Trauma Center Medical Director shall be forwarded to the Department's Central Complaint Registry within five working days after receipt of the complaint. Complaints received by the Department shall be forwarded to the EMSMD or Trauma Center Medical Director. The substance of the complaint shall be provided in writing to the System participant or provider no earlier than at the commencement of an on-site investigation pursuant to subsection (e) of this Section.

d) The Department and the EMSMD or Trauma Center Medical Director shall not disclose the name of the complainant unless the complainant consents in writing to the disclosure.

e) The Department shall conduct an investigation jointly with the EMSMD, EMS Coordinator or Trauma Center Medical Director if a death or serious injury has occurred or there is imminent risk of death or serious injury, or if the complaint alleges action or conditions that could result in a denial, non-renewal, suspension, or revocation of licensure or designation. If the complaint alleges a violation by the EMSMD, EMS Coordinator or Trauma Center Medical Director, the Department shall conduct the investigation. If the complaint alleges a violation that would not result in licensure or designation action, the Department shall forward the complaint to the EMSMD or Trauma Center Medical Director for review and investigation. The EMSMD or Trauma Center Medical Director may request the Department's assistance at any time during an investigation. In the case of a complaint between EMS Systems, the Department will be involved as mediator or lead investigator.

f) The EMSMD or Trauma Center Director shall forward the results of the investigation and any disciplinary action resulting from a complaint to the Department. Documentation of the investigation shall be retained at the hospital in accordance with EMS System improvement policies and shall be available to the Department upon request. The investigation file shall be considered privileged and confidential in accordance with the Medical Studies Act [735 ILCS 5/8-2101].

g) Based on the information submitted by the complainant and the results of the investigation conducted in accordance with subsection (e) of this Section, the Department will determine whether the Act or this Part is being or has been violated. The Department will review and consider any information submitted by the System participant or provider in response to an investigation.

h) The Department shall have final authority in the disposition of a complaint. Complaints shall be classified as "valid", "invalid", or "undetermined".
The Department shall inform the complainant and the System participant or provider of the complaint results (i.e., whether the complaint was found to be valid, invalid, or undetermined) within 20 days after its determination.

The EMS System shall have a policy in place requiring compliance with this Section.

A complainant or EMS System participant or provider who is dissatisfied with the determination or investigation by the Department may request a hearing pursuant to Section 515.160 of this Part. A request for a hearing shall be submitted to the Department within 30 days after the determination is mailed.

(Source: Added at 27 Ill. Reg. 1277, effective January 10, 2003)

**SUBPART D: EMERGENCY MEDICAL TECHNICIANS**

**Section 515.500 Emergency Medical Technician-Basic Training**

a) Applications for approval of EMT-B Training Programs shall be filed with the Department on forms prescribed by the Department. The application shall contain, at a minimum, name of applicant, agency and address, type of training program, lead instructor's name and address, dates of the training program, and name and signature of EMS Medical Director.

b) Applications for approval, including a copy of the class schedule and course syllabus, shall be submitted at least 60 days in advance of the first scheduled class. Included with the application shall be a description of the clinical requirements, textbook being used and passing score for the class.

c) The EMS Medical Director shall attest on the application form that the training program shall be conducted according to the United States Department of Transportation's National Standard Curriculum (minimum sections shall include #1 through #7 of the National Curriculum for EMT Basic), and that all instructors are knowledgeable in the material and capable of instructing at the EMT-B level. The curriculum shall include training in the use of epinephrine for both adults and children for application in the treatment of allergic reactions and anaphylaxis.

d) The EMT-B training program shall designate an EMS Lead Instructor who shall be responsible for the overall management of the training program and shall be approved by the Department based on requirements of Section 515.700.

e) Any change excluding an emergency change (e.g., weather or instructor illness) in the EMT-B training program's Medical Director or EMS Lead Instructor shall require an amendment to be filed with the Department.
Questions for all quizzes and tests to be given during the EMT-B training program shall be prepared by the EMS Lead Instructor and available upon the Department's request.

Each approved training program shall submit a student roster within 10 days after the first class as well as a student roster indicating successful or unsuccessful completion within 10 days after the last class. An examination roster shall be submitted to the Department prior to the deadline date for examination.

All approved programs shall maintain class and student records for seven years, and these shall be made available to the Department upon request.

(Source: Amended at 27 Ill. Reg. 1277, effective January 10, 2003)

Section 515.510 Emergency Medical Technician-Intermediate Training

An EMT-I training program shall be conducted only by an EMS System or a community college under the direction of the EMS System.

Applications for approval of EMT-I Training Programs shall be filed with the Department on forms prescribed by the Department. The application shall contain, at a minimum, name of applicant, agency and address, type of training program, lead instructor's name and address, dates of training program, and names and signatures of the EMS Medical Director and EMS System Coordinator.

Applications for approval, including a copy of the class schedule and course syllabus, shall be submitted at least 60 days in advance of the first scheduled class.

The EMS Medical Director of the EMS System shall attest on the application form that the training program shall be conducted according to the United States Department of Transportation's National Standard Curriculum. The course hours shall minimally include 200 hours of didactic education and 150 hours of clinical experience, which includes hospital and field internship experience. The curriculum shall include training in the use of epinephrine for both adults and children for application in the treatment of allergic reaction and anaphylaxis. Minimum sections shall include #1 through #8.

The EMT-I training program shall be under the direction of the EMS Medical Director and the EMS System Coordinator.

The EMS System shall designate an EMS Lead Instructor, who shall be approved by the Department based on the requirements of Section 515.700.

The EMS Lead Instructor shall be an EMT-I, an EMT-P, a Registered Professional Nurse or a physician and shall have four years of experience in emergency care as a provider and two years of teaching experience in a classroom setting.
h) Any change excluding an emergency change (e.g., weather or instructor illness) in the EMT-I training program's EMS Medical Director, EMS System Coordinator and/or EMS Lead Instructor shall require an amendment to be filed with the Department.

i) A candidate for an EMT-I training program must have a current Illinois EMT-B license.

j) Before a candidate is accepted into the program, documentation must be submitted that an EMS System vehicle will be available to accommodate field experience.

k) Each approved training program shall submit a student roster within 10 days after the first class as well as a student roster indicating successful or unsuccessful completion within 10 days after the last class. An examination roster shall be submitted to the Department prior to the deadline date for examination.

l) After an EMT-I candidate has completed and passed all components of the training program, and passed the National Registry examination or the Department examination when available, the EMSMD shall submit to the Department a transaction card (Form No. IL 482-0837) concerning that individual.

m) All approved programs shall maintain class and student records for seven years, and these shall be made available to the Department upon request.

(Source: Amended at 27 Ill. Reg. 1277, effective January 10, 2003)

Section 515.520 Emergency Medical Technician-Paramedic Training

a) An EMT-P training program shall be conducted only by an EMS System or a community college under the direction of the EMS System.

b) Applications for approval of EMT-P training programs shall be filed with the Department on forms prescribed by the Department. The application shall contain, at a minimum, name of applicant, agency and address, type of training program, dates of training program, and names and signatures of the EMS Medical Director and EMS System Coordinator.

c) Applications for approval, including a copy of the class schedule and course syllabus, shall be submitted at least 60 days in advance of the first scheduled class.

d) The EMS Medical Director of the EMS System shall attest on the application form that the training program shall be conducted according to the United States Department of Transportation's National Standard Curriculum. The EMT-P training program shall include all components of the National Standard
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Curriculum. The course hours shall minimally include 450 hours of didactic education and 500 hours of clinical experience, which includes hospital and field internship experience. The curriculum shall include training in the use of epinephrine for both adults and children for application in the treatment of allergic reactions and anaphylaxis.

e) The EMT-P training program's lead coordinators shall be the EMS Medical Director and the EMS System Coordinator.
f) Any change excluding an emergency change (e.g., weather or instructor illness) in the EMT-P training program's EMS Medical Director and/or EMS System Coordinator shall require an amendment to be filed with the Department.
g) A candidate for an EMT-P training program must have a current Illinois EMT-B or EMT-I license.
h) Before a candidate is accepted into the program, documentation must be submitted that an EMS System vehicle will be available to accommodate field experience and internship needs.
i) Each approved training program shall submit a student roster within 10 days after the first class as well as a student roster indicating successful or unsuccessful completion within 10 days after the last class. An examination roster shall be submitted to the Department prior to the deadline date for examination.
j) After an EMT-P candidate has completed and passed all components of the training program, and passed the Department or National Registry examination, the EMSMD shall submit to the Department a transaction card (Form No. IL 482-0837) concerning that individual.
k) All approved programs shall maintain class and student records for seven years, and these shall be made available to the Department upon request.

(Source: Amended at 27 Ill. Reg. 1277, effective January 10, 2003)

Section 515.540 EMT Licensure

a) To be licensed by the Department as an EMT-B, an individual must pass either the National Registry of Emergency Medical Technicians examination or the Department's EMT-B examination with a score of at least 70 percent.
b) To be licensed by the Department as an EMT-I, an individual must pass the National Registry of Emergency Medical Technicians examination or the Department's EMT-I examination, if available. Students taking the Department's examination must pass with a score of at least 70 percent.
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c) To be licensed by the Department as an EMT-P, an individual must pass either the National Registry of Emergency Medical Technicians examination or the Department's EMT-P examination with a score of at least 70 percent.
d) An EMT license will specify the level of licensure, i.e., EMT-B, EMT-I OR EMT-P, and will be effective for a period of four years.
e) An EMT shall notify the Department within 30 days after any change in name or address. Notification may be in person, or by mail, phone, fax, or electronic mail.

(Source: Amended at 27 Ill. Reg. 1277, effective January 10, 2003)

Section 515.590  EMT License Renewals

a) To be relicensed as an EMT:
   1) The licensee shall file an application for renewal with the Department on a form prescribed by the Department at least 30 days prior to the license expiration date.
      A) The submission of a transaction card (Form No. IL 482-0837) by the EMS Medical Director will satisfy the renewal application requirement for a licensee who has been recommended for relicensure by the EMS Medical Director.
      B) A licensee who has not been recommended for relicensure by the EMS Medical Director must independently submit to the Department an application for renewal. The EMS Medical Director shall provide the licensee with a copy of the appropriate form to be completed.
   2) A written recommendation signed by the EMS Medical Director must be provided to the Department regarding completion of the following requirements:
      A) One hundred twenty hours of continuing education, seminars and workshops, addressing both adult and pediatric care. The System shall define in the Program Plan the number of continuing education hours to be accrued each year for relicensure. No more than 25 percent of those hours may be in the same subject.
      B) Any System continuing education requirements for an EMT approved to operate an automated defibrillator shall be included in the required 120 continuing education hours.
      C) A current CPR completion card that covers:
         i) Adult one-rescuer CPR,
         ii) Adult foreign body airway obstruction management,
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iii) Pediatric one-rescuer CPR,
iv) Pediatric foreign body airway obstruction management, and
v) Adult two-rescuer CPR.

D) Functioning within a State-approved EMS System providing the licensed level of life support services as verified by that System's EMS Medical Director.

b) Composition of continuing education programs and qualifications of instructors shall be submitted to the Department for approval not less than 60 days prior to the scheduled event. Program approval will be granted provided the program is conducted in accordance with guidelines of the Department of Transportation's National Standard Curriculum for EMTs and contains material relevant to that level of licensure. Qualifications of instructors shall be consistent with Section 515.700.

c) EMT-Is and EMT-Ps shall complete a transition program for all sections of the National Standard Curriculum that are not currently in place in their System. This course may be completed as continuing education and shall be completed within the four-year licensing period.

d) If the EMS Medical Director does not recommend relicensure, he/she shall submit all reasons for denial in writing to the EMT and the Department.

e) The license of an EMT who has failed to file an application for renewal shall terminate on the day following the expiration date shown on the license.

f) At any time prior to the expiration of the current license, an EMT-I or EMT-P may revert to the EMT-B status for the remainder of the license period. The EMT-I or EMT-P must make this request in writing to the Department. To relicense at the EMT-B level, the individual must meet the EMT-B requirements for relicensure.

g) An EMT-I or EMT-P who has reverted to EMT-B status may be subsequently relicensed as an EMT-I or EMT-P, upon the recommendation of an EMS Medical Director who has verified that the individual's knowledge and clinical skills are at an active EMT-I or EMT-P level, and that the individual has completed any retraining, education or testing deemed necessary by the EMSMD for resuming EMT-I or EMT-P activities.

h) Any EMT whose license has expired for a period of more than 60 days shall be required to reapply for licensure, complete the training program and pass the test, and pay the fees as required for initial licensure (see subsection (ji) below).

i) The Department shall require the licensee to certify on the renewal application form, under penalty of perjury, that he or she is not more than 30 days delinquent in complying with a child support order. (Section 10-65(c) of the Illinois Administrative Procedure Act [5 ILCS 100/10-65(c)])
An EMT whose license has expired may, within 60 days after licensure expiration, submit all relicensure material as required in this Part and a fee of $50 in the form of a certified check or money order (cash or personal check will not be accepted). If all material is in order and there is no disciplinary action pending against the EMT, the Department will relicense the EMT.

At any time prior to the expiration of the current license, an EMT may revert to First Responder status for the remainder of the license period. The EMT must make this request in writing to the Department. To re-register as a First Responder, the individual must meet the requirements for First Responder registration.

(Source: Amended at 27 Ill. Reg. 1277, effective January 10, 2003)

SUBPART E: EMS LEAD INSTRUCTOR, EMERGENCY MEDICAL DISPATCHER, FIRST RESPONDER, PRE-HOSPITAL REGISTERED NURSE, EMERGENCY COMMUNICATIONS REGISTERED NURSE, AND TRAUMA NURSE SPECIALIST

Section 515.700 EMS Lead Instructor

a) All education, training and continuing education courses for EMT-B, EMT-I, EMT-P, Pre-Hospital RN, ECRN, First Responder and Emergency Medical Dispatcher shall be coordinated by at least one approved EMS Lead Instructor. A program may use more than one EMS Lead Instructor. A single EMS Lead Instructor may simultaneously coordinate more than one program or course. (Section 3.65(b)(5) of the Act)

b) To apply to take the EMS Lead Instructor's examination, the candidate shall submit:
1) Documentation of experience and education in accordance with subsection (c) of this Section;
2) A fee of $50 in the form of a money order or certified check made payable to the Department (cash or a personal check will not be accepted);
3) A letter from the EMS Medical Director saying he/she will approve the course conducted by the candidate;
4) An EMS Lead Instructor application form prescribed by the Department, which shall include, but not be limited to, name, address, and resume.

c) An EMS Lead Instructor shall meet at least the following minimum experience and education requirements:
1) A current license as an EMT-B, EMT-I, EMT-P, RN or physician;
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2) A minimum of four years of experience in pre-hospital emergency care;
3) At least two years of documented teaching experience;
4) Documented classroom teaching experience, i.e., BTLS, PHTLS, CPR, Pediatric Advanced Life Support (PALS);
5) Documented successful completion of the Illinois EMS Instructor Education Course or equivalent to the National Standard Curriculum for EMS Instructors.

d) Upon the applicant's completion of the EMS Lead Instructor examination with a score of at least 80 percent, the Department will approve the individual as an EMS Lead Instructor. The approval will be valid for four years.

e) EMT-I and EMT-P Lead Instructors shall attend a Department-approved curriculum review course whenever revisions are made to the National Standard Curricula for Basic, Intermediate, and/or Paramedic.

e) An individual who prior to August 1, 1995, coordinated education, training and continuing education courses for pre-hospital providers may petition the Department for conditional approval as an EMS Lead Instructor. Conditional approval will be granted until July 1, 2000, by which date the individual must successfully complete the EMS Lead Instructor examination. Individuals petitioning for conditional approval must submit the following to the Department:

1) A resume including documentation of experience and education in accordance with subsection (c) of this Section.
2) A listing of all relevant programs coordinated from January 1, 1991 to present.
3) A letter of support from an EMS Medical Director indicating that the individual has satisfactorily coordinated programs for the EMS System at any time between August 1, 1995, and April 15, 1997.
4) An EMS Lead Instructor application form prescribed by the Department, which shall include, but not be limited to, name and address.

f) To renew approval for another four-year period, the EMS Lead Instructor shall submit to the Department at least 60 days, but not more than 90 days, prior to the approval expiration:

1) A letter of support from an EMS Medical Director indicating that the EMS Lead Instructor has satisfactorily coordinated programs for the EMS System at any time during the four-year period.
2) Documentation of at least 10 hours of continuing education annually. (Programs used to fulfill other professional continuing education requirements, i.e., EMT, nursing, may also be used to meet this requirement.)
3) **Documentation of attendance at a Department-approved curriculum review course, if applicable, in accordance with subsection (e).**

3) **Documentation of attendance at a Department-approved curriculum review course, if applicable, in accordance with subsection (e).**

**g)** The Department shall, in accordance with Section 515.160 of this Part, suspend or revoke the approval of an EMS Lead Instructor, after an opportunity for a hearing, when findings show: the EMS Lead Instructor has failed:

1) *To conduct a course in accordance with the curriculum prescribed by the Act and/or this Part; or*

2) *To comply with protocols prescribed by this Part. (Section 3.65(b)(7) of the Act)*

(Source: Amended at 27 Ill. Reg. 1277, effective January 10, 2003)

**SUBPART F: VEHICLE SERVICE PROVIDERS**

**Section 515.830 Ambulance Licensing Requirements**

**a) Vehicle Design**

1) Each new vehicle used as an ambulance shall comply with the criteria established by the U.S. General Services Administration's Specification for Ambulance (KKK-A-1822D), with the exception of Section 3.16.2, Color, Paint and Finish.

2) *A licensed vehicle shall be exempt from subsequent vehicle design standards or specifications required by the Department in this Part, as long as said vehicle is continuously in compliance with the vehicle design standards and specifications originally applicable to that vehicle, or until said vehicle's title of ownership is transferred. (Section 3.85(b)(8) of the Act)*

3) The following requirements listed in Specification KKK-A-1822ED shall be considered mandatory in Illinois even though they are listed as optional in that publication:

   A) 3.7.7.1 Each vehicle will be equipped with either a battery charger or battery conditioner (see 3.15.3 item 7).

   B) 3.8.5.2 Patient compartment checkout lights will be provided (see 3.15.3 item 9).

   C) 3.12.1 An oxygen outlet will be provided above the secondary patient (see 3.15.4 M9).

   D) 3.15.4M3 Electric clock with sweep second hand will be provided.

**b) Equipment Requirements – Basic Life Support Vehicles**
Each ambulance used as a Basic Life Support vehicle shall meet the following equipment requirements, as determined by the Department by an inspection:

1) Stretchers, Cots, and Litters
   A) Primary Patient Cot
      Must meet the requirements of sections 3.11.5, 3.11.8.1 of KKK-A-1822
   B) Secondary Patient Stretcher
      Must meet the requirements of sections 3.11.5, 3.11.5.1, 3.11.8.1 of KKK-A-1822

2) Oxygen, portable
   Must meet the operational requirements of section 3.12.2 of KKK-A-1822

3) Suction, portable
   A) Must meet the operational requirements of section 3.12.4 of KKK-A-1822
   B) A manually operated suction device is acceptable if approved by the Department.

4) Medical Equipment
   A) Squeeze bag-valve-mask ventilation unit with adult size transparent mask and child size bag-valve-mask ventilation unit with child and infant size transparent masks
   B) Lower-extremity traction splint, adult and pediatric sizes
   C) Blood pressure cuff, one each, adult, child and infant sizes and gauge
   D) Stethoscopes, two each
   E) Pneumatic counterpressure trouser kit, adult size, optional
   F) Long spine board with three sets of torso straps, 72" x 16" minimum
   G) Short spine board (32" x 16" minimum) with two 9-foot torso straps, one each chin and head strap or equivalent vest type (wrap around) extrication device optional
   H) Airway, oropharyngeal – adult, child, and infant sizes
   I) Airway, nasopharyngeal with lubrication, sizes 12-30F
   J) Bandage shears, one each
   K) Extremity splints, adult, two each long and short
   L) Extremity splint, pediatric, two each long and short
   M) Rigid cervical collars – one each, pediatric, small, medium, and large sizes. Shall be made of rigid material to minimize flexation, extension, and lateral rotation of the head and cervical spine when spine injury is suspected
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<tbody>
<tr>
<td>N)</td>
<td>Patient restraints, arm and leg, sets</td>
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<td>5)</td>
<td>Medical Supplies</td>
</tr>
<tr>
<td>A)</td>
<td>Trauma dressing – six each</td>
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<tr>
<td>B)</td>
<td>Sterile gauze pads – 20 each, 4 inches by 4 inches</td>
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<td>C)</td>
<td>Bandages, soft roller, self-adhering type, ten each, 4 inches by 5 yards</td>
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<td>D)</td>
<td>Vaseline gauze – two each, 3 inches by 8 inches</td>
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<td>E)</td>
<td>Adhesive tape rolls – two each</td>
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<td>F)</td>
<td>Triangular bandages or slings – five each</td>
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<td>G)</td>
<td>Burn sheets – two each, clean, individually wrapped</td>
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<td>H)</td>
<td>Sterile solution (normal saline) – four each, 500 cc or two each, 1,000 cc plastic bottles or bags</td>
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<td>I)</td>
<td>Aluminum foil roll or Silver Swaddler – one each with head cover</td>
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<td>J)</td>
<td>Obstetrical kit, sterile – one each, pre-packaged with instruments</td>
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<td>K)</td>
<td>Cold packs, three each</td>
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<tr>
<td>L)</td>
<td>Hot packs, three each, optional</td>
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<tr>
<td>M)</td>
<td>Emesis basin – one each</td>
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<tr>
<td>N)</td>
<td>Drinking water – 1 quart, in nonbreakable container; sterile water may be substituted</td>
</tr>
<tr>
<td>O)</td>
<td>Ambulance emergency run reports – ten each, on a form prescribed by the Department or one that contains the data elements from the Department-prescribed form as described in Section 515.Appendix E of this Part</td>
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<tr>
<td>P)</td>
<td>Pillows – two each, for ambulance cot</td>
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<td>Q)</td>
<td>Pillowcases – two each, for ambulance cot</td>
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<td>R)</td>
<td>Sheets – two each, for ambulance cot</td>
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<td>S)</td>
<td>Blankets – two each, for ambulance cot</td>
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<tr>
<td>T)</td>
<td>CPR mask – one each, with safety valve to prevent backflow of expired air and secretions</td>
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<td>U)</td>
<td>Urinal</td>
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<td>V)</td>
<td>Bedpan</td>
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<td>W)</td>
<td>Remains bag, optional</td>
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<tr>
<td>X)</td>
<td>Nonporous disposable gloves</td>
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<tr>
<td>Y)</td>
<td>Impermeable red biohazard-labeled isolation bag</td>
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<tr>
<td>Z)</td>
<td>Face protection through any combination of masks and/or eye protection and/or field shields</td>
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<tr>
<td>AA)</td>
<td>Suction catheters – sterile, single use, two each, 6, 8, 10, 12, 14 and 18F, plus three each tonsil tip semi-rigid pharyngeal suction tip catheters; all must have a thumb suction control port</td>
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BB) Child/infant car seat
CC) Equipment/drug dosage sizing tape or pediatric equipment/drug age/weight chart
DD) Poison Control Resource Phone Number
EE) Plastic baby bottle with nipple for glucose feeding
FF) Flashlight, one each, for patient assessment
GG) One each adult, child and neonate sized oxygen masks that are semi-open, valveless, transparent and disposable
HH) Three each nasal cannulas

C) Equipment Requirements – Intermediate and Advanced Life Support Vehicles

Each ambulance used as an Intermediate Life Support vehicle or as an Advanced Life Support vehicle shall meet the requirements in subsections (b) and (d) of this Section and shall also comply with the equipment and supply requirements as determined by the EMS Medical Director in the System in which the ambulance and its crew participate. Drugs shall include both adult and pediatric dosages.

d) Equipment Requirements – Rescue and/or Extrication

The following equipment will be carried on the ambulance, unless it is routinely accompanied by a rescue vehicle:

1) Wrecking bar, 24"  
2) Goggles for eye safety  
3) Flashlight – one each, portable, battery operated  
4) Fire Extinguisher – 2 each, ABC dry chemical, minimum 5 pound unit with quick release brackets. One mounted in driver compartment and one in patient compartment

e) Equipment Requirements – Communications Capability

Each ambulance must have ambulance-to-hospital radio communications capability and meet the requirements provided in Section 515.400 of this Part.

f) Equipment Requirements – Epinephrine

A person currently licensed as an EMT-B, EMT-I, or EMT-P who has successfully completed a Department-approved course in the administration of epinephrine shall be required to carry epinephrine (both adult and pediatric doses) with him or her in the ambulance or drug box as part of the EMT medical supplies whenever he or she is performing the duties of an emergency medical technician, within the context of the EMS System plan. (Section 3.55(a-7) of the Act)

g) Personnel Requirements

1) Each ambulance shall be staffed by a minimum of two EMTs, Pre-Hospital RNs or physicians on all emergency calls.
2) Each Basic Life Support vehicle using automated defibrillation shall be staffed by a minimum of one EMT-B approved by the EMS Medical
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Director for automated defibrillation, a Pre-Hospital RN or physician and one other EMT, Pre-Hospital RN or physician.

3) Each ambulance used as an Intermediate Life Support vehicle shall be staffed by a minimum of one EMT-I, Pre-Hospital RN or physician and one other EMT, Pre-Hospital RN or physician. Each ILS vehicle using automated defibrillation shall be staffed by a minimum of one EMT-I approved by the EMS Medical Director for automated defibrillation, a Pre-Hospital RN or physician and one other EMT, Pre-Hospital RN or physician. Each ambulance used as an Advanced Life Support vehicle shall be staffed by a minimum of one EMT-P, Pre-Hospital RN or physician and one other EMT, Pre-Hospital RN or physician.

4) Each ambulance provider that operates an emergency transport vehicle shall ensure through written agreement with the EMS System that the agency providing emergency care at the scene and enroute to a hospital meets the requirements of this Subpart.

Operational Requirements

1) Any operation of an ambulance while transporting a patient to a hospital shall be done in accordance with the requirements of the Act and this Part.

2) A licensee shall operate its ambulance service in compliance with this Part, 24 hours a day, every day of the year. Except as required below, each individual vehicle within the ambulance service shall not be required to operate 24 hours a day, as long as at least one vehicle for each level of service covered by the license is in operation at all times. An ALS vehicle can be used to provide coverage at either an ALS or BLS level, and such coverage will meet the requirements of this Section.

A) At the time of application for initial or renewal licensure, the applicant or licensee shall submit to the Department for approval a list containing the anticipated hours of operation for each vehicle covered by the license.

i) A current roster shall also be submitted, which lists the EMTs, Pre-Hospital RNs and/or physicians who are employed or available to staff each vehicle during its hours of operation. The roster shall include each staff person's name, license number, and daytime telephone number, and shall state whether such person is generally scheduled to be on site or on call.

ii) An actual or proposed four-week staffing schedule shall also be submitted, which covers all vehicles, includes staff names from the submitted roster, and states whether each
staff member is scheduled to be on site or on call during each work shift.

B) Licensees shall be required to obtain the EMS Medical Director's approval of their vehicles' hours of operation prior to submission to the Department. An EMS Medical Director may require specific hours of operation for individual vehicles to assure appropriate coverage within the System.

C) A licensee that advertises its service as operating a specific number of vehicles or more than one vehicle shall state in such advertisement the hours of operation for those vehicles, if individual vehicles are not available 24 hours a day. Any advertised vehicle for which hours of operation are not stated shall be required to operate 24 hours a day.

3) For each patient transported to a hospital, the ambulance staff shall, at a minimum, measure and record the information required in Section 515.Appendix E.

4) A licensee shall provide emergency service within the service area on a per-need basis without regard to the patient's ability to pay for such service.

5) A licensee shall provide documentation of procedures to be followed when a call for service is received and a vehicle is not available, including copies of mutual aid agreements with other ambulance providers. (See Section 515.810(h) of this Part.)

6) A licensee shall operate its ambulance at a level not exceeding the level for which it is licensed (basic life support, intermediate life support, advanced life support), unless such vehicle is operated pursuant to an EMS System-approved in-field service level upgrade.

7) The Department shall relicense ambulances each year. If the licensee has attained 90 percent compliance with the requirements of this Section on inspections for the previous five years immediately preceding July 1, 1999 and has no substantiated complaints against it, the Department shall inspect the licensee's ambulances in alternate years, and the licensee shall self-inspect its ambulances in the other years. The Department's inspection form shall be used for self-inspection by the licensee.

A licensee may use a replacement vehicle for up to ten days without a Department inspection provided that the Department is notified of the use of the vehicle by the second working day.

Patients, individuals who accompany a patient, and emergency services personnel may not smoke while inside an ambulance or SEMSV. The Department of Public Health
Health shall impose a civil penalty on an individual who violates this subsection in the amount of $100. (Section 3.155(h) of the Act)

AGENCY NOTE: Any provider may request a waiver of any requirements in this Section under the provisions of Section 515.150.

(Source: Amended at 27 Ill. Reg. 1277, effective January 10, 2003)
DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF EMERGENCY AMENDMENTS

1) **Heading of the Part:** Private Detective, Private Alarm, Private Security, and Locksmith Act of 1993

2) **Code Citation:** 68 Ill. Adm. Code 1240

3) **Section Numbers:**

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<th>Section Number</th>
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4) **Statutory Authority:** Private Detective, Private Alarm, Private Security, and Locksmith Act of 1993 [225 ILCS 446]

5) **Effective Date of Rules:** January 13, 2003

6) **If these emergency rules are to expire before the end of the 150-day period, please specify the date on which they will expire:** These emergency rules are to expire when the proposed rules are adopted.

7) **A copy of the emergency amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.**

8) **Reason for Emergency:** Public Act 92-833, effective August 22, 2002, no longer permits licensed agencies under this Act from putting new employees to work upon submitting an application for a permanent employee registration card (PERC), but rather requires their fingerprints to have at least been cleared by the Department of State Police; this emergency rulemaking clarifies the procedures that must be followed.

9) **A Complete Description of the Subjects and Issues Involved:** As mentioned above, PA 92-833 made numerous revisions in the Private Detective, Private Alarm, Private Security, and Locksmith Act of 1993, including requiring that an agency licensed under this Act may not put a new employee without a permanent employee registration card (PERC) to work until the person’s fingerprints have been cleared by the Department of State Police as showing no criminal history in Illinois. This temporary authority to work may still be revoked upon
DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF EMERGENCY AMENDMENTS

receipt of fingerprint data from the FBI indicating a criminal conviction. It also exempts peace officers from PERC and firearm card requirements.

10) Are there any proposed Amendments to this Part pending: No

11) Statement of Statewide Policy Objectives: This rulemaking has no impact on local government.

12) Information and questions regarding these Rules shall be directed to:

   Department of Professional Regulation
   Attention: Barb Smith
   320 West Washington, 3rd Floor
   Springfield, IL 62786
   217/785-0813 Fax #: 217/782-7645

13) Regulatory Agenda on which this rulemaking was summarized: July 2002

The full text of the Emergency Amendments begins on the next page:
DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF EMERGENCY AMENDMENTS

TITLE 68: PROFESSIONS AND OCCUPATIONS
CHAPTER VII: DEPARTMENT OF PROFESSIONAL REGULATION
SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

PART 1240
PRIVATE DETECTIVE, PRIVATE ALARM, PRIVATE SECURITY, AND
LOCKSMITH ACT OF 1993

SUBPART A: PRIVATE DETECTIVE, PRIVATE ALARM AND PRIVATE SECURITY

Section
1240.5  Licensure Under Section 6 of the Act (Repealed)
1240.7  Exemptions Under Section 30 of the Act
1240.10 Application for Examination and Licensure - Private Detective and Private Security Contractor
1240.15 Application for Examination and Licensure - Private Alarm Contractor
1240.16 Registration of Proprietary Security Force

EMERGENCY
1240.20  20-Hour Basic Training Course - General
1240.25  20-Hour Basic Training Course - Security Guards and Alarm Runners
1240.30  Firearm Training Course
1240.35  Approval of Training Programs and Instructors
1240.40  Permanent Employee Registration Cards

EMERGENCY
1240.41  Refusal to Issue Employee Registration Card or Firearm Authorization Card Due to Criminal History Record Information
1240.45  Firearm Authorization Cards

EMERGENCY
1240.46  Recordkeeping Requirements

EMERGENCY
1240.47  Reporting Requirements
1240.48  Uniforms
1240.50  Renewals
1240.51  Requests for Duplicate Certificates (Renumbered)
1240.55  Endorsement
1240.60  Restoration
1240.65  Conduct of Hearings (Renumbered)
1240.66  Investigation by the Department (Renumbered)
1240.70 Granting Variances (Renumbered)

SUBPART B: LOCKSMITH

Section
1240.100 Application for Licensure without Examination – Grandfather (Repealed)
1240.110 Application for Examination and Licensure - Locksmith
1240.120 20 Hour Basic Training Course - Locksmith
1240.130 Permanent Employee Registration Cards

EMERGENCY
1240.140 Refusal to Issue Employee Registration Card
1240.150 Recordkeeping Requirements

EMERGENCY
1240.160 Reporting Requirements
1240.170 Renewals
1240.180 Endorsement
1240.190 Restoration

SUBPART C: GENERAL

Section
1240.200 Requests for Duplicate Certificates
1240.205 Fees
1240.210 Conduct of Hearings
1240.220 Investigation by the Department
1240.230 Granting Variances

AUTHORITY: Implementing the Private Detective, Private Alarm, Private Security, and Locksmith Act of 1993 [225 ILCS 446] and authorized by Section 60(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/60(7)].

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF EMERGENCY AMENDMENTS


SUBPART A: PRIVATE DETECTIVE, PRIVATE ALARM AND PRIVATE SECURITY

Section 1240.16  Registration of Proprietary Security Force

EMERGENCY

a) Pursuant to Section 24-2 of the Criminal Code of 1961, all commercial or industrial operations who employ 5 or more persons as armed security guards in accordance with subsection (a) (6) and all financial institutions who employ armed security guards in accordance with subsection (a) (8) shall register their security forces with the Department, on forms provided by the Department, which include the following:

1) Business name and address of the proprietary security force;

2) Any "doing business as" (d/b/a) names of the proprietary security force;

3) The type of business (sole proprietorship, partnership, corporation):
   A) If a partnership, a listing of all partners and addresses;
   B) If a corporation, a copy of Articles of Incorporation. If the corporation is a foreign corporation, a copy of the authorization to conduct business in Illinois;

4) The number of armed employees; and

5) The name and title of the security director who will be registering armed employees and who is responsible for the daily activities of the force.
b) All armed security guard employees of the registered proprietary force in subsection (a) above shall be required to complete a 20-hour basic training course in accordance with Section 1240.25 and a 20-hour firearm training course in accordance with Section 1240.30.

c) Each proprietary force shall be required to apply to the Department, on forms supplied by the Department, for the issuance of a firearm authorization card, in accordance with Sections 1240.45(b) and (c), for each armed employee of the security force. Each application shall include:

1) Either:

   A) Verification of electronic fingerprint processing from the Illinois Department of State Police, or its approved vendor designated agent. Effective October 1, 1995, applicants shall contact the Illinois Department of State Police, or its approved vendor designated agent for fingerprint processing.

   B) Out-of-state residents unable to utilize the State Police electronic fingerprint process may submit to the approved vendor one fingerprint card issued by the Federal Bureau of Investigation, accompanied by the fee specified by the vendor; or

   If the employee has State and federal fingerprints on file with the Department, additional fingerprints are not required; or

   C) Verification, on forms provided by the Department, of proof of retirement full-time employment as a peace officer as defined in subsection (j) within 12 months of application in lieu of the fingerprint cards. Such verification shall be signed by his/her employer. A peace officer is defined as any person who by virtue of his/her public employment is vested by law with a primary duty to maintain public order or to make arrests for offenses, whether that duty extends to all offenses or is limited to specific offenses, and has completed the training requirements of the Illinois Police Training Act. For purposes of this Section, officers, agents or employees of the federal government commissioned by federal statute to make arrests for violations of...
DEPARTMENT OF PROFESSIONAL REGULATION

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Federal criminal laws and individuals holding a Class I or Class II Occupational License issued by the Illinois Gaming Board shall be considered peace officers;

If the employee has State and federal fingerprints on file with the Department, additional fingerprints are not required.

2) Verification that the employee has completed the training required in subsection (b) above. If the employee's firearm training was completed more than two years before the request for a firearm authorization card, the employer shall submit evidence that the employee has requalified on the firing range within the one year preceding the request; and

3) The fee required in Section 1240.205.

d) The firearm authorization card shall be retained by the employee for the term of employment. Upon termination of employment, the card shall be returned to the Department by the employer. In the event an employee fails to return a firearm authorization card to the employer, the employer shall notify the Department in writing why the card was not returned.

e) No employee shall carry a firearm until the requirements of this Section have been satisfied.

f) If an employee is employed by more than one proprietary security force, that employee must possess a separate firearm authorization card for each force which issues him/her a weapon.

g) The Department may conduct an inspection to verify the information on the application prior to the proprietary security force being registered with the Department.

h) All armored car companies registered as proprietary security forces pursuant to this Section shall have all employees who are required to carry a firearm authorization card complete classroom and range training in weapons on an annual basis and shall maintain a current criminal background check in each employee's file as well as a training certificate. The armored car company shall make these documents available to the Department upon request.
i) Individuals who are currently employed as peace officers in good standing are not required to obtain firearm authorization cards. If the individual ceases to be employed as a peace officer, then the individual is required to obtain a firearm authorization card in accordance with this Section. For active peace officers, the proprietary security force shall maintain on file a copy of the current police identification card and a signed letter from the peace officer’s chief of police or his/her designee indicating current status as a peace officer. The proprietary security force shall have a continuing duty to verify and maintain proof of the employee’s qualifications for the peace officer exemption.

j) A peace officer is defined as any person who by virtue of his/her office or public employment is vested by law with a primary duty to maintain public order or to make arrests for offenses, whether that duty extends to all offenses or is limited to specific offenses; officers, agents or employees of the federal government commissioned by federal statute to make arrests for violations of federal criminal laws shall be considered peace officers. (Section 80 of the Act)

(Source: Amended by emergency rulemaking at 27 Ill. Reg. 1308, effective January 13, 2003, for a maximum of 150 days)

Section 1240.40 Permanent Employee Registration Cards

EMERGENCY

a) Any person seeking employee registration under Section 80 of the Act shall file an application with the Department, on forms provided by the Department, along with the following:

1) Either:

   A) Verification of electronic fingerprint processing from the Illinois Department of State Police, or its approved vendor designated agent. Effective October 1, 1995, applicants shall contact the Illinois Department of State Police, or its approved vendor designated agent for fingerprint processing.

   B) Out-of-state residents unable to utilize the State Police fingerprint process may submit to the approved vendor one fingerprint card issued by the Federal Bureau of Investigation, accompanied by the fee specified by the vendor; or
DEPARTMENT OF PROFESSIONAL REGULATION

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CB) Verification, on forms provided by the Department, of proof of retirement full-time employment as a peace officer as defined in subsection (g) within 12 months of application in lieu of fingerprints. Such verification shall be signed by the employer. A peace officer is defined as any person who by virtue of his/her office or public employment is vested by law with a primary duty to maintain public order or to make arrests for offenses, whether that duty extends to all offenses or is limited to specific offenses and has satisfied the training requirements of the Illinois Police Training Act. For purposes of this Section, officers, agents or employees of the federal government commissioned by federal statute to make arrests for violations of federal criminal laws shall be considered peace officers;

2) One 1" x 1" photograph taken within the 3 months preceding application; and

3) The required registration fee specified in Section 1240.205, made payable to the Department of Professional Regulation.

b) The application, verification of fingerprint processing and the registration fee shall be submitted to the Department prior to the applicant being scheduled to work. An agency may employ an applicant in a temporary capacity in accordance with Section 80(k-5) by:

1) submitting the required application in accordance with subsection (a) on behalf of the person or verifying with the Department that an application has been submitted for the individual;

2) verifying on the Department’s website (www.ildpr.com) that the applicant has no criminal conviction pursuant to the Department of State Police criminal history check;

3) maintaining a separate roster of the names of all employees whose applications are pending; and

4) meeting any other requirements set forth in this Part or the Act.
DEPARTMENT OF PROFESSIONAL REGULATION

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c) If no record is found affecting the prints, the Department shall issue, to the applicant, a permanent employee registration card, which shall be valid for the period specified on the face of the card, and shall be renewable upon the conditions set forth in Section 1240.50 of this Part.

d) The employee registration card shall serve as proof to an employer that the bearer thereof is eligible for employment.

e) Persons who have no access to confidential or security information and who do not provide security services are exempt from employee registration. Examples of exempt employees include, but are not limited to, employees working in the capacity of ushers, ticket takers, elevator operators and reception personnel who have no access to confidential or security information. Confidential or security information is that which pertains to employee files, scheduling contracts or technical data.

f) Individuals who are currently employed as peace officers in good standing are not required to obtain permanent employee registration cards. If the individual ceases to be employed as a peace officer, then the agency is required to obtain a permanent employee registration card in accordance with this Section.

g) A peace officer is defined as any person who by virtue of his/her office or public employment is vested by law with a primary duty to maintain public order or to make arrests for offenses, whether that duty extends to all offenses or is limited to specific offenses; officers, agents or employees of the federal government commissioned by federal statute to make arrests for violations of federal criminal laws shall be considered peace officers. (Section 80 of the Act)

(Source: Amended by emergency rulemaking at 27 Ill. Reg. 1308, effective January 13, 2003, for a maximum of 150 days)

Section 1240.45 Firearm Authorization Cards

EMERGENCY

a) Each employer shall make a request to the Department, on forms supplied by the Department, for the issuance of a firearm authorization card for each employee whose duties include the use, carrying or possession of a firearm. Each employee shall have an active permanent employee registration card issued in accordance with Section 1240.40 prior to applying for a firearm authorization card.
b) Upon verification by the Department that the individual employees have completed the required firearm training course within the 2 years preceding the request for a firearm authorization card, and meet all the requirements of the Act for issuance of a firearm authorization card, the Department shall issue such card to the employer for each employee. If the employee's firearm training was completed more than 2 years before the request for a firearm authorization card, the employer shall submit evidence that the employee has requalified on the firing range within one year preceding the request.

c) The firearm authorization card shall be retained by the employee for the term of employment. Upon termination of employment the card shall be returned to the Department by the employer. In the event an employee fails to return a firearm authorization card to the employer, the employer shall notify the Department in writing of such and the reason why the card was not returned.

d) No employee may carry a firearm until the requirements of this Section have been satisfied.

e) If an employee is employed by more than one agency, regardless of whether the agencies are owned or operated by the same or different person or persons, that employee must possess a separate firearm authorization card for each agency.

f) Individuals who are currently employed as peace officers in good standing are not required to obtain firearm authorization cards. If the individual ceases to be employed as a peace officer, then the individual is required to obtain a firearm authorization card in accordance with this Section.

g) A peace officer is defined as any person who by virtue of his/her office or public employment is vested by law with a primary duty to maintain public order or to make arrests for offenses, whether that duty extends to all offenses or is limited to specific offenses; officers, agents or employees of the federal government commissioned by federal statute to make arrests for violations of federal criminal laws shall be considered peace officers. (Section 80 of the Act)

(Source: Amended by emergency rulemaking at 27 Ill. Reg. 1308, effective January 13, 2003, for a maximum of 150 days)
DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF EMERGENCY AMENDMENTS

a) Each employer licensed under the Act shall maintain a file on each employee pursuant to Section 80 of the Act. The employee file shall be maintained by the agency for 2 years after termination of the employee, shall be accessible to duly authorized representatives of the Department with 24 hours prior notice, and shall contain the following information:

1) A photograph of the employee taken within 10 days of the date the employee commences employment. The photo shall be replaced each 3 calendar years;

2) The employee's statement required in Section 80(b) of the Act;

3) All correspondence or documents related to the character and integrity of the employee received by the employer from an official source or law enforcement;

4) The employee identification card of a terminated employee pursuant to Section 80(h);

5) A copy of the weapons discharge report, if applicable, during the course of the employee's duties or activities;

6) Application for employment;

7) Certification of Completion of Basic Training as provided in Sections 1240.20 and 1240.25 of this Part;

8) Certificate of Firearm Training, if applicable (or notarized copy as provided in Section 1240.30 of this Part) verified by the licensee in charge;

9) Copy of employee's Permanent Employee Registration Card and Firearm Authorization Card and active Firearm Owner's Identification Card (FOID), if applicable;

10) Certification or certified copy of requalification (Section 1240.30); and

11) Copy of the verification of fingerprint processing from the Illinois Department of State Police or its designated agent;
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12) A copy of the Department’s webpage (www.ildpr.com) showing that an applicant has no criminal conviction pursuant to the Department of State Police criminal history check for individuals employed prior to issuance of the Permanent Employee Registration Card; and

13) For active peace officers, the agency employee file shall include a copy of the current police identification card and a signed letter from the peace officer’s chief of police or his/her designee indicating current status as a peace officer, as well as items set forth in subsections (1), (4), (5) and (6) above. The agency shall have a continuing duty to verify and maintain proof of the employee’s qualifications for the peace officer exemption.

b) Private alarm contractors who provide monitoring services shall maintain a separate roster of the names of all licensed agencies and/or individuals, including license number, from whom they accept monitoring contracts or assignments. The roster shall be made available to the Department upon 24 hour's notice. It shall be considered unprofessional conduct, subject to discipline by the Department, for a licensed alarm contractor or agency to accept monitoring contracts or assignments from an unlicensed entity.

(Source: Amended by emergency rulemaking at 27 Ill. Reg. 1308, effective January 13, 2003, for a maximum of 150 days)

Section 1240.130 Permanent Employee Registration Cards

EMERGENCY

a) Any person seeking employee registration under Section 80 of the Act shall file an application with the Department, on forms provided by the Department, along with the following:

1) Either:

A) Verification of electronic fingerprint processing from the Illinois Department of State Police or its approved vendor designated agent. Effective October 1, 1995, applicants shall contact the Illinois Department of State Police or its approved vendor designated agent for fingerprint processing.
DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF EMERGENCY AMENDMENTS

B) Out-of-state residents unable to utilize the State Police fingerprint process may submit to the approved vendor one fingerprint card issued by the Federal Bureau of Investigation, accompanied by the fee specified by the vendor; or

C(\(B\)) Verification, on forms provided by the Department, of proof of retirement full-time employment as a peace officer as defined in subsection (g) within 12 months of application in lieu of fingerprints. Such verification shall be signed by the employer. A peace officer is defined as any person who by virtue of his/her office or public employment is vested by law with a primary duty to maintain public order or to make arrests for offenses, whether that duty extends to all offenses or is limited to specific offenses and has satisfied the training requirements of the Illinois Police Training Act. For purposes of this Section, officers, agents or employees of the federal government commissioned by federal statute to make arrests for violations of federal criminal laws shall be considered peace officers;

2) One 1" x 1" photograph taken within the 3 months preceding application; and

3) The required registration fee specified in Section 1240.205, made payable to the Department of Professional Regulation.

b) The application, verification of fingerprint processing and the registration fee shall be submitted to the Department prior to the applicant being scheduled to work. An agency may employ an applicant in a temporary capacity in accordance with Section 80(k-5) by:

1) submitting the required application in accordance with subsection (a) on behalf of the person or verifying with the Department that an application has been submitted for the individual;

2) verifying on the Department’s website (www.ildpr.com) that the applicant has no criminal conviction pursuant to the Department of State Police criminal history check:
DEPARTMENT OF PROFESSIONAL REGULATION

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3) maintaining a separate roster of the names of all employees whose applications are pending; and

4) meeting any other requirements set forth in this Part or the Act.

c) If no record is found affecting the prints, the Department shall issue to the applicant a permanent employee registration card, which shall be valid for the period specified on the face of the card and shall be renewable upon the conditions set forth in Section 1240.50 of this Part.

d) The employee registration card shall serve as proof to an employer that the bearer thereof is eligible for employment.

e) Persons who have no access to confidential or security information and who do not provide locksmith services are exempt from employee registration. Examples of exempt employees include, but are not limited to, employees working in the capacity of reception personnel who have no access to confidential or security information. Confidential or security information is that which pertains to employee files, key records, customer access codes or combinations or technical data.

f) Individuals who are currently employed as peace officers in good standing are not required to obtain permanent employee registration cards. If the individual ceases to be employed as a peace officer, then the agency is required to obtain a permanent employee registration card in accordance with this Section.

g) A peace officer is defined as any person who by virtue of his/her office or public employment is vested by law with a primary duty to maintain public order or to make arrests for offenses, whether that duty extends to all offenses or is limited to specific offenses; officers, agents or employees of the federal government commissioned by federal statute to make arrests for violations of federal criminal laws shall be considered peace officers. (Section 80 of the Act)

(Source: Amended by emergency rulemaking at 27 Ill. Reg. __1308__, effective January 13, 2003, for a maximum of 150 days)

Section 1240.150 Recordkeeping Requirements

EMERGENCY
DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF EMERGENCY AMENDMENTS

a) Each employer licensed under the Act shall maintain a file on each employee pursuant to Section 80 of the Act. The employee file shall be maintained by the agency for 2 years after termination of the employee, shall be accessible to duly authorized representatives of the Department with 24 hours prior notice, and shall contain the following information:

1) A photograph of the employee taken within 10 days of the date the employee commences employment. The photo shall be replaced each 3 calendar years;

2) The employee's statement required in Section 80(b) of the Act;

3) All correspondence or documents related to the character and integrity of the employee received by the employer from an official source or law enforcement;

4) The employee identification card of a terminated employee pursuant to Section 80(h) of the Act;

5) Application for employment;

6) Certification of Completion of Basic Training as provided in Section 1240.120 of this Part;

7) Copy of employee's Permanent Employee Registration Card; and

8) Copy of the verification of fingerprint processing from the Illinois Department of State Police or its designated agent.

b) A locksmith who opens a residence or commercial establishment or safe, vault, safe deposit box, automatic teller machine, or other device for safeguarding areas where access is meant to be limited for another, whether or not for compensation, shall document the street address where the work was performed on a work order form. The locksmith shall also document the name, address, telephone number, date of birth, and driver's license number or other identification number of the person requesting the work be done and obtain the signature of that person on the work order form. A copy of each work order form shall be kept by the licensed locksmith for a period of 2 years and shall also include the name and license number of the locksmith or the name and employee identification number of the
registered employee who performed the services. Work order forms required to be kept under this subsection shall be available for inspection upon written request made 3 days in advance by any law enforcement agency.

c) A locksmith who opens a motor vehicle for another, whether or not for compensation, shall document on a work order form the name, address, telephone number, date of birth, and driver's license number or other identification number of the person requesting entry and obtain the signature of that person. A copy of each work order form shall be kept by the licensed locksmith for a period of 2 years and shall also include the name and license number of the locksmith or the name and employee identification number of the registered employee who performed the services. Work order forms required to be kept under this Section shall be available for inspection upon written request made 3 days in advance by any law enforcement agency. (Section 82 of the Act)

d) A copy of the Department’s webpage (www.ildpr.com) showing that an applicant has no criminal conviction pursuant to the Department of State Police criminal history check for individuals employed prior to issuance of the Permanent Employee Registration Card; and

e) For active peace officers, the agency employee file shall include a copy of the current police identification card and a signed letter from the peace officer’s chief of police or his/her designee indicating current status as a peace officer, as well as items set forth in subsections (1), (4) and (5) above. The agency shall have a continuing duty to verify and maintain proof of the employee’s qualifications for the peace officer exemption.

(Source: Amended by emergency rulemaking at 27 Ill. Reg. 1308, effective January 13, 2003, for a maximum of 150 days)
ILLINOIS REGISTER

ILLINOIS RACING BOARD

NOTICE OF EMERGENCY REPEALER

1) **Heading of the Part:** Procedures for Intertrack License Hearings

2) **Code Citation:** 11 Ill. Adm. Code 207

3) **Section Numbers:**

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4) **Statutory Authority:** 230 ILCS 5/9(b)

5) **Effective Date of Repealer:** January 13, 2003

6) **If this emergency repealer is to expire before the end of the 150-day period, please specify the date on which it is to expire:** N/A

7) **Date Filed with the Index Department:** January 13, 2003

8) A copy of the emergency repealer, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) **Reason for Emergency:** The Board currently has rules generally governing hearing procedures (11 Ill. Adm. Code 204) and specifically governing organization licensing procedures (11 Ill. Adm. Code 205). This Part is now unnecessary and has the potential to cause confusion for the racing industry.

10) **A Complete Description of the Subjects and Issues Involved:** The Board received competing applications for 4 operating off-track wagering facilities. Proposed Part 207 provided guidelines for governing those licensing hearings. However, the Board, at its
NOTICE OF EMERGENCY REPEALER

12/9/02 meeting, resolved the conflict and the Board’s attorney decided to withdraw the emergency rules.

11) Are there any proposed amendments to this Part pending? No

12) Statement of Statewide Policy Objectives: No local governmental units will be required to increase expenditures.

13) Information and questions regarding this amendment shall be directed to:

   Mickey Ezzo
   Illinois Racing Board
   100 W. Randolph
   Suite 11-100
   Chicago IL 60601

The full text of the emergency repealer begins on the next page:
ILLINOIS REGISTER

ILLINOIS RACING BOARD

NOTICE OF EMERGENCY REPEALER

TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY
SUBTITLE B: HORSE RACING

CHAPTER I: ILLINOIS RACING BOARD
SUBCHAPTER a: GENERAL RULES

PART 207
PROCEDURES FOR INTERTRACK LICENSE HEARINGS *(REPEALED)*

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*EMERGENCY*
NOTICE OF EMERGENCY REPEALER

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


Section 207.10 Purpose

The purpose of this Part is to provide procedures to govern the allocation and renewal of intertrack wagering licenses and intertrack wagering location licenses (the “Licensing Hearing”) provided for in Section 26 of the Illinois Horse Racing Act (the "Act") [230 ILCS 5/26] supplemental to those provided for in 11 Ill. Adm. Code 204. This Part implements the provisions of the Act and the Illinois Administrative Procedure Act (the "IAPA") [5 ILCS 100] and should be construed to give effect to, and not to limit, the rights of the IAPA, including the IAPA's provisions applicable in contested cases such as the Licensing Hearing. (See IAPA, Section 10-65.)

Section 207.20 Notice

At least 21 days prior to the Licensing Hearing, the Board shall provide all current licensees and any other person who has requested an application for an intertrack or intertrack wagering location license with notice of the Licensing Hearing, including:

a) a statement of the legal authority and jurisdiction under which the Licensing Hearing is to be held;

b) a reference to the particular Sections of the substantive and procedural statutes involved;

c) a short and plain statement of the matters at issue and the consequences of a failure to participate in the Licensing Hearing; and

d) the name and address of any hearing officer the Board may appoint, or a statement that the members of the Board themselves intend to preside as Hearing Officers at the Licensing Hearing.

This notice shall be made public and shall also be posted in accordance with the rules governing the posting of agendas for Board meetings.

Section 207.30 Filing of Applications

Emergency
Applications for an intertrack license or intertrack wagering location license in Illinois pursuant to the Act shall be filed at the office of the Board no later than 3:00 p.m. on October 31 (or if October 31 is not a business day, the next business day) of the year prior to the year in which the meet is sought. Each applicant shall file 15 copies of the application with the Board.

Section 207.40 Use of Applications

Applications shall state with particularity the type of license sought to be awarded or renewed. Requests for licenses may be made in the alternative. Applications are admissible into evidence as proof of what an applicant seeks or as admissions of parties, according to the rules of evidence.

Section 207.50 Filing of Evidence Supporting Application

Each applicant for an intertrack license or intertrack wagering location license shall file, by a date established by the Board, 15 copies of the following:

a) pre-filed written testimony in the form of an affidavit or affidavits (or pursuant to certificate as provided in Section 1-109 of the Illinois Code of Civil Procedure), and in question and answer format, supporting its application. Except as stipulated by the parties, this written testimony, together with any exhibits referred to in the testimony, shall constitute the applicant's case-in-chief at the Licensing Hearing. The written testimony shall conform to the provisions of Illinois Supreme Court Rule 191(a) applicable to affidavits offered in support of, or in opposition to, motions for summary judgment; and

b) all exhibits referred to in the application or pre-filed written testimony.

Section 207.60 Parties

Parties to the Licensing Hearing consist of persons who have filed an application for an intertrack license or intertrack wagering location license. In addition, pursuant to Section 16(e) of the Act, the Attorney General of the State of Illinois may participate as a party, at the request of the Board, in order to protect public rights and enforce public duties arising in the Licensing Hearing. No other person may intervene or participate in the Licensing Hearing before the Board or its duly appointed Hearing Officer, except that this provision shall not be construed to prohibit the Hearing Officer from taking official notice of staff data or memoranda pursuant to
Section 10-40 of the Illinois Administrative Procedure Act [5 ILCS 100/10-40]. This Section shall not prohibit representatives of any organization, including one representing horsemen, from providing evidence of its membership's position on any application through written testimony, sponsored by a party, as provided for in this Part. In the event an organization wishes to provide evidence of its membership's position on any application and can find no party to sponsor it as a witness, the organization may apply to the Hearing Officer for permission to provide written testimony subject to cross-examination as provided in this Part. The Hearing Officer shall allow such testimony, subject to the evidentiary rules set forth in this Part, upon a showing that, despite reasonable efforts by the organization, no party would sponsor the testimony of the organization. Permission to an organization to provide testimony under this Section shall not make that organization a party or confer any of the rights of a party on that organization.

Section 207.70 Service of Application and Evidence Supporting Application

By 3:00 p.m. on a date established by the Board, each applicant shall serve a complete copy of its application and all supporting written testimony and exhibits on all persons who had applied for an intertrack license or intertrack wagering location license the previous year, and on any other party who has filed an application in the current year. The Board shall notify all parties of the name and address of any other party filing an application for an intertrack license or intertrack wagering location license, and all applicants shall serve a copy of the application and all supporting written testimony and exhibits on all such additional parties by messenger or overnight delivery on this same day.

Section 207.80 Pre-Hearing Conference

At least 14 days prior to the Licensing Hearing, a pre-hearing conference shall be conducted by the Board. During this pre-hearing conference, the parties and the Hearing Officer shall address preliminary matters, including discussing stipulations required under 11 Ill. Adm. Code 204.100, the likely number of witnesses or exhibits preliminarily anticipated by any party, and any other matters designed to facilitate expeditious conduct of the Licensing Hearing. The pre-hearing conference may be adjourned and continued to a date selected by the Hearing Officer between the date applications must be filed and the date the Licensing Hearing shall commence. At the adjourned pre-hearing conference, the parties and the Hearing Officer may address further stipulations intended to simplify evidentiary matters. Pre-hearing conferences under this Section shall be open to the public, notice thereof shall be given in the same manner as notice is given of meetings of the Board, and a transcript shall be kept, which transcript shall become a part of the record in the proceeding.
Section 207.90  Filing of Responsive Evidence and Motions

**Emergency**

By 3:00 p.m. on a date established by the Board, any party may file with the Board fifteen copies (15), and simultaneously serve on all other parties to the Licensing Hearing one copy of pre-filed written testimony and exhibits responding to the application, supporting evidence, or exhibits filed by any other party. The responsive testimony and exhibits shall be in the same form as required for evidentiary materials submitted in support of an application. Any motion to strike or limit any pre-filed supporting testimony or exhibits filed by another party, as well as any responsive testimony and exhibits, shall be filed with the Board and served by messenger or overnight delivery on all other parties on this same day.

Section 207.100  Licensing Hearing

**Emergency**

a) The Licensing Hearing shall commence on a date established by the Board.

b) At the request of any party, the members of the Board or Hearing Officer presiding over the Licensing Hearing shall decide all evidentiary objections raised at the Licensing Hearing, subject to *de novo* review by the Board of the ruling of any Hearing Officer the Board may appoint. Any evidence ruled inadmissible may be submitted as an offer of proof.

c) Each party shall, in alphabetical order, offer into evidence the pre-filed written testimony and exhibits of each witness whose testimony it has filed in support of its application. Each such witness will then be subject to oral, cross and redirect examination by all parties according to the rules of evidence applicable for cross and redirect examination in the Circuit Court of Cook County, Illinois for non-jury trials and as provided in Section 10-40 of the Illinois Administrative Procedure Act [5 ILCS 10/10-40]. Thereafter, each party shall, in the same order, offer into evidence the pre-filed written testimony and exhibits of each witness whose written testimony and exhibits it has filed in response to another party's application or supporting evidence. Each such witness will then be subject to oral, cross and redirect examination by all parties according to the rules of evidence applicable for cross and redirect examination in the Circuit Court of Cook County, Illinois for non-jury trials and as provided in Section 10-40 of the Illinois Administrative Procedure Act [5 ILCS 100/10-40].

d) The Board or Hearing Officer may place reasonable time limits on all cross examination at the Licensing Hearing.
Section 207.110   Disqualification of Hearing Officer

Emergency

a) Whenever any party believes a Hearing Officer or any Board Member should be disqualified for bias, prejudice, conflict of interest or any other reason, from conducting, or continuing to conduct, a Licensing Hearing, such party may file with the Board a motion to disqualify the Hearing Officer or Board Member, setting forth the alleged grounds for disqualification. A party filing such a motion shall also serve a copy of the motion on the Hearing Officer and the Board by messenger or overnight delivery. The Board shall enter a written ruling on the motion within 3 days after the date on which the motion is filed.

b) A Hearing Officer may recuse himself or herself from presiding at a Licensing Hearing.

Section 207.120   Ex Parte Communications

Emergency

This rule expressly adopts the applicable provisions of the IAPA, Section 10-60, regarding ex parte communications. Section 10-60 includes provisions that:

a) After notice has been given of a hearing in a contested case such as the Licensing Hearing, agency heads, agency employees and Hearing Officers shall not communicate, directly or indirectly, in connection with any other issue with any party or the representative of any party, except upon notice and opportunity for all parties to participate.

b) a Board Member may, however, communicate with other members of the Board, and a Board Member or Hearing Officer may have the advice of one or more "personal assistants". To avoid any appearance of impropriety, however, the Board or the Hearing Officer shall utilize personal assistants who have no other involvement or participation in the Licensing Hearing. For purposes of this Section, a personal assistant shall not be deemed to be subject to a disqualifying involvement or participation in the Licensing Hearing if the "personal assistant" has observed the proceedings, reviewed testimony or exhibits for the purpose of advising a Board Member or the Hearing Officer.

Section 207.130   Applicability of Part 204

Emergency

Except as stated herein, or as inconsistent with this Part, the provisions of 11 Ill. Adm. Code 204.40 through 204.110, 204.130, and 204.140 shall apply to Licensing Hearings.
Section 207.140  Notice to and Acceptance by Applicants

The Board shall, within 5 days after the date its formal order is executed:

a) Send each applicant a copy of that executed order awarding intertrack licenses and intertrack wagering location licenses by certified mail, return receipt requested, addressed to the applicant at the address stated in its application;

b) Issue letters of acceptance to successful applicants for intertrack licenses and intertrack wagering location licenses no later than five days after the date of execution of its formal order. Each applicant shall submit signed acceptance letters to the Board by certified mail, return receipt requested, or by personal delivery at the central office of the Board. Applicants shall furnish signed acceptance letters, together with required fees, to the Board no later than 10 days after receipt of the Board's executed dates order. Acceptance letters, mailed or delivered, shall be received at the central office of the Board on or before the expiration of the 10 day limit.
The following second notices were received by the Joint Committee on Administrative Rules during the period of January 7, 2003 through January 13, 2003 and have been scheduled for review by the Committee at its February 4, 2003 meeting in Springfield. 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.

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<td>2/23/03</td>
<td>Department of Nuclear Safety, Accrediting Persons in the Practice of Medical Radiation Technology (32 Ill. Adm. Code 401)</td>
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At its meeting on January 9, 2003, the Joint Committee on Administrative Rules considered the
above cited rulemaking and recommends that, as the individual has resigned the position that
was being added to the designated pay rate schedule in this rulemaking, CMS withdraw or repeal

The agency should respond to this Recommendation in writing within 90 days after receipt of
this Statement. Failure to respond will constitute refusal to accede to the Committee's
Recommendation. The agency's response will be placed on the JCAR agenda for further
consideration.
Heading of the Part: Early Intervention Program

Code Citation: 89 Ill. Adm. Code 500

Section Numbers:

| 500.20 | 500.45 | 500.50 |
| 500.55 | 500.60 | 500.75 |
| 500.80 | 500.85 | 500.90 |
| 500.115 | 500.130 | 500.140 |
| 500.APPENDIX C | 500.APPENDIX D |

Date Originally Published in the Illinois Register: 2/22/02
26 Ill. Reg. 2205

At its meeting on January 9, 2003, the Joint Committee on Administrative Rules considered the above cited rulemaking and recommends that DHS codify its Early Intervention Service System Guidelines for Occupational Therapy, Physical Therapy, Speech Therapy and Developmental Therapy into the Early Intervention Program Rules (89 IAC 500) within 6 months. DHS requires that EI professionals have knowledge of, and comply with, these guidelines that are currently not set out in rule.

The agency should respond to this Recommendation in writing within 90 days after receipt of this Statement. Failure to respond will constitute refusal to accede to the Committee's Recommendation. The agency's response will be placed on the JCAR agenda for further consideration.

sr2205
At its meeting on January 9, 2003, the Joint Committee on Administrative Rules objected to Section 120.381 of the Department of Public Aid's rules titled Medical Assistance Programs (89 Ill. Adm. Code 120.381) because it violates 305 ILCS 5/5-2. 305 ILCS 5/5-2 authorizes the Department to establish the amount of assets to be disregarded in determining eligibility for medical assistance, which shall at a minimum equal the amounts to be disregarded under the Federal Supplemental Security Income program. The amount of assets of a single person to be disregarded shall not be less than $2,000, and the amount of assets of a married couple to be disregarded shall not be less than $3,000. SSI has totally exempted any assets of an individual used in a trade or business. By placing a limitation on property (including the tools of a tradesperson and machinery and livestock of a farmer) that is used in a trade or business or by such individual as an employee, DPA has violated 305 ILCS 5/5-2.

Failure of the agency to respond within 90 days after receipt of the Statement of Objection shall constitute a refusal to amend or repeal the rule. The agency's response will be placed on the JCAR agenda for further consideration.
At its meeting on January 9, 2003, the Joint Committee on Administrative Rules objected to the Department of Public Health's rulemaking titled Plumbing Contractor Registration Code (77 Ill. Adm. Code 894; 26 Ill. Reg. 5070) because the rulemaking follows a similar emergency rule that expired 8/17/02. JCAR objects to DPH allowing a gap to occur between the 8/17/02 expiration of the emergency rule and adoption of this proposed rule. During that gap, DPH was without authorization to collect the $100 licensing fee from plumbing contractors.

Failure of the agency to respond within 90 days after receipt of the Statement of Objection shall constitute withdrawal of this proposed rulemaking. The agency's response will be placed on the JCAR agenda for further consideration.

so5070
a) Part (Heading and Code Citation): Administration of Funds Created by the Wireless Emergency Telephone Safety Act, 83 Ill. Adm. Code 1000

1) Rulemaking:

A) Description: May need to be adjusted pending outcome of a lawsuit regarding the rules and other technical adjustments may be needed.

B) Statutory Authority: 50 ILCS 751

C) Scheduled meeting/hearing date: No hearings or meetings are scheduled.

D) Date agency anticipates First Notice: Spring, 2003

E) Effect on small businesses, small municipalities or not for profit corporations: Anticipated rulemaking may impact small businesses that are wireless carriers or small municipalities operating wireless public safety answering points.

F) Agency contact person for information:

Ben Bagby
Department of Central Management Services
720 Stratton Building
Springfield, Illinois  62706

G) Related rulemakings and other pertinent information: None

b) Part (Heading and Code Citation): Organ Donor Leave, 80 Ill. Adm. Code 332

1) Rulemaking:

A) Description: Provides for Organ Donor Leave

B) Statutory Authority: Public Act 92-754
DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

JANUARY 2003 REGULATORY AGENDA

C) Scheduled meeting/hearing date: No hearings or meetings are scheduled.

D) Date agency anticipates First Notice: Winter, 2003

E) Effect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:

Ben Bagby
Department of Central Management Services
720 Stratton Building
Springfield, Illinois 62706

G) Related rulemakings and other pertinent information: Will cross-reference in 80 Ill. Adm. Code 303

Part (Heading and Code Citation): Conditions of Employment, 80 Ill. Adm. Code 303

1) Rulemaking:

A) Description: Will cross-reference new Part 80 Ill. Adm. Code 332, Organ Donor Leave

B) Statutory Authority: Public Act 92-754

C) Scheduled meeting/hearing date: No hearings or meetings are scheduled.

D) Date agency anticipates First Notice: Winter, 2003

E) Effect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:

Ben Bagby
DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

JANUARY 2003 REGULATORY AGENDA

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

G)  Related rulemakings and other pertinent information:  80 Ill. Adm. Code 332, Organ Donor Leave

d)  Part (Heading and Code Citation): State Vehicles and Garage, 80 Ill. Adm. Code 5040

1)  Rulemaking:

A)  Description: Disposition of traffic and parking tickets

B)  Statutory Authority:  20 ILCS 405

C)  Scheduled meeting/hearing date: No hearings or meetings are scheduled.

D)  Date agency anticipates First Notice:  Spring, 2003

E)  Effect on small businesses, small municipalities or not for profit corporations:  None

F)  Agency contact person for information:

   Ben Bagby
   Department of Central Management Services
   720 Stratton Building
   Springfield, Illinois  62706

G)  Related rulemakings and other pertinent information:  None

e)  Part (Heading and Code Citation): Standard Procurement, 44 Ill. Adm. Code 1

1)  Rulemaking:

A)  Description: Miscellaneous updates to clarify language and reflect changes in procurement practices
B) Statutory Authority: 30 ILCS 500

C) Scheduled meeting/hearing date: No hearings or meetings are scheduled.

D) Date agency anticipates First Notice: Spring, 2003

E) Effect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:

Ben Bagby
Department of Central Management Services
720 Stratton Building
Springfield, Illinois 62706

G) Related rulemakings and other pertinent information: None

f) Part (Heading and Code Citation): Business Enterprise Program:
Contracting with Businesses Owned and Controlled by Minorities, Females and Persons with Disabilities, 44 Ill. Adm. Code 10

1) Rulemaking:

A) Description: Modifications to streamline certification process and to ensure proper utilization of subcontractors

B) Statutory Authority: 30 ILCS 575

C) Scheduled meeting/hearing date: No hearings or meetings are scheduled.

D) Date agency anticipates First Notice: Spring, 2003

E) Effect on small businesses, small municipalities or not for profit corporations: None
DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

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F) Agency contact person for information:

Ben Bagby
Department of Central Management Services
720 Stratton Building
Springfield, Illinois 62706

G) Related rulemakings and other pertinent information: None
a) Part(s) (Heading and Code Citation): County Juvenile Detention Standards, 20 Ill. Adm. Code 702.

1) Rulemaking:

   A) Description: This rulemaking will update standards and practices for the juvenile county detention facilities throughout the State based on recommendations received from a committee of juvenile justice and juvenile detention administrators.

   B) Statutory Authority: 730 ILCS 5/3-2-2

   C) Schedule meeting/hearing date: The Department will accept written public comments at any time in accordance with 2 Ill. Adm. Code 850 or during the First Notice Period per instructions that will be indicated on the Notice.

   D) Date agency anticipates First Notice: On or before July 1, 2003.

   E) Affect on small businesses, small municipalities or not for profit corporations: None.

   F) Agency contact person for information:

      Name: Beth Kiel
      Illinois Department of Corrections
      Address: 1301 Concordia Court
               P. O. Box 19277
               Springfield, Illinois  62794-9277
      Telephone: (217) 522-2666, extension 6507

   G) Related rulemakings and other pertinent information: None.
ENVIRONMENTAL PROTECTION AGENCY

JANUARY 2003 REGULATORY AGENDA

a) Part(s) (Heading and Code Citation): DETERMINATION OF AMMONIA NITROGEN WATER QUALITY BASED EFFLUENT LIMITS FOR DISCHARGES TO GENERAL USE WATERS (35 Ill. Adm. Code 355)

1) Rulemaking:

A) Description: The Illinois Environmental Protection Agency has prepared a rulemaking proposal in order to implement changes to the Ammonia Nitrogen Water Quality Standards approved by the Illinois Pollution Control Board (Board) on October 17, 2002 in R02-19. In that rulemaking, the Board updated the acute and chronic ammonia nitrogen water quality standards, added a new sub-chronic water quality standard and repealed the effluent modified waters provisions in Parts 302 and 304.

B) Statutory Authority: Implementing and authorized by Section 39 of the Illinois Environmental Protection Act [415 ILCS 5/39].

C) Scheduled meeting/hearing date: No meetings or hearings are scheduled at this time.

D) Date agency anticipates First Notice: August 2003.

E) Effect on Small Businesses, small municipalities or not for profit corporations: This rulemaking may benefit some small municipalities with publicly owned wastewater treatment facilities that receive National Pollutant Discharge Elimination System (NPDES) permits from the Illinois EPA.

F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:

Name: Deborah J. Williams
Address: Division of Legal Counsel (21)
Illinois Environmental Protection Agency
1021 North Grand Avenue East
Post Office Box 19276
Springfield, Illinois 62794-9276
Telephone: 217/782-5544
ENVIRONMENTAL PROTECTION AGENCY

JANUARY 2003 REGULATORY AGENDA

G) Related rulemaking and other pertinent information: None.
DEPARTMENT OF NUCLEAR SAFETY

JANUARY 2003 REGULATORY AGENDA

a) Part (Heading and Code Citation): General Provisions for Radiation Protection, 32 Ill. Adm. Code 310

Rulemaking: Proposed Amendment

A) Description: The Department is proposing this rulemaking to clarify definitions and compare current standards with NRC requirements in compliance with Agreement State status.

B) Statutory Authority: Implementing and authorized by the Radiation Protection Act of 1990 [420 ILCS 40].

C) Scheduled meeting/hearing dates: None scheduled.

D) Date agency anticipates First Notice: April 2003

E) Affect on small businesses, small municipalities or not for profit corporations: The Department does not believe these amendments will have any direct impact on small businesses, not for profit corporation or small municipalities as defined in Section 100/1-80 of the IAPA.

F) Agency contact person for information:

Rose Miller
Department of Nuclear Safety
1035 Outer Park Drive, Springfield, IL 62704
(217) 785-9860 (voice); (217) 782-6133 (TDD)

G) Related rulemakings and other pertinent information: None

b) Part (Heading and Code Citation): Financial Assurance Requirements, 32 Ill. Adm. Code 326

Rulemaking: Proposed Amendment

A) Description: The Department is proposing this amendment to change the language in the rule to require financial assurance for sources greater than 1 Ci and exempt those less than or equal to 1 Ci; and change a cross-reference in Section 326.130(b)(1)(C).
DEPARTMENT OF NUCLEAR SAFETY

JANUARY 2003 REGULATORY AGENDA

B) Statutory Authority: Implementing and authorized by the Radiation Protection Act of 1990 [420 ILCS 40].

C) Scheduled meeting/hearing dates: None scheduled.

D) Date agency anticipates First Notice: May 2003

E) Affect on small businesses, small municipalities or not for profit corporations: The Department does not believe these amendments will have any direct impact on small municipalities as defined in Section 100/1-80 of the IAPA. These amendments will have an affect on small businesses or not for profit corporation. These amendments will clarify the applicability of the Department’s financial assurance requirements and in most cases benefit small businesses by relieving them of the requirement to post financial assurance for 1 Ci radioactive sources.

F) Agency contact person for information:

Rose Miller
Department of Nuclear Safety
1035 Outer Park Drive, Springfield, IL 62704
(217) 785-9860 (voice); (217) 782-6133 (TDD)

G) Related rulemakings and other pertinent information: None

c) Part (Heading and Code Citation): Licensing of Radioactive Material, 32 Ill. Adm. Code 330

Rulemaking: Proposed Amendment

A) Description: The Department is proposing this rulemaking to modify requirements related to the expiration and termination of radioactive material licenses and make other conforming amendments to match NRC requirements and maintain Agreement State status.

B) Statutory Authority: Implementing and authorized by the Radiation Protection Act of 1990 [420 ILCS 40].

C) Scheduled meeting/hearing dates: None scheduled.
DEPARTMENT OF NUCLEAR SAFETY

JANUARY 2003 REGULATORY AGENDA

D) Date agency anticipates First Notice: March 2003

E) Affect on small businesses, small municipalities or not for profit corporations: The Department believes these amendments may have a minimal impact on small businesses, not for profit corporation or small municipalities as defined in Section 100/1-80 of the IAPA.

F) Agency contact person for information:

Rose Miller
Department of Nuclear Safety
1035 Outer Park Drive, Springfield, IL 62704
(217) 785-9860 (voice); (217) 782-6133 (TDD)

G) Related rulemakings and other pertinent information: Part 340 will be modified to include termination requirements referenced in Part 330.

d) Part (Heading and Code Citation): Licensing of Radioactive Material, 32 Ill. Adm. Code 330

Rulemaking: Proposed Amendment

A) Description: The Department is proposing this rulemaking to address the issue of deliberate misconduct.

B) Statutory Authority: Implementing and authorized by the Radiation Protection Act of 1990 [420 ILCS 40].

C) Scheduled meeting/hearing dates: None scheduled.

D) Date agency anticipates First Notice: March 2003

E) Affect on small businesses, small municipalities or not for profit corporations: The Department does not believe these amendments will have an impact on small businesses, not for profit corporation or small municipalities as defined in Section 100/1-80 of the IAPA.

F) Agency contact person for information:

Rose Miller
DEPARTMENT OF NUCLEAR SAFETY

JANUARY 2003 REGULATORY AGENDA

Department of Nuclear Safety
1035 Outer Park Drive, Springfield, IL 62704
(217) 785-9860 (voice); (217) 782-6133 (TDD)

G) Related rulemakings and other pertinent information: None

e) Part (Heading and Code Citation): Fees for By-Product Material Licensees, 32 Ill. Adm. Code 334

Rulemaking: Proposed Amendment

A) Description: The Department is proposing this rulemaking to change an incorrect reference.

B) Statutory Authority: Implementing and authorized by the Uranium and Thorium Mill Tailings Control Act [420 ILCS 42].

C) Scheduled meeting/hearing dates: None scheduled.

D) Date agency anticipates First Notice: March 2003

E) Affect on small businesses, small municipalities or not for profit corporations: The Department does not believe these amendments will have any direct impact on small businesses, not for profit corporation or small municipalities as defined in Section 100/1-80 of the IAPA.

F) Agency contact person for information:

Rose Miller
Department of Nuclear Safety
1035 Outer Park Drive, Springfield, IL 62704
(217) 785-9860 (voice); (217) 782-6133 (TDD)

G) Related rulemakings and other pertinent information: None

f) Part (Heading and Code Citation): Use of Radionuclides in the Healing Arts, 32 Ill. Adm. Code 335

Rulemaking: Proposed Amendment
A) **Description:** The Department is proposing this rulemaking to modify requirements related to the medical use of radioactive materials. This Part is being modified to conform to changes made by the Nuclear Regulatory Commission.

B) **Statutory Authority:** Implementing and authorized by Section 10 of the Radiation Protection Act of 1990 [420 ILCS 40].

C) **Scheduled meeting/hearing dates:** None scheduled.

D) **Date agency anticipates First Notice:** June 2003

E) **Affect on small businesses, small municipalities or not for profit corporations:** The Department believes that this rulemaking may affect small businesses and not for profit corporations if they are licensed to use radioactive material on humans. Small municipalities, as defined in Section 100/1-80 of the IAPA, and government agencies will not be affected by this amendment.

F) **Agency contact person for information:**

Rose Miller  
Department of Nuclear Safety  
1035 Outer Park Drive, Springfield, IL 62704  
(217) 785-9860 (voice); (217) 782-6133 (TDD)

G) **Related rulemakings and other pertinent information:** None

g) **Part (Heading and Code Citation):** Standards for Protection Against Radiation, 32 Ill. Adm. Code 340

**Rulemaking:** Proposed Amendment

A) **Description:** The Department is proposing this rulemaking to clarify requirements regarding airborne effluents; to modify the required frequency of medical exams for individuals who must wear respiratory protection equipment; and to establish clean-up standards related to the termination of radioactive material licenses. In addition, the Department is proposing to amend this Part to adopt recent changes implemented by
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the U.S. NRC to improve low-level radioactive waste manifest information and reporting.

B) Statutory Authority: Implementing and authorized by Section 16 of the Radiation Protection Act of 1990 [420 ILCS 40/16].

C) Scheduled meeting/hearing dates: None scheduled.

D) Date agency anticipates First Notice: March 2003

E) Affect on small businesses, small municipalities or not for profit corporations: The Department believes that this rulemaking will not affect small businesses, small municipalities and not for profit corporations licensed to use radioactive material.

F) Agency contact person for information:

Rose Miller
Department of Nuclear Safety
1035 Outer Park Drive, Springfield, IL 62704
(217) 785-9860 (voice); (217) 782-6133 (TDD)

G) Related rulemakings and other pertinent information: Part 330 will be modified to include references to termination requirements included in Part 340.

h) Part (Heading and Code Citation): Transportation of Radioactive Material, 32 Ill. Adm. Code 341

Rulemaking: Proposed Repealer

A) Description: The Department is proposing to repeal this Part and replace it with a new Part 341.

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C) Scheduled meeting/hearing dates: None scheduled.

D) Date agency anticipates First Notice: March 2003

E) Affect on small businesses, small municipalities or not for profit corporations: The Department believes that this rulemaking will not affect small businesses, small municipalities and not for profit corporations.

F) Agency contact person for information:

    Rose Miller
    Department of Nuclear Safety
    1035 Outer Park Drive, Springfield, IL 62704
    (217) 785-9860 (voice); (217) 782-6133 (TDD)

G) Related rulemakings and other pertinent information: None

i) Part (Heading and Code Citation): Transportation of Radioactive Materials, 32 Ill. Adm. Code 341

   Rulemaking: Proposed Rule

   A) Description: The Department is proposing to repeal old Part 341 and replace it with this new Part 341 to be consistent with NRC & DOT regulations relating to transportation of radioactive materials.


   C) Scheduled meeting/hearing dates: None scheduled.

   D) Date agency anticipates First Notice: March 2003
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E) Affect on small businesses, small municipalities or not for profit corporations: The Department believes that this rulemaking will not affect small businesses, small municipalities and not for profit corporations.

F) Agency contact person for information:

Rose Miller
Department of Nuclear Safety
1035 Outer Park Drive, Springfield, IL 62704
(217) 785-9860 (voice); (217) 782-6133 (TDD)

G) Related rulemakings and other pertinent information: None

j) Part (Heading and Code Citation): Pool Irradiators, 32 Ill. Adm. Code 346

Rulemaking: Proposed Rule

A) Description: The Department is proposing this rule to establish specific standards and procedures relating to pool irradiator licensees.

B) Statutory Authority: Implementing and authorized by the Radiation Protection Act of 1990 [420 ILCS 40].

C) Scheduled meeting/hearing dates: None scheduled.

D) Date agency anticipates First Notice: March 2003

E) Affect on small businesses, small municipalities or not for profit corporations: The Department believes that this rulemaking will not affect small businesses, small municipalities and not for profit corporations.

F) Agency contact person for information:

Rose Miller
Department of Nuclear Safety
1035 Outer Park Drive, Springfield, IL 62704
(217) 785-9860 (voice); (217) 782-6133 (TDD)
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G) Related rulemakings and other pertinent information: None


Rulemaking: Proposed Amendment

A) Description: The Department is proposing this rulemaking to update several definitions; add S-tube testing; clarify procedures to reflect changes in Part 405; and make other language modifications.

B) Statutory Authority: Implementing and authorized by the Radiation Protection Act of 1990 [420 ILCS 40].

C) Scheduled meeting/hearing dates: None scheduled.

D) Date agency anticipates First Notice: March 2003

E) Affect on small businesses, small municipalities or not for profit corporations: The Department does not believe these amendments will have any direct impact on small businesses, not for profit corporation or small municipalities as defined in Section 100/1-80 of the IAPA.

F) Agency contact person for information:

Rose Miller
Department of Nuclear Safety
1035 Outer Park Drive, Springfield, IL 62704
(217) 785-9860 (voice); (217) 782-6133 (TDD)

G) Related rulemakings and other pertinent information: None

l) Part (Heading and Code Citation): Radiation Safety Requirements for Wireline Service Operations and Subsurface Tracer Studies, 32 Ill. Adm. Code 351

Rulemaking: Proposed Amendment

A) Description: The Department is proposing this amendment to add energy compensated sources to the well logging rule.
B) **Statutory Authority:** Implementing and authorized by Sections 9 and 11 of the Radiation Protection Act of 1990 [420 ILCS 40/9 and 11] and Section 5 of the Personnel Radiation Monitoring Act [420 ILCS 25/5].

C) **Scheduled meeting/hearing dates:** None scheduled.

D) **Date agency anticipates First Notice:** February 2003

E) **Affect on small businesses, small municipalities or not for profit corporations:** The Department does not believe these amendments will have any direct impact on small businesses, not for profit corporation or small municipalities as defined in Section 100/1-80 of the IAPA.

F) **Agency contact person for information:**

   Rose Miller  
   Department of Nuclear Safety  
   1035 Outer Park Drive, Springfield, IL 62704  
   (217) 785-9860 (voice); (217) 782-6133 (TDD)

G) **Related rulemakings and other pertinent information:** None

m) **Part (Heading and Code Citation):** Licensing Requirements for Land Disposal of Radioactive Waste, 32 Ill. Adm. Code 601

**Rulemaking:** Proposed Amendment

A) **Description:** The Department is amending this Part to streamline and clarify requirements of this Part and Part 606, and adopt recent changes implemented by the U.S. NRC to improve low-level waste manifest information and reporting.

B) **Statutory Authority:** Implementing and authorized by the Illinois Low-Level Radioactive Waste Management Act [420 ILCS 20]

C) **Scheduled meeting/hearing dates:** None scheduled.

D) **Date agency anticipates First Notice:** March 2003
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E) **Affect on small businesses, small municipalities or not for profit corporations:** The Department does not believe these amendments will have any direct impact on small businesses, not for profit corporation or small municipalities as defined in Section 100/1-80 of the IAPA.

F) **Agency contact person for information:**

   Rose Miller  
   Department of Nuclear Safety  
   1035 Outer Park Drive, Springfield, IL 62704  
   (217) 785-9860 (voice); (217) 782-6133 (TDD)

G) **Related rulemakings and other pertinent information:** Parts 340 and 606 will be modified to reflect appropriate requirements referenced in Part 601.

n) **Part (Heading and Code Citation):** Requirements for the Disposal of Low-Level Radioactive Waste Away from the Point of Generation, 32 Ill. Adm. Code 606

**Rulemaking: Proposed Amendment**

A) **Description:** The Department is amending this Part to streamline and clarify requirements of this Part and Part 601, and adopt recent changes implemented by the U.S. NRC to improve low-level waste manifest information and reporting.

B) **Statutory Authority:** Implementing and authorized by Section 6 of the Illinois Low-Level Radioactive Waste Management Act [420 ILCS 20/6].

C) **Scheduled meeting/hearing dates:** None scheduled.

D) **Date agency anticipates First Notice:** March 2003

E) **Affect on small businesses, small municipalities or not for profit corporations:** The Department does not believe these amendments will have any direct impact on small businesses, not for profit corporation or small municipalities as defined in Section 100/1-80 of the IAPA.

F) **Agency contact person for information:**
DEPARTMENT OF NUCLEAR SAFETY

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Rose Miller
Department of Nuclear Safety
1035 Outer Park Drive, Springfield, IL 62704
(217) 785-9860 (voice); (217) 782-6133 (TDD)

G) Related rulemakings and other pertinent information: Parts 340 and 606 will be modified to reflect appropriate requirements referenced in Part 601.

o) Part (Heading and Code Citation): Registration of Low-Level Radioactive Waste Generators, 32 Ill. Adm. Code 620

Rulemaking: Proposed Amendment

A) Description: The Department is proposing this amendment to implement statutory changes; eliminate unnecessary language; update statutory citations and clarify the Department’s enforcement options.

B) Statutory Authority: Implementing and authorized by Sections 3 and 4 of the Illinois Low-Level Radioactive Waste Management Act [420 ILCS 20/3 and 20/4].

C) Scheduled meeting/hearing dates: None scheduled.

D) Date agency anticipates First Notice: March 2003.

E) Affect on small businesses, small municipalities or not for profit corporations: The Department does not believe these amendments will have any direct impact on small businesses, not for profit corporation or small municipalities as defined in Section 100/1-80 of the IAPA.

F) Agency contact person for information:

Rose Miller
Department of Nuclear Safety
1035 Outer Park Drive, Springfield, IL 62704
(217) 785-9860 (voice); (217) 782-6133 (TDD)
DEPARTMENT OF NUCLEAR SAFETY

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G) Related rulemakings and other pertinent information: None
POLLUTON CONTROL BOARD
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a) Parts (Headings and Code Citations):

ORGANIZATION, PUBLIC INFORMATION, AND TYPES OF PROCEEDINGS (2 Ill. Adm. Code 2175)

1) Rulemaking: No docket number presently assigned.

A) Description:

2 Ill. Adm. Code 2175 contains the Board’s public information rules and organizational information, as required under Section 1-15 of the Administrative Procedure Act [5 ILCS 100/5-15] and Section 4 of the Freedom of Information Act [5 ILCS 140/4]. Among the information contained in Part 2175 is a listing of the Board’s offices, including their addresses and telephone numbers. The Board has changed the location of some of the satellite offices and needs to amend Part 2175 to reflect the changes of address and telephone number. In addition, further review of Part 2175 could indicate more amendments to this Part.

B) Statutory authority:

Implementing and authorized by Section 1-15 of the Administrative Procedure Act [5 ILCS 100/5-15] and Section 4 of the Freedom of Information Act [5 ILCS 140/4].

C) Scheduled meeting/hearing dates:

Public hearings are not required to amend 2 Ill. Adm. Code 2175. However, the Board would conduct such hearings if the level of public interest indicates that public hearings are desirable.

D) Date agency anticipates First Notice:

The Board anticipates First Notice publication of the proposed rules in the Illinois Register in the Spring or Summer of 2003.
E) **Effect on small business, small municipalities, or not-for-profit corporation:**

There may be an effect on any small business, small municipality, or not-for-profit corporation that appears before the Board in any type of proceeding or which seeks to contact the Board for any reason, including to inspect and copy Board records. Proceedings before the Board include enforcement actions, rulemaking proceedings, variance proceedings, adjusted standard proceedings, site-specific rulemaking proceedings, permit appeals, pollution control facility siting appeals, and any other actions provided by law. At present, it appears that any amendments would have an insignificant impact on affected entities.

F) **Agency contact person for information:**

Address written comments concerning the substance of the rulemaking as follows:

Name: Dorothy Gunn, Clerk  
Address: Pollution Control Board  
100 West Randolph Street, Suite 11-500  
Chicago, Illinois 60601

Address questions concerning this regulatory agenda as follows:

Name: Erin Conley, Rules Coordinator  
Address: Pollution Control Board  
600 S. Second St., Suite 402  
Springfield, Illinois 62704  
Telephone: 217-782-2471  
Internet: conleye@ipcb.state.il.us

G) **Related rulemakings and other pertinent information:**

No other presently-anticipated proceedings would affect the text of Part 2175.

b) **Part(s) (Heading and Code Citation):**
EMISSIONS REDUCTION MARKET SYSTEM (35 Ill. Adm. Code 205)

1) **Rulemaking:** R02-22

A) **Description:**

The proposed rule would modify the applicability provisions and clarify other related provisions.

B) **Statutory Authority:**

Authorized by Section 9.8 of the Environmental Protection Act [415 ILCS 5/9.8].

C) **Scheduled meeting/hearings dates:**

The IEPA has stated that it anticipates filing a rulemaking proposal with the Board in the Spring or Summer of 2003. No meetings or hearings are scheduled at this time. Once the proposal is filed, the Board will conduct public hearings in accordance with the requirements established by Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/27 & 28].

D) **Date agency anticipates First Notice:**

An IEPA submittal of a proposal to the Board would commence this proceeding, and the IEPA has stated that it expects to file a proposal in the Spring or Summer of 2003. After the filing of a proposal by the IEPA, the Board will cause a Notice of Proposed Amendments to appear in the *Illinois Register*.

E) **Affect on small business, small municipalities or not for profit corporations:**

Any small businesses, small municipalities, or not-for-profit corporations that are subject to the Emissions Reduction Market System would be subject to the modified applicability provisions.
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F) Agency contact person for information:

Address written comments concerning the substance of the rulemaking as follows:

Name: Dorothy Gunn, Clerk
Address: Pollution Control Board
         100 West Randolph Street, Suite 11-500
         Chicago, Illinois 60601

Address questions concerning this regulatory agenda as follows:

Name: Erin Conley, Rules Coordinator
Address: Pollution Control Board
         600 S. Second St., Suite 402
         Springfield, Illinois 62704
Telephone: 217-782-2471
Internet: conleye@ipcb.state.il.us

G) Related Rulemaking and other pertinent information:

For information regarding the IEPA’s development of this proposal, please contact the following IEPA attorney:

Name: Gina Roccaforte
Address: Illinois Environmental Protection Agency
         1021 North Grand Avenue East
         P.O. Box 19276
         Springfield, IL  62794-9276
Telephone: 217-782-5544
c) Parts (Headings and Code Citations):

DEFINITIONS AND GENERAL PROVISIONS (35 Ill. Adm. Code 211)
ORGANIC MATERIAL EMISSION STANDARDS AND LIMITATIONS FOR THE
CHICAGO AREA (35 Ill. Adm. Code 218)
ORGANIC MATERIAL EMISSION STANDARDS AND LIMITATIONS FOR THE
METRO EAST AREA (35 Ill. Adm. Code 219)

1) Rulemaking: No docket presently reserved.

A) Description:

The IEPA is currently developing amendments for proposal to the Board to accomplish several goals in a single cleanup rulemaking. This includes the following amendments to the Illinois ozone rules: (1) the rulemaking may amend existing air pollution control rules for lithographic printing operations to clean up the existing language to make Parts 218 and 219 consistent with revisions to 35 Ill. Adm. Code Part 211 (Definitions) and with recent revisions to these rules; (2) the rulemaking may include amendments to existing rules for volatile organic liquid storage tanks; (3) the rulemaking may include a rule to amend existing rules for perchlorethylene dry cleaners, since perchloroethylene was delisted as a volatile organic material by the United States Environmental Protection Agency (USEPA); (4) the rulemaking may amend existing rules for capture efficiency testing in order to make state rules consistent with USEPA's final rule on the revised capture efficiency test methods; (5) the rulemaking may correct minor or nonsubstantive errors amending rules for incorporations by reference, batch operations, and afterburner operation, air oxidation reactors and vapor collection and control systems; and (6) the rulemaking may also amend Part 211 to conform any possible conflicting provisions with the changes made to 35 Ill. Adm. Code 218 and 219.

B) Statutory authority:

Implementing and authorized by Sections 9.8, 27, 28.2, and 28.5 of the Environmental Protection Act [415 ILCS 5/9.8, 27, 28.2 & 28.5].
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C) Scheduled meeting/hearing dates:

The IEPA has stated that it anticipates submitting its rulemaking proposal to the Board in the Spring or Summer of 2003. No hearings are scheduled at this time. Once a proposal is filed, the Board will hold hearings on the schedule established in Section 27 or 28.5 of the Environmental Protection Act [415 ILCS 5/27 or 28.5] for rulemakings that are required under the federal CAA.

D) Date agency anticipates First Notice:

An IEPA submittal of a proposal to the Board would commence this proceeding, and the IEPA has stated that it expects to file a proposal in the Spring or Summer of 2003. After the filing of a proposal by the IEPA, the Board will cause publication of a Notice of Proposed Amendments in the Illinois Register.

E) Effect on small business, small municipalities, or not-for-profit corporation:

This rulemaking may affect any small business, small municipality, or not-for-profit corporation that emits volatile organic material. However, the IEPA anticipates that the amendments will have no new substantive impact on any sources, since the amendments will be a clean-up of existing requirements.

F) Agency contact person for information:

Address written comments concerning the substance of the rulemaking as follows:

Name: Dorothy Gunn, Clerk
Address: Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda as follows:

Name: Erin Conley, Rules Coordinator
POLLUTION CONTROL BOARD

JANUARY 2003 REGULATORY AGENDA

Address: Pollution Control Board
600 S. Second St., Suite 402
Springfield, Illinois 62704
Telephone: 217-782-2471
Internet: conleye@ipcb.state.il.us

G) Related rulemakings and other pertinent information:

Board docket R03-03 (see item (d) below) could affect the text of Part 211. No other presently-known prospective proceeding would potentially impact the general provisions of Part 218 or Part 219.

For information regarding the IEPA’s development of this proposal, please contact the following IEPA attorney:

Name: Rachel Doctors
Address: Illinois Environmental Protection Agency
Division of Legal Counsel
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
Telephone: 217-782-5544

d) Part (Heading and Code Citation):

DEFINITIONS AND GENERAL PROVISIONS (35 Ill. Adm. Code 211)

1) Rulemaking: Docket number R03-3

A) Description:

Section 9.1(e) of the Environmental Protection Act [415 ILCS 5/9.1(e)] mandates that the Board update the Illinois definition of volatile organic material (VOM) to reflect the additions made by the United States Environmental Protection Agency (USEPA) to the list of compounds exempt from regulation as ozone precursors. Those compounds are determined by USEPA to be exempt from regulation under the state implementation plan (SIP) for ozone in the federal “Recommended Policy on the Control of Volatile Organic Compounds” (Recommended Policy)
due to their negligible photochemical reactivity. On February 3, 1992 (57 Fed. Reg. 3945), USEPA codified its definition of VOM at 40 CFR 51.100(s), which now embodies the former Recommended Policy. This codified definition now includes all the compounds and classes of compounds previously exempted in the former Recommended Policy. The Illinois definition of VOM is presently codified at 35 Ill. Adm. Code 211.7150.

The Board has reserved docket number R03-14 to accommodate any amendments to the 40 CFR 51.100(s) definition of VOM that USEPA may make in the period July 1, 2002 through December 31, 2002. At this time, the Board is not aware of any federal amendments to the federal definition of VOM. The Board will verify the existence of any federal actions and the Board action required in response to each in coming weeks, by about mid-February 2003. The Board will then propose corresponding amendments to the Illinois definition of VOM using the identical-in-substance procedure or dismiss docket R03-14, as necessary and appropriate.

Section 9.1(e) mandates that the Board complete amendments within one year of the date on which USEPA adopted its action upon which the amendments are based. Assuming for the purposes of illustration that USEPA adopted an amendment that will require Board action on the first day of the update period, on July 1, 2002, the due date for Board adoption would be July 1, 2003.

B) Statutory authority:

Implementing and authorized by Sections 7.2, 9.1(e), and 27 of the Environmental Protection Act [415 ILCS 5/7.2, 9.1(e) & 27].

C) Scheduled meeting/hearing dates:

None scheduled at this time. The Board will vote to propose any amendments at an open meeting in accordance with requirements established by Sections 27 and 28 of the Act [415 ILCS 5/27 & 28]. The Board will then schedule and conduct at least one public hearing, as required by Section 118 of the federal Clean Air Act (42 USC § 7418) for amendment of the Illinois ozone SIP.
D) Date agency anticipates First Notice:

The Board cannot project an exact date for publication at this time. The Board expects to verify any federal actions by mid-February 2003, after which time the Board will propose any amendments to the Illinois definition of VOM that are necessary in response to the federal amendments that have occurred. If the due date for Board adoption of amendments in this docket is assumed to be July 1, 2003, for the purposes of illustration, the Board would vote to propose amendments and cause a Notice of Proposed Amendments to appear in the Illinois Register by early-April 2003. This would be sufficiently in advance of the due date to allow the Board to accept public comments on the proposal for 45 days before acting to adopt any amendments. Alternatively, if no amendment to the Illinois definition is needed, the Board would promptly dismiss this reserved docket.

E) Effect on small business, small municipalities, or not-for-profit corporations:

This rulemaking may affect any small business, small municipality, or not-for-profit corporation that engages in the emission of a chemical compound that is the subject of a proposed exemption or proposed deletion from the USEPA list of exempted compounds.

F) Agency contact person for information:

Address written comments concerning the substance of the rulemaking, noting docket number R03-14, as follows:

Name: Dorothy Gunn, Clerk  
Address: Pollution Control Board  
100 West Randolph Street, Suite 11-500  
Chicago, Illinois  60601

Address questions concerning this regulatory agenda, noting docket number R03-14, as follows:
POLLUTION CONTROL BOARD

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Name: Michael J. McCambridge, Attorney
Address: Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601
Telephone: 312-814-6924
Internet: mccambm@ipcb.state.il.us

G) Related rulemakings and other pertinent information:

Other prospective proceedings (see item (c) above) and other, as yet unknown, unrelated Board proceedings could potentially impact the general provisions of Part 211.

Section 9.1(e) of the Environmental Protection Act [415 ILCS 5/9.1(e)] provides that Title VII of the Act and Section 5 of the Administrative Procedure Act (APA) [5 ILCS 100/5-35, 40] shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules. Rather, the Board will cause a Notice of Proposed Amendments to appear in the Illinois Register, and it will accept public comments on the proposal for 45 days after the date of publication.

e) Part(s) Heading(s) and Code Citation(s):

SULFUR LIMITATIONS (35 Ill. Adm. Code 214)

1) Rulemaking: R02-21

A) Description:

This rulemaking involves site-specific amendments for the Central Illinois Light Company (CILCO) E.D. Edwards Generating Station in Peoria, Illinois. The rulemaking proposes to make permanent relief that CILCO has previously obtained through a variance from the Board. The proposal seeks to amend the Board’s sulfur dioxide emission limits found at 35 Ill. Adm. Code 214.561 as the limits apply to boiler #2 at the E.D. Edwards Generating Station.
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B) Statutory Authority:

Implementing Section 10 and authorized by Section 27 of the Act [415 ILCS 5/10 and 27].

C) Scheduled meeting/hearing dates:

The Board held one hearing in this rulemaking on October 11, 2002. No further hearings are scheduled at this time.

D) Date Agency Anticipates First Notice:

The Board anticipates moving this rulemaking to first notice in early Spring of 2003.

E) Effect on small business, small municipalities or not-for-profit corporations:

This rulemaking is site specific to the CILCO E.D. Edwards Generating Station and will have no effect on small business, small municipalities or not-for-profit corporations.

F) Agency and Board contact person for information:

Address written comments concerning the substance of the rulemaking as follows:

Name: Dorothy Gunn, Clerk
Address: Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda as follows:

Name: Erin Conley, Rules Coordinator
Address: Pollution Control Board
600 S. Second St., Suite 402
Springfield, Illinois 62704
Telephone: 217-782-2471
Internet: conleye@ipcb.state.il.us
ILLINOIS REGISTER

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G) Related rulemakings and other pertinent information:

There are no other pending rulemakings that would impact Part 214.

f) Part(s) Heading(s) and Code Citation(s):

NITROGEN OXIDES EMISSIONS (35 Ill. Adm. Code 217)

1) Rulemaking: No docket presently reserved.

A) Description:

On October 27, 1998, USEPA issued a NOx SIP Call requiring Illinois and numerous other states to adopt certain regulations for the control of nitrogen oxide (NOx) emissions that contribute to non-attainment or interfere with maintenance of the ozone air quality standard in other states pursuant to Section 110(a)(2)(D) of the CAA. Illinois is required to adopt NOx emission controls for four categories of industrial sources. The Board has already adopted rules that control NOx emissions from boilers and turbines serving electric generator units greater than 25 megawatts; boilers and turbines with heat input greater than 250 mmBtu/hr; and large cement kilns with ozone season emissions greater than one ton. The fourth category, large internal combustion engines, is the subject of this notice. The U.S. Court of Appeals remanded this category to USEPA for further consideration. Once USEPA promulgates a final rule for large internal combustion engines, the Agency will have to proceed promptly with this rulemaking. The Agency may also revise Sections in 35 Ill. Adm. Code 201 concerning continuous emissions monitoring.

B) Statutory Authority:

Implementing Section 10 and authorized by Sections 27 and 28.5 of the Act [415 ILCS 5/10, 27 and 28.5].

C) Scheduled meeting/hearing dates:
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No meetings or hearings are scheduled at this time. Once the proposal is filed, the Board will conduct hearings as required by Sections 27 and 28 of the Act [415 ILCS 5/27 & 28].

D) Date Agency Anticipates First Notice:

A Spring or Summer of 2003 IEPA submittal to the Board of the proposal is expected, after which the Board will cause publication of a Notice of Proposed Amendments in the Illinois Register.

E) Effect on small business, small municipalities or not-for-profit corporations:

The proposed amendments would affect small businesses, small municipalities, or not-for-profit corporations to the extent that they own or operate a large internal combustion engine source that emits NOx.

F) Agency and Board contact person for information:

Address written comments concerning the substance of the rulemaking as follows:

Name: Dorothy Gunn, Clerk
Address: Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda as follows:

Name: Erin Conley, Rules Coordinator
Address: Pollution Control Board
600 S. Second St., Suite 402
Springfield, Illinois 62704
Telephone: 217-782-2471
Internet: conleye@ipcb.state.il.us

G) Related rulemakings and other pertinent information:
For information regarding the IEPA’s development of this proposal, please contact the following IEPA representative:

Rachel L. Doctors  
Illinois Environmental Protection Agency  
1021 North Grand Avenue East, P.O. Box 19276  
Springfield, Illinois 62794-9276  
(217) 524-3337  
epa8856@epa.state.il.us

g) Part(s) Heading(s) and Code Citation(s):


1) Rulemaking: No docket presently reserved.

A) Description:

On December 1, 2000, pursuant to Sections 111(d) and 129 of the Clean Air Act, the US EPA promulgated emission guidelines for commercial and industrial solid waste incinerators as well as air curtain incinerators (65 Fed. Reg. 75337). Illinois is required to adopt a State plan that includes rules, implementing these emission guidelines. This rule would apply to units that commenced construction on or before November 29, 1999, and units where reconstruction or modification commenced prior to June 1, 2001.

B) Statutory Authority:

Implementing Sections 10, 39 and 39.5 of the Illinois Environmental Protection Act [415 ILCS 5/10, 39 and 39.5] and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/27].

C) Scheduled meeting/hearing dates:
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No meetings or hearings are scheduled at this time. Once the proposal is filed, the Board will conduct hearings as required by Sections 27 and 28 of the Act [415 ILCS 5/27 & 28].

D) Date Agency Anticipates First Notice:

A Spring or Summer of 2003 IEPA submittal to the Board of the proposal is expected, after which the Board will cause publication of a Notice of Proposed Amendments in the Illinois Register.

E) Effect on small business, small municipalities or not-for-profit corporations:

The prospective amendments would affect small businesses, small municipalities, or not-for-profit corporations that own or operate Existing Commercial and Industrial Solid Waste Incineration Units and Air Curtain Incinerators.

F) Agency and Board contact person for information:

Address written comments concerning the substance of the rulemaking as follows:

Name: Dorothy Gunn, Clerk
Address: Pollution Control Board
         100 West Randolph Street, Suite 11-500
         Chicago, Illinois 60601

Address questions concerning this regulatory agenda as follows:

Name: Erin Conley, Rules Coordinator
Address: Pollution Control Board
         600 S. Second St., Suite 402
         Springfield, Illinois 62704
Telephone: 217-782-2471
Internet: conleye@ipcb.state.il.us

G) Related rulemakings and other pertinent information:
ILLINOIS REGISTER

POLLUTION CONTROL BOARD

JANUARY 2003 REGULATORY AGENDA

For information regarding the IEPA’s development of this proposal, please contact the following IEPA representative:

Name: Rachel L. Doctors
Address: Illinois Environmental Protection Agency
1021 North Grand Avenue East, P.O. Box 19276
Springfield, Illinois 62794-9276
Telephone: (217) 524-3337
Internet: epa8856@epa.state.il.us

h) Part (Heading and Code Citation):

TOXIC AIR CONTAMINANTS (35 Ill. Adm. Code 232)

1) Rulemaking: No docket presently reserved.

A) Description:

The Illinois Environmental Protection Agency (IEPA) is currently preparing a rulemaking proposal for filing before the Board that would incorporate requirements for lead-based paint removal into the Illinois air pollution control regulations.

B) Statutory authority:

Implementing and authorized by Sections 9.5, 10 and 27 of the Environmental Protection Act [415 ILCS 5/9.5, 10 & 27].

C) Scheduled meetings/hearing dates:

The IEPA has stated that it anticipates filing a rulemaking proposal with the Board in the Spring or Summer of 2003. No meetings or hearings are scheduled at this time. Once the proposal is filed, the Board will hold hearings in accordance with the requirements established by Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/27 & 28].

D) Date agency anticipates First Notice:
An IEPA submittal of a proposal to the Board would commence this proceeding, and the IEPA has stated that it expects to file a proposal in the Spring or Summer of 2003. After the filing of a proposal by the IEPA, the Board will cause publication of a Notice of Proposed Amendments in the *Illinois Register*.

E) **Effect on small businesses, small municipalities, or not-for-profit corporations:**

This rule may affect any small business, small municipality, or not-for-profit corporation that engages in the removal of lead-based paint.

F) **Agency contact person for information:**

Address written comments concerning the substance of the rulemaking as follows:

- **Name:** Dorothy Gunn, Clerk
- **Address:** Pollution Control Board
  100 West Randolph Street, Suite 11-500
  Chicago, Illinois 60601

Address questions concerning this regulatory agenda as follows:

- **Name:** Erin Conley, Rules Coordinator
- **Address:** Pollution Control Board
  600 S. Second St., Suite 402
  Springfield, Illinois 62704
- **Telephone:** 217-782-2471
- **Internet:** conleye@ipcb.state.il.us

G) **Related rulemakings and other pertinent information:**

For information regarding the IEPA’s development of this proposal, please contact the following IEPA representative:

- **Name:** Deborah J. Williams
- **Address:** Illinois Environmental Protection Agency
  Environmental Policy
WATER QUALITY STANDARDS (35 Ill. Adm. Code 302)

1) Rulemaking: No docket presently reserved.

A) Description:

The Illinois Environmental Protection Agency (IEPA) is currently preparing a rulemaking proposal for filing before the Board relating to the water quality standards for several pollutants including total dissolved solids, sulfate, chloride and radium. These amendments revise and add numeric water quality standards for the protection of aquatic organisms and human health applicable. The amended water quality standards will be used by the Illinois Environmental Protection Agency in ensuring compliance with the Clean Water Act requirements at 33 U.S.C. §1313 when issuing National Pollutant Discharge Elimination System permits pursuant to 415 ILCS 5/39(b) and water quality certifications required by 33 U.S.C. §1341.

B) Statutory authority:

Implementing and authorized by Sections 11, 13, and 27 of the Environmental Protection Act [415 ILCS 5/11, 13 & 27].

C) Scheduled meeting/hearing date:

The IEPA has stated that it anticipates filing a rulemaking proposal with the Board in the Spring or Summer of 2003. No meetings or hearings are scheduled at this time. Once the proposal is filed, the Board will hold hearings in accordance with the requirements established by Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/27 & 28].

D) Date agency anticipates First Notice:
POLLUTION CONTROL BOARD

JANUARY 2003 REGULATORY AGENDA

An IEPA submittal of a proposal to the Board would commence this proceeding, and the IEPA has stated that it expects to file a proposal in the Spring or Summer of 2003. After the filing of a proposal by the IEPA, the Board will cause publication of a Notice of Proposed Amendments in the Illinois Register.

E) Effect on small businesses, small municipalities or not-for-profit corporations:

This rule may affect any small business, small municipality, or not-for-profit corporation that discharges particular contaminants into waters of the State.

F) Agency contact person for information:

Address written comments concerning the substance of the rulemaking as follows:

Name: Dorothy Gunn, Clerk
Address: Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda as follows:

Name: Erin Conley
Address: Pollution Control Board
600 S. Second St., Suite 402
Springfield, Illinois 62704
Telephone: 217-782-2471
Internet: conleye@ipcb.state.il.us

G) Related rulemaking and other pertinent information:

For information regarding the Illinois EPA’s development of this proposal, please contact:

Toby Frevert
Bureau of Water
Illinois Environmental Protection Agency
WATER USE DESIGNATIONS AND SITE SPECIFIC WATER QUALITY STANDARDS (35 Ill. Adm. Code 303)

1) Rulemaking: No docket presently reserved.

A) Description:

35 Ill. Adm. Code 303 contains the Board’s water use designations for all bodies of water in the State of Illinois with use designations other than general use. The IEPA has established a workgroup to conduct a Use Attainability Analysis, pursuant to 40 C.F.R. §131.10, of the portions of the lower Des Plaines River that are currently classified as secondary contact and indigenous aquatic life waters pursuant to 35 Ill. Adm. Code 303.441. In addition, the IEPA is preparing a rulemaking proposal for filing before the Board will recommend updating and/or upgrading the use designation of the lower Des Plaines River from its confluence with the Sanitary and Ship Canal to the Interstate 55 bridge.

B) Statutory authority:

Implementing and authorized by Sections 11, 13, and 27 of the Environmental Protection Act [415 ILCS 5/11, 13 & 27].

C) Scheduled meeting/hearing date:

The IEPA has stated that it anticipates filing a rulemaking proposal with the Board in the Spring or Summer of 2003. No meetings or hearings are scheduled at this time. Once the proposal is filed, the Board will hold hearings in accordance with the requirements established by Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/27 & 28].
POLLUTION CONTROL BOARD

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D) Date agency anticipates First Notice:

An IEPA submittal of a proposal to the Board would commence this proceeding, and the IEPA has stated that it expects to file a proposal in the Spring or Summer of 2003. After the filing of a proposal by the IEPA, the Board will cause publication of a Notice of Proposed Amendments in the Illinois Register.

E) Effect on small businesses, small municipalities or not-for-profit corporations:

This rule may affect any small business, small municipality, or not-for-profit corporation that discharges into the lower Des Plaines River.

F) Agency contact person for information:

Address written comments concerning the substance of the rulemaking as follows:

Name: Dorothy Gunn, Clerk
Address: Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda as follows:

Name: Erin Conley
Address: Pollution Control Board
600 S. Second St., Suite 402
Springfield, Illinois 62704
Telephone: 217-782-2471
Internet: conleye@ipcb.state.il.us

G) Related rulemaking and other pertinent information:

For information regarding the Illinois EPA’s development of this proposal, please contact:

Toby Frevert
Bureau of Water
POLLUTION CONTROL BOARD

JANUARY 2003 REGULATORY AGENDA

Illinois Environmental Protection Agency
1021 North Grand Ave. East
P.O. Box 19276
Springfield, Il. 62794-9276
217-782-1654

k) Part(s) Heading(s) and Code Citation(s):

EFFLUENT STANDARDS (35 Ill. Adm. Code 304)

1) Rulemaking: R03-11

A) Description:

This rulemaking involves site-specific amendments for the City of Effingham’s Publicly Owned Treatment Works (POTW) in Effingham, Illinois. The rulemaking proposes to amend the Board’s effluent regulations water quality standard for fluoride specifically for the city’s POTW.

B) Statutory Authority:

Implementing Section 13 and authorized by Section 27 of the Act [415 ILCS 5/13 and 27].

C) Scheduled meeting/hearing dates:

The Board will hold a hearing on this rulemaking proposal in Effingham, Illinois.

D) Date Agency Anticipates First Notice:

The Board anticipates moving this rulemaking to first notice in Spring or Summer of 2003.

E) Effect on small business, small municipalities or not-for-profit corporations:

This rulemaking is site-specific to the City of Effingham.
F) **Agency and Board contact person for information:**

Address **written comments** concerning the substance of the rulemaking as follows:

<table>
<thead>
<tr>
<th>Name</th>
<th>Dorothy Gunn, Clerk</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Address:</strong></td>
<td>Pollution Control Board</td>
</tr>
<tr>
<td></td>
<td>100 West Randolph Street, Suite 11-500</td>
</tr>
<tr>
<td></td>
<td>Chicago, Illinois 60601</td>
</tr>
</tbody>
</table>

Address **questions** concerning this regulatory agenda as follows:

<table>
<thead>
<tr>
<th>Name</th>
<th>Erin Conley, Rules Coordinator</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Address:</strong></td>
<td>Pollution Control Board</td>
</tr>
<tr>
<td></td>
<td>600 S. Second St., Suite 402</td>
</tr>
<tr>
<td></td>
<td>Springfield, Illinois 62704</td>
</tr>
<tr>
<td><strong>Telephone:</strong></td>
<td>217-782-2471</td>
</tr>
<tr>
<td><strong>Internet:</strong></td>
<td><a href="mailto:conleye@ipcb.state.il.us">conleye@ipcb.state.il.us</a></td>
</tr>
</tbody>
</table>

G) **Related rulemakings and other pertinent information:**

There are no other pending rulemakings that would impact Part 304.

1) **Parts (Headings and Code Citations):**

SEWER DISCHARGE CRITERIA (35 Ill. Adm. Code 307)
PRETREATMENT PROGRAMS (35 Ill. Adm. Code 310)

1) **Rulemaking:** Docket number **R03-13**

A) **Description:**

Section 13.3 of the Environmental Protection Act [415 ILCS 5/13.3] mandates that the Board update the Illinois wastewater pretreatment regulations to reflect revisions made to the federal wastewater pretreatment rules made by the United States Environmental Protection Agency (USEPA).
The Board has reserved docket number R03-13 to accommodate any amendments to the federal wastewater pretreatment rules, 40 CFR 400 through 499, that the USEPA may have made in the period July 1, 2002 through December 31, 2002. At this time, the Board is aware that USEPA undertook five actions that affected the text of 40 CFR 400 through 499 and its implementation. These actions are described below:

<table>
<thead>
<tr>
<th>Date</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>September 19, 2002 (67 Fed. Reg. 58997)</td>
<td>USEPA amended the effluent standards for the bleached papergrade kraft and soda subcategory of the pulp, paper, and paperboard source category. The amendments allow a regulated entity to demonstrate compliance with the chloroform limitations using alternative means. The alternative means include a round of compliance monitoring, certification that neither elemental chlorine nor hypochlorite are used as a bleaching agent, and maintaining plant operations as identified in the certification process.</td>
</tr>
<tr>
<td>October 23, 2002 (67 Fed. Reg. 30811)</td>
<td>USEPA updated the various methods used for analysis of contaminants in wastewater and drinking water. This included amendments to both the methods of 40 C.F.R. 136 and those referenced in 40 C.F.R. 141.</td>
</tr>
</tbody>
</table>

The Board will verify the existence of any additional federal actions that may affect the text of 40 CFR 400 through 499 and the Board action required in response to each set of federal amendments in coming weeks, by about mid-February 2003. The Board will then propose corresponding
amendments to the Illinois SDWA regulations using the identical-in-substance procedure under docket R03-13, as necessary and appropriate.

Section 13.3 of the Act mandates that the Board complete amendments within one year of the date on which USEPA adopted its action upon which the amendments are based. Assuming for the purposes of illustration that USEPA adopted an amendment that will require Board action on the first action in the update period, that of September 19, 2002, the due date for Board adoption would be September 19, 2003.

B) Statutory authority:

Implementing and authorized by Sections 7.2, 13, 13.3 and 27 of the Environmental Protection Act [415 ILCS 5/7.2, 13, 13.3 & 27].

C) Scheduled meeting/hearing dates:

None scheduled at this time. The Board will vote to propose any amendments at an open meeting in accordance with requirements established by Sections 27 and 28 of the Act [415 ILCS 5/27 & 28]. No hearing is required in identical-in-substance proceedings.

D) Date agency anticipates First Notice:

The Board cannot project an exact date for publication at this time. The Board expects to verify any federal actions by mid-February 2003, after which time the Board will propose any amendments to the Illinois wastewater treatment rules that are necessary in response to the federal amendments that have occurred. If the due date for Board adoption of amendments in this docket is assumed to be September 19, 2003, the Board will vote to propose amendments and cause a Notice of Proposed Amendments to appear in the Illinois Register by mid-June 2003. This would be sufficiently in advance of the due date to allow the Board to accept public comments on the proposal for 45 days before acting to adopt any amendments.
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E) **Effect on small business, small municipalities, or not-for-profit corporations:**

This rulemaking may affect any small business, small municipality, or not-for-profit corporation that pretreatment engages in the discharge of pollutants into the collection system of a publicly-owned treatment works that is the subject of any federal amendments.

F) **Agency contact person for information:**

Address written comments concerning the substance of the rulemaking, noting docket number **R03-13**, as follows:

- **Name:** Dorothy Gunn, Clerk
- **Address:** Pollution Control Board
  100 West Randolph Street, Suite 11-500
  Chicago, Illinois  60601

Address questions concerning this regulatory agenda, noting docket number **R03-13**, as follows:

- **Name:** Michael J. McCambridge, Attorney
- **Address:** Pollution Control Board
  100 West Randolph Street, Suite 11-500
  Chicago, Illinois  60601
  **Telephone:** 312-814-6924
  **Internet:** mccambm@ipcb.state.il.us

G) **Related rulemakings and other pertinent information:**

No other presently-known proceeding would affect provisions of Parts 307 and 310.

Section 13.3 of the Environmental Protection Act provides that Title VII of the Act and Section 5 of the Administrative Procedure Act (APA) [5 ILCS 100/5-35, 5-40] shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules. Rather, the Board will cause a Notice of Proposed Amendments to appear
in the *Illinois Register*, and it will accept public comments on the proposal for 45 days after the date of publication.

m) **Part (Heading and Code Citation):**

**STANDARDS FOR SLUDGE MANAGEMENT (35 Ill. Adm. Code 313)**

1) **Rulemaking:** No docket presently reserved

A) **Description:**

The Illinois Environmental Protection Agency (IEPA) is currently preparing a rulemaking proposal for filing before the Board relating to land application of sewage sludge. The rules would establish pollutant limits, pathogen reduction requirements, and vector control measures applicable to sludge that is applied to land.

B) **Statutory authority:**

Implementing and authorized by Sections 11 and 27 of the Environmental Protection Act [415 ILCS 5/11 & 27]

C) **Schedule meeting/hearing date:**

The IEPA presently anticipates that it will file a rulemaking proposal during the Spring or Summer of 2003. No meetings or hearing are scheduled at this time. Once the proposal is filed, the Board will conduct public hearings in accordance with the requirements established by Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/27 & 28].

D) **Date agency anticipates First Notice:**

An IEPA submittal of a proposal to the Board would commence this proceeding, and the IEPA has stated that it expects to file a proposal during the Spring or Summer of 2003. After the filing of a proposal by the IEPA, the Board will cause a Notice of Proposed Rules to appear in the *Illinois Register*.
E) Effect on small businesses, small municipalities or not-for-profit corporations:

This rule may affect any small business, small municipality, or not-for-profit corporation that generates or uses sewage sludge.

F) Agency contact person for information:

Address written comments concerning the substance of the rulemaking as follows:

Name: Dorothy Gunn, Clerk
Address: Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda as follows:

Name: Erin Conley, Rules Coordinator
Address: Pollution Control Board
600 S. Second St., Suite 402
Springfield, Illinois 62704
Telephone: 217-782-2471
Internet: conleye@ipcbl.state.il.us

G) Related rulemakings and other pertinent information:

No other presently known Board proceedings would potentially impact the general provisions of Part 313.


For information regarding the IEPA’s development of this proposal, please contact the following IEPA attorney:

Name: Lisa Moreno
POLLUTION CONTROL BOARD

JANUARY 2003 REGULATORY AGENDA

Address:  Illinois Environmental Protection Agency  
Division of Legal Counsel  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield, Illinois 62794-9276

Interested persons may also contact the following IEPA representative about its prospective rulemaking proposal:

Name:  Alan Keller, P.E.  
Manager, Northern Municipal Unit

Address:  Illinois Environmental Protection Agency  
Division of Water Pollution Control  
Bureau of Water  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield, Illinois 62794-9276

Telephone:  217-782-0810

n) Parts (Headings and Code Citations):

GENERAL PROVISIONS (35 Ill. Adm. Code 501)  
PERMITS (35 Ill. Adm. Code 502)  
OTHER AGRICULTURAL AND SILVICULTURAL ACTIVITIES (35 Ill. Adm. Code 503)  
IMPLEMENTATION PROGRAM (35 Ill. Adm. Code 504)

1) Rulemaking:  Docket number R98-11

A) Description:

The Board opened this rulemaking docket R98-11 on September 4, 1997, to identify and reconcile any inconsistencies between the LMFA-related regulations of Part 506 and the pre-existing agricultural-related pollution regulations of Parts 501 through 504.

Since the opening of docket R98-11, however, Public Acts 90-565 and 91-110, effective July 13, 1999, again amended the LMFA. The Board opened docket R98-26 to amend the LMFA-related rules to conform with
the subsequent statutory amendments. The Board entered an order on January 22, 1998 staying the R98-11 rulemaking proceeding until the conforming amendments of docket R98-26 are completed. It is unlikely that the Board will proceed with this docket since P.A. 91-110 delegated a majority of the regulations to the Department of Agriculture. However, the Board will wait to act on this docket until reviewing the Department’s final rules and the corresponding proposal to 35 Ill. Adm. Code 506.

B) **Statutory authority:**

Implementing and authorized by Sections 9, 13, 22, and 27 of the Environmental Protection Act [415 ILCS 5/9, 13, 22 & 27].

C) **Scheduled meeting/hearing dates:**

No meetings or hearings are scheduled at this time. However, the Board will conduct public hearings in accordance with the requirements established by Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/27 & 28].

D) **Date agency anticipates First Notice:**

Any action on this docket will occur in the Summer or Fall of 2002.

E) **Effect on small business, small municipalities, or not-for-profit corporations:**

These amendments may affect any small business, small municipality, or not-for-profit corporation that owns or operates a livestock management facility or an associated waste handling structure.

F) **Agency contact person for information:**

Address written comments concerning the substance of the rulemaking, noting docket number R98-11, as follows:

<table>
<thead>
<tr>
<th>Name</th>
<th>Carol Sudman, Attorney</th>
</tr>
</thead>
<tbody>
<tr>
<td>Address</td>
<td>Pollution Control Board</td>
</tr>
<tr>
<td></td>
<td>600 South Second Street, Suite 402</td>
</tr>
</tbody>
</table>
PART(s) (Heading and Code Citation):

Agriculture Related Water Pollution (35 Ill. Adm. Code Subtitle E)

1) Rulemaking: No docket presently reserved.

A) Description:

The Illinois Environmental Protection Agency (IEPA) will prepare a rulemaking proposal for filing before the Board Relating to the new Concentrate Animal Feeding Operation National Pollutant Discharge Elimination System (NPDES) regulations that were signed by USEPA on December 15, 2002. The IEPA anticipates a review of Subtitle E and a proposal to ensure that it remains consistent with the federal regulations.
B) **Statutory Authority:**

Implementing and authorized by Sections 11, 13, and 27 of the Environmental Protection Act [415 ILCS 5/11, 13 & 27].

C) **Scheduled meeting/hearing dates:**

The IEPA has stated that it anticipates filing a rulemaking proposal with the Board in the Summer or Winter of 2003. Once the proposal is filed, the Board will hold hearings in accordance with the requirements established by Section 27 and 28 of the Environmental Protection Act [415 ILCS 5/27 & 28]

D) **Date agency anticipates First Notice:**

An IEPA submittal of the rulemaking proposal is anticipated by Summer or Winter of 2003. The Board will conduct proceedings pursuant to Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/27 & 28] upon receipt of the proposal and would cause a Notice of Proposed Amendments to appear in the *Illinois Register* when it decides to propose amendments for First Notice.

E) **Affect on small businesses, small municipalities or not for profit corporations:**

This rule could affect any agri business that meets the federal definition of a Concentrated Animal Feeding Operation.

F) **Agency contact person for information:**

Address written comments concerning the substance of the rulemaking as follows:

<table>
<thead>
<tr>
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<tbody>
<tr>
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<td></td>
<td>Chicago, Illinois 60601</td>
</tr>
</tbody>
</table>
POLLUTION CONTROL BOARD

JANUARY 2003 REGULATORY AGENDA

Address questions concerning this regulatory agenda as follows:

Name: Erin Conley, Rules Coordinator
Address: Pollution Control Board
          600 S. Second St., Suite 402
          Springfield, Illinois 62704
Telephone: 217-782-2471
Internet: conleye@ipcb.state.il.us

G) Related Rulemaking and other pertinent information:

Interested persons may contact the IEPA about its prospective rulemaking proposal as follows:

Name: Bruce Yurdin
Address: Illinois Environmental Protection Agency
          Division of Water Pollution Control
          Bureau of Water
          1021 North Grand Avenue East
          Post Office Box 19276
          Springfield, Illinois 62794-9276
Telephone: 217-782-0610

p) Part(s) (Heading and Code Citation):

PERMITS (35 Ill. Adm. Code 602)

1) Rulemaking: No docket presently reserved.

A) Description:

The Illinois Environmental Protection Agency (IEPA) is preparing a rulemaking proposal for filing before the Board to establish criteria for the design, operation, and maintenance of public water supplies, and rules to facilitate the permitting process.
B) Statutory Authority:

Implementing and authorized by Section 17 and Section 27 of the Illinois Environmental Protection Act [415 ILCS 5/17 & 5/27].

C) Scheduled meeting/hearing dates:

When the proposal is submitted before the Board, the Board will conduct public hearings on the proposal pursuant to Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/27 & 28].

D) Date agency anticipates First Notice:

An IEPA submittal of the rulemaking proposal is anticipated by Spring or Summer of 2003. The Board will conduct proceedings pursuant to Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/27 & 28] upon receipt of the proposal and would cause a Notice of Proposed Amendments to appear in the Illinois Register when it decides to propose amendments for First Notice.

E) Affect on small businesses, small municipalities or not for profit corporations:

This rulemaking will generally benefit small businesses, small municipalities and not for profit entities by clarifying the requirements for operations and permits. There may be some additional reporting requirements.

F) Agency contact person for information:

Address written comments concerning the substance of the rulemaking as follows:

Name: Dorothy Gunn, Clerk  
Address: Pollution Control Board  
100 West Randolph Street, Suite 11-500  
Chicago, Illinois 60601
G) Related Rulemaking and other pertinent information:

Another prospective proceeding (see item (q) below) and other, as yet unknown proceedings could affect the text of Part 602.

Interested persons may contact the IEPA about its prospective rulemaking proposal as follows:

Name: Lou Allyn Byus  
Assistant Manager, Field Operations Services Section  
Division of Public Water Supplies  
Bureau of Water  
Illinois Environmental Protection Agency
Address: 1021 North Grand Avenue East  
P. O. Box 19276  
Springfield, IL 62794-9276
Telephone: 217-782-8653

q) Part(s) (Heading and Code Citation):

PERMITS (35 Ill. Adm. Code 602)

1) Rulemaking: No docket presently reserved.

A) Description:

The Illinois Environmental Protection Agency (IEPA) is preparing a rulemaking proposal for filing before the Board to establish criteria for the design, operation, and maintenance of public water supplies, and rules to facilitate the permitting process. The proposal will also permit public
POLLUTION CONTROL BOARD

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water supplies that meet certain conditions to exceed the combined radium standard without being placed on restrictive status.

B) **Statutory Authority:**

Implementing and authorized by Section 17 and Section 27 of the Illinois Environmental Protection Act [415 ILCS 5/17 & 5/27].

C) **Scheduled meeting/hearing dates:**

When the proposal is submitted before the Board, the Board will conduct public hearings on the proposal pursuant to Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/27 & 28].

D) **Date agency anticipates First Notice:**

An IEPA submittal of the rulemaking proposal is anticipated by Spring or Summer of 2003. The Board will conduct proceedings pursuant to Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/27 & 28] upon receipt of the proposal and would cause a Notice of Proposed Amendments to appear in the *Illinois Register* when it decides to propose amendments for First Notice.

E) **Affect on small businesses, small municipalities or not for profit corporations:**

This rulemaking will generally benefit small businesses, small municipalities and not for profit entities by clarifying the requirements for operations and permits. There may be some additional reporting requirements.

F) **Agency contact person for information:**

Address written comments concerning the substance of the rulemaking as follows:

<table>
<thead>
<tr>
<th>Name:</th>
<th>Dorothy Gunn, Clerk</th>
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</thead>
<tbody>
<tr>
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<td>Chicago, Illinois 60601</td>
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</tbody>
</table>
Address questions concerning this regulatory agenda as follows:

Name: Erin Conley, Rules Coordinator  
Address: Pollution Control Board  
600 S. Second St., Suite 402  
Springfield, Illinois 62704  
Telephone: 217-782-2471  
Internet: conleye@ipcb.state.il.us

G) Related Rulemaking and other pertinent information:

The IEPA is preparing a rulemaking proposal that will allow public water supplies that exceed the combined radium standard or the gross alpha particle activity standard to avoid being placed on restrictive status, provided certain conditions are met.

Interested persons may contact the IEPA about its prospective rulemaking proposal as follows:

Name: Vera Herst  
Assistant Counsel  
Division of Legal Counsel  
Illinois Environmental Protection Agency  
Address: 1021 North Grand Avenue East  
P. O. Box 19276  
Springfield, IL  62794-9276  
Telephone: 217-782-5544

r) Part (Heading and Code Citation):

PRIMARY DRINKING WATER STANDARDS (35 Ill. Adm. Code 611)

1) Rulemaking: Docket number R03-15

A) Description:
Section 17.5 of the Environmental Protection Act [415 ILCS 5/17.5] mandates that the Board update the Illinois SDWA regulations to reflect the USEPA amendments to the federal Safe Drinking Water Act (SDWA) primary drinking water regulations.

The Board has reserved docket number R03-15 to accommodate any amendments to the SDWA primary drinking water regulations, 40 CFR 141 through 143, that the United States Environmental Protection Agency (USEPA) may make in the period July 1, 2002 through December 31, 2002. At this time, the Board is aware that USEPA undertook four actions that affected the text of 40 CFR 141 through 143 in a way that will likely require amendment of the Illinois drinking water regulations. These actions are described below:

<table>
<thead>
<tr>
<th>Date</th>
<th>Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>October 23, 2002</td>
<td>USEPA updated the various methods used for analysis of contaminants in wastewater and drinking water. This included amendments to both the methods of 40 C.F.R. 136 and those referenced in 40 C.F.R. 141.</td>
</tr>
<tr>
<td>October 29, 2002</td>
<td>USEPA approved the analytical method and minimum reporting level for unregulated contaminant monitoring for Aeromonas bacteria.</td>
</tr>
<tr>
<td>November 27, 2002</td>
<td>USEPA amended the public notice segments of the consumer confidence report rule (CCR). It revised the mandatory health effects language for di(2-ethylhexyl)adipate and di(2-ethylhexyl)- phthalate. USEPA made a small number of minor amendments to the appendix to the CCR.</td>
</tr>
</tbody>
</table>

The Board will verify the existence of any additional federal actions and the Board action required in response to each set of federal amendments in coming weeks, by about mid-February 2003. The Board will then propose corresponding amendments to the Illinois SDWA regulations using the identical-in-substance procedure under docket R03-15, as necessary and appropriate.
Section 17.5 mandates that the Board complete its amendments within one year of the date on which the United States Environmental Protection Agency (USEPA) adopted its action upon which the amendments are based. Assuming for the purposes of illustration that USEPA adopted an amendment that will require Board action on the first action in the update period, that of October 23, 2002, the due date for Board adoption would be October 23, 2003.

B) **Statutory authority:**

Implementing and authorized by Sections 17, 17.5, and 27 of the Environmental Protection Act [415 ILCS 5/17, 17.5 & 27].

C) **Scheduled meeting/hearing dates:**

None scheduled at this time. The Board will vote to propose any amendments at an open meeting in accordance with requirements established by Sections 27 and 28 of the Act [415 ILCS 5/27 & 28]. No hearing is required in identical-in-substance proceedings.

D) **Date agency anticipates First Notice:**

The Board cannot project an exact date for publication at this time. The Board expects to verify any federal actions by mid-February 2003, after which time the Board will propose any amendments to the Illinois SDWA drinking water rules that are necessary in response to the federal amendments that have occurred. If the due date for Board adoption of amendments in this docket is assumed to be October 23, 2003, the Board will vote to propose amendments and cause a Notice of Proposed Amendments to appear in the *Illinois Register* by early-July 2003. This would be sufficiently in advance of the due date to allow the Board to accept public comments on the proposal for 45 days before acting to adopt any amendments.
E) **Effect on small business, small municipalities, or not-for-profit corporations:**

This rulemaking may affect any small business, small municipality, or not-for-profit corporation in Illinois that owns or operates a “public water supply,” as defined by Section 3.28 of the Act, *i.e.*, it has at least fifteen service connections or regularly serves an average of at least 25 individuals daily at least 60 days out of the year, or it is assisting a public water supply to demonstrate compliance.

F) **Agency contact person for information:**

Address written comments concerning the substance of the rulemaking, noting docket number R03-15, as follows:

- **Name:** Dorothy Gunn, Clerk
- **Address:** Pollution Control Board
  100 West Randolph Street Suite 11-500
  Chicago, Illinois  60601

Address questions concerning this regulatory agenda, noting docket number R03-15, as follows:

- **Name:** Michael J. McCambridge, Attorney
- **Address:** Pollution Control Board
  100 West Randolph Street Suite 11-500
  Chicago, Illinois  60601
- **Telephone:** 312-814-6924
- **Internet:** mccambm@ipcb.state.il.us

G) **Related rulemakings and other pertinent information:**

Another prospective proceeding (see item (s) below) and other, as yet unknown proceedings could affect the text of Part 611.

Section 17.5 of the Environmental Protection Act [415 ILCS 5/17.5] provides that Title VII of the Act and Section 5 of the Administrative Procedure Act (APA) shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules.
Rather, the Board will cause a Notice of Proposed Amendments to appear in the Illinois Register, and it will accept public comments on the proposal for 45 days after the date of publication.

s) Parts (Headings and Code Citations):

LABORATORY ACCREDITATION RULES (35 Ill. Adm. Code 611)

1) Rulemaking: No docket presently reserved.

A) Description:

The IEPA proposal will seek to amend the public water supplies rules found in 35 Ill. Adm. Code 611 to cross reference the IEPA’s own laboratory accreditation rules found at 35 Ill. Adm. Code 186. These prospective amendments to Sections 611.359, 611.611, 611.646, and 611.648 would cross-reference the Illinois Environmental Protection Agency's (IEPA’s) laboratory accreditation rules at 35 Ill. Adm. Code 186. Currently, the existing text of Part 611 references 35 Ill. Adm. Code 183, which are joint rules of the IEPA, the Illinois Department of Public Health, and the Illinois Department of Nuclear Safety. A repeal of Part 183 has been completed.

B) Statutory Authority:

Sections 27 and 28 of the Illinois Environmental Protection Act [415 ILCS 5/27 & 28].

C) Scheduled meeting/hearing dates:

When the proposal is submitted before the Board, the Board will conduct public hearings on the proposal pursuant to Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/27 & 28].

D) Date Agency Anticipates First Notice:

An IEPA submittal of the rulemaking proposal is anticipated by Spring or Summer of 2003. The Board will conduct proceedings pursuant to
Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/27 & 28] upon receipt of the proposal and would cause a Notice of Proposed Amendments to appear in the Illinois Register when it decides to propose amendments for First Notice.

E) Affect on small business, small municipalities or not-for-profit corporations:

These amendments may affect small business, small municipalities, and not-for-profit corporations that own or operate a "public water supply", as defined by Section 3.28 of the Act, i.e., it has at least fifteen service connections or regularly serves an average of at least 25 individuals daily at least 60 days out of the year, or it is assisting a public water supply to demonstrate compliance with the federally-derived National Primary Drinking Water Standards of 35 Ill. Adm. Code 611. However, it is anticipated that the proceeding will not likely have a quantifiable affect on these entities because the program for national laboratory certification is voluntary. The burden of compliance with the requirements, such as filing documentation, reporting or completion of the necessary forms, likely will not increase.

F) Agency contact person for information:

Address written comments concerning the substance of the rulemaking as follows:

Name: Dorothy Gunn, Clerk
Address: Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda as follows:

Name: Erin Conley, Rules Coordinator
Address: Pollution Control Board
600 S. Second St., Suite 402
Springfield, Illinois 62704
Telephone: 217-782-2471
Internet: conleye@ipcb.state.il.us
G) Other pertinent information concerning these amendments:

Another prospective proceeding (see item (p) above) and other, as yet unknown proceedings could affect the text of Part 611.

Interested persons may contact the IEPA about its prospective rulemaking proposal as follows:

Name:    Joey Logan-Wilkey
Assistant Counsel
Division of Legal Counsel
Illinois Environmental Protection Agency

Address: 1021 North Grand Avenue East
P. O. Box 19276
Springfield, IL  62794-9276

Telephone: 217-782-5544

Part(s) (Heading and Code Citation):

MAXIMUM SETBACK ZONES (35 Ill. Adm. Code 618)

1) Rulemaking: No docket presently reserved.

A) Description:

The Illinois Environmental Protection Agency (IEPA) is preparing a rulemaking proposal for filing before the Board that would establish general provisions for maximum setback zone regulations. This new Part would, in subpart B, prescribe maximum setback zone prohibitions and the applicable technology control regulations that apply under existing regulations for new and existing potential primary sources of groundwater contamination, new potential routes of groundwater contamination and new and existing activities regulated under 35 Ill. Adm. Code 615, 35 Ill. Adm. Code 616 and 8 Ill. Adm. Code 257 that are located wholly or partially within the maximum setback zone boundaries of the Illinois American Water Company, Peoria, wells as delineated within the prospective regulation.
B) Statutory Authority:

Implementing and authorized by Sections 14.3 and Section 27 of the Illinois Environmental Protection Act [415 ILCS 5/14.3 & 5/27].

C) Scheduled meeting/hearing dates:

In preparing the proposal, the IEPA has met extensively with members of the Peoria City Council, the local business community, and representatives of Illinois American Water Company. The Council recognized the need for a maximum setback zone regulation. No new meetings are scheduled at this time. When the proposal is submitted before the Board, the Board will conduct public hearings on the proposal pursuant to Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/27 & 28].

D) Date agency anticipates First Notice:

An IEPA submittal of the rulemaking proposal is anticipated by Spring or Summer of 2003. The Board will conduct proceedings pursuant to Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/27 & 28] upon receipt of the proposal and would cause a Notice of Proposed Amendments to appear in the Illinois Register when it decides to propose amendments for First Notice.

D) Affect on Small Businesses, small municipalities or not for profit corporations:

Small businesses, small municipalities or not for profit corporations that engage in certain activities in the affected area may be affected by having constraints imposed upon new activities within the maximum zone.

F) Agency contact person for information:

Address written comments concerning the substance of the rulemaking as follows:

Name: Dorothy Gunn, Clerk
Address: Pollution Control Board
         100 West Randolph Street, Suite 11-500
         Chicago, Illinois 60601
Address questions concerning this regulatory agenda as follows:

Name: Erin Conley, Rules Coordinator  
Address: Pollution Control Board  
          600 S. Second St., Suite 402  
          Springfield, Illinois 62704  
Telephone: 217-782-2471  
Internet: conleye@ipcb.state.il.us

G) Related Rulemaking and other pertinent information:

No other known proceeding would impact the provisions of Part 618.

Interested persons may contact the IEPA about its prospective rulemaking proposal as follows:

Name: Rick Cobb  
Address: Section Manager, Groundwater Section  
Division of Public Water Supplies  
Bureau of Water  
Illinois Environmental Protection Agency  
1021 North Grand Avenue East  
P. O. Box 19276  
Springfield, IL 62794-9276  
Telephone: 217-782-8653

u) Part(s) (Heading and Code Citation):

GROUNDWATER QUALITY (35 Ill. Adm. Code 620)

1) Rulemaking: No docket presently reserved.

A) Description:

The Illinois Environmental Protection Agency (IEPA) is preparing a rulemaking proposal for filing before the Pollution Control Board (Board) to amend 35 Ill. Adm. Code 620 to reflect changes in the National Primary Drinking Standards.
POLLUTION CONTROL BOARD

JANUARY 2003 REGULATORY AGENDA

B) **Statutory Authority:**

Implementing Sections 15 and 18 and authorized by Section 27 of the Illinois Environmental Protection Act [415 ILCS 5/15, 18 & 27].

C) **Scheduled meeting/hearing dates:**

When the proposal is submitted before the Board, the Board will conduct public hearings on the proposal pursuant to Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/27 & 28].

D) **Date agency anticipates First Notice:**

An IEPA submittal of the rulemaking proposal is anticipated by Spring or Summer of 2003. The Board will conduct proceedings pursuant to Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/27 & 28] upon receipt of the proposal and would cause a Notice of Proposed Amendments to appear in the *Illinois Register* when it decides to propose amendments for First Notice.

E) **Affect on Small Businesses, small municipalities or not for profit corporations:**

These amendments may affect small business, small municipalities, and not-for-profit corporations that own or operate a "public water supply", as defined by Section 3.28 of the Act, i.e., it has at least fifteen service connections or regularly serves an average of at least 25 individuals daily at least 60 days out of the year, or it is assisting a public water supply to demonstrate compliance with the federally-derived National Primary Drinking Water Standards.

F) **Agency contact person for information:**

Address written comments concerning the substance of the rulemaking as follows:

Name: Dorothy Gunn, Clerk
Address: Pollution Control Board  
100 West Randolph Street, Suite 11-500
POLLUTION CONTROL BOARD

JANUARY 2003 REGULATORY AGENDA

Chicago, Illinois 60601

Address questions concerning this regulatory agenda as follows:

Name: Erin Conley, Rules Coordinator
Address: Pollution Control Board
900 S. Second St., Suite 402
Springfield, Illinois 62704
Telephone: 217-782-2471
Internet: conleye@ipcb.state.il.us

G) Related Rulemaking and other pertinent information:

No other known proceeding would impact the provisions of Part 618.

Interested persons may contact the IEPA about its prospective rulemaking proposal as follows:

Name: Vera Herst
Address: Illinois Environmental Protection Agency
1021 North Grand Avenue East
P. O. Box 19276
Springfield, IL  62794-9276

v) Part(s) (Heading and Code Citation):

DISTRIBUTION SYSTEM STANDARDS (35 Ill. Adm. Code Subpart F)

1) Rulemaking: No docket presently reserved.

A) Description:

The Illinois Environmental Protection Agency (IEPA) is preparing a rulemaking proposal for filing before the Pollution Control Board (Board) to amend 35 Ill. Adm. Code Subpart F (Subtitle F) to incorporate distribution system standards including minimum water main pressure, and minimum levels of chlorine and fluoride, and other chemicals. In addition,
the Illinois EPA plans to incorporate the requirements for water main and water service line separation from storm sewers, sanitary sewers, and sewer service lines.

B) Statutory Authority:

Implementing Sections 15 and 18 and authorized by Section 27 of the Illinois Environmental Protection Act [415 ILCS 5/15, 18 & 27].

C) Scheduled meeting/hearing dates:

When the proposal is submitted before the Board, the Board will conduct public hearings on the proposal pursuant to Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/27 & 28].

D) Date agency anticipates First Notice:

The IEPA anticipates that proposed amendments to Subtitle F will be submitted to the Board by Spring or Summer of 2003. The Board cannot project an exact date for publication at this time. The Board will conduct proceedings pursuant to Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/27 & 28] upon receipt of the proposal and would cause a Notice of Proposed Amendments to appear in the Illinois Register when it decides to propose amendments for First Notice.

E) Affect on small business, small municipalities or not for profit corporations:

This rulemaking will generally benefit small businesses, small municipalities and not for profit entities by clarifying the requirements for distribution systems.

F) Agency contact person for information:

Address written comments concerning the substance of the rulemaking as follows:

Name: Dorothy Gunn, Clerk
Address: Pollution Control Board
100 West Randolph Street, Suite 11-500
G) Related Rulemakings and other pertinent information:

Interested persons may contact the IEPA about its prospective rulemaking proposal as follows:

Name: Stephen C. Ewart, Deputy Counsel
Address: Division of Legal Counsel
Illinois Environmental Protection Agency
Address: 1021 North Grand Ave., East
Springfield, IL  62702

w) Part(s) (Heading and Code Citation):

PRIMARY DRINKING WATER STANDARDS (35 Ill. Adm. Code Subtitle F)

1) Rulemaking:  No docket presently reserved.

B) Description:

The Illinois Environmental Protection Agency (IEPA) is preparing a rulemaking proposal for filing before the Pollution Control Board (Board) to amend 35 Ill. Adm. Code (Subtitle F) for public water supplies using point of entry/point of use devices to comply with radionuclide standards.
POLLUTION CONTROL BOARD

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B) Statutory Authority:

Implementing Sections 15 and 18 and authorized by Section 27 of the Illinois Environmental Protection Act [415 ILCS 5/15, 18 & 27].

C) Scheduled meeting/hearing dates:

When the proposal is submitted before the Board, the Board will conduct public hearings on the proposal pursuant to Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/27 & 28].

D) Date agency anticipates First Notice:

The IEPA anticipates that proposed amendments to Subtitle F will be submitted to the Board by Spring or Summer of 2003. The Board cannot project an exact date for publication at this time. The Board will conduct proceedings pursuant to Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/27 & 28] upon receipt of the proposal and would cause a Notice of Proposed Amendments to appear in the Illinois Register when it decides to propose amendments for First Notice.

F) Affect on small business, small municipalities or not for profit corporations:

This rulemaking will generally benefit small businesses, small municipalities and not for profit entities by clarifying the requirements for distribution systems.

F) Agency contact person for information:

Address written comments concerning the substance of the rulemaking as follows:

Name: Dorothy Gunn, Clerk
Address: Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601
POLLUTION CONTROL BOARD

JANUARY 2003 REGULATORY AGENDA

Address questions concerning this regulatory agenda as follows:

Name: Erin Conley, Rules Coordinator
Address: Pollution Control Board
         600 S. Second St., Suite 402
         Springfield, Illinois 62704
Telephone: 217-782-2471
Internet: conleye@ipcb.state.il.us

G) Related Rulemakings and other pertinent information:

No other known proceeding would impact the provisions of this proposal.

Interested persons may contact the IEPA about its prospective rulemaking proposal as follows:

Name: Vera Herst,
       Assistant Counsel
       Division of Legal Counsel
       Illinois Environmental Protection Agency
Address: 1021 North Grand Ave., East
         Springfield, IL  62702

x) Parts (Headings and Code Citations):

RCRA AND UIC PERMIT PROGRAMS (35 Ill. Adm. Code 702)
UIC PERMIT PROGRAM (35 Ill. Adm. Code 704)
PROCEDURES FOR PERMIT ISSUANCE (35 Ill. Adm. Code 705)
HAZARDOUS WASTE MANAGEMENT SYSTEM: GENERAL (35 Ill. Adm. Code 720)
UNDERGROUND INJECTION CONTROL OPERATING REQUIREMENTS (35 Ill. Adm. Code 730)
HAZARDOUS WASTE INJECTION RESTRICTIONS (35 Ill. Adm. Code 738)

1) Rulemaking: Presently reserved docket number R03-16
A) **Description:**

Section 13(c) of the Environmental Protection Act [415 ILCS 5/13(c)] mandates that the Board update the Illinois underground injection control (UIC) regulations to reflect amendments to the United States Environmental Protection Agency (USEPA) UIC regulations.

The Board has reserved docket number R03-16 to accommodate any amendments to the federal UIC regulations, 40 CFR 144 through 148, during the period July 1, 2002 through December 31, 2002. At this time, the Board is not aware of any federal amendments to the federal UIC regulations. The Board will verify the existence of any federal actions and the Board action required in response to each in coming weeks, by about mid-February 2003. The Board will then propose corresponding amendments to the Illinois UIC regulations using the identical-in-substance procedure or dismiss docket R03-16, as necessary and appropriate.

Section 13(c) mandates that the Board complete amendments within one year of the date on which USEPA adopted its action upon which the amendments are based. Assuming for the purposes of illustration that the earliest USEPA action during the update period that will require Board action is the first day of the update period, on July 1, 2002, the due date for Board adoption of all amendments in the period would be July 1, 2003.

B) **Statutory authority:**

Implementing and authorized by Sections 7.2, 13(c) and 27 of the Environmental Protection Act [415 ILCS 5/7.2, 13(c) & 27].

C) **Scheduled meeting/hearing dates:**

None scheduled at this time. The Board will vote to propose any amendments at an open meeting in accordance with requirements established by Sections 27 and 28 of the Act [415 ILCS 5/27 & 28]. No hearing is required in identical-in-substance proceedings.
D) **Date agency anticipates First Notice:**

The Board cannot project an exact date for publication at this time. The Board expects to verify any federal actions by mid-February 2003, after which time the Board will propose any amendments to the Illinois UIC rules that are necessary in response to the federal amendments that have occurred. If the due date for Board adoption of amendments in this docket is assumed to be July 1, 2003, the Board will vote to propose amendments and cause a Notice of Proposed Amendments to appear in the *Illinois Register* by early-April 2003. This would be sufficiently in advance of the due date to allow the Board to accept public comments on the proposal for 45 days before acting to adopt any amendments.

E) **Effect on small business, small municipalities, or not-for-profit corporations:**

This rulemaking may affect any small business, small municipality, or not-for-profit corporation in Illinois to the extent the affected entity engages in the underground injection of waste.

F) **Agency contact person for information:**

Address written comments concerning the substance of the rulemaking, noting docket number R03-16, as follows:

<table>
<thead>
<tr>
<th><strong>Name:</strong></th>
<th>Dorothy Gunn, Clerk</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Address:</strong></td>
<td>Pollution Control Board</td>
</tr>
<tr>
<td></td>
<td>100 West Randolph Street, Suite 11-500</td>
</tr>
<tr>
<td></td>
<td>Chicago, Illinois 60601</td>
</tr>
</tbody>
</table>

Address questions concerning this regulatory agenda, noting docket number R03-16, as follows:

<table>
<thead>
<tr>
<th><strong>Name:</strong></th>
<th>Michael J. McCambridge, Attorney</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Address:</strong></td>
<td>Pollution Control Board</td>
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<td>100 West Randolph Street, Suite 11-500</td>
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<td></td>
<td>Chicago, Illinois 60601</td>
</tr>
<tr>
<td><strong>Telephone:</strong></td>
<td>312-814-6924</td>
</tr>
<tr>
<td><strong>Internet:</strong></td>
<td><a href="mailto:mccambm@ipeb.state.il.us">mccambm@ipeb.state.il.us</a></td>
</tr>
</tbody>
</table>
G) Related rulemakings and other pertinent information:

The reserved RCRA Subtitle C update docket R03-18 (see item (y) below), and other, as yet unknown, unrelated Board proceedings may affect the text of Parts 702, 705, and 720. No other presently-known proceeding would affect Parts 730 and 738.

Section 13(c) of the Environmental Protection Act [415 ILCS 5/13(c)] provides that Title VII of the Act and Section 5 of the Administrative Procedure Act (APA) shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules. Rather, the Board will cause a Notice of Proposed Amendments to appear in the Illinois Register, and it will accept public comments on the proposal for 45 days after the date of publication.

y) Parts (Headings and Code Citations):

RCRA AND UIC PERMIT PROGRAMS (35 Ill. Adm. Code 702)
RCRA PERMIT PROGRAM (35 Ill. Adm. Code 703)
PROCEDURES FOR PERMIT ISSUANCE (35 Ill. Adm. Code 705)
HAZARDOUS WASTE MANAGEMENT SYSTEM: GENERAL (35 Ill. Adm. Code 720)
IDENTIFICATION AND LISTING OF HAZARDOUS WASTE (35 Ill. Adm. Code 721)
STANDARDS APPLICABLE TO GENERATORS OF HAZARDOUS WASTE (35 Ill. Adm. Code 722)
STANDARDS APPLICABLE TO TRANSPORTERS OF HAZARDOUS WASTE (35 Ill. Adm. Code 723)
STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS WASTE TREATMENT, STORAGE, AND DISPOSAL FACILITIES (35 Ill. Adm. Code 724)
INTERIM STATUS STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS WASTE TREATMENT, STORAGE, AND DISPOSAL FACILITIES (35 Ill. Adm. Code 725)
POLLUTION CONTROL BOARD

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STANDARDS FOR THE MANAGEMENT OF SPECIFIC HAZARDOUS WASTE AND SPECIFIC TYPES OF HAZARDOUS WASTE MANAGEMENT FACILITIES (35 Ill. Adm. Code 726)
LAND DISPOSAL RESTRICTIONS (35 Ill. Adm. Code 728)
STANDARDS FOR UNIVERSAL WASTE MANAGEMENT (35 Ill. Adm. Code 733)
STANDARDS FOR THE MANAGEMENT OF USED OIL (35 Ill. Adm. Code 739)

1) Rulemaking: Docket number R03-18

A) Description:

Section 22.4(a) of the Environmental Protection Act [415 ILCS 5/22.4(a)] mandates that the Board update the Illinois rules implementing Subtitle C of the federal Resource Conservation and Recovery Act (RCRA) to reflect the United States Environmental Protection Agency (USEPA) amendments to the federal RCRA Subtitle C regulations.

The Board has reserved docket number R03-18 to accommodate any amendments to the federal RCRA Subtitle C program, 40 CFR 260 through 270, 273, and 279, that USEPA made in the period July 1, 2002 through December 31, 2002. At this time, the Board is aware of three federal actions that occurred in this time-frame. Those actions are described below:

<table>
<thead>
<tr>
<th>Date</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>July 24, 2002</td>
<td>USEPA adopted an exclusion from the definition of solid waste of certain secondary materials used to make zinc fertilizers.</td>
</tr>
<tr>
<td>(67 Fed. Reg. 48393)</td>
<td></td>
</tr>
<tr>
<td>October 29, 2002</td>
<td>USEPA updated the Method 1631 for analysis of mercury in water. This included amendments to the method in 40 C.F.R. 136.</td>
</tr>
<tr>
<td>(67 Fed. Reg. 65876)</td>
<td></td>
</tr>
<tr>
<td>November 19, 2002</td>
<td>USEPA amended its guidelines for whole effluent toxicity (WET) testing by approving new methods, amending existing methods, and deleting prior methods. This included amendments to the methods in 40 C.F.R. 136.</td>
</tr>
<tr>
<td>(67 Fed. Reg. 69952)</td>
<td></td>
</tr>
</tbody>
</table>

The Board has not yet determined whether this listing of federal actions is an exhaustive listing of all federal actions that affect the text of 40 CFR 260 through 270, 273, and 279. The Board will verify the existence of any
additional federal actions and the Board action required in response to each set of federal amendments in coming weeks, by about mid-February 2003. The Board will propose corresponding amendments to the RCRA Subtitle C hazardous waste regulations using the identical-in-substance procedure.

Section 22.4(a) mandates that the Board complete our amendments within one year of the date on which the United States Environmental Protection Agency (USEPA) adopted its action upon which our amendments are based. Assuming for the purposes of illustration that the earliest USEPA action during the update period that will require Board action is July 24, 2002, the due date for Board adoption of all amendments in the period would be July 24, 2003.

B) Statutory authority:

Implementing and authorized by Sections 7.2, 22.4(a), and 27 of the Environmental Protection Act [415 ILCS 5/7.2, 22.4(a) & 27].

C) Scheduled meeting/hearing dates:

None scheduled at this time. The Board will vote to propose any amendments at an open meeting in accordance with requirements established by Sections 27 and 28 of the Act [415 ILCS 5/27 & 28]. No hearing is required in identical-in-substance proceedings.

D) Date agency anticipates First Notice:

The Board cannot project an exact date for publication at this time. The Board expects to verify any federal actions by mid-February 2003, after which time the Board will propose any amendments to the Illinois RCRA Subtitle C hazardous waste rules that are necessary in response to the federal amendments that have occurred. If the due date for Board adoption of amendments in this docket is assumed to be July 24, 2003, the Board will vote to propose amendments and cause a Notice of Proposed Amendments to appear in the Illinois Register by mid-March 2003. This would be sufficiently in advance of the due date to allow the Board to accept public comments on the proposal for 45 days before acting to adopt any amendments.
E) **Effect on small business, small municipalities, or not-for-profit corporations:**

This rulemaking may affect any small business, small municipality, or not-for-profit corporation that engages in the generation, transportation, treatment, storage, or disposal of hazardous waste.

F) **Agency contact person for information:**

Address written comments concerning the substance of the rulemaking, noting docket number R03-18, as follows:

- **Name:** Dorothy Gunn, Clerk
- **Address:** Pollution Control Board
  100 West Randolph Street, Suite 11-500
  Chicago, Illinois 60601

Address questions concerning this regulatory agenda, noting docket number R03-18, as follows:

- **Name:** Michael J. McCambridge, Attorney
- **Address:** Pollution Control Board
  100 West Randolph Street, Suite 11-500
  Chicago, Illinois 60601
- **Telephone:** 312-814-6924
- **Internet:** mccambm@ipcb.state.il.us

G) **Related rulemakings and other pertinent information:**

The reserved UIC update docket R03-16 (see item (x) above), and other, as yet unknown, unrelated Board proceedings may affect the text of Parts 702, 705, and 720. No other presently-known proceeding would affect Parts 703, 721, 722, 723, 724, 725, 726, 728, 733, and 739.

Section 22.4(a) of the Environmental Protection Act [415 ILCS 5/22.4(a)] provides that Title VII of the Act and Section 5 of the Administrative Procedure Act (APA) shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to First Notice or to
POLLUTION CONTROL BOARD

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Second Notice review by the Joint Committee on Administrative Rules. Rather, the Board will cause a Notice of Proposed Amendments to appear in the Illinois Register, and it will accept public comments on the proposal for 45 days after the date of publication.


1) Rulemaking: No docket presently reserved.

A) Description:

The IEPA plans to repeal certain provisions requiring the submission of copies of manifests to the Agency.

B) Statutory authority:

Regarding Parts 722, 724 and 725, Sections 22.4 and 27 of the Act [415 ILCS 5/22.4 and 27]. Regarding Part 809, Sections 5, 10, 13, 21, 22, 22.01, 22.2 and 27 of the Act [415 ILCS 5/5, 10, 13, 21, 22, 22.01, 22.2 and 27]. Regarding Part 811, Sections 5, 21, 21.1, 22, 22.17, 28.1 and 27 of the Act [415 ILCS 5/5, 21, 21.1, 22, 22.17, 28.1 and 27]. Regarding Part 855, Sections 22.2(c) and 27 of the Act [415 ILCS 5/22.2(c) and 27].

C) Scheduled meeting/hearing dates:

The IEPA anticipates it will file a rulemaking proposal in Spring or Summer of 2003. No meetings or hearings are scheduled at this time.
Once the proposal is filed the Board will conduct public hearings in accordance with Sections 27 and 28 of the Act [415 ILCS 5/27, 5/28].

D) **Date Agency anticipates First Notice, if known:**

The IEPA anticipates submitting its proposal in Spring or Summer of 2003, after which the Board will cause publication of a Notice of Proposed Amendments in the *Illinois Register*.

E) **Effect on small businesses, small municipalities or not-for-profit corporations:**

This rulemaking may affect any small business, small municipality or not-for-profit corporation required to submit copies of manifests to the IEPA.

F) **Agency contact person for information:**

Address written comments concerning the substance of the rulemaking as follows:

- **Name:** Dorothy Gunn, Clerk
- **Address:** Pollution Control Board
  100 West Randolph Street, Suite 11-500
  Chicago, Illinois 60601

Address questions concerning this regulatory agenda as follows:

- **Name:** Erin Conley, Rules Coordinator
- **Address:** Pollution Control Board
  600 S. Second St., Suite 402
  Springfield, Illinois 62704
  **Telephone:** 217-782-2471
  **Internet:** conleye@ipcb.state.il.us

For information regarding the IEPA’s development of this proposal, please contact the following IEPA attorney:

Kyle Rominger
Assistant Counsel
Related rulemakings and other pertinent information:
See related rulemakings in the Board identical-in-substance rulemakings (items (x) and (y) above ).

aa) Part (Heading and Code Citation):
UNDERGROUND STORAGE TANKS (35 Ill. Adm. Code 731)

1) Rulemaking: Docket number R03-12

A) Description:
Section 22.4(d) of the Environmental Protection Act [415 ILCS 5/22.4(d)] mandates that the Board update the Illinois underground storage tank (UST) regulations to reflect amendments to the United States Environmental Protection Agency (USEPA) UST regulations. The mandate specifically excludes federal amendments relating to the design, construction, installation, general operation, release detection, release reporting, release investigation, release confirmation, out-of-service systems, and closure or financial responsibilities for USTs.

The Board has reserved docket number R03-12 to accommodate any amendments to 40 CFR 281 through 283 that USEPA may make in the period July 1, 2002 through December 31, 2002. At this time, the Board is not aware of any federal amendments. The Board will verify the existence of any federal actions and the Board action required in response to each in coming weeks, by about mid-February 2003. The Board will then propose corresponding amendments to the Illinois UST regulations using the identical-in-substance procedure or dismiss docket R03-12, as necessary and appropriate.

Section 22.4(d) mandates that the Board complete our amendments within one year of the date on which USEPA adopted its action upon which our
amendments are based. Assuming for the purposes of illustration that USEPA adopted an amendment that will require Board action on the first day of the update period, on July 1, 2002, the due date for Board adoption would be July 1, 2003.

B) Statutory authority:

Implementing and authorized by Sections 7.2, 22.4(d), and 27 of the Environmental Protection Act [415 ILCS 5/7.2, 22.4(d) & 27].

C) Scheduled meeting/hearing dates:

None scheduled at this time. The Board will vote to propose any amendments at an open meeting in accordance with requirements established by Sections 27 and 28 of the Act [415 ILCS 5/27 & 28]. No hearing is required in identical-in-substance proceedings.

D) Date agency anticipates First Notice:

The Board cannot project an exact date for publication at this time. The Board expects to verify any federal actions by mid-February 2003, after which time the Board will propose any amendments to the Illinois UST regulations that are necessary in response to the federal amendments that have occurred. If the due date for Board adoption of amendments in this docket is assumed to be July 1, 2003, for the purposes of illustration, the Board would vote to propose amendments and cause a Notice of Proposed Amendments to appear in the Illinois Register by early-April 2003. This would be sufficiently in advance of the due date to allow the Board to accept public comments on the proposal for 45 days before acting to adopt any amendments. Alternatively, if no amendment to the Illinois regulations is needed, the Board would promptly dismiss this reserved docket.

E) Effect on small business, small municipalities, or not-for-profit corporations:

This rulemaking may affect any small business, small municipality, or not-for-profit corporation that owns or operations USTs.
F) **Agency contact person for information:**

Address written comments concerning the substance of the rulemaking, noting docket number **R03-12**, as follows:

- **Name:** Dorothy Gunn, Clerk
- **Address:** Pollution Control Board 100 West Randolph Street, Suite 11-500 Chicago, Illinois 60601

Address questions concerning this regulatory agenda, noting docket number **R03-12**, as follows:

- **Name:** Michael J. McCambridge, Attorney
- **Address:** Pollution Control Board 100 West Randolph Street, Suite 11-500 Chicago, Illinois 60601
- **Telephone:** 312-814-6924
- **Internet:** mccambm@ipcb.state.il.us

G) **Related rulemakings and other pertinent information:**

No other presently-known proceeding would impact the text of Part 731.

Section 22.4(d) of the Environmental Protection Act [415 ILCS 5/22.4(d)] provides that Title VII of the Act and Section 5 of the Administrative Procedure Act (APA) [5 ILCS 100/5-35, 40] shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules. Rather, the Board will cause a Notice of Proposed Amendments to appear in the *Illinois Register*, and it will accept public comments on the proposal for 45 days after the date of publication.

**bb) Part(s) (Headings and Code Citation):**

PETROLEUM UNDERGROUND STORAGE TANKS (35 Ill. Adm. Code Part 732)

1) **Rulemaking:** No docket presently reserved.
A) **Description:**

35 Ill. Adm. Code Part 732 contains the rules governing the remediation of leaking underground storage tanks. The statutory provisions governing the leaking underground storage tank program, Title XVI of the Environmental Protection Act [415 ILCS 5], were amended in 2002 by P.A. 92-0554 and P.A. 92-0735. Amendments updating the Pollution Control Board’s rules in light of these Public Acts will be proposed.

B) **Statutory Authority:**

Implementing Sections 22.12 and 57-57.17 and authorized by Section 57.14 of the Environmental Protection Act [415 ILCS 5/22.12 and 5/57-57.17].

C) **Scheduled Meeting/Hearing Dates:**

The IEPA anticipates it will file a rulemaking proposal in Spring or Summer of 2003. No meetings or hearings are scheduled at this time. Once the proposal is filed the Board will conduct public hearings in accordance with Sections 27 and 28 of the Act [415 ILCS 5/27, 5/28].

D) **Date Agency Anticipates First Notice:**

The IEPA anticipates submitting its proposal in Spring or Summer of 2003, after which the Board will cause publication of a Notice of Proposed Amendments in the *Illinois Register*.

E) **Effect on Small Business, Small Municipalities, or Not-for-Profit Corporations:**

The amendments may affect any small business, small municipality or not-for-profit corporation subject to the Board’s leaking underground storage tank rules.

F) **Agency Contact Person for Information:**
Address written comments concerning the substance of the rulemaking as follows:

Name: Dorothy Gunn, Clerk  
Address: Pollution Control Board  
100 West Randolph Street, Suite 11-500  
Chicago, Illinois 60601

Address questions concerning this regulatory agenda as follows:

Name: Erin Conley, Rules Coordinator  
Address: Pollution Control Board  
600 S. Second St., Suite 402  
Springfield, Illinois 62704  
Telephone: 217-782-2471  
Internet: conleye@ipcb.state.il.us

For information regarding the development of these amendments please contact:

M. Kyle Rominger  
Illinois Environmental Protection Agency  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield, IL  62794-9276  
217-782-5544  
Internet: Kyle.Rominger@epa.state.il.us

G) Related Rulemaking and other pertinent information:

No other presently-known proceeding would impact the text of Part 732.

cc) Part(s) (Headings and Code Citation):

PETROLEUM UNDERGROUND STORAGE TANKS (RELEASES REPORTED ON OR AFTER JUNE 24, 2002) (New Part).
1) **Rulemaking:** No docket presently reserved.

A) **Description:**

The statutory provisions governing the leaking underground storage tank program, Title XVI of the Environmental Protection Act [415 ILCS 5], were amended in 2002 by P.A. 92-0554 and P.A. 92-0735. A new Part to the Pollution Control Board’s rules will be proposed in light of the changes made by the Public Acts.

B) **Statutory Authority:**

Implementing Sections 22.12 and 57-57.17 and authorized by Section 57.14 of the Environmental Protection Act [415 ILCS 5/22.12 and 5/57-57.17].

C) **Scheduled Meeting/Hearing Dates:**

The IEPA anticipates it will file a rulemaking proposal in Spring or Summer of 2003. No meetings or hearings are scheduled at this time. Once the proposal is filed the Board will conduct public hearings in accordance with Sections 27 and 28 of the Act [415 ILCS 5/27, 5/28].

D) **Date Agency Anticipates First Notice:**

The IEPA anticipates submitting its proposal in Spring or Summer of 2003, after which the Board will cause publication of a Notice of Proposed Amendments in the *Illinois Register*.

E) **Effect on Small Business, Small Municipalities, or Not-for-Profit Corporations:**

The amendments may affect any small business, small municipality or not-for-profit corporation subject to the Board’s leaking underground storage tank rules.

F) **Agency Contact Person for Information:**
POLLUTION CONTROL BOARD

JANUARY 2003 REGULATORY AGENDA

Address written comments concerning the substance of the rulemaking as follows:

Name: Dorothy Gunn, Clerk
Address: Pollution Control Board
          100 West Randolph Street, Suite 11-500
          Chicago, Illinois 60601

Address questions concerning this regulatory agenda as follows:

Name: Erin Conley, Rules Coordinator
Address: Pollution Control Board
          600 S. Second St., Suite 402
          Springfield, Illinois 62704
Telephone: 217-782-2471
Internet: conleye@ipcb.state.il.us

For information regarding the development of these amendments please contact:

M. Kyle Rominger
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, IL  62794-9276
217-782-5544
Internet: Kyle.Rominger@epa.state.il.us

G) Related Rulemaking and other pertinent information:

Amendments to the Pollution Control Board’s rules at 35 Ill. Adm. Code 732 will be proposed in conjunction with the new Part 734.

dd) Part(s) (Headings and Code Citation):

SITE REMEDIATION PROGRAM (35 Ill. Adm. Code 740)
1) **Rulemaking:** No docket presently reserved.

A) **Description:**

The Agency anticipates proposing amendments revising the regulations governing the Site Remediation Program to establish procedures for requesting review and payment of remediation costs under the newly-enacted Brownfields Site Restoration Program.

B) **Statutory Authority:**

These amendments will be proposed pursuant to Sections 5, 22 and 58.18 of the Illinois Environmental Protection Act (415 ILCS 5/5, 5/22 and 5/58.18)

C) **Scheduled Meeting/Hearing Dates:**

The IEPA anticipates it will file a rulemaking proposal in Spring or Summer of 2003. No meetings or hearings are scheduled at this time. Once the proposal is filed the Board will conduct public hearings in accordance with Sections 27 and 28 of the Act [415 ILCS 5/27, 5/28].

D) **Date Agency Anticipates First Notice:**

The IEPA anticipates submitting its proposal in Spring or Summer of 2003, after which the Board will cause publication of a Notice of Proposed Amendments in the *Illinois Register*.

E) **Effect on Small Business, Small Municipalities, or Not-for-Profit Corporations:**

These amendments will not affect small businesses, small municipalities or not for profit corporations.

F) **Agency Contact Person for Information:**

Address written comments concerning the substance of the rulemaking as follows:

<table>
<thead>
<tr>
<th>Name:</th>
<th>Dorothy Gunn, Clerk</th>
</tr>
</thead>
<tbody>
<tr>
<td>Address:</td>
<td>Pollution Control Board</td>
</tr>
</tbody>
</table>
POLLUTION CONTROL BOARD

JANUARY 2003 REGULATORY AGENDA

100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda as follows:

Name: Erin Conley, Rules Coordinator
Address: Pollution Control Board
600 S. Second St., Suite 402
Springfield, Illinois 62704
Telephone: 217-782-2471
Internet: conleye@ipcb.state.il.us

For information regarding the development of these amendments please contact:

Judy Dyer
Assistant Counsel
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276

217-782-5544
Judy.Dyer@epa.state.il.us

G) Related Rulemaking and other pertinent information:

No other presently-known proceeding would impact the text of Part 740.

ee) Part(s) (Headings and Code Citation):

TIERED APPROACH TO CORRECTIVE ACTION OBJECTIVES (35 Ill. Adm. Code 742)

1) Rulemaking: No docket presently reserved.

A) Description:
POLLUTION CONTROL BOARD

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Since the Board rules were adopted on June 5, 1997, the IEPA’s implementation of the rules has given rise to the need for some amendments, corrections, and clarifications to existing rules. Additionally, technical documents that were used in drafting the rules have been updated, necessitating amendments to the rules.

B) Statutory Authority:

These amendments will be proposed pursuant to Sections 27, 57.14 and 58.5 of the Environmental Protection Act [415 ILCS 5/27, 57.14, and 58.5].

C) Scheduled Meeting/Hearing Dates:

The IEPA anticipates it will file a rulemaking proposal in Spring or Summer of 2003. No meetings or hearings are scheduled at this time. Once the proposal is filed the Board will conduct public hearings in accordance with Sections 27 and 28 of the Act [415 ILCS 5/27, 5/28].

D) Date Agency Anticipates First Notice:

The IEPA anticipates submitting its proposal in Spring or Summer of 2003, after which the Board will cause publication of a Notice of Proposed Amendments in the Illinois Register.

E) Effect on Small Business, Small Municipalities, or Not-for-Profit Corporations:

The amendments may affect any small business, small municipality or not-for-profit corporation subject to the Board’s tiered approach to corrective action rules.

F) Agency Contact Person for Information:

Address written comments concerning the substance of the rulemaking as follows:

Name: Dorothy Gunn, Clerk
Address: Pollution Control Board
POLLUTION CONTROL BOARD

JANUARY 2003 REGULATORY AGENDA

100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda as follows:

Name: Erin Conley, Rules Coordinator
Address: Pollution Control Board
600 S. Second St., Suite 402
Springfield, Illinois 62704
Telephone: 217-782-2471
Internet: conleye@ipcb.state.il.us

For information regarding the development of these amendments please contact:

Name: Kimberly A. Geving
Address: 1021 N. Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
Telephone: (217) 782-5544

G) Related Rulemaking and other pertinent information:

No other presently-known proceeding would impact the text of Part 742.

ff) Part(s) (Headings and Code Citation):

ILLINOIS HAZARDOUS SUBSTANCES POLLUTION CONTINGENCY PLAN (35 Ill. Adm. Code 750)

1) Rulemaking: No docket presently reserved.

A) Description:

The Illinois Environmental Protection Agency is planning to propose amendments to the Board’s regulations that will repeal the removal and remedial action provisions of Part 750 and amend the remaining provisions to make them consistent with the current National Contingency Plan.
B) Statutory Authority:

Sections 22.7 and 27 of the Environmental Protection Act [415 ILCS 5/22.7 and 27].

C) Scheduled Meeting/Hearing Dates:

The IEPA anticipates it will file a rulemaking proposal in Spring or Summer of 2003. No meetings or hearings are scheduled at this time. Once the proposal is filed the Board will conduct public hearings in accordance with Sections 27 and 28 of the Act [415 ILCS 5/27, 5/28].

D) Date Agency Anticipates First Notice:

The IEPA anticipates submitting its proposal in Spring or Summer of 2003, after which the Board will cause publication of a Notice of Proposed Amendments in the Illinois Register.

E) Effect on Small Business, Small Municipalities, or Not-for-Profit Corporations:

The IEPA does not expect this rule to affect any small business, small municipality, or not-for-profit corporations.

F) Agency Contact Person for Information:

Address written comments concerning the substance of the rulemaking as follows:

Name: Dorothy Gunn, Clerk
Address: Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda as follows:
POLLUTION CONTROL BOARD

JANUARY 2003 REGULATORY AGENDA

Name: Erin Conley, Rules Coordinator
Address: Pollution Control Board
          600 S. Second St., Suite 402
          Springfield, Illinois 62704
Telephone: 217-782-2471
Internet: conleye@ipcb.state.il.us

For information regarding the development of these amendments please contact:

Kyle Rominger
Assistant Counsel
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, IL  62794-9276
217-782-5544

G) Related Rulemaking and other pertinent information:

The Agency plans to propose amendments in the future that will replace
the removal and remedial action provisions being repealed in this
proposal. The anticipated date for the future proposal is currently
unknown.

gg) Parts (Headings and Code Citations):

SOLID WASTE (35 Ill. Adm. Code 807)
STANDARDS FOR NEW SOLID WASTE LANDFILLS (35 Ill. Adm. Code 811)
INFORMATION TO BE SUBMITTED IN A PERMIT APPLICATION (35 Ill. Adm.
Code 812)
PROCEDURAL REQUIREMENTS FOR PERMITTED LANDFILLS (35 Ill. Adm.
Code 813)
INTERIM STANDARDS FOR EXISTING LANDFILLS AND UNITS (35 Ill. Adm.
Code 814)
PROCEDURAL REQUIREMENTS FOR ALL LANDFILLS EXEMPT FROM
PERMITS (35 Ill. Adm. Code 815)
1) **Rulemaking:** Presently reserved docket number **R03-17**

A) **Description:**

Section 22.40(a) of the Environmental Protection Act [415 ILCS 5/22.40(a)] mandates that the Board update the Illinois Resource Conservation and Recovery Act (RCRA) Subtitle D municipal solid waste landfill (MSWLF) regulations to reflect the United States Environmental Protection Agency (USEPA) amendments to the federal RCRA Subtitle D MSWLF rules.

The Board has reserved docket number **R03-17** to accommodate any amendments to the RCRA Subtitle D regulations, 40 CFR 258, that USEPA may make in the period July 1, 2002 through December 31, 2002. At this time, the Board is not aware of any federal amendments to the federal RCRA Subtitle D regulations during this period. The Board will verify the existence of any federal actions and the Board action required in response to each in coming weeks, by about mid-February 2003. The Board will then propose corresponding amendments to the Illinois RCRA Subtitle D municipal solid waste regulations using the identical-in-substance procedure or dismiss docket **R03-17**, as necessary and appropriate.

Section 22.40(a) mandates that the Board complete its amendments within one year of the date on which USEPA adopted its action upon which the amendments are based. In docket R03-17, if the earliest federal amendments in the applicable period is assumed to have occurred on July 1, 2002, the due date would be July 1, 2003.

B) **Statutory authority:**

Implementing and authorized by Sections 7.2, 22.40(a) and 27 of the Environmental Protection Act [415 ILCS 5/7.2, 22.40(a) & 27].
POLLUTION CONTROL BOARD

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C) Scheduled meeting/hearing dates:

None scheduled at this time. The Board will vote to propose any amendments at an open meeting in accordance with requirements established by Sections 27 and 28 of the Act [415 ILCS 5/27 & 28]. No hearing is required in identical-in-substance proceedings.

D) Date agency anticipates First Notice:

The Board cannot project an exact date for publication at this time. The Board expects to verify any federal actions by mid-February 2003, after which time the Board will propose any amendments to the Illinois RCRA Subtitle D MSWLF rules that are necessary in response to the federal amendments that have occurred. If the due date for Board adoption of amendments in this docket is assumed to be July 1, 2003, the Board will vote to propose amendments and cause a Notice of Proposed Amendments to appear in the Illinois Register by early-April 2003. This would be sufficiently in advance of the due date to allow the Board to accept public comments on the proposal for 45 days before acting to adopt any amendments.

E) Effect on small business, small municipalities, or not-for-profit corporations:

This rulemaking may affect any small business, small municipality, or not-for-profit that engages in the land disposal of municipal solid waste.

F) Agency contact person for information:

Address written comments concerning the substance of the rulemaking, noting docket number R03-17, as follows:

Name: Dorothy Gunn, Clerk
Address: Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda, noting docket number R03-17, as follows:
POLLUTION CONTROL BOARD

JANUARY 2003 REGULATORY AGENDA

Name: Michael J. McCambridge, Attorney
Address: Pollution Control Board
          100 West Randolph Street, Suite 11-500
          Chicago, Illinois 60601
Telephone: 312-814-6924
Internet: mccambm@ipcb.state.il.us

G) Related rulemakings and other pertinent information:

No other presently-known proceedings would affect the text of Parts 807, 810, 811, 812, 813, 814, or 815.

Section 22.40(a) of the Environmental Protection Act [415 ILCS 5/22.40(a)] provides that Title VII of the Act and Section 5 of the Administrative Procedure Act (APA) shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules. Rather, the Board will cause a Notice of Proposed Amendments to appear in the Illinois Register, and it will accept public comments on the proposal for 45 days after the date of publication.

hh) Part(s) (Headings and Code Citation):

RECYCLABLE MATERIAL COLLECTION FACILITIES (New Part).

1) Rulemaking: No docket presently reserved.

   A) Description:

   New rules governing the recycling of waste will be proposed. The rules will address the management of certain recyclable material at facilities where the material is received, accumulated, stored, or processed.

   B) Statutory Authority:

   Implementing Sections 5, 21, 22 and 28, and authorized by Section 27, of the Environmental Protection Act [415 ILCS 5/5, 21, 22, 27 and 28].
POLLUTION CONTROL BOARD

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C) Scheduled Meeting/Hearing Dates:

The IEPA anticipates it will file a rulemaking proposal in Spring or Summer of 2003. No meetings or hearings are scheduled at this time. Once the proposal is filed the Board will conduct public hearings in accordance with Sections 27 and 28 of the Act [415 ILCS 5/27, 5/28].

D) Date Agency Anticipates First Notice:

The IEPA anticipates submitting its proposal in Spring or Summer of 2003, after which the Board will cause publication of a Notice of Proposed Amendments in the Illinois Register.

E) Effect on Small Business, Small Municipalities, or Not-for-Profit Corporations:

This Part may affect any small business, small municipality or not-for-profit corporations that manage recyclable material.

F) Agency Contact Person for Information:

Address written comments concerning the substance of the rulemaking as follows:

Name: Dorothy Gunn, Clerk
Address: Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda as follows:

Name: Erin Conley, Rules Coordinator
Address: Pollution Control Board
600 S. Second St., Suite 402
Springfield, Illinois 62704
Telephone: 217-782-2471
Internet: conleye@ipcb.state.il.us
For information regarding the development of these amendments please contact:

M. Kyle Rominger, Assistant Counsel
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
217-782-5544
Internet: Kyle.Rominger@epa.state.il.us

G) Related Rulemaking and other pertinent information:
None

**ii) Part(s) (Heading and Code Citation):**


1) **Rulemaking:** No docket presently reserved.

A) Description:

Since its adoption of Board rules on May 10, 1991, the IEPA’s implementation of Part 848 has given rise to the need for amendments and corrections to better implement the used and waste tire management program.

B) Statutory authority:

Sections 27 and 55.2 of the Act [415 ILCS 5/27 and 55.2].

C) Scheduled meeting/hearing dates:

The IEPA anticipates it will file a rulemaking proposal in Spring or Summer of 2003. No meetings or hearings are scheduled at this time. Once the proposal is filed the Board will conduct public hearings in accordance with Sections 27 and 28 of the Act [415 ILCS 5/27, 5/28].

D) Date Agency anticipates First Notice, if known:
The IEPA anticipates submitting its proposal in Spring or Summer of 2003, after which the Board will cause publication of a Notice of Proposed Amendments in the *Illinois Register.*

E) **Effect on small businesses, small municipalities or not-for-profit corporations:**

This rulemaking may affect any small business, small municipality or not-for-profit corporation that manages used and waste tires.

F) **Agency contact person for information:**

Address written comments concerning the substance of the rulemaking as follows:

- **Name:** Dorothy Gunn, Clerk
- **Address:** Pollution Control Board
  100 West Randolph Street, Suite 11-500
  Chicago, Illinois 60601

Address questions concerning this regulatory agenda as follows:

- **Name:** Erin Conley, Rules Coordinator
- **Address:** Pollution Control Board
  600 S. Second St., Suite 402
  Springfield, Illinois 62704
- **Telephone:** 217-782-2471
- **Internet:** conleye@ipcb.state.il.us

For information regarding the IEPA’s development of this proposal, please contact the following IEPA attorney:

- Kyle Rominger
  Assistant Counsel
  Illinois Environmental Protection Agency
  1021 North Grand Avenue East
  P.O. Box 19276
  Springfield, IL 62794-9276
G) Related rulemakings and other pertinent information:

No other presently known proceedings are expected to impact Part 848.

jj) Part (Headings and Code Citations):


1) Rulemaking: No docket presently reserved.

A) Description:

New rules governing the recycling of waste will be proposed. The rules will address the management of certain recyclable material at facilities were the material is received, accumulated, stored, or processed.

B) Statutory Authority:

Implementing Sections 5, 21, 22 and 28, and authorized by Section 27, of the Environmental Protection Act [415 ILCS 5/5, 21, 22, 27 and 28].

C) Scheduled Meeting/Hearing Dates:

The IEPA anticipates it will file a rulemaking proposal in Spring or Summer of 2003. No meetings or hearings are scheduled at this time. Once the proposal is filed the Board will conduct public hearings in accordance with Sections 27 and 28 of the Act [415 ILCS 5/27, 5/28].

D) Date Agency Anticipates First Notice:

The IEPA anticipates submitting its proposal in Spring or Summer of 2003, after which the Board will cause publication of a Notice of Proposed Amendments in the Illinois Register.
POLLUTION CONTROL BOARD

JANUARY 2003 REGULATORY AGENDA

E) Effect on Small Business, Small Municipalities, or Not-for-Profit Corporations:

The Part may affect any small business, small municipality or not-for-profit corporations that manage recyclable material.

F) Agency Contact Person for Information:

Address written comments concerning the substance of the rulemaking as follows:

Name: Dorothy Gunn, Clerk
Address: Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda as follows:

Name: Erin Conley, Rules Coordinator
Address: Pollution Control Board
600 S. Second St., Suite 402
Springfield, Illinois 62704
Telephone: 217-782-2471
Internet: conleye@ipcb.state.il.us

G) Related Rulemaking and other pertinent information:

For information regarding the development of these amendments please contact:

Name: M. Kyle Rominger
Address: 1021 N. Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
Telephone: (217) 782-5544
kk) Part(s) (Heading and Code Citation):


1) Rulemaking: R03-9

A) Description:

35 Ill. Adm. Code Part 900 contains the general provisions to the Board’s noise regulations. Section 900.103 sets forth the procedures to be used for measuring sound. Under that Section the procedures used must be in substantial conformity with certain standards of the American National Standards Institute (“ANSI”). The ANSI standards referenced in Section 900.103, however, are now outdated. The proposed amendments will update the references to current ANSI standards.

35 Ill. Adm. Code Part 901 contains the standards for allowable sound levels from property line noise sources. 35 Ill. Adm. Code 901.104 contains limits for impulsive sound and requires sound to be measured with “fast dynamic characteristic” and is therefore inconsistent with 35 Ill. Adm. Code 900.103(b), which requires sound to be measured as “leq”. Section 901.104 will be amended to comply with the requirements of Section 900.103(b).

B) Statutory authority:

Implementing Section 25 and authorized by Section 27 of the Environmental Protection Act (415 ILCS 5/25 and 5/27).

C) Scheduled meeting/hearing dates:

The Board will conduct public hearings in accordance with Sections 27 and 28 of the Act [415 ILCS 5/27, 5/28].

D) Date Agency anticipates First Notice, if known:
POLLUTION CONTROL BOARD

JANUARY 2003 REGULATORY AGENDA

The Board anticipates moving this rulemaking to first notice in the Summer of 2003, after hearings have been completed.

E) Effect on small businesses, small municipalities or not-for-profit corporations:

The rulemaking may affect any small business, small municipality or not-for-profit corporation subject to the Board’s noise regulations.

F) Agency contact person for information:

Address written comments concerning the substance of the rulemaking as follows:

Name: Dorothy Gunn, Clerk
Address: Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda as follows:

Name: Erin Conley, Rules Coordinator
Address: Pollution Control Board
600 S. Second St., Suite 402
Springfield, Illinois 62704
Telephone: 217-782-2471
Internet: conleye@ipcb.state.il.us

G) Related rulemakings and other pertinent information:

The IEPA has stated that it plans to repeal 35 Ill. Adm. Code Parts 951 and 952. Those Parts set forth measurement procedures adopted pursuant to 35 Ill. Adm. Code 900.103, and are therefore based upon outdated ANSI standards.

II) Part (Headings and Code Citations):
POLLUTION CONTROL BOARD
JANUARY 2003 REGULATORY AGENDA

GENERAL PROVISIONS (35 Ill. Adm. Code 1420)
ACTIVITY STANDARDS (35 Ill. Adm. Code 1421)
DESIGN AND OPERATION OF FACILITIES (35 Ill. Adm. Code 1422)

1) Rulemaking: No docket presently reserved.

A) Description:

35 Ill. Adm. Code Subtitle M, Parts 1420, 1421, and 1422, are the rules for Potentially Infectious Medical Waste (PIMW). Through administration of these rules, the IEPA has identified a need for the disposal outside of the municipal waste stream of household medical waste, including sharps, generated from home health care. One approach under consideration is to exempt from the transfer station permit requirement doctors’ offices, hospitals and pharmacies that accept household-generated medical wastes for transfer to disposal facilities. The permit requirement may be replaced with a requirement for registration with the IEPA. Certain other provisions are in need of clarification. However, it is not clear at this time whether each of the three Parts will need to be amended.

B) Statutory Authority:

Sections 27 and 56.2(f) of the Act [415 ILCS 5/27, 56.2(f)].

C) Scheduled Meeting/Hearing Dates:

The IEPA anticipates it will file a rulemaking proposal in Spring or Summer of 2003. No meetings or hearings are scheduled at this time. Once the proposal is filed the Board will conduct public hearings in accordance with Sections 27 and 28 of the Act [415 ILCS 5/27, 5/28].

D) Date Agency Anticipates First Notice:

The IEPA anticipates submitting its proposal in Spring or Summer of 2003, after which the Board will cause publication of a Notice of Proposed Amendments in the Illinois Register.
E) Effect on Small Business, Small Municipalities, or Not-for-Profit Corporations:

This rule may affect any small business, small municipality, or not-for-profit corporations that disposes PIMW. The IEPA anticipates that the changes contemplated would not have a significant effect. Exempting medical providers from the transfer station permit requirement if they accept household-generated waste for transfer to disposal facilities would assist such providers in performing a community service by reducing the associated regulatory burden. The clarifications being considered would not substantively change the existing requirements.

F) Agency Contact Person for Information:

Address written comments concerning the substance of the rulemaking as follows:

Name: Dorothy Gunn, Clerk
Address: Pollution Control Board
         100 West Randolph Street, Suite 11-500
         Chicago, Illinois 60601

Address questions concerning this regulatory agenda as follows:

Name: Erin Conley, Rules Coordinator
Address: Pollution Control Board
         600 S. Second St., Suite 402
         Springfield, Illinois 62704
Telephone: 217-782-2471
Internet: conleye@ipcb.state.il.us

G) Related Rulemaking and other pertinent information:

No other presently-known proceeding would potentially impact Parts 1420, 1421, and 1422.

For information regarding the development of these amendments please contact:
POLLUTION CONTROL BOARD

JANUARY 2003 REGULATORY AGENDA

Name: M. Kyle Rominger
Address: 1021 N. Grand Avenue East
         P.O. Box 19276
         Springfield, Illinois 62794-9276
Telephone: (217) 782-5544
OFFICE OF BANKS AND REAL ESTATE

NOTICE OF PUBLIC INFORMATION

NOTICE OF FINE IMPOSED UNDER
THE RESIDENTIAL MORTGAGE LICENSE ACT OF 1987

Pursuant to Section 4-5(h) of the Residential Mortgage License Act of 1987 (the “Act”), 205 ILCS 635/4-5(h) (2000), notice is hereby given that the Commissioner of the Office of Banks and Real Estate of the State of Illinois has issued a fine of $1,000.00 against Amerihome Mortgage Company, LLC., License No. 4903 of Brookfield, WI a licensee under the Act, for violating the terms of the Act and the rules and regulations adopted thereunder, effective December 17, 2002.
Pursuant to Section 4-5(h) of the Residential Mortgage License Act of 1987 (the “Act”), 205 ILCS 635/4-5(h) (2000), notice is hereby given that the Commissioner of the Office of Banks and Real Estate of the State of Illinois has issued a fine of $500.00 against Consumer Consultants, Inc., License No. 0039 of North Palm Beach, FL a licensee under the Act, for violating the terms of the Act and the rules and regulations adopted thereunder, effective December 17, 2002.
NOTICE OF FINE IMPOSED UNDER
THE RESIDENTIAL MORTGAGE LICENSE ACT OF 1987

Pursuant to Section 4-5(h) of the Residential Mortgage License Act of 1987 (the “Act”), 205 ILCS 635/4-5(h) (2000), notice is hereby given that the Commissioner of the Office of Banks and Real Estate of the State of Illinois has issued a fine of $500.00 against First Financial Mortgage, Inc., License No. 5500 of Oak Brook Terrace, Illinois a licensee under the Act, for violating the terms of the Act and the rules and regulations adopted thereunder, effective December 17, 2002.
Pursuant to Section 4-5(h) of the Residential Mortgage License Act of 1987 (the “Act”), 205 ILCS 635/4-5(h) (2000), notice is hereby given that the Commissioner of the Office of Banks and Real Estate of the State of Illinois has issued a fine of $500.00 against Quantum Financial Mortgage Corporation, License No. 3015 of Chicago, Illinois a licensee under the Act, for violating the terms of the Act and the rules and regulations adopted thereunder, effective December 17, 2002.
NOTICE OF FINE IMPOSED UNDER
THE RESIDENTIAL MORTGAGE LICENSE ACT OF 1987

Pursuant to Section 4-5(h) of the Residential Mortgage License Act of 1987 (the “Act”), 205 ILCS 635/4-5(h) (2000), notice is hereby given that the Commissioner of the Office of Banks and Real Estate of the State of Illinois has issued a fine of $500 against Olympic Funding, License No. 6092 of Pleasanton, CA a licensee under the Act, for violating the terms of the Act and the rules and regulations adopted thereunder, effective December 17, 2002.
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**TOTAL AMOUNT OF ORDER** $

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☐ VISA  ☐ Master Card  ☐ Discover  *(There is a $1.50 processing fee for credit card purchases.)*

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