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DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Construction and Filing of Accident and Health Insurance Policy Forms
- 2) Code Citation: 50 Ill. Adm. Code 2001
- 3)

<u>Section Numbers</u> :	<u>Proposed Action</u> :
2001.1	New Section
2001.3	New Section
2001.10	Amendment
- 4) Statutory Authority: Implementing Sections 143, 355, 356a and Articles IX and XX and authorized by Section 401 of the Illinois Insurance Code [215 ILCS 5/143, 355, 356a, 132 et seq. and 401].
- 5) A Complete Description of the Subjects and Issues Involved: The text of this Part currently deals only with individual policies. We need to add policy requirement language applicable to both group and individual policies. As such we are proposing to reorganize the Part to be able to insert Requirements for All Policies, and Requirements for Group Policies in addition to the existing Requirements for Individual Policies. The proposed addition that will be applicable to all policies will contain language specifically prohibiting companies from placing language in insurance policies that would give the company the sole discretion to interpret the policy.
- 6) Will this rulemaking replace an emergency rulemaking currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this rulemaking contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objective: This rulemaking will not require a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to comment on this proposed rulemaking may submit written comments no later than 45 days after the publication of this Notice to:

Denise Hamilton

James C. Rundblom

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

Rules Unit Supervisor
Department of Financial and
Professional Regulation
Division of Insurance
320 West Washington
Springfield, Illinois 62767-0001
(217) 785-8560

or

Staff Attorney
Department of Financial and
Professional Regulation
Division of Insurance
320 West Washington
Springfield, Illinois 62767-0001
(217) 785-8559

- 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: No new requirements have been proposed.
- C) Types of professional skills necessary for compliance: Not applicable
- 13) Regulatory Agenda on which this rulemaking was summarized: July 2004

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

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

TITLE 50: INSURANCE

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

SUBCHAPTER z: ACCIDENT AND HEALTH INSURANCE

PART 2001

CONSTRUCTION AND FILING OF ACCIDENT AND HEALTH
INSURANCE POLICY FORMSSUBPART A: PROVISIONS APPLICABLE TO INDIVIDUAL AND GROUP POLICIES

Section

2001.1Applicability2001.3Discretionary Clauses ProhibitedSUBPART B: PROVISIONS APPLICABLE TO INDIVIDUAL POLICIES

Section

2001.10

Applicability

2001.20

Construction of Accident and Health Insurance Policy Forms

2001.30

Filing of Policy Forms

AUTHORITY: Implementing Sections 143, 355, 356a and Articles IX and XX and authorized by Section 401 of the Illinois Insurance Code [215 ILCS 5/143, 355, 356a, 132 et seq., 156 et seq. and 401].

SOURCE: Filed and effective April 1, 1952; codified at 7 Ill. Reg. 3471; amended at 20 Ill. Reg. 14405, effective October 25, 1996; amended at 29 Ill. Reg. _____, effective _____.

SUBPART A: PROVISIONS APPLICABLE TO INDIVIDUAL AND GROUP POLICIESSection 2001.1 Applicability

This Subpart is applicable to all individual and group accident and health insurance policies and group accident and health certificates.

(Source: Added at 29 Ill. Reg. _____, effective _____)

Section 2001.3 Discretionary Clauses Prohibited

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

No policy, contract, certificate, endorsement, rider application or agreement offered or issued in this State by a health carrier to provide, deliver, arrange for, pay for or reimburse any of the costs of health care services may contain a provision purporting to reserve discretion to the health carrier to interpret the terms of the contract, or to provide standards of interpretation or review that are inconsistent with the laws of this State.

(Source: Added at 29 Ill. Reg. _____, effective _____)

SUBPART B: PROVISIONS APPLICABLE TO INDIVIDUAL POLICIES

Section 2001.10 Applicability

This Subpart Part shall apply to:

- a) Individual accident and health policy, certificate, endorsement, rider and application forms filed with this Department by both foreign and domestic companies with respect to Section 143, Article IX and Article XX of the Illinois Insurance Code [215 ILCS 5/143, Art. IX and Art. XX~~132 et seq. and 156 et seq.~~]
- b) This Part shall also apply to individual policy, certificate, endorsement, rider and application forms ~~which are~~ filed in accordance with Section 356a of the Illinois Insurance Code [215 ILCS 5/356a].
- c) The filing procedure for accident and health forms as required by Section 355 of the Illinois Insurance Code [215 ILCS 5/355].
- d) The filing procedure for accident and health insurance policy forms prescribed by 50 Ill. Adm. Code 916.

(Source: Amended at 29 Ill. Reg. _____, effective _____)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Pay Plan
- 2) Code Citation: 80 Ill. Adm. Code 310
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
310.210	Amend
310.230	Amend
310.280	Amend
310.290	Amend
310.Appendix A Table L	Amend
310.Appendix A Table W	Amend
310.Appendix A Table Y	Amend
- 4) Statutory Authority: Authorized by Sections 8 and 8a of the Personnel Code [20 ILCS 415/8 and 20 ILCS 415/8a].
- 5) A Complete Description of the Subjects and Issues Involved: In Section 310.210 Prevailing Rate, the Teacher of Beauty Culture and Trades Tender titles, which were inadvertently omitted in Pay Plan amendments adopted in 1993, are added, and the Motion Picture Operator title, which was abolished September 5, 1991, is removed.

In Section 310.230 Part-time Daily or Hourly Special Services Rate, the pay rate minimums change to comply with the Public Act 93-058 amendments to the Minimum Wage Law. The hourly rate minimum is \$6.50 and the daily minimum is \$49.00 effective January 1, 2005.

In Section 310.280 Designated Rate, at the request of the Department of Commerce and Economic Opportunity, the position number 34202-42-00-000-01-02 is added. This position has the Private Secretary II title and receives the annual salary of \$60,000 effective January 12, 2005.

In Section 310.290 Out-of-State or Foreign Service Rate, the column heading is changed to reflect the current fiscal year.

In Section 310.Appendix A, Table L – RC-008 (Boilermakers), the monthly salaries effective January 1, 2005, for the Boiler Safety Specialist title in the Northern and Central Regions are corrected to 6535.44 and 5141.70, respectively.

In Section 310.Appendix A, Table W – RC-062 (Technical Employees, AFSCME), the following titles are removed as they were abolished on the following dates: Vocational

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

Assessment Specialist in the Memorandum of Understanding effective June 16, 2002; and Network Control Center Specialist, Network Control Center Technician I, Network Control Center Technician II and Network Control Center Technician Trainee through the Civil Service Commission approval on December 16, 2004. The Historical Exhibits Designer title (Title Code 18985) is added to the salary grade RC-062-15 effective July 29, 2004 through the Memorandum of Understanding. The other changes are made so that each title reflects the title as listed in the Class Specification. In this way, the title Insurance Company Claims Examiner 2 is changed to Insurance Company Claims Examiner II, and the Financial Institution Examiner I, II, III and Trainee titles are changed to Financial Institutions Examiner I, II, III and Trainee.

In Section 310.Appendix A, Table Y – RC-063 (Educator, AFSCME), the Educator rate in Step 8, where the employee has a BA and the rate is subject to the maximum security retirement formula, is corrected to 4644 effective January 1, 2004, and 4772 effective January 1, 2005.

- 6) Will these proposed amendments replace any emergency amendments currently in effect?
No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this rulemaking contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? Yes

<u>Section Numbers</u>	<u>Proposed Action</u>	<u>Ill. Reg. Citation</u>
310.Appendix A Table D	Amend	28 Ill. Reg. 13949, 10/29/04
310.Appendix A, Table E	Amend	28 Ill. Reg. 13949, 10/29/04
310.Appendix A, Table F	Amend	28 Ill. Reg. 13949, 10/29/04
310.80	Amend	28 Ill. Reg. 15937, 12/17/04
310.230	Amend	28 Ill. Reg. 15937, 12/17/04
310.410	Amend	28 Ill. Reg. 15937, 12/17/04
310.Appendix A, Table G	Amend	28 Ill. Reg. 15937, 12/17/04
310.Appendix A, Table H	Amend	28 Ill. Reg. 15937, 12/17/04
310.Appendix A, Table I	Amend	28 Ill. Reg. 15937, 12/17/04
310.Appendix A, Table J	Amend	28 Ill. Reg. 15937, 12/17/04
310.Appendix A, Table N	Amend	28 Ill. Reg. 15937, 12/17/04
310.Appendix A, Table O	Amend	28 Ill. Reg. 15937, 12/17/04
310.Appendix A, Table P	Amend	28 Ill. Reg. 15937, 12/17/04
310.Appendix A, Table R	Amend	28 Ill. Reg. 15937, 12/17/04

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

<u>Section Numbers</u>	<u>Proposed Action</u>	<u>Ill. Reg. Citation</u>
310.Appendix A, Table W	Amend	28 Ill. Reg. 15937, 12/17/04
310.Appendix A, Table X	Amend	28 Ill. Reg. 15937, 12/17/04
310.Appendix A, Table Y	Amend	28 Ill. Reg. 15937, 12/17/04
310.Appendix A, Table Z	Amend	28 Ill. Reg. 15937, 12/17/04
310.Appendix A, Table AA	Amend	28 Ill. Reg. 15937, 12/17/04
310.Appendix B	Amend	28 Ill. Reg. 15937, 12/17/04

- 10) Statement of Statewide Policy Objectives: These amendments to the Pay Plan affect only the employees subject to the Personnel Code and do not set out any guidelines that affect local or other jurisdictions in the State.
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:
- Ms. Dawn DeFraties
Deputy Director
Department of Central Management Services
503 William G. Stratton Building
Springfield IL 62706
- (217) 524-8773
Fax: (217) 558-4497
- 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: January 2005, except the minimum wage change.
- 14) Does this amendment require the review of the Procurement Policy Board as specified in Section 5-25 of the Illinois Procurement Code [30 ILCS 500/5-25]? No

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

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES
SUBTITLE B: PERSONNEL RULES, PAY PLANS, AND
POSITION CLASSIFICATIONS

CHAPTER I: DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

PART 310
PAY PLAN

SUBPART A: NARRATIVE

Section	
310.20	Policy and Responsibilities
310.30	Jurisdiction
310.40	Pay Schedules
310.50	Definitions
310.60	Conversion of Base Salary to Pay Period Units
310.70	Conversion of Base Salary to Daily or Hourly Equivalents
310.80	Increases in Pay
310.90	Decreases in Pay
310.100	Other Pay Provisions
310.110	Implementation of Pay Plan Changes for Fiscal Year 2005
310.120	Interpretation and Application of Pay Plan
310.130	Effective Date
310.140	Reinstitution of Within Grade Salary Increases (Repealed)
310.150	Fiscal Year 1985 Pay Changes in Schedule of Salary Grades, effective July 1, 1984 (Repealed)

SUBPART B: SCHEDULE OF RATES

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310.210	Prevailing Rate
310.220	Negotiated Rate
310.230	Part-Time Daily or Hourly Special Services Rate
310.240	Hourly Rate
310.250	Member, Patient and Inmate Rate
310.260	Trainee Rate
310.270	Legislated and Contracted Rate
310.280	Designated Rate
310.290	Out-of-State or Foreign Service Rate

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

- 310.300 Educator Schedule for RC-063 and HR-010
- 310.310 Physician Specialist Rate
- 310.320 Annual Compensation Ranges for Executive Director and Assistant Executive Director, State Board of Elections
- 310.330 Excluded Classes Rate (Repealed)

SUBPART C: MERIT COMPENSATION SYSTEM

Section

- 310.410 Jurisdiction
- 310.420 Objectives
- 310.430 Responsibilities
- 310.440 Merit Compensation Salary Schedule
- 310.450 Procedures for Determining Annual Merit Increases
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- 310.456 Merit Zone (Repealed)
- 310.460 Other Pay Increases
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- 310.480 Decreases in Pay
- 310.490 Other Pay Provisions
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- 310.500 Definitions
- 310.510 Conversion of Base Salary to Pay Period Units (Repealed)
- 310.520 Conversion of Base Salary to Daily or Hourly Equivalents
- 310.530 Implementation
- 310.540 Annual Merit Increase Guidechart for Fiscal Year 2005
- 310.550 Fiscal Year 1985 Pay Changes in Merit Compensation System, effective July 1, 1984 (Repealed)

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- 310.TABLE B HR-200 (Department of Labor – Chicago, Illinois – SEIU) (Repealed)
- 310.TABLE C RC-069 (Firefighters, AFSCME) (Repealed)
- 310.TABLE D HR-001 (Teamsters Local #726)
- 310.TABLE E RC-020 (Teamsters Local #330)
- 310.TABLE F RC-019 (Teamsters Local #25)
- 310.TABLE G RC-045 (Automotive Mechanics, IFPE)
- 310.TABLE H RC-006 (Corrections Employees, AFSCME)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

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310.TABLE N	RC-010 (Professional Legal Unit, AFSCME)
310.TABLE O	RC-028 (Paraprofessional Human Services Employees, AFSCME)
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310.APPENDIX G	Broad-Band Pay Range Classes Salary Schedule for Fiscal Year 2005

AUTHORITY: Implementing and authorized by Sections 8 and 8a of the Personnel Code [20 ILCS 415/8 and 8a].

SOURCE: Filed June 28, 1967; codified at 8 Ill. Reg. 1558; emergency amendment at 8 Ill. Reg. 1990, effective January 31, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 2440, effective February 15, 1984; emergency amendment at 8 Ill. Reg. 3348, effective March 5, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 4249, effective March 16, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 5704, effective April 16, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 7290, effective May 11, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 11299, effective June 25, 1984;

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

emergency amendment at 8 Ill. Reg. 12616, effective July 1, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 15007, effective August 6, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 15367, effective August 13, 1984; emergency amendment at 8 Ill. Reg. 21310, effective October 10, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 21544, effective October 24, 1984; amended at 8 Ill. Reg. 22844, effective November 14, 1984; emergency amendment at 9 Ill. Reg. 1134, effective January 16, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 1320, effective January 23, 1985; amended at 9 Ill. Reg. 3681, effective March 12, 1985; emergency amendment at 9 Ill. Reg. 4163, effective March 15, 1985, for a maximum of 150 days; emergency amendment at 9 Ill. Reg. 9231, effective May 31, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 9420, effective June 7, 1985; amended at 9 Ill. Reg. 10663, effective July 1, 1985; emergency amendment at 9 Ill. Reg. 15043, effective September 24, 1985, for a maximum of 150 days; preemptory amendment at 10 Ill. Reg. 3325, effective January 22, 1986; amended at 10 Ill. Reg. 3230, effective January 24, 1986; emergency amendment at 10 Ill. Reg. 8904, effective May 13, 1986, for a maximum of 150 days; preemptory amendment at 10 Ill. Reg. 8928, effective May 13, 1986; emergency amendment at 10 Ill. Reg. 12090, effective June 30, 1986, for a maximum of 150 days; preemptory amendment at 10 Ill. Reg. 13675, effective July 31, 1986; preemptory amendment at 10 Ill. Reg. 14867, effective August 26, 1986; amended at 10 Ill. Reg. 15567, effective September 17, 1986; emergency amendment at 10 Ill. Reg. 17765, effective September 30, 1986, for a maximum of 150 days; preemptory amendment at 10 Ill. Reg. 19132, effective October 28, 1986; preemptory amendment at 10 Ill. Reg. 21097, effective December 9, 1986; amended at 11 Ill. Reg. 648, effective December 22, 1986; preemptory amendment at 11 Ill. Reg. 3363, effective February 3, 1987; preemptory amendment at 11 Ill. Reg. 4388, effective February 27, 1987; preemptory amendment at 11 Ill. Reg. 6291, effective March 23, 1987; amended at 11 Ill. Reg. 5901, effective March 24, 1987; emergency amendment at 11 Ill. Reg. 8787, effective April 15, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 11830, effective July 1, 1987, for a maximum of 150 days; preemptory amendment at 11 Ill. Reg. 13675, effective July 29, 1987; amended at 11 Ill. Reg. 14984, effective August 27, 1987; preemptory amendment at 11 Ill. Reg. 15273, effective September 1, 1987; preemptory amendment at 11 Ill. Reg. 17919, effective October 19, 1987; preemptory amendment at 11 Ill. Reg. 19812, effective November 19, 1987; emergency amendment at 11 Ill. Reg. 20664, effective December 4, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20778, effective December 11, 1987; preemptory amendment at 12 Ill. Reg. 3811, effective January 27, 1988; preemptory amendment at 12 Ill. Reg. 5459, effective March 3, 1988; amended at 12 Ill. Reg. 6073, effective March 21, 1988; preemptory amendment at 12 Ill. Reg. 7783, effective April 14, 1988; emergency amendment at 12 Ill. Reg. 7734, effective April 15, 1988, for a maximum of 150 days; preemptory amendment at 12 Ill. Reg. 8135, effective April 22, 1988; preemptory amendment at 12 Ill. Reg. 9745, effective May 23, 1988; emergency amendment at 12 Ill. Reg. 11778, effective July 1, 1988, for a maximum of 150 days; emergency amendment at 12 Ill. Reg. 12895, effective July 18, 1988, for a maximum of 150 days; preemptory amendment at 12 Ill. Reg. 13306, effective July 27,

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

1988; corrected at 12 Ill. Reg. 13359; amended at 12 Ill. Reg. 14630, effective September 6, 1988; amended at 12 Ill. Reg. 20449, effective November 28, 1988; preemptory amendment at 12 Ill. Reg. 20584, effective November 28, 1988; preemptory amendment at 13 Ill. Reg. 8080, effective May 10, 1989; amended at 13 Ill. Reg. 8849, effective May 30, 1989; preemptory amendment at 13 Ill. Reg. 8970, effective May 26, 1989; emergency amendment at 13 Ill. Reg. 10967, effective June 20, 1989, for a maximum of 150 days; emergency amendment expired on November 17, 1989; amended at 13 Ill. Reg. 11451, effective June 28, 1989; emergency amendment at 13 Ill. Reg. 11854, effective July 1, 1989, for a maximum of 150 days; corrected at 13 Ill. Reg. 12647; preemptory amendment at 13 Ill. Reg. 12887, effective July 24, 1989; amended at 13 Ill. Reg. 16950, effective October 20, 1989; amended at 13 Ill. Reg. 19221, effective December 12, 1989; amended at 14 Ill. Reg. 615, effective January 2, 1990; preemptory amendment at 14 Ill. Reg. 1627, effective January 11, 1990; amended at 14 Ill. Reg. 4455, effective March 12, 1990; preemptory amendment at 14 Ill. Reg. 7652, effective May 7, 1990; amended at 14 Ill. Reg. 10002, effective June 11, 1990; emergency amendment at 14 Ill. Reg. 11330, effective June 29, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 14361, effective August 24, 1990; emergency amendment at 14 Ill. Reg. 15570, effective September 11, 1990, for a maximum of 150 days; emergency amendment expired on February 8, 1991; corrected at 14 Ill. Reg. 16092; preemptory amendment at 14 Ill. Reg. 17098, effective September 26, 1990; amended at 14 Ill. Reg. 17189, effective October 2, 1990; amended at 14 Ill. Reg. 17189, effective October 19, 1990; amended at 14 Ill. Reg. 18719, effective November 13, 1990; preemptory amendment at 14 Ill. Reg. 18854, effective November 13, 1990; preemptory amendment at 15 Ill. Reg. 663, effective January 7, 1991; amended at 15 Ill. Reg. 3296, effective February 14, 1991; amended at 15 Ill. Reg. 4401, effective March 11, 1991; preemptory amendment at 15 Ill. Reg. 5100, effective March 20, 1991; preemptory amendment at 15 Ill. Reg. 5465, effective April 2, 1991; emergency amendment at 15 Ill. Reg. 10485, effective July 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 11080, effective July 19, 1991; amended at 15 Ill. Reg. 13080, effective August 21, 1991; amended at 15 Ill. Reg. 14210, effective September 23, 1991; emergency amendment at 16 Ill. Reg. 711, effective December 26, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 3450, effective February 20, 1992; preemptory amendment at 16 Ill. Reg. 5068, effective March 11, 1992; preemptory amendment at 16 Ill. Reg. 7056, effective April 20, 1992; emergency amendment at 16 Ill. Reg. 8239, effective May 19, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 8382, effective May 26, 1992; emergency amendment at 16 Ill. Reg. 13950, effective August 19, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 14452, effective September 4, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 238, effective December 23, 1992; preemptory amendment at 17 Ill. Reg. 498, effective December 18, 1992; amended at 17 Ill. Reg. 590, effective January 4, 1993; amended at 17 Ill. Reg. 1819, effective February 2, 1993; amended at 17 Ill. Reg. 6441, effective April 8, 1993; emergency amendment at 17 Ill. Reg. 12900, effective July 22, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 13409, effective July 29, 1993; emergency amendment at 17 Ill. Reg. 13789, effective

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August 9, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 14666, effective August 26, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 19103, effective October 25, 1993; emergency amendment at 17 Ill. Reg. 21858, effective December 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 22514, effective December 15, 1993; amended at 18 Ill. Reg. 227, effective December 17, 1993; amended at 18 Ill. Reg. 1107, effective January 18, 1994; amended at 18 Ill. Reg. 5146, effective March 21, 1994; preemptory amendment at 18 Ill. Reg. 9562, effective June 13, 1994; emergency amendment at 18 Ill. Reg. 11299, effective July 1, 1994, for a maximum of 150 days; preemptory amendment at 18 Ill. Reg. 13476, effective August 17, 1994; emergency amendment at 18 Ill. Reg. 14417, effective September 9, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 16545, effective October 31, 1994; preemptory amendment at 18 Ill. Reg. 16708, effective October 28, 1994; amended at 18 Ill. Reg. 17191, effective November 21, 1994; amended at 19 Ill. Reg. 1024, effective January 24, 1995; preemptory amendment at 19 Ill. Reg. 2481, effective February 17, 1995; preemptory amendment at 19 Ill. Reg. 3073, effective February 17, 1995; amended at 19 Ill. Reg. 3456, effective March 7, 1995; preemptory amendment at 19 Ill. Reg. 5145, effective March 14, 1995; amended at 19 Ill. Reg. 6452, effective May 2, 1995; preemptory amendment at 19 Ill. Reg. 6688, effective May 1, 1995; amended at 19 Ill. Reg. 7841, effective June 1, 1995; amended at 19 Ill. Reg. 8156, effective June 12, 1995; amended at 19 Ill. Reg. 9096, effective June 27, 1995; emergency amendment at 19 Ill. Reg. 11954, effective August 1, 1995, for a maximum of 150 days; preemptory amendment at 19 Ill. Reg. 13979, effective September 19, 1995; preemptory amendment at 19 Ill. Reg. 15103, effective October 12, 1995; amended at 19 Ill. Reg. 16160, effective November 28, 1995; amended at 20 Ill. Reg. 308, effective December 22, 1995; emergency amendment at 20 Ill. Reg. 4060, effective February 27, 1996, for a maximum of 150 days; preemptory amendment at 20 Ill. Reg. 6334, effective April 22, 1996; preemptory amendment at 20 Ill. Reg. 7434, effective May 14, 1996; amended at 20 Ill. Reg. 8301, effective June 11, 1996; amended at 20 Ill. Reg. 8657, effective June 20, 1996; amended at 20 Ill. Reg. 9006, effective June 26, 1996; amended at 20 Ill. Reg. 9925, effective July 10, 1996; emergency amendment at 20 Ill. Reg. 10213, effective July 15, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 10841, effective August 5, 1996; preemptory amendment at 20 Ill. Reg. 13408, effective September 24, 1996; amended at 20 Ill. Reg. 15018, effective November 7, 1996; preemptory amendment at 20 Ill. Reg. 15092, effective November 7, 1996; emergency amendment at 21 Ill. Reg. 1023, effective January 6, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 1629, effective January 22, 1997; amended at 21 Ill. Reg. 5144, effective April 15, 1997; amended at 21 Ill. Reg. 6444, effective May 15, 1997; amended at 21 Ill. Reg. 7118, effective June 3, 1997; emergency amendment at 21 Ill. Reg. 10061, effective July 21, 1997, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 12859, effective September 8, 1997, for a maximum of 150 days; preemptory amendment at 21 Ill. Reg. 14267, effective October 14, 1997; preemptory amendment at 21 Ill. Reg. 14589, effective October 15, 1997; preemptory amendment at 21 Ill. Reg. 15030, effective November 10, 1997; amended at 21 Ill. Reg. 16344, effective December 9, 1997; preemptory amendment at 21 Ill. Reg. 16465, effective

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December 4, 1997; preemptory amendment at 21 Ill. Reg. 17167, effective December 9, 1997; preemptory amendment at 22 Ill. Reg. 1593, effective December 22, 1997; amended at 22 Ill. Reg. 2580, effective January 14, 1998; preemptory amendment at 22 Ill. Reg. 4326, effective February 13, 1998; preemptory amendment at 22 Ill. Reg. 5108, effective February 26, 1998; preemptory amendment at 22 Ill. Reg. 5749, effective March 3, 1998; amended at 22 Ill. Reg. 6204, effective March 12, 1998; preemptory amendment at 22 Ill. Reg. 7053, effective April 1, 1998; preemptory amendment at 22 Ill. Reg. 7320, effective April 10, 1998; preemptory amendment at 22 Ill. Reg. 7692, effective April 20, 1998; emergency amendment at 22 Ill. Reg. 12607, effective July 2, 1998, for a maximum of 150 days; preemptory amendment at 22 Ill. Reg. 15489, effective August 7, 1998; amended at 22 Ill. Reg. 16158, effective August 31, 1998; preemptory amendment at 22 Ill. Reg. 19105, effective September 30, 1998; preemptory amendment at 22 Ill. Reg. 19943, effective October 27, 1998; preemptory amendment at 22 Ill. Reg. 20406, effective November 5, 1998; amended at 22 Ill. Reg. 20581, effective November 16, 1998; amended at 23 Ill. Reg. 664, effective January 1, 1999; preemptory amendment at 23 Ill. Reg. 730, effective December 29, 1998; emergency amendment at 23 Ill. Reg. 6533, effective May 10, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 7065, effective June 3, 1999; emergency amendment at 23 Ill. Reg. 8169, effective July 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 11020, effective August 26, 1999; amended at 23 Ill. Reg. 12429, effective September 21, 1999; preemptory amendment at 23 Ill. Reg. 12493, effective September 23, 1999; amended at 23 Ill. Reg. 12604, effective September 24, 1999; amended at 23 Ill. Reg. 13053, effective September 27, 1999; preemptory amendment at 23 Ill. Reg. 13132, effective October 1, 1999; amended at 23 Ill. Reg. 13570, effective October 26, 1999; amended at 23 Ill. Reg. 14020, effective November 15, 1999; amended at 24 Ill. Reg. 1025, effective January 7, 2000; preemptory amendment at 24 Ill. Reg. 3399, effective February 3, 2000; amended at 24 Ill. Reg. 3537, effective February 18, 2000; amended at 24 Ill. Reg. 6874, effective April 21, 2000; amended at 24 Ill. Reg. 7956, effective May 23, 2000; emergency amendment at 24 Ill. Reg. 10328, effective July 1, 2000, for a maximum of 150 days; emergency expired November 27, 2000; preemptory amendment at 24 Ill. Reg. 10767, effective July 3, 2000; amended at 24 Ill. Reg. 13384, effective August 17, 2000; preemptory amendment at 24 Ill. Reg. 14460, effective September 14, 2000; preemptory amendment at 24 Ill. Reg. 16700, effective October 30, 2000; preemptory amendment at 24 Ill. Reg. 17600, effective November 16, 2000; amended at 24 Ill. Reg. 18058, effective December 4, 2000; preemptory amendment at 24 Ill. Reg. 18444, effective December 1, 2000; amended at 25 Ill. Reg. 811, effective January 4, 2001; amended at 25 Ill. Reg. 2389, effective January 22, 2001; amended at 25 Ill. Reg. 4552, effective March 14, 2001; preemptory amendment at 25 Ill. Reg. 5067, effective March 21, 2001; amended at 25 Ill. Reg. 5618, effective April 4, 2001; amended at 25 Ill. Reg. 6655, effective May 11, 2001; amended at 25 Ill. Reg. 7151, effective May 25, 2001; preemptory amendment at 25 Ill. Reg. 8009, effective June 14, 2001; emergency amendment at 25 Ill. Reg. 9336, effective July 3, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 9846, effective July 23, 2001; amended at 25 Ill. Reg. 12087, effective September 6, 2001; amended at 25 Ill. Reg. 15560, effective November 20,

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2001; preemptory amendment at 25 Ill. Reg. 15671, effective November 15, 2001; amended at 25 Ill. Reg. 15974, effective November 28, 2001; emergency amendment at 26 Ill. Reg. 223, effective December 21, 2001, for a maximum of 150 days; amended at 26 Ill. Reg. 1143, effective January 17, 2002; amended at 26 Ill. Reg. 4127, effective March 5, 2002; preemptory amendment at 26 Ill. Reg. 4963, effective March 15, 2002; amended at 26 Ill. Reg. 6235, effective April 16, 2002; emergency amendment at 26 Ill. Reg. 7314, effective April 29, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 10425, effective July 1, 2002; emergency amendment at 26 Ill. Reg. 10952, effective July 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 13934, effective September 10, 2002; amended at 26 Ill. Reg. 14965, effective October 7, 2002; emergency amendment at 26 Ill. Reg. 16583, effective October 24, 2002, for a maximum of 150 days; emergency expired March 22, 2003; preemptory amendment at 26 Ill. Reg. 17280, effective November 18, 2002; amended at 26 Ill. Reg. 17374, effective November 25, 2002; amended at 26 Ill. Reg. 17987, effective December 9, 2002; amended at 27 Ill. Reg. 3261, effective February 11, 2003; expedited correction at 28 Ill. Reg. 6151, effective February 11, 2003; amended at 27 Ill. Reg. 8855, effective May 15, 2003; amended at 27 Ill. Reg. 9114, effective May 27, 2003; emergency amendment at 27 Ill. Reg. 10442, effective July 1, 2003, for a maximum of 150 days; emergency expired November 27, 2003; preemptory amendment at 27 Ill. Reg. 17433, effective November 7, 2003; amended at 27 Ill. Reg. 18560, effective December 1, 2003; preemptory amendment at 28 Ill. Reg. 1441, effective January 9, 2004; amended at 28 Ill. Reg. 2680, effective January 22, 2004; amended at 28 Ill. Reg. 6879, effective April 30, 2004; preemptory amendment at 28 Ill. Reg. 7323, effective May 10, 2004; amended at 28 Ill. Reg. 8842, effective June 11, 2004; preemptory amendment at 28 Ill. Reg. 9717, effective June 28, 2004; amended at 28 Ill. Reg. 12585, effective August 27, 2004; preemptory amendment at 28 Ill. Reg. 13011, effective September 8, 2004; preemptory amendment at 28 Ill. Reg. 13247, effective September 20, 2004; preemptory amendment at 28 Ill. Reg. 13656, effective September 27, 2004; emergency amendment at 28 Ill. Reg. 14174, effective October 15, 2004, for a maximum of 150 days; preemptory amendment at 28 Ill. Reg. 14689, effective October 22, 2004; preemptory amendment at 28 Ill. Reg. 15336, effective November 15, 2004; preemptory amendment at 28 Ill. Reg. 16513, effective December 9, 2004; preemptory amendment at 29 Ill. Reg. 726, effective December 15, 2004; amended at 29 Ill. Reg. 1166, effective January 7, 2005; preemptory amendment at 29 Ill. Reg. 1385, effective January 4, 2005; preemptory amendment at 29 Ill. Reg. 1559, effective January 11, 2005; preemptory amendment at 29 Ill. Reg. 2050, effective January 19, 2005; amended at 29 Ill. Reg. _____, effective _____.

SUBPART B: SCHEDULE OF RATES

Section 310.210 Prevailing Rate

The rate of pay for each class and locality certified as being correct by the Director of Labor and approved by the Director of Central Management Services; or as established under "An Act

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regulating wages for laborers, mechanics, and other workmen employed in any public work by the state, county or city or any public body or any political subdivision or by anyone under contract for public works", approved June 26, 1941, as amended [820 ILCS 130]. The following are prevailing rate classes:

Baker	Roofer
Barber	Sewage Plant Operator
Beautician	Sign Hanger
Brickmason	Sign Hanger Foreman
Carpenter	Sign Painter
Carpenter Foreman	Sign Painter Helper
Cement Finisher	Stationary Engineer
Electrician	Stationary Engineer – Assistant Chief
Highway Construction Equipment Operator	Stationary Engineer – Chief
Laborer	Stationary Fireman
Laborer (Building)	Steamfitter
Machinist	Teacher of Barbering
Maintenance Worker (Power Plant)	<u>Teacher of Beauty Culture</u>
Motion Picture Operator	Tinsmith
Painter	<u>Trades Tender</u>
Plasterer	Water Plant Operator
Plumber	

(Source: Amended at 29 Ill. Reg. _____, effective _____)

Section 310.230 Part-Time Daily or Hourly Special Services Rate

The rate of pay as approved by the Director of Central Management Services for persons employed on a consultative or part-time basis requiring irregular hours of work shall be as listed below, except the total compensation of an employee in any given month shall not exceed the monthly rate of Step 5 of the salary grade for the title as shown in the Schedule of Salary Grades (Appendix B) of this Part if the class title is subject to the Schedule of Salary Grades, or Step 5 of the negotiated salary range for classes of positions shown in Section 310.220, Subpart B, Schedule of Rates, or 75% of the maximum rate of those classes of positions subject to the provisions of the Merit Compensation System, Subpart C of this Pay Plan.

<u>Position</u>	<u>Rates</u>
Account Technician II	14.10 to 19.49 (hourly) 106 to 146 (daily)

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Apiary Inspector	8.28 to 10.15 (hourly)
Building/Grounds Laborer	6.50 5.50 to 6.00 (hourly)
Building/Grounds Lead I	6.50 5.50 to 7.00 (hourly)
Building/Grounds Lead II	6.50 5.50 to 8.00 (hourly)
Building/Grounds Maintenance Worker	6.50 5.50 to 6.00 (hourly)
Chaplain I	4944 to 70 (daily)
Chemist I	4944 to 45 (daily)
Conservation/Historic Preservation Worker	6.50 5.50 to 9.00 (hourly)
Conservation/Historic Preservation Worker (2nd season – site interpretation)	6.50 5.50 to 9.00 (hourly)
Conservation/Historic Preservation Worker (3rd season – site interpretation)	6.50 5.50 to 9.00 (hourly)
Dentist I	70 to 150 (daily)
Dentist II	100 to 185 (daily)
Educator	4944 to 85 (daily)
Educator Aide	4944 (daily)
Guard II	67 to 84 (daily)
Guard III	75 to 96 (daily)
Hearing and Speech Advanced Specialist	15 to 30 (hourly)
Hearings Referee	75 to 200 (daily)
Janitor I	6.50 5.50 (hourly)
Labor Maintenance Lead Worker	6.50 5.50 to 6.00 (hourly)
Labor Relations Investigator	4944 to 70 (daily)
Laborer (Maintenance)	7.05 to 8.00 (hourly)
Maintenance Worker	6.50 5.50 (hourly)
Occupational Therapist Program Coordinator	4944 to 160 (daily)
Office Aide	10.45 to 13.46 (hourly)
	78 to 101 (daily)
Office Assistant	12.18 to 16.04 (hourly)
	91 to 120 (daily)
Office Associate	12.24 to 16.42 (hourly)
	92 to 123 (daily)
Office Clerk	11.55 to 15.08 (hourly)
	87 to 113 (daily)
Optometrist	15 to 35 (hourly)
	50 to 160 (daily)
Physician	100 to 300 (daily)
Physician Specialist (A)	20 to 60 (hourly)
	100 to 325 (daily)
Physician Specialist (B)	20 to 70 (hourly)

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Physician Specialist (C)	100 to 350 (daily) 20 to 105 (hourly)
Physician Specialist (D)	100 to 360 (daily) 20 to 115 (hourly)
Podiatrist	100 to 370 (daily) 50 to 125 (daily)
Psychologist I	4944 to 80 (daily)
Psychologist II	4944 to 125 (daily)
Psychologist III	4944 to 150 (daily)
Recreation Worker I	6,505.50 (hourly) 4944 to 45 (daily)
Registered Nurse I	4944 to 54 (daily)
Registered Nurse I (2nd or 3rd shift)	4944 to 56 (daily)
Registered Nurse I (Cook County)	4944 to 58 (daily)
Registered Nurse I (Cook County – 2nd or 3rd shift)	4944 to 59 (daily)
Registered Nurse II	4944 to 58 (daily)
Registered Nurse II (2nd or 3rd shift)	4944 to 59 (daily)
Registered Nurse II (Cook County)	4945 to 60 (daily)
Registered Nurse II (Cook County – 2nd or 3rd shift)	4947 to 62 (daily)
Revenue Tax Specialist I	14.10 to 19.49 (hourly) 106 to 146 (daily)
Social Worker II	4944 to 75 (daily)
Social Worker III	4944 to 80 (daily)
Student Worker	6,505.50 to 8.00 (hourly)
Technical Advisor II	32 to 35 (hourly)
Technical Advisor III	32 to 60 (hourly)
Veterinarian II	95 to 130 (daily)

(Source: Amended at 29 Ill. Reg. _____, effective _____)

Section 310.280 Designated Rate

The rate of pay for a specific position or class of positions where it is deemed desirable to exclude such from the other requirements of this Pay Plan shall be only as designated by the Governor.

Department of Children & Family Services

Public Service Administrator
(Pos. No. 37015-16-23-120-00-01)

Annual Salary
85,104

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Department of Commerce & Economic Opportunity

Private Secretary II
(Pos. No. 34202-42-00-000-01-02) Annual Salary
60,000

Public Service Administrator Annual Salary
(Pos. No. 37015-42-10-900-10-01) 86,474

Department of Human Services

Administrative Assistant I Annual Salary
(Pos. No. 00501-10-68-010-80-21) 55,200

Medical Administrator I, Option D Annual Salary
(Pos. No. 26401-10-79-006-00-21) 142,368

Medical Administrator V Annual Salary
(Pos. No. 26406-10-76-000-00-01) 186,000

Public Service Administrator Annual Salary
(Pos. No. 37015-10-23-100-30-01) 76,572

Senior Public Service Administrator Annual Salary
(Pos. No. 40070-10-65-000-00-01) 105,475

Senior Public Service Administrator Annual Salary
(Pos. No. 40070-10-81-920-00-21) 105,480

Illinois Labor Relations Board

Private Secretary II Annual Salary
(Pos. No. 34202-50-19-000-00-01) 51,900

Department of Natural Resources

Administrative Assistant II Annual Salary
(Pos. No. 00502-12-30-000-20-01) 50,520

Department of Public Aid

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Senior Public Service Administrator (Pos. No. 40070-33-20-000-00-61)	<u>Annual Salary</u> 123,060
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Department of Public Health

Senior Public Service Administrator (Pos. No. 40070-20-80-000-00-81)	<u>Annual Salary</u> 134,000
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Department of Revenue

Public Service Administrator (Pos. No. 37015-25-61-140-80-01)	<u>Annual Salary</u> 76,668
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Public Service Administrator (Pos. No. 37015-25-61-140-90-01)	<u>Annual Salary</u> 74,904
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Department of State Police

Senior Public Service Administrator (Pos. No. 40070-21-10-000-00-01)	<u>Annual Salary</u> 117,828
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Senior Public Service Administrator (Pos. No. 40070-21-40-000-00-01)	<u>Annual Salary</u> 117,828
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(Source: Amended at 29 Ill. Reg. _____, effective _____)

Section 310.290 Out-of-State or Foreign Service Rate

The rate of pay for employees occupying positions which require payment in accordance with the economic conditions and social legislation of another state or foreign country. An adjustment may be made to the salary of an employee stationed in a foreign country to compensate for a change in the currency exchange rate. The Director of the Department of Central Management Services will, before approving an adjustment, consider the need of the employing agency, the treatment of other similar situations, prevailing practices of other employers, and the equity of the particular circumstances. (Effective July 1, 2003, increases are suspended.)

 Title

 Range Effective Fiscal
Year ~~2005~~2004

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Executive II (States Other Than California and New Jersey) (CA, NJ)	3269-5894 3696-6663
Foreign Service Economic Development Executive I	3848-7082
Foreign Service Economic Development Executive II	4929-9283
Foreign Service Economic Development Representative	3269-5894
Office Administrator IV (States Other Than California and New Jersey) (CA, NJ)	2570-4452 2906-5032
Office Assistant (Foreign Service)	2169-2862
Office Associate (States Other Than California and New Jersey) (CA, NJ)	2295-3081 2595-3483
Office Coordinator (States Other Than California and New Jersey) (CA, NJ)	2370-3199 2679-3617
Public Service Administrator (States Other Than California and New Jersey) (CA, NJ)	3445-7542 3895-8525
Revenue Auditor I (States Other Than California and New Jersey) (CA, NJ)	3105-4480 3510-5065
Revenue Auditor II (States Other Than California and New Jersey) (CA, NJ)	3587-5295 4055-5985
Revenue Auditor III (States Other Than California and New Jersey) (CA, NJ)	4226-6301 4778-7123

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Revenue Auditor Trainee (States Other Than California and New Jersey) (CA, NJ)	2645-3657 2990-4134
Revenue Tax Specialist I (States Other Than California and New Jersey) (CA, NJ)	2645-3657 2990-4134
Revenue Tax Specialist II (States Other Than California and New Jersey) (CA, NJ)	2861-4047 3234-4575
Revenue Tax Specialist Trainee (States Other Than California and New Jersey) (CA, NJ)	2448-3335 2768-3770
Senior Public Service Administrator (States Other Than California and New Jersey) (CA, NJ)	4750-11161 5369-12617

(Source: Amended at 29 Ill. Reg. _____, effective _____)

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Section 310.APPENDIX A Negotiated Rates of Pay**Section 310.TABLE L RC-008 (Boilermakers)**

Title	Title Code	Region	Effective Date	Monthly Salary
Boiler Safety Specialist	04910	Northern	January 1, 2005	6535.44 <u>6534.81</u>
Boiler Safety Specialist	04910	Central	January 1, 2005	5141.70 <u>5141.60</u>
Boiler Safety Specialist	04910	Southern	January 1, 2005	4791.96

Northern Region: Boone, Cook, DeKalb, DuPage, Grundy, Kane, Kankakee, Kendall, Lake, McHenry, Will, and Winnebago Counties.

Central Region: Bureau, Carroll, Champaign, DeWitt, Ford, Fulton, Hancock, Henderson, Henry, Iroquois, JoDaviess, Knox, LaSalle, Lee, Livingston, Logan, Marshall, Mason, McDonough, McLean, Mercer, Ogle, Peoria, Putman, Rock Island, Schuyler, Stark, Stephenson, Tazewell, Vermilion, Warren, Whiteside, and Woodford Counties.

Southern Region: Adams, Alexander, Bond, Brown, Calhoun, Cass, Christian, Clark, Clay, Clinton, Coles, Crawford, Cumberland, Douglas, Edgar, Edwards, Effingham, Fayette, Franklin, Gallatin, Greene, Hamilton, Hardin, Jackson, Jasper, Jefferson, Jersey, Johnson, Lawrence, Macon, Macoupin, Madison, Marion, Massac, Menard, Monroe, Montgomery, Morgan, Moultrie, Perry, Piatt, Pike, Pope, Pulaski, Randolph, Richland, St. Clair, Saline, Sangamon, Scott, Shelby, Union, Wabash, Washington, Wayne, White, and Williamson Counties.

(Source: Amended at 29 Ill. Reg. _____, effective _____)

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Section 310.APPENDIX A Negotiated Rates of Pay**Section 310.TABLE W RC-062 (Technical Employees, AFSCME)**

<u>Title</u>	<u>Salary Grade</u>	<u>Code</u>
Accountant	RC-062-14	00130
Accountant Advanced	RC-062-16	00133
Accounting and Fiscal Administration Career Trainee	RC-062-12	00140
Activity Therapist	RC-062-15	00157
Activity Therapist Coordinator	RC-062-17	00160
Actuarial Assistant	RC-062-16	00187
Actuarial Examiner	RC-062-16	00195
Actuarial Examiner Trainee	RC-062-13	00196
Actuarial Senior Examiner	RC-062-19	00197
Actuary I	RC-062-20	00201
Actuary II	RC-062-24	00202
Agricultural Market News Assistant	RC-062-12	00804
Agricultural Marketing Generalist	RC-062-14	00805
Agricultural Marketing Reporter	RC-062-18	00807
Agricultural Marketing Representative	RC-062-18	00810
Agriculture Land and Water Resource Specialist I	RC-062-14	00831
Agriculture Land and Water Resource Specialist II	RC-062-17	00832
Agriculture Land and Water Resource Specialist III	RC-062-20	00833
Aircraft Pilot I	RC-062-19	00955
Aircraft Pilot II	RC-062-22	00956
Appraisal Specialist I	RC-062-14	01251
Appraisal Specialist II	RC-062-16	01252
Appraisal Specialist III	RC-062-18	01253
Arts Council Associate	RC-062-12	01523
Arts Council Program Coordinator	RC-062-18	01526
Arts Council Program Representative	RC-062-15	01527
Assignment Coordinator	RC-062-20	01530
Bank Examiner I	RC-062-16	04131
Bank Examiner II	RC-062-19	04132
Bank Examiner III	RC-062-22	04133
Behavioral Analyst I	RC-062-17	04351
Behavioral Analyst II	RC-062-19	04352
Behavioral Analyst Associate	RC-062-15	04355
Business Administrative Specialist	RC-062-16	05810
Buyer	RC-062-18	05900

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Carnival and Amusement Safety Inspector	RC-062-16	06550
Carnival and Amusement Safety Inspector Trainee	RC-062-10	06555
Chemist I	RC-062-16	06941
Chemist II	RC-062-19	06942
Chemist III	RC-062-21	06943
Child Protective Associate Investigator	RC-062-15	07187
Child Protective Investigator	RC-062-17	07188
Child Protective Lead Investigator	RC-062-18	07189
Child Welfare Staff Development Coordinator I	RC-062-17	07201
Child Welfare Staff Development Coordinator II	RC-062-19	07202
Child Welfare Staff Development Coordinator III	RC-062-20	07203
Child Welfare Staff Development Coordinator IV	RC-062-22	07204
Child Welfare Specialist	RC-062-15	07211
Children and Family Service Intern – Option 1	RC-062-12	07241
Children and Family Service Intern – Option 2	RC-062-15	07242
Clinical Laboratory Technologist I	RC-062-18	08220
Clinical Laboratory Technologist II	RC-062-19	08221
Clinical Laboratory Technologist Trainee	RC-062-14	08229
Communications Systems Specialist	RC-062-23	08860
Community Management Specialist I	RC-062-15	08891
Community Management Specialist II	RC-062-17	08892
Community Management Specialist III	RC-062-19	08893
Community Planner I	RC-062-15	08901
Community Planner II	RC-062-17	08902
Community Planner III	RC-062-19	08903
Conservation Education Representative	RC-062-12	09300
Conservation Grant Administrator I	RC-062-18	09311
Conservation Grant Administrator II	RC-062-20	09312
Conservation Grant Administrator III	RC-062-22	09313
Construction Program Assistant	RC-062-12	09525
Correctional Counselor I	RC-062-15	09661
Correctional Counselor II	RC-062-17	09662
Correctional Counselor III	RC-062-19	09663
Corrections Academy Trainer	RC-062-17	09732
Corrections Apprehension Specialist	RC-062-19	09750
Corrections Industries Marketing Representative	RC-062-17	09803
Corrections Leisure Activities Specialist I	RC-062-15	09811
Corrections Leisure Activities Specialist II	RC-062-17	09812
Corrections Leisure Activities Specialist III	RC-062-19	09813
Corrections Parole Agent	RC-062-17	09842

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NOTICE OF PROPOSED AMENDMENTS

Corrections Senior Parole Agent	RC-062-19	09844
Criminal Intelligence Analyst I	RC-062-18	10161
Criminal Intelligence Analyst II	RC-062-20	10162
Criminal Intelligence Analyst Specialist	RC-062-22	10165
Criminal Justice Specialist I	RC-062-16	10231
Criminal Justice Specialist II	RC-062-20	10232
Curator of the Lincoln Collection	RC-062-16	10750
Day Care Licensing Representative I	RC-062-16	11471
Developmental Disabilities Council Program Planner I	RC-062-12	12361
Developmental Disabilities Council Program Planner II	RC-062-16	12362
Developmental Disabilities Council Program Planner III	RC-062-18	12363
Dietitian	RC-062-15	12510
Disability Appeals Officer	RC-062-22	12530
Disability Claims Adjudicator I	RC-062-15	12537
Disability Claims Adjudicator II	RC-062-17	12538
Disability Claims Analyst	RC-062-20	12540
Disability Claims Specialist	RC-062-18	12558
Disaster Services Planner	RC-062-19	12585
Document Examiner	RC-062-22	12640
Educator – Provisional	RC-062-12	13105
Employment Security Manpower Representative I	RC-062-12	13621
Employment Security Manpower Representative II	RC-062-14	13622
Employment Security Program Representative	RC-062-14	13650
Employment Security Program Representative – Intermittent	RC-062-14H	13651
Employment Security Service Representative	RC-062-16	13667
Employment Security Specialist I	RC-062-14	13671
Employment Security Specialist II	RC-062-16	13672
Employment Security Specialist III	RC-062-19	13673
Employment Security Tax Auditor I	RC-062-17	13681
Employment Security Tax Auditor II	RC-062-19	13682
Energy and Natural Resources Specialist I	RC-062-15	13711
Energy and Natural Resources Specialist II	RC-062-17	13712
Energy and Natural Resources Specialist III	RC-062-19	13713
Energy and Natural Resources Specialist Trainee	RC-062-12	13715
Environmental Health Specialist I	RC-062-14	13768
Environmental Health Specialist II	RC-062-16	13769
Environmental Health Specialist III	RC-062-18	13770
Environmental Protection Associate	RC-062-12	13785
Environmental Protection Specialist I	RC-062-14	13821

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Environmental Protection Specialist II	RC-062-16	13822
Environmental Protection Specialist III	RC-062-18	13823
Environmental Protection Specialist IV	RC-062-22	13824
Financial InstitutionsInstitution Examiner I	RC-062-16	14971
Financial InstitutionsInstitution Examiner II	RC-062-19	14972
Financial InstitutionsInstitution Examiner III	RC-062-22	14973
Financial InstitutionsInstitution Examiner Trainee	RC-062-13	14978
Flight Safety Coordinator	RC-062-21	15640
Forensic Scientist I	RC-062-18	15891
Forensic Scientist II	RC-062-20	15892
Forensic Scientist III	RC-062-22	15893
Forensic Scientist Trainee	RC-062-15	15897
Guardianship Representative	RC-062-17	17710
Habilitation Program Coordinator	RC-062-17	17960
Handicapped Services Representative I	RC-062-11	17981
Health and Safety Officer I	RC-062-14	18001
Health and Safety Officer II	RC-062-16	18002
Health and Safety Officer Trainee	RC-062-10	18006
Health Facilities Surveyor I	RC-062-16	18011
Health Facilities Surveyor II	RC-062-19	18012
Health Facilities Surveyor III	RC-062-20	18013
Health Planning Specialist I	RC-062-19	18154
Health Planning Specialist II	RC-062-22	18155
Health Services Investigator I – Opt. A	RC-062-19	18181
Health Services Investigator I – Opt. B	RC-062-20	18182
Health Services Investigator II – Opt. A	RC-062-22	18185
Health Services Investigator II – Opt. B	RC-062-22	18186
Health Services Investigator II – Opt. C	RC-062-23	18187
Health Services Investigator II – Opt. D	RC-062-23	18188
Historical Documents Conservator I	RC-062-13	18981
Historical Exhibits Designer	RC-062-15	18985
Historical Research Editor II	RC-062-14	19002
Human Relations Representative	RC-062-16	19670
Human Services Caseworker	RC-062-16	19785
Human Services Grants Coordinator I	RC-062-14	19791
Human Services Grants Coordinator II	RC-062-17	19792
Human Services Grants Coordinator III	RC-062-20	19793
Human Services Grants Coordinator Trainee	RC-062-12	19796
Human Services Sign Language Interpreter	RC-062-16	19810
Iconographer	RC-062-12	19880

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Industrial Services Consultant I	RC-062-14	21121
Industrial Services Consultant II	RC-062-16	21122
Industrial Services Consultant Trainee	RC-062-11	21125
Industrial Services Hygienist	RC-062-19	21127
Industrial Services Hygienist Technician	RC-062-16	21130
Industrial Services Hygienist Trainee	RC-062-12	21133
Information Technology/Communications Systems Specialist I	RC-062-19	21216
Information Technology/Communications Systems Specialist II	RC-062-24	21217
Instrument Designer	RC-062-18	21500
Insurance Analyst III	RC-062-14	21563
Insurance Analyst IV	RC-062-16	21564
Insurance Company Claims Examiner II	RC-062-19	21602
Insurance Company Field Staff Examiner	RC-062-16	21608
Insurance Company Financial Examiner Trainee	RC-062-13	21610
Insurance Performance Examiner	RC-062-14	21671
Insurance Performance Examiner III	RC-062-20	21673
Intermittent Unemployment Insurance Representative	RC-062-12H	21689
Internal Auditor I	RC-062-17	21721
Labor Conciliator	RC-062-20	22750
Laboratory Equipment Specialist	RC-062-18	22990
Laboratory Quality Specialist I	RC-062-19	23021
Laboratory Quality Specialist II	RC-062-21	23022
Laboratory Research Specialist I	RC-062-19	23027
Laboratory Research Specialist II	RC-062-21	23028
Land Acquisition Agent I	RC-062-15	23091
Land Acquisition Agent II	RC-062-18	23092
Land Acquisition Agent III	RC-062-21	23093
Land Reclamation Specialist I	RC-062-14	23131
Land Reclamation Specialist II	RC-062-17	23132
Liability Claims Adjuster I	RC-062-14	23371
Library Associate	RC-062-12	23430
Life Sciences Career Trainee	RC-062-12	23600
Liquor Control Special Agent II	RC-062-15	23752
Local Historical Services Representative	RC-062-17	24000
Local Housing Advisor I	RC-062-14	24031
Local Housing Advisor II	RC-062-16	24032
Local Housing Advisor III	RC-062-18	24033
Local Revenue and Fiscal Advisor I	RC-062-15	24101

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Local Revenue and Fiscal Advisor II	RC-062-17	24102
Local Revenue and Fiscal Advisor III	RC-062-19	24103
Lottery Sales Representative	RC-062-16	24515
Management Operations Analyst I	RC-062-18	25541
Management Operations Analyst II	RC-062-20	25542
Manpower Planner I	RC-062-14	25591
Manpower Planner II	RC-062-17	25592
Manpower Planner III	RC-062-20	25593
Manpower Planner Trainee	RC-062-12	25597
Medical Assistance Consultant I	RC-062-13	26501
Medical Assistance Consultant II	RC-062-16	26502
Medical Assistance Consultant III	RC-062-19	26503
Mental Health Specialist I	RC-062-12	26924
Mental Health Specialist II	RC-062-14	26925
Mental Health Specialist III	RC-062-16	26926
Mental Health Specialist Trainee	RC-062-11	26928
Meteorologist	RC-062-18	27120
Methods and Procedures Advisor I	RC-062-14	27131
Methods and Procedures Advisor II	RC-062-16	27132
Methods and Procedures Career Associate I	RC-062-11	27135
Methods and Procedures Career Associate II	RC-062-12	27136
Methods and Procedures Career Associate Trainee	RC-062-09	27137
Metrologist Associate	RC-062-15	27146
Microbiologist I	RC-062-16	27151
Microbiologist II	RC-062-19	27152
Natural Resources Coordinator	RC-062-15	28831
Natural Resources Specialist	RC-062-18	28832
Natural Resources Advanced Specialist	RC-062-20	28833
Network Control Center Specialist	RC-062-21	28873
Network Control Center Technician I	RC-062-13	28875
Network Control Center Technician II	RC-062-16	28876
Network Control Center Technician Trainee	RC-062-10	28879
Paralegal Assistant	RC-062-14	30860
Police Training Specialist	RC-062-17	32990
Program Integrity Auditor I	RC-062-16	34631
Program Integrity Auditor II	RC-062-19	34632
Program Integrity Auditor Trainee	RC-062-12	34635
Property Consultant	RC-062-15	34900
Property Tax Analyst I	RC-062-12	34921
Property Tax Analyst II	RC-062-14	34922

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Public Aid Appeals Advisor	RC-062-18	35750
Public Aid Family Support Specialist I	RC-062-17	35841
Public Aid Investigator	RC-062-19	35870
Public Aid Investigator Trainee	RC-062-14	35874
Public Aid Lead Casework Specialist	RC-062-17	35880
Public Aid Program Quality Analyst	RC-062-19	35890
Public Aid Quality Control Reviewer	RC-062-17	35892
Public Aid Staff Development Specialist I	RC-062-15	36071
Public Aid Staff Development Specialist II	RC-062-17	36072
Public Health Educator Associate	RC-062-14	36434
Public Health Program Specialist I	RC-062-14	36611
Public Health Program Specialist II	RC-062-16	36612
Public Health Program Specialist Trainee	RC-062-12	36615
Public Information Officer I	RC-062-12	37001
Public Information Officer II	RC-062-14	37002
Railroad Safety Specialist I	RC-062-19	37601
Railroad Safety Specialist II	RC-062-21	37602
Railroad Safety Specialist III	RC-062-23	37603
Railroad Safety Specialist IV	RC-062-25	37604
Real Estate Investigator	RC-062-19	37730
Recreation Worker I	RC-062-12	38001
Recreation Worker II	RC-062-14	38002
Rehabilitation Counselor	RC-062-17	38145
Rehabilitation Counselor Senior	RC-062-19	38158
Rehabilitation Counselor Trainee	RC-062-15	38159
Rehabilitation Services Advisor I	RC-062-20	38176
Rehabilitation Workshop Supervisor I	RC-062-12	38194
Rehabilitation Workshop Supervisor II	RC-062-14	38195
Reimbursement Officer I	RC-062-14	38199
Reimbursement Officer II	RC-062-16	38200
Research Economist I	RC-062-18	38207
Research Scientist I	RC-062-13	38231
Research Scientist II	RC-062-16	38232
Research Scientist III	RC-062-20	38233
Resource Planner I	RC-062-17	38281
Resource Planner II	RC-062-19	38282
Resource Planner III	RC-062-22	38283
Revenue Auditor I	RC-062-16	38371
Revenue Auditor II	RC-062-19	38372
Revenue Auditor III	RC-062-22	38373

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Revenue Auditor Trainee	RC-062-12	38375
Revenue Collection Officer I	RC-062-15	38401
Revenue Collection Officer II	RC-062-17	38402
Revenue Collection Officer III	RC-062-19	38403
Revenue Collection Officer Trainee	RC-062-12	38405
Revenue Senior Special Agent	RC-062-23	38557
Revenue Special Agent	RC-062-19	38558
Revenue Special Agent Trainee	RC-062-14	38565
Revenue Tax Specialist I	RC-062-12	38571
Revenue Tax Specialist II	RC-062-14	38572
Revenue Tax Specialist III	RC-062-17	38573
Revenue Tax Specialist Trainee	RC-062-10	38575
Site Interpretive Coordinator	RC-062-13	41093
Site Services Specialist I	RC-062-15	41117
Site Services Specialist II	RC-062-17	41118
Site Assistant Superintendent I	RC-062-15	41071
Site Assistant Superintendent II	RC-062-17	41072
Social Service Consultant I	RC-062-18	41301
Social Service Consultant II	RC-062-19	41302
Social Service Program Planner I	RC-062-15	41311
Social Service Program Planner II	RC-062-17	41312
Social Service Program Planner III	RC-062-20	41313
Social Service Program Planner IV	RC-062-22	41314
Social Services Career Trainee	RC-062-12	41320
Social Worker I	RC-062-16	41411
Staff Development Technician I	RC-062-12	41781
State Police Field Specialist I	RC-062-18	42001
State Police Field Specialist II	RC-062-20	42002
Statistical Research Specialist I	RC-062-12	42741
Statistical Research Specialist II	RC-062-14	42742
Statistical Research Specialist III	RC-062-17	42743
Storage Tank Safety Specialist	RC-062-18	43005
Substance Abuse Specialist I	RC-062-17	43251
Substance Abuse Specialist II	RC-062-19	43252
Substance Abuse Specialist III	RC-062-22	43253
Telecommunications Specialist	RC-062-15	45295
Telecommunications Systems Analyst	RC-062-17	45308
Telecommunications Systems Technician I	RC-062-10	45312
Telecommunications Systems Technician II	RC-062-13	45313
Unemployment Insurance Adjudicator I	RC-062-11	47001

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Unemployment Insurance Adjudicator II	RC-062-13	47002
Unemployment Insurance Adjudicator III	RC-062-15	47003
Unemployment Insurance Revenue Analyst I	RC-062-15	47081
Unemployment Insurance Revenue Analyst II	RC-062-17	47082
Unemployment Insurance Revenue Specialist	RC-062-13	47087
Unemployment Insurance Special Agent I	RC-062-15	47091
Unemployment Insurance Special Agent II	RC-062-17	47092
Veterans Educational Specialist I	RC-062-15	47681
Veterans Educational Specialist II	RC-062-17	47682
Veterans Educational Specialist III	RC-062-21	47683
Veterans Employment Representative I	RC-062-14	47701
Veterans Employment Representative II	RC-062-16	47702
Vocational Assessment Specialist	RC-062-18	48160
Volunteer Services Coordinator I	RC-062-13	48481
Volunteer Services Coordinator II	RC-062-16	48482
Wage Claims Specialist	RC-062-09	48770
Weatherization Specialist I	RC-062-14	49101
Weatherization Specialist II	RC-062-17	49102
Weatherization Specialist III	RC-062-20	49103
Weatherization Specialist Trainee	RC-062-12	49105

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S T E P S

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	1c	1b	1a	1	2	3	4	5	6	7	8	8
RC-062-09	2161	2214	2268	2324	2396	2474	2549	2630	2709	2836	2893	2921
RC-062-09a	2214	2268	2324	2382	2456	2536	2614	2700	2781	2913	2971	3000
RC-062-09m	2265	2320	2376	2433	2507	2588	2668	2753	2835	2968	3027	3057
RC-062-10	2229	2284	2341	2399	2486	2561	2645	2728	2814	2957	3016	3046
RC-062-10a	2284	2341	2399	2459	2549	2627	2714	2801	2889	3041	3102	3132
RC-062-10m	2335	2392	2451	2510	2600	2680	2768	2854	2945	3099	3161	3192
RC-062-11	2310	2367	2426	2487	2573	2656	2751	2842	2930	3085	3147	3178
RC-062-11a	2367	2426	2487	2550	2640	2727	2824	2919	3012	3174	3237	3269
RC-062-11m	2419	2478	2538	2601	2694	2780	2878	2974	3070	3231	3296	3328
RC-062-12	2400	2460	2522	2586	2681	2771	2874	2968	3077	3243	3308	3340

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RC-062-12a	2460	2522	2586	2654	2752	2844	2954	3053	3166	3337	3404	3437
RC-062-12m	2512	2573	2638	2707	2806	2898	3010	3111	3224	3397	3465	3499
RC-062-12H	14.77	15.14	15.52	15.91	16.50	17.05	17.69	18.26	18.94	19.96	20.36	20.55
RC-062-12Ha	15.14	15.52	15.91	16.33	16.94	17.50	18.18	18.79	19.48	20.54	20.95	21.15
RC-062-12Hm	15.46	15.83	16.23	16.66	17.27	17.83	18.52	19.14	19.84	20.90	21.32	21.53
RC-062-13	2487	2550	2616	2684	2783	2889	2998	3108	3223	3403	3471	3505
RC-062-13a	2550	2616	2684	2755	2857	2969	3085	3197	3316	3505	3575	3610
RC-062-13m	2601	2669	2738	2809	2912	3026	3143	3255	3376	3565	3636	3672
RC-062-14	2588	2656	2727	2800	2907	3020	3152	3267	3391	3588	3660	3696
RC-062-14a	2656	2727	2800	2875	2988	3108	3243	3364	3493	3696	3770	3807
RC-062-14m	2709	2780	2853	2930	3045	3165	3301	3423	3552	3755	3830	3868
RC-062-14H	15.93	16.34	16.78	17.23	17.89	18.58	19.40	20.10	20.87	22.08	22.52	22.74
RC-062-14Ha	16.34	16.78	17.23	17.69	18.39	19.13	19.96	20.70	21.50	22.74	23.20	23.43
RC-062-14Hm	16.67	17.11	17.56	18.03	18.74	19.48	20.31	21.06	21.86	23.11	23.57	23.80
RC-062-15	2688	2760	2834	2911	3038	3164	3288	3423	3550	3763	3838	3876
RC-062-15a	2760	2834	2911	2992	3125	3255	3386	3527	3656	3875	3953	3991
RC-062-15m	2813	2887	2966	3049	3183	3312	3447	3585	3715	3935	4014	4053
RC-062-16	2808	2883	2963	3047	3184	3324	3463	3607	3751	3973	4052	4092
RC-062-16a	2883	2963	3047	3136	3276	3424	3568	3714	3864	4092	4174	4215
RC-062-16m	2939	3020	3105	3193	3335	3484	3628	3774	3924	4151	4234	4276
RC-062-17	2932	3015	3102	3192	3340	3494	3642	3789	3943	4178	4262	4303
RC-062-17a	3015	3102	3192	3284	3440	3599	3750	3903	4061	4304	4390	4433
RC-062-17m	3072	3160	3250	3343	3501	3660	3811	3963	4120	4364	4451	4495
RC-062-18	3082	3171	3262	3359	3522	3686	3853	4011	4172	4421	4509	4554
RC-062-18a	3171	3262	3359	3460	3630	3797	3970	4133	4297	4553	4644	4690
RC-062-18m	3228	3320	3420	3518	3689	3857	4029	4192	4358	4612	4704	4750
RC-062-19	3244	3338	3437	3541	3722	3897	4079	4249	4427	4695	4789	4836
RC-062-19a	3338	3437	3541	3647	3833	4012	4202	4377	4561	4836	4933	4981
RC-062-19m	3398	3499	3602	3707	3894	4073	4261	4438	4621	4895	4993	5042
RC-062-20	3425	3529	3634	3742	3931	4114	4309	4496	4681	4967	5066	5116

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RC-062-20a	3529	3634	3742	3854	4049	4238	4439	4630	4822	5117	5219	5271
RC-062-20m	3587	3694	3802	3914	4108	4297	4498	4690	4882	5175	5279	5330
RC-062-21	3616	3725	3837	3950	4153	4354	4558	4766	4964	5273	5378	5431
RC-062-21a	3725	3837	3950	4068	4279	4484	4695	4908	5113	5432	5541	5595
RC-062-21m	3785	3897	4010	4130	4338	4544	4755	4968	5172	5491	5601	5656
RC-062-22	3822	3937	4056	4177	4394	4609	4827	5050	5261	5587	5699	5755
RC-062-22a	3937	4056	4177	4302	4526	4748	4971	5201	5419	5755	5870	5928
RC-062-22m	3997	4114	4237	4363	4584	4808	5029	5260	5480	5815	5931	5989
RC-062-23	4056	4177	4302	4430	4665	4904	5137	5374	5608	5959	6078	6138
RC-062-23a	4177	4302	4430	4565	4806	5052	5290	5534	5775	6137	6260	6321
RC-062-23m	4237	4363	4491	4624	4865	5111	5350	5594	5835	6197	6321	6383
RC-062-24	4315	4444	4577	4715	4966	5225	5476	5729	5988	6363	6490	6554
RC-062-24a	4444	4577	4715	4858	5116	5381	5641	5901	6167	6555	6686	6752
RC-062-24m	4504	4637	4775	4918	5174	5440	5700	5961	6228	6614	6746	6812
RC-062-25	4599	4737	4879	5025	5301	5580	5858	6137	6416	6828	6965	7033
RC-062-25a	4737	4879	5025	5175	5460	5746	6034	6322	6608	7032	7173	7243
RC-062-25m	4798	4938	5086	5235	5520	5805	6093	6381	6667	7092	7234	7305

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S T E P S

	1c	1b	1a	1	2	3	4	5	6	7	8
09	2204	2258	2313	2370	2444	2523	2600	2683	2763	2893	2979
09a	2275	2330	2388	2448	2524	2606	2686	2774	2857	2993	3083
09m	2327	2384	2441	2500	2576	2659	2741	2829	2913	3050	3141
10	2274	2330	2388	2447	2536	2612	2698	2783	2870	3016	3107
10a	2347	2405	2465	2527	2619	2699	2789	2878	2968	3125	3218
10m	2399	2458	2518	2579	2672	2754	2844	2932	3026	3184	3280
11	2356	2414	2475	2537	2624	2709	2806	2899	2989	3147	3242
11a	2432	2493	2555	2620	2713	2802	2902	2999	3095	3261	3359
11m	2486	2546	2608	2673	2768	2856	2957	3056	3154	3320	3420

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

12	2448	2509	2572	2638	2735	2826	2931	3027	3139	3308	3407
12a	2528	2591	2657	2727	2828	2922	3035	3137	3253	3429	3532
12m	2581	2644	2711	2781	2883	2978	3093	3197	3313	3490	3595
12H	15.06	15.44	15.83	16.23	16.83	17.39	18.04	18.63	19.32	20.36	20.97
12Ha	15.56	15.94	16.35	16.78	17.40	17.98	18.68	19.30	20.02	21.10	21.74
12Hm	15.88	16.27	16.68	17.11	17.74	18.33	19.03	19.67	20.39	21.48	22.12
13	2537	2601	2668	2738	2839	2947	3058	3170	3287	3471	3575
13a	2620	2688	2758	2831	2936	3051	3170	3285	3407	3601	3709
13m	2673	2742	2813	2886	2992	3109	3229	3345	3469	3663	3773
14	2640	2709	2782	2856	2965	3080	3215	3332	3459	3660	3770
14a	2729	2802	2877	2954	3070	3193	3332	3457	3589	3798	3912
14m	2783	2856	2931	3011	3129	3252	3392	3517	3650	3858	3974
14H	16.25	16.67	17.12	17.58	18.25	18.95	19.78	20.50	21.29	22.52	23.20
14Ha	16.79	17.24	17.70	18.18	18.89	19.65	20.50	21.27	22.09	23.37	24.07
14Hm	17.13	17.58	18.04	18.53	19.26	20.01	20.87	21.64	22.46	23.74	24.46
15	2742	2815	2891	2969	3099	3227	3354	3491	3621	3838	3954
15a	2836	2912	2991	3074	3211	3345	3479	3624	3757	3982	4101
15m	2890	2966	3048	3133	3271	3403	3542	3684	3817	4043	4164
16	2864	2941	3022	3108	3248	3390	3532	3679	3826	4052	4174
16a	2962	3044	3131	3222	3366	3518	3666	3816	3970	4205	4331
16m	3020	3103	3190	3281	3427	3580	3728	3878	4032	4265	4394
17	2991	3075	3164	3256	3407	3564	3715	3865	4022	4262	4389
17a	3098	3187	3280	3374	3535	3698	3853	4010	4173	4422	4555
17m	3156	3247	3339	3435	3597	3761	3916	4072	4233	4484	4619
18	3144	3234	3327	3426	3592	3760	3930	4091	4255	4509	4645
18a	3258	3352	3451	3555	3730	3901	4079	4247	4415	4678	4819
18m	3317	3411	3514	3615	3790	3963	4140	4307	4478	4739	4881
19	3309	3405	3506	3612	3796	3975	4161	4334	4516	4789	4933
19a	3430	3532	3638	3747	3938	4122	4318	4497	4686	4969	5118

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19m	3491	3595	3701	3809	4001	4185	4378	4560	4748	5030	5181
20	3494	3600	3707	3817	4010	4196	4395	4586	4775	5066	5218
20a	3626	3734	3845	3960	4160	4355	4561	4757	4955	5258	5416
20m	3686	3796	3907	4022	4221	4415	4622	4819	5016	5317	5477
21	3688	3800	3914	4029	4236	4441	4649	4861	5063	5378	5540
21a	3827	3943	4059	4180	4397	4607	4824	5043	5254	5581	5749
21m	3889	4004	4120	4244	4457	4669	4886	5105	5314	5642	5812
22	3898	4016	4137	4261	4482	4701	4924	5151	5366	5699	5870
22a	4045	4168	4292	4420	4650	4879	5108	5344	5568	5913	6091
22m	4107	4227	4354	4483	4710	4940	5167	5405	5631	5975	6154
23	4137	4261	4388	4519	4758	5002	5240	5481	5720	6078	6261
23a	4292	4420	4552	4691	4938	5191	5435	5686	5934	6306	6495
23m	4354	4483	4615	4751	4999	5252	5497	5748	5995	6367	6559
24	4401	4533	4669	4809	5065	5330	5586	5844	6108	6490	6685
24a	4566	4703	4845	4992	5257	5529	5796	6063	6337	6735	6938
24m	4628	4765	4906	5053	5316	5590	5857	6125	6399	6796	6999
25	4691	4832	4977	5126	5407	5692	5975	6260	6544	6965	7174
25a	4867	5013	5163	5317	5610	5904	6200	6496	6790	7225	7442
25m	4930	5074	5226	5379	5672	5965	6261	6556	6850	7287	7506

(Source: Amended at 29 Ill. Reg. _____, effective _____)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

Section 310.APPENDIX A Negotiated Rates of Pay**Section 310.TABLE Y RC-063 (Educator, AFSCME)**

Effective January 1, 2004

Lane	Educational Level	S T E P S										
		1c	1b	1a	1	2	3	4	5	6	7	8
1	BA	2995	3082	3171	3262	3414	3565	3728	3921	4103	4450	4584
2	BA + 8 Hours	3074	3163	3254	3349	3504	3661	3852	4051	4243	4600	4738
3	BA + 16 Hours	3142	3232	3328	3428	3592	3775	3975	4167	4378	4748	4890
4	BA + 24 Hours	3214	3306	3405	3507	3683	3889	4094	4307	4514	4904	5051
5	MA	3292	3390	3491	3596	3787	4002	4216	4438	4649	5052	5204
6	MA + 16 Hours	3350	3452	3555	3662	3875	4089	4306	4529	4740	5153	5308
7	MA + 32 Hours	3455	3558	3665	3774	3986	4206	4425	4646	4860	5277	5435

Maximum Security Institutions Schedule

Effective January 1, 2004

Lane	Educational Level	S T E P S										
		1c	1b	1a	1	2	3	4	5	6	7	8
1	BA	3053	3140	3228	3320	3474	3623	3787	3980	4163	4509	4664 4644
2	BA + 8 Hours	3132	3221	3311	3410	3564	3720	3911	4110	4304	4659	4799
3	BA + 16 Hours	3199	3291	3386	3487	3651	3834	4034	4227	4439	4808	4952
4	BA + 24 Hours	3271	3366	3464	3568	3742	3948	4153	4367	4574	4965	5114
5	MA	3350	3451	3551	3656	3847	4061	4275	4497	4708	5111	5264
6	MA + 16 Hours	3411	3511	3615	3721	3935	4148	4366	4588	4801	5211	5367
7	MA + 32 Hours	3514	3618	3725	3833	4047	4265	4484	4706	4920	5336	5496

Effective January 1, 2005

Lane	Educational Level	S T E P S										
		1c	1b	1a	1	2	3	4	5	6	7	8
1	BA	3077	3167	3258	3352	3508	3663	3831	4029	4216	4572	4710
2	BA + 8 Hours	3159	3250	3343	3441	3600	3762	3958	4162	4360	4727	4868
3	BA + 16 Hours	3228	3321	3420	3522	3691	3879	4084	4282	4498	4879	5024
4	BA + 24 Hours	3302	3397	3499	3603	3784	3996	4207	4425	4638	5039	5190
5	MA	3383	3483	3587	3695	3891	4112	4332	4560	4777	5191	5347

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6	MA + 16 Hours	3442	3547	3653	3763	3982	4201	4424	4654	4870	5295	5454
7	MA + 32 Hours	3550	3656	3766	3878	4096	4322	4547	4774	4994	5422	5584

Maximum Security Institutions Schedule
Effective January 1, 2005

S T E P S

Lane	Educational Level	1c	1b	1a	1	2	3	4	5	6	7	8
												<u>4772</u>
1	BA	3137	3226	3317	3411	3570	3723	3891	4089	4277	4633	<u>4792</u>
2	BA + 8 Hours	3218	3310	3402	3504	3662	3822	4019	4223	4422	4787	4931
3	BA + 16 Hours	3287	3382	3479	3583	3751	3939	4145	4343	4561	4940	5088
4	BA + 24 Hours	3361	3459	3559	3666	3845	4057	4267	4487	4700	5102	5255
5	MA	3442	3546	3649	3757	3953	4173	4393	4621	4837	5252	5409
6	MA + 16 Hours	3505	3608	3714	3823	4043	4262	4486	4714	4933	5354	5515
7	MA + 32 Hours	3611	3717	3827	3938	4158	4382	4607	4835	5055	5483	5647

(Source: Amended at 29 Ill. Reg. _____, effective _____)

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Minimum Safety Standards for Transportation of Gas and for Gas Pipeline Facilities
- 2) Code Citation: 83 Ill. Adm. Code 590
- 3) Section Number: 590.10 Proposed Action: Amendment
- 4) Statutory Authority: Implementing and authorized by Section 3 of the Illinois Gas Pipeline Safety Act [220 ILCS 20/3]
- 5) A Complete Description of the Subjects and Issues Involved: The Illinois Commerce Commission has adopted 83 Ill. Adm. Code 590 to incorporate by reference certain Federal safety standards. This complies with Section 3 of the Illinois Gas Pipeline Safety Act [220 ILCS 20/3], which requires the Commission's rules to be as inclusive and as stringent as the Federal safety standards and compatible with the Federal safety standards. Since the last amendment of Part 590 in 2003, the United States Department of Transportation completed rulemakings that amended its safety standards in 49 CFR 192, which the Commission has incorporated by reference in Part 590. It is appropriate to initiate a rulemaking to incorporate the United States Department of Transportation amendments into Part 590.
- 6) Will this proposed amendment replace any 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? Yes
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: These proposed amendments neither create nor expand any State mandate on units of local government, school districts, or community college districts.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments should be filed, within 45 days after the date of this issue of the *Illinois Register* in Docket 05-0048, with:

Chief Clerk

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENT

Illinois Commerce Commission
527 East Capitol Avenue
Springfield IL 62701

(217)782-7434

- 12) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: This amendment will affect any subject jurisdictional entities that are also small businesses as defined in the Illinois Administrative Procedure Act. This amendment will affect any small municipalities or not for profit corporations that operate facilities subject to this regulation.
 - B) Reporting, bookkeeping or other procedures required for compliance: Record keeping
 - C) Types of professional skills necessary for compliance: Engineering skills
- 13) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent regulatory agendas because: The Commission did not anticipate the need for this amendment at that time.

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

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENT

TITLE 83: PUBLIC UTILITIES
CHAPTER I: ILLINOIS COMMERCE COMMISSION
SUBCHAPTER d: GAS UTILITIESPART 590
MINIMUM SAFETY STANDARDS FOR TRANSPORTATION
OF GAS AND FOR GAS PIPELINE FACILITIES

Section
590.10 Standards

AUTHORITY: Implementing and authorized by Section 3 of the Illinois Gas Pipeline Safety Act [220 ILCS 20/3].

SOURCE: Filed effective November 28, 1977; amended at 3 Ill. Reg. 5, p. 761, effective February 3, 1979; amended at 3 Ill. Reg. 11, p. 25, effective March 17, 1979; amended at 4 Ill. Reg. 1, p. 23, effective January 1, 1980; amended at 5 Ill. Reg. 6778, effective June 16, 1981; rules repealed, new rules adopted and codified at 7 Ill. Reg. 12858, effective September 16, 1983; amended at 8 Ill. Reg. 13195, effective July 16, 1984; amended at 10 Ill. Reg. 19405, effective November 15, 1986; amended at 11 Ill. Reg. 11733, effective July 1, 1987; amended at 12 Ill. Reg. 11707, effective July 15, 1988; recodified from 92 Ill. Adm. Code 1800 at 12 Ill. Reg. 12997; amended at 13 Ill. Reg. 16968, effective November 1, 1989; amended at 14 Ill. Reg. 10018, effective June 15, 1990; amended at 17 Ill. Reg. 12291, effective July 15, 1993; amended at 18 Ill. Reg. 11518, effective July 25, 1994; amended at 19 Ill. Reg. 13549, effective October 1, 1995; amended at 21 Ill. Reg. 8906, effective July 1, 1997; amended at 23 Ill. Reg. 11872, effective October 1, 1999; amended at 25 Ill. Reg. 11355, effective September 1, 2001; amended at 27 Ill. Reg. 12385, effective August 1, 2003; amended at 29 Ill. Reg. _____, effective _____.

Section 590.10 Standards

- a) The Illinois Commerce Commission adopts the standards contained in 49 CFR 191.23, 192, 193 and 199 as of January 1, ~~2005~~2003, as its minimum safety standards for the transportation of gas and for gas pipeline facilities.
- b) No later amendment or editions are incorporated by this Part.

(Source: Amended at 29 Ill. Reg. _____, effective _____)

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Assessment for Determining Eligibility and Rehabilitation Needs
- 2) Code Citation: 89 Ill. Adm. Code 553
- 3) Section Numbers: Proposed Action:
553.20 Amendment
553.140 Amendment
- 4) Statutory Authority: Implementing and authorized by Section 3 of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3].
- 5) A Complete Description of the Subjects and Issues involved: This rulemaking will revise the criteria for order of selection to serve individuals with the most significant disabilities first.
- 6) Will this proposed rulemaking replace any emergency rulemaking currently in effect?
No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed rulemaking 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 these rules within 45 days after the date of this issue of the *Illinois Register*. All requests and comments should be submitted in writing to:

Tracie Drew, Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue East
Harris Building, 3rd Floor
Springfield, Illinois 62762

(217) 785-9772

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

- 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: Certified rehabilitation counselors with Master's Degrees in Rehabilitation Counseling.
- 13) Regulatory agenda on which this rulemaking was summarized: July 2004

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
SUBCHAPTER b: VOCATIONAL REHABILITATIONPART 553
ASSESSMENT FOR DETERMINING ELIGIBILITY AND
REHABILITATION NEEDS

Section

553.10	General Applicability (Repealed)
553.20	Basis for Eligibility
553.25	Disability Documentation
553.30	Presumption of Benefit from Vocational Rehabilitation Services
553.31	Trial Work Experiences
553.32	Outcome of Trial Work Experiences
553.35	Services to Non-United States Citizens
553.40	Eligibility Determination Time Frames
553.50	Eligibility Determination
553.60	Documentation of Eligibility Factors/Preliminary Assessment (Repealed)
553.70	Certification of Eligibility (Repealed)
553.75	Trial Work (Repealed)
553.76	Outcome of Trial Work (Repealed)
553.80	Extended Evaluation (Repealed)
553.90	Outcome of Extended Evaluation (Repealed)
553.100	Assessment
553.105	Assistance in Attaining Necessary Financial Support (Repealed)
553.110	Outcome of the Assessment of Rehabilitation Needs (Repealed)
553.120	Change in Eligibility Status (Repealed)
553.130	Order of Selection
553.140	Criteria for <u>Most</u> Significant Disability and <u>VeryMost</u> Significant Disability <u>and</u> <u>Significant Disability</u>
553.150	Determination of Serious Limitation to Functional Capacities

AUTHORITY: Implementing and authorized by Section 3 of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3].

SOURCE: Emergency rules adopted at 17 Ill. Reg. 11657, effective July 1, 1993, for a maximum of 150 days; adopted at 17 Ill. Reg. 20346, effective November 15, 1993; amended at 19 Ill. Reg. 1834, effective February 6, 1995; amended at 19 Ill. Reg. 10149, effective June 29, 1995; amended at 19 Ill. Reg. 15730, effective November 7, 1995; emergency amendment at 20

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Ill. Reg. 10385, effective July 19, 1996, for a maximum of 150 days; emergency expired on December 15, 1996; emergency amendment at 20 Ill. Reg. 11974, effective August 16, 1996, for a maximum of 150 days; emergency expired on January 13, 1997; amended at 21 Ill. Reg. 1386, effective January 17, 1997; amended at 21 Ill. Reg. 2669, effective February 10, 1997; recodified from the Department of Rehabilitation Services to the Department of Human Services at 21 Ill. Reg. 9325; amended at 23 Ill. Reg. 1368, effective January 14, 1999; emergency amendment at 23 Ill. Reg. 6544, effective May 17, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 12440, effective September 28, 1999; amended at 23 Ill. Reg. 13222, effective October 18, 1999; amended at 25 Ill. Reg. 11842, effective August 31, 2001; amended at 29 Ill. Reg. _____, effective _____.

Section 553.20 Basis for Eligibility

An individual shall be eligible to receive services through the VR Program if he/she:

- a) is an individual who has a disability as determined pursuant to Title II and Title XVI of the Social Security Act (42 USC 401 et seq. and 1381 et seq.) and desires to achieve an employment outcome; or
- b) is an individual who meets all of the following:
 - 1) is determined by qualified personnel to have a physical or mental impairment that constitutes or results in a substantial impediment to ~~any~~ employment for the individual;
 - 2) is determined by a qualified vocational rehabilitation counselor employed by DHS-~~DRSORS~~ to require vocational rehabilitation services to prepare for, secure, retain, or regain employment consistent with the customer's unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice; and
 - 3) is presumed to be able to benefit from vocational rehabilitation services in terms of an employment outcome.

(Source: Amended at 29 Ill. Reg. _____, effective _____)

Section 553.140 Criteria for Most Significant Disability and VeryMost Significant Disability and Significant Disability

Documentation of the determination that the individual has a significant disability or a most

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NOTICE OF PROPOSED AMENDMENTS

significant disability, a very significant disability, or a significant disability must be in the individual's VR case file.

- a) An individual who has been determined pursuant to Title II (SSDI) or Title XVI (SSI) to be eligible for disability benefits shall be considered an individual with a most significant disability.
- b) Otherwise, to be considered an individual with a most significant disability, the individual must have a disability that is determined by the rehabilitation counselor/instructor to meet the following criteria:
 - 1) The disability seriously limits three or more~~at least one~~ of the individual's functional capacities, as listed in Section 553.150 of this Part;
 - 2) The individual has a disability or combination of disabilities determined by an evaluation of rehabilitation potential to cause a substantial physical or mental impairment similar, but not limited to the following list of disabilities
 - A) amputation,
 - B) arthritis,
 - C) autism,
 - D) blindness,
 - E) burn injury,
 - F) cancer,
 - G) cerebral palsy,
 - H) cystic fibrosis,
 - I) deafness,
 - J) head injury,
 - K) heart disease,

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- L) hemiplegia,
- M) hemophilia,
- N) respiratory or pulmonary dysfunction,
- O) mental retardation,
- P) mental illness,
- Q) multiple sclerosis,
- R) muscular dystrophy,
- S) musculo-skeletal disorders,
- T) neurological disorders (including stroke and epilepsy),
- U) paraplegia,
- V) quadriplegia (and other spinal cord conditions),
- W) sickle cell anemia,
- X) specific learning disabilities, or
- Y) end stage renal failure disease;

3) The individual requires two or more substantial VR services, in addition to the routine services of counseling and guidance, and information and referral to ensure the individual a successful employment outcome; and

4) VR services will be required over an extended period of time.

c) To be considered an individual with a very significant disability, the individual must have a disability that seriously limits two of his or her functional capacities, as listed in Section 553.150 of this Part, and require one or more substantial VR services, in addition to the routine services of counseling and guidance, and

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information and referral to ensure the individual a successful employment outcome.

- d)e) To be considered an individual with a ~~most~~ significant disability, the individual must have ~~meet all of the criteria listed in subsection (a) or (b), and the customer's~~ disability ~~that~~must seriously ~~limits~~limit two or more of ~~his or her~~the functional capacities ~~as~~; listed in Section 53.150 of this Part, and require one or more substantial VR services, in addition to the routine services of counseling and guidance, and information and referral to ensure the individual a successful employment outcome.

(Source: Amended at 29 Ill. Reg. _____, effective _____)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Field Trials on Department-Owned or Managed Sites
- 2) Code Citation: 17 Ill. Adm. Code 910
- 3)

<u>Section Numbers</u> :	<u>Proposed Action</u> :
910.10	Amendment
910.15	Amendment
910.20	Amendment
910.22	New Section
910.25	Amendment
910.30	Amendment
910.40	Amendment
910.50	Amendment
910.60	Amendment
910.70	Amendment
910.80	Amendment
910.EXHIBIT	New Section
- 4) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 2.34, 3.1 and 3.5 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 2.34, 3.1 and 3.5]
- 5) A complete description of the subjects and issues involved: Amendments to this Part include updating and adding new definitions; updating permit application procedures; increasing permit fees; adding a new Section on field trial site classification; simplifying and streamlining the field trial scheduling procedures; adding a requirement for a minimum amount of liability insurance; expanding hunting/habitat stamp license requirements for participants; adding banding requirements for captive-reared game birds and health certificates for imported captive-reared game birds released at field trials; updating the Section on violations; and adding an exhibit containing the application form.
- 6) Will this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this rulemaking contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objective: This rulemaking does not affect units of local

DEPARTMENT OF NATURAL RESOURCES

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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:

Jack Price, Legal Counsel
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: 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: July 2004

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 b: FISH AND WILDLIFE

PART 910
FIELD TRIALS ON DEPARTMENT-OWNED OR -MANAGED SITES

Section

- 910.10 Statewide Regulations
- 910.15 Definitions
- 910.20 Permits and Fees
- | [910.22](#) [Field Trial Site Classifications](#)
- 910.25 Scheduling of Field Trials
- 910.30 Responsibility
- 910.40 Liability Insurance
- 910.50 Field Trial Season
- 910.60 Hunting License Requirements
- 910.70 Game Birds
- 910.80 Future Rights
- | [910.EXHIBIT A](#) [Application Form](#)

AUTHORITY: Implementing and authorized by Sections 1.3, 1.4, 2.34, 3.1 and 3.5 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 2.34, 3.1 and 3.5].

SOURCE: Adopted at 2 Ill. Reg. 30, p. 291, effective July 29, 1978; codified at 5 Ill. Reg. 10650; amended at 7 Ill. Reg. 1784, effective February 1, 1983; amended at 11 Ill. Reg. 12860, effective July 28, 1987; amended at 18 Ill. Reg. 13425, effective August 23, 1994; recodified by changing the agency name from Department of Conservation to Department of Natural Resources at 20 Ill. Reg. 9389; amended at 29 Ill. Reg. _____, effective _____.

Section 910.10 Statewide Regulations

| All regulations found in 17 Ill. Adm. Code 110,~~130~~ and 140 will apply unless regulations in this Part are more restrictive.

(Source: Amended at 29 Ill. Reg. _____, effective _____)

Section 910.15 Definitions

DEPARTMENT OF NATURAL RESOURCES

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- a) Field Trial – a stylized form of hunting for any competition involving the classification of dogs commonly referred to as sporting dogs as well as beagle hounds, fox hounds, coon hounds and squirrel dogs and that involves competition in which the primary purpose is to evaluate the field performance of the dogs.
- b) Championship/Classic – field trial classifications awarded by recognized sporting dog registries such as the American Kennel Club, The American Field – Field Dog Stud Book, United Kennel Club, etc., or by recognized national sporting dog associations such as the National Shoot-To-Retrieve Field Trial Association, etc., that are used to designate particular field trials as superior and more prestigious events.
- c) Class A Field Trial Sites – sites that accommodate a variety of field trial types and a substantial number of sporting dog field trials. The types of field trials may include horseback and walking pointing dog field trials, horseback fox hound field trials, retriever field trials, spaniel field trials, beagle hound field trials and competitive coon hound events. These sites include the requirements for field trials in the planning and implementation of wildlife and resource management. Facilities necessary to support field trials (e.g., field trial headquarters building, stable, adequate parking, dog kennels, corral, pasture) are typically available at these sites.
- d) Class B Field Trial Sites – sites that accommodate a variety, but smaller number, of field trial opportunities. Field trial requirements are not included in wildlife and resource management planning and implementation at these sites. Facilities to support field trials are typically not developed at these sites.

(Source: Amended at 29 Ill. Reg. _____, effective _____)

Section 910.20 Permits and Fees

- a) Applications~~Requests~~ for Field Trial Permits must be received on forms prescribed by the Department of Natural Resources (Department or DNR). Applications can be submitted by mail, fax or electronic mail and~~in writing by the Department at least four weeks prior to the date of the field trial.~~ Requests should be sent to:

Department of Natural Resources

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Division of ~~Parks and Recreation~~~~Wildlife Resources~~
One Natural Resources Way ~~Lincoln Tower Plaza~~
~~524 South Second St.~~
 Springfield, IL ~~62702-1271~~62706

- b) ~~Request for Field Trial Permits must contain the following information:~~
- 1) ~~Name of the field trial organization~~
 - 2) ~~Date(s) the field trial is to be conducted~~
 - 3) ~~Location~~
 - 4) ~~Type of field trial (e.g., pointing dog-horseback, pointing dog-walking, beagle hound, retriever, shoot to retrieve, springer spaniel, etc.)~~
 - 5) ~~Licensing or sanctioning sporting dog registry or association if applicable (e.g., American Kennel Club, The American Field Dog Stud Book, National Shoot-To-Retrieve Field Trial Association, United Kennel Club, etc.)~~
- b)e) Fees – Illinois Department of Natural Resources ~~Areas~~Area
- 1) ~~Pointing Breed, Horseback Fox Hound, Retrieving Breed and Flushing Breed~~ Field Trials – ~~\$70~~\$35.00 per day or part of day
 - 2) ~~Retrieving Breed and English Springer Spaniel~~ Field Trials – ~~\$25.00~~ per day or part of day
 - 2)3) ~~Beagle and Coon~~ Hound Field Trials – ~~\$25~~\$12.50 per day or part of day
- c)d) ~~Field trial participants shall be permitted to remain overnight at designated field trial headquarters areas or staging areas in recreational vehicles or horse trailers with living quarters. The rates established in 17 Ill. Adm. Code 130.70 (camping fees) appropriate for the services provided shall be assessed. Established camp sites and group camping are available to field trial participants at rates established in 17 Ill. Adm. Code 130.~~

(Source: Amended at 29 Ill. Reg. _____, effective _____)

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Section 910.22 Field Trial Site Classifications**a) Class A Field Trial Sites:**

Des Plaines Conservation Areas

Jim Edgar Panther Creek State Fish and Wildlife Area

Hamilton County State Fish and Wildlife Area

Middle Fork State Fish and Wildlife Area

Moraine View State Park

Pyramid State Park

Wayne Fitzgerald State Park

b) Class B Field Trial Sites:

Chain O'Lakes State Park

Banner Marsh State Fish and Wildlife Area

Beaver Dam State Park

Eldon Hazlet State Park – North of Allen Branch

Kickapoo State Park

Peabody River King State Park

Randolph County Conservation Area

Sangchris Lake State Park

Stephen Forbes State Park

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Weinberg-King State Park

(Source: Added at 29 Ill. Reg. _____, effective _____)

Section 910.25 Scheduling of Field TrialsThe following scheduling procedures apply to all Class A and B field trial sites:

- a) Scheduling of field trial dates will be on a weekend basis with the first weekend being the first two-day weekend of January.
- b) A field trial organization has first option for the dates date(s) it had the previous calendar year July 1-December 31 or January 1-June 30 if it follows the scheduling procedures in this Section.
- c) The Department will accept applications requests from January 1 through March 31 April 30 for field trials that will occur the following calendar year. In 2005 only, the Department will also accept applications from January 1 through March 31 for field trials that will occur from July 1 through December 31, 2005 from July 1 through December 31 of the same year.
- ~~d)~~ The Department will accept requests from June 1 through September 30 for field trials that will occur from January 1 through June 30 of the following year.
- ~~d)e)~~ Due to the time required for advance arrangements, the Department will accept requests from field trial organizations sponsoring a championship or classic at a time in advance of that specified in subsections subsections (c) and (d).
- ~~e)f)~~ A field trial organization that wishes to change dates during the scheduling periods must complete these arrangements with the appropriate field trial organization that used the date previously.
- ~~f)g)~~ Dates remaining open after the conclusion of the each scheduling period will be filled on a first-come, first-served basis. Applications for these dates must be received at least four weeks prior to the date of the field trial. Applications received less than four weeks in advance may not be able to be processed prior to the requested dates and as a result may be denied. Applications for the period from the opening date of the Upland Game Season to the following January 15 at Pyramid State Park will only be accepted as prescribed in subsection (c).

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- h) ~~If an open date is requested via telephone, it will be held ten business days. If a letter is not received in this time period and the scheduling priority period has concluded, the date will revert to an open date.~~
- i) ~~Championship field trials may be accommodated during or by delaying the controlled pheasant hunting season at Class A field trial sites providing there are no significant adverse impacts to either activity.~~
- j) ~~Field trials will not be scheduled at the Lee County Conservation Area (Green River State Wildlife Area) from September 1 through September 15.~~

(Source: Amended at 29 Ill. Reg. _____, effective _____)

Section 910.30 Responsibility

The officers of a field trial organization shall be responsible for the proper conduct of all trial activities ~~and~~ for the condition of the field trial area during and after the trial and for following all applicable Department rules. Tie-outs shall be exempt from 17 Ill. Adm. Code 110.30(b).

(Source: Amended at 29 Ill. Reg. _____, effective _____)

Section 910.40 Liability Insurance

~~Field~~ ~~It will be necessary that field~~ trial organizations must acquire liability insurance coverage in an amount of at least \$1,000,000 ~~adequate~~ to cover personal injuries or accidents to participants or spectators and to cover damage to State property or to the property and crops of landowners adjacent to State property.

(Source: Amended at 29 Ill. Reg. _____, effective _____)

Section 910.50 Field Trial Season

Except for the retrieving breed trials, and the qualifying statements provided, no trials will be authorized before September 1, or after April 30, in the Northern Zone, or before September 1, or after April 15, in the Southern Zone (the boundary between Northern Zone and Southern Zone for these purposes will be U.S. Route 36):

- a) If the opening date of the field trial season falls on a Sunday, the season will

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begin on Saturday of that weekend.

- b) If the closing date of the field trial season falls on a Saturday, the season will conclude on Sunday of that weekend.
- c) If, during the final days of the field trial season, a field trial organization begins trial activities ~~that~~^{which} are subsequently ~~delayed or suspended~~^{called} due to inclement weather, the field trial organization may complete the trial even though the trialing season has ended. The field trial organization must complete the trial on the first possible ~~day or days~~^{day(s)}.

(Source: Amended at 29 Ill. Reg. _____, effective _____)

Section 910.60 Hunting License Requirements

- ~~a) In field trials where the taking of hand-reared game birds and hand-reared Mallard Ducks is a necessary function of the trial, the following shall apply:~~
- ~~a)1) All resident dog handlers, scouts and gunners are required to have a valid Illinois hunting license and habitat stamp, except as exempted by ~~Sections~~^{Section} 3.1 and 3.1-2 of the Wildlife Code ~~[520 ILCS 5/3.1 and 3.1-2](Ill. Rev. Stat. 1991, ch. 61, par. 3.1) [520 ILCS 5/3.1].~~~~
- ~~b)2) All non-resident dog handlers, scouts and gunners are required to have a valid Illinois non-resident hunting license and habitat stamp or written exemption from the Department waiving the license and stamp requirement, except as exempted by Section 3.1 of the Wildlife Code.~~
- ~~c) Non-resident dog handlers, scouts and gunners with hunting privileges suspended or revoked in another state or Canada are ineligible to participate in Illinois field trials.~~
- ~~d)1) A written exemption from the Department waiving the hunting license and habitat stamp requirements~~requirement~~ will be granted on request to all non-resident gunners. A request for a waiver of the hunting license and habitat stamp requirements~~requirement~~ must be in writing.~~

(Source: Amended at 29 Ill. Reg. _____, effective _____)

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Section 910.70 Game Birds

- a) All hand-reared game birds or mallard ducks released and shot at field trials shall be banded on the same day they are taken and prior to removal from the field trial area. Bands shall be purchased from the Department for \$.10 each in increments of 100 bands by calling or writing to: Illinois Department of Natural Resources, Commercial License Office, P.O. Box 19458, Springfield IL 62794-9458.
- b) Hand-reared game birds or mallard ducks released at field trials must either be purchased from an Illinois licensed game breeder or, if they are purchased from a non-resident game bird breeder, a health certificate signed by a licensed veterinarian from the state of origin certifying the game birds are disease free must accompany the game birds or mallard ducks.

~~Unless written authorization to do otherwise is obtained from the Department, game birds furnished to field trial organizations by the Department may not be killed. Permission to kill game birds will only be granted by the Department when the by laws of field trial organizations require the killing of game birds.~~

(Source: Amended at 29 Ill. Reg. _____, effective _____)

Section 910.80 Future Rights

- a) For violation of Section 2.34 of the Wildlife Code (~~Ill. Rev. Stat. 1991, ch. 61, par. 2.34~~) [520 ILCS 5/2.34] or this Part, the Department will reject all future requests for Field Trial Permits for a period of time not to exceed five years following a finding of guilt~~the conviction of the violation~~.
- b) Organizations denied Field Trial Permits may contest the denial of a permit according to the process delineated in 17 Ill. Adm. Code 2530.

(Source: Amended at 29 Ill. Reg. _____, effective _____)

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Section 910.EXHIBIT A Application Form

Field Trial Organization Name: _____

Contact Person's Name: _____

Contact Person's Address: _____

City: _____ State: _____ Zip: _____ Email Address: _____

Work Phone: (____) _____ Home Phone: (____) _____

Fax Number: (____) _____ Cell Phone: (____) _____

Dates of Field Trials: _____

Location of Field Trial: _____

- | | |
|---|--|
| <input type="checkbox"/> Des Plaines CA | <input type="checkbox"/> Pyramid SP – Captain Unit |
| <input type="checkbox"/> Jim Edgar Panther Creek SFWA | <input type="checkbox"/> Pyramid SP – Denmark Unit |
| <input type="checkbox"/> Hamilton Co. SFWA | <input type="checkbox"/> Pyramid SP – Galum Unit |
| <input type="checkbox"/> Moraine View SP | <input type="checkbox"/> Wayne Fitzgerald SP |
| <input type="checkbox"/> Middle Fork SFWA | <input type="checkbox"/> Other _____ |

Type of Field Trial:

- | | |
|---|---|
| <input type="checkbox"/> Pointing Dog – Horseback | <input type="checkbox"/> Retriever |
| <input type="checkbox"/> Pointing Dog – Walking | <input type="checkbox"/> Flushing Dog – Shoot-To-Retrieve |
| <input type="checkbox"/> Pointing Dog – Shoot-To-Retrieve | <input type="checkbox"/> English Springer Spaniel |
| <input type="checkbox"/> Beagle Hound | <input type="checkbox"/> Fox Hound |
| <input type="checkbox"/> Coon Hound | <input type="checkbox"/> Other _____ |

Licensing or Sanctioning Sporting Dog Registry or Association if Applicable:

- American Kennel Club (AKC)
- American Rabbit Hound Association (ARHA)
- National Shoot-To-Retrieve Field Trial Association (NSTRA)
- United Kennel Club (UKC)
- The American Field – Field Dog Stud Book (AFDSB)
- Amateur Field Trial Clubs of America (AFTCA)
- National Kennel Club (NKC)
- Professional Kennel Club (PKC)
- Club Sponsored Event

Request must be received at least four weeks prior to the date of the field trail.

Fees: Pointing Breed, Horseback Fox Hound, Retrieving Breed and Flushing Breed Field Trials
– \$70 per dayBeagle and Coon Hound Field Trials – \$25 per dayA current certificate of liability insurance valid for the dates of the field trial must either be on file with DNR or attached to this application.

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Submit application to: IDNR, Attention: Field Trial Program, One Natural Resources Way, Springfield IL 62702-1271; Phone: (217)782-6752; Fax: (217)524-5612

(Source: Added at 29 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Field Trials on Non-Department Owned or Managed Lands
- 2) Code Citation: 17 Ill. Adm. Code 930
- 3)

<u>Section Numbers</u> :	<u>Proposed Action</u> :
930.5	New Section
930.20	Amendment
930.40	Amendment
930.45	Amendment
930.50	Amendment
930.55	New Section
930.60	Amendment
930.EXHIBIT A	New Section
930.EXHIBIT B	New Section
- 4) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 2.34, 3.1 and 3.5 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 2.34, 3.1 and 3.5].
- 5) A Complete Description of the Subjects and Issues Involved: Amendment to this Part include adding a definitions section; updating permit application procedures; expanding hunting/habitat stamp license requirements for participants; simplifying the furbearer competitive event Section and adding the American Kennel Club; adding banding requirements for captive-reared game birds and health certificates for imported captive-reared game birds released at field trials; updating the violation Section; and adding exhibits containing application forms.
- 6) Will this rulemaking contain an automatic repeal date? 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

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period of 45 days following publication of this notice to:

Jack Price, Legal Counsel
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: 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: July 2004

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 b: FISH AND WILDLIFEPART 930
FIELD TRIALS ON NON-DEPARTMENT-OWNED OR -MANAGED LANDS

Section

930.5	Definitions
930.10	Statewide Regulations
930.20	Permits
930.30	Responsibility
930.40	Licenses
930.45	Furbearer Competitive Events
930.50	Shoot-to-Retrieve Field Trials
930.55	Game Birds
930.60	Future Rights/Appeal Procedures
930.EXHIBIT A	Application Form for Field Trials on Non-Department-Owned or -Managed Sites
930.EXHIBIT B	Application Form for Competitive Coon Hound Events

AUTHORITY: Implementing and authorized by Sections 1.3, 1.4, 2.34, 3.1 and 3.5 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 2.34, 3.1 and 3.5].

SOURCE: Adopted at 2 Ill. Reg. 48, p. 57, effective December 1, 1978; codified at 5 Ill. Reg. 10617; amended at 9 Ill. Reg. 13951, effective September 4, 1985; amended at 11 Ill. Reg. 12864, effective July 28, 1987; amended at 12 Ill. Reg. 11720, effective June 30, 1988; amended at 13 Ill. Reg. 10572, effective June 19, 1989; recodified by changing the agency name from Department of Conservation to Department of Natural Resources at 20 Ill. Reg. 9389; amended at 29 Ill. Reg. _____, effective _____.

Section 930.5 Definitions

Field Trial – a stylized form of hunting for the classifications of dogs commonly referred to as sporting dogs, as well as beagle hounds, fox hounds, coon hounds and squirrel dogs, and that involves competition in which the primary purpose is to evaluate the field performance of the dogs.

(Source: Added at 29 Ill. Reg. _____, effective _____)

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Section 930.20 Permits

~~a) Applications~~Requests for Field Trial Permits must be received by the Department of Natural Resources (Department ~~or DNR~~) in writing at least four weeks prior to the date of the trial. Applications received less than four weeks in advance may not be able to be processed prior to the field trial. ApplicationsRequests must be forwarded to:

Department of Natural Resources
Division of ~~Land Management~~Wildlife Resources
~~One Natural Resources Way~~524 S. Second Street
Springfield, IL ~~62702-1271~~62701-1787

- ~~b) Requests for Field Trial Permits must contain the following information:~~
- ~~1) Name of the field trial organization~~
 - ~~2) Date(s) the field trial is to be conducted~~
 - ~~3) Location~~
 - ~~A) For coon hound and fox hound field events, the headquarter's location in distance and direction from the nearest town must be provided. The county(s) where hounds will be run must be listed. The specific location(s) where hounds will be run must be provided to the Department at the time of the drawing.~~
 - ~~B) For all other field trials, the location of the grounds in distance and direction from the nearest town must be provided.~~
 - ~~4) Type of field trial (i.e., beagle hound, retriever, shoot to retrieve, coon hound competitive wild coon hunt, etc.)~~
 - ~~5) Licensing or sanctioning sporting dog registry or association (i.e., American Kennel Club, United Kennel Club, American Coon Hound Association, National Shoot to Retrieve Field Trial Association, etc.)~~

(Source: Amended at 29 Ill. Reg. _____, effective _____)

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Section 930.40 Licenses

~~a) In field trials where the taking of hand-reared game birds and hand-reared Mallard Ducks is a necessary function of the trial, the following shall apply:~~

- ~~a1)~~ All resident dog handlers, scouts and gunners are required to have a valid Illinois hunting license and habitat stamp, except as exempted by ~~Sections~~Section 3.1 and 3.1-2 of the Wildlife Code ~~[520 ILCS 5/3.1 and 3.1-2](Ill. Rev. Stat. 1985, ch. 61, par. 3.1).~~
- ~~b2)~~ All non-resident dog handlers, scouts and gunners are required to have a valid Illinois non-resident hunting license and habitat stamp or written exemption from the Department waiving the license and stamp requirement, except as exempted by Section 3.1 of the Wildlife Code.
- ~~c)~~ Non-resident dog handlers, scouts and gunners with hunting privileges suspended or revoked in another state or Canada are ineligible to participate in Illinois field trials.
- ~~db)~~ A written exemption from the Department waiving the hunting license and habitat stamp requirements will be granted on request to all non-resident gunners. A request for a waiver of the hunting license and habitat stamp requirements ~~requirement~~ must be in writing.

(Source: Amended at 29 Ill. Reg. _____, effective _____)

Section 930.45 Furbearer Competitive Events

- a) During the ~~closed20-day~~ period preceding the opening date of the raccoon hunting season and the ~~closed20-day~~ period following the closing date of the raccoon hunting season, the Department may only issue field trial permits for United Kennel Club, American Kennel Club, American Coon Hunters Association, Professional Kennel Club, Mid-America Coon Hunters Association, or the National Kennel Club licensed competitive live-raccoon hunts and those fox hound field trials conducted in fenced enclosures approved by the Department for the hours of sunset to sunrise ~~in accordance with Section 2.34 of the Wildlife Code (Ill. Rev. Stat. 1987, ch. 61, par. 2.34).~~
- b) Field trial permits for competitive coon hound field events and for fox hound field

DEPARTMENT OF NATURAL RESOURCES

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trials, except fox hound field trials conducted in fenced enclosures approved by the Department as fox-proof, will not be issued for the period of firearm deer hunting season as specified in 17 Ill. Adm. Code 650.10.

- c) All vehicles associated with competitive live raccoon hunts conducted during the ~~closed 20-day~~ periods preceding and following the raccoon hunting season must display ~~an identification card~~ ~~a windshield sticker~~ provided with the Field Trial Permit.

(Source: Amended at 29 Ill. Reg. _____, effective _____)

Section 930.50 Shoot-to-Retrieve Field Trials

- a) Only participants and official gunners will be permitted to take hand-reared game birds during shoot-to-retrieve field trials, and then only on the designated field trial ~~course~~ ~~course(s)~~.
- b) Hand-reared game birds which have left the designated field trial ~~course~~ ~~course(s)~~ are considered to be lost and ~~shall~~ ~~are~~ not ~~to~~ be pursued by anyone.

(Source: Amended at 29 Ill. Reg. _____, effective _____)

Section 930.55 Game Birds

- a) All hand-reared game birds or mallard ducks released and shot at field trials shall be banded on the same day they are taken and prior to removal from the field trial area. Bands shall be purchased from the Department for \$.10 each in increments of 100 bands by calling or writing to: Illinois Department of Natural Resources, Commercial License Office, P.O. Box 19458, Springfield IL 62794-9458.
- b) Hand-reared game birds or mallard ducks released at field trials must either be purchased from an Illinois licensed game bird breeder or, if they are purchased from a non-resident game bird breeder, a health certificate signed by a licensed veterinarian from the state of origin certifying the game birds are disease free must accompany the game birds or mallard ducks.

(Source: Added at 29 Ill. Reg. _____, effective _____)

Section 930.60 Future Rights/Appeal Procedures

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- a) For violation of Section 2.34 of the Wildlife Code [\[520 ILCS 5/2.34\]](#) (~~Ill. Rev. Stat. 1985, ch. 61, par. 2.34~~) or this Part, the Department will reject all future requests for Field Trial Permits for a period of time not to exceed five years following [a finding of guilt](#)~~the conviction of the violation~~.
- b) Organizations denied Field Trial Permits may contest the denial of a permit according to the process delineated in 17 Ill. Adm. Code 2530.

(Source: Amended at 29 Ill. Reg. _____, effective _____)

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Section 930.EXHIBIT A Application Form for Field Trials on Non-Department-Owned or -Managed Sites

Field Trial Organization Name: _____

Contact Person's Name: _____

Contact Person's Address: _____

City: _____ State: _____ Zip: _____ Email Address: _____

Work Phone: (____) _____ Home Phone: (____) _____

Fax Number: (____) _____ Cell Phone: (____) _____

Dates of Field Trials:

Location: _____

County: _____

Property Owner's Name: _____

Distance & Direction From Nearest Community: _____

Type of Field Trial:

- | | |
|--|--|
| <input type="checkbox"/> <u>Pointing Dog – Horseback</u> | <input type="checkbox"/> <u>Retriever</u> |
| <input type="checkbox"/> <u>Pointing Dog – Walking</u> | <input type="checkbox"/> <u>Flushing Dog – Shoot-To-Retrieve</u> |
| <input type="checkbox"/> <u>Pointing Dog – Shoot-To-Retrieve</u> | <input type="checkbox"/> <u>English Springer Spaniel</u> |
| <input type="checkbox"/> <u>Beagle Hound</u> | <input type="checkbox"/> <u>Fox Hound</u> |
| <input type="checkbox"/> <u>Coon Hound</u> | <input type="checkbox"/> <u>Other</u> _____ |

Licensing or Sanctioning Sporting Dog Registry or Association if Applicable:

- American Kennel Club (AKC)
- American Rabbit Hound Association (ARHA)
- National Shoot-To-Retrieve Field Trial Association (NSTRA)
- United Kennel Club (UKC)
- The American Field – Field Dog Stud Book (AFDSB)
- Amateur Field Trial Field Clubs of America (AFTCA)
- National Kennel Club (NKC)
- Professional Kennel Club (PKC)
- Club Sponsored Event

Request must be received at least four weeks prior to the date of the field trial.

Submit application to: IDNR, Attention: Field Trial Program, One Natural Resources Way, Springfield IL 62702-1271; Phone: (217)782-6752; Fax: (217)524-5612

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(Source: Added at 29 Ill. Reg. _____, effective _____)

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Section 930.EXHIBIT B Application Form for Competitive Coon Hound Events

Contact Person's Name: _____

Contact Person's Address: _____

City: _____ State: _____ Zip: _____ Email Address: _____

Work Phone: (____) _____ Home Phone: (____) _____

Fax Number: (____) _____ Cell Phone: (____) _____

Organization Name: _____

Organization Headquarters Location (distance & direction from nearest town): _____

Dates of Field Events, Type of Event (ex: Night Hunt, Field Trial, Water Race or Treeing Contest) and Licensing Organization (AKC, ACHA, NKC, PKC, UKC or Club Event):

County or counties in which these events will be conducted: _____

List property owners by name in which these events will be conducted: _____

Signature of the Applicant

Request must be received at least four weeks prior to the date of the field trial.

This permit is only valid on properties where permission has been secured from the landowner/tenant to pursue game by individuals associated with the competitive field event and/or their dogs. Failure to comply with this provision is a violation of 520 ILCS 5/2.33(t), which is a Class B misdemeanor punishable by 1-6 months in jail and/or fines of up to \$1,500.

Submit application to: IDNR, Attention: Field Trial Program, One Natural Resources Way, Springfield IL 62702-1271; Phone: (217)782-6752; Fax: (217)524-5612

(Source: Added at 29 Ill. Reg. _____, effective _____)

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: General Provisions
- 2) Code Citation: 23 Ill. Adm. Code 2700
- 3)

<u>Section Numbers:</u> 2700.30 2700.40 2700.50	<u>Proposed Action:</u> Amendment Amendment Amendment
--	--
- 4) Statutory Authority: Implementing the Higher Education Student Assistance Act [110 ILCS 947]; Title IV of the Higher Education Act of 1965, as amended (20 USCA 1070 et seq., as amended by P.L. 105-244); and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/20(f)].
- 5) A Complete Description of the Subjects and Issues Involved: ISAC annually reviews its rules in order to respond to market changes and client suggestions, to implement State and federal statutory amendments, to codify improvements due to technological advances, and to clarify issues that have arisen during the previous year. We also are continuing efforts to increase the level of standardization in procedures, format and terminology throughout our programmatic rules, in order to make them easier for our clients to use. In addition to making minor technical and grammatical changes throughout this Part, ISAC proposes the following substantive amendments:

Several references in Section 2700.30 to the North Central Association of Colleges and Schools have been modified to appropriately reference the Association's Higher Learning Commission. In Section 2700.40(g), language has been deleted to reflect statutory changes contained in Public Act 93-1032, which allows MAP grants to be used year-round, rather than just during fall and spring semesters. A new Section 2700.40(m) has been added to clarify how the timeliness of an individual's application will be determined when it has been submitted electronically. Section 2700.50(j) has been deleted to reflect statutory changes contained in Public Act 93-0812, which eliminates provisions exempting consideration of Bright Start Savings Accounts, *College Illinois!* contracts and college savings bonds proceeds in determining financial need for ISAC gift assistance programs.
- 6) Will these proposed amendments replace any emergency amendments currently in effect?
No
- 7) Does this rulemaking contain an automatic repeal date? No

ILLINOIS STUDENT ASSISTANCE COMMISSION

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- 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: This rulemaking does not create or expand a state mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)] and does not necessitate a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to comment on this proposed rulemaking may submit written comments no later than 45 days after the publication of this notice to:

Thomas A. Breyer
Deputy Program Officer
Illinois Student Assistance Commission
1755 Lake Cook Road
Deerfield IL 60015

(847) 948-8500
email: tbreyer@isac.org

- 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: January 2005

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

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE A: EDUCATION
CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSIONPART 2700
GENERAL PROVISIONS

Section

2700.10	Summary and Purpose
2700.20	Definitions
2700.30	General Institutional Eligibility Requirements
2700.40	General Applicant Eligibility Requirements
2700.50	Determining Applicant Eligibility
2700.55	Use, Security and Confidentiality of Data
2700.60	Audits and Investigations
2700.70	Appeal Procedures
2700.80	Contractual Agreement Requirements

AUTHORITY: Implementing the Higher Education Student Assistance Act [110 ILCS 947]; Title IV of the Higher Education Act of 1965, as amended (20 USCA 1070 et seq., as amended by P.L. 105-244); and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/20(f)].

SOURCE: Adopted at 9 Ill. Reg. 20783, effective January 1, 1986; amended at 11 Ill. Reg. 3167, effective January 29, 1987; amended at 11 Ill. Reg. 14099, effective August 10, 1987; amended at 12 Ill. Reg. 11510, effective July 1, 1988; amended at 13 Ill. Reg. 8626, effective July 1, 1989; transferred from Chapter IX, 23 Ill. Adm. Code 1700 (State Scholarship Commission) to Chapter XIX, 23 Ill. Adm. Code 2700 (Illinois Student Assistance Commission) pursuant to P.A. 86-168, effective July 1, 1989, at 13 Ill. Reg. 17854; amended at 14 Ill. Reg. 10538, effective July 1, 1990; amended at 16 Ill. Reg. 11206, effective July 1, 1992; amended at 17 Ill. Reg. 10541, effective July 1, 1993; amended at 18 Ill. Reg. 10282, effective July 1, 1994; amended at 19 Ill. Reg. 8343, effective July 1, 1995; amended at 20 Ill. Reg. 9170, effective July 1, 1996; amended at 21 Ill. Reg. 11066, effective July 18, 1997; amended at 22 Ill. Reg. 11072, effective July 1, 1998; amended at 23 Ill. Reg. 7550, effective July 1, 1999; amended at 24 Ill. Reg. 9121, effective July 1, 2000; amended at 25 Ill. Reg. 8383, effective July 1, 2001; amended at 26 Ill. Reg. 9980, effective July 1, 2002; amended at 27 Ill. Reg. 10320, effective July 1, 2003; amended at 29 Ill. Reg. _____, effective _____.

Section 2700.30 General Institutional Eligibility Requirements

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- a) ISAC Program Participation Agreement
 - 1) All institutions shall execute an ISAC Program Participation Agreement in order to participate in ISAC gift assistance programs.
 - 2) The ISAC Program Participation Agreement shall identify the ISAC programs under which the institution's students may receive benefits.
 - 3) The ISAC Program Participation Agreement shall include provisions requiring institutions to comply with statutes, federal regulations and State rules.
 - 4) The ISAC Program Participation Agreement may be modified or terminated in accordance with 23 Ill. Adm. Code 2790, Limitation, Suspension or Termination Proceedings.
- b) With respect to ISAC student assistance programs, institutions shall develop and maintain procedures to verify the consistency and accuracy of information received from their enrolled recipients.
- c) Institutions shall be subject to possible limitation, suspension or termination of eligibility for failure to comply with statutes, regulations, rules or procedures and for failure to maintain the standards required by this Section for initial participation. (See 23 Ill. Adm. Code 2790.)
- d) Postsecondary institutions which participate in gift assistance programs shall annually submit to ISAC a copy of their tuition refund policy. Such submissions shall not be considered ISAC approval of such policies.
- e) Postsecondary institutions which participate in gift assistance programs shall annually report their tuition and fee charges, as well as initial MAP advance payment requests, to ISAC on or before June 1 preceding each academic year.
 - 1) Failure to report any cost changes by the deadline will cause the prior year's charges to be used as part of the calculation process for gift assistance benefits. Failure to report the assessment of a fee charge by the deadline will result in that fee charge being ineligible for payment under ISAC gift assistance programs.

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- 2) The report shall match specific fee charges with the gift assistance programs which may finance the fee. Such categorizations by the institution shall not be considered ISAC approval.
- 3) The Illinois National Guard Grant and the Illinois Veteran Grant (IVG) Programs may finance only a portion of certain fee charges. (See 23 Ill. Adm. Code 2730.10(c) and 2733.20(f).)
 - A) Example: One fee finances both tuition and text book expenses. Only the portion of the fee which is attributable to tuition expenses may be financed with program benefits.
 - B) Institutions with such a fee shall certify what percentage of the fee is eligible to be financed with program benefits. Certification shall be performed by the institution's chief fiscal officer.
- f) Institutions shall submit additional reports, data and information to ISAC as may be requested. These inquiries include, but are not limited to, surveys, enrollment confirmations and evaluation instruments.
- g) Additional institutional eligibility requirements are contained in subsequent Parts of ISAC's rules.
- h) Postsecondary institutions may apply to participate in ISAC-guaranteed loan programs in accordance with 23 Ill. Adm. Code 2720.
- i) Postsecondary institutions may apply to participate in ISAC gift assistance programs in accordance with this subsection.
 - 1) The Commission approves participation in ISAC gift assistance programs for an institution rather than for specific academic programs within an institution.
 - 2) Prior to applying for participation in ISAC gift assistance programs, the institutional applicant must have authority to operate a postsecondary institution in Illinois. (See 23 Ill. Adm. Code 1030.)
 - 3) Institutional applicants ~~that~~^{which} are fully accredited by the North Central

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Association of Colleges and Schools Higher Learning Commission and have degree-granting authority may be approved to participate in ISAC gift assistance programs provided the institution meets and maintains the requirements of subsections (i)(4)(C) and (D) ~~below~~.

- 4) Public or private not for profit institutional applicants that do not meet the requirements of subsection (i)(3) ~~above~~ may be approved to participate in ISAC gift assistance programs if the institution has:
 - A) obtained candidate status for North Central accreditation.
 - B) applied for and is seeking degree-granting authority.
 - C) obtained at least three letters indicating the transferability of academic credit from the applicant institution to other institutions. The letters must be from institutions which are approved to participate in the Monetary Award Program (MAP) and are accredited by the North Central Association of Colleges and Schools Higher Learning Commission.
 - D) an adequate number of qualified persons to administer their responsibilities under ISAC's rules. In determining whether an institution employs an adequate number of qualified persons, the Commission considers the number of students aided, the number of programs in which the institution participates, the number of applications evaluated, the amount of funds administered, and the financial aid delivery system used by the institution.
- 5) Institutional applicants must also supply ISAC with audited financial statements, prepared by an independent third party in accordance with generally accepted accounting principles, to establish financial responsibility. (See, e.g., 34 CFR 668.15.)
- 6) Once approved to participate in ISAC gift assistance programs by the Commission, an institution shall receive provisional eligibility for a minimum of five academic years. An institution with provisional eligibility must petition the Commission for full eligibility. Full eligibility will be granted if the institution meets the requirements of subsection (i)(3) above and if there are no outstanding audit exceptions.

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- j) As a condition of eligibility for participation in ISAC student assistance programs, postsecondary institutions shall have a valid Program Participation Agreement with ED (see Section 487 of the Higher Education Act of 1965, as amended (20 USCA 1094)) and shall report their Office of Postsecondary Education Identification (OPE-ID) number to ISAC.
- k) In order to begin and to continue participation in ISAC-administered student assistance programs, institutions must also demonstrate administrative capability and financial responsibility, as defined by federal regulations. (See, e.g., 34 CFR 668.15 & 668.16.) An institution's failure to meet and maintain those standards can lead to limitation, suspension or termination proceedings. (See 23 Ill. Adm. Code 2790.)
- l) Institutions that have been assigned multiple main OPE-ID numbers will be considered separate entities by ISAC. Different campus codes associated with the same main OPE-ID number will not be considered separate entities.
- m) An institution shall notify ISAC of its Federal Employer Identification Number (FEIN) in order to receive payment pursuant to any ISAC-administered program.
- n) When an approved institution has a change of ownership resulting in a change of control, a change of location, or a change of name as defined by federal regulations, the institution's Program Participation Agreement with ED may be terminated. After an institution has undergone a change of status affecting its participation in any Title IV federal student financial aid programs, the institution may have its eligibility with ISAC reinstated by the execution of a new Program Participation Agreement with ED (see, e.g., 34 CFR 600.30 et seq.) and by the submission and approval of a new application for participation with ISAC.

(Source: Amended at 29 Ill. Reg. _____, effective _____)

Section 2700.40 General Applicant Eligibility Requirements

- a) Except as otherwise provided by this subsection, an applicant with a defaulted loan made pursuant to Title IV of the Higher Education Act is not eligible for benefits under ISAC-administered programs.
 - 1) Eligibility for guaranteed loans may be reinstated in accordance with

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federal regulations and the following provisions:

- A) Eligibility for ISAC-guaranteed loans will be reinstated when:
 - i) the debt has been paid in full;
 - ii) the borrower has made a "satisfactory repayment arrangement," in accordance with 34 CFR 682.200;
 - iii) the borrower's prior defaulted loan has been rehabilitated, in accordance with 34 CFR 682.405; or
 - iv) the borrower has made payments on a defaulted loan to consolidate that loan in accordance with 34 CFR 682.201.
 - B) Borrowers are eligible to use subsection (a)(1)(A)(ii) ~~above~~ only one time.
 - C) Eligibility for ISAC-administered gift assistance will be reinstated for current and future terms when the applicant has maintained a satisfactory repayment record for at least six consecutive months or has met the requirements of subsection (a)(1)(A) ~~above~~. Factors to be considered by ISAC in evaluating the repayment record include: the amount of the debt, the amount of the payments received by ISAC, the employment status of the applicant, and the frequency of the applicant's contact with ISAC.
- 2) A qualified applicant for Illinois Veteran Grant (IVG) assistance (23 Ill. Adm. Code 2733) shall be permitted one term of assistance during which a satisfactory repayment record, as defined by subsection (a)(1)(C) ~~above~~, must be established. If such a repayment record is not established, additional assistance shall be denied until a satisfactory repayment record is established.
- b) No applicant shall receive ISAC-administered assistance if the applicant owes a refund for any ISAC-administered gift assistance, a Federal Pell Grant, or a Federal Supplemental Educational Opportunity Grant (FSEOG) (20 USCA 1070(b)).

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- c) An applicant shall, upon request, provide documentation to establish and verify eligibility. (See Section 2700.50.) Failure to supply adequate documentation will result in the denial of student assistance benefits.
- d) An applicant who has received financial assistance based on fraudulent data shall be denied ISAC-administered assistance until full restitution has been made to ISAC for any fraudulently-obtained funds, and may also be subject to prosecution by the Illinois Attorney General, United States Department of Justice and/or an Illinois State's Attorney.
- e) Each applicant must submit his/her Social Security Number (SSN).
- f) Recipients who cease to be residents of Illinois after notification of eligibility may complete the academic year with the assistance awarded.
- g) Unless otherwise provided, benefits under gift assistance programs are subject to the limits of dollars appropriated to ISAC by the Illinois General Assembly and approved by the Governor. ~~If funding is available, assistance for summer terms or for attendance on a less than half-time basis shall be awarded separately.~~
- h) When gift assistance eligibility is limited to a specified number of term payments, the eligibility cap is calculated in accordance with this subsection.
 - 1) For each semester term of full-time payment benefits, the recipient is assessed six eligibility units. For each quarter term of full-time payment benefits, the recipient is assessed four eligibility units.
 - 2) For each semester term of half-time payment benefits, the recipient is assessed three eligibility units. For each quarter term of half-time payment benefits, the recipient is assessed two eligibility units.
 - 3) For each semester or quarter term of less than half-time payment benefits, the recipient is assessed one eligibility unit.
 - 4) Sixty eligibility units are the equivalent of payments for ten semesters/fifteen quarters of full-time benefits.
 - 5) Forty-eight eligibility units are the equivalent of payments for eight semesters/twelve quarters of full-time benefits.

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- i) An applicant shall comply with Selective Service registration requirements, pursuant to 34 CFR 668.31 et seq.
- j) Except for grants pursuant to 23 Ill. Adm. Code 2730 (Illinois National Guard Grant Program) and 23 Ill. Adm. Code 2733 (Illinois Veteran Grant Program), an applicant must be maintaining satisfactory academic progress in accordance with the institution's policy.
- k) Except for grants pursuant to 23 Ill. Adm. Code 2730 (Illinois National Guard Grant Program) and 23 Ill. Adm. Code 2733 (Illinois Veteran Grant Program), ISAC gift assistance benefits for courses utilizing distance education are limited to students enrolled in eligible degree or certificate programs who are eligible to receive Title IV, HEA program funds. (See 34 CFR 668.38.)
- l) Except for grants pursuant to 23 Ill. Adm. Code 2730 (Illinois National Guard Grant Program) and 23 Ill. Adm. Code 2733 (Illinois Veteran Grant Program), students enrolled in academic programs while incarcerated are ineligible for ISAC gift assistance benefits.
- m) For the purpose of determining the timeliness of an individual's application, the postmark date of an application submitted electronically shall be the date on which ISAC receives that individual's submission of complete application data.

(Source: Amended at 29 Ill. Reg. _____, effective _____)

Section 2700.50 Determining Applicant Eligibility

- a) The evaluation of applicant eligibility is the responsibility of both the institution and ISAC.
- b) No applicant is announced eligible for assistance by ISAC unless the application establishes prima facie eligibility. ISAC consults with other appropriate state and federal agencies in the process of reviewing application data. Such agencies include, but are not limited to, the U.S. Department of Education (ED), U.S. Internal Revenue Service (IRS), U.S. Citizenship and Immigration Services Bureau (USCIS) and Naturalization Service (INS), Illinois Department of Public Aid, Illinois Department of Revenue, and Illinois Department of Children and Family Services.

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- c) When requesting payment for ISAC gift assistance programs, the postsecondary institution must certify that the applicants are eligible for the assistance. If an institution subsequently determines a student is no longer eligible for all or part of the awarded assistance, the institution must inform ISAC and submit the appropriate refund within 60 days after the receipt of payment or the end of a term, whichever is later.
- d) When requesting payment of benefits, institutions shall certify (in accordance with ISAC's rules and/or federal regulations) whether an applicant is eligible based upon enrollment in a particular academic program.
- e) If an institution erroneously certifies an applicant to be eligible for ISAC gift assistance programs, ISAC will recover the erroneous payment from the institution. Any student who obtained ISAC-administered funds by submitting inaccurate information to an institution must tender restitution to the institution to be eligible for ISAC assistance at that institution.
- f) If an applicant is selected for verification in conjunction with federal student assistance, that applicant shall also be verified for ISAC-administered programs. A selected applicant must be verified for ISAC programs even if the applicant is ineligible for federal student assistance.
- g) Because ED verification procedures do not include procedures for verifying a student as a resident of Illinois, the following provisions shall be followed by the institution.
 - 1) Notwithstanding the requirements of subsection (g)(2)~~-below~~, residency verification shall not be required for students who received payment of a MAP award during the previous academic year.
 - 2) Residency status shall be verified for each applicant who is selected for verification and meets one of the following criteria:
 - A) the applicant has changed dependency status and has become an independent student; or
 - B) the applicant has not been enrolled in an ISAC-approved MAP institution or an ISAC-approved Illinois high school (see Section

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2700.30) during the preceding ~~12~~twelve months.

- 3) Residency status shall be verified if the institution has any information which indicates the applicant may not be a resident of Illinois.
- 4) Data from one or more of the documents listed below may provide proof that an applicant (or parent) is an Illinois resident, as defined in Section 2700.20. For an independent student applicant, the dates recorded on the documents must indicate the applicant has resided in Illinois for the relevant twelve continuous, full months.
 - A) A valid State or federal income tax return
 - B) Illinois high school or college transcript
 - C) Illinois driver's license
 - D) Utility or rent bills in the applicant's (or parent's) name
 - E) Illinois auto registration card
 - F) Residential lease in the applicant's (or parent's) name
 - G) Wage and tax statements (IRS Form W-2)
 - H) Statement of benefits history from the Illinois Department of Public Aid
 - I) State of Illinois identification card issued by the Secretary of State
 - J) Statement of benefits from the Illinois Department of Employment Security
 - K) Statement of benefits from the Social Security Administration
 - L) Illinois voter's registration card
 - M) Property tax bill.

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- 5) If an applicant is a resident of Illinois, but the institution cannot document this fact in accordance with subsection (g)(2)~~above~~, the applicant or the institution may verify residency through ISAC's appeal process. (See Section 2700.70.)
- h) Institutions may request first term payment even though verification is not yet complete. If, after verification, an ISAC payment adjustment is appropriate, institutions must submit the appropriate refund. If verification is not completed within 60 days after the conclusion of the regular school year, the institution shall return the first term payment to ISAC. For other than the first term of eligibility in an academic year, the verification process must be completed before the institution may request payment.
- i) When an institution adjusts an applicant's eligibility pursuant to Title IV, Part F, of the Higher Education Act of 1965, as amended (20 USCA 1087kk et seq.), the institution shall retain documentation which demonstrates the appropriateness of such adjustment.
- ~~j) Neither prepaid tuition benefits payable to a qualified beneficiary under College Illinois! (23 Ill. Adm. Code 2775) nor contributions to the College Savings Pool [15 ILCS 505/16.5] shall be considered in determining the eligibility of that beneficiary as an applicant for any ISAC gift assistance program.~~

(Source: Amended at 29 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Federal Family Education Loan Program (FFELP)
- 2) Code Citation: 23 Ill. Adm. Code 2720
- 3)

<u>Section Number</u> :	<u>Proposed Action</u> :
2720.70	Amendment
- 4) Statutory Authority: Implementing Sections 80 through 175 of the Higher Education Student Assistance Act [110 ILCS 947/80 through 175]; Title IV, Part B, of the Higher Education Act of 1965, as amended (20 USCA 1071 et seq.); and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/20(f)].
- 5) A complete description of the subjects and issues involved: ISAC annually reviews its rules in order to respond to market changes and client suggestions, to implement State and federal statutory amendments, to codify improvements due to technological advances, and to clarify issues that have arisen during the previous year. We also are continuing efforts to increase the level of standardization in procedures, format and terminology throughout our programmatic rules, in order to make them easier for our clients to use. In addition to making minor technical and grammatical changes throughout this Part, and correcting prior errors and omissions, ISAC proposes the following substantive amendments:

The language in Section 2720.70(j)(3) has been modified to more accurately describe the procedures used when payments from the State are offset by the Office of the Comptroller. The borrower is notified of the offset by the Comptroller rather than ISAC, and in the event the borrower wishes to dispute the debt, the protest must also be filed through the Comptroller rather than with ISAC.
- 6) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this rulemaking contain incorporations by reference? No
- 9) Are there any other amendments pending on this Part? No
- 10) Statement of statewide policy objective: This rulemaking does not create or expand a state mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)] and does not necessitate a local government to establish, expand or modify its activities

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in such a way as to necessitate additional expenditures from local revenues.

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

Thomas A. Breyer
Deputy Program Officer
Illinois Student Assistance Commission
1755 Lake Cook Road
Deerfield IL 60015

(847) 948-8500
email: tbreyer@isac.org

- 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: January 2005

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

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TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE A: EDUCATION
CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSIONPART 2720
FEDERAL FAMILY EDUCATION LOAN PROGRAM (FFELP)

SUBPART A: FEDERAL LOAN PROGRAMS: THE FEDERAL STAFFORD LOAN PROGRAM, FEDERAL PLUS PROGRAM, FEDERAL SUPPLEMENTAL LOANS FOR STUDENTS (SLS) PROGRAM, AND FEDERAL CONSOLIDATION LOAN PROGRAM

Section

2720.5	Summary and Purpose
2720.6	Definitions (Repealed)
2720.10	Eligibility for ISAC Loan Guarantees
2720.20	Lender Eligibility
2720.25	Educational Lender Eligibility
2720.30	Institutional Eligibility
2720.35	Holder Eligibility
2720.40	Procedures for Obtaining a Guaranteed Loan
2720.41	One-Lender Requirement
2720.42	One-Holder Requirement
2720.50	Procedures for Disbursement, Delivery and Repayment
2720.55	Federal Consolidation Loan Program
2720.60	Default Aversion Assistance
2720.70	Reimbursement Procedures
2720.80	Student Guarantee Fee
2720.90	Guarantee Transfers

SUBPART B: ILLINOIS DESIGNATED ACCOUNT PURCHASE PROGRAM (IDAPP)

Section

2720.105	Summary and Purpose
2720.120	IDAPP Eligible Loans
2720.130	IDAPP Eligible Lenders

SUBPART C: ISAC ORIGINATED LOANS

Section

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- 2720.200 ISAC Originated Consolidation Loans
2720.210 Illinois Opportunity Loan Program (IOP)
2720.220 Federal Family Education Loan Program (FFELP) Loans

2720.APPENDIX A Required Activities of Educational Lenders (Repealed)

AUTHORITY: Implementing Sections 80 through 175 of the Higher Education Student Assistance Act [110 ILCS 947/80 through 175]; Title IV, Part B, of the Higher Education Act of 1965, as amended (20 USCA 1071 et seq.); and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/20(f)].

SOURCE: Adopted at 3 Ill. Reg. 4, p. 38, effective January 26, 1979; amended at 5 Ill. Reg. 8698, effective August 17, 1981; emergency rule and emergency repealer at 6 Ill. Reg. 7558, 7573, effective June 9, 1982, for a maximum of 150 days; new rules adopted at 6 Ill. Reg. 13799, effective October 25, 1982; old rules repealed at 6 Ill. Reg. 15254, effective December 3, 1982; emergency amendment at 7 Ill. Reg. 9942, effective August 8, 1983, for a maximum of 150 days; codified at 7 Ill. Reg. 13309; amended at 8 Ill. Reg. 876, effective January 9, 1984; amended at 8 Ill. Reg. 7286, effective May 18, 1984; amended at 8 Ill. Reg. 17006, effective September 5, 1984; amended at 9 Ill. Reg. 20796, effective January 1, 1986; amended at 11 Ill. Reg. 3181, effective January 29, 1987; emergency amendment at 11 Ill. Reg. 13669, effective August 5, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 14103, effective August 10, 1987; emergency amendment at 11 Ill. Reg. 18370, effective October 23, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20989, effective January 1, 1988; amended at 12 Ill. Reg. 6971, effective April 1, 1988; amended at 12 Ill. Reg. 11520, effective July 1, 1988; emergency amendment at 12 Ill. Reg. 15221, effective September 15, 1988, for a maximum of 150 days; emergency expired February 12, 1989; amended at 13 Ill. Reg. 2872, effective February 16, 1989; amended at 13 Ill. Reg. 8630, effective July 1, 1989; transferred from Chapter IX, 23 Ill. Adm. Code 1720 (State Scholarship Commission) to Chapter XIX, 23 Ill. Adm. Code 2720 (Illinois Student Assistance Commission) pursuant to P.A. 86-168, effective July 1, 1989, at 13 Ill. Reg. 17855; emergency amendment at 14 Ill. Reg. 4266, effective March 1, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 10553, effective July 1, 1990; amended at 14 Ill. Reg. 10941, effective July 1, 1990; emergency amendments at 15 Ill. Reg. 18769, effective January 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 4060, effective February 28, 1992; amended at 16 Ill. Reg. 11224, effective July 1, 1992; emergency amendment at 17 Ill. Reg. 2055, effective February 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 10506, effective July 1, 1993; amended at 18 Ill. Reg. 10254, effective July 1, 1994; emergency amendment at 18 Ill. Reg. 15636, effective October 15, 1994, for a maximum of 150 days; emergency expired March 13, 1995; amended at 19 Ill. Reg. 6215, effective April 15, 1995; amended at 19 Ill. Reg. 8320, effective July 1, 1995; amended at 20 Ill. Reg. 9147, effective July

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1, 1996; amended at 21 Ill. Reg. 11038, effective July 18, 1997; amended at 22 Ill. Reg. 11051, effective July 1, 1998; amended at 23 Ill. Reg. 7537, effective July 1, 1999; amended at 24 Ill. Reg. 9101, effective July 1, 2000; amended at 25 Ill. Reg. 8369, effective July 1, 2001; amended at 26 Ill. Reg. 9998, effective July 1, 2002; amended at 27 Ill. Reg. 10326, effective July 1, 2003; amended at 28 Ill. Reg. 9135, effective July 1, 2004; amended at 29 Ill. Reg. _____, effective _____.

SUBPART A: FEDERAL LOAN PROGRAMS:
THE FEDERAL STAFFORD LOAN PROGRAM, FEDERAL PLUS PROGRAM,
FEDERAL SUPPLEMENTAL LOANS FOR STUDENTS (SLS) PROGRAM,
AND FEDERAL CONSOLIDATION LOAN PROGRAM

Section 2720.70 Reimbursement Procedures

- a) The lender or holder shall request reimbursement from ISAC within 60 days from the date the lender or holder receives a completed request for loan cancellation or discharge due to death, total and permanent disability, attendance at a school that closes, false certification by a school of a borrower's eligibility for a loan, unpaid refunds, or child care provider or teacher loan forgiveness, in accordance with federal regulations and the Higher Education Act of 1965, as amended. (See, e.g., 34 CFR 682.215, 682.402 and 682.409.)
- b) Requests for default reimbursement must be submitted to ISAC within the time frames specified in, and the lender or holder shall be reimbursed in accordance with, federal regulations and the Higher Education Act of 1965, as amended. In the case of a default on a Federal PLUS Loan, the borrower, co-maker and endorser must meet the default criteria contained in federal regulations.
- c) The lender or holder must request ISAC reimbursement for a bankruptcy claim in accordance with federal regulations and the Higher Education Act of 1965, as amended. (See, e.g., 34 CFR 682.402.) The request for reimbursement must be submitted within 30 days after the lender's or holder's receipt of notice that collection on the debt is stayed, or 15 days upon notice of an adversary proceeding for undue hardship. A copy of the restraining order and the appropriate papers must be included. In the case of a bankruptcy involving a Federal PLUS Loan, the borrower, co-maker and endorser must meet the bankruptcy criteria contained in federal regulations.
- d) Prior to reimbursement, the lender or holder must certify compliance with federal

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due diligence requirements and subsection (h) of this Section.

- e) Prior to reimbursement, the lender or holder must have remitted the guarantee fee established by Section 2720.80.
- f) The lender or holder shall forward to ISAC any payments made by or on behalf of the borrower after default reimbursement and shall advise ISAC of any subsequent information received concerning the borrower. Prior to reimbursement, all original notes or true and exact copies of original notes must be properly endorsed and submitted to ISAC. If the notes have been lost or erroneously stamped "Paid in Full," the lender or holder shall execute a Hold Harmless Agreement with ISAC.
- g) No fee or charge to the borrower, other than the maximum interest rate prescribed by ED and the collection charges outlined in federal regulations (see 34 CFR 682.202(f) and (g)), including the student guarantee fee, and the federal loan origination fee, shall be contracted for or received by the lender.
- h) The lender or holder shall make a proper collection effort in accordance with acceptable practices of prudent lending institutions including, but not limited to, the collection activities required by federal regulations. (See, e.g., 34 CFR 682.402, 682.411 and 682.412.)
- i) ISAC shall collect the outstanding amount on the reimbursed guaranteed loan. If the borrower refuses to retire the debt, ISAC shall follow the requirements of federal regulations, including, but not limited to, offsets of federal income tax refunds and other payments made by the federal government to the borrower. (See 34 CFR 682.410.)
- j) Should a borrower refuse to retire the debt, ISAC shall direct the State Comptroller to offset any payment from the State Treasurer to the borrower. The funds offset shall be remitted to ISAC and credited against the debt.
 - 1) All offsets shall be processed in accordance with 74 Ill. Adm. Code 285.
 - 2) ISAC shall not direct an offset if the borrower has maintained a satisfactory repayment record. (See 23 Ill. Adm. Code 2700.40(a)(1).)
 - 3) ISAC shall notify the Office of the Comptroller that a borrower is eligible

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF PROPOSED AMENDMENT

~~to be offset a borrower of the possibility of an offset no less than 15 days prior to the first offset.~~ ISAC may provide additional notice of subsequent offsets for the same debt. The Comptroller shall notify the borrower that the Comptroller is required to hold all eligible payments until the loan is paid in full. Should the borrower dispute the debt, ~~a protest an appeal~~ must be filed with the Office of the Comptroller within ~~30~~15 days after and including the date of the notice. ~~Appeals will be processed in accordance with 23 Ill. Adm. Code 2700.70.~~ If the requested relief is granted, the funds offset shall be returned to the borrower.

- 4) Funds eligible to be offset include, but are not limited to, State income tax refunds and the wages of State employees.
- k) ISAC shall provide a borrower with an opportunity for an administrative review of the legal enforceability or past-due status of the loan obligation after it pays a default claim but before it reports the default to a credit bureau or assesses collection costs against the borrower, in accordance with federal regulations (34 CFR 682.410(b)(5)(ii)(C)).
- l) ISAC may garnish the disposable pay of a borrower if the individual is not currently making required payments, in accordance with Section 488A of the Higher Education Act, as amended.
- m) ISAC requires the lender or holder to submit a request for an increase in claim payment within 90 days after receiving the claim payment. ISAC will provide the lender or holder with a determination on the increase in claim payment within 90 days after receiving the request and supporting documentation.

(Source: Amended at 29 Ill. Reg. _____, effective _____)

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Illinois National Guard (ING) Grant Program
- 2) Code Citation: 23 Ill. Adm. Code 2730
- 3)

<u>Section Numbers</u> :	<u>Proposed Action</u> :
2730.20	Amendment
2730.30	Amendment
- 4) Statutory Authority: Implementing Section 45 and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/45 and 20(f)].
- 5) A complete description of the subjects and issues involved: ISAC annually reviews its rules in order to respond to market changes and client suggestions, to implement State and federal statutory amendments, to codify improvements due to technological advances, and to clarify issues that have arisen during the previous year. We also are continuing efforts to increase the level of standardization in procedures, format and terminology throughout our programmatic rules, in order to make them easier for our clients to use. In addition to making minor technical and grammatical changes throughout this Part, ISAC proposes the following substantive amendments:

A number of amendments are being proposed to this Part to reflect statutory changes contained in Public Act 93-0856, which expands eligibility for the Illinois National Guard (ING) Grant so that members of the National Guard who served for at least five years and had their studies interrupted by being called to federal active duty for at least six months can continue their eligibility for the ING Grant for up to one year, even after leaving the Guard.
- 6) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this rulemaking contain incorporations by reference? No
- 9) Are there any other amendments pending on this Part? No
- 10) Statement of Statewide Policy Objective: This rulemaking does not create or expand a state mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)] and does not necessitate a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

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

Thomas A. Breyer
Deputy Program Officer
Illinois Student Assistance Commission
1755 Lake Cook Road
Deerfield IL 60015

(847) 948-8500
email: tbreyer@isac.org

- 12) Initial Regulatory Flexibility Analysis:
- D) Types of small businesses, small municipalities and not for profit corporations affected: None
- E) Reporting, bookkeeping or other procedures required for compliance: None
- F) Types of professional skills necessary for compliance: None
- 13) Regulatory Agenda on which this rulemaking was summarized: January 2005

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

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE A: EDUCATION
CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSIONPART 2730
ILLINOIS NATIONAL GUARD (ING) GRANT PROGRAM

Section	
2730.10	Summary and Purpose
2730.20	Applicant Eligibility
2730.30	Program Procedures
2730.40	Institutional Procedures

AUTHORITY: Implementing Section 45 and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/45 and 20(f)].

SOURCE: Adopted at 3 Ill. Reg. 4, p. 38, effective January 26, 1979; rules repealed at 6 Ill. Reg. 8239, effective June 30, 1982; new rules adopted at 6 Ill. Reg. 8413, effective June 30, 1982; codified at 7 Ill. Reg. 10877; amended at 8 Ill. Reg. 17016, effective September 5, 1984; amended at 9 Ill. Reg. 20827, effective January 1, 1986; amended at 11 Ill. Reg. 3202, effective January 29, 1987; amended at 12 Ill. Reg. 11531, effective July 1, 1988; transferred from Chapter IX, 23 Ill. Adm. Code 1730 (State Scholarship Commission) to Chapter XIX, 23 Ill. Adm. Code 2730 (Illinois Student Assistance Commission) pursuant to P.A. 86-168, effective July 1, 1989, at 13 Ill. Reg. 17857; amended at 14 Ill. Reg. 10567, effective July 1, 1990; amended at 16 Ill. Reg. 11254, effective July 1, 1992; amended at 17 Ill. Reg. 10563, effective July 1, 1993; amended at 18 Ill. Reg. 10303, effective July 1, 1994; amended at 20 Ill. Reg. 9187, effective July 1, 1996; old Part repealed and new Part adopted at 21 Ill. Reg. 11119, effective July 18, 1997; amended at 22 Ill. Reg. 11100, effective July 1, 1998; amended at 24 Ill. Reg. 9148, effective July 1, 2000; amended at 25 Ill. Reg. 8406, effective July 1, 2001; amended at 26 Ill. Reg. 10013, effective July 1, 2002; amended at 27 Ill. Reg. 10338, effective July 1, 2003; amended at 29 Ill. Reg. _____, effective _____.

Section 2730.20 Applicant Eligibility

- a) Students must file an application annually indicating the institution to be attended. No payment will be authorized for any applicant until a current application is on file. The deadline for applications will be October 1 for first term, March 1 for second semester/second and third quarter, and June 15 for the summer term.

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- 1) Qualified applicants will receive an eligibility letter from ISAC for each academic year following the filing of the application. Ineligible applicants will receive written notification from ISAC of their ineligibility to receive program benefits; and
 - 2) ISAC will verify application data in consultation with the Illinois Department of Military Affairs when reviewing an application.
- b) A qualified applicant ~~Applicants~~ must:
- 1) be in active status in the Illinois Army or Air National Guard and have served for at least one year in the Illinois National Guard; or-
 - 2) have been active in the Illinois National Guard for at least five consecutive years and had his or her studies interrupted by being called to federal active duty for at least six months, and be within the 12 month period immediately following his or her discharge from the Illinois National Guard.
- c) Eligibility is available to any such enlisted person or company grade officer, including warrant officers, first and second lieutenants, and captains in the Army and Air National Guard, except for those persons who are members of the inactive Illinois National Guard.
- d)e) Recipients must maintain an acceptable grade point average as determined by the institution pursuant to a published policy.
- e)d) Changes of address, name, status with the Illinois National Guard or institution of attendance must be reported in writing to ISAC.

(Source: Amended at 29 Ill. Reg. _____, effective _____)

Section 2730.30 Program Procedures

- a) The recipient is exempt from paying the following:
 - 1) tuition;
 - 2) registration fees;

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- 3) graduation fees; and
 - 4) general activity fees.
- b) The recipient is responsible for payment of other fees, including the following:
- 1) book rental fees;
 - 2) laboratory and supply fees;
 - 3) air flight fees;
 - 4) hospital and health insurance fees;
 - 5) room and board;
 - 6) parking fees;
 - 7) student union fees;
 - 8) athletic fees; and
 - 9) proficiency or placement exams and other similar fees.
- c) Benefits are applicable to both undergraduate and graduate enrollment. There is no minimum credit-hour enrollment requirement. Benefits are applicable for noncredit courses.
- d) Benefits may be used at Illinois public senior universities and at any Illinois public community college.
- e) Within the constraints of appropriation levels, two semester or three quarter term payments and one summer term payment are made directly to the institution after it officially certifies to ISAC that the applicant has registered and is attending classes. No seminars or other special terms are covered under the grant. Summer term is considered the final term of the academic and fiscal year.
- f) Recipients are entitled to receive benefits for the equivalent of eight

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semesters/twelve quarters of full-time enrollment.

- 1) To determine the amount of eligibility a recipient has used, credit hours (and noncredit hours for which benefits are used) will be converted to "eligibility units" according to the following chart:

Number of Hours	Semester School	Quarter-School
12 or more hours	12 units	8 units
9 - 11.99 hours	9 units	6 units
6 - 8.99 hours	6 units	4 units
3 - 5.99 hours	3 units	2 units
0 - 2.99 hours	1 unit	1 unit

- 2) Recipients may continue to reapply and accumulate up to 96 units, after which point eligibility for program benefits will cease. However, full program benefits may be extended for one additional term if the recipient has accumulated fewer than 96 eligibility units but does not have enough units remaining for the number of hours in which she/he is enrolled for the term.
- 3) If an eligible recipient withdraws from enrollment after the expiration of the tuition refund/withdrawal adjustment period, the recipient shall receive a grant for costs incurred up to the term award provided the institution's tuition refund policy indicates the recipient has incurred charges in the amount of the claim.
- 4) In the event that the recipient withdraws from a course or courses prior to the end of a term, eligibility units will be assessed in proportion to the total dollars that are paid. If the recipient has had any portion of his/her tuition and fees paid, at least one eligibility unit will be charged to the recipient.

Example: A recipient is enrolled for twelve semester hours at a cost of \$600. The recipient withdraws from enrollment and incurs expenses of \$300 in accordance with the institution's tuition refund policy. The recipient would use six eligibility units and would receive \$300 in benefits.

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- 5) The eligibility units used for a noncredit course shall be the same as the number of eligibility units used for a credit course having the same number of total faculty contact hours.
- g) If a current year applicant is discharged, transferred to the inactive Illinois ~~National~~~~Natural~~ Guard, or has membership extended by the Illinois National Guard, ISAC will send a revised eligibility letter or ineligibility letter to the applicant. In the case of discharge, a copy of the letter will be sent to the institution of record.
- h) Except as otherwise provided in this Part, iff a recipient ceases to be an active status member of the Illinois National Guard during a term, benefits cease, and the student is responsible for the unpaid costs attributed to the remainder of the term. If an applicant becomes eligible during a term, in accordance with Section 2730.20(b), benefits will be prorated for that portion of the term for which the applicant is eligible, provided the application is submitted by the deadlines. Costs are prorated on the basis of the institution's scheduled days of instruction minus institutionally scheduled holidays and examination periods.

Calculation: Total tuition cost divided by total instructional days = cost per day x days of eligibility = total proration.

- i) If the recipient of a grant awarded under this Part ceases to be a member of the Illinois National Guard, but has been active in the Illinois National Guard for at least five consecutive years and had his or her studies interrupted by being called to federal active duty for at least six months, then that recipient shall continue to be eligible for a grant for one year after his or her discharge from the Illinois National Guard, provided that the recipient has not already received the exemption from tuition and fees for the equivalent of four years of full-time enrollment under this Part.
- j) Out-of-state residents will receive tuition and applicable fee benefits equivalent to those received by in-state residents at the Illinois institution; recipients attending out-of-district community colleges will receive tuition and applicable fee benefits equivalent to those at the in-district rate. Recipients shall not be responsible for paying the difference between in-state and out-of-state tuition nor will they be responsible for paying the difference between in-district and out-of-district tuition.

ILLINOIS STUDENT ASSISTANCE COMMISSION

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| ~~k)~~ If a student is eligible for both an Illinois National Guard Grant and a MAP grant, the Illinois National Guard benefits must be used first. A student cannot decline an Illinois National Guard Grant in favor of using MAP.

(Source: Amended at 29 Ill. Reg. _____, effective _____)

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Illinois Veteran Grant (IVG) Program
- 2) Code Citation: 23 Ill. Adm. Code 2733
- 3)

<u>Section Numbers</u> : 2733.20 2733.40	<u>Proposed Action</u> : Amendment Amendment
--	--
- 4) Statutory Authority: Implementing Section 40 and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/40 and 20(f)].
- 5) A Complete Description of the Subjects and Issues Involved: ISAC annually reviews its rules in order to respond to market changes and client suggestions, to implement State and federal statutory amendments, to codify improvements due to technological advances, and to clarify issues that have arisen during the previous year. We also are continuing efforts to increase the level of standardization in procedures, format and terminology throughout our programmatic rules, in order to make them easier for our clients to use. In addition to making minor technical and grammatical changes throughout this Part, ISAC proposes the following substantive amendments:

Section 2733.20(i)(3) is being modified in order to simplify the documentation required when the applicant is a member of the Armed Forces at the time of application, by eliminating the need to submit copies of various enlistment contracts and extensions. Section 2733.40(b) is being amended to clarify the appropriate documentation that is to be relied upon by the institution in establishing a qualified applicant's initial eligibility. The scope of the school certification required in Section 2733.40(c) is being narrowed to just the requirement for the applicant to maintain an acceptable grade point average, since that is the only eligibility criterion for which the school bears the primary responsibility for monitoring and certification.
- 6) Will these proposed amendments replace an emergency rule 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 amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a

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state mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)] and does not necessitate a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.

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

Thomas A. Breyer
Deputy Program Officer
Illinois Student Assistance Commission
1755 Lake Cook Road
Deerfield IL 60015

(847) 948-8500
email: tbreyer@isac.org

- 12) Initial Regulatory Flexibility Analysis:

G) Types of small businesses, small municipalities and not for profit corporations affected: None

H) Reporting, bookkeeping or other procedures required for compliance: None

I) Types of professional skills necessary for compliance: None

- 13) Regulatory Agenda on which this rulemaking was summarized: January 2005

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

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSION

PART 2733

ILLINOIS VETERAN GRANT (IVG) PROGRAM

Section

2733.10	Summary and Purpose
2733.20	Applicant Eligibility
2733.30	Program Procedures
2733.40	Institutional Procedures

AUTHORITY: Implementing Section 40 and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/40 and 20(f)].

SOURCE: Emergency rule adopted at 10 Ill. Reg. 14322, effective August 20, 1986 for a maximum of 150 days; emergency expired January 16, 1987; adopted at 11 Ill. Reg. 3207, effective January 29, 1987; amended at 12 Ill. Reg. 11536, effective July 1, 1988; transferred from Chapter IX, 23 Ill. Adm. Code 1733 (State Scholarship Commission) to Chapter XIX, 23 Ill. Adm. Code 2733 (Illinois Student Assistance Commission) pursuant to P.A. 86-168, effective July 1, 1989, at 13 Ill. Reg. 17858; amended at 14 Ill. Reg. 10571, effective July 1, 1990; emergency amendments at 15 Ill. Reg. 15613, effective October 11, 1991, for a maximum of 150 days; emergency expired March 9, 1992; emergency amendment at 15 Ill. Reg. 18778, effective January 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 6880, effective April 14, 1992; amended at 16 Ill. Reg. 11261, effective July 1, 1992; amended at 17 Ill. Reg. 10570, effective July 1, 1993; amended at 18 Ill. Reg. 10309, effective July 1, 1994; amended at 20 Ill. Reg. 9200, effective July 1, 1996; old Part repealed and new Part adopted at 21 Ill. Reg. 11139, effective July 18, 1997; amended at 22 Ill. Reg. 11114, effective July 1, 1998; amended at 23 Ill. Reg. 7575, effective July 1, 1999; amended at 24 Ill. Reg. 9166, effective July 1, 2000; amended at 25 Ill. Reg. 8418, effective July 1, 2001; amended at 26 Ill. Reg. 10020, effective July 1, 2002; amended at 27 Ill. Reg. 10342, effective July 1, 2003; emergency amendment at 28 Ill. Reg. 12932, effective September 15, 2004, for a maximum of 150 days; amended at 29 Ill. Reg. _____, effective February 1, 2005; amended at 29 Ill. Reg. _____, effective _____.

Section 2733.20 Applicant Eligibility

- a) A qualified applicant shall be any member of the Armed Forces of the United States, a reserve component of the Armed Forces, or the Illinois National Guard

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

who has served at least one year of federal active duty service and whose service has been characterized as honorable, provided he or she~~he/she~~:

- 1) was a:
 - A) resident of Illinois at the time of entering federal active duty service or within 6 months prior to entering the service; or
 - B) student at an Illinois public university or community college at the time of entering federal active duty service; and
 - 2) established or plans to establish Illinois residency within 6 months after leaving federal active duty service, or if married to a person in continued military service:
 - A) applied for this grant within 6 months after and including the date that the spouse was stationed within Illinois; or
 - B) established Illinois residency within 6 months after and including the date that the spouse was separated (if the spouse was stationed outside Illinois).
- b) A qualified applicant must reside in Illinois unless he or she~~he/she~~ is serving federal active duty at the time of enrollment or is residing with a spouse in continued military service who is currently stationed outside of Illinois.
- c) Any member of the Armed Forces of the United States, a reserve component of the Armed Forces, or the Illinois National Guard who has served at least one year of federal active duty service and who meets the Illinois residency requirements of subsections (a) and (b) is a qualified applicant if his or her~~his/her~~ service was characterized as honorable. If the applicant is still in service, the individual shall be subject to verification of continued eligibility for assistance under this Part after each period of federal active duty service.
- d) A recipient must maintain an acceptable grade point average as determined by the institution pursuant to a published policy.
- e) An individual is not a qualified applicant unless the individual's service was characterized as honorable for each period of federal active duty service.

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- f) An individual is not a qualified applicant if the individual's federal active duty service was for less than one year unless:
- 1) the applicant's separation from such service for medical reasons directly connected with such service was characterized as honorable; or
 - 2) the applicant's separation prior to August 11, 1967 was characterized as honorable; or
 - 3) the applicant's federal active duty service, which included service in a foreign country in a time of hostilities in that country, was characterized as honorable. As used in this Section, "time of hostilities in a foreign country" means any action by the Armed Forces of the United States that is recognized by the issuance of a Presidential proclamation or a Presidential executive order and in which the Armed Forces expeditionary medal or other campaign service medals are awarded according to Presidential executive order.
- g) Members of the Reserve Officer Training Corps (ROTC) are not eligible for assistance under this Part.
- h) Applicants are not eligible if their only service has been attendance at a service academy.
- i) In order to establish eligibility for this grant, an individual shall submit to ISAC an application and documentation of all periods of service.
- 1) An applicant should submit a copy of his or her Certificate of Release or Discharge From Active Duty (DD Form 214) or Discharge Certificate, which can be obtained from the National Personnel Records Center or the Illinois Department of Veterans' Affairs.
 - 2) If the applicant does not have a copy of the DD Form 214, he/she should submit documentation that provides the following information: date of entry, date of separation, character of service, total active service, home or place of entry into the service, and home or place of separation from the service. Such documentation must have been issued by the United States Department of Defense (DD) or the United States Department of Veterans

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Affairs.

- 3) If the applicant is a member of the Armed Forces at the time of application, ~~he or she~~he/she shall submit ~~a copy of the current Enlistment/Re-enlistment Document and~~ a letter from the commanding officer. ~~If the veteran is on an enlistment extension, copies of all extension contracts and a letter from the commanding officer must be provided with the application. This~~The letter from the commanding officer must:
- A) indicate that the applicant is a member of the Armed Forces at the time of application; ~~must~~
 - B) include character of service;
 - C) include the veteran's home of record at the time of original enlistment; ~~and must~~
 - D) state the ~~individual's~~veteran's length of time in each period of federal active duty service; and
 - E) state the expiration date of the current enlistment.
- 4) The definition of "Resident of Illinois" contained in 23 Ill. Adm. Code 2700.20 is applicable to the Illinois Veteran Grant Program although residency, for the purposes of this program, can be established in six months. If the applicant's DD Form 214 does not indicate Illinois residency when entering and/or separating from the Armed Forces, he/she may verify residency by providing one or more of the documents listed below:
- A) Illinois driver's license issued during the relevant six month period;
 - B) Illinois high school or college transcripts demonstrating attendance during the relevant six month period;
 - C) Utility bills/rent receipts in the applicant's name for the relevant six month period;

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- D) Illinois motor vehicle registration issued during the relevant six month period;
- E) Residential lease in the applicant's name for the relevant six month period;
- F) Statement of benefits history from the Illinois Department of Public Aid for the relevant six month period;
- G) Statement of benefits from the Illinois Department of Employment Security for the relevant six month period;
- H) State of Illinois identification card issued during the relevant six month period; or
- I) Letter of employment verified by certification in accordance with Illinois law (see 735 ILCS 5/1-109) and printed on company letterhead.

(Source: Amended at 29 Ill. Reg. _____, effective _____)

Section 2733.40 Institutional Procedures

- a) If a student is eligible for both an IVG and a Monetary Award Program (MAP) grant, the IVG benefits must be used first. A student cannot decline IVG benefits in favor of using MAP.
- b) A notice of eligibility from ISAC ~~must be an Illinois Veteran's Scholarship (IVS) ID card from the Illinois Department of Veterans' Affairs~~ may be used by the institution to establish a qualified applicant's initial eligibility.
- c) Institutions shall submit a payment request to ISAC. When submitting payment requests, the institution shall certify that the qualified applicant meets the requirements of Section 2733.20(d), ~~Applicant Eligibility~~.
- d) Institutions must report the total number of hours for which payment is being requested (including credit and noncredit hours) so that ISAC can accurately track the recipient's use of eligibility units.

ILLINOIS STUDENT ASSISTANCE COMMISSION

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- e) The deadlines for submission of complete payment requests shall be September 15 for summer terms; January 15 for first term; and May 25 for second semester/second and third quarter. All claims, including supplemental claims, must be submitted no later than August 1. This will provide sufficient time for processing and vouchering through the State Comptroller's Office in Springfield prior to the State's fiscal year lapse period ending on August 31.
- f) The reimbursement to institutions for Illinois Veteran Grants is contingent upon available funding. Should General Assembly appropriations be insufficient to pay all claims, institutions will be reimbursed in accordance with this subsection:
- 1) summer term claims received by the deadline date designated in subsection (e) will be paid, or prorated if funding is insufficient to pay all claims in full;
 - 2) if funds remain after summer term claims are paid, first semester and first quarter claims received by the designated deadline date will be paid, or prorated if funding is insufficient to pay all claims in full;
 - 3) if funds remain after first semester and first quarter claims are paid, then second semester/second and third quarter claims received by the designated deadline date will be paid, or prorated if funds remaining are insufficient to pay all such claims in full;~~and~~
 - 4) if funds remain after second semester/second and third quarter claims are paid, claims received by ISAC after the designated deadline dates will be paid or prorated;~~and~~
 - 5) ~~timely~~Timely claims for the difference between in-district/state and out-of-district/state tuition for recipients who do not qualify for chargebacks will be considered for payment at the same time, and in the same priority order, as all other timely claims, in accordance with the provisions of this subsection (f).

(Source: Amended at 29 Ill. Reg. _____, effective _____)

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Monetary Award Program (MAP)
- 2) Code Citation: 23 Ill. Adm. Code 2735
- 3)

<u>Section Numbers</u> :	<u>Proposed Action</u> :
2735.20	Amendment
2735.40	Amendment
- 4) Statutory Authority: Implementing Section 35 and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/35 and 20(f)].
- 5) A complete description of the subjects and issues involved: ISAC annually reviews its rules in order to respond to market changes and client suggestions, to implement State and federal statutory amendments, to codify improvements due to technological advances, and to clarify issues that have arisen during the previous year. We also are continuing efforts to increase the level of standardization in procedures, format and terminology throughout our programmatic rules, in order to make them easier for our clients to use. In addition to making minor technical and grammatical changes throughout this Part, ISAC proposes the following substantive amendments:

Section 2735.20(d) has been deleted and language has also been deleted from Section 2735.40(l) to reflect statutory changes contained in Public Act 93-1032, which allows MAP grants to be used year-round, rather than just during fall and spring semesters, as long as the student does not exceed his or her annual maximum award.
- 6) Will these proposed amendments replace any 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 amendments pending on this Part? No
- 10) Statement of Statewide policy Objectives: This rulemaking does not create or expand a state mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)] and does not necessitate a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

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

Thomas A. Breyer
Deputy Program Officer
Illinois Student Assistance Commission
1755 Lake Cook Road
Deerfield IL 60015

(847) 948-8500
email: tbreyer@isac.org

- 12) Initial Regulatory Flexibility Analysis:

- J) Types of small businesses, small municipalities and not for profit corporations affected: None
- K) Reporting, bookkeeping or other procedures required for compliance: None
- L) Types of professional skills necessary for compliance: None

- 13) Regulatory Agenda on which this rulemaking was summarized: January 2005

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

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSION

PART 2735

MONETARY AWARD PROGRAM (MAP)

Section

2735.10	Summary and Purpose
2735.20	Applicant Eligibility
2735.30	Program Procedures
2735.40	Institutional Procedures
2735.50	Advance Payment Option
2735.60	Contractual Agreement Requirements (Repealed)
2735.APPENDIX A	Advance Payment Formula

AUTHORITY: Implementing Section 35 and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/35 and 20(f)].

SOURCE: Adopted at 9 Ill. Reg. 20857, effective January 1, 1986; amended at 11 Ill. Reg. 3225, effective January 29, 1987; amended at 11 Ill. Reg. 14134, effective August 10, 1987; amended at 12 Ill. Reg. 11546, effective July 1, 1988; transferred from Chapter IX, 23 Ill. Adm. Code 1735 (State Scholarship Commission) to Chapter XIX, 23 Ill. Adm. Code 2735 (Illinois Student Assistance Commission) pursuant to P.A. 86-168, effective July 1, 1989, at 13 Ill. Reg. 17864; amended at 14 Ill. Reg. 7242, effective May 1, 1990, amended at 16 Ill. Reg. 11296, effective July 1, 1992; emergency amendment at 16 Ill. Reg. 19237, effective November 23, 1992, for a maximum of 150 days; emergency expired on April 22, 1993; emergency amendment at 17 Ill. Reg. 6672, effective April 15, 1993, for a maximum of 150 days; emergency expired on September 18, 1993; amended at 17 Ill. Reg. 10596, effective July 1, 1993; amended at 17 Ill. Reg. 22576, effective January 1, 1994; amended at 19 Ill. Reg. 8369, effective July 1, 1995; amended at 20 Ill. Reg. 9227, effective July 1, 1996; old Part repealed, new Part adopted at 21 Ill. Reg. 11184, effective July 18, 1997; amended at 22 Ill. Reg. 11149, effective July 1, 1998; amended at 23 Ill. Reg. 7592, effective July 1, 1999; amended at 24 Ill. Reg. 9187, effective July 1, 2000; amended at 25 Ill. Reg. 8424, effective July 1, 2001; amended at 26 Ill. Reg. 10024, effective July 1, 2002; amended at 27 Ill. Reg. 10349, effective July 1, 2003; amended at 28 Ill. Reg. 10043, effective July 15, 2004; amended at 29 Ill. Reg. _____, effective _____.

Section 2735.20 Applicant Eligibility

- a) A qualified applicant shall be:

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- 1) a citizen or eligible noncitizen;
 - 2) a resident of Illinois;
 - 3) maintaining satisfactory academic progress as determined by the institution;
 - 4) enrolled in an eligible degree or certificate program (34 CFR 668.8) for a minimum of three credit hours, for either a semester or quarter term, throughout the institution's tuition refund/withdrawal adjustment period; and
 - 5) enrolled at an ISAC-approved institution of higher learning.
- b) MAP grant eligibility is based on the relative financial eligibility at an ISAC-approved institution of higher learning of the applicant's choice, and is reevaluated if the student's choice of institution changes.
- c) Eligibility is restricted to undergraduate students.
- 1) MAP recipients must not have received a baccalaureate degree.
 - 2) Graduate students are not eligible for MAP assistance. For purposes of this Part, an institution of higher learning shall classify as a "graduate student" any student who:
 - A) is enrolled in an academic program or course above the baccalaureate level which leads to any degree above the baccalaureate level; and
 - B) is not eligible to receive federal financial assistance (34 CFR 674.2, 675.2, 676.2) as an undergraduate student; and
 - C) has completed the equivalent of at least three years of full-time postsecondary study, either prior to entrance into the academic program or as part of the academic program itself.
- d) ~~If funding is available, assistance for summer terms shall be awarded separately.~~

(Source: Amended at 29 Ill. Reg. _____, effective _____)

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Section 2735.40 Institutional Procedures

- a) MAP recipients must report to the institution all additional gift assistance that applies toward tuition and mandatory fees, such as tuition waivers and scholarships.
- b) If a MAP recipient receives other assistance targeted specifically for tuition and fees, the combined assistance shall not exceed the total tuition and fee expenses incurred.
- c) If an applicant is eligible for assistance under the Illinois National Guard (ING) Grant Program or the Illinois Veteran Grant (IVG) Program (23 Ill. Adm. Code 2730 and 2733), the applicant is not eligible for a full MAP grant because ING and IVG must be factored into the financial aid packaging prior to awarding MAP gift assistance. The institution may request payment of a partial MAP grant to finance fee expenses not covered by the above-referenced programs.
- d) If an applicant is eligible to receive tuition or fee benefits through a prepaid or reimbursable tuition plan other than the Illinois Prepaid Tuition Program, College Illinois! (23 Ill. Adm. Code 2775), or through a payment to the institution of higher learning by the applicant's employer, the institution of higher learning shall request MAP payment in accordance with this subsection:
 - 1) A prepaid tuition plan is any program which exempts a student from tuition charges because of a payment to the institution at a time prior to the student's enrollment. A reimbursable tuition plan is a program which reimburses a student for tuition costs after satisfactory completion of course work.
 - 2) The institution of higher learning shall recalculate the applicant's MAP eligibility by decreasing the applicant's tuition and fee charges by the amount of benefits the applicant is eligible to receive from the sources in subsection (d)(1) of this Section. The institution of higher learning shall report the applicant's reduced grant award on the payment request.
- e) The provisions of this Section shall not apply to benefits derived from the Baccalaureate Savings Act [110 ILCS 920] and 23 Ill. Adm. Code 2771.
- f) Notwithstanding the provisions of other ISAC-administered programs, the total amount of a student's gift assistance may not exceed the cost of attendance used to calculate Title IV aid for that student. Any excess gift assistance is considered an

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overaward and the institution of higher learning is required to reduce the MAP award and/or other gift assistance to prevent such an overaward. For the purposes of this calculation, federal veterans benefits are not counted as gift assistance.

- g) Institutions of higher learning shall submit payment requests to ISAC. By submitting a payment request, an institution is certifying that the qualified applicants meet the requirements of Section 2735.20, Applicant Eligibility.
- h) For any institution of higher learning which has concurrent registration opportunities, the following policy pertains:
 - 1) The recipient must indicate his/her institution of record on the MAP application.
 - 2) The payment of the term award by ISAC will require the institution of record to receive MAP payment on behalf of any other institutions and the institution of record shall distribute the appropriate share of the award to the other institutions. Payment by ISAC will not be made to more than one institution.
 - 3) The amount paid cannot exceed the maximum term award for students at the institution of record, or the tuition and mandatory fee costs at the institution of record if the costs are less than the maximum term award.
 - 4) Concurrent registration is limited to ISAC-approved institutions of higher learning.
 - 5) The recipient's academic records at the institution of record must document the total number of credit hours for which the student is enrolled.
- i) If an Illinois institution operates an out-of-state center, residents of Illinois enrolled in classes at the out-of-state center may receive MAP benefits in accordance with Section 2735.30(u).
- j) If an announced recipient's credit hour enrollment decreases, the institution shall only request payment up to the amount of actual tuition and mandatory fee expenses incurred.
- k) Upon receipt of a payment request from the institution of record, ISAC remits MAP grant funds to the institution of record on behalf of the recipient. The

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institution of record shall credit these funds to the recipient's account.

- 1) MAP grants are ~~divided into two semester or three quarter regular term payments and are~~ paid directly to the approved institution of record ~~that~~which certifies to ISAC that the applicant is an eligible recipient.
 - 1) ISAC will annually establish priority claim dates for the submission of payment requests and inform schools of the required priority dates.
 - 2) Late payment requests will result in delayed processing of payments. Payment requests are processed in the sequence of receipt by ISAC and as funds are available.
 - 3) Institutions may submit their payment requests beginning ten days prior to the start of classes for the term for which they are requesting payment.
- m) Institutional Processing of Payments
 - 1) Within 30 days after and including the date of receiving payment of any MAP funds claimed or advanced pursuant to this Section, the institution shall credit the MAP funds against the recipients' tuition and mandatory fee charges for the appropriate term.
 - 2) Institutions are required to reconcile payments received through MAP and, as applicable, submit all necessary corrections to student records on a timely basis. Any payments received by the institution that are determined in the reconciliation to be refunds payable to ISAC are to be processed and returned to ISAC no later than 60 days following the end of the academic term unless ISAC has already deducted outstanding refunds from institutional payment requests during the applicable fiscal year. Refunds may be caused by billing errors, retroactive withdrawals and other miscellaneous reasons. Refunds showing as owed to ISAC must be remitted within 30 days after the end of the institution's regular school year. Should the payment arrive after the end of the regular school year, the institution will have 60 days following receipt of payment to complete the reconciliation process and return any refunds due.
 - 3) Award payments made in the name of one recipient cannot be applied to another recipient at the same institution. A refund of the payment made must be submitted to ISAC, and a supplemental request for payment must be processed for the proper recipient.

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- 4) To provide sufficient time for processing and vouchering through the State Comptroller's Office in Springfield, all payment requests must be received by ISAC no later than August 1 due to the State's fiscal year lapse period ending August 31.
- 5) Payment requests received after August 1 for the prior academic year will be processed as time and available funds permit; however, final action may require institutions to go to the Illinois Court of Claims to obtain payment for approved claims. (See the Court of Claims Act [705 ILCS 505].)

(Source: Amended at 29 Ill. Reg. _____, effective _____)

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NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: State Scholar Program
- 2) Code Citation: 23 Ill. Adm. Code 2760
- 3) Section Number: 2760.30 Proposed Action:
Amendment
- 4) Statutory Authority: Implementing Section 25 and authorized by Section 20 (f) of the Higher Education Student Assistance Act [110 ILCS 947/25 and 20(f)].
- 5) A Complete Description of the Subjects and Issues Involved: ISAC annually reviews its rules in order to respond to market changes and client suggestions, to implement State and federal statutory amendments, to codify improvements due to technological advances, and to clarify issues that have arisen during the previous year. We also are continuing an initiative to increase the level of standardization in procedures, format and terminology throughout our programmatic rules, in order to make them easier for our clients to use. In addition to making minor technical and grammatical changes throughout this Part, ISAC proposes the following substantive amendments:

The table in Section 2760.30(b) is being updated to better align SAT I and ACT scores having similar percentile rankings. References in Section 2760.30 to the SAT I verbal score have been changed to reflect its new name, critical reading.
- 6) Will this rulemaking replace an emergency rulemaking currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this rulemaking contain incorporations by reference? No
- 9) Are there any other amendments pending on this Part? No
- 10) Statement of Statewide Policy Objective: This rulemaking does not create or expand a state mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)] and does not necessitate a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to comment on this proposed rulemaking may submit written comments no later than 45 days after the publication of this notice to:

Thomas A. Breyer

ILLINOIS STUDENT ASSISTANCE COMMISSION

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Deputy Program Officer
Illinois Student Assistance Commission
1755 Lake Cook Road
Deerfield IL 60015

(847) 948-8500
email: tbreyer@isac.org

- 12) Initial Regulatory Flexibility Analysis:
- M) Types of small businesses, small municipalities and not for profit corporations affected: None
 - N) Reporting, bookkeeping or other procedures required for compliance: None
 - O) Types of professional skills necessary for compliance: None
- 13) Regulatory Agenda on which this rulemaking was summarized: January 2005

The full text of the Proposed Amendment on the following page:

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NOTICE OF PROPOSED AMENDMENT

TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE A: EDUCATION
CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSIONPART 2760
STATE SCHOLAR PROGRAM

Section	
2760.10	Summary and Purpose
2760.20	State Scholar Eligibility
2760.30	Program Procedures

AUTHORITY: Implementing Section 25 and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/25 and 20(f)].

SOURCE: Adopted at 3 Ill. Reg. 4, p. 38, effective January 26, 1979; amended at 4 Ill. Reg. 16, p. 118, effective April 7, 1980; rules repealed, new rules adopted at 5 Ill. Reg. 7251, effective June 26, 1981; amended at 6 Ill. Reg. 8413, effective June 30, 1982; codified at 7 Ill. Reg. 10878; amended at 9 Ill. Reg. 20877, effective January 1, 1986; amended at 11 Ill. Reg. 3242, effective January 29, 1987; amended at 11 Ill. Reg. 14137, effective August 10, 1987; amended at 13 Ill. Reg. 8654, effective July 1, 1989; transferred from Chapter IX, 23 Ill. Adm. Code 1760 (State Scholarship Commission) to Chapter XIX, 23 Ill. Adm. Code 2760 (Illinois Student Assistance Commission) pursuant to P.A. 86-168, effective July 1, 1989, at 13 Ill. Reg. 17868; amended at 14 Ill. Reg. 10589, effective July 1, 1990; amended at 16 Ill. Reg. 11321, effective July 1, 1992; amended at 17 Ill. Reg. 10624, effective July 1, 1993; amended at 18 Ill. Reg. 10346, effective July 1, 1994; amended at 19 Ill. Reg. 8395, effective July 1, 1995; amended at 20 Ill. Reg. 9251, effective July 1, 1996; Old Part repealed and New Part adopted at 21 Ill. Reg. 11222, effective July 18, 1997; amended at 22 Ill. Reg. 11170, effective July 1, 1998; amended at 24 Ill. Reg. 9201, effective July 1, 2000; amended at 29 Ill. Reg. _____, effective _____.

Section 2760.30 Program Procedures

- a) In order for its students to be considered for the State Scholar Program, a high school must calculate and provide to ISAC class ranks as of the third semester prior to graduation of students who desire to be considered for the Program.
 - 1) Class ranks are to be calculated so that the class rank for the lowest grade point average (GPA) equals the total number of students being ranked.

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Example: Class Rank	GPA
1	99.3
2	98.9
2	98.9
4	98.1
5	97.9
5	97.9
7	97.4

- 2) The equivalent term rank shall be provided for students planning to graduate in other than the traditional four years (see Section 2760.20(b)).
- b) Test scores submitted in accordance with this Part shall be converted to an Illinois Standard Test Score as follows:
- 1) The ACT Assessment Composite Score shall be the Illinois Standard Test Score.
- 2) SAT I ~~critical reading~~ ~~verbal~~ and math scores shall be added, and then converted to the Illinois Standard Test Score using the table below.

Illinois Standard Test Score Table

Illinois Standard Test Score	<u>SAT I Critical Reading + Math</u>	<u>SAT I Verbal + Math</u>	ACT Composite
36	<u>1590 to 1600</u>	1580 to 1600	36
35	<u>1570 to 1580</u>	1530 to 1570	35
34	<u>1540 to 1560</u>	1500 to 1520	34
33	<u>1510 to 1530</u>	1450 to 1490	33
32	<u>1480 to 1500</u>	1400 to 1440	32
31	<u>1450 to 1470</u>	1360 to 1390	31
30	<u>1420 to 1440</u>	1320 to 1350	30
29	<u>1380 to 1410</u>	1280 to 1310	29
28	<u>1340 to 1370</u>	1240 to 1270	28
27	<u>1310 to 1330</u>	1200 to 1230	27
26	<u>1270 to 1300</u>	1170 to 1190	26
25	<u>1240 to 1260</u>	1130 to 1160	25
24	<u>1200 to 1230</u>	1090 to 1120	24

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23	<u>1160 to 1190</u>	1050 to 1080	23
22	<u>1120 to 1150</u>	1010 to 1040	22
21	<u>1090 to 1110</u>	970 to 1000	21
20	<u>1060 to 1080</u>	930 to 960	20
19	<u>1020 to 1050</u>	890 to 920	19
18	<u>980 to 1010</u>	850 to 880	18
17	<u>940 to 970</u>	810 to 840	17
16	<u>900 to 930</u>	760 to 800	16
15	<u>850 to 890</u>	710 to 750	15
14	<u>800 to 840</u>	660 to 700	14
13	<u>750 to 790</u>	620 to 650	13
12	<u>660 to 740</u>	570 to 610	12
11	<u>580 to 650</u>	520 to 560	11
10	<u>520 to 570</u>	470 to 510	10
9	<u>460 to 510</u>	430 to 460	9
8	<u>400 to 450</u>	400 to 420	8

c) High school class ranks submitted in accordance with this Part shall be converted to an Illinois Standard Rank Score as follows:

- 1) First, determine the percentile of the class rank for each student in accordance with the following formula:

Percentile = [Size of Class MINUS (Rank in Class minus .5)] divided by Size of Class

- 2) Then, use the table below to convert a percentile class rank to the Illinois Standard Rank Score.

Percentile	Illinois Standard Rank Score
99.75 - 99.99	30
99.54 - 99.74	29
99.19 - 99.53	28
98.62 - 99.18	27
97.73 - 98.61	26
96.42 - 97.72	25
94.53 - 96.41	24
91.93 - 94.52	23
88.50 - 91.92	22
84.14 - 88.49	21

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78.82 - 84.13	20
72.58 - 78.81	19
65.55 - 72.57	18
57.94 - 65.54	17
50.00 - 57.93	16

- d) An Illinois Weighted Selection Score for each student shall be computed by adding the Illinois Standard Test Score to the Illinois Standard Rank Score.
- e) In any academic year, the number of State Scholars is approximately equal to ten percent of the estimated total number of Illinois high school graduates. ISAC annually establishes a minimum Weighted Selection Score to yield this result.
- f) Notwithstanding the previous provisions in this Section, any student nominated by his or her school shall be designated a State Scholar if that student achieves a score at or above the 95th percentile on the ACT Assessment examination, or the equivalent thereof on a comparable examination, regardless of that student's class rank.
- g) A Certificate of Achievement and congratulatory letter are issued for each State Scholar.
- h) A listing of State Scholars shall be available upon request to colleges, members of the General Assembly and to the media.
- i) Mailing labels of State Scholars' names shall be available, at cost, to Illinois colleges, universities and associations of Illinois colleges. Payment must be received by ISAC at the time the mailing labels are ordered. Requestors of labels shall provide written assurance to ISAC that the labels will not be resold or released to others in any manner.
- j) High school officials or student candidates shall have a period of 60 days following the announcement of the State Scholars to appeal a student's status. (See: 23 Ill. Adm. Code 2700.70, Appeal Procedures.)
- k) If an appeal concerning an applicant's eligibility is received, ISAC shall request the high school verify the reported data. If the conflict remains, ISAC shall conduct an audit of the high school's records in accordance with 23 Ill. Adm. Code 2700.60.

(Source: Amended at 29 Ill. Reg. _____, effective _____)

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NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Minority Teachers Of Illinois (MTI) Scholarship Program
- 2) Code Citation: 23 Ill. Adm. Code 2763
- 3) Section Number: 2763.30 Proposed Action: Amendment
- 4) Statutory Authority: Implementing Section 50 and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/50 and 20(f)].
- 5) A complete description of the subjects and issues involved: ISAC annually reviews its rules in order to respond to market changes and client suggestions, to implement State and federal statutory amendments, to codify improvements due to technological advances, and to clarify issues that have arisen during the previous year. We also are continuing efforts to increase the level of standardization in procedures, format and terminology throughout our programmatic rules, in order to make them easier for our clients to use. In addition to making minor technical and grammatical changes throughout this Part, ISAC proposes the following substantive amendments:

A change has been proposed to Section 2763.30(j)(5) to add a deferment when the recipient is pursuing a graduate course of study, as part of the agency's continuing effort to conform deferments for ISAC's teacher education programs.
- 6) Will this proposed amendment replace any emergency rulemaking 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: This rulemaking does not create or expand a state mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)] and does not necessitate a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to comment on this proposed rulemaking may submit written comments no later than 45 days after the publication of this notice to:

ILLINOIS STUDENT ASSISTANCE COMMISSION

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Thomas A. Breyer
Deputy Program Officer
Illinois Student Assistance Commission
1755 Lake Cook Road
Deerfield IL 60015

(847) 948-8500
email: tbreyer@isac.org

- 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: January 2005

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

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NOTICE OF PROPOSED AMENDMENT

TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE A: EDUCATION
CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSIONPART 2763
MINORITY TEACHERS OF ILLINOIS (MTI) SCHOLARSHIP PROGRAM

Section	
2763.10	Summary and Purpose
2763.20	Applicant Eligibility
2763.30	Program Procedures
2763.40	Institutional Procedures

AUTHORITY: Implementing Section 50 and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/50 and 20(f)].

SOURCE: Emergency rules adopted at 15 Ill. Reg. 15621, effective October 11, 1991, for a maximum of 150 days; emergency expired on March 9, 1992; adopted at 16 Ill. Reg. 7048, effective April 21, 1992; emergency amendments adopted at 16 Ill. Reg. 16326, effective September 28, 1992, for a maximum of 150 days; emergency expired on February 25, 1993; emergency amendment at 17 Ill. Reg. 175, effective January 1, 1993, for a maximum of 150 days; emergency expired on May 30, 1993; amended at 17 Ill. Reg. 10585, effective July 1, 1993; amended at 18 Ill. Reg. 10325, effective July 1, 1994; amended at 19 Ill. Reg. 8361, effective July 1, 1995; amended at 20 Ill. Reg. 9221, effective July 1, 1996; amended at 20 Ill. Reg. 9221, effective July 1, 1996; old Part repealed, new Part adopted at 21 Ill. Reg. 11174, effective July 18, 1997; amended at 22 Ill. Reg. 11141, effective July 1, 1998; amended at 24 Ill. Reg. 9181, effective July 1, 2000; amended at 27 Ill. Reg. 10385, effective July 1, 2003; amended at 28 Ill. Reg. 9155, effective July 1, 2004; amended at 29 Ill. Reg. _____, effective _____.

Section 2763.30 Program Procedures

- a) A completed ISAC application for the MTI Scholarship Program must be postmarked on or before March 1 immediately preceding the regular school year for which the scholarship is being requested, in order to receive priority consideration for an award.
 - 1) Applications are available from qualified institutions of higher learning, State legislative and Congressional offices, and ISAC's Springfield, Deerfield and Chicago offices.

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- 2) ISAC will make renewal applications available to all qualified students who were awarded MTI Scholarships during the preceding regular school year.
 - 3) If the application is incomplete, ISAC will notify the applicant. The applicant will then have an opportunity to furnish the missing information; however, the application will only be considered for processing as of the date when the application is complete and received at ISAC's Deerfield office.
- b) At least 30 percent of the funds appropriated for scholarships awarded under this Section in each fiscal year shall be reserved for male qualified applicants. *If the Commission does not receive enough applications from qualified male minorities on or before January 1 of each fiscal year to award 30% of the funds appropriated for these scholarships to qualified male minority applicants, then the Commission may award a portion of the reserved funds to qualified female minority applicants.* [110 ILCS 947/50]
 - c) Notwithstanding the provisions of subsection (b) of this Section, awards will be made first to renewing applicants.
 - d) No recipient may receive more than 8 semesters/12 quarters of scholarship assistance under this program.
 - e) Scholarship funds are applicable towards up to two semesters/three quarters of study within a regular school year.
 - f) The total number of scholarships awarded in a given fiscal year is contingent upon available funding. If appropriated funds are insufficient to provide all qualified applicants with a scholarship, available funds shall be allocated in accordance with subsections (b) and (c) of this Section and on the basis of the dates that the completed applications are received in ISAC's Deerfield office. However, preference may be given to qualified applicants enrolled at or above the junior level.
 - g) Qualified applicants may be required to furnish the postsecondary institution at which they are enrolled with a copy of their high school transcripts, any other documentation verifying high school graduation, or a copy of their GED certificates.
 - h) Prior to receiving scholarship assistance under this Part, the qualified applicant

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must sign a Teaching Agreement/Promissory Note that is submitted to ISAC. The Teaching Agreement/Promissory Note shall include the following stipulations:

- 1) the recipient pledges to teach, on a full-time equivalent basis, for one year for each year of scholarship aid received, or for any portion of a year for which aid was received, under this Part;
 - 2) the recipient shall begin teaching within one year following the completion of the program for which the recipient received assistance under this Part, and shall teach on a continuous basis for the required period of time;
 - 3) the teaching requirement will be fulfilled at a nonprofit Illinois public, private or parochial preschool, elementary school or secondary school at which no less than 30 percent of the enrolled students are minority students, as certified by the Illinois State Board of Education (ISBE);
 - 4) if the teaching requirement is not fulfilled, the scholarship converts to a loan and the recipient must repay the entire amount of the scholarships prorated according to the fraction of the teaching obligation not completed, plus interest at a rate of interest equal to five percent and, if applicable, reasonable collection fees;
 - 5) the recipient agrees to provide ISAC with evidence of compliance with program requirements (e.g., responses to annual follow-up questionnaires, etc.); and
 - 6) the recipient promises to use the proceeds of the scholarship for educational expenses.
- i) A recipient of a scholarship awarded under this Part shall not be in violation of the agreement entered into pursuant to Section 2763.30(h) during periods in which the recipient:
- 1) serves, for not more than three years, as a member of the United States Armed Forces;
 - 2) is enrolled on a full-time basis as a graduate student in a course of study related to the field of teaching at an institution of higher learning;
 - 3) is temporarily totally disabled, for not more than three years, as

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established by the sworn affidavit of a licensed physician;

- 4) is actively seeking but unable to find full-time employment as a teacher at a school that satisfies the criteria set forth in subsection (h)(3) of this Section for one continuous period not to exceed two years, and is able to provide evidence of that fact; or
 - 5) is taking additional courses, on at least a half-time basis, needed to obtain certification as a teacher in Illinois.
- j) If a recipient is required to repay any portion of the scholarship, the repayment period shall be completed within ten years after the scholarship converts to a loan. This ten-year period may be extended if the recipient:
- 1) serves, for not more than three years, as a member of the United States Armed Forces;
 - 2) is temporarily disabled, for not more than three years, as established by the sworn affidavit of a licensed physician;
 - 3) is seeking and unable to find full-time employment, for one continuous period not to exceed two years, and is able to provide evidence of that fact; ~~or~~
 - 4) withdraws from a course of study leading to certification as a teacher but is enrolled full-time in another academic discipline; ~~or-~~
 - 5) is pursuing a graduate course of study and is enrolled on a full-time basis for one continuous period of time not to exceed three years.
- k) During the time a recipient qualifies for any of the extensions listed in subsection (j) of this Section, he or she shall not be required to make payments and interest shall not accrue.
- l) A recipient shall enter repayment status on the earliest of the following dates:
- 1) the first day of the first calendar month after the recipient has ceased to pursue a course of study leading to certification as a teacher at the preschool, elementary or secondary level, but not before six months have elapsed after the cessation of at least half-time enrollment in such a course of study;

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- 2) the date the recipient informs ISAC that he or she does not plan to fulfill the teaching obligation; or
 - 3) the day after the latest date upon which the recipient must have begun teaching after completing the postsecondary education for which the scholarship was awarded.
- m) A recipient shall not be required to repay the amount of the scholarships received if he or she becomes permanently totally disabled as established by the sworn affidavit of a qualified physician (see, e.g., 34 CFR 653.42(k)(1)), or if his or her representative provides ISAC with a death certificate or other evidence that the recipient has died.

(Source: Amended at 29 Ill. Reg. _____, effective _____)

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Illinois Special Education Teacher Tuition Waiver (SETTW) Program
- 2) Code Citation: 23 Ill. Adm. Code 2765
- 3) Section Number: 2765.30 Proposed Action: Amendment
- 4) Statutory Authority: Implementing Section 65.15 of the Higher Education Student Assistance Act [110 ILCS 947/65.15] and authorized by Sections 20(f) and 65.15(a)(2) of the Higher Education Student Assistance Act.
- 5) A Complete Description of the Subjects and Issues Involved: ISAC annually reviews its rules in order to respond to market changes and client suggestions, to implement State and federal statutory amendments, to codify improvements due to technological advances, and to clarify issues that have arisen during the previous year. We also are continuing efforts to increase the level of standardization in procedures, format and terminology throughout our programmatic rules, in order to make them easier for our clients to use. In addition to making minor technical and grammatical changes throughout this Part, ISAC proposes the following substantive amendments:

The conditions for a deferment under Section 2765.30(n)(5) are being modified from requiring full-time enrollment to requiring enrollment on at least a half-time basis, as part of the agency's continuing effort to conform deferments for ISAC's teacher education programs.
- 6) Will this proposed amendment replace any 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: This rulemaking does not create or expand a state mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3] and does not necessitate a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF PROPOSED AMENDMENT

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

Thomas A. Breyer
Deputy Program Officer
Illinois Student Assistance Commission
1755 Lake Cook Road
Deerfield IL 60015

(847) 948-8500
email: tbreyer@isac.org

- 12) Initial Regulatory Flexibility Analysis:
- P) Types of small businesses, small municipalities and not for profit corporations affected: None
- Q) Reporting, bookkeeping or other procedures required for compliance: None
- R) Types of professional skills necessary for compliance: None
- 13) Regulatory Agenda on which this rulemaking was summarized: January 2005

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

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF PROPOSED AMENDMENT

TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSION

PART 2765

ILLINOIS SPECIAL EDUCATION TEACHER TUITION WAIVER (SETTW) PROGRAM

Section

2765.10	Summary and Purpose
2765.20	Applicant Eligibility
2765.30	Program Procedures
2765.40	Institutional Procedures

AUTHORITY: Implementing Section 65.15 and authorized by Sections 20(f) and 65.15(a)(2) of the Higher Education Student Assistance Act [110 ILCS 947/20(f) and 65.15].

SOURCE: Adopted at 19 Ill. Reg. 8354, effective July 1, 1995; amended at 20 Ill. Reg. 9194, effective July 1, 1996; old Part repealed and new Part adopted at 21 Ill. Reg. 11129, effective July 18, 1997; amended at 22 Ill. Reg. 11107, effective July 1, 1998; amended at 24 Ill. Reg. 9159, effective July 1, 2000; amended at 26 Ill. Reg. 10037, effective July 1, 2002; amended at 27 Ill. Reg. 10405, effective July 1, 2003; amended at 28 Ill. Reg. 9170, effective July 1, 2004; amended at 29 Ill. Reg. _____, effective _____.

Section 2765.30 Program Procedures

- a) A completed ISAC application for the Illinois SETTW Program must be postmarked on or before March 1 immediately preceding the academic year for which the tuition waiver is being requested, in order to receive priority consideration for an award.
- b) ISAC applications for the Illinois SETTW Program are available from eligible institutions; the offices of Regional Superintendents of Education in Illinois; State legislative and federal Congressional offices; and ISAC's Springfield, Deerfield and Chicago offices.
- c) If the student section of an application is incomplete, ISAC will notify the applicant. The applicant will then have an opportunity to furnish the missing information; however, the application will be considered for processing as of the date when the student section is complete and received in ISAC's Deerfield office.
- d) Before March 1 of each year, principals of public, private and parochial high

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schools in Illinois will provide the names of all students in their high school who are anticipated to be qualified applicants.

- e) ISAC shall award 250 Illinois Special Education Teacher Tuition Waivers annually as follows:
- 1) A maximum of 40 tuition waivers may be awarded annually to qualified applicants who hold valid teaching certificates that are not in the discipline of Special Education. If more than 40 applicants qualify under these provisions, a lottery shall be used to select 40 recipients;
 - 2) A minimum of 210 tuition waivers shall be awarded annually to high school graduates (or students scheduled to graduate) who rank in the upper half of their class. Any of the 40 tuition waivers not awarded pursuant to subsection (d)(1) of this Section shall be awarded to this group;
 - 3) ISAC shall select recipients, who do not hold valid teaching certificates, from among qualified applicants based on the highest ACT or SAT I test scores from the time periods set forth in Section 2760.20(b), (c) and (d), as converted according to the Illinois Standard Test Score table (see 23 Ill. Adm. Code 2760.30(b)(1) and (2)).
 - 4) A lottery will be used to determine recipients if the number of qualified applicants sharing the same Illinois Standard Test Score exceeds the number of tuition waivers to be awarded.
- f) Notice of eligibility will be sent by July 1 to each qualified applicant who is selected to receive a tuition waiver. The qualified applicant is then responsible for providing a copy of the notice of eligibility to the institution. All other qualified applicants will be notified that they were not selected.
- g) Tuition waivers are applicable towards credit for any semester/quarter within an academic year.
- h) A recipient shall be exempt from paying tuition and mandatory fees for up to four calendar years.
- i) Prior to receiving assistance, the qualified applicant must sign a Teaching Agreement/Promissory Note, which must be submitted to ISAC. The Teaching Agreement/Promissory Note shall include the following stipulations:

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- 1) the recipient pledges to begin teaching on a full-time basis, in the field of Special Education, within one year following graduation from or termination of enrollment in a teacher education program, at a nonprofit, public, private or parochial preschool, elementary or secondary school in Illinois and to continue teaching for at least 2 of the 5 years immediately following;
 - 2) if the teaching requirement is not fulfilled, the tuition waiver converts to a loan and the recipient must repay the entire amount of the tuition waiver (prorated according to the fraction of the teaching obligation not completed), plus interest at a rate equal to 5% per annum; and
 - 3) the recipient agrees to provide ISAC with evidence of compliance with program requirements (e.g., responses to annual follow-up questionnaires, etc.).
- j) The five-year time period during which the teaching requirement must be fulfilled may be extended if the recipient:
- 1) serves, for not more than three years, as a member of the United States Armed Forces;
 - 2) is enrolled full-time in an academic program related to the field of teaching, leading to a graduate or postgraduate degree;
 - 3) is temporarily totally disabled for a period of time not to exceed three years, as established by the sworn affidavit of a qualified physician;
 - 4) is actively seeking but unable to find full-time employment as a teacher at an Illinois public, private, or parochial school for one continuous period not to exceed two years, and is able to provide evidence of that fact; or
 - 5) is taking additional courses, on at least a half-time basis, needed to obtain certification as a teacher in Illinois.
- k) A recipient may be granted a leave of absence by the president of the institution, or his/her designee, for the following reasons:
- 1) earning funds to defray the recipient's educational expenses;
 - 2) illness of the recipient or a member of the recipient's immediate family, as

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established by the sworn statement of a licensed physician; or

- 3) military service.
- l) A recipient must complete his or her course of study within six years including leaves of absence. A recipient must remain enrolled on a continuous basis during the regular school year for four years, unless granted a leave of absence. However, a leave of absence granted for military service shall not be considered part of the six years within which a recipient must complete a degree.
 - m) A recipient shall enter repayment status on the earliest of the following dates:
 - 1) the first day of the first calendar month after the recipient has ceased to pursue a course of study leading to initial certification as a teacher in Special Education, but not until six months have elapsed after the cessation of at least half-time enrollment in such a course of study;
 - 2) the date the recipient informs ISAC that he or she does not plan to fulfill the teaching obligation; or
 - 3) the latest date upon which the recipient must have begun teaching in order to complete the teaching obligation within five years after completing the postsecondary education for which the waiver was awarded.
 - n) If a recipient is required to repay any portion of the tuition waiver, the repayment period shall be completed within five years after the tuition waiver converts to a loan. The five-year period may be extended if the recipient:
 - 1) serves, for not more than three years, as a member of the United States Armed Forces;
 - 2) is temporarily disabled, for not more than three years, as established by the sworn affidavit of a licensed physician;
 - 3) is pursuing a graduate or postgraduate degree and is enrolled on a full-time basis for one continuous period of time not to exceed three years;
 - 4) is seeking and unable to find full-time employment for one continuous period not to exceed two years and is able to provide evidence of that fact; or

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- 5) withdraws from a course of study leading to a teacher certification in Special Education but remains enrolled on at least a half-time~~full-time~~ basis in another academic discipline.
- o) During the time a recipient qualifies for any of the extensions listed in subsection (n) of this Section, he or she shall not be required to make payments and interest shall not continue to accrue.
- p) A recipient shall not be required to pay the amount of the tuition and fees waived if he or she becomes permanently totally disabled, as established by the sworn affidavit of a licensed physician (see, e.g., 34 CFR 653.42(k)(1)); or if his or her representative provides ISAC with a death certificate or other evidence that the recipient has died.
- q) A recipient must be enrolled in a special education program within ten days after the beginning of the term for which the tuition waiver was initially awarded. If the recipient fails to comply with this requirement, s/he will forfeit the tuition waiver and ISAC will award it to another qualified applicant.

(Source: Amended at 29 Ill. Reg. _____, effective _____)

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

Thomas A. Breyer
Deputy Program Officer
Illinois Student Assistance Commission
1755 Lake Cook Road
Deerfield IL 60015

(847) 948-8500
email: tbreyer@isac.org

- 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: January 2005

The full text of the proposed amendment begins on the next page:

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF PROPOSED AMENDMENT

TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE A: EDUCATION
CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSION

PART 2771

COLLEGE SAVINGS BOND BONUS INCENTIVE GRANT (BIG) PROGRAM

Section

2771.10	Summary and Purpose
2771.20	Applicant Eligibility
2771.30	Program Procedures
2771.40	Institutional Procedures
2771.APPENDIX A	Table of Grant Amounts

AUTHORITY: Implementing and authorized by Section 8 of the Baccalaureate Savings Act [110 ILCS 920/8].

SOURCE: Emergency rules adopted at 15 Ill. Reg. 15800, effective October 21, 1991, for a maximum of 150 days; emergency expired on March 19, 1992; adopted at 16 Ill. Reg. 6873, effective April 14, 1992; amended at 18 Ill. Reg. 10246, effective July 1, 1994; amended at 19 Ill. Reg. 8312, effective July 1, 1995; amended at 20 Ill. Reg. 9136, effective July 1, 1996; Old Part repealed and New Part adopted at 21 Ill. Reg. 11018, effective July 18, 1997; amended at 22 Ill. Reg. 11035, effective July 1, 1998; amended at 23 Ill. Reg. 7532, effective July 1, 1999; amended at 24 Ill. Reg. 9090, effective July 1, 2000; amended at 25 Ill. Reg. 8364, effective July 1, 2001; amended at 27 Ill. Reg. 10417, effective July 1, 2003; amended at 29 Ill. Reg. _____, effective _____.

Section 2771.30 Program Procedures

- a) Application Procedures
 - 1) Applications for a BIG shall be available from the Illinois Student Assistance Commission (ISAC) and eligible non-profit institutions of higher learning.
 - 2) A complete application for BIG assistance shall include certifications from: the bondholder, the student beneficiary and the Registrar of the institution of higher learning at which the student beneficiary is enrolled.
 - 3) A bondholder or a student beneficiary must submit a BIG application

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between August 1 and May 30 of the academic year for which assistance is being requested. All grants under this program are subject to sufficient annual appropriations for this program by the General Assembly.

- 4) ISAC may require applicants to provide documentation verifying that the bondholder owned the bonds for the requisite length of time.
 - 5) One student beneficiary may be designated for each bond redeemed. In cases where two individuals jointly own a college savings bond, only one student beneficiary may be designated.
- b) Application Certifications
- 1) The bondholder shall certify that:
 - A) the aggregate compound accreted value at maturity of the college savings bond(s) was not more than \$25,000;
 - B) at least 70 percent of the proceeds of the college savings bond(s) have been or will be used for educational expenses incurred by the student beneficiary during an academic year;
 - C) the student named on the application has been designated as the beneficiary of the bond proceeds;
 - D) no other student has been designated as the student beneficiary for the same college savings bond;
 - E) the information provided on the application with regard to the bonds is true and correct, including the date on which the bond(s) were issued, the date on which the bond(s) were acquired and the date on which the bond(s) matured; and
 - F) the preceding certifications are being provided for the academic year in which the application is being submitted.
 - 2) The student beneficiary shall certify that:
 - A) his or her address, Social Security Number and other identifying information is accurate;

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- B) at least 70% of the proceeds of the College Savings Bonds will be used for educational expenses;
 - C) he or shes/he is enrolled at an eligible non-profit institution of higher learning;
 - D) he or shes/he will use the BIG proceeds to finance educational expenses which are reasonably incurred during an academic year, including tuition and fees, room and board, books and supplies, child care expenses, laundry, travel and other personal expenses related to attendance at the institution of higher learning; and
 - E) he or shes/he will not use the BIG proceeds to finance costs incurred in an academic program of divinity for any religious denomination or in a course of study to become a minister, priest, rabbi or other professional in the field of religion.
- c) The dollar value of the BIG shall be determined according to the Table of Grant Amounts (see Appendix A of this Part); provided, however, that:
- 1) the compound accreted value of the bonds shall not exceed \$25,000 in any given academic year;

Example: A BIG could not be claimed for more than 5 bonds of \$5,000 compound accreted value each in any given year. Even if 12 bonds of \$5,000 compound accreted value each, or \$60,000 total, had been purchased on behalf of a beneficiary, a BIG could be paid only for the first \$25,000.
 - 2) 70 percent of the compound accreted value of the bonds for which a BIG is being claimed in a given academic year does not exceed the beneficiary's cost of attendance at the institution of higher learning for that year.

Example: The beneficiary's cost of attending University A is \$14,000. Since \$14,000 is 70 percent of \$20,000, a BIG could not be claimed for bonds with a compound accreted value in excess of \$20,000. Even if 5 bonds of \$5,000 compound accreted value each, or \$25,000 total, had been purchased on behalf of the

ILLINOIS STUDENT ASSISTANCE COMMISSION

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beneficiary, in this case a BIG could be paid only on the first \$20,000.

- d) Both the proceeds of the bond(s) and the BIG assistance must be used by the student beneficiary in the academic year in which the bond matures or in the academic year immediately following maturity.
- e) ~~Applicants may request that their eligibility for ISAC gift assistance be recalculated to exclude up to \$25,000 in accumulated bonds and interest, pursuant to ISAC Appeal Procedures (see 23 Ill. Adm. Code 2700.70). Recalculations will only be performed for those students who complete the required federal needs analysis process.~~

(Source: Amended at 29 Ill. Reg. _____, effective _____)

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

Thomas A. Breyer
Deputy Program Officer
Illinois Student Assistance Commission
1755 Lake Cook Road
Deerfield IL 60015

(847) 948-8500
mail:tbreyer@isac.org

- 12) Initial Regulatory Flexibility Analysis:

- S) Types of small businesses, small municipalities and not for profit corporations affected: None
- T) Reporting, bookkeeping or other procedures required for compliance: None
- U) Types of professional skills necessary for compliance: None

- 13) Regulatory Agenda on which this rulemaking was summarized: January 2005

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

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF PROPOSED AMENDMENT

TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSION

PART 2775

ILLINOIS PREPAID TUITION PROGRAM

Section

2775.10	Summary and Purpose
2775.20	Definitions
2775.30	Participant Eligibility
2775.40	Program Procedures
2775.50	Contract Terms and Conditions
2775.60	Scholarships, Grants or Monetary Assistance
2775.70	Disclosure

AUTHORITY: Implementing the Illinois Prepaid Tuition Act [110 ILCS 979] and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/20(f)].

SOURCE: Adopted by emergency rulemaking at 22 Ill. Reg. 16652, effective September 11, 1998, for a maximum of 150 days; adopted at 23 Ill. Reg. 2591, effective February 1, 1999; amended at 24 Ill. Reg. 9154, effective July 1, 2000; amended at 25 Ill. Reg. 8410, effective July 1, 2001; amended at 26 Ill. Reg. 10043, effective July 1, 2002; amended at 28 Ill. Reg. 9177, effective July 1, 2004; amended at 29 Ill. Reg. _____, effective _____.

Section 2775.60 Scholarships, Grants or Monetary Assistance

a) ~~For purposes of determining a student's eligibility for any scholarship, grant or monetary assistance awarded by the Commission, the State, or any agency thereof, the value of any Illinois prepaid tuition contract shall not be considered as an asset when evaluating the financial situation of the qualified beneficiary, or be deemed a financial resource or form of financial aid or assistance for the qualified beneficiary.~~

b) If contract benefits are considered for purposes of determining eligibility for federal student financial assistance, contributions toward the purchase of a prepaid tuition contract ~~may~~shall not reduce the amount of any scholarship, grant, or monetary assistance that the qualified beneficiary is eligible to be awarded by the Commission, the State or any agency ~~of the State~~thereof.

(Source: Amended at 29 Ill. Reg. _____, effective _____)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Solicitation for Charitable Payroll Deductions
- 2) Code Citation: 80 Ill. Adm. Code 2650
- 3) Section Numbers: Adopted Action:
2650.10 Amendment
2650.15 Amendment
2650.40 Amendment
2650.50 Amendment
2650.70 Amendment
- 4) Statutory Authority: Implementing and authorized by Section 9 of the Illinois Personnel Code [20 ILCS 415/9] and Section 5 of the Voluntary Payroll Deductions Act of 1983 [5 ILCS 340/5]
- 5) Effective Date of Amendments: February 1, 2005
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Date Notice of Proposal Published in Illinois Register: April 16, 2004; 28 Ill. Reg. 5939
- 10) Has JCAR issued a Statement of Objections to the amendments? No
- 11) Differences between proposal and final version. Only three minor editing changes were made. No substantive changes were made.
- 12) Have all of the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency amendment currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendments: Generally, these adopted amendments provide new employees the opportunity to give to charitable organizations through SECA, under

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Sections 2650.15 and 2650.40. Under Section 2650.10, Advisory Board involvement in the management contract is expanded. This Section amendment also allows SECA liaisons to assist with SECA-related activities but does not allow use of State time for charitable events outside the realm of SECA. Sections 2650.40 and 2650.50 increase the accountability of charitable organizations. Section 2650.70 clarifies the funding process of SECA.

- 16) Information and questions regarding these adopted amendments shall be directed to:

Gina Wilson
Illinois Department of Central Management Services
720 Stratton Office Building
Springfield IL 62706

(217)785-1793

- 17) Does this amendment require the preview of the Procurement Policy Board as specified in Section 5-25 of the Illinois Procurement Code [30 ILCS 50/5-25]? No

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

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES

SUBTITLE G: PAYROLL DEDUCTIONS

CHAPTER III: DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

PART 2650

SOLICITATION FOR CHARITABLE PAYROLL DEDUCTIONS

Section

2650.1	Definitions
2650.5	Entitlement
2650.10	Organization
2650.15	Annual Drive
2650.20	Recognition
2650.25	Request to Solicit Employees or Annuitants
2650.30	Prohibitions
2650.40	Code of Campaign Conduct
2650.50	Violation of Code of Campaign Conduct
2650.60	Committee on Campaign Conduct
2650.70	Allocation of Expenses to SECA Participants Membership

AUTHORITY: Implementing and authorized by Section 9 of the Illinois Personnel Code [20 ILCS 415/9] and Section 5 of the Voluntary Payroll Deductions Act of 1983 [5 ILCS 340/5].

SOURCE: Emergency rules adopted at 12 Ill. Reg. 6975, effective April 1, 1988, for a maximum of 150 days; emergency repealer adopted at 12 Ill. Reg. 10191, effective June 10, 1988, for a maximum of 150 days; adopted at 13 Ill. Reg. 3330, effective March 6, 1989; amended at 16 Ill. Reg. 11438, effective July 6, 1992; amended at 18 Ill. Reg. 3115, effective February 22, 1994; amended at 21 Ill. Reg. 11532, effective August 1, 1997; amended at 26 Ill. Reg. 5761, effective April 4, 2002; amended at 29 Ill. Reg. 2244, effective February 1, 2005.

Section 2650.10 Organization

- a) The Director shall have general administrative and policy authority regarding SECA.
- b) An Advisory Board to assist in implementing and regulating the State and University Employees Combined Appeal (SECA) is established under the chairmanship of the Director (or his/her designee). The following persons shall be invited to be members of the Advisory Board: five or more State employees "at large" representing employee interests; the prior year's SECA chairperson; the

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

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Lieutenant Governor or his/her designee; a representative of a State employee labor organization; a representative from a Retirement System; and the appointed SECA Chairperson for the current year. The at-large members and the labor organization representative shall be appointed by the Director. No State employee shall serve more than three consecutive one-year terms. The Advisory Board shall meet at least quarterly. The function of the Advisory Board is to advise the Director on SECA matters, including:

- 1) Discussion and planning of the administration and conduct of the annual campaign.
- 2) Review of combined campaign materials, educational programs, publicity efforts, campaign goals and recognition-award programs.
- 3) Selection process for SECA coordinators.
- 4) Verification of continuing eligibility through the Comptroller's Office.
- 5) [Candidate search and presentation of any proposed third party manager to the Qualified Charitable Organizations for approval and establishment of proposed duties of any third party manager.](#)
- 6) Any other issues determined to be consistent with the functions of the Advisory Board.

A representative from each Qualified Charitable Organization may attend and speak at each Advisory Board meeting, but shall not have a vote on the Advisory Board.

- c) A chairperson for each annual SECA shall be appointed by the Governor. The chairperson shall serve on the Advisory Board to assist the Director on functions specified in subsections (b)(2) and (b)(3). Each chief officer shall appoint an executive coordinator for each annual campaign. SECA coordinators or other agency employees shall be permitted work time to perform their responsibilities, including campaign briefings and training, distribution of literature, collection of pledge cards, telephone and contact with representatives of the Qualified Charitable Organizations. SECA coordinators will be permitted to request liaisons to assist where an agency has multiple worksites. SECA liaisons will be given time to meet with their coordinator for training [and related events](#). Any State employee who volunteers for [a charity event](#)~~the campaign~~ shall contribute

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time solely during non-work hours.

(Source: Amended at 29 Ill. Reg. 2244, effective February 1, 2005)

Section 2650.15 Annual Drive

An annual SECA drive shall be held to include all Qualified Charitable Organizations under the following conditions:

- a) Employees:
 - 1) solicitations for contributions may commence no earlier than September 1, must end no later than November 30, and must be conducted within a period of eight consecutive weeks;
 - 2) equal access and promotional opportunity time shall be allowed for each Qualified Charitable Organization by the agency coordinator;
 - 3) there shall be no lessening or disruption of work in the work place;
 - 4) employees shall be informed regarding any Qualified Charitable Organization as charitable alternatives;
 - 5) qualification of any charitable organization by the Office of the Comptroller shall occur by December 31 prior to the annual drive whose authorized withholdings are to be effective the following January 1 as provided in Section 2650.20. Organizations shall submit the required designations and certifications to the Comptroller two weeks before the December 31 deadline;
 - 6) one combined brochure and payroll deduction form will be prepared and printed ~~by the charities~~. This brochure will include all charities qualified as of the ~~above cutoff~~ date specified in subsection (a)(5) to participate in SECA and will be distributed ~~during the campaign~~ to all State employees covered under this Part~~these rules~~ by the Executive Coordinators and their liaisons~~liaison~~;
 - 7) during the campaign period, employees may attend on their own volition presentations of each or any Qualified Charitable Organization, such time totaling not more than 1 hour in the aggregate annually. Agencies, in

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

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cooperation with the Qualified Charitable Organization, shall endeavor to schedule presentations to permit all interested employees to attend such presentations.

- b) Annuitants:
- 1) qualification of any charitable organization by the Office of the Comptroller shall occur in the manner set forth in subsection (a)(5);
 - 2) solicitations of annuitants may be made by brochures or other printed campaign material approved by the Advisory Board or its designee;
 - 3) it is not necessary that all annuitants be solicited for contributions for any given annual SECA campaign. The Advisory Board, or its designee, shall consider on an annual basis which annuitants should receive solicitations through SECA.

(Source: Amended at 29 Ill. Reg. 2244, effective February 1, 2005)

Section 2650.40 Code of Campaign Conduct

Qualified Charitable Organizations which wish to seek contributions from State employees at their work place shall comply with this Code of Conduct.

- a) Approval and distribution of campaign materials
- 1) All materials to be distributed or used at the work place shall be reviewed and approved by the Department or Advisory Board. If material is not submitted by deadlines established by the Department or Advisory Board or is not approved by the same, that material shall be excluded and not distributed.
 - 2) All materials ~~Materials (including films and videotapes)~~ shall be distributed to employees at the work place during the campaign period ~~only~~. New employees shall be provided with the current SECA materials upon hire.
 - 3) During the 30 days immediately prior to the start of the campaign period, materials may be stored at the work site and made available to the agency SECA coordinator in preparation for the campaign.

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- b) Use of employee and annuitant information
- 1) A Qualified Charitable Organization may not use the name or address of an employee or annuitant obtained through SECA for fundraising purposes when that employee or annuitant has expressly stated in writing that his/her name may not be so used or sold by that Qualified Charitable Organization. Any employee or annuitant who does not provide such a written statement to a Qualified Charitable Organization shall be considered to have "released" his/her name and address to that Qualified Organization.
 - 2) If an employee or annuitant releases his/her name to a Qualified Charitable Organization, the Qualified Charitable Organization may use the employee's or annuitant's name for the purpose of acknowledging the employee's or annuitant's contribution and/or educating the employee or annuitant further regarding the Qualified Charitable Organization; however, no employee's or annuitant's name that a Qualified Charitable Organization has been able to obtain only by virtue of such organization's participation in SECA may be used by such Qualified Charitable Organization for fund raising purposes other than in the SECA campaign, and may not be sold or given to another organization or entity.
 - 3) An employee or annuitant who at one time indicates that his or her name may not be released and at a later date decide to allow release must do so in writing to the Qualified Charitable Organizations to which the release applies.
 - 4) An employee or annuitant who at one time "releases" his or her name may later rescind that authorization by submitting a letter to the Qualified Charitable Organization. The letter may be submitted to the Advisory Board, which will then forward the letter to the Qualified Charitable Organization.
- c) Giving to be voluntary
- 1) All solicitation activities shall be designed and conducted to elicit voluntary giving. Actions that coerce an employee or annuitant into giving, or create the appearance that employees or annuitants must give, are not permitted.

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- 2) The following actions are prohibited for the Qualified Charitable Organizations:
- A) requesting or encouraging that employees be solicited by their supervisor or by any individual in their supervisory chain of command. (This does not prohibit requesting the head of a department or agency to demonstrate support of SECA in employee or annuitant newsletters or other general communications.)
 - B) asking supervisors about whether an employee chose to participate or not to participate or the amount of an employee's contribution.
 - C) setting, requesting or encouraging that a department or agency set 100% participation goals or other goals that would imply compulsory participation.
 - ~~D) setting, requesting or encouraging that a department or agency set personal dollar goals or quotas.~~
 - ~~D~~E) ~~encouraging~~ contributions to particular organizations.

d) Qualified Charitable Organization Participation

- 1) Each Qualified Charitable Organization shall participate in a minimum of three SECA Advisory Board meetings per year.
- 2) Each Qualified Charitable Organization shall attend two SECA events during each campaigning period.

- e)⊕ Any charity ~~that~~~~which~~ wishes to participate in SECA, either directly or indirectly through a united or umbrella organizational arrangement, shall comply with this Code of Campaign Conduct. If the participating charity is part of a united or umbrella organization, that umbrella or united organization shall be responsible for informing each of its participating charities of the Code of Campaign Conduct.

(Source: Amended at 29 Ill. Reg. 2244, effective February 1, 2005)

Section 2650.50 Violation of Code of Campaign Conduct

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- a) Any employee, annuitant, governmental agency, university, or Qualified Charitable Organization with a complaint regarding SECA activities may submit a written complaint accompanied by supporting documentation to the Department.
- b) Within ten working days after receipt of the complaint, the Department shall contact the party subject of the complaint and supply them with a copy of the written complaint and supporting documentation. The party subject of the complaint shall submit a response to the Department within 10 days after receipt of the complaint or the decision will be made without input from that party. Within ten working days after receiving the response, the Department will respond to the complainant denying the complaint, identifying the proposed resolution or taking other action, which may include conducting a hearing.
- c) Any such decision of the Department may be appealed to the Committee on Campaign Conduct within 10 calendar days after receipt of the response to the complaint.
- d) The goal of the Committee shall be to act on the appeal, which may include holding a public hearing, and make a final determination within 10 working days after receipt of the appeal.
- e) A Qualified Charitable Organization, or a benefiting agency of a Qualified Charitable Organization, may be denied participation in the SECA campaign for failure to comply with this Code of Campaign Conduct. Denial shall be for the next entire campaign period. Early reinstatement will be considered if the organization provides sufficient assurance that it will comply with these Code of Campaign Conduct rules. Restrictions may be placed on the Qualified Charitable Organization or benefiting agency if allowed early reinstatement. Suspension from a campaign shall not require a Qualified Charitable Organization to again meet basic qualifying criteria as set forth in the statute.
- f) To help other Qualified Charitable Organizations avoid suspension, the Department may circulate written reminders of conduct or actions [as outlined in Section 2650.40 that ~~which~~](#) are or have been found to be violations of the Code. [If the Qualified Charitable Organization receives three reminders and the violation is not remedied within the period of time specified in the reminder, the Committee may deny the Qualified Charitable Organization participation in the next entire campaign period.](#)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

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(Source: Amended at 29 Ill. Reg. 2244, effective February 1, 2005)

Section 2650.70 Allocation of Expenses to SECA Participants Membership

~~a) Expenses of SECA will be borne by the Qualified Charitable Organizations in an amount or proportion determined by a majority vote of those Qualified Charitable Organizations which will be participating in the SECA Campaign.~~

~~a)b) If the Qualified Charitable Organizations do not reach agreement on allocation of expenses, The~~ Department shall allocate expenses in any of the following manners:

- 1) Expenses will be divided ~~prorata~~equally among all participating Qualified Charitable Organizations based on contributions from the prior campaign year.
- 2) Newly Qualified Charitable Organizations will contribute the percent of the total budget as if such expenses were divided equally among the participating charities. The remainder of the expenses will be allocated to the Qualified Charitable Organizations that participated in the previous year's campaign with each organization contributing a percent of the expenses proportionate to the percent of the total contributions each organization earned in the previous year's campaign.
- 3) Expenses will be divided among all organizations which participate directly in the SECA Campaign as a Qualified Charitable Organization or which benefits from the SECA Campaign by receiving a distribution from a Qualified Charitable Organization.
- 4) Any other reasonable manner that the Department deems appropriate.

~~b) Each Qualified Charitable Organization will have 60 days after receipt of its assessment to submit payment. Newly Qualified Charitable Organizations will pay one half of their assessment by October 1 and the balance by March 1.~~

(Source: Amended at 29 Ill. Reg. 2244, effective February 1, 2005)

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- 1) Heading of the Part: Early Intervention
- 2) Code Citation: 89 Ill. Adm. Code 500
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
500.140	Amended
500.145	Amended
500.170	Amended
- 4) Statutory Authority: Implementing and authorized by the Early Intervention Services System Act [325 ILCS 20] and Part C of the Individuals with Disabilities Education Act (IDEA) (20 USC 1400 et seq., as amended in 1997)
- 5) Effective Date of Rulemaking: January 31, 2005
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: July 16, 2004; 28 Ill. Reg. 9821
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Differences between proposal and final version: In the main source note, "amended at 28 Ill. Reg. 8727, effective June 1, 2004;" was added to correctly reflect a recent amendment to this Part.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? There were no changes.
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and purpose of rulemaking: These amendments are necessary to update the Bureau of Early Intervention's address in the administrative resolution, mediation and complaint sections of the Part.

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- 16) Information and questions regarding these adopted amendments shall be directed to:

Tracie Drew, Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue East
Harris Building, 3rd Floor
Springfield, Illinois 62762

(217) 785-9772

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

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES
SUBCHAPTER e: EARLY CHILDHOOD SERVICESPART 500
EARLY INTERVENTION PROGRAM

SUBPART A: GENERAL PROVISIONS

Section

500.10	Purpose
500.15	Incorporation by Reference
500.20	Definitions

SUBPART B: COMPONENTS OF THE STATEWIDE SYSTEM

Section

500.25	Public Awareness and Child Find
500.30	Central Directory
500.35	Local Interagency Councils
500.40	Illinois Interagency Council on Early Intervention
500.45	Regional Intake Entities
500.50	Eligibility
500.55	Early Intervention Services/Devices
500.60	Provider Qualifications/Credentialing and Enrollment
500.65	Monitoring

SUBPART C: SERVICE DELIVERY REQUIREMENTS

Section

500.70	Intake
500.75	Eligibility Determination
500.80	Individualized Family Service Plan Development
500.85	Individualized Family Service Plan Implementation
500.90	Individualized Family Service Plan Updating
500.95	Case Transfer
500.100	Transition to Part B or Other Appropriate Services at Age Three
500.105	Case Closure
500.110	Recordkeeping
500.115	Service Provider Requirements

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SUBPART D: FINANCIAL MATTERS

Section

- 500.120 Billing Procedures
- 500.125 Payor of Last Resort
- 500.130 Family Fee/Insurance

SUBPART E: PROCEDURAL SAFEGUARDS/CLIENT RIGHTS

Section

- 500.135 Minimum Procedural Safeguards
 - 500.140 Administrative Resolution of Complaints By Parents
 - 500.145 Mediation
 - 500.150 Confidentiality/Privacy
 - 500.155 Right to Consent
 - 500.160 Surrogate Parents
 - 500.165 Written Prior Notice
 - 500.170 State Complaint Procedure
-
- 500.APPENDIX A Sliding Fee Schedule
 - 500.APPENDIX B Assessment Instruments
 - 500.APPENDIX C Requirements for Professional and Associate Level Early Intervention (EI) Credentialing and Enrollment to Bill
 - 500.APPENDIX D Use of Associate Level Providers
 - 500.APPENDIX E Medical Conditions Resulting in High Probability of Developmental Delay (not an exclusive list)

AUTHORITY: Implementing and authorized by the Early Intervention Services System Act [325 ILCS 20] and Part C of the Individuals with Disabilities Education Act (IDEA) (20 USC 1400 et seq., as amended in 1997).

SOURCE: Adopted at 25 Ill. Reg. 8190, effective July 1, 2001; amended at 27 Ill. Reg. 2611, effective February 7, 2003; amended at 27 Ill. Reg. 13438, effective July 24, 2003; amended at 28 Ill. Reg. 8727, effective June 1, 2004; amended at 29 Ill. Reg. 2254, effective January 31, 2005.

SUBPART E: PROCEDURAL SAFEGUARDS/CLIENT RIGHTS

Section 500.140 Administrative Resolution of Complaints By Parents

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- a) The parents of a child between birth to 36 months or a public agency (as defined at 34 CFR 300.22 (2000)) may request an impartial administrative proceeding to resolve a dispute regarding the evaluation, identification, placement, delivery of services, or provision of appropriate services for their child (or if a public agency, for a child for whom it has responsibility).
- b) A request for an impartial administrative proceeding shall be made in writing to the Department at:

Chief
Bureau of Administrative Hearings
Illinois Department of Human Services
~~Harris Building~~
100 S. Grand Avenue East – 3rd Floor
Springfield, Illinois 62762

With a copy to the regional intake entity and to:

Chief
Bureau of Early Intervention
Illinois Department of Human Services
~~222 South College, 2nd Floor~~~~623 East Adams—2nd Floor~~
~~P.O. Box 19429~~
Springfield, Illinois ~~62704-1958~~~~62794-9429~~

- c) The letter requesting the proceeding shall include:
- 1) the name, address, and telephone number of the child's parent, of the person making the request for the proceeding, if it is someone other than the child's parent, and of the child;
 - 2) the name of the child and the child's birthdate;
 - 3) a description of the nature of the problem of the child relating to the proposed or refused initiation or change, including facts relating to the problem;
 - 4) authorization for release of the child's early intervention service records to the Department and the hearing officer;

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- 5) the remedy being sought or proposed resolution of the controversy to the extent known and available to the parents at the time;
 - 6) the primary language spoken by the parents;
 - 7) the service delivery agency and/or provider involved in the dispute; and
 - 8) evidence supporting the remedy or proposed resolution (i.e., IFSP, Family Resource Inventory, bill payment, etc.).
The letter shall be confidential and only used for purposes of resolution of the dispute and as agreed to by the child's parents.
- d) Upon receipt of request for an impartial proceeding, parties involved in the dispute shall be offered the option of mediation as set forth in Section 500.145.
- e) During the pendency of any proceeding involving a complaint, unless the parent and the Department agree otherwise, the child must continue to receive the appropriate Part C EI services currently being provided. If the complaint involves application for initial Part C services, the child must receive those services that are not in dispute.
- f) The parent shall be informed of free or low cost legal and other related services available in the area if the parent requests that information or the parent or agency initiates a resolution under this Section. Regional intake entities shall maintain that information and make it available upon request or if a proceeding is initiated under this Section.
- g) Upon written request for an impartial proceeding, the Department shall appoint an impartial hearing officer. The Department shall maintain a list of hearing officers. An impartial hearing officer must:
- 1) be licensed to practice law in Illinois;
 - 2) have knowledge about the provisions of IDEA Part C and the Illinois Early Intervention Services System Act, the needs of eligible children and their families, and services available to them under those statutes;
 - 3) not be an employee of the Department or a State educational agency, LEA or private service provider involved in the provision of early intervention services or care of the child;

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- 4) not have a personal or professional interest that would conflict with his/her objectivity in implementing the process.
- h) Complaints under this Part shall be submitted to the Department as soon as possible, but at least within three months after the complainant's knowledge of the disputed activity.
- i) Organizations and/or providers and/or individuals with whom the complainant has a dispute shall be parties to the proceeding as deemed necessary by the impartial hearing officer in order to resolve the dispute.
- j) Within five days after receiving written notification from the Department of Human Services, the appointed hearing officer shall contact the parties to determine a time and place reasonably convenient to the parties for a hearing and any pre-hearing conferences. The hearing officer shall provide the parties at least ten days' written notice of the dates, times, and locations of any pre-hearing conferences and of the hearing.
- k) The hearing officer may conduct a pre-hearing conference either in person or by telephone in order to narrow the issues, determine stipulations by the parties, exchange evidence and names of witnesses, and consider other matters that may aid in efficient disposition of the case. At the conclusion of the pre-hearing conference, the hearing officer will prepare a written report of the conference to be entered into the hearing record memorializing the discussion, any stipulations, and scheduling accommodations made for parties or witnesses.
- l) Any party to a hearing has a right to:
 - 1) be accompanied (at the party's expense) and advised by counsel and by individuals with special knowledge or training with respect to children with disabilities;
 - 2) present evidence and confront, cross-examine, and compel the attendance of witnesses;
 - 3) prohibit the introduction of any evidence at the proceeding that has not been disclosed to that party at least five days before the proceedings; and
 - 4) obtain a written or electronic verbatim record of the hearing.

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- m) Parents involved in hearings must be given the right to:
 - 1) obtain written findings of fact and decision within 45 days after receipt of the request for impartial resolution;
 - 2) have the child who is the subject of the hearing present; and
 - 3) open the hearing to the public (hearings shall be closed to the public unless the parent requests them to be open).
- n) As soon as possible, but at least five business days prior to the hearing, each party shall disclose to all other parties all evaluations completed by that date and recommendations based on those evaluations that the party intends to use at the hearing, as well as other evidence to be offered at hearing and other relevant documentation.
- o) The regional intake entity shall disclose the complete record of the child to the Department within five business days after receipt of the letter requesting a proceeding under this Section.
- p) The hearing officer may bar any party failing to comply with subsection (n) from introducing evidence at hearing that was not produced as required in subsection (n).
- q) The hearing officer is authorized to conduct the hearing, administer oaths, issue subpoenas to compel testimony or production of documents, rule on motions, grant continuances, call or examine witnesses, and take such other action as may be necessary to provide the parties with an opportunity to be heard fairly and expeditiously.
- r) At the hearing, the party requesting the administrative resolution has the burden of proceeding first and demonstrating by a preponderance of the evidence that the provision or proposed provision of EI services for the child violates Part C, the State Act, or this Part.
- s) Upon completion of the submission of evidence and testimony, parties shall be given a reasonable period of time to present written or oral arguments to complete the process within 45 days.

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- t) The hearing officer shall maintain and prepare a record of the proceeding and shall prepare written findings and a decision that shall be served upon the parties. The record shall contain the letter requesting the proceeding, evidence submitted at the hearing, a transcript or recording of the hearing, prehearing conference reports, motions, orders and all other material that is part of the record.
- u) Any and all written findings and decisions shall be transmitted to the Illinois Interagency Council on Early Intervention and be made available to the public without personally identifying information.
- v) Either party may request a delay in convening the hearing and/or the pre-hearing conference for good cause. The party requesting the delay shall do so in writing to the hearing officer, with a copy served at the same time to all parties. The requesting party shall set forth the reasons for the request and the hearing officer shall, upon receiving the request, either grant or deny the request. The hearing officer shall contact the Department of Human Services with the date and place of the hearing and pre-hearing conference.
- w) Any party aggrieved by the findings and decision made in the hearing has a right to bring civil action in a State court of competent jurisdiction or in a district court of the United States regardless of the amount in controversy.

(Source: Amended at 29 Ill. Reg. 2254, effective January 31, 2005)

Section 500.145 Mediation

- a) Parties/Purpose
 - 1) Any party having a dispute involving the identification, evaluation, or placement of a child for early intervention services, or the provision of early intervention services, may request mediation regardless of whether a request for an impartial administrative proceeding has been or will be made. The mediation request may occur prior to or simultaneously with a request for an administrative proceeding and is open to any and all parties (public agencies, private agencies, parents) having standing in the disputes.
 - 2) The purpose of a mediation process is to provide an alternative to the impartial administrative resolution as a way to resolve disagreements between parents and early intervention services personnel. In virtually all

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cases, it is less costly and less adversarial than an administrative proceeding. Neither party is asked to abandon its beliefs about the child's ability. Rather, the parties are asked to consider alternatives that could be incorporated into the child's Individualized Family Service Plan and to be aware of the concerns and problems expressed by the other party.

- b) Requests for mediation must be made in writing to:

Chief
Bureau of Administrative Hearings
Department of Human Services
100 S. Grand Ave. East – 3rd Floor
~~Harris Building~~
Springfield, Illinois 62762

with a copy sent to:

Chief
Bureau of Early Intervention
Department of Human Services
~~222 South College, 2nd Floor~~~~623 East Adams – 2nd Floor~~
~~P.O. Box 19429~~
Springfield, Illinois ~~62704-1958~~~~62794-9429~~

- c) The written request shall include the name and address of the child and of the person requesting mediation, a description of the nature of the problem of the child, including the facts related to the problem, a proposed resolution to the problem, supporting relevant documentation of the facts, and the name and address of service providers.
- d) If a request for administrative resolution is made, mediation will be offered. Mediation may not be used to delay or deny the right to an administrative resolution or other rights under Part C.
- e) The mediation will be conducted by a qualified and impartial mediator who is trained in effective mediation techniques and who is knowledgeable in laws and regulations relating to early intervention services under Part C. A mediator may not be an employee of an agency providing services to the child at issue nor of the Department, nor have a personal or professional conflict of interest.

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- f) The mediation is offered at no cost to the parties. It must be voluntary by all parties.
- g) The mediator shall assure that a mediation conference is convened and concluded in a timely fashion and in no event later than the administrative resolution of a complaint under Section 500.140 if one was requested.
- h) The mediator will contact the parties to set a mutually convenient date, time and location for the mediation conference, to answer any questions the parties may have regarding the process, and to request additional information from the parties.
- i) The role of the mediator is that of a neutral facilitator assisting parents and early intervention personnel to resolve their disagreement. Although the mediator is in control of the session, he/she is not the decision maker and may not compel action by either party. The mediator allows the parties to present their positions, establishes an understanding of the disagreement, determines points of agreement, and offers suggestions/proposals for resolution, attempting to help the parties achieve a mutual solution that is in the best interests of the child. The mediator facilitates the process. He or she summarizes positions and may help the parties consider possible alternatives.
- j) If agreement is reached by the parties, it shall be set forth in a written mediation agreement signed by authorized representatives of the parties to the dispute. No record is kept of the discussions at the meeting. The mediation agreement will record only the date of the mediation, the parties to the mediation and terms agreed upon.
- k) Discussions that occur during the mediation process shall be confidential and may not be used as evidence in any subsequent administrative hearing or civil proceeding. The parties will be asked to sign a confidentiality pledge prior to the commencement of the mediation. Only the fact that mediation occurred and the terms of any mediation agreement reached are admissible in subsequent proceedings.
- l) Participants in the mediation conference should be limited to those necessary to resolution of the dispute and shall include persons authorized to act on behalf of the parties. In determining participants, the parties and mediator should be guided by desire to achieve mutual non-adversarial problem solving with the child's interests and the interests of the EI Services System as the goal.

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- m) The parties are expected to approach the mediation session in good faith and with the intention of attempting to reach an agreement. It is important that all parties approach the session with a willingness to listen and to consider all aspects of the issues in the interests of the child and of the EI Services System. They are active participants in the session and, if agreement is reached, develop the terms of the agreement with the assistance of the mediator.
- n) The mediation allows an uninterrupted opportunity for both parties to present their views in a non-adversarial setting. It allows parents and early intervention program personnel to focus on their common concerns, rather than their differences. Even if an agreement is not reached, there is the potential of both parties leaving the session with an enhanced perspective of the issues, and with a more positive working relationship.
- o) Regional intake entities, service coordinators and other participants in the EI Services System shall encourage resolution of disputes by mediation.

(Source: Amended at 29 Ill. Reg. 2254, effective January 31, 2005)

Section 500.170 State Complaint Procedure

- a) Individuals or organizations may file written, signed complaints with the Department of Human Services stating that a State agency, regional intake entity or provider is violating a law or rule regarding the Part C early intervention program. The statement must contain the facts that support the complaint. The alleged violation must have occurred not more than one year before the date the complaint is received by the Department, unless a longer period is reasonable because:
 - 1) The alleged violation continues for that child or other children; or
 - 2) The complainant is requesting reimbursement or corrective action for a violation that occurred not more than three years before the complaint is received.
- b) The Department shall have 60 calendar days from receipt of the complaint to investigate and issue a written decision to the complainant and interested parties, addressing each allegation in the complaint. During this time, the Department may carry out an independent on-site investigation if deemed necessary and must give the complainant an opportunity to submit additional information, either

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orally or in writing, about the allegations made in the complaint. Complaints must be submitted in writing to:

Chief
Bureau of Early Intervention
Department of Human Services
~~222 South College, 2nd Floor~~ ~~623 East Adams~~ ~~2nd Floor~~
~~P.O. Box 19429~~
Springfield, Illinois ~~62704-1958~~ ~~62794-9429~~

- c) After reviewing all relevant information, the Department must issue a written decision to the complainant and the subject of the complaint as to whether the public agency is violating a requirement of Part C, addressing each allegation in the complaint and containing findings of fact as well as conclusions, the reasons for the final decision, and, if the complaint was found to be valid, corrective actions required to correct the causes of the complaint.
- d) Final decisions are enforceable and binding. They may be amended only upon agreement in writing between the Department and the organization or individual upon whom corrective actions are imposed.
- e) Organizations or individuals upon whom corrective actions are imposed may request reasonable technical assistance or alternative corrective actions. However, these requests do not change the final decision unless it is amended in writing between the Department and the party.
- f) The 60 day time period in subsection (b) may be extended if exceptional circumstances exist with respect to a particular complaint.
- g) The lead agency shall monitor implementation of the final decision to determine that corrective actions and timelines have been met.
- h) Organizations or individuals upon whom corrective actions are imposed may be terminated from participation in Part C programs if corrective actions are not met.
- i) If an issue raised in a written complaint (or any part of a complaint) is also the subject of an administrative resolution under Section 500.140, the Department must set aside any part that is being addressed under the procedure in Section 500.140 but resolve any other issues within the 60 day timeline.

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- j) If an issue is raised in a written complaint that has already been decided in a proceeding under Section 500.140, the previous decision is binding and the complainant must be so informed.
- k) A complaint alleging failure of a public agency or private service provider to implement a decision under Section 500.140 must be resolved by the Department.

(Source: Amended at 29 Ill. Reg. 2254, effective January 31, 2005)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Public Use of State Parks and Other Properties of the Department of Natural Resources
- 2) Code Citation: 17 Ill. Adm. Code 110
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
110.30	Amendment
110.40	Amendment
110.70	Amendment
110.100	Amendment
110.120	Amendment
110.150	Amendment
110.160	Amendment
110.165	Amendment
- 4) Statutory Authority: Implementing and authorized by Section 8 of the State Forest Act [525 ILCS 40/8] and by Sections 1, 2, 4 and 6 of the State Parks Act [20 ILCS 835/1, 2, 4 and 6] and by Section 5 of the State Parks Designation Act [20 ILCS 840/5] and by Sections 805-10, 805-520, 805-525, 805-330, 805-335 and 805-515 of the Civil Administrative Code of Illinois [20 ILCS 805/805-10, 805-520, 805-525, 805-330, 805-335 and 805-515]
- 5) Effective Date of Amendments: January 28, 2005
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendments, including 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: September 10, 2004; 28 Ill. Reg. 12535
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version: In response to public objection, the Department removed the following proposed Section from this rulemaking:

Section 110.35

Feeding of Waterfowl, Wildlife

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

It shall be unlawful for any person (except Department employees or agents in connection with their official duties) to hand feed or otherwise make feed available to waterfowl or wildlife on State owned, leased or managed sites.

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and purpose of rulemaking: This Part is being amended to clarify existing regulations and to add regulations regarding equestrian use. Further changes add a lake and site information to the list of lakes between 60-500 acres in size with no horsepower limit.
- 16) Information and questions regarding these adopted amendments shall be directed to:

Jack Price, Legal Counsel
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 next page:

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

TITLE 17: CONSERVATION
 CHAPTER I: DEPARTMENT OF NATURAL RESOURCES
 SUBCHAPTER a: LANDS

PART 110
 PUBLIC USE OF STATE PARKS AND OTHER PROPERTIES OF THE
 DEPARTMENT OF NATURAL RESOURCES

Section	
110.4	Fees and Charges
110.5	Unlawful Activities (Repealed)
110.20	Alcoholic Beverages – Possession, Consumption, Influence
110.30	Animals – Pets, Dogs, Cats, Equine ; – Noisy, Vicious, Dangerous Animals; – Horses —Livestock; – Animal Waste
110.40	Boats and Other Watercraft
110.45	Abandoned Watercraft
110.50	Capacity of Areas – Usage Limitation
110.60	Camping – Campfires
110.70	Destruction of Property – Flora – Fauna – Man-Made and Inanimate Natural Objects-Collection of Artifacts
110.90	Group Activity
110.95	Demonstrations
110.100	Littering
110.110	Prohibited Fishing Areas – Cleaning of Fish
110.120	Restricted Areas
110.140	Soliciting/Advertising/Renting/Selling
110.150	Swimming/Wading/Diving
110.160	Vehicles – Operation on Roadway – Speed – Parking – Weight Limit
110.165	Bicycles – Operation on Roadway – Designated Trails
110.170	Weapons and Firearms – Display and Use
110.175	Nudity Prohibited
110.180	Violation of Rule
110.185	Emergency Modification of Site Rules

AUTHORITY: Implementing and authorized by Section 8 of the State Forest Act [525 ILCS 40/8] and by Sections 1, 2, 4 and 6 of the State Parks Act [20 ILCS 835/1, 2, 4 and 6] and by Section 5 of the State Parks Designation Act [20 ILCS 840/5] and by Sections 805-10, 805-520, 805-525, 805-330, 805-335 and 805-515 of the Civil Administrative Code of Illinois [20 ILCS 805/805-10, 805-520, 805-525, 805-330, 805-335 and 805-515].

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SOURCE: Adopted at 4 Ill. Reg. 11, p. 59, effective March 4, 1980; emergency amendment at 5 Ill. Reg. 8933, effective August 25, 1981, for a maximum of 150 days; codified at 5 Ill. Reg. 10621; amended at 6 Ill. Reg. 7401, effective June 11, 1982; amended at 8 Ill. Reg. 9967, effective June 19, 1984; amended at 10 Ill. Reg. 9797, effective May 21, 1986; amended at 10 Ill. Reg. 13256, effective July 25, 1986; amended at 13 Ill. Reg. 3785, effective March 13, 1989; amended at 15 Ill. Reg. 14423, effective October 1, 1991; emergency amendment at 16 Ill. Reg. 7934, effective May 11, 1992, for a maximum of 150 days; emergency expired October 8, 1992; amended at 16 Ill. Reg. 15435, effective September 28, 1992; amended at 19 Ill. Reg. 6471, effective April 28, 1995; recodified by changing the agency name from Department of Conservation to Department of Natural Resources at 20 Ill. Reg. 9389; amended at 22 Ill. Reg. 14832, effective August 3, 1998; amended at 24 Ill. Reg. 12556, effective August 7, 2000; emergency amendment at 25 Ill. Reg. 13786, effective October 12, 2001, for a maximum of 150 days; amended at 26 Ill. Reg. 1206, effective January 16, 2002; amended at 26 Ill. Reg. 6534, effective May 1, 2002; amended at 27 Ill. Reg. 8866, effective May 19, 2003; amended at 28 Ill. Reg. 7061, effective May 3, 2004; amended at 29 Ill. Reg. 2268, effective January 28 2005.

**Section 110.30 Animals – Pets, Dogs, Cats, Equine;– Noisy, Vicious, Dangerous Animals;–
Horses– Livestock;– Animal Waste**

It shall be unlawful:

- a) For any person to allow an unleashed dog, cat or other domesticated animal on any area and further for any person to allow any dog, cat or other domesticated animal in any area, on a leash longer than 10 feet, except that:
 - 1) unleashed hunting dogs are allowed during the hunting season for all wildlife species except deer and wild turkey on any Department areas open to hunting and so posted;
 - 2) at field trials unleashed dogs are allowed at sites designated by the Department in accordance with 17 Ill. Adm. Code 910;
 - 3) unleashed hunting dogs are allowed by individual permit for dog training at sites designated by the Department in accordance with 17 Ill. Adm. Code 950;:-
 - 4) search and rescue dog training is allowed by activity permit. The permit will designate specific areas and times so as not to conflict with other site activities.

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- b) For any leashed or tied animal to be left unattended and not under the specific physical control of the owner or person designated by the owner. ~~The owner or person designated by the owner for dogs or other animals must have proof that their animal has a current rabies inoculation certificate or a valid license.~~
- c) For any person to bring any domesticated animal onto Department lands without the animal being current on any required federal, State or local vaccinations or health certifications. Proof of required vaccinations or health certifications must be provided to any Department employee upon demand.
- d)e) For any person to keep a noisy, or vicious, or dangerous dog or animal, or one which is disturbing to other persons, on Department of Natural Resources controlled properties, and to remain therein after being asked by the Site Superintendent or assigned employee to leave.
- e)d) For any person to ride or lead any equine~~horse~~ in any area, other than a designated ~~bridle paths or equestrian trail or area~~ areas, except ~~that horses are permitted in any designated area at field trials, special events, and~~ horse drawn conveyances authorized by permit by the Department of Natural Resources. The decision to grant or deny a permit will be based upon the impact upon the site and the public. Horse patrols of the Department in the performance of their duties are not excluded from any area under the control of the Department. Hikers on equestrian trails must yield to equines.
- f)e) For any person to allow livestock to roam or graze on any Department-controlled lands except when authorized by proper lease, license or written agreement approved by the Illinois Department of Natural Resources in accordance with 17 Ill. Adm. Code 150.
- g)f) For any person responsible for an animal in a campground or day use area not to dispose of his animal's waste excrement directly into a Department garbage container with a tight fitting lid or have the excrement put into a closed water tight bag or water tight container with the lid closed and placed into an open Department trash container. At equestrian campgrounds, equestrians must deposit their animal's waste in a designated manure collection area.
- h)g) For any person to allow a dog, cat, or other domesticated animal on any area designated as "NO PETS". Such designation will be reserved for beach areas, concession areas, and certain areas within campgrounds and picnic areas where there are concentrations of large numbers of people or the presence of food or

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children.

- i) For any person to erect or use temporary corrals, except when there are insufficient hitching posts or tie line areas, there is a large enough open area that can be utilized for a corral without causing damage to State property, and permission has been obtained from the Site Superintendent for use of rope or gates. Electrified fences or wires are prohibited.
- j) To tether equines or canines to trees. Tie lines between trees are permissible if sites do not provide hitching posts, tie line posts or tethering structures within campgrounds, day use areas or rest areas. Tie lines, if used, must not allow animals to reach or otherwise do damage to either tree.

(Source: Amended at 29 Ill. Reg. 2268, effective January 28 2005)

Section 110.40 Boats and Other Watercraft

It shall be unlawful:

- a) For any person to operate any sailboat, rowboat, houseboat, pontoon boat, or boat propelled by machinery or other watercraft in any pond, lake, river, canal, or other body of water where posting clearly indicates that certain specific boating usage is prohibited. However, Department of Natural Resources employees operating watercraft in carrying out official duties and personnel of cooperating agents or agencies operating watercraft as authorized by the Department of Natural Resources are exempt from boating regulations in this Section 110.40 or in specific site rules as determined by Department of Natural Resources supervisory managers in order to provide management actions for enhancing or saving the resource base or the safety and welfare of the using public.
- b) For any person to use a motor driven boat on any body of water under the jurisdiction of the Department that has less than 60 surface acres. However, this does not exclude the use of motor driven boats to gain access to duck blinds during blind building activities and during the waterfowl hunting season or electric trolling motors on these bodies of water.
- c) For any person to use a motor driven boat with a motor of a size larger than 10 H.P. on any body of water under the jurisdiction of the Department that has 60 or more surface acres of water area except:

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- 1) departmentally supervised waters of over 500 acres;
- 2) on the following lakes that are between 60-500 acres, motors of any size are allowed (10 H.P. and under may operate at full speed while motors larger than 10 H.P. must operate at no-wake, idle speed):

Prairie Lake – Jim Edgar Panther Creek State Fish and Wildlife Area (Cass County)

Pierce Lake – Rock Cut State Park (Winnebago County)

Wolf Lake – William W. Powers State Conservation Area (Cook County)

Dawson Lake – Moraine View State Recreation Area (McLean County)

Mermet Lake – Mermet Lake State Fish and Wildlife Area (Massac County); and

- 3) portions of canals having specific regulations posted on boat motor size and boat use allowed and except that an outboard horsepower restriction shall not apply at posted boat launch ramps while loading or unloading a trailered watercraft; provided that the watercraft over the H.P. limit is operated at a no-wake speed within 150 feet of the loading ramp itself.
- d) For any person to allow his boat or other watercraft to remain on any of the public recreational and fishing areas under the jurisdiction of the Department beyond the date of December 1st of each year.
- e) To remain on any Department lake after posted closing time.

(Source: Amended at 29 Ill. Reg. 2268, effective January 28 2005)

Section 110.70 Destruction of Property – Flora – Fauna – Man-Made and Inanimate Natural Objects – Collection of Artifacts

It shall be unlawful:

- a) For any person to injure or remove any animal, plant or part thereof, or attempt to

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disturb any agricultural crop, except:

- 1) as otherwise provided by permit, law or regulation;
 - 2) as provided by Department-sponsored program or activity under the direct supervision of an authorized employee; and
 - 3) in the collection of edible fungi, nuts and berries on Department owned, leased or managed lands where such collection would not be incompatible with resource management activities or recreational programs at the site, nor be in conflict with the Natural Areas Preservation Act, and where such collection is for personal use only and not for re-sale.
 - A) Collection hours for edible fungi, nuts and berries shall be allowed during the site's regular hours of operation only, except collection is not permitted at any site during the open hours of established hunting seasons at that site.
 - B) Collection contests shall not be allowed on any State site.
- b) For any person to remove, take, alter, construct, mutilate, deface or destroy any natural or man-made property, equipment, improvement, sign, trail or building, except as otherwise provided by permit, law, regulation, or by Department program activity under the direct supervision of an authorized employee.
- c) For any person to collect or take artifacts and/or mutilate, destroy, deface or excavate any archaeological site except as provided by permit according to 17 Ill. Adm. Code 370.
- d) For any person to withdraw or pump water from any Department controlled lake, canal, wetland, river or stream except as authorized by Department permit. The decision to grant or deny a permit will be based upon a balancing between the need of the permittee and the protected water level or flow.

(Source: Amended at 29 Ill. Reg. 2268, effective January 28 2005)

Section 110.100 Littering

It shall be unlawful:

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- a) For any person using Department of Natural Resources facilities to discard, abandon, place, or deposit on Department of Natural Resources properties, except in containers provided, any wire, cans, bottles, glass, shotgun shells, paper trash, rubbish, garbage, cardboard, wood boxes or other insoluble animal, vegetable, metal, or mineral materials.
- b) For any person to bring into Department of Natural Resources property any of the items listed in subsection (a) ~~above~~, with the express purpose of disposing, abandoning, or leaving any of these types of materials on Department property, whether they are left or placed in proper containers or not.
- e) ~~For food to be possessed or consumed on swimming beaches or the discarding of cans, bottles, glass, paper, trash, or insoluble materials on the designated beach area.~~

(Source: Amended at 29 Ill. Reg. 2268, effective January 28 2005)

Section 110.120 Restricted Areas

It shall be unlawful:

- a) For any person to enter or remain in any area or on any trail when such area or trail has, in whole or in part, been closed to use by visitors. Site Superintendents and Law Enforcement Officers of the Department of Natural Resources, as well as other peace officers, are authorized to prohibit the use of such closed areas, and it shall be unlawful for any person to disobey the rules and regulations posted relative to such closed area.
- b) For any person to enter or remain on any portion of a dedicated nature preserve area where posted rules and regulations prohibit such entry to protect the natural fauna or flora within such area.
- c) For any person to operate a metal or mineral detection device, except that person may use hand carried devices on Department of Natural Resources properties that are not classified or zoned as State Historical, Archaeological, Military or Nature Preserve sites. In addition, persons must obtain a permit from the Department through the Site Superintendent, in advance, indicating the location where these devices shall be used. Further, only a small pen knife, ice-pick or screwdriver shall be used by permittee to recover any find in the area designated. After completing detection activity, the permittee must return the work area to its

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original state. No shovels, picks or entrenching devices of any size shall be used.

- d) For any person to collect firewood or operate a chain saw or sound amplification system which would draw on the site's electrical system in any area which has been closed or posted to prohibit such use. Site Superintendents of the Department of Natural Resources shall prohibit such use in any area that does not allow the collecting of firewood, has experienced illegal cutting of timber or at which the noise will disturb other site users.
- e) For any person to use electronic or electrical speakers which emit sound into the use area of others at a volume which is disturbing or annoying to a reasonable person except as authorized by Department permit. The decision to grant or deny a permit will be based upon the reason for the request and the time, date and type of activity, balanced against public enjoyment of the park.
- f) For any person to use shower buildings and/or restrooms other than as gender designated except those situations where parents or guardians may attend children or those with physical/mental challenges that need assistance.

(Source: Amended at 29 Ill. Reg. 2268, effective January 28 2005)

Section 110.150 Swimming/Wading/Diving

It shall be unlawful for any person to swim, wade or bodily enter into the water at any location. The exceptions to this rule include only the following:

- a) areas designated by posting as allowing swimming. Where lifeguards are not posted, no person under 17 years of age may swim or be on the beach without supervision of a parent, guardian, or responsible adult (18 years of age or older) present. Designated swimming beaches shall conform to all rules and regulations of the Illinois Department of Public Health regarding public swimming beaches (77 Ill. Adm. Code 820.360);
- b) areas where a Department employed lifeguard is on duty;
- c) areas posted for other uses such as waterfowl huntinghunters, water skiingskiers, wade fishing, or riding personal watercraft or inflatable deviceswading anglers, or seaba divers; or
- d) areas authorized for Scuba diving. Scuba divers must have in their possession

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valid permits issued by the Department. Permits are issued to keep track of name and location of divers, to ensure that divers are certified by a recognized entity and to minimize conflicts.

(Source: Amended at 29 Ill. Reg. 2268, effective January 28 2005)

Section 110.160 Vehicles – Operation on Roadway – Speed – Parking – Weight Limit

It shall be unlawful:

- a) For any person to operate any motor vehicle other than on roadways specifically posted as trafficways by the Department of Natural Resources, except that Site Superintendents shall, if it is to the Department's benefit, grant written permission to individuals or contractors to operate vehicles on other than roadways specifically posted as trafficways. These exceptions will include, but not be limited to, access by lessees to leased property or adjacent private property; access by contractors to the contract work [sitiesite\(s\)](#); access by volunteers to project or program areas which assist the site.
 - 1) For any person to operate a snowmobile in any area other than on posted trails except that Site Superintendents shall, if it is to the Department's benefit, grant written permission to individuals to operate snowmobiles on other than posted trails. These exceptions will include, but not be limited to, access by lessees to leased property or adjacent private property; access by contractors to the contract work [sitiesite\(s\)](#); access by volunteers to project or program areas which assist the site.
 - 2) For any person to operate any motor driven bicycle, mini-bike, motorcycle or off-road vehicle unless it is on a roadway designated for vehicular use or on a designated area established by the Department for off-road vehicular use, except that Site Superintendents shall, if it is to the Department's benefit, grant written permission to individuals to operate such vehicles on areas other than those designated for off-road vehicular use. These exceptions will include, but not be limited to, access by lessees to leased property or adjacent private property; access by contractors to the contract work [sitiesite\(s\)](#); access by volunteers to project or program areas which assist the site.
- b) For any person to exceed a speed of 20 M.P.H. unless it is otherwise posted by sign on any paved, concrete, asphalt or other all-weather roadway, or to exceed 10

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M.P.H. unless otherwise posted by sign on any unpaved, gravel or dirt roadway or in any parking area.

- c) For any person to park a motor vehicle in any ~~prohibited~~ area which is not posted as a parking area with signs, or to park a vehicle in any area for the purpose of repair, except those immediate repairs necessary to remove the vehicle from the area immediately.
- d) For any person to exceed a combined vehicle and content weight limit of 20,000 lbs. (10 ton) unless it is otherwise posted by sign on any Department roadway except that Site Superintendents shall, if it is to the Department's benefit, grant written permission to individuals or contractors to operate such vehicles on posted roadways. These exceptions will include, but not be limited to, access by lessees utilizing farm equipment to get to leased property or adjacent private property; access by contractors to the contract work site(s); access by vendors delivering materials.
- e) For any person to operate a snowmobile in any portion of a park or recreation area with less than four inches of snow cover.
- f) Except in cases of emergency, for any person to land or attempt to land any aircraft on Department property without prior authorization from the Department.

(Source: Amended at 29 Ill. Reg. 2268, effective January 28 2005)

Section 110.165 Bicycles – Operation on Roadway – Designated Trails

It shall be unlawful for any person to ride a bicycle except on a roadway designated for vehicular use, parking lot, or posted bicycle trail or in a direction opposite of a posted one-way trail. An authorized employee of the Department may close the trail for safety reasons or to prevent damage to the trail or natural resources.

(Source: Amended at 29 Ill. Reg. 2268, effective January 28 2005)

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- 1) Heading of the Part: Injurious Species
- 2) Code Citation: 17 Ill. Adm. Code 805
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
805.20	Amendment
805.30	Amendment
- 4) Statutory Authority: Implementing and authorized by Sections 1-125, 1-150, 5-10, 10-100 and 20-90, and 20-100 of the Fish and Aquatic Life Code [515 ILCS 5/1-125, 1-150, 5-10, 10-100, 20-90, and 20-100], and Sections 1.4, 1.10, 2.2, 2.3 and 3.22 of the Wildlife Code [520 ILCS 5/1.4, 1.10, 2.2, 2.3 and 3.22]
- 5) Effective Date of Amendments: May 1, 2005
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendments, including 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: September 10, 2004; 28 Ill. Reg. 12554
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Differences between proposal and final version:

Section 805.30(a) was amended to read as follows:

- a) Injurious species shall not be possessed, propagated, bought, sold, bartered or offered to be bought, sold, bartered, transported, traded, transferred or loaned to any other person or institution unless a permit is first obtained from the Department of Natural Resources in accordance with Section 805.40 of this Part, except persons engaged in interstate transport for lawful commercial purposes who do not buy, sell, barter, trade, transfer, loan or offer to do so in Illinois may transport injurious species across Illinois without an injurious species permit from the Department.

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- 1) Under no circumstances shall an interstate transporter:
 - A) transfer any injurious species from one container to another; nor
 - B) exchange or discharge from a container containing injurious species without first obtaining written permission from the Department:
 - i) water;
 - ii) bedding;
 - iii) soluble material; or
 - iv) insoluble material.
- 2) The Department shall grant permission under subsection (a)(1)(B) only if:
 - A) it approves of the final disposition of the water, bedding, or material; and
 - B) the transporter satisfies the Department that there is no possibility of release into the environment.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and purpose of rulemaking: These amendments add two species of Asian carp (bighead carp and silver carp) to the injurious species list. Various projects are underway to protect the Great Lakes from an invasion by Asian carp. Adding these species to the listing of injurious species will assist in this effort by removing a potential source of introduction through live bait, aquaculture, and live-fish shipments. The Section on unlawful acts was amended to add language regarding interstate transport of injurious species across Illinois.
- 16) Information and questions regarding these adopted amendments shall be directed to:

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Jack Price, Legal Counsel
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 next page:

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NOTICE OF ADOPTED AMENDMENTS

TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER b: FISH AND WILDLIFEPART 805
INJURIOUS SPECIES

Section	
805.10	Definition
805.20	Listing of Injurious Species
805.30	Unlawful Acts
805.40	Permits
805.50	Penalties

AUTHORITY: Implementing and authorized by Sections 1-125, 1-150, 5-10, 10-100 and 20-90, and 20-100 of the Fish and Aquatic Life Code [515 ILCS 5/1-125, 1-150, 5-10, 10-100, 20-90, and 20-100], and Sections 1.4, 1.10, 2.2, 2.3 and 3.22 of the Wildlife Code [520 ILCS 5/1.4, 1.10, 2.2, 2.3 and 3.22].

SOURCE: Adopted by emergency rulemaking at 26 Ill. Reg. 14878, effective September 26, 2002, for a maximum of 150 days; adopted at 27 Ill. Reg. 3369, effective February 14, 2003; amended at 29 Ill. Reg. 2280, effective May 1, 2005.

Section 805.20 Listing of Injurious Species

- a) Wild Mammals
- *Flying fox or fruit bat of the genus *Pteropus*
 - *Mongoose or meerkat of the genera *Atilax*, *Cynictis*, *Helogale*, *Heroestes*
 - **Ichneumia*, *Munzos*, and *Suricata*
 - *Any species of European rabbit of the genus *Oryctolagus*
 - *Any species of Indian wild dog, red dog, or dhole of the genus *Cuon*
 - *Any species of multimammate rat or mouse of the genus *Mastomys*
 - *Raccoon dog, *Nyctereutes procyonoides*

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b) Wild Birds

*Pink starling or rosy pastor, *Sturnus roseus*

*Dioch, *Quelea quelea*, including its black-fronted, red-billed or Sudan subspecies

*Java sparrow, *Padda oryzivora*

*Red-whiskered bul-bul, *Pycnonotus jocosus*

*Eggs of wild nongame birds

c) Fish, Mollusks and Crustaceans

*Snakeheads (including, but not limited to, all fishes of the genera *Channa* and *Parachanna*, and others of the family *Channidae*)

*Fish or viable eggs of the walking catfish, *Clariidae* family

*Mollusks, veligers or viable eggs of zebra mussels, genus *Dreissena*

*Crustaceans or viable eggs of mitten crabs, genus *Eriocheir*

River ruffe (*Gymnocephalus cernuus*)

Silver carp (*Hypophthalmichthys molitrix*)

Bighead carp (*Hypophthalmichthys nobilis*)

*Black carp (*Mylopharyngodon piceus*)

Gobies (round, tubenose) (*Neogobius melanostomus*, *Proterorhinus marmoratus*)

Rusty crayfish (*Orconectes rusticus*). Possession of living rusty crayfish is prohibited for all except the holders of an approved aquaculture permit with a letter of authorization to import/possess this species.

Rudd (*Scardinius erythrophthalmus*)

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d) Amphibians

None

e) Reptiles

*Specimens or eggs of the brown tree snake, *Boiga irregularis*

NOTE: Species noted by an asterisk (*) are federally listed.

(Source: Amended at 29 Ill. Reg. 2280, effective May 1, 2005)

Section 805.30 Unlawful Acts

a) Injurious species shall not be possessed, propagated, bought, sold, bartered or offered to be bought, sold, bartered, transported, traded, transferred or loaned to any other person or institution unless a permit is first obtained from the Department of Natural Resources in accordance with Section 805.40 of this Part, except persons engaged in interstate transport for lawful commercial purposes who do not buy, sell, barter, trade, transfer, loan or offer to do so in Illinois may transport injurious species across Illinois without an injurious species permit from the Department.

1) Under no circumstances shall an interstate transporter:

A) transfer any injurious species from one container to another; nor

B) exchange or discharge from a container containing injurious species without first obtaining written permission from the Department:

i) water;

ii) bedding;

iii) soluble material; or

iv) insoluble material.

2) The Department shall grant permission under subsection (a)(1)(B) only if:

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- A) it approves of the final disposition of the water, bedding, or material; and
 - B) the transporter satisfies the Department that there is no possibility of release into the environment.
- b) Injurious species shall not be released. Release of injurious species is a violation of Section 10-100 and/or Section 20-90 of the Fish and Aquatic Life Code [515 ILCS 5/10-100 or 20-90] or Section 2.2 of the Wildlife Code [520 ILCS 5/2.2].
- c) Possession of federally listed injurious species shall also be in accordance with the provisions of the Lacey Act (18 USC 42) and 50 CFR 16 (no incorporation in this Part includes later amendments or editions).

(Source: Amended at 29 Ill. Reg. 2280, effective May 1, 2005)

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- 1) Heading of the Part: Primary Drinking Water Standards
- 2) Code Citation: 35 Ill. Adm. Code 611
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
611.102	Amend
611.231	Amend
611.233	Amend
611.241	Amend
611.242	Amend
611.250	Amend
611.261	Amend
611.262	Amend
611.301	Amend
611.382	Amend
611.383	Amend
611.526	Amend
611.532	Amend
611.533	Amend
611.720	Amend
611.732	Amend
611.953	Amend
611.956	Amend
611.APPENDIX G	Amend
611.APPENDIX H	Amend
- 4) Statutory Authority: 415 ILCS 5/7.2, 17.5, and 27.
- 5) Effective Date of Amendments: January 28, 2005
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these amendments contain incorporations by reference? Yes. Section 611.102 is the centralized incorporation of documents by reference for all of Part 611. The present amendments add two new analytical methods to those incorporated by reference. Those are the proprietary "Colitag® Test" and ASTM Method D5673-03. The amendments also move a method already incorporated by reference into appropriate alphanumeric order.

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- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: October 29, 2004; 28 Ill. Reg. 13954
- 10) Has JCAR issued a statement of objection to these amendments? 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 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 January 20, 2005 in docket R05-6 summarizes the differences between the amendments adopted in that order and those proposed by the Board in an opinion and order dated January 20, 2005, in docket R05-6. Many of the differences are explained in greater detail in the Board's opinion and order adopting the amendments.

The differences are limited to minor corrections and the restoration of a small segment of text inadvertently marked for deletion in the proposed amendments. The changes are intended to have no substantive effect. The intent is to add clarity to the rules without deviation from the substance of the federal amendments on which this proceeding is based.

- 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 29, 2004 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 detailed in the opinion and order of January 20, 2005 in docket R05-6, as indicated in item 11 above. See the January 20, 2005 opinion and order in docket R05-6 for additional details on the JCAR suggestions and the Board actions with regard to each. One table in that opinion itemizes the changes made in response to various suggestions. Another table indicates JCAR suggestions not incorporated into the text, with a brief explanation for each.

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- 13) Will these amendments replace any emergency amendments currently in effect? No
- 14) Are there any other amendments pending on this Part? No
- 15) Summary and Purpose of Amendments: This docket includes federal SDWA amendments that USEPA adopted in the period January 1, 2004 through June 30, 2004, and on August 25, 2004. The amendments approve one new analytical method for analysis of total coliforms and E. coli and three new methods for analysis of uranium in drinking water. Another amendment makes a number of minor corrections to various federal rules, including the Long Term 1 Enhanced Surface Water Treatment Rule, the Surface Water Treatment Rule, and the Lead and Copper Rule.

A fuller discussion of the issues involved in this rulemaking appears in the October 7, 2004 opinion and order in docket R05-6. The following briefly summarizes the federal actions considered in this rulemaking.

USEPA amended the federal SDWA regulations three times during the period January 1, 2004 through June 30, 2004. These actions are summarized below:

February 13, 2004 (69 Fed. Reg. 7156)

USEPA approved an additional analytical method for coliforms and E. coli in drinking water.

June 2, 2004 (69 Fed. Reg. 31008)

By a direct final rule, USEPA approved three additional analytical methods for uranium in drinking water. (This rule was withdrawn on August 25, 2004, as described below.)

June 29, 2004 (69 Fed. Reg. 38850)

USEPA adopted a number of minor corrections to various rules, including the Long Term 1 Enhanced Surface Water Treatment Rule, the Surface Water Treatment Rule, and the Lead and Copper Rule.

The Board engages in ongoing monitoring of federal actions. As of the October 7, 2004 opinion and order, the Board had identified two simultaneous and related USEPA actions since June 30, 2004, that further amend the SDWA rules. Both actions relate directly to the subject matter of the June 2, 2004 amendments that are involved in this docket. Those two actions are described as follows:

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August 25, 2004 (69 Fed. Reg. 52176)

By a final rule, USEPA approved the three additional analytical methods for uranium in drinking water that it had approved on June 2, 2004, by a direct final rule. (Note the June 2, 2004 notice of proposed rule at 69 Fed. Reg. 31068.)

August 25, 2004 (69 Fed. Reg. 52181)

In response to adverse public comments, USEPA withdrew its June 2, 2004 direct final rule that approved three additional analytical methods for uranium in drinking water.

Tables appear in the Board's opinion and order of January 20, 2005 in docket R05-6 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 January 20, 2005 opinion and order in docket R05-6.

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 docket R05-6 and direct inquiries to the following person:

Michael J. McCambridge
Staff Attorney
Illinois Pollution Control Board
100 W. Randolph 11-500
Chicago IL 60601
312-814-6924

Request copies of the Board's opinion and order of January 20, 2005 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:

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TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE F: PUBLIC WATER SUPPLIES
CHAPTER I: POLLUTION CONTROL BOARD

PART 611
PRIMARY DRINKING WATER STANDARDS

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611.300	Old MCLs for Inorganic Chemical Contaminants
611.301	Revised MCLs for Inorganic Chemical Contaminants
611.310	Old Maximum Contaminant Levels (MCLs) for Organic Chemical Contaminants
611.311	Revised MCLs for Organic Chemical Contaminants
611.312	Maximum Contaminant Levels (MCLs) for Disinfection Byproducts (DBPs)
611.313	Maximum Residual Disinfectant Levels (MRDLs)
611.320	Turbidity (Repealed)
611.325	Microbiological Contaminants
611.330	Maximum Contaminant Levels for Radionuclides

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611.331 Beta Particle and Photon Radioactivity (Repealed)

SUBPART G: LEAD AND COPPER

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611.350 General Requirements
611.351 Applicability of Corrosion Control
611.352 Corrosion Control Treatment
611.353 Source Water Treatment
611.354 Lead Service Line Replacement
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611.356 Tap Water Monitoring for Lead and Copper
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611.359 Analytical Methods
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SUBPART I: DISINFECTANT RESIDUALS, DISINFECTION BYPRODUCTS, AND
DISINFECTION BYPRODUCT PRECURSORS

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611.380 General Requirements
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611.382 Monitoring Requirements
611.383 Compliance Requirements
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611.385 Treatment Technique for Control of Disinfection Byproduct (DBP) Precursors

SUBPART K: GENERAL MONITORING AND ANALYTICAL REQUIREMENTS

Section

611.480 Alternative Analytical Techniques
611.490 Certified Laboratories
611.491 Laboratory Testing Equipment
611.500 Consecutive PWSs
611.510 Special Monitoring for Unregulated Contaminants (Repealed)

SUBPART L: MICROBIOLOGICAL MONITORING
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611.521	Routine Coliform Monitoring
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611.523	Invalidation of Total Coliform Samples
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611.525	Fecal Coliform and E. Coli Testing
611.526	Analytical Methodology
611.527	Response to Violation
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SUBPART M: TURBIDITY MONITORING AND ANALYTICAL REQUIREMENTS

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611.560	Turbidity
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SUBPART N: INORGANIC MONITORING AND ANALYTICAL REQUIREMENTS

Section

611.591	Violation of a State MCL
611.592	Frequency of State Monitoring
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611.607	More Frequent Monitoring and Confirmation Sampling
611.608	Additional Optional Monitoring
611.609	Determining Compliance
611.610	Inorganic Monitoring Times
611.611	Inorganic Analysis
611.612	Monitoring Requirements for Old Inorganic MCLs
611.630	Special Monitoring for Sodium
611.631	Special Monitoring for Inorganic Chemicals (Repealed)

SUBPART O: ORGANIC MONITORING AND ANALYTICAL REQUIREMENTS

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611.640	Definitions
611.641	Old MCLs
611.645	Analytical Methods for Organic Chemical Contaminants
611.646	Phase I, Phase II, and Phase V Volatile Organic Contaminants
611.647	Sampling for Phase I Volatile Organic Contaminants (Repealed)
611.648	Phase II, Phase IIB, and Phase V Synthetic Organic Contaminants
611.650	Monitoring for 36 Contaminants (Repealed)
611.657	Analytical Methods for 36 Contaminants (Repealed)
611.658	Special Monitoring for Organic Chemicals (Repealed)

SUBPART P: THM MONITORING AND ANALYTICAL REQUIREMENTS

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611.680	Sampling, Analytical, and other Requirements
611.683	Reduced Monitoring Frequency (Repealed)
611.684	Averaging (Repealed)
611.685	Analytical Methods
611.686	Modification to System (Repealed)
611.687	Sampling for THM Potential (Repealed)
611.688	Applicability Dates (Repealed)

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611.720	Analytical Methods
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SYSTEMS THAT SERVE 10,000 OR MORE PEOPLE

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611.741	Standards for Avoiding Filtration
611.742	Disinfection Profiling and Benchmarking
611.743	Filtration
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611.745 Reporting and Recordkeeping Requirements

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Section

611.830 Applicability
611.831 Monthly Operating Report
611.832 Notice by Agency (Repealed)
611.833 Cross Connection Reporting
611.840 Reporting
611.851 Reporting MCL, MRDL, and other Violations (Repealed)
611.852 Reporting other Violations (Repealed)
611.853 Notice to New Billing Units (Repealed)
611.854 General Content of Public Notice (Repealed)
611.855 Mandatory Health Effects Language (Repealed)
611.856 Fluoride Notice (Repealed)
611.858 Fluoride Secondary Standard (Repealed)
611.860 Record Maintenance
611.870 List of 36 Contaminants (Repealed)

SUBPART U: CONSUMER CONFIDENCE REPORTS

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SUBPART V: PUBLIC NOTIFICATION OF DRINKING WATER VIOLATIONS

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611.901 General Public Notification Requirements
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- 611.908 Special Notice for Exceedence of the Fluoride Secondary Standard
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Water System
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SUBPART X: ENHANCED FILTRATION AND DISINFECTION –
SYSTEMS SERVING FEWER THAN 10,000 PEOPLE

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- 611.950 General Requirements
611.951 Finished Water Reservoirs
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611.953 Disinfection Profile
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- 611.APPENDIX A Regulated Contaminants
611.APPENDIX B Percent Inactivation of G. Lamblia Cysts
611.APPENDIX C Common Names of Organic Chemicals
611.APPENDIX D Defined Substrate Method for the Simultaneous Detection of Total
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611.APPENDIX E Mandatory Lead Public Education Information for Community Water
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611.APPENDIX F Mandatory Lead Public Education Information for Non-Transient Non-
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611.APPENDIX G NPDWR Violations and Situations Requiring Public Notice
611.APPENDIX H Standard Health Effects Language for Public Notification
611.APPENDIX I Acronyms Used in Public Notification Regulation
611.TABLE A Total Coliform Monitoring Frequency
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611.TABLE G Summary of Section 611.357 Monitoring Requirements for Water Quality
Parameters
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AUTHORITY: Implementing Sections 7.2, 17, and 17.5 and authorized by Section 27 of the

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Environmental Protection Act [415 ILCS 5/7.2, 17, 17.5, and 27].

SOURCE: Adopted in R88-26 at 14 Ill. Reg. 16517, effective September 20, 1990; amended in R90-21 at 14 Ill. Reg. 20448, effective December 11, 1990; amended in R90-13 at 15 Ill. Reg. 1562, effective January 22, 1991; amended in R91-3 at 16 Ill. Reg. 19010, effective December 1, 1992; amended in R92-3 at 17 Ill. Reg. 7796, effective May 18, 1993; amended in R93-1 at 17 Ill. Reg. 12650, effective July 23, 1993; amended in R94-4 at 18 Ill. Reg. 12291, effective July 28, 1994; amended in R94-23 at 19 Ill. Reg. 8613, effective June 20, 1995; amended in R95-17 at 20 Ill. Reg. 14493, effective October 22, 1996; amended in R98-2 at 22 Ill. Reg. 5020, effective March 5, 1998; amended in R99-6 at 23 Ill. Reg. 2756, effective February 17, 1999; amended in R99-12 at 23 Ill. Reg. 10348, effective August 11, 1999; amended in R00-8 at 23 Ill. Reg. 14715, effective December 8, 1999; amended in R00-10 at 24 Ill. Reg. 14226, effective September 11, 2000; amended in R01-7 at 25 Ill. Reg. 1329, effective January 11, 2001; amended in R01-20 at 25 Ill. Reg. 13611, effective October 9, 2001; amended in R02-5 at 26 Ill. Reg. 3522, effective February 22, 2002; amended in R03-4 at 27 Ill. Reg. 1183, effective January 10, 2003; amended in R03-15 at 27 Ill. Reg. 16447, effective October 10, 2003; amended in R04-3 at 28 Ill. Reg. 5269, effective March 10, 2004; amended in R04-13 at 28 Ill. Reg. 12666, effective August 26, 2004; amended in R05-6 at 29 Ill. Reg. 2287, effective January 25, 2005.

SUBPART A: GENERAL

Section 611.102 Incorporations by Reference

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

"Amco-AEPA-1 Polymer" is available from Advanced Polymer Systems.

"ASTM Method" means a method published by and available from the American Society for Testing and Materials (ASTM).

"Colisure Test" means "Colisure Presence/Absence Test for Detection and Identification of Coliform Bacteria and Escherichia Coli in Drinking Water," available from Millipore Corporation, Technical Services Department.

"Colitag® Test" means "Colitag® Product as a Test for Detection and Identification of Coliforms and E. coli Bacteria in Drinking Water and

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[Source Water as Required in National Primary Drinking Water Regulations," available from CPI International.](#)

"Dioxin and Furan Method 1613" means "Tetra- through Octa-Chlorinated Dioxins and Furans by Isotope-Dilution HRGC/HRMS," available from NTIS.

"GLI Method 2" means GLI Method 2, "Turbidity," Nov. 2, 1992, available from Great Lakes Instruments, Inc.

"Hach FilterTrak Method 10133" means "Determination of Turbidity by Laser Nephelometry," available from Hach Co.

"HASL Procedure Manual" means HASL Procedure Manual, HASL 300, available from ERDA Health and Safety Laboratory.

"Kelada 01" means "Kelada Automated Test Methods for Total Cyanide, Acid Dissociable Cyanide, And Thiocyanate," Revision 1.2, August 2001, EPA #821-B-01-009, available from the National Technical Information Service (NTIS).

"Membrane Filter Technique using Chromocult Doliform Agar" means "Chromocult Coliform Agar Presence/Absence Membrane Filter Test Method for Detection and Identification of Coliform Bacteria and Escherichia coli in Finished Waters," available from EMD Chemicals Inc.

"NCRP" means "National Council on Radiation Protection."

"NTIS" means "National Technical Information Service."

"New Jersey Radium Method" means "Determination of Radium 228 in Drinking Water," available from the New Jersey Department of Environmental Protection.

"New York Radium Method" means "Determination of Ra-226 and Ra-228 (Ra-02)," available from the New York Department of Public Health.

"ONGP-MUG Test" (meaning "minimal medium ortho-nitrophenyl-beta-d-galactopyranoside-4-methyl-umbelliferyl -beta-d-glucuronide test"), also called the "Autoanalysis Colilert System," is Method 9223, available

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in "Standard Methods for the Examination of Water and Wastewater," 18th ed., from American Public Health Association.

"Palintest Method 1001" means "Method Number 1001," available from Palintest, Ltd. or the Hach Company.

"QuikChem Method 10-204-00-1-X" means "Digestion and distillation of total cyanide in drinking and wastewaters using MICRO DIST and determination of cyanide by flow injection analysis," available from Lachat Instruments.

"Readycult Coliforms 100 Presence/Absence Test" means "Readycult Coliforms 100 Presence/Absence Test for Detection and Identification of Coliform Bacteria and Escherichia coli in Finished Waters," available from EMD Chemicals Inc.

"SimPlate Method" means "IDEXX SimPlate TM HPC Test Method for Heterotrophs in Water," available from IDEXX Laboratories, Inc.

"Radiochemical Methods" means "Interim Radiochemical Methodology for Drinking Water," available from NTIS.

"Standard Methods" means "Standard Methods for the Examination of Water and Wastewater," available from the American Public Health Association or the American Waterworks Association.

"Syngenta AG-625" means "Atrazine in Drinking Water by Immunoassay," February 2001 is available from Syngenta Crop Protection, Inc.

"Technical Bulletin 601" means "Technical Bulletin 601, Standard Method of Testing for Nitrate in Drinking Water," July 1994, available from Analytical Technology, Inc.

"Technicon Methods" means "Fluoride in Water and Wastewater," available from Bran & Luebbe.

"USDOE Manual" means "EML Procedures Manual," available from the United State Department of Energy.

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"USEPA Asbestos Methods-100.1" means Method 100.1, "Analytical Method for Determination of Asbestos Fibers in Water," September 1983, available from NTIS.

"USEPA Asbestos Methods-100.2" means Method 100.2, "Determination of Asbestos Structures over 10-mm in Length in Drinking Water," June 1994, available from NTIS.

"USEPA Environmental Inorganics Methods" means "Methods for the Determination of Inorganic Substances in Environmental Samples," August 1993, available from NTIS.

"USEPA Environmental Metals Methods" means "Methods for the Determination of Metals in Environmental Samples," available from NTIS.

"USEPA Inorganic Methods" means "Methods for Chemical Analysis of Water and Wastes," March 1983, available from NTIS.

"USEPA Interim Radiochemical Methods" means "Interim Radiochemical Methodology for Drinking Water," EPA 600/4-75-008 (revised), March 1976. Available from NTIS.

"USEPA Organic Methods" means "Methods for the Determination of Organic Compounds in Drinking Water," July 1991, for Methods 502.2, 505, 507, 508, 508A, 515.1, and 531.1; "Methods for the Determination of Organic Compounds in Drinking Water – Supplement I," July 1990, for Methods 506, 547, 550, 550.1, and 551; and "Methods for the Determination of Organic Compounds in Drinking Water – Supplement II," August 1992, for Methods 515.2, 524.2, 548.1, 549.1, 552.1, and 555, available from NTIS. Methods 504.1, 508.1, and 525.2 are available from EPA EMSL; "Methods for the Determination of Organic Compounds" in Drinking Water – Supplement II, August 1992, for Method 552.1; "Methods for the Determination of Organic Compounds in Drinking Water – Supplement III," August 1995, for Methods 502.2, 524.2, 551.1, and 552.2. Method 515.4, "Determination of Chlorinated Acids in Drinking Water by Liquid-Liquid Microextraction, Derivatization and Fast Gas Chromatography with Electron Capture Detection," Revision 1.0, April 2000, EPA 815/B-00/001, and Method 531.2, "Measurement of N-methylcarbamoyloximes and N-methylcarbamates in Water by Direct

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Aqueous Injection HPLC with Postcolumn Derivatization," Revision 1.0, September 2001, EPA 815/B/01/002, are both available on-line from USEPA, Office of Ground Water and Drinking Water.

"USEPA Radioactivity Methods" means "Prescribed Procedures for Measurement of Radioactivity in Drinking Water," EPA 600/4-80-032, August 1980. Available from NTIS.

"USEPA Radiochemical Analyses" means "Radiochemical Analytical Procedures for Analysis of Environmental Samples," March 1979. Available from NTIS.

"USEPA Radiochemistry Methods" means "Radiochemistry Procedures Manual," EPA 520/5-84-006, December 1987. Available from NTIS.

"USEPA Technical Notes" means "Technical Notes on Drinking Water Methods," available from NTIS.

"USGS Methods" means "Methods of Analysis by the U.S. Geological Survey National Water Quality Laboratory – Determination of Inorganic and Organic Constituents in Water and Fluvial Sediments," available from NTIS and USGS.

"Waters Method B-1011" means "Waters Test Method for the Determination of Nitrite/Nitrate in Water Using Single Column Ion Chromatography," available from Waters Corporation, Technical Services Division.

- b) The Board incorporates the following publications by reference:

Advanced Polymer Systems, 3696 Haven Avenue, Redwood City, CA 94063 415-366-2626.

Amco-AEPA-1 Polymer. See 40 CFR 141.22(a) (2003). Also, as referenced in ASTM D1889.

American Public Health Association, 1015 Fifteenth Street NW, Washington, DC 20005 800-645-5476.

"Standard Methods for the Examination of Water and

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Wastewater," 17th Edition, 1989 (referred to as "Standard Methods, 17th ed.").

"Standard Methods for the Examination of Water and Wastewater," 18th Edition, 1992, including "Supplement to the 18th Edition of Standard Methods for the Examination of Water and Wastewater," 1994 (collectively referred to as "Standard Methods, 18th ed."). See the methods listed separately for the same references under American Waterworks Association.

"Standard Methods for the Examination of Water and Wastewater," 19th Edition, 1995 (referred to as "Standard Methods, 19th ed.").

"Standard Methods for the Examination of Water and Wastewater," 20th Edition, 1998 (referred to as "Standard Methods, 20th ed.").

American Waterworks Association et al., 6666 West Quincy Ave., Denver, CO 80235 303-794-7711.

"National Field Evaluation of a Defined Substrate Method for the Simultaneous Enumeration of Total Coliforms and Escherichia coli for Drinking Water: Comparison with the Standard Multiple Tube Fermentation Method," S.C. Edberg, M.J. Allen & D.B. Smith, Applied Environmental Microbiology, vol. 54, iss. 6, pp 1595-1601 (1988).

"Standard Methods for the Examination of Water and Wastewater," 13th Edition, 1971 (referred to as "Standard Methods, 13th ed.").

Method 302, Gross Alpha and Gross Beta Radioactivity in Water (Total, Suspended, and Dissolved).

Method 303, Total Radioactive Strontium and Strontium 90 in Water.

Method 304, Radium in Water by Precipitation.

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Method 305, Radium 226 by Radon in Water (Soluble, Suspended, and Total).

Method 306, Tritium in Water.

"Standard Methods for the Examination of Water and Wastewater," 17th Edition, 1989 (referred to as "Standard Methods, 17th ed.").

Method 7110 B, Gross Alpha and Gross Beta Radioactivity in Water (Total, Suspended, and Dissolved).

Method 7500-Cs B, Radioactive Cesium, Precipitation Method.

Method 7500-³H B, Tritium in Water.

Method 7500-I B, Radioactive Iodine, Precipitation Method.

Method 7500-I C, Radioactive Iodine, Ion-Exchange Method.

Method 7500-I D, Radioactive Iodine, Distillation Method.

Method 7500-Ra B, Radium in Water by Precipitation.

Method 7500-Ra C, Radium 226 by Radon in Water (Soluble, Suspended, and Total).

Method 7500-Ra D, Radium, Sequential Precipitation Method (Proposed).

Method 7500-Sr B, Total Radioactive Strontium and Strontium 90 in Water.

Method 7500-U B, Uranium, Radiochemical Method (Proposed).

Method 7500-U C, Uranium, Isotopic Method (Proposed).

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"Standard Methods for the Examination of Water and Wastewater," 18th Edition, 1992 (referred to as "Standard Methods, 18th ed.").

Method 2130 B, Turbidity, Nephelometric Method.

Method 2320 B, Alkalinity, Titration Method.

Method 2510 B, Conductivity, Laboratory Method.

Method 2550, Temperature, Laboratory and Field Methods.

Method 3111 B, Metals by Flame Atomic Absorption Spectrometry, Direct Air-Acetylene Flame Method.

Method 3111 D, Metals by Flame Atomic Absorption Spectrometry, Direct Nitrous Oxide-Acetylene Flame Method.

Method 3112 B, Metals by Cold-Vapor Atomic Absorption Spectrometry, Cold-Vapor Atomic Absorption Spectrometric Method.

Method 3113 B, Metals by Electrothermal Atomic Absorption Spectrometry, Electrothermal Atomic Absorption Spectrometric Method.

Method 3114 B, Metals by Hydride Generation/Atomic Absorption Spectrometry, Manual Hydride Generation/Atomic Absorption Spectrometric Method.

Method 3120 B, Metals by Plasma Emission Spectroscopy, Inductively Coupled Plasma (ICP) Method.

Method 3500-Ca D, Calcium, EDTA Titrimetric Method.

Method 3500-Mg E, Magnesium, Calculation Method.

Method 4110 B, Determination of Anions by Ion

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Chromatography, Ion Chromatography with Chemical Suppression of Eluent Conductivity.

Method 4500-CN⁻ C, Cyanide, Total Cyanide after Distillation.

Method 4500-CN⁻ E, Cyanide, Colorimetric Method.

Method 4500-CN⁻ F, Cyanide, Cyanide-Selective Electrode Method.

Method 4500-CN⁻ G, Cyanide, Cyanides Amenable to Chlorination after Distillation.

Method 4500-Cl D, Chlorine, Amperometric Titration Method.

Method 4500-Cl E, Chlorine, Low-Level Amperometric Titration Method.

Method 4500-Cl F, Chlorine, DPD Ferrous Titrimetric Method.

Method 4500-Cl G, Chlorine, DPD Colorimetric Method.

Method 4500-Cl H, Chlorine, Syringaldazine (FACTS) Method.

Method 4500-Cl I, Chlorine, Iodometric Electrode Method.

Method 4500-ClO₂ C, Chlorine Dioxide, Amperometric Method I.

Method 4500-ClO₂ D, Chlorine Dioxide, DPD Method.

Method 4500-ClO₂ E, Chlorine Dioxide, Amperometric Method II (Proposed).

Method 4500-F⁻ B, Fluoride, Preliminary Distillation Step.

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Method 4500-F⁻ C, Fluoride, Ion-Selective Electrode Method.

Method 4500-F⁻ D, Fluoride, SPADNS Method.

Method 4500-F⁻ E, Fluoride, Complexone Method.

Method 4500-H⁺ B, pH Value, Electrometric Method.

Method 4500-NO₂⁻ B, Nitrogen (Nitrite), Colorimetric Method.

Method 4500-NO₃⁻ D, Nitrogen (Nitrate), Nitrate Electrode Method.

Method 4500-NO₃⁻ E, Nitrogen (Nitrate), Cadmium Reduction Method.

Method 4500-NO₃⁻ F, Nitrogen (Nitrate), Automated Cadmium Reduction Method.

Method 4500-O₃ B, Ozone (Residual) (Proposed), Indigo Colorimetric Method.

Method 4500-P E, Phosphorus, Ascorbic Acid Method.

Method 4500-P F, Phosphorus, Automated Ascorbic Acid Reduction Method.

Method 4500-Si D, Silica, Molybdosilicate Method.

Method 4500-Si E, Silica, Heteropoly Blue Method.

Method 4500-Si F, Silica, Automated Method for Molybdate-Reactive Silica.

Method 6651, Glyphosate Herbicide (Proposed).

Method 7110 B, Gross Alpha and Beta Radioactivity (Total, Suspended, and Dissolved), Evaporation Method for

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Gross Alpha-Beta.

Method 7110 C, Gross Alpha and Beta Radioactivity (Total, Suspended, and Dissolved), Coprecipitation Method for Gross Alpha Radioactivity in Drinking Water (Proposed).

Method 7500-Cs B, Radioactive Cesium, Precipitation Method.

Method 7500-3 H B, Tritium, Liquid Scintillation Spectrometric Method.

Method 7500-I B, Radioactive Iodine, Precipitation Method.

Method 7500-I C, Radioactive Iodine, Ion-Exchange Method.

Method 7500-I D, Radioactive Iodine, Distillation Method.

Method 7500-Ra B, Radium, Precipitation Method.

Method 7500-Ra C, Radium, Emanation Method.

Method 7500-Ra D, Radium, Sequential Precipitation Method (Proposed).

Method 7500-Sr B, Total Radioactive Strontium and Strontium 90, Precipitation Method.

Method 7500-U B, Uranium, Radiochemical Method (Proposed).

Method 7500-U C, Uranium, Isotopic Method (Proposed).

Method 9215 B, Heterotrophic Plate Count, Pour Plate Method.

Method 9221 A, Multiple-Tube Fermentation Technique

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for Members of the Coliform Group, Introduction.

Method 9221 B, Multiple-Tube Fermentation Technique for Members of the Coliform Group, Standard Total Coliform Fermentation Technique.

Method 9221 C, Multiple-Tube Fermentation Technique for Members of the Coliform Group, Estimation of Bacterial Density.

Method 9221 D, Multiple-Tube Fermentation Technique for Members of the Coliform Group, Presence-Absence (P-A) Coliform Test.

Method 9221 E, Multiple-Tube Fermentation Technique for Members of the Coliform Group, Fecal Coliform Procedure.

Method 9222 A, Membrane Filter Technique for Members of the Coliform Group, Introduction.

Method 9222 B, Membrane Filter Technique for Members of the Coliform Group, Standard Total Coliform Membrane Filter Procedure.

Method 9222 C, Membrane Filter Technique for Members of the Coliform Group, Delayed-Incubation Total Coliform Procedure.

Method 9222 D, Membrane Filter Technique for Members of the Coliform Group, Fecal Coliform Membrane Filter Procedure.

Method 9223, Chromogenic Substrate Coliform Test (Proposed).

"Supplement to the 18th Edition of Standard Methods for the Examination of Water and Wastewater," American Public Health Association, 1994.

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Method 6610, Carbamate Pesticide Method.

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Method 2130 B, Turbidity, Nephelometric Method.

Method 2320 B, Alkalinity, Titration Method.

Method 2510 B, Conductivity, Laboratory Method.

Method 2550, Temperature, Laboratory, and Field Methods.

Method 3111 B, Metals by Flame Atomic Absorption Spectrometry, Direct Air-Acetylene Flame Method.

Method 3111 D, Metals by Flame Atomic Absorption Spectrometry, Direct Nitrous Oxide-Acetylene Flame Method.

Method 3112 B, Metals by Cold-Vapor Atomic Absorption Spectrometry, Cold-Vapor Atomic Absorption Spectrometric Method.

Method 3113 B, Metals by Electrothermal Atomic Absorption Spectrometry, Electrothermal Atomic Absorption Spectrometric Method.

Method 3114 B, Metals by Hydride Generation/Atomic Absorption Spectrometry, Manual Hydride Generation/Atomic Absorption Spectrometric Method.

Method 3120 B, Metals by Plasma Emission Spectroscopy, Inductively Coupled Plasma (ICP) Method.

Method 3500-Ca D, Calcium, EDTA Titrimetric Method.

Method 3500-Mg E, Magnesium, Calculation Method.

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Method 4110 B, Determination of Anions by Ion Chromatography, Ion Chromatography with Chemical Suppression of Eluent Conductivity.

Method 4500-Cl D, Chlorine, Amperometric Titration Method.

Method 4500-Cl E, Chlorine, Low-Level Amperometric Titration Method.

Method 4500-Cl F, Chlorine, DPD Ferrous Titrimetric Method.

Method 4500-Cl G, Chlorine, DPD Colorimetric Method.

Method 4500-Cl H, Chlorine, Syringaldazine (FACTS) Method.

Method 4500-Cl I, Chlorine, Iodometric Electrode Method.

Method 4500-ClO₂ C, Chlorine Dioxide, Amperometric Method I.

Method 4500-ClO₂ D, Chlorine Dioxide, DPD Method.

Method 4500-ClO₂ E, Chlorine Dioxide, Amperometric Method II (Proposed).

Method 4500-CN⁻ C, Cyanide, Total Cyanide after Distillation.

Method 4500-CN⁻ E, Cyanide, Colorimetric Method.

Method 4500-CN⁻ F, Cyanide, Cyanide-Selective Electrode Method.

Method 4500-CN⁻ G, Cyanide, Cyanides Amenable to Chlorination after Distillation.

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Method 4500-F⁻ B, Fluoride, Preliminary Distillation Step.

Method 4500-F⁻ C, Fluoride, Ion-Selective Electrode Method.

Method 4500-F⁻ D, Fluoride, SPADNS Method.

Method 4500-F⁻ E, Fluoride, Complexone Method.

Method 4500-H⁺ B, pH Value, Electrometric Method.

Method 4500-NO₂⁻ B, Nitrogen (Nitrite), Colorimetric Method.

Method 4500-NO₃⁻ D, Nitrogen (Nitrate), Nitrate Electrode Method.

Method 4500-NO₃⁻ E, Nitrogen (Nitrate), Cadmium Reduction Method.

Method 4500-NO₃⁻ F, Nitrogen (Nitrate), Automated Cadmium Reduction Method.

Method 4500-O₃ B, Ozone (Residual) (Proposed), Indigo Colorimetric Method.

Method 4500-P E, Phosphorus, Ascorbic Acid Method.

Method 4500-P F, Phosphorus, Automated Ascorbic Acid Reduction Method.

Method 4500-Si D, Silica, Molybdosilicate Method.

Method 4500-Si E, Silica, Heteropoly Blue Method.

Method 4500-Si F, Silica, Automated Method for Molybdate-Reactive Silica.

Method 5910 B, UV Absorbing Organic Constituents, Ultraviolet Absorption Method.

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Method 6251 B, Disinfection Byproducts: Haloacetic Acids and Trichlorophenol, Micro Liquid-Liquid Extraction Gas Chromatographic Method.

Method 6651, Glyphosate Herbicide (Proposed).

Method 7110 B, Gross Alpha and Gross Beta Radioactivity, Evaporation Method for Gross Alpha-Beta.

Method 7110 C, Gross Alpha and Beta Radioactivity (Total, Suspended, and Dissolved), Coprecipitation Method for Gross Alpha Radioactivity in Drinking Water (Proposed).

Method 7120 B, Gamma-Emitting Radionuclides, Gamma Spectrometric Method.

Method 7500-Cs B, Radioactive Cesium, Precipitation Method.

Method 7500-3H B, Tritium, Liquid Scintillation Spectrometric Method.

Method 7500-I B, Radioactive Iodine, Precipitation Method.

Method 7500-I C, Radioactive Iodine, Ion-Exchange Method.

Method 7500-I D, Radioactive Iodine, Distillation Method.

Method 7500-Ra B, Radium, Precipitation Method.

Method 7500-Ra C, Radium, Emanation Method.

Method 7500-Ra D, Radium, Sequential Precipitation Method.

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Method 7500-Sr B, Total Radiactive Strontium and Strontium 90, Precipitation Method.

Method 7500-U B, Uranium, Radiochemical Method.

Method 7500-U C, Uranium, Isotopic Method.

Method 9215 B, Heterotrophic Plate Count, Pour Plate Method.

Method 9221 A, Multiple-Tube Fermentation Technique for Members of the Coliform Group, Introduction.

Method 9221 B, Multiple-Tube Fermentation Technique for Members of the Coliform Group, Standard Total Coliform Fermentation Technique.

Method 9221 C, Multiple-Tube Fermentation Technique for Members of the Coliform Group, Estimation of Bacterial Density.

Method 9221 D, Multiple-Tube Fermentation Technique for Members of the Coliform Group, Presence-Absence (P-A) Coliform Test.

Method 9221 E, Multiple-Tube Fermentation Technique for Members of the Coliform Group, Fecal Coliform Procedure.

Method 9222 A, Membrane Filter Technique for Members of the Coliform Group, Introduction.

Method 9222 B, Membrane Filter Technique for Members of the Coliform Group, Standard Total Coliform Membrane Filter Procedure.

Method 9222 C, Membrane Filter Technique for Members of the Coliform Group, Delayed-Incubation Total Coliform Procedure.

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Method 9222 D, Membrane Filter Technique for Members of the Coliform Group, Fecal Coliform Membrane Filter Procedure.

Method 9223, Chromogenic Substrate Coliform Test (Proposed).

"Supplement to the 19th Edition of Standard Methods for the Examination of Water and Wastewater," American Public Health Association, 1996.

Method 5310 B, TOC, Combustion-Infrared Method.

Method 5310 C, TOC, Persulfate-Ultraviolet Oxidation Method.

Method 5310 D, TOC, Wet-Oxidation Method.

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Method 2130 B, Turbidity, Nephelometric Method.

Method 2320 B, Alkalinity, Titration Method.

Method 2510 B, Conductivity, Laboratory Method.

Method 2550, Temperature, Laboratory, and Field Methods.

Method 3120 B, Metals by Plasma Emission Spectroscopy, Inductively Coupled Plasma (ICP) Method.

Method 3500-Ca B, Calcium, EDTA Titrimetric Method.

Method 3500-Mg B, Magnesium, EDTA Titrimetric Method.

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Method 4110 B, Determination of Anions by Ion Chromatography, Ion Chromatography with Chemical Suppression of Eluent Conductivity.

Method 4500-CN⁻ C, Cyanide, Total Cyanide after Distillation.

Method 4500-CN⁻ E, Cyanide, Colorimetric Method.

Method 4500-CN⁻ F, Cyanide, Cyanide-Selective Electrode Method.

Method 4500-CN⁻ G, Cyanide, Cyanides Amenable to Chlorination after Distillation.

Method 4500-Cl D, Chlorine, Amperometric Titration Method.

Method 4500-Cl E, Chlorine, Low-Level Amperometric Titration Method.

Method 4500-Cl F, Chlorine, DPD Ferrous Titrimetric Method.

Method 4500-Cl G, Chlorine, DPD Colorimetric Method.

Method 4500-Cl H, Chlorine, Syringaldazine (FACTS) Method.

Method 4500-Cl I, Chlorine, Iodometric Electrode Method.

Method 4500-ClO₂ C, Chlorine Dioxide, Amperometric Method I.

Method 4500-ClO₂ D, Chlorine Dioxide, DPD Method.

Method 4500-ClO₂ E, Chlorine Dioxide, Amperometric Method II (Proposed).

Method 4500-F⁻ B, Fluoride, Preliminary Distillation Step.

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Method 4500-F⁻ C, Fluoride, Ion-Selective Electrode Method.

Method 4500-F⁻ D, Fluoride, SPADNS Method.

Method 4500-F⁻ E, Fluoride, Complexone Method.

Method 4500-H⁺ B, pH Value, Electrometric Method.

Method 4500-NO₂⁻ B, Nitrogen (Nitrite), Colorimetric Method.

Method 4500-NO₃⁻ D, Nitrogen (Nitrate), Nitrate Electrode Method.

Method 4500-NO₃⁻ E, Nitrogen (Nitrate), Cadmium Reduction Method.

Method 4500-NO₃⁻ F, Nitrogen (Nitrate), Automated Cadmium Reduction Method.

Method 4500-O₃ B, Ozone (Residual) (Proposed), Indigo Colorimetric Method.

Method 4500-P E, Phosphorus, Ascorbic Acid Method.

Method 4500-P F, Phosphorus, Automated Ascorbic Acid Reduction Method.

Method 4500-Si C, Silica, Molybdosilicate Method.

Method 4500-Si D, Silica, Heteropoly Blue Method.

Method 4500-Si E, Silica, Automated Method for Molybdate-Reactive Silica.

Method 4500-Cl E, Chlorine (Residual), Low-Level Amperometric Titration Method.

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Method 4500-Cl F, Chlorine (Residual), DPD Ferrous Titrimetric Method.

Method 4500-Cl G, Chlorine (Residual), DPD Colorimetric Method.

Method 4500-Cl H, Chlorine (Residual), Syringaldazine (FACTS) Method.

Method 4500-Cl I, Chlorine (Residual), Iodometric Electrode Technique.

Method 4500-ClO₂ D, Chlorine Dioxide, DPD Method.

Method 4500-ClO₂ E, Chlorine Dioxide, Amperometric Method II.

Method 6651, Glyphosate Herbicide (Proposed).

Method 7110-B, Gross Alpha and Gross Beta Radioactivity, Evaporation Method for Gross Alpha-Beta.

Method 7110 C, Gross Alpha and Beta Radioactivity (Total, Suspended, and Dissolved), Coprecipitation Method for Gross Alpha Radioactivity in Drinking Water (Proposed).

Method 7120-B, Gamma-Emitting Radionuclides, Gamma Spectrometric Method.

Method 7500-Cs B, Radioactive Cesium, Precipitation Method.

Method 7500-3H B, Tritium, Liquid Scintillation Spectrometric Method.

Method 7500-I B, Radioactive Iodine, Precipitation Method.

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Method 7500-I C, Radioactive Iodine, Ion-Exchange Method.

Method 7500-I D, Radioactive Iodine, Distillation Method.

Method 7500-Ra B, Radium, Precipitation Method.

Method 7500-Ra C, Radium, Emanation Method.

Method 7500-Sr B, Total Radiactive Strontium and Strontium 90, Precipitation Method.

Method 7500-U B, Uranium, Radiochemical Method.

Method 7500-U C, Uranium, Isotopic Method.

Method 9215 B, Heterotrophic Plate Count, Pour Plate Method.

Method 9221 A, Multiple-Tube Fermentation Technique for Members of the Coliform Group, Introduction.

Method 9221 B, Multiple-Tube Fermentation Technique for Members of the Coliform Group, Standard Total Coliform Fermentation Technique.

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Method 9221 D, Multiple-Tube Fermentation Technique for Members of the Coliform Group, Presence-Absence (P-A) Coliform Test.

Method 9221 E, Multiple-Tube Fermentation Technique for Members of the Coliform Group, Fecal Coliform Procedure.

Method 9222 A, Membrane Filter Technique for Members of the Coliform Group, Introduction.

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Method 9222 B, Membrane Filter Technique for Members of the Coliform Group, Standard Total Coliform Membrane Filter Procedure.

Method 9222 C, Membrane Filter Technique for Members of the Coliform Group, Delayed-Incubation Total Coliform Procedure.

Method 9222 D, Membrane Filter Technique for Members of the Coliform Group, Fecal Coliform Membrane Filter Procedure.

Method 9223, Chromogenic Substrate Coliform Test (Proposed).

Analytical Technology, Inc. ATI Orion, 529 Main Street, Boston, MA 02129.

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ASTM. American Society for Testing and Materials, 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959 610-832-9585.

ASTM Method D511-93 A and B, "Standard Test Methods for Calcium and Magnesium in Water," "Test Method A – Complexometric Titration" & "Test Method B – Atomic Absorption Spectrophotometric," approved 1993.

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ASTM Method D859-88, "Standard Test Method for Silica in Water," approved August 19, 1988.

ASTM Method D1067-92 B, "Standard Test Methods for Acidity or Alkalinity in Water," "Test Method B – Electrometric or Color-

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ASTM Method D1125-91 A, "Standard Test Methods for Electrical Conductivity and Resistivity of Water," "Test Method A – Field and Routine Laboratory Measurement of Static (Non-Flowing) Samples," approved June 15, 1991.

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[ASTM Method D1253-86, "Standard Test Method for Residual Chlorine in Water," reapproved 1992.](#)

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ASTM Method D1688-90 A or C, "Standard Test Methods for Copper in Water," "Test Method A – Atomic Absorption, Direct" & "Test Method C – Atomic Absorption, Graphite Furnace," approved March 15, 1990.

ASTM Method D2036-91 A or B, "Standard Test Methods for Cyanide in Water," "Test Method A – Total Cyanides after Distillation" & "Test Method B – Cyanides Amenable to Chlorination by Difference," approved September 15, 1991.

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ASTM Method D2907-91, "Standard Test Methods for Microquantities of Uranium in Water by Fluorometry," "Test Method A – Direct Fluorometric" & "Test Method B – Extraction," approved June 15, 1991.

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ASTM Method D2972-93 B or C, "Standard Test Methods for Arsenic in Water," "Test Method B – Atomic Absorption, Hydride Generation" & "Test Method C – Atomic Absorption, Graphite Furnace," approved 1993.

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ASTM Method D5174-91, "Standard Test Method for Trace Uranium in Water by Pulsed-Laser Phosphorimetry," approved 1991.

[ASTM Method D5673-03, "Standard Test Method for Elements in Water by Inductively Coupled Plasma – Mass Spectrometry," approved 2003.](#)

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Bran & Luebbe, 1025 Busch Parkway, Buffalo Grove, IL 60089.

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[CPI International, Inc., 5580 Skylane Blvd., Santa Rosa, CA 95403. Telephone: 800-878-7654. Fax: 707-545-7901. Internet address: www.cpiinternational.com.](#)

["Colitag® Product as a Test for Detection and Identification of Coliforms and E. coli Bacteria in Drinking Water and Source Water as Required in National Primary Drinking Water Regulations," August 2001.](#)

EMD Chemicals Inc. (an affiliate of Merck KGaA, Darmstadt, Germany), 480 S. Democrat Road, Gibbstown, NJ 08027-1297. Telephone: 800-222-0342. E-mail: adellenbusch@emscience.com.

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ERDA Health and Safety Laboratory, New York, NY.

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Great Lakes Instruments, Inc., 8855 North 55th Street, Milwaukee, WI 53223.

GLI Method 2, "Turbidity," Nov. 2, 1992.

The Hach Company, P.O. Box 389, Loveland, CO 80539-0389. Phone: 800-227-4224.

"Lead in Drinking Water by Differential Pulse Anodic Stripping Voltammetry," Method 1001, August 1999.

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IDEXX Laboratories, Inc., One IDEXX Drive, Westbrook, Maine 04092. Telephone: 800-321-0207.

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Lachat Instruments, 6645 W. Mill Rd., Milwaukee, WI 53218. Phone: 414-358-4200.

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Millipore Corporation, Technical Services Department, 80 Ashby Road, Milford, MA 01730 800-654-5476.

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NCRP. National Council on Radiation Protection, 7910 Woodmont Ave., Bethesda, MD 301-657-2652.

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NSF. National Sanitation Foundation International, 3475 Plymouth Road, PO Box 130140, Ann Arbor, Michigan 48113-0140, 734-769-8010.

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NTIS. National Technical Information Service, U.S. Department of Commerce, 5285 Port Royal Road, Springfield, VA 22161, 703-487-4600 or 800-553-6847.

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515.2, 524.2, 548.1, 549.1, 552.1, and 555.)

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BOARD NOTE: USEPA made the following assertion with regard to this reference at 40 CFR 141.23(k)(1) and 141.24(e) and (n)(11) (2003): "This document contains other analytical test procedures and approved analytical methods that remain available for compliance monitoring until July 1, 1996."

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New York Department of Health, Radiological Sciences Institute, Center for Laboratories and Research, Empire State Plaza, Albany, NY 12201.

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Palintest, Ltd., 21 Kenton Lands Road, P.O. Box 18395, Erlanger, KY 800-835-9629.

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Syngenta Crop Protection, Inc., 410 Swing Road, Post Office Box 18300, Greensboro, NC 27419. Telephone: 336-632-6000.

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Method 515.4, "Determination of Chlorinated Acids in Drinking Water by Liquid-Liquid Microextraction, Derivatization and Fast Gas Chromatography with Electron Capture Detection," Revision 1.0, April 2000, EPA 815/B-00/001 (document file name "met515_4.pdf").

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United States Environmental Protection Agency, EMSL, Cincinnati, OH
45268 513-569-7586.

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(Revised) March 1976.

"Methods for the Determination of Organic Compounds in Finished Drinking Water and Raw Source Water" (referred to as "USEPA Organic Methods"). (For methods 504.1, 508.1, and 525.2 only.) See NTIS.

"Procedures for Radiochemical Analysis of Nuclear Reactor Aqueous Solutions." See NTIS.

USEPA, Science and Technology Branch, Criteria and Standards Division, Office of Drinking Water, Washington, D.C. 20460.

"Guidance Manual for Compliance with the Filtration and Disinfection Requirements for Public Water Systems using Surface Water Sources," October 1989.

USGS. Books and Open-File Reports Section, United States Geological Survey, Federal Center, Box 25286, Denver, CO 80225-0425.

Methods available upon request by method number from "Methods for Analysis by the U.S. Geological Survey National Water Quality Laboratory – Determination of Inorganic and Organic Constituents in Water and Fluvial Sediments," Open File Report 93-125, 1993, or Book 5, Chapter A-1, "Methods for Determination of Inorganic Substances in Water and Fluvial Sediments," 3rd ed., Open-File Report 85-495, 1989, as appropriate (referred to as "USGS Methods").

I-1030-85

I-1062-85

I-1601-85

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I-1700-85

I-2598-85

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I-2700-85

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R-1110-76

R-1111-76

R-1120-76

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R-1181-76

R-1182-76

Waters Corporation, Technical Services Division, 34 Maple St., Milford, MA 01757 800-252-4752.

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"Waters Test Method for Determination of Nitrite/Nitrate in Water Using Single Column Ion Chromatography," Method B-1011, August 1987 (referred to as "Waters Method B-1011").

- c) The Board incorporates the following federal regulations by reference:

40 CFR 136, Appendices B and C (2003).

- d) This Part incorporates no later amendments or editions.

(Source: Amended at 29 Ill. Reg. 2287, effective January 28, 2005)

SUBPART B: FILTRATION AND DISINFECTION

Section 611.231 Source Water Quality Conditions

The Agency must consider the following source water quality conditions in determining whether to require filtration pursuant to Section 611.211:

- a) The fecal coliform concentration must be equal to or less than 20/100 ml, or the total coliform concentration must be equal to or less than 100/100 ml (measured as specified in Section 611.531(a) or (b) and 611.532(a)) in representative samples of the source water immediately prior to the first or only point of disinfectant application in at least 90 percent of the measurements made for the 6 previous months that the system served water to the public on an ongoing basis. If a system measures both fecal and total coliforms, the fecal coliform criterion, but not the total coliform criterion, in this subsection, must be met.
- b) The turbidity level cannot exceed 5 NTU (measured as specified in Section ~~611.531(a)~~ and 611.532(b) in representative samples of the source water immediately prior to the first or only point of disinfectant application unless the following are true:
- 1) The Agency determines that any such event was caused by circumstances that were unusual and unpredictable; and
 - 2) As a result of any such event there have not been more than two events in the past 12 months the system served water to the public, or more than five events in the past 120 months the system served water to the public,

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in which the turbidity level exceeded 5 NTU. An "event" is a series of consecutive days during which at least one turbidity measurement each day exceeds 5 NTU.

BOARD NOTE: Derived from 40 CFR 141.71(a) ~~(2003)~~(2002).

- c) Each CWS must take its raw water from the best available source that is economically reasonable and technically possible.

BOARD NOTE: This is an additional State requirement.

- d) Use of recycled sewage treatment plant effluent by a CWS on a routine basis must not be permitted.

BOARD NOTE: This is an additional State requirement.

(Source: Amended at 29 Ill. Reg. 2287, effective January 28, 2005)

Section 611.233 Treatment Technique Violations

- a) A supplier is in violation of a treatment technique requirement if the following is true:
- 1) Filtration is required because either of the following:
 - A) The supplier fails to meet any one of the criteria in Section 611.231 and 611.232; or
 - B) The Agency has determined, pursuant to Section 611.211, that filtration is required; and
 - 2) The supplier fails to install filtration by the date specified in Section 611.230.
- b) A supplier that has not installed filtration is in violation of a treatment technique requirement if either of the following is true:
- 1) The turbidity level (measured as specified in Section ~~611.531(a)~~~~611.531(d)~~ and 611.532(b)) in a representative sample of the source water immediately prior to the first or only point of disinfection

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application exceeds 5 NTU; or

- 2) The system is identified as a source of a waterborne disease outbreak.

BOARD NOTE: Derived from 40 CFR 141.71(c) ~~(2003)~~(2002).

(Source: Amended at 29 Ill. Reg. 2287, effective January 28, 2005)

Section 611.241 Unfiltered PWSs

Each supplier that does not provide filtration treatment must provide disinfection treatment as follows:

- a) The disinfection treatment must be sufficient to ensure at least 99.9 percent (3-log) inactivation of *Giardia lamblia* cysts and 99.99 percent (4-log) inactivation of viruses, every day the system serves water to the public, except any one day each month. Each day a system serves water to the public, the supplier must calculate the $CT_{99.9}$ value from the system's treatment parameters using the procedure specified in Section 611.532(c) and determine whether this value is sufficient to achieve the specified inactivation rates for *Giardia lamblia* cysts and viruses.
 - 1) If a system uses a disinfectant other than chlorine, the system may demonstrate to the Agency, through the use of an Agency-approved protocol for on-site disinfection challenge studies or other information, that $CT_{99.9}$ values other than those specified in Appendix B of this Part, Tables 2.1 and 3.1 or other operational parameters are adequate to demonstrate that the system is achieving minimum inactivation rates required by this subsection.
 - 2) The demonstration must be made by way of a SEP application pursuant to Section 611.110.
- b) The disinfection system must have either of the following:
 - 1) Redundant components, including an auxiliary power supply with automatic start-up and alarm to ensure that disinfectant application is maintained continuously while water is being delivered to the distribution system; or
 - 2) Automatic shut-off of delivery of water to the distribution system

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whenever there is less than 0.2 mg/ℓ of RDC in the water. If the Agency determines, by a SEP issued pursuant to Section 611.110, that automatic shut-off would cause unreasonable risk to health or interfere with fire protection, the system must comply with subsection (b)(1).

- c) The RDC in the water entering the distribution system, measured as specified in Sections ~~611.531(b)~~~~611.531(e)~~ and 611.532(e), cannot be less than 0.2 mg/ℓ for more than 4 hours.
- d) RDC in the distribution system.
- 1) The RDC in the distribution system, measured as total chlorine, combined chlorine or chlorine dioxide, as specified in Sections ~~611.531(b)~~~~611.531(e)~~ and 611.532(f), cannot be undetectable in more than 5 percent of the samples each month for any two consecutive months that the system serves water to the public. Water in the distribution system with HPC less than or equal to 500/ml, measured as specified in Section ~~611.531(a)~~~~611.531(e)~~, is deemed to have a detectable RDC for purposes of determining compliance with this requirement. Thus, the value "V" in the following formula cannot exceed 5 percent in one month, for any two consecutive months.

$$V = \frac{100 (c + d + e)}{(a + b)}$$

where the terms mean the following:

- a = Number of instances where the RDC is measured;
- b = Number of instances where the RDC is not measured, but HPC is measured;
- c = Number of instances where the RDC is measured but not detected and no HPC is measured;
- d = Number of instances where the RDC is measured but not detected, and where the HPC is greater than 500/ml; and
- e = Number of instances where the RDC is not measured and HPC is greater than 500/ml.

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- 2) Subsection (d)(1) does not apply if the Agency determines, pursuant to Section 611.213, that a supplier has no means for having a sample analyzed for HPC by a certified laboratory under the requisite time and temperature conditions specified by Section 611.531(a) and that the supplier is providing adequate disinfection in the distribution system.

BOARD NOTE: Derived from 40 CFR 141.72(a) (2003).

(Source: Amended at 29 Ill. Reg. 2287, effective January 28, 2005)

Section 611.242 Filtered PWSs

Each supplier that provides filtration treatment must provide disinfection treatment as follows:

- a) The disinfection treatment must be sufficient to ensure that the total treatment processes of that system achieve at least 99.9 percent (3-log) inactivation or removal of *Giardia lamblia* cysts and at least 99.99 percent (4-log) inactivation or removal of viruses.
- b) The RDC in the water entering the distribution system, measured as specified in Section 611.531(b)~~611.531(e)~~ and 611.533(b), cannot be less than 0.2 mg/l for more than 4 hours.
- c) RDC in the distribution system.
 - 1) The RDC in the distribution system, measured as total chlorine, combined chlorine, or chlorine dioxide, as specified in Section 611.531(b)~~611.531(e)~~ and 611.533(c), cannot be undetectable in more than 5 percent of the samples each month, for any two consecutive months that the system serves water to the public. Water in the distribution system with HPC less than or equal to 500/ml, measured as specified in Section 611.531(a)~~611.531(e)~~, is deemed to have a detectable RDC for purposes of determining compliance with this requirement. Thus, the value "V" in the following formula cannot exceed 5 percent in one month, for any two consecutive months.

$$V = 100(c + d + e) / (a + b)$$

where the terms mean the following:

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- a = Number of instances where the RDC is measured;
- b = Number of instances where the RDC is not measured, but HPC is measured;
- c = Number of instances where the RDC is measured but not detected and no HPC is measured;
- d = Number of instances where the RDC is measured but not detected, and where HPC is greater than 500/ml; and
- e = Number of instances where the RDC is not measured and HPC is greater than 500/ml.

- 2) Subsection (c)(1) does not apply if the Agency determines, pursuant to Section 611.213, that a supplier has no means for having a sample analyzed for HPC by a certified laboratory under the requisite time and temperature conditions specified by Section 611.531(a) and that the supplier is providing adequate disinfection in the distribution system.

BOARD NOTE: Derived from 40 CFR 141.72(b) (2003).

(Source: Amended at 29 Ill. Reg. 2287, effective January 28, 2005)

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 have provided 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

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than or equal to 0.5 NTU in at least 95 percent of the measurements taken each month, measured as specified in Section 611.531(a) and 611.533(a), except that if the Agency determines, by a SEP issued pursuant to Section 611.110, 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 that allows more than 1 NTU in more than five percent of the samples taken each month, measured as specified in Section 611.531(a) and 611.533(a).

- 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, measured as specified in Section 611.531(a) and 611.533(a), except that if the Agency determines, by a SEP issued pursuant to Section 611.110, 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, measured as specified in Section 611.531(a) and 611.533(a).
- 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

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month, measured as specified in Section 611.531(a) and 611.533(a).

- 2) The turbidity level of representative samples of a system's filtered water must at no time exceed 5 NTU, measured as specified in Section 611.531(a) and 611.533(a).
- d) Other filtration technologies. A supplier may use a filtration technology not listed in subsections (a) through (c) if it demonstrates, by a SEP application pursuant to Section 611.110, 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.

BOARD NOTE: Derived from 40 CFR 141.73 (2003).

(Source: Amended at 29 Ill. Reg. 2287, effective January 28, 2005)

Section 611.261 Unfiltered PWSs: Reporting and Recordkeeping

A supplier that uses a surface water source and does not provide filtration treatment must report monthly to the Agency the information specified in this Section beginning December 31, 1990, unless the Agency has determined that filtration is required, in which case the Agency must, by a SEP issued pursuant to Section 611.110, specify alternative reporting requirements, as appropriate, until filtration is in place. A supplier that uses a groundwater source under the direct influence of surface water and does not provide filtration treatment must report monthly to the Agency the information specified in this Section beginning December 31, 1990, or six months after the Agency determines that the groundwater source is under the direct influence of surface water, whichever is later, unless the Agency has determined that filtration is required, in which case the Agency must, by a SEP issued pursuant to Section 611.110, specify alternative reporting requirements, as appropriate, until filtration is in place.

- a) Source water quality information must be reported to the Agency within ten days after the end of each month the system serves water to the public. Information that must be reported includes the following:

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- 1) The cumulative number of months for which results are reported.
- 2) The number of fecal or total coliform samples, whichever are analyzed during the month (if a system monitors for both, only fecal coliforms must be reported), the dates of sample collection, and the dates when the turbidity level exceeded 1 NTU.
- 3) The number of samples during the month that had equal to or fewer than 20/100 ml fecal coliforms or equal to or fewer than 100/100 ml total coliforms, whichever are analyzed.
- 4) The cumulative number of fecal or total coliform samples, whichever are analyzed, during the previous six months the system served water to the public.
- 5) The cumulative number of samples that had equal to or fewer than 20/100 ml fecal coliforms or equal to or fewer than 100/100 ml total coliforms, whichever are analyzed, during the previous six months the system served water to the public.
- 6) The percentage of samples that had equal to or fewer than 20/100 ml fecal coliforms or equal to or fewer than 100/100 ml total coliforms, whichever are analyzed, during the previous six months the system served water to the public.
- 7) The maximum turbidity level measured during the month, the dates of occurrence for any measurements that exceeded 5 NTU and the dates the occurrences were reported to the Agency.
- 8) For the first 12 months of recordkeeping, the dates and cumulative number of events during which the turbidity exceeded 5 NTU, and after one year of recordkeeping for turbidity measurements, the dates and cumulative number of events during which the turbidity exceeded 5 NTU in the previous 12 months the system served water to the public.
- 9) For the first 120 months of recordkeeping, the dates and cumulative number of events during which the turbidity exceeded 5 NTU, and after ten years of recordkeeping for turbidity measurements, the dates and cumulative number of events during which the turbidity exceeded 5 NTU

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in the previous 120 months the system served water to the public.

- b) Disinfection information specified in Section 611.532 must be reported to the Agency within ten days after the end of each month the system serves water to the public. Information that must be reported includes the following:
- 1) For each day, the lowest measurement of RDC in mg/ℓ in water entering the distribution system.
 - 2) The date and duration of each period when the RDC in water entering the distribution system fell below 0.2 mg/ℓ and when the Agency was notified of the occurrence.
 - 3) The daily RDCs (in mg/ℓ) and disinfectant contact times (in minutes) used for calculating the CT values.
 - 4) If chlorine is used, the daily measurements of pH of disinfected water following each point of chlorine disinfection.
 - 5) The daily measurements of water temperature in degrees C following each point of disinfection.
 - 6) The daily CT_{calc} ~~CT_{calc}~~ and A_i values for each disinfectant measurement or sequence and the sum of all A_i values (B) before or at the first customer.
 - 7) The daily determination of whether disinfection achieves adequate Giardia cyst and virus inactivation, i.e., whether A_i is at least 1.0 or, where disinfectants other than chlorine are used, other indicator conditions that the Agency, pursuant to Section 611.241(a)(1), determines are appropriate, are met.
 - 8) The following information on the samples taken in the distribution system in conjunction with total coliform monitoring pursuant to Section 611.240 through 611.242:
 - A) Number of instances where the RDC is measured;
 - B) Number of instances where the RDC is not measured but HPC is measured;

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- C) Number of instances where the RDC is measured but not detected and no HPC is measured;
- D) Number of instances where no RDC is detected and where HPC is greater than 500/ml;
- E) Number of instances where the RDC is not measured and HPC is greater than 500/ml;
- F) For the current and previous month the system served water to the public, the value of "V" in the following formula:

$$V = \frac{100(c + d + e)}{(a + b)}$$

where the terms mean the following:

- a = Value in subsection (b)(8)(A) of this Section;
- b = Value in subsection (b)(8)(B) of this Section;
- c = Value in subsection (b)(8)(C) of this Section;
- d = Value in subsection (b)(8)(D) of this Section; and
- e = Value in subsection (b)(8)(E) of this Section.

- G) The requirements of subsections (b)(8)(A) through (b)(8)(F) of this Section do not apply if the Agency determines, pursuant to Section 611.213, that a system has no means for having a sample analyzed for HPC by a certified laboratory under the requisite time and temperature conditions specified by Section 611.531(a) and that the supplier is providing adequate disinfection in the distribution system.

- 9) A system need not report the data listed in subsections (b)(1) and (b)(3) through (b)(6) of this Section, if all data listed in subsections (b)(1) through (b)(8) of this Section remain on file at the system, and the Agency determines, by a SEP issued pursuant to Section 611.110, that the following is true:

- A) The system has submitted to the Agency all the information required by subsections (b)(1) through (b)(8) of this Section for at

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least 12 months; and

- B) The Agency has determined that the system is not required to provide filtration treatment.
- c) By October 10 of each year, each system must provide to the Agency a report that summarizes its compliance with all watershed control program requirements specified in Section 611.232(b).
- d) By October 10 of each year, each system must provide to the Agency a report on the on-site inspection conducted during that year pursuant to Section 611.232(c), unless the on-site inspection was conducted by the Agency. If the inspection was conducted by the Agency, the Agency must provide a copy of its report to the supplier.
- e) Reporting health threats.
 - 1) Each system, upon discovering that a waterborne disease outbreak potentially attributable to that water system has occurred, must report that occurrence to the Agency as soon as possible, but no later than by the end of the next business day.
 - 2) If at any time the turbidity exceeds 5 NTU, the system must consult with the Agency as soon as practical, but no later than 24 hours after the exceedence is known, in accordance with the public notification requirements under Section 611.903(b)(3).
 - 3) If at any time the RDC falls below 0.2 mg/ℓ in the water entering the distribution system, the system must notify the Agency as soon as possible, but no later than by the end of the next business day. The system also must notify the Agency by the end of the next business day whether or not the RDC was restored to at least 0.2 mg/ℓ within four hours.

| BOARD NOTE: Derived from 40 CFR 141.75(a) ~~(2003)~~(2002).

(Source: Amended at 29 Ill. Reg. 2287, effective January 25, 2005)

Section 611.262 Filtered PWSs: Reporting and Recordkeeping

A supplier that uses a surface water source or a groundwater source under the direct influence of

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surface water and provides filtration treatment must report monthly to the Agency the information specified in this Section.

- a) Turbidity measurements as required by Section 611.533(a) must be reported within ten days after the end of each month the supplier serves water to the public. Information that must be reported includes the following:
 - 1) The total number of filtered water turbidity measurements taken during the month.
 - 2) The number and percentage of filtered water turbidity measurements taken during the month that are less than or equal to the turbidity limits specified in Section 611.250 for the filtration technology being used.
 - 3) The date and value of any turbidity measurements taken during the month that exceed 5 NTU.

- b) Disinfection information specified in Section 611.533 must be reported to the Agency within ten days after the end of each month the supplier serves water to the public. Information that must be reported includes the following:
 - 1) For each day, the lowest measurement of RDC in mg/ℓ in water entering the distribution system.
 - 2) The date and duration of each period when the RDC in water entering the distribution system fell below 0.2 mg/ℓ and when the Agency was notified of the occurrence.
 - 3) The following information on the samples taken in the distribution system in conjunction with total coliform monitoring pursuant to Sections 611.240 through 611.242:
 - A) Number of instances where the RDC is measured;
 - B) Number of instances where the RDC is not measured but HPC is measured;
 - C) Number of instances where the RDC is measured but not detected and no HPC is measured;

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- D) Number of instances where no RDC is detected and where HPC is greater than 500/ml;
- E) Number of instances where the RDC is not measured and HPC is greater than 500/ml;
- F) For the current and previous month the supplier serves water to the public, the value of "V" in the following formula:

$$V = \frac{100(c + d + e)}{(a + b)}$$

where the terms mean the following:

- a = Value in subsection (b)(3)(A) of this Section;
b = Value in subsection (b)(3)(B) of this Section;
c = Value in subsection (b)(3)(C) of this Section;
d = Value in subsection (b)(3)(D) of this Section; and
e = Value in subsection (b)(3)(E) of this Section.

- G) Subsections (b)(3)(A) through (b)(3)(F) of this Section do not apply if the Agency determines, pursuant to Section 611.213, that a supplier has no means for having a sample analyzed for HPC by a certified laboratory under the requisite time and temperature conditions specified by Section 611.531(a) and that the supplier is providing adequate disinfection in the distribution system.

c) Reporting health threats.

- 1) Each supplier, upon discovering that a waterborne disease outbreak potentially attributable to that water system has occurred, must report that occurrence to the Agency as soon as possible, but no later than by the end of the next business day.
- 2) If at any time the turbidity exceeds 5 NTU, the supplier must consult with the Agency as soon as practical, but no later than 24 hours after the exceedence is known, in accordance with the public notification requirements under Section 611.903(b)(3).
- 3) If at any time the residual falls below 0.2 mg/l in the water entering the

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distribution system, the supplier must notify the Agency as soon as possible, but no later than by the end of the next business day. The supplier also must notify the Agency by the end of the next business day whether or not the residual was restored to at least 0.2 mg/ℓ within four hours.

BOARD NOTE: Derived from 40 CFR 141.75(b) ~~(2003)~~(2002).

(Source: Amended at 29 Ill. Reg. 2287, effective January 25, 2005)

SUBPART F: MAXIMUM CONTAMINANT LEVELS (MCLs) AND MAXIMUM RESIDUAL DISINFECTANT LEVELS (MRDLs)

Section 611.301 Revised MCLs for Inorganic Chemical Contaminants

- a) This subsection corresponds with 40 CFR 141.62(a), reserved by USEPA. This statement maintains structural consistency with USEPA rules.
- b) The MCLs in the following table apply to CWSs. Except for fluoride, the MCLs also apply to NTNCWSs. The MCLs for nitrate, nitrite, and total nitrate and nitrite also apply to transient non-CWSs.

Contaminant	MCL	Units
Antimony	0.006	mg/ℓ
Arsenic (effective January 23, 2006)	0.010	mg/ℓ
Asbestos	7	MFL
Barium	2	mg/ℓ
Beryllium	0.004	mg/ℓ
Cadmium	0.005	mg/ℓ
Chromium	0.1	mg/ℓ
Cyanide (as free CN ⁻)	0.2	mg/ℓ
Fluoride	4.0	mg/ℓ
Mercury	0.002	mg/ℓ
Nitrate (as N)	10	mg/ℓ
Nitrite (as N)	1	mg/ℓ
Total Nitrate and Nitrite (as N)	10	mg/ℓ
Selenium	0.05	mg/ℓ
Thallium	0.002	mg/ℓ

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BOARD NOTE: See Section 611.300(d) for an elevated nitrate level for non-CWSs. USEPA removed and reserved the MCL for nickel on June 29, 1995, at 60 Fed. Reg. 33932, as a result of a judicial order in Nickel Development Institute v. EPA, No. 92-1407, and Specialty Steel Industry of the U.S. v. Browner, No. 92-1410 (D.C. Cir. Feb. 23 & Mar. 6, 1995), while retaining the contaminant, analytical methodology, and detection limit listings for this contaminant.

- c) USEPA has identified the following as BAT for achieving compliance with the MCL for the IOCs identified in subsection (b) of this Section, except for fluoride:

Contaminant	BATs
Antimony	C/F RO
Arsenic (BATs for As ^V . Pre-oxidation may be required to convert As ^{III} to As ^V .)	AAL C/F IX LIME RO ED O/F (To obtain high removals, the iron to arsenic ratio must be at least 20:1)
Asbestos	C/F DDF CC
Barium	IX LIME RO ED
Beryllium	AA C/F IX LIME RO

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Cadmium	C/F IX LIME RO
Chromium	C/F IX LIME, BAT for Cr ^{III} only RO
Cyanide	IX RO <u>ALK</u> Cl ₂
Mercury	C/F, BAT only if influent Hg concentrations less than or equal to 10 µg/l GAC LIME, BAT only if influent Hg concentrations less than or equal to 10 µg/l RO, BAT only if influent Hg concentrations less than or equal to 10 µg/l
Nickel	IX LIME RO
Nitrate	IX RO ED
Nitrite	IX RO
Selenium	AAL C/F, BAT for Se ^{IV} only LIME

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	RO
	ED
Thallium	AAL
	IX

Abbreviations

AAL	Activated alumina
<u>ALK Cl₂</u>	<u>Alkaline chlorination (pH ≥ 8.5)</u>
C/F	Coagulation/filtration (not BAT for a system that has fewer than 500 service connections)
<u>CC</u>	<u>Corrosion control</u>
<u>Cl₂</u>	<u>Oxidation (chlorine)</u>
DDF	Direct and diatomite filtration
<u>ED</u>	<u>Electrodialysis</u>
GAC	Granular activated carbon
IX	Ion exchange
LIME	Lime softening
<u>O/F</u>	<u>Oxidation/filtration</u>
RO	Reverse osmosis
CC	Corrosion control
ED	Electrodialysis
Cl₂	Oxidation (chlorine)
UV	Ultraviolet irradiation
O/F	Oxidation/filtration

- d) At 40 CFR 141.62(d) (2003), USEPA identified the following as the affordable technology, treatment technique, or other means available to systems serving 10,000 persons or fewer for achieving compliance with the maximum contaminant level for arsenic:

Small System Compliance Technologies (SSCTs)¹ for Arsenic²

Small system compliance technology	Affordable for listed small system categories ³
Activated alumina (centralized)	All size categories
Activated alumina (point-of-use) ⁴	All size categories
Coagulation/filtration ⁵	501-3,300 persons, 3,301-10,000 persons
Coagulation-assisted microfiltration	501-3,300 persons, 3,301-10,000 persons

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Electrodialysis reversal ⁶	501-3,300 persons, 3,301-10,000 persons
Enhanced coagulation/filtration	All size categories
Enhanced lime softening (pH >10.5)	All size categories
Ion exchange	All size categories
Lime softening ⁵	501-3,300 persons, 3,301-10,000 persons
Oxidation/filtration ⁷	All size categories
Reverse osmosis (centralized) ⁶	501-3,300 persons, 3,301-10,000 persons
Reverse osmosis (point-of-use) ⁴	All size categories

¹ Section 1412(b)(4)(E)(ii) of the federal SDWA (42 USC 300g-1(b)(4)(E)(ii)) specifies that SSCTs must be affordable and technically feasible for a small system supplier.

² SSCTs for As^V. Pre-oxidation may be required to convert As^{III} to As^V.

³ The federal SDWA specifies three categories of small system suppliers: (1) those serving 25 or more, but fewer than 501 persons, (2) those serving more than 500 but fewer than 3,301 persons, and (3) those serving more than 3,300 but fewer than 10,001 persons.

⁴ When POU or POE devices are used for compliance, programs to ensure proper long-term operation, maintenance, and monitoring must be provided by the water supplier to ensure adequate performance.

⁵ Unlikely to be installed solely for arsenic removal. May require pH adjustment to optimal range if high removals are needed.

⁶ Technologies reject a large volume of water – may not be appropriate for areas where water quantity may be an issue.

⁷ To obtain high removals, iron to arsenic ratio must be at least 20:1.

BOARD NOTE: Derived from 40 CFR 141.62 (2003).

(Source: Amended at 29 Ill. Reg. 2287, effective January 25, 2005)

SUBPART I: DISINFECTANT RESIDUALS, DISINFECTION BYPRODUCTS, AND
DISINFECTION BYPRODUCT PRECURSORS

Section 611.382 Monitoring Requirements

- a) General requirements.

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- 1) A supplier must take all samples during normal operating conditions.
 - 2) A supplier may consider multiple wells drawing water from a single aquifer as one treatment plant for determining the minimum number of TTHM and HAA5 samples required with Agency approval.
 - 3) Failure to monitor in accordance with the monitoring plan required under subsection (f) of this Section is a monitoring violation.
 - 4) Where compliance is based on a running annual average of monthly or quarterly samples or averages and the supplier's failure to monitor makes it impossible to determine compliance with MCLs or MRDLs, this failure to monitor will be treated as a violation for the entire period covered by the annual average.
 - 5) A supplier must use only data collected under the provisions of this Subpart I ~~or under the Information Collection Rule (40 CFR 141, Subpart M)~~ to qualify for reduced monitoring.
- b) Monitoring requirements for disinfection byproducts (DBPs).
- 1) TTHMs and HAA5.
 - A) Routine monitoring. A supplier must monitor at the following frequency:
 - i) A Subpart B system supplier that serves 10,000 or more persons must collect four water samples per quarter per treatment plant. At least 25 percent of all samples collected each quarter must be collected at locations representing maximum residence time. The remaining samples may be taken at locations representative of at least average residence time in the distribution system and representing the entire distribution system, taking into account the number of persons served, the different sources of water, and the different treatment methods.
 - ii) A Subpart B system supplier that serves from 500 to 9,999 persons must collect one water sample per quarter per

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treatment plant. The samples must be collected from locations representing maximum residence time.

- iii) A Subpart B system supplier that serves fewer than 500 persons must collect one sample per year per treatment plant during month of warmest water temperature. The samples must be collected from locations representing maximum residence time. If the sample (or average of annual samples, if more than one sample is taken) exceeds the MCL, the supplier must increase the monitoring frequency to one sample per treatment plant per quarter, taken at a point reflecting the maximum residence time in the distribution system, until the supplier meets the standards in subsection (b)(1)(D) of this Section.
- iv) A supplier that uses only groundwater not under direct influence of surface water, which uses chemical disinfectant, and which serves 10,000 or more persons must collect one water sample per quarter per treatment plant. The samples must be collected from locations representing maximum residence time.
- v) A supplier that uses only groundwater not under direct influence of surface water, which uses chemical disinfectant, and which serves fewer than 10,000 persons must collect one sample per year per treatment plant during month of warmest water temperature. The samples must be collected from locations representing maximum residence time. If the sample (or average of annual samples, if more than one sample is taken) exceeds MCL, the supplier must increase monitoring to one sample per treatment plant per quarter, taken at a point reflecting the maximum residence time in the distribution system, until the supplier meets standards in subsection (b)(1)(D) of this Section.

BOARD NOTE: If a supplier elects to sample more frequently than the minimum required, at least 25 percent of all samples collected each quarter (including those taken in excess of the required frequency) must be taken at locations that represent the maximum residence time of the water in the distribution system.

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The remaining samples must be taken at locations representative of at least average residence time in the distribution system. For a supplier using groundwater not under the direct influence of surface water, multiple wells drawing water from a single aquifer may be considered one treatment plant for determining the minimum number of samples required, with Agency approval.

- B) A supplier may reduce monitoring, except as otherwise provided, in accordance with the following:
- i) A Subpart B system supplier that serves 10,000 or more persons and which has a source water annual average TOC level, before any treatment, of less than or equal to 4.0 mg/ℓ may reduce monitoring if it has monitored for at least one year and its TTHM annual average is less than or equal to 0.040 mg/ℓ and HAA5 annual average is less than or equal to 0.030 mg/ℓ. The reduced monitoring allowed is a minimum of one sample per treatment plant per quarter at a distribution system location reflecting maximum residence time.
 - ii) A Subpart B system supplier that serves from 500 to 9,999 persons and which has a source water annual average TOC level, before any treatment, of less than or equal to 4.0 mg/ℓ may reduce monitoring if it has monitored at least one year and its TTHM annual average is less than or equal to 0.040 mg/ℓ and HAA5 annual average is less than or equal to 0.030 mg/ℓ. The reduced monitoring allowed is a minimum of one sample per treatment plant per year at a distribution system location reflecting maximum residence time during month of warmest water temperature.
- BOARD NOTE: Any Subpart B system supplier serving fewer than 500 persons may not reduce its monitoring to less than one sample per treatment plant per year.
- iii) A supplier using only groundwater not under direct influence of surface water using chemical disinfectant and serving 10,000 or more persons may reduce monitoring if it has monitored at least one year and its TTHM annual

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average is less than or equal to 0.040 mg/ℓ and HAA5 annual average is less than or equal to 0.030 mg/ℓ. The reduced monitoring allowed is a minimum of one sample per treatment plant per year at a distribution system location reflecting maximum residence time during month of warmest water temperature.

- iv) A supplier using only groundwater not under direct influence of surface water using chemical disinfectant and serving fewer than 10,000 persons may reduce monitoring if it has monitored at least one year and its TTHM annual average is less than or equal to 0.040 mg/ℓ and HAA5 annual average is less than or equal to 0.030 mg/ℓ for two consecutive years or TTHM annual average is less than or equal to 0.020 mg/ℓ and HAA5 annual average is less than or equal to 0.015 mg/ℓ for one year. The reduced monitoring allowed is a minimum of one sample per treatment plant per three year monitoring cycle at a distribution system location reflecting maximum residence time during month of warmest water temperature, with the three-year cycle beginning on January 1 following the quarter in which the supplier qualifies for reduced monitoring.
- C) A supplier on a reduced monitoring schedule may remain on that reduced schedule as long as the average of all samples taken in the year (for a supplier that must monitor quarterly) or the result of the sample (for a supplier that must monitor no more frequently than annually) is no more than 0.060 mg/ℓ and 0.045 mg/ℓ for TTHMs and HAA5, respectively. A supplier that does not meet these levels must resume monitoring at the frequency identified in subsection (b)(1)(A) of this Section (minimum monitoring frequency column) in the quarter immediately following the monitoring period in which the supplier exceeds 0.060 mg/ℓ for TTHMs or 0.045 mg/ℓ for HAA5. For a supplier using only groundwater not under the direct influence of surface water and serving fewer than 10,000 persons, if either the TTHM annual average is greater than 0.080 mg/ℓ or the HAA5 annual average is greater than 0.060 mg/ℓ, the supplier must go to increased monitoring identified in subsection (b)(1)(A) of this Section

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(sample location column) in the quarter immediately following the monitoring period in which the supplier exceeds 0.080 mg/ℓ for TTHMs or 0.060 mg/ℓ for HAA5.

- D) A supplier on increased monitoring may return to routine monitoring if, after at least one year of monitoring, its TTHM annual average is less than or equal to 0.060 mg/ℓ and its HAA5 annual average is less than or equal to 0.045 mg/ℓ.
 - E) The Agency may return a supplier to routine monitoring.
- 2) Chlorite. A CWS or NTNCWS supplier using chlorine dioxide, for disinfection or oxidation, must conduct monitoring for chlorite.
- A) Routine monitoring.
 - i) Daily monitoring. A supplier must take daily samples at the entrance to the distribution system. For any daily sample that exceeds the chlorite MCL, the supplier must take additional samples in the distribution system the following day at the locations required by subsection (b)(2)(B) of this Section, in addition to the sample required at the entrance to the distribution system.
 - ii) Monthly monitoring. A supplier must take a three-sample set each month in the distribution system. The supplier must take one sample at each of the following locations: near the first customer, at a location representative of average residence time, and at a location reflecting maximum residence time in the distribution system. Any additional routine sampling must be conducted in the same manner (as three-sample sets, at the specified locations). The supplier may use the results of additional monitoring conducted under subsection (b)(2)(B) of this Section to meet the requirement for monitoring in this subsection (b)(2)(A)(ii).
 - B) Additional monitoring. On each day following a routine sample monitoring result that exceeds the chlorite MCL at the entrance to the distribution system, the supplier must take three chlorite

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distribution system samples at the following locations: as close to the first customer as possible, in a location representative of average residence time, and as close to the end of the distribution system as possible (reflecting maximum residence time in the distribution system).

- C) Reduced monitoring.
 - i) Chlorite monitoring at the entrance to the distribution system required by subsection (b)(2)(A)(i) of this Section may not be reduced.
 - ii) Chlorite monitoring in the distribution system required by subsection (b)(2)(A)(ii) of this Section may be reduced to one three-sample set per quarter after one year of monitoring where no individual chlorite sample taken in the distribution system under subsection (b)(2)(A)(ii) of this Section has exceeded the chlorite MCL and the supplier has not been required to conduct monitoring under subsection (b)(2)(B) of this Section. The supplier may remain on the reduced monitoring schedule until either any of the three individual chlorite samples taken quarterly in the distribution system under subsection (b)(2)(A)(ii) of this Section exceeds the chlorite MCL or the supplier is required to conduct monitoring under subsection (b)(2)(B) of this Section, at which time the supplier must revert to routine monitoring.
- 3) Bromate.
 - A) Routine monitoring. A CWS or NTNCWS supplier using ozone, for disinfection or oxidation, must take one sample per month for each treatment plant in the system using ozone. A supplier must take samples monthly at the entrance to the distribution system while the ozonation system is operating under normal conditions.
 - B) Reduced monitoring. A supplier required to analyze for bromate may reduce monitoring from monthly to once per quarter, if the supplier demonstrates that the average source water bromide concentration is less than 0.05 mg/l based upon representative

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monthly bromide measurements for one year. The supplier may remain on reduced bromate monitoring until the running annual average source water bromide concentration, computed quarterly, is equal to or greater than 0.05 mg/ℓ based upon representative monthly measurements. If the running annual average source water bromide concentration is equal to or greater than 0.05 mg/ℓ, the supplier must resume routine monitoring required by subsection (b)(3)(A) of this Section.

- c) Monitoring requirements for disinfectant residuals.
 - 1) Chlorine and chloramines.
 - A) Routine monitoring. A CWS or NTNCWS supplier that uses chlorine or chloramines must measure the residual disinfectant level in the distribution system at the same point in the distribution system and at the same time as total coliforms are sampled, as specified in Section 611.521. A Subpart B system supplier may use the results of residual disinfectant concentration sampling conducted under Section 611.532 for unfiltered systems or Section 611.533 for systems that filter, in lieu of taking separate samples.
 - B) Reduced monitoring. Monitoring may not be reduced.
 - 2) Chlorine dioxide.
 - A) Routine monitoring. A CWS, an NTNCWS, or a transient non-CWS supplier that uses chlorine dioxide for disinfection or oxidation must take daily samples at the entrance to the distribution system. For any daily sample that exceeds the MRDL, the supplier must take samples in the distribution system the following day at the locations required by subsection (c)(2)(B) of this Section, in addition to the sample required at the entrance to the distribution system.
 - B) Additional monitoring. On each day following a routine sample monitoring result that exceeds the MRDL, the supplier must take three chlorine dioxide distribution system samples. If chlorine dioxide or chloramines are used to maintain a disinfectant residual in the distribution system, or if chlorine is used to maintain a

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disinfectant residual in the distribution system and there are no disinfection addition points after the entrance to the distribution system (i.e., no booster chlorination), the supplier must take three samples as close to the first customer as possible, at intervals of at least six hours. If chlorine is used to maintain a disinfectant residual in the distribution system and there are one or more disinfection addition points after the entrance to the distribution system (i.e., booster chlorination), the supplier must take one sample at each of the following locations: as close to the first customer as possible, in a location representative of average residence time, and as close to the end of the distribution system as possible (reflecting maximum residence time in the distribution system).

- C) Reduced monitoring. Monitoring may not be reduced.
- d) Monitoring requirements for disinfection byproduct (DBP) precursors.
- 1) Routine monitoring. A Subpart B system supplier that uses conventional filtration treatment (as defined in Section 611.101) must monitor each treatment plant for TOC not past the point of combined filter effluent turbidity monitoring and representative of the treated water. A supplier required to monitor under this subsection (d)(1) must also monitor for TOC in the source water prior to any treatment at the same time as monitoring for TOC in the treated water. These samples (source water and treated water) are referred to as paired samples. At the same time as the source water sample is taken, a system must monitor for alkalinity in the source water prior to any treatment. A supplier must take one paired sample and one source water alkalinity sample per month per plant at a time representative of normal operating conditions and influent water quality.
 - 2) Reduced monitoring. A Subpart B system supplier with an average treated water TOC of less than 2.0 mg/ℓ for two consecutive years, or less than 1.0 mg/ℓ for one year, may reduce monitoring for both TOC and alkalinity to one paired sample and one source water alkalinity sample per plant per quarter. The supplier must revert to routine monitoring in the month following the quarter when the annual average treated water TOC greater than or equal to 2.0 mg/ℓ.

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- e) Bromide. A supplier required to analyze for bromate may reduce bromate monitoring from monthly to once per quarter, if the supplier demonstrates that the average source water bromide concentration is less than 0.05 mg/ℓ based upon representative monthly measurements for one year. The supplier must continue bromide monitoring to remain on reduced bromate monitoring.
- f) Monitoring plans. Each supplier required to monitor under this Subpart I must develop and implement a monitoring plan. The supplier must maintain the plan and make it available for inspection by the Agency and the general public no later than 30 days following the applicable compliance dates in Section 611.380(b). A Subpart B system supplier serving more than 3,300 persons must submit a copy of the monitoring plan to the Agency no later than the date of the first report required under Section 611.384. After review, the Agency may require changes in any plan elements. The plan must include at least the following elements:
- 1) Specific locations and schedules for collecting samples for any parameters included in this Subpart I;
 - 2) How the supplier will calculate compliance with MCLs, MRDLs, and treatment techniques; and
 - 3) If approved for monitoring as a consecutive system, or if providing water to a consecutive system, under the provisions of Section 611.500, the sampling plan must reflect the entire distribution system.

BOARD NOTE: Derived from 40 CFR 141.132 ~~(2003)~~(2002).

(Source: Amended at 29 Ill. Reg. 2287, effective January 25, 2005)

Section 611.383 Compliance Requirements

- a) General requirements.
- 1) Where compliance is based on a running annual average of monthly or quarterly samples or averages and the supplier fails to monitor for TTHM, HAA5, or bromate, this failure to monitor will be treated as a monitoring violation for the entire period covered by the annual average. Where compliance is based on a running annual average of monthly or quarterly samples or averages and the supplier's failure to monitor makes it impossible to determine compliance with the MRDL for chlorine or

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chloramines, this failure to monitor will be treated as a monitoring violation for the entire period covered by the annual average.

- 2) All samples taken and analyzed under the provisions of this Subpart I must be included in determining compliance, even if that number is greater than the minimum required.
 - 3) If, during the first year of monitoring under Section 611.382, any individual quarter's average will cause the running annual average of that supplier to exceed the MCL for total trihalomethanes, haloacetic acids (five), or bromate or the MRDL for chlorine or chloramine, the supplier is out of compliance at the end of that quarter.
- b) Disinfection byproducts (DBPs).
- 1) TTHMs and HAA5.
 - A) For a supplier monitoring quarterly, compliance with MCLs in Section 611.312 must be based on a running annual arithmetic average, computed quarterly, of quarterly arithmetic averages of all samples collected by the supplier as prescribed by Section 611.382(b)(1).
 - B) For a supplier monitoring less frequently than quarterly, the supplier demonstrates MCL compliance if the average of samples taken that year under the provisions of Section 611.382(b)(1) does not exceed the MCLs in Section 611.312. If the average of these samples exceeds the MCL, the supplier must increase monitoring to once per quarter per treatment plant, and such a system is not in violation of the MCL until it has completed one year of quarterly monitoring, unless the result of fewer than four quarters of monitoring will cause the running annual average to exceed the MCL, in which case the supplier is in violation at the end of that quarter. A supplier required to increase to quarterly monitoring must calculate compliance by including the sample that triggered the increased monitoring plus the following three quarters of monitoring.
 - C) If the running annual arithmetic average of quarterly averages covering any consecutive four-quarter period exceeds the MCL,

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the supplier is in violation of the MCL and must notify the public pursuant to Subpart V of this Part in addition to reporting to the Agency pursuant to Section 611.384.

- D) If a PWS fails to complete four consecutive quarter's monitoring, compliance with the MCL for the last four-quarter compliance period must be based on an average of the available data.
- 2) Bromate. Compliance must be based on a running annual arithmetic average, computed quarterly, of monthly samples (or, for months in which the supplier takes more than one sample, the average of all samples taken during the month) collected by the supplier, as prescribed by Section 611.382(b)(3). If the average of samples covering any consecutive four-quarter period exceeds the MCL, the supplier is in violation of the MCL and must notify the public pursuant to Subpart V of this Part, in addition to reporting to the Agency pursuant to Section 611.384. If a PWS supplier fails to complete 12 consecutive months' monitoring, compliance with the MCL for the last four-quarter compliance period must be based on an average of the available data.
 - 3) Chlorite. Compliance must be based on an arithmetic average of each three sample set taken in the distribution system as prescribed by Section 611.382(b)(2)(A)(ii) and Section 611.382(b)(2)(B). If the arithmetic average of any three sample set exceeds the MCL, the supplier is in violation of the MCL and must notify the public pursuant to Subpart V of this Part, in addition to reporting to the Agency pursuant to Section 611.384.
- c) Disinfectant residuals.
 - 1) Chlorine and chloramines.
 - A) Compliance must be based on a running annual arithmetic average, computed quarterly, of monthly averages of all samples collected by the supplier under Section 611.382(c)(1). If the average of quarterly averages covering any consecutive four-quarter period exceeds the MRDL, the supplier is in violation of the MRDL and must notify the public pursuant to Subpart V of this Part, in addition to reporting to the Agency pursuant to Section 611.384.

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- B) In cases where a supplier switches between the use of chlorine and chloramines for residual disinfection during the year, compliance must be determined by including together all monitoring results of both chlorine and chloramines in calculating compliance. Reports submitted pursuant to Section 611.384 must clearly indicate that residual disinfectant was analyzed for each sample.
- 2) Chlorine dioxide.
- A) Acute violations. Compliance must be based on consecutive daily samples collected by the supplier under Section 611.382(c)(2). If any daily sample taken at the entrance to the distribution system exceeds the MRDL, and on the following day one (or more) of the three samples taken in the distribution system exceeds the MRDL, the supplier is in violation of the MRDL and must take immediate corrective action to lower the level of chlorine dioxide below the MRDL and must notify the public pursuant to the procedures for acute health risks in Subpart V of this Part, in addition to reporting to the Agency pursuant to Section 611.384. Failure to take samples in the distribution system the day following an exceedence of the chlorine dioxide MRDL at the entrance to the distribution system will also be considered an MRDL violation and the supplier must notify the public of the violation in accordance with the provisions for acute violations under Subpart V of this Part, in addition to reporting to the Agency pursuant to Section 611.384.
- B) Nonacute violations. Compliance must be based on consecutive daily samples collected by the supplier under Section 611.382(c)(2). If any two consecutive daily samples taken at the entrance to the distribution system exceed the MRDL and all distribution system samples taken are below the MRDL, the supplier is in violation of the MRDL and must take corrective action to lower the level of chlorine dioxide below the MRDL at the point of sampling and must notify the public pursuant to the procedures for nonacute health risks in Subpart V of this Part, in addition to reporting to the Agency pursuant to Section 611.384. Failure to monitor at the entrance to the distribution system the day following an exceedence of the chlorine dioxide MRDL at the entrance to the distribution system is also an MRDL violation and the supplier must notify the public of the violation in accordance

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with the provisions for nonacute violations under Subpart V of this Part, in addition to reporting to the Agency pursuant to Section 611.384.

- d) Disinfection byproduct (DBP) precursors. Compliance must be determined as specified by Section 611.385(c). A supplier may begin monitoring to determine whether Step 1 TOC removals can be met 12 months prior to the compliance date for the supplier. This monitoring is not required and failure to monitor during this period is not a violation. However, any supplier that does not monitor during this period, and then determines in the first 12 months after the compliance date that it is not able to meet the Step 1 requirements in Section 611.141(b)(2) and must therefore apply for alternate minimum TOC removal (Step 2) requirements, is not eligible for retroactive approval of alternate minimum TOC removal (Step 2) requirements as allowed pursuant to Section 611.385(b)(3) and is in violation of an NPDWR. A supplier may apply for alternate minimum TOC removal (Step 2) requirements any time after the compliance date. For a supplier required to meet Step 1 TOC removals, if the value calculated under Section 611.385(c)(1)(D) is less than 1.00, the supplier is in violation of the treatment technique requirements and must notify the public pursuant to Subpart V of this Part, in addition to reporting to the Agency pursuant to Section 611.384.

BOARD NOTE: Derived from 40 CFR 141.133 ~~(2003)~~(2002).

(Source: Amended at 28 Ill. Reg. 2287, effective January 25, 2005)

SUBPART L: MICROBIOLOGICAL MONITORING AND
ANALYTICAL REQUIREMENTS

Section 611.526 Analytical Methodology

- a) The standard sample volume required for total coliform analysis, regardless of analytical method used, is 100 mL.
- b) Suppliers need only determine the presence or absence of total coliforms; a determination of total coliform density is not required.
- c) Suppliers must conduct total coliform analyses in accordance with one of the following analytical methods, incorporated by reference in Section 611.102 (the time from sample collection to initiation of analysis may not exceed 30 hours, and the supplier is encouraged but not required to hold samples below 10° C during

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transit):

- 1) Total Coliform Fermentation Technique, as set forth in Standard Methods, 18th, 19th, or 20th ed.: Methods 9221 A and B, as follows:
 - A) Lactose broth, as commercially available, may be used in lieu of lauryl tryptose broth if the supplier conducts at least 25 parallel tests between this medium and lauryl tryptose broth using the water normally tested and this comparison demonstrates that the false-positive rate and false-negative rate for total coliforms, using lactose broth, is less than 10 percent;
 - B) If inverted tubes are used to detect gas production, the media should cover these tubes at least one-half to two-thirds after the sample is added; and
 - C) No requirement exists to run the completed phase on 10 percent of all total coliform-positive confirmed tubes.
- 2) Total Coliform Membrane Filter Technique, as set forth in Standard Methods, 18th, 19th, or 20th ed.: Methods 9222 A, B, and C.
- 3) Presence-Absence (P-A) Coliform Test, as set forth in: Standard Methods, 18th, 19th, or 20th ed.: Method 9221 D, as follows:
 - A) No requirement exists to run the completed phase on 10 percent of all total coliform-positive confirmed tubes; and
 - B) Six-times formulation strength may be used if the medium is filter-sterilized rather than autoclaved.
- 4) ONPG-MUG test: Standard Methods, 18th, 19th, or 20th ed.: Method 9223. (The ONPG-MUG test is also known as the Autoanalysis Colilert System).
- 5) Colisure Test (Autoanalysis Colilert System). (The Colisure Test may be read after an incubation time of 24 hours.)

BOARD NOTE: USEPA included the P-A Coliform and Colisure Tests for testing finished water under the coliform rule, but did not include them

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for the purposes of the surface water treatment rule, under Section 611.531, for which quantitation of total coliforms is necessary. For these reasons, USEPA included Standard Methods: Method 9221 C for the surface water treatment rule, but did not include it for the purposes of the total coliform rule, under this Section.

- 6) E*Colite® Test (Charm Sciences, Inc.).
- 7) m-ColiBlue24® Test (Hatch Company).
- 8) ReadyCult Coliforms 100 Presence/Absence Test.
- 9) Membrane Filter Technique using Chromocult ~~Coliform~~ [Coliform](#) Agar.

10) [Colitag® Test.](#)

- d) This subsection corresponds with 40 CFR 141.21(f)(4), which USEPA has marked "reserved": This statement maintains structural consistency with the federal regulations.
- e) Suppliers must conduct fecal coliform analysis in accordance with the following procedure:
 - 1) When the MTF Technique or P-A Coliform Test is used to test for total coliforms, shake the lactose-positive presumptive tube or P-A vigorously and transfer the growth with a sterile 3-mm loop or sterile applicator stick into brilliant green lactose bile broth and EC medium, defined below, to determine the presence of total and fecal coliforms, respectively.
 - 2) For approved methods that use a membrane filter, transfer the total coliform-positive culture by one of the following methods: remove the membrane containing the total coliform colonies from the substrate with sterile forceps and carefully curl and insert the membrane into a tube of EC medium; (the laboratory may first remove a small portion of selected colonies for verification); swab the entire membrane filter surface with a sterile cotton swab and transfer the inoculum to EC medium (do not leave the cotton swab in the EC medium); or inoculate individual total coliform-positive colonies into EC medium. Gently shake the inoculated tubes of EC medium to insure adequate mixing and incubate in a waterbath at 44.5 ±0.2° C for 24 ±2 hours. Gas production of any amount in the inner

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fermentation tube of the EC medium indicates a positive fecal coliform test.

- 3) EC medium is described in Standard Methods, 18th ed., 19th ed., and 20th ed.: Method 9221E.
 - 4) Suppliers need only determine the presence or absence of fecal coliforms; a determination of fecal coliform density is not required.
- f) Suppliers must conduct analysis of *E. coli* in accordance with one of the following analytical methods, incorporated by reference in Section 611.102:
- 1) EC medium supplemented with 50 µg/ℓ of MUG (final concentration). EC medium is as described in subsection (e) of this Section. MUG may be added to EC medium before autoclaving. EC medium supplemented with 50 µg/ℓ MUG is commercially available. At least 10 ml of EC medium supplemented with MUG must be used. The inner inverted fermentation tube may be omitted. The procedure for transferring a total coliform-positive culture to EC medium supplemented with MUG is as in subsection (e) of this Section for transferring a total coliform-positive culture to EC medium. Observe fluorescence with an ultraviolet light (366 nm) in the dark after incubating tube at 44.5 ±2° C for 24 ±2 hours; or
 - 2) Nutrient agar supplemented with 100 µg/ℓ MUG (final concentration), as described in Standard Methods, 19th ed. and 20th ed.: Method 9222 G. This test is used to determine if a total coliform-positive sample, as determined by the MF technique, contains *E. coli*. Alternatively, Standard Methods, 18th ed.: Method 9221 B may be used if the membrane filter containing a total coliform-positive colony or colonies is transferred to nutrient agar, as described in Method 9221 B (paragraph 3), supplemented with 100 µg/ℓ MUG. If Method 9221 B is used, incubate the agar plate at 35° Celsius for ~~four~~4 hours, then observe the colony or colonies under ultraviolet light (366-nm) in the dark for fluorescence. If fluorescence is visible, *E. coli* are present.
 - 3) Minimal Medium ONPG-MUG (MMO-MUG) Test, as set forth in Appendix D of this Part. (The Autoanalysis Colilert System is a MMO-MUG test.) If the MMO-MUG test is total coliform positive after a 24-hour incubation, test the medium for fluorescence with a 366-nm ultraviolet light (preferably with a ~~six-watt~~6-watt lamp) in the dark. If

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fluorescence is observed, the sample is E. coli-positive. If fluorescence is questionable (cannot be definitively read) after 24 hours incubation, incubate the culture for an additional four hours (but not to exceed 28 hours total), and again test the medium for fluorescence. The MMO-MUG test with hepes buffer is the only approved formulation for the detection of E. coli.

- 4) The Colisure Test (Autoanalysis Colilert System).
- 5) The membrane filter method with MI agar.
- 6) The E*Colite® Test.
- 7) The m-ColiBlue24® Test.
- 8) ReadyCult Coliforms 100 Presence/Absence Test.
- 9) Membrane Filter Technique using Chromocult ~~Coliform~~ ~~Doliform~~ Agar.
- 10) Colitag® Test.

- g) As an option to the method set forth in subsection (f)(3) of this Section, a supplier with a total coliform-positive, MUG-negative, MMO-MUG test may further analyze the culture for the presence of E. coli by transferring a 0.1 ml, 28-hour MMO-MUG culture to EC medium + MUG with a pipet. The formulation and incubation conditions of the EC medium + MUG, and observation of the results, are described in subsection (f)(1) of this Section.
- h) This subsection corresponds with 40 CFR 141.21(f)(8), a central listing of all documents incorporated by reference into the federal microbiological analytical methods. The corresponding Illinois incorporations by reference are located at Section 611.102. This statement maintains structural parity with USEPA regulations.

BOARD NOTE: Derived from 40 CFR 141.21(f) ~~(2003)~~(2002).

(Source: Amended at 29 Ill. Reg. 2287, effective January 25, 2005)

Section 611.532 Unfiltered PWSs

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A supplier that uses a surface water source and does not provide filtration treatment must monitor, unless the Agency has determined, pursuant to Section 611.211, that filtration is required. If the Agency determines that filtration is required, it must specify alternative monitoring requirements, as appropriate, until filtration is in place. A supplier that uses a groundwater source under the direct influence of surface water and which does not provide filtration treatment must monitor within six months after the Agency has determined, pursuant to Section 611.212, that the groundwater source is under the direct influence of surface water unless the Agency has determined that filtration is required, in which case the Agency must specify alternative monitoring requirements, as appropriate, until filtration is in place.

- a) Fecal coliform or total coliform density measurements as required by Section 611.231(a) must be performed on representative source water samples immediately prior to the first or only point of disinfectant application. The supplier must sample for fecal or total coliforms at the minimum frequency specified in Table B of this Part each week the supplier serves water to the public. Also, one fecal or total coliform density measurement must be made every day the supplier serves water to the public and the turbidity of the source water exceeds 1 NTU (these samples count towards the weekly coliform sampling requirement) unless the Agency determines that the supplier, for logistical reasons outside the supplier's control cannot have the sample analyzed within 30 hours of collection.
- b) Turbidity measurements as required by Section 611.231(b) must be performed on representative grab samples of source water immediately prior to the first or only point of disinfectant application every four hours (or more frequently) that the supplier serves water to the public. A supplier may substitute continuous turbidity monitoring for grab sample monitoring if it validates the continuous measurement for accuracy on a regular basis using a protocol approved by a SEP issued pursuant to Section 611.110.
- c) The total inactivation ratio for each day that the supplier is in operation must be determined based on the $CT_{99.9}$ values in Appendix B of this Part, as appropriate. The parameters necessary to determine the total inactivation ratio must be monitored as follows:
 - 1) The temperature of the disinfected water must be measured at least once per day at each RDC sampling point.
 - 2) If the supplier uses chlorine, the pH of the disinfected water must be measured at least once per day at each chlorine RDC sampling point.

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- 3) The disinfectant contact times ("T") must be determined for each day during peak hourly flow.
 - 4) The RDCs ("C") of the water before or at the first customer must be measured each day during peak hourly flow.
 - 5) If a supplier uses a disinfectant other than chlorine, the supplier may monitor by other methods approved pursuant to Section 611.241(a)(1) and (a)(2).
- d) The total inactivation ratio must be calculated as follows:
- 1) If the supplier uses only one point of disinfectant application, the supplier may determine the total inactivation ratio based on either of the following two methods:
 - A) One inactivation ratio ($A_i = CT_{\text{calc}}/CT_{99.9}$) is determined before or at the first customer during peak hourly flow and, if the A_i is greater than 1.0, the 99.9 percent *Giardia lamblia* inactivation requirement has been achieved; or
 - B) Successive A_i values, representing sequential inactivation ratios, are determined between the point of disinfectant application and a point before or at the first customer during peak hourly flow. Under this alternative, the following method must be used to calculate the total inactivation ratio:
 - i) Determine the following, for each sequence:
$$A_i = CT_{\text{calc}}/CT_{99.9}$$
 - ii) Add the A_i values together, as follows:
$$B = \sum(A_i)$$
 - iii) If B is greater than 1.0, the 99.9 percent *Giardia lamblia* inactivation requirement has been achieved.
 - 2) If the supplier uses more than one point of disinfectant application before or at the first customer, the supplier must determine the CT value of each

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disinfection sequence immediately prior to the next point of disinfectant application during peak hourly flow. The A_i value of each sequence and B must be calculated using the method in subsection (d)(1)(B) of this Section to determine if the supplier is in compliance with Section 611.241.

- 3) Although not required, the total percent inactivation (PI) for a supplier with one or more points of RDC monitoring may be calculated as follows:

$$PI = 100 - \frac{100}{10^{3B}}$$

- e) The RDC of the water entering the distribution system must be monitored continuously, and the lowest value must be recorded each day, except that if there is a failure in the continuous monitoring equipment, grab sampling every four hours may be conducted in lieu of continuous monitoring, but for no more than five working days following the failure of the equipment, and suppliers serving 3,300 or fewer persons may take grab samples in lieu of providing continuous monitoring on an ongoing basis at the frequencies prescribed in Table C of this Part. If at any time the RDC falls below 0.2 mg/ℓ in a system using grab sampling in lieu of continuous monitoring, the supplier must take a grab sample every four hours until the RDC is equal to or greater than 0.2 mg/ℓ.
- f) Points of measurement.
- 1) The RDC must be measured at least at the same points in the distribution system and at the same time as total coliforms are sampled, as specified in Subpart L of this Section, except that the Agency must allow a supplier that uses both a surface water source or a groundwater source under direct influence of surface water, and a groundwater source to take disinfectant residual samples at points other than the total coliform sampling points if the Agency determines, by a SEP issued pursuant to Section 611.110, that such points are more representative of treated (disinfected) water quality within the distribution system. HPC may be measured in lieu of RDC.
- 2) If the Agency determines, pursuant to Section 611.213, that a supplier has no means for having a sample analyzed for HPC, [measured as specified in subsection \(a\) of this Section](#), the requirements of subsection (f)(1) of this Section do not apply to that supplier.

BOARD NOTE: Derived from 40 CFR 141.74(b) (2003)(2002).

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(Source: Amended at 29 Ill. Reg. 2287, effective January 25, 2005)

Section 611.533 Filtered PWSs

A supplier that uses a surface water source or a groundwater source under the influence of surface water and provides filtration treatment must monitor in accordance with this Section.

- a) Turbidity measurements as required by Section 611.250 must be performed on representative samples of the PWS's filtered water every four hours (or more frequently) that the supplier serves water to the public. A supplier may substitute continuous turbidity monitoring for grab sample monitoring if it validates the continuous measurement for accuracy on a regular basis using a protocol approved by a SEP issued pursuant to Section 611.110. For any suppliers using slow sand filtration or filtration treatment other than conventional treatment, direct filtration, or diatomaceous earth filtration, the Agency shall, by special exception permit condition, reduce the sampling frequency to once per day if it determines that less frequent monitoring is sufficient to indicate effective filtration performance. For suppliers serving 500 or fewer persons, the Agency shall, by a SEP issued pursuant to Section 611.110, reduce the turbidity sampling frequency to once per day, regardless of the type of filtration treatment used, if the Agency determines that less frequent monitoring is sufficient to indicate effective filtration performance.
- b) RDC entering distribution system.
 - 1) Suppliers serving more than 3300 persons. The RDC of the water entering the distribution system must be monitored continuously, and the lowest value must be recorded each day, except that, if there is a failure in the continuous monitoring equipment, grab sampling every four hours may be conducted in lieu of continuous monitoring, but for no more than five working days following the failure of the equipment.
 - 2) Suppliers serving 3,300 or fewer persons may take grab samples in lieu of providing continuous monitoring on an ongoing basis at the frequencies each day prescribed in Table C. If at any time the RDC falls below 0.2 mg/ℓ in a system using grab sampling in lieu of continuous monitoring, the supplier must take a grab sample every four hours until RDC is equal to or greater than 0.2 mg/ℓ.

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- c) Points of measurement.
- 1) The RDC must be measured at least at the same points in the distribution system and at the same time as total coliforms are sampled, as specified in Sections 611.521 through 611.527-et seq., except that the Agency must allow a supplier that uses both a surface water source or a groundwater source under direct influence of surface water, and a groundwater source, to take RDC samples at points other than the total coliform sampling points if the Agency determines that such points are more representative of treated (disinfected) water quality within the distribution system. HPC, measured as specified in Section 611.531(a), may be measured in lieu of RDC.
 - 2) Subsection (c)(1) of this Section does not apply if the Agency determines, pursuant to Section 611.213(c), that a system has no means for having a sample analyzed for HPC by a certified laboratory under the requisite time and temperature conditions specified by Section 611.531(a) and that the supplier is providing adequate disinfection in the distribution system.

BOARD NOTE: Derived from 40 CFR 141.74(c) (2003)(2002).

(Source: Amended at 29 Ill. Reg. 2287, effective January 25, 2005)

SUBPART Q: RADIOLOGICAL MONITORING AND ANALYTICAL REQUIREMENTS

Section 611.720 Analytical Methods

- a) The methods specified below, incorporated by reference in Section 611.102, are to be used to determine compliance with Section 611.330, except in cases where alternative methods have been approved in accordance with Section 611.480.
- 1) Gross Alpha and Beta.
 - A) Standard Methods.
 - i) Method 302, 13th ed.; or
 - ii) Method 7110 B, 17th, 18th, 19th, or 20th ed.;

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- B) USEPA Interim Radiochemical Methods: page 1;
 - C) USEPA Radioactivity Methods: Method 900.0;
 - D) USEPA Radiochemical Analyses: page 1;
 - E) USEPA Radiochemistry Methods: Method 00-01; or
 - F) USGS Methods: Method R-1120-76.
- 2) Gross Alpha.
- A) Standard Methods, 18th, 19th, or 20th ed.: Method 7110 C; or
 - B) USEPA Radiochemistry Methods: Method 00-02.
- 3) Radium-226.
- A) ASTM Methods.
 - i) Method D2460-90 ; or
 - ii) Method D3454-97;
 - B) New York Radium Method;
 - C) Standard Methods.
 - i) Method 304, 13th ed.;
 - ii) Method 305, 13th ed.;
 - iii) Method 7500-Ra B, 17th, 18th, 19th, or 20th ed.; or
 - iv) Method 7500-Ra C, 17th, 18th, 19th, or 20th ed.;
 - D) USDOE Methods: Method Ra-04;
 - E) USEPA Interim Radiochemical Methods: pages 13 and 16;

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- F) USEPA Radioactivity Methods: Methods 903.0, 903.1;
- G) USEPA Radiochemical Analyses: page 19;
- H) USEPA Radiochemistry Methods: Methods Ra-03, Ra-04; or
- I) USGS Methods.
 - i) Method R-1140-76; or
 - ii) Method R-1141-76.

4) Radium-228.

- A) Standard Methods, 17th, 18th, 19th, or 20th ed.: Method 7500-Ra D;
- B) New York Radium Method;
- C) USEPA Interim Radiochemical Methods: page 24;
- D) USEPA Radioactivity Methods: Method 904.0 ;
- E) USEPA Radiochemical Analyses: page 19;
- F) USEPA Radiochemistry Methods: Method Ra-05;
- G) USGS Methods: Method R-1142-76; or
- H) New Jersey Radium Method.

5) Uranium.

- A) Standard Methods, 17th, 18th, 19th, or 20th ed.: Method 7500-U C;
- B) Standard Methods, 20th ed.: Method 3125;
- CB) ASTM Methods.
 - i) Method D2907-97;

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ii) Method D3972-97; ~~or~~

iii) Method D5174-97; or

iv) Method D5673-03;

~~D~~E) USEPA Radioactivity Methods: Methods 908.0, 908.1;

E) USEPA Environmental Metals Methods: Method 200.8;

~~F~~D) USEPA Radiochemical Analyses: page 33;

~~G~~E) USEPA Radiochemistry Methods: Method 00-07;

~~H~~F) USDOE Methods: Method U-02 or U-04; or

~~I~~G) USGS Methods.

i) Method R-1180-76;

ii) Method R-1181-76; or

iii) Method R-1182-76.

BOARD NOTE: If uranium (U) is determined by mass, a conversion factor of 0.67 pCi/ μ g of uranium must be used. This conversion factor is based on the 1:1 activity ratio of ^{234}U and ^{238}U that is characteristic of naturally occurring uranium.

6) Radioactive Cesium.

A) ASTM Methods.

i) Method D2459-72; or

ii) Method D3649-91;

B) Standard Methods.

i) Method 7120, 19th or 20th ed.; or

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- ii) Method 7500-Cs B, 17th, 18th, 19th, or 20th ed.;
- C) USDOE Methods: Method 4.5.2.3;
- D) USEPA Interim Radiochemical Methods: page 4;
- E) USEPA Radioactivity Methods: Methods 901.0, 901.1;
- F) USEPA Radiochemical Analyses: page 92; or
- G) USGS Methods.
 - i) Method R-1110-76; or
 - ii) Method R-1111-76.
- 7) Radioactive Iodine.
 - A) ASTM Methods.
 - i) D3649-91; or
 - ii) D4785-93;
 - B) Standard Methods.
 - i) Method 7120, 19th or 20th ed.;
 - ii) Method 7500-I B, 17th, 18th, 19th, or 20th ed.;
 - iii) Method 7500-I C, 17th, 18th, 19th, or 20th ed.; or
 - iv) Method 7500-I D, 17th, 18th, 19th, or 20th ed.;
 - C) USDOE Methods: Method 4.5.2.3;
 - D) USEPA Interim Radiochemical Methods: pages 6, 9;
 - E) USEPA Radiochemical Analyses: page 92; or

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- F) USEPA Radioactivity Methods: Methods 901.1, 902.0.
- 8) Radioactive Strontium-89 & 90.
- A) Standard Methods.
 - i) Method 303, 13th ed.; or
 - ii) Method 7500-Sr B, 17th, 18th, 19th, or 20th ed.;
 - B) USDOE Methods.
 - i) Method Sr-01; or
 - ii) Method Sr-02;
 - C) USEPA Interim Radiochemical Methods: page 29;
 - D) USEPA Radioactivity Methods: Method 905.0;
 - E) USEPA Radiochemical Analyses: page 65;
 - F) USEPA Radiochemistry Methods: Method Sr-04; or
 - G) USGS Methods: Method R-1160-76.
- 9) Tritium.
- A) ASTM Methods: Method D4107-91;
 - B) Standard Methods.
 - i) Method 306, 13th ed.; or
 - ii) Method 7500-3H B, 17th, 18th, 19th, or 20th ed.;
 - C) USEPA Interim Radiochemical Methods: page 34;
 - D) USEPA Radioactivity Methods: Method 906.0;

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- E) USEPA Radiochemical Analyses: page 87;
 - F) USEPA Radiochemistry Methods: Method H-02; or
 - G) USGS Methods: Method R-1171-76.
- 10) Gamma Emitters.
- A) ASTM Methods.
 - i) Method D3649-91; or
 - ii) Method D4785-93;
 - B) Standard Methods.
 - i) Method 7120, 19th or 20th ed.;
 - ii) Method 7500-Cs B, 17th, 18th, 19th, or 20th ed.; or
 - iii) Method 7500-I B, 17th, 18th, 19th, or 20th ed.;
 - C) USDOE Method: Method Ga-01-R;
 - D) USEPA Radioactivity Methods: Methods 901.0, 901.1, or 902.0;
 - E) USEPA Radiochemical Analyses: page 92; or
 - F) USGS Methods: Method R-1110-76.
- b) When the identification and measurement of radionuclides other than those listed in subsection (a) of this Section are required, the following methods, incorporated by reference in Section 611.102, are to be used, except in cases where alternative methods have been approved in accordance with Section 611.480:
- 1) "Procedures for Radiochemical Analysis of Nuclear Reactor Aqueous Solutions," available from NTIS.
 - 2) HASL Procedure Manual, HASL 300, available from ERDA Health and

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Safety Laboratory.

- c) For the purpose of monitoring radioactivity concentrations in drinking water, the required sensitivity of the radioanalysis is defined in terms of a detection limit. The detection limit must be that concentration which can be counted with a precision of plus or minus 100 percent at the 95 percent confidence level (1.96σ , where σ is the standard deviation of the net counting rate of the sample).

- 1) To determine compliance with Section 611.330(b), (c), and (e), the detection limit must not exceed the concentrations set forth in the following table:

Contaminant	Detection Limit
Gross alpha particle activity	3 pCi/ℓ
Radium-226	1 pCi/ℓ
Radium-228	1 pCi/ℓ
Uranium	<u>1 μg/ℓ</u> None

BOARD NOTE: Derived from 40 CFR 141.25(c) Table B ~~(2003)(2002)~~.

- 2) To determine compliance with Section 611.330(d), the detection limits must not exceed the concentrations listed in the following table:

Radionuclide	Detection Limit
Tritium	1,000 pCi/ℓ
Strontium-89	10 pCi/ℓ
Strontium-90	2 pCi/ℓ
Iodine-131	1 pCi/ℓ
Cesium-134	10 pCi/ℓ
Gross beta	4 pCi/ℓ
Other radionuclides	$1/10$ of applicable limit

BOARD NOTE: Derived from 40 CFR 141.25(c) Table C ~~(2003)(2002)~~.

- d) To judge compliance with the MCLs listed in Section 611.330, averages of data must be used and must be rounded to the same number of significant figures as the MCL for the substance in question.

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BOARD NOTE: Derived from 40 CFR 141.25 ~~(2003)~~(2002).

(Source: Amended at 29 Ill. Reg. 2287, effective January 25, 2005)

Section 611.732 Beta Particle and Photon Radioactivity

Monitoring and compliance requirements for manmade radioactivity. To determine compliance with the maximum contaminant levels in Section 611.330(d) for beta particle and photon radioactivity, a supplier must monitor at a frequency as follows:

- a) Effective December 8, 2003, a CWS supplier (either a surface water or groundwater supplier) designated by the Agency, by a SEP issued pursuant to Section 611.110, as vulnerable must sample for beta particle and photon radioactivity. A supplier must collect quarterly samples for beta emitters and annual samples for tritium and strontium-90 at each entry point to the distribution system (hereafter called a sampling point), beginning within one quarter after being notified by the Agency. A supplier already designated by the Agency must continue to sample until the Agency reviews and either reaffirms or removes the designation, by a SEP issued pursuant to Section 611.110.
 - 1) If the gross beta particle activity minus the naturally occurring potassium-40 beta particle activity at a sampling point has a running annual average (computed quarterly) less than or equal to 50 pCi/l (screening level), the Agency may reduce the frequency of monitoring at that sampling point to once every three years. A supplier must collect all samples required in subsection (a) of this Section during the reduced monitoring period.
 - 2) For a supplier in the vicinity of a nuclear facility, the Agency may allow the CWS supplier to utilize environmental surveillance data collected by the nuclear facility in lieu of monitoring at the supplier's entry points, where the Agency determines if such data is applicable to a particular water system, by a SEP issued pursuant to Section 611.110. In the event that there is a release from a nuclear facility, a supplier that is using surveillance data must begin monitoring at the community water supplier's entry points in accordance with subsection (b)(1) of this Section.
- b) Effective December 8, 2003, a CWS supplier (either a surface water or groundwater supplier) designated by the Agency, by a SEP issued pursuant to Section 611.110, as utilizing waters contaminated by effluents from nuclear facilities must sample for beta particle and photon radioactivity. A supplier must

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collect quarterly samples for beta emitters and iodine-131 and annual samples for tritium and strontium-90 at each entry point to the distribution system (hereafter called a sampling point), beginning within one quarter after being notified by the Agency. A supplier already designated by the Agency as a supplier using waters contaminated by effluents from nuclear facilities must continue to sample until the Agency reviews and either reaffirms or removes the designation, by a SEP issued pursuant to Section 611.110.

- 1) Quarterly monitoring for gross beta particle activity must be based on the analysis of monthly samples or the analysis of a composite of three monthly samples.

BOARD NOTE: In corresponding 40 CFR 141.26(b)(2)(i), USEPA recommends the use of a composite of three monthly samples.

- 2) For iodine-131, a composite of five consecutive daily samples must be analyzed once each quarter. The Agency may, by a SEP issued pursuant to Section 611.110, order more frequent monitoring for iodine-131 where it is identified in the finished water.
- 3) Annual monitoring for strontium-90 and tritium must be conducted by means of the analysis of a composite of four consecutive quarterly samples or analysis of four quarterly samples.

BOARD NOTE: In corresponding 40 CFR 141.26(b)(2)(iii), USEPA recommends the analysis of four consecutive quarterly samples.

- 4) If the gross beta particle activity minus the naturally occurring potassium-40 beta particle activity at a sampling point has a running annual average (computed quarterly) less than or equal to 15 pCi/l, the Agency may, by a SEP issued pursuant to Section 611.110, reduce the frequency of monitoring at that sampling point to once every three years. The supplier must collect ~~the same type of~~ samples required in subsection (b) of this Section during the reduced monitoring period.
- 5) For a supplier in the vicinity of a nuclear facility, the Agency may allow the CWS to utilize environmental surveillance data collected by the nuclear facility in lieu of monitoring at the system's entry points, where the Agency determines, by a SEP issued pursuant to Section 611.110, that such data is applicable to the particular water system. In the event that

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there is a release from a nuclear facility, a supplier that uses such surveillance data must begin monitoring at the CWS's entry points in accordance with subsection (b) of this Section.

- c) Effective December 8, 2003, a CWS supplier designated by the Agency to monitor for beta particle and photon radioactivity can not apply to the Agency for a waiver from the monitoring frequencies specified in subsection (a) or (b) of this Section.
- d) Effective December 8, 2003, a CWS supplier may analyze for naturally occurring potassium-40 beta particle activity from the same or equivalent sample used for the gross beta particle activity analysis. A supplier is allowed to subtract the potassium-40 beta particle activity value from the total gross beta particle activity value to determine if the screening level is exceeded. The potassium-40 beta particle activity must be calculated by multiplying elemental potassium concentrations (in mg/l) by a factor of 0.82.
- e) Effective December 8, 2003, if the gross beta particle activity minus the naturally occurring potassium-40 beta particle activity exceeds the **appropriate** screening level, an analysis of the sample must be performed to identify the major radioactive constituents present in the sample and the appropriate doses must be calculated and summed to determine compliance with Section 611.330(d)(1), using the formula in Section 611.330(d)(2). Doses must also be calculated and combined for measured levels of tritium and strontium to determine compliance.
- f) Effective December 8, 2003, a supplier must monitor monthly at the sampling points that exceeds the maximum contaminant level in Section 611.330(d) beginning the month after the exceedence occurs. A supplier must continue monthly monitoring until the supplier has established, by a rolling average of three monthly samples, that the MCL is being met. A supplier that establishes that the MCL is being met must return to quarterly monitoring until it meets the requirements set forth in subsection **(a)(1)(a)(2)** or **(b)(4)(b)(1)** of this Section.
- g) Until December 8, 2003, CWSs using surface water sources and serving more than 100,000 persons and such other CWSs as the Agency, by a SEP issued pursuant to Section 611.110, requires must monitor for compliance with Section 611.331 by analysis of a composite of four consecutive quarterly samples or analysis of four quarterly samples. Compliance with Section 611.331 is assumed without further analysis if the average annual concentration of gross beta particle activity is less than 50 pCi/l and if the average annual concentrations of tritium

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and strontium-90 are less than those listed in Section 611.331, provided that if both radionuclides are present the sum of their annual dose equivalents to bone marrow must not exceed 4 millirem/year.

- 1) If the gross beta particle activity exceeds 50 pCi/ℓ, an analysis of the sample must be performed to identify the major radioactive constituents present and the appropriate organ and total body doses must be calculated to determine compliance with Section 611.331.
 - 2) If the MCLs are exceeded, the Agency shall, by a SEP issued pursuant to Section 611.110, require the supplier to conduct additional monitoring to determine the concentration of man-made radioactivity in principal watersheds.
 - 3) The Agency shall, pursuant to subsection (j) of this Section, by a SEP issued pursuant to Section 611.110, require suppliers of water utilizing only groundwater to monitor for man-made radioactivity.
- h) Until December 8, 2003, CWS suppliers must monitor at least every four years following the procedure in subsection (g) of this Section.
- i) Until December 8, 2003, the Agency must, by a SEP issued pursuant to Section 611.110, require any CWS supplier utilizing waters contaminated by effluents from nuclear facilities to initiate quarterly monitoring for gross beta particle and iodine-131 radioactivity and annual monitoring for strontium-90 and tritium.
- 1) Quarterly monitoring for gross beta particle activity must be based on the analysis of monthly samples or the analysis of a composite of three monthly samples. If the gross beta particle activity in a sample exceeds 15 pCi/ℓ, the same or an equivalent sample must be analyzed for strontium-89 and cesium-134. If the gross beta particle activity exceeds 50 pCi/ℓ, an analysis of the sample must be performed to identify the major radioactive constituents present and the appropriate organ and total body doses must be calculated to determine compliance with Section 611.331.
 - 2) For iodine-131, a composite of five consecutive daily samples must be analyzed once each quarter. The Agency shall, by a SEP issued pursuant to Section 611.110, require more frequent monitoring when iodine-131 is identified in the finished water.

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- 3) The Agency shall, by a SEP issued pursuant to Section 611.110, require annual monitoring for strontium-90 and tritium by means of the analysis of a composite of four consecutive quarterly samples or analysis of four quarterly samples.
- 4) The Agency shall, by a SEP issued pursuant to Section 611.110, allow the substitution of environmental surveillance data taken in conjunction with a nuclear facility for direct monitoring of manmade radioactivity by the supplier where the Agency determines such data is applicable to the CWS.
- j) Until December 8, 2003, if the average annual MCL for man-made radioactivity set forth in Section 611.331 is exceeded, the CWS supplier must give notice to the Agency and to the public as required by Subpart T. Monitoring at monthly intervals must be continued until the concentration no longer exceeds the MCL or until a monitoring schedule as a condition to a variance, adjusted standard, or enforcement action becomes effective.

BOARD NOTE: Subsections (a) through (f) derive from 40 CFR 141.26(b) (2003).

(Source: Amended at 29 Ill. Reg. 2287, effective January 25, 2005)

SUBPART X: ENHANCED FILTRATION AND DISINFECTION –
SYSTEMS SERVING FEWER THAN 10,000 PEOPLE

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 a 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

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maximum residence time in the distribution system. The Agency may, by a SEP issued pursuant to Section 611.110, approve the use of a different data set to determine these levels if it determines that the data set is representative TTHM and HAA5 data.

- 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 have begun 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 tables in Appendix B of this Part must be used to determine the appropriate CT_{99,9} value. The supplier must

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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 ($CT_{\text{calc}}/CT_{99.9}$) before or at the first customer during peak hourly flow; or
 - B) Successive $CT_{\text{calc}}/CT_{99.9}$ 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 $CT_{\text{calc}}/CT_{99.9}$ for each sequence and then adding the $CT_{\text{calc}}/CT_{99.9}$ values together to determine $\Sigma CT_{\text{calc}}/CT_{99.9}$.
- 2) If the supplier uses more than one point of disinfectant application before the first customer, it must determine the $CT_{\text{calc}}/CT_{99.9}$ 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.

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BOARD NOTE: Derived from 40 CFR 141.530 through 141.536 ~~(2003)~~(2002).

(Source: Amended at 29 Ill. Reg. 2287, effective January 25, 2005)

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;
 - 4) Monthly reporting must be completed according to Section 611.957(a); and
 - 5) Records must be maintained according to Section 611.957(b).
- b) 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:

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- 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 that 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 that 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.

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- 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.

| BOARD NOTE: Derived from 40 CFR 141.560 through 141.564 ~~(2003)(2002)~~.

(Source: Amended at 29 Ill. Reg. 2287, effective January 25, 2005)

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Section 611.APPENDIX G NPDWR Violations and Situations Requiring Public Notice

See note 1 at the end of this Appendix G for an explanation of the Agency's authority to alter the magnitude of a violation from that set forth in the following table.

Contaminant	MCL/MRDL/TT violations ²		Monitoring & testing procedure violations	
	Tier of public notice required	Citation	Tier of public notice required	Citation

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 greater than 5 NTU)	⁵ 2, 1	611.320(b)	3	611.560
5. Turbidity (for TT violations resulting from a single exceedence of maximum allowable turbidity level)	⁶ 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)
6. Surface Water Treatment Rule violations, other than violations resulting from single exceedence of max. allowable turbidity level (TT)	2	611.211, 611.213, 611.220, 611.230- 611.233, 611.240- 611.242, 611.250	3	611.531- 611.533

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7. Interim Enhanced Surface Water Treatment Rule violations, other than violations resulting from single exceedence of max. turbidity level (TT)	2	⁷ 611.740-611.743, 611.950-611.955	3	611.742, 611.744, 611.953, 611.954, 611.956
8. Filter Backwash Recycling Rule violations	2	611.276(c)	3	611.276(b), (d)
9. Long Term 1 Enhanced Surface Water Treatment Rule violations	2	611.950-611.955	3	611.953, 611.954, 611.956

B. Inorganic Chemicals (IOCs)

1. Antimony	2	611.301(b)	3	611.600, 611.601, 611.603
2. Arsenic	2	¹⁰ 611.301(b)	3	⁹ 611.601, 611.612(a), 611.612(b)
3. Asbestos (fibers greater than 10 µm)	2	611.301(b)	3	611.600, 611.601, 611.602
4. Barium	2	611.301(b)	3	611.600, 611.601, 611.603
5. Beryllium	2	611.301(b)	3	611.600, 611.601, 611.603
6. Cadmium	2	611.301(b)	3	611.600, 611.601, 611.603
7. Chromium (total)	2	611.301(b)	3	611.600, 611.601, 611.603
8. Cyanide	2	611.301(b)	3	611.600, 611.601, 611.603

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9. Fluoride	2	611.301(b)	3	611.600, 611.601, 611.603
10. Mercury (inorganic)	2	611.301(b)	3	611.600, 611.601, 611.603
11. Nitrate	1	611.301(b)	¹⁰ 1, 3	611.600, 611.601, 611.604, 611.606
12. Nitrite	1	611.301(b)	¹⁰ 1, 3	611.600, 611.601, 611.605, 611.606
13. Total Nitrate and Nitrite	1	611.301(b)	3	611.600, 611.601
14. Selenium	2	611.301(b)	3	611.600, 611.601, 611.603
15. Thallium	2	611.301(b)	3	611.600, 611.601, 611.603

C. Lead and Copper Rule (Action Level for lead is 0.015 mg/l, for copper is 1.3 mg/l)

1. Lead and Copper Rule (TT)	2	611.350- 611.355	3	611.356- 611.359
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D. Synthetic Organic Chemicals (SOCs)

1. 2,4-D	2	611.310(c)	3	611.648
2. 2,4,5-TP (silvex)	2	611.310(c)	3	611.648
3. Alachlor	2	611.310(c)	3	611.648
4. Atrazine	2	611.310(c)	3	611.648
5. Benzo(a)pyrene (PAHs)	2	611.310(c)	3	611.648
6. Carbofuran	2	611.310(c)	3	611.648
7. Chlordane	2	611.310(c)	3	611.648
8. Dalapon	2	611.310(c)	3	611.648
9. Di(2-ethylhexyl)adipate	2	611.310(c)	3	611.648
10. Di(2-ethylhexyl)phthalate	2	611.310(c)	3	611.648

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11. Dibromochloropropane (DBCP)	2	611.310(c)	3	611.648
12. Dinoseb	2	611.310(c)	3	611.648
13. Dioxin (2,3,7,8-TCDD)	2	611.310(c)	3	611.648
14. Diquat	2	611.310(c)	3	611.648
15. Endothall	2	611.310(c)	3	611.648
16. Endrin	2	611.310(c)	3	611.648
17. Ethylene dibromide	2	611.310(c)	3	611.648
18. Glyphosate	2	611.310(c)	3	611.648
19. Heptachlor	2	611.310(c)	3	611.648
20. Heptachlor epoxide	2	611.310(c)	3	611.648
21. Hexachlorobenzene	2	611.310(c)	3	611.648
22. Hexachlorocyclopentadiene	2	611.310(c)	3	611.648
23. Lindane	2	611.310(c)	3	611.648
24. Methoxychlor	2	611.310(c)	3	611.648
25. Oxamyl (Vydate)	2	611.310(c)	3	611.648
26. Pentachlorophenol	2	611.310(c)	3	611.648
27. Picloram	2	611.310(c)	3	611.648
28. Polychlorinated biphenyls (PCBs)	2	611.310(c)	3	611.648
29. Simazine	2	611.310(c)	3	611.648
30. Toxaphene	2	611.310(c)	3	611.648

E. Volatile Organic Chemicals (VOCs)

1. Benzene	2	611.310(a)	3	611.646
2. Carbon tetrachloride	2	611.310(a)	3	611.646
3. Chlorobenzene (monochlorobenzene)	2	611.310(a)	3	611.646
4. o-Dichlorobenzene	2	611.310(a)	3	611.646
5. p-Dichlorobenzene	2	611.310(a)	3	611.646
6. 1,2-Dichloroethane	2	611.310(a)	3	611.646
7. 1,1-Dichloroethylene	2	611.310(a)	3	611.646
8. cis-1,2-Dichloroethylene	2	611.310(a)	3	611.646
9. trans-1,2-Dichloroethylene	2	611.310(a)	3	611.646
10. Dichloromethane	2	611.310(a)	3	611.646
11. 1,2-Dichloropropane	2	611.310(a)	3	611.646
12. Ethylbenzene	2	611.310(a)	3	611.646
13. Styrene	2	611.310(a)	3	611.646

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14. Tetrachloroethylene	2	611.310(a)	3	611.646
15. Toluene	2	611.310(a)	3	611.646
16. 1,2,4-Trichlorobenzene	2	611.310(a)	3	611.646
17. 1,1,1-Trichloroethane	2	611.310(a)	3	611.646
18. 1,1,2-Trichloroethane	2	611.310(a)	3	611.646
19. Trichloroethylene	2	611.310(a)	3	611.646
20. Vinyl chloride	2	611.310(a)	3	611.646
21. Xylenes (total)	2	611.310(a)	3	611.646

F. Radioactive Contaminants

1. Beta/photon emitters	2	611.330(d)	3	611.720(a), 611.732
2. Alpha emitters	2	611.330(c)	3	611.720(a), 611.731
3. Combined radium (226 & 228)	2	611.330(b)	3	611.720(a), 611.731
4. Uranium	2	611.330(e)	3	611.720(a), 611.731

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).¹³

1. Total trihalomethanes (TTHMs)	2	611.312(a)	3	611.382(a)-(b)
2. Haloacetic Acids (HAA5)	2	611.312(a)	3	611.382(a)-(b)
3. Bromate	2	611.312(a)	3	611.382(a)-(b)
4. Chlorite	2	611.312(a)	3	611.382(a)-(b)
5. Chlorine (MRDL)	2	611.313(a)	3	611.382(a), (c)
6. Chloramine (MRDL)	2	611.313(a)	3	611.382(a), (c)
7. Chlorine dioxide (MRDL), where any two consecutive daily samples at entrance to distribution system only are above MRDL	2	611.313(a), 611.383(c)(3)	2 ¹⁵ , 3	611.382(a), (c), 611.383(c)(2)

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8. Chlorine dioxide (MRDL), where samples in distribution system the next day are also above MRDL	¹⁶ 1	611.313(a), 611.383(c)(3)	1	611.382(a), (c), 611.383(c)(2)
9. Control of DBP precursors – TOC (TT)	2	611.385(a)-(b)	3	611.382(a), (d)
10. Benchmarking and disinfection profiling	N/A	N/A	3	611.742, 611.953, 611.954
11. Development of monitoring plan	N/A	N/A	3	611.382(f)

H. Other Treatment Techniques

1. Acrylamide (TT)	2	611.296	N/A	N/A
2. Epichlorohydrin (TT)	2	611.296	N/A	N/A

II. Unregulated Contaminant Monitoring:¹⁷

A. Unregulated contaminants	N/A	N/A	3	611.510
B. Nickel	N/A	N/A	3	611.603, 611.611

III. Public Notification for Relief Equivalent to a SDWA section 1415 Variance or a section 1416 Exemption.

A. Operation under relief equivalent to a SDWA section 1415 variance or a section 1416 exemption	3	¹⁸ 1415, 1416	N/A	N/A
B. Violation of conditions of relief equivalent to a SDWA section 1415 variance or a section 1416 exemption	2	1415, 1416, ¹⁹ 611.111, 611.112	N/A	N/A

IV. Other Situations Requiring Public Notification.

A. Fluoride secondary maximum contaminant level (SMCL) exceedence	3	611.858	N/A	N/A
B. Exceedence of nitrate MCL for a non-CWS supplier, as allowed by the Agency	1	611.300(d)	N/A	N/A

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C. Availability of unregulated contaminant monitoring data	3	611.510	N/A	N/A
D. Waterborne disease outbreak	1	611.101, 611.233(b)(2)	N/A	N/A
E. Other waterborne emergency ²⁰	1	N/A	N/A	N/A
F. Other situations as determined by the Agency by a SEP issued pursuant to Section 611.110	1, 2, 3	N/A	N/A	N/A

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 a SEP issued pursuant to Section 611.110. The Agency may, by a 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 a 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), the Interim Enhanced Surface

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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 a 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. The Surface Water Treatment Rule (SWTR) remains in effect for a supplier serving at least 10,000 persons ; the Interim Enhanced Surface Water Treatment Rule adds additional requirements and does not in many cases supercede 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. This endnote 11 corresponds with the endnote to the table in Appendix A to Subpart Q of 40 CFR 141 (2003), which stated a past effective date. This statement maintains structural consistency with the federal regulations.

12. This endnote 12 corresponds with the endnote to the table in Appendix A to Subpart Q of 40 CFR 141 (2003), which stated a past effective date. This statement maintains structural consistency with the federal regulations.

13. A Subpart B community or non-transient non-community system supplier must comply with new DBP MCLs, disinfectant MRDLs, and related monitoring requirements . A Subpart B transient non-community system supplier serving 10,000 or more persons that uses chlorine dioxide as a disinfectant or oxidant or 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.

14. This endnote 14 corresponds with the endnote to the table in Appendix A to Subpart Q of 40 CFR 141 (2003), which stated a past effective date. This statement maintains structural consistency with the federal regulations.

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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.

BOARD NOTE: Derived from Appendix A to Subpart Q to 40 CFR 141 (2003).

(Source: Amended at 29 Ill. Reg. 2287, effective January 25, 2005)

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Section 611.APPENDIX H Standard Health Effects Language for Public Notification

Contaminant	MCLG ¹ mg/ℓ	MCL ² mg/ℓ	Standard health effects language for public notification
National Primary Drinking Water Regulations (NPDWR):			
A. Microbiological Contaminants			
1a. Total coliform	Zero	See footnote 3	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.
1b. Fecal coliform/E. coli	Zero	Zero	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.
2a. Turbidity (MCL) ⁴	None	1 NTU ⁵ /5 NTU	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.

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2b. Turbidity (SWTR TT)	None	TT ⁷	Turbidity has no health effects. However, ⁶ 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.
2c. Turbidity (IESWTR TT and LT1ESWTR TT)	None	TT	Turbidity has no health effects. However, ⁸ 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.
B. Surface Water Treatment Rule (SWTR), Interim Enhanced Surface Water Treatment Rule (IESWTR), Long Term 1 Enhanced Surface Water Treatment Rule (LT1ESWTR), and Filter Backwash Recycling Rule (FBRR) violations:			
3. Giardia lamblia (SWTR/IESWTR/LT1ESWTR)	Zero	TT ¹⁰	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.
4. Viruses (SWTR/IESWTR/LT1ESWTR)			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.

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5. Heterotrophic plate count (HPC) bacteria ⁹ (SWTR/IESWTR/ LT1ESWTR)			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.
6. Legionella (SWTR/IESWTR/ LT1ESWTR)			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.
7. Cryptosporidium (IESWTR/FBRR/ LT1ESWTR)			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.
C. Inorganic Chemicals (IOCs)			
8. Antimony	0.006	0.006	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.
9. Arsenic ¹¹	0	0.010	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.
10. Asbestos (10 µm)	7 MFL ¹²	7 MFL	Some people who drink water containing asbestos in excess of the MCL over many years may have an increased risk of developing benign intestinal polyps.

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11. Barium	2	2	Some people who drink water containing barium in excess of the MCL over many years could experience an increase in their blood pressure.
12. Beryllium	0.004	0.004	Some people who drink water containing beryllium well in excess of the MCL over many years could develop intestinal lesions.
13. Cadmium	0.005	0.005	Some people who drink water containing cadmium in excess of the MCL over many years could experience kidney damage.
14. Chromium (total)	0.1	0.1	Some people who use water containing chromium well in excess of the MCL over many years could experience allergic dermatitis.
15. Cyanide	0.2	0.2	Some people who drink water containing cyanide well in excess of the MCL over many years could experience nerve damage or problems with their thyroid.
16. Fluoride	4.0	4.0	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 or pitting of the teeth, and occurs only in developing teeth before they erupt from the gums.

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17. Mercury (inorganic)	0.002	0.002	Some people who drink water containing inorganic mercury well in excess of the MCL over many years could experience kidney damage.
18. Nitrate	10	10	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.
19. Nitrite	1	1	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.
20. Total Nitrate and Nitrite	10	10	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.
21. Selenium	0.05	0.05	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.
22. Thallium	0.0005	0.002	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.

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D. Lead and Copper Rule			
23. Lead	Zero	TT ¹³	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.
24. Copper	1.3	TT ¹⁴	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.
E. Synthetic Organic Chemicals (SOCs)			
25. 2,4-D	0.07	0.07	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.
26. 2,4,5-TP (silvex)	0.05	0.05	Some people who drink water containing silvex in excess of the MCL over many years could experience liver problems.

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27. Alachlor	Zero	0.002	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.
28. Atrazine	0.003	0.003	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.
29. Benzo(a)pyrene (PAHs).	Zero	0.0002	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.
30. Carbofuran	0.04	0.04	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.
31. Chlordane	Zero	0.002	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.
32. Dalapon	0.2	0.2	Some people who drink water containing dalapon well in excess of the MCL over many years could experience minor kidney changes.

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33. Di(2-ethylhexyl)adipate	0.4	0.4	Some people who drink water containing di(2-ethylhexyl)adipate well in excess of the MCL over many years could experience toxic effects, such as weight loss, liver enlargement, or possible reproductive difficulties.
34. Di(2-ethylhexyl)-phthalate	Zero	0.006	Some people who drink water containing di(2-ethylhexyl)-phthalate well in excess of the MCL over many years may have problems with their liver or experience reproductive difficulties, and they may have an increased risk of getting cancer.
35. Dibromochloropropane (DBCP)	Zero	0.0002	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.
36. Dinoseb	0.007	0.007	Some people who drink water containing dinoseb well in excess of the MCL over many years could experience reproductive difficulties.
37. Dioxin (2,3,7,8-TCDD)	Zero	3×10^{-8}	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.
38. Diquat	0.02	0.02	Some people who drink water containing diquat in excess of the MCL over many years could get cataracts.

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39. Endothall	0.1	0.1	Some people who drink water containing endothall in excess of the MCL over many years could experience problems with their stomach or intestines.
40. Endrin	0.002	0.002	Some people who drink water containing endrin in excess of the MCL over many years could experience liver problems.
41. Ethylene dibromide	Zero	0.00005	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.
42. Glyphosate	0.7	0.7	Some people who drink water containing glyphosate in excess of the MCL over many years could experience problems with their kidneys or reproductive difficulties.
43. Heptachlor	Zero	0.0004	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.
44. Heptachlor epoxide	Zero	0.0002	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.

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45. Hexachlorobenzene	Zero	0.001	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.
46. Hexachlorocyclopentadiene	0.05	0.05	Some people who drink water containing hexachlorocyclopentadiene well in excess of the MCL over many years could experience problems with their kidneys or stomach.
47. Lindane	0.0002	0.0002	Some people who drink water containing lindane in excess of the MCL over many years could experience problems with their kidneys or liver.
48. Methoxychlor	0.04	0.04	Some people who drink water containing methoxychlor in excess of the MCL over many years could experience reproductive difficulties.
49. Oxamyl (Vydate)	0.2	0.2	Some people who drink water containing oxamyl in excess of the MCL over many years could experience slight nervous system effects.
50. Pentachlorophenol	Zero	0.001	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.

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51. Picloram	0.5	0.5	Some people who drink water containing picloram in excess of the MCL over many years could experience problems with their liver.
52. Polychlorinated biphenyls (PCBs)	Zero	0.0005	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.
53. Simazine	0.004	0.004	Some people who drink water containing simazine in excess of the MCL over many years could experience problems with their blood.
54. Toxaphene	Zero	0.003	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.
F. Volatile Organic Chemicals (VOCs)			
55. Benzene	Zero	0.005	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.
56. Carbon tetrachloride	Zero	0.005	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.

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57. Chlorobenzene (monochlorobenzene)	0.1	0.1	Some people who drink water containing chlorobenzene in excess of the MCL over many years could experience problems with their liver or kidneys.
58. o-Dichlorobenzene	0.6	0.6	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.
59. p-Dichlorobenzene	0.075	0.075	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.
60. 1,2-Dichloroethane	Zero	0.005	Some people who drink water containing 1,2-dichloroethane in excess of the MCL over many years may have an increased risk of getting cancer.
61. 1,1-Dichloroethylene	0.007	0.007	Some people who drink water containing 1,1-dichloroethylene in excess of the MCL over many years could experience problems with their liver.
62. cis-1,2-Dichloroethylene	0.07	0.07	Some people who drink water containing cis-1,2-dichloroethylene in excess of the MCL over many years could experience problems with their liver.
63. trans-1,2-Dichloroethylene	0.1	0.1	Some people who drink water containing trans-1,2-dichloroethylene well in excess of the MCL over many years could experience problems with their liver.

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64. Dichloromethane	Zero	0.005	Some people who drink water containing dichloromethane in excess of the MCL over many years could have liver problems and may have an increased risk of getting cancer.
65. 1,2-Dichloropropane	Zero	0.005	Some people who drink water containing 1,2-dichloropropane in excess of the MCL over many years may have an increased risk of getting cancer.
66. Ethylbenzene	0.7	0.7	Some people who drink water containing ethylbenzene well in excess of the MCL over many years could experience problems with their liver or kidneys.
67. Styrene	0.1	0.1	Some people who drink water containing styrene well in excess of the MCL over many years could have problems with their liver, kidneys, or circulatory system.
68. Tetrachloroethylene	Zero	0.005	Some people who drink water containing tetrachloroethylene in excess of the MCL over many years could have problems with their liver, and may have an increased risk of getting cancer.
69. Toluene	1	1	Some people who drink water containing toluene well in excess of the MCL over many years could have problems with their nervous system, kidneys, or liver.
70. 1,2,4-Trichlorobenzene	0.07	0.07	Some people who drink water containing 1,2,4-trichlorobenzene well in excess of the MCL over many years could experience changes in their adrenal glands.

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71. 1,1,1-Trichloroethane	0.2	0.2	Some people who drink water containing 1,1,1-trichloroethane in excess of the MCL over many years could experience problems with their liver, nervous system, or circulatory system.
72. 1,1,2-Trichloroethane	0.003	0.005	Some people who drink water containing 1,1,2-trichloroethane well in excess of the MCL over many years could have problems with their liver, kidneys, or immune systems.
73. Trichloroethylene	Zero	0.005	Some people who drink water containing trichloroethylene in excess of the MCL over many years could experience problems with their liver and may have an increased risk of getting cancer.
74. Vinyl chloride	Zero	0.002	Some people who drink water containing vinyl chloride in excess of the MCL over many years may have an increased risk of getting cancer.
75. Xylenes (total)	10	10	Some people who drink water containing xylenes in excess of the MCL over many years could experience damage to their nervous system.
G. Radioactive Contaminants			
76. Beta/photon emitters	Zero	4 mrem/yr ¹⁵	Certain minerals are radioactive and may emit forms of radiation known as photons and beta radiation. Some people who drink water containing beta and photon emitters in excess of the MCL over many years may have an increased risk of getting cancer.

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77. Alpha emitters	Zero	15 pCi/ℓ ¹⁶	Certain minerals are radioactive and may emit a form of radiation known as alpha radiation. Some people who drink water containing alpha emitters in excess of the MCL over many years may have an increased risk of getting cancer.
78. Combined radium (226 & 228)	Zero	5 pCi/ℓ	Some people who drink water containing radium 226 or 228 in excess of the MCL over many years may have an increased risk of getting cancer.
79. Uranium	Zero	30 µg/ℓ	Some people who drink water containing uranium in excess of the MCL over many years may have an increased risk of getting cancer and kidney toxicity.
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			
80. Total trihalomethanes (TTHMs)	N/A	0.080 ²⁰	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.
81. Haloacetic Acids (HAA5)	N/A	0.060 ²¹	Some people who drink water containing haloacetic acids in excess of the MCL over many years may have an increased risk of getting cancer.
82. Bromate	Zero	0.010	Some people who drink water containing bromate in excess of the MCL over many years may have an increased risk of getting cancer.

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83. Chlorite	0.08	1.0	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.
84. Chlorine	4 (MRDLG) ²²	4.0 (MRDL) ²³	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.
85. Chloramines	4 (MRDLG)	4.0 (MRDL)	Some people who use water containing chloramines well in excess of the MRDL could experience irritating effects to their eyes and nose. Some people who drink water containing chloramines well in excess of the MRDL could experience stomach discomfort or anemia.

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85a. Chlorine dioxide, where any two consecutive daily samples taken at the entrance to the distribution system are above the MRDL	0.8 (MRDLG)	0.8 (MRDL)	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 are the result of exceedences at the treatment facility only, not within the distribution system that delivers water to consumers. Continued compliance with chlorine dioxide levels within the distribution system minimizes the potential risk of these violations to consumers.
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86a. Chlorine dioxide, where one or more distribution system samples are above the MRDL	0.8 (MRDLG)	0.8 (MRDL)	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.
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87. Control of DBP precursors (TOC)	None	TT	Total organic carbon (TOC) has no health effects. However, total organic carbon provides a medium for the formation of disinfection byproducts. These byproducts include trihalomethanes (THMs) and haloacetic acids (HAAs). Drinking water containing these byproducts in excess of the MCL may lead to adverse health effects, liver or kidney problems, or nervous system effects, and may lead to an increased risk of getting cancer.
I. Other Treatment Techniques:			
88. Acrylamide	Zero	TT	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.
89. Epichlorohydrin	Zero	TT	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.

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.

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4. 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 (~~LT1ESWTR~~). 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)~~, the 1998 ~~Interim Enhanced Surface Water Treatment Rule (IESWTR)~~, and the 2002 ~~LT1ESWTR Long Term 1 Enhanced Surface Water Treatment Rule~~. A supplier subject to the ~~SWTR 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 ~~LT1ESWTR 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, 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.

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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. This endnote 17 corresponds with the endnote to the table in Appendix B to Subpart Q of 40 CFR 141 (2003), which stated a past effective date. This statement maintains structural consistency with the federal regulations.

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 Subpart 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). 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. 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. This endnote 19 corresponds with the endnote to the table in Appendix B to Subpart Q of 40 CFR 141 (2003), which expired by its own terms on January 1, 2004. This statement maintains structural consistency with the federal regulations.

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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.

BOARD NOTE: Derived from Appendix B to Subpart Q to 40 CFR 141 (2003).

(Source: Amended at 29 Ill. Reg. 2287, effective January 25, 2005)

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

100.9040	New Section	28 Ill. Reg. 4091; 03/05/04
100.9050	New Section	28 Ill. Reg. 4091; 03/05/04
100.9060	New Section	28 Ill. Reg. 4091; 03/05/04
100.9700	Amendment	28 Ill. Reg. 4509; 03/12/04
100.5060	New Section	28 Ill. Reg. 15740; 12/10/04

- 15) Summary and purpose of amendments: Provide guidance for taxpayers seeking to claim the credit for employee child care costs under 35 ILCS 5/210.5.

The Tax Shelter Voluntary Compliance Law, enacted by Public Act 93-840 (July 30, 2004), creates the Voluntary Compliance Program, a special amnesty program for taxpayers who have participated in tax shelters if they file amended returns reversing the effects of the tax shelters and pay the resulting tax. This rulemaking prescribes the procedures for participating in the Voluntary Compliance Program and explains the consequences of participation and failure to participate.

- 16) Information and questions regarding these adopted amendments shall be directed to:

Paul Caselton
Deputy General Counsel - Income Tax
Legal Services Office
Illinois Department of Revenue
101 West Jefferson
Springfield, Illinois 62794

(217) 782-7055

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

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

TITLE 86: REVENUE
CHAPTER I: DEPARTMENT OF REVENUEPART 100
INCOME TAX

SUBPART A: TAX IMPOSED

Section

100.2000	Introduction
100.2050	Net Income (IITA Section 202)

SUBPART B: CREDITS

Section

100.2100	Replacement Tax Investment Credit Prior to January 1, 1994 (IITA 201(e))
100.2101	Replacement Tax Investment Credit (IITA 201(e))
100.2110	Investment Credit; Enterprise Zone (IITA 201(f))
100.2120	Jobs Tax Credit; Enterprise Zone and Foreign Trade Zone or Sub-Zone (IITA 201(g))
100.2130	Investment Credit; High Impact Business (IITA 201(h))
100.2140	Credit Against Income Tax for Replacement Tax (IITA 201(i))
100.2150	Training Expense Credit (IITA 201(j))
100.2160	Research and Development Credit (IITA 201(k))
100.2163	Environmental Remediation Credit (IITA 201(l))
100.2165	Education Expense Credit (IITA 201(m))
100.2170	Tax Credits for Coal Research and Coal Utilization Equipment (IITA 206)
100.2180	Credit for Residential Real Property Taxes (IITA 208)
100.2185	Film Production Services Credit (IITA 213)
100.2190	Tax Credit for Affordable Housing Donations (IITA Section 214)
100.2195	Dependent Care Assistance Program Tax Credit (IITA 210)
<u>100.2196</u>	<u>Employee Child Care Assistance Program Tax Credit (IITA Section 210.5)</u>
100.2197	Foreign Tax Credit (IITA Section 601(b)(3))
100.2198	Economic Development for a Growing Economy Credit (IITA 211)
100.2199	Illinois Earned Income Tax Credit (IITA 212)

SUBPART C: NET OPERATING LOSSES OF UNITARY BUSINESS GROUPS
OCCURRING PRIOR TO DECEMBER 31, 1986

Section

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

- 100.2200 Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group. (IITA Section 202) – Scope
- 100.2210 Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group (IITA Section 202) – Definitions
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AUTHORITY: Implementing the Illinois Income Tax Act [35 ILCS 5] and authorized by Section 1401 of the Illinois Income Tax Act [35 ILCS 5/1401].

SOURCE: Filed July 14, 1971, effective July 24, 1971; amended at 2 Ill. Reg. 49, p. 84, effective November 29, 1978; amended at 5 Ill. Reg. 813, effective January 7, 1981; amended at 5 Ill. Reg. 4617, effective April 14, 1981; amended at 5 Ill. Reg. 4624, effective April 14, 1981; amended at 5 Ill. Reg. 5537, effective May 7, 1981; amended at 5 Ill. Reg. 5705, effective May 20, 1981; amended at 5 Ill. Reg. 5883, effective May 20, 1981; amended at 5 Ill. Reg. 6843, effective June 16, 1981; amended at 5 Ill. Reg. 13244, effective November 13, 1981; amended at 5 Ill. Reg. 13724, effective November 30, 1981; amended at 6 Ill. Reg. 579, effective December 29, 1981; amended at 6 Ill. Reg. 9701, effective July 26, 1982; amended at 7 Ill. Reg. 399, effective December 28, 1982; amended at 8 Ill. Reg. 6184, effective April 24, 1984; codified at 8 Ill. Reg. 19574; amended at 9 Ill. Reg. 16986, effective October 21, 1985; amended at 9 Ill. Reg. 685, effective December 31, 1985; amended at 10 Ill. Reg. 7913, effective April 28, 1986; amended at 10 Ill. Reg. 19512, effective November 3, 1986; amended at 10 Ill. Reg. 21941, effective December 15, 1986; amended at 11 Ill. Reg. 831, effective December 24, 1986;

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amended at 11 Ill. Reg. 2450, effective January 20, 1987; amended at 11 Ill. Reg. 12410, effective July 8, 1987; amended at 11 Ill. Reg. 17782, effective October 16, 1987; amended at 12 Ill. Reg. 4865, effective February 25, 1988; amended at 12 Ill. Reg. 6748, effective March 25, 1988; amended at 12 Ill. Reg. 11766, effective July 1, 1988; amended at 12 Ill. Reg. 14307, effective August 29, 1988; amended at 13 Ill. Reg. 8917, effective May 30, 1989; amended at 13 Ill. Reg. 10952, effective June 26, 1989; amended at 14 Ill. Reg. 4558, effective March 8, 1990; amended at 14 Ill. Reg. 6810, effective April 19, 1990; amended at 14 Ill. Reg. 10082, effective June 7, 1990; amended at 14 Ill. Reg. 16012, effective September 17, 1990; emergency amendment at 17 Ill. Reg. 473, effective December 22, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 8869, effective June 2, 1993; amended at 17 Ill. Reg. 13776, effective August 9, 1993; recodified at 17 Ill. Reg. 14189; amended at 17 Ill. Reg. 19632, effective November 1, 1993; amended at 17 Ill. Reg. 19966, effective November 9, 1993; amended at 18 Ill. Reg. 1510, effective January 13, 1994; amended at 18 Ill. Reg. 2494, effective January 28, 1994; amended at 18 Ill. Reg. 7768, effective May 4, 1994; amended at 19 Ill. Reg. 1839, effective February 6, 1995; amended at 19 Ill. Reg. 5824, effective March 31, 1995; emergency amendment at 20 Ill. Reg. 1616, effective January 9, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 6981, effective May 7, 1996; amended at 20 Ill. Reg. 10706, effective July 29, 1996; amended at 20 Ill. Reg. 13365, effective September 27, 1996; amended at 20 Ill. Reg. 14617, effective October 29, 1996; amended at 21 Ill. Reg. 958, effective January 6, 1997; emergency amendment at 21 Ill. Reg. 2969, effective February 24, 1997, for a maximum of 150 days; emergency expired July 24, 1997; amended at 22 Ill. Reg. 2234, effective January 9, 1998; amended at 22 Ill. Reg. 19033, effective October 1, 1998; amended at 22 Ill. Reg. 21623, effective December 15, 1998; amended at 23 Ill. Reg. 3808, effective March 11, 1999; amended at 24 Ill. Reg. 10593, effective July 7, 2000; amended at 24 Ill. Reg. 12068, effective July 26, 2000; emergency amendment at 24 Ill. Reg. 17585, effective November 17, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 18731, effective December 11, 2000; amended at 25 Ill. Reg. 4640, effective March 15, 2001; amended at 25 Ill. Reg. 4929, effective March 23, 2001; amended at 25 Ill. Reg. 5374, effective April 2, 2001; amended at 25 Ill. Reg. 6687, effective May 9, 2001; amended at 25 Ill. Reg. 7250, effective May 25, 2001; amended at 25 Ill. Reg. 8333, effective June 22, 2001; amended at 26 Ill. Reg. 192, effective December 20, 2001; amended at 26 Ill. Reg. 1274, effective January 15, 2002; amended at 26 Ill. Reg. 9854, effective June 20, 2002; amended at 26 Ill. Reg. 13237, effective August 23, 2002; amended at 26 Ill. Reg. 15304, effective October 9, 2002; amended at 26 Ill. Reg. 17250, effective November 18, 2002; amended at 27 Ill. Reg. 13536, effective July 28, 2003; amended at 27 Ill. Reg. 18225, effective November 17, 2003; emergency amendment at 27 Ill. Reg. 18464, effective November 20, 2003, for a maximum of 150 days; amended at 28 Ill. Reg. 1378, effective January 12, 2004; amended at 28 Ill. Reg. 5694, effective March 17, 2004; amended at 28 Ill. Reg. 7125, effective April 29, 2004; amended at 28 Ill. Reg. 8881, effective June 11, 2004; emergency amendment at 28 Ill. Reg. 14271, effective October 18, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 14868, effective October 26, 2004; emergency amendment at 28 Ill. Reg. 15858, effective

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November 29, 2004, for a maximum of 150 days; amended at 29 Ill. Reg. 2420, effective January 28, 2005.

SUBPART B: CREDITS

Section 100.2196 Employee Child Care Assistance Program Tax Credit (IITA Section 210.5)

- a) Beginning with tax years ending on or after December 31, 2000, each corporate taxpayer is entitled to a credit against the tax imposed by subsections (a) and (b) of Section 201 of the Act in:
- 1) an amount equal to 30% of the start-up costs expended by the corporate taxpayer to provide a child care facility for the children of its employees; plus
 - 2) 5% of the annual amount paid by the corporate taxpayer in providing the child care facility for the children of its employees. (IITA Section 210.5(a))

The 30% credit for start-up costs is allowed only for tax years ending on or before December 31, 2004. The 5% credit for annual expenses is allowed for all years ending on or after December 31, 2000 and is exempt from the sunset provisions of IITA Section 250.

- b) To receive the tax credit under IITA Section 210.5, a corporate taxpayer must either independently provide and operate a child care facility for the children of its employees or join in a partnership with one or more other corporations to jointly provide and operate a child care facility for the children of employees of the corporations in the partnership. (IITA Section 210.5(a)) Amounts paid to a child care facility that is not operated by the taxpayer or by such a partnership do not qualify for the credit. For purposes of this credit, a "child care facility" is limited to a child care facility located in Illinois. (IITA Section 210.5(c))
- c) For purposes of this credit, the term "start-up costs" qualifying for the 30% credit means the cost of planning, site-preparation, construction, renovation, or acquisition of a child care facility. (IITA Section 210.5(c)) Such costs are the capital expenditures incurred in creating a new facility or expanding an existing facility, both tangible and intangible. In the case of a capitalized asset, the 30% credit is allowed in the year the asset is placed in service in the child care facility.

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- 1) Uncapitalized expenses incurred in connection with the child care facility prior to commencing operations are start-up costs. For example, salaries paid prior to the opening of the facility to the employees hired to operate the facility are start-up costs. Such expenses qualify for the 30% credit in the tax year expensed, even if the facility is not in operation by the end of the tax year.
- 2) Capital expenditures that are expensed rather than depreciated under IRC Section 179 qualify as start-up costs in the same manner as expenditures that are actually capitalized and amortized.
- 3) In the case of property previously acquired by the taxpayer and later converted to use in the child care facility, the start-up cost shall be the adjusted basis of such property at the time of conversion, plus any capital costs of renovation or modification to make the property ready for use in the child care facility.
- 4) Any expenditure **that** qualifies for the federal employer-provided child care credit as an amount paid or incurred to acquire, construct, rehabilitate or expand property to be used in a new or expanded child care facility under the provisions of IRC Section 45F(c)(1)(A)(i) shall qualify for the 30% credit, even if the requirements of IRC Section 45F(c)(1)(A)(i)(II) or (III) are not met and provided that the facility is operated by the employer corporation or a partnership described in subsection (b).

EXAMPLE: An employer acquires a building to be used as a child care facility and the land on which the building is located. The cost of the building qualifies for the federal credit, but the cost of the land does not qualify because IRC Section 45F(c)(1)(A)(i)(II) provides that only depreciable property may qualify for the federal credit. The cost of both the building and the land will qualify for the credit allowed under this IITA Section 210.5.

- d) The *annual amount paid* by the employer qualifying for the 5% credit shall include all expenses (including depreciation and amortization) incurred in connection with the operation of the child care facility that are deducted during the taxable year. Depreciation and amortization of capitalized items and IRC Section 179 deductions qualify for the credit whenever the original expenditure qualified as a start-up cost for the 30% credit, provided that the asset continues to

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be used in the operation of the child care facility. In the year the facility commences operations, only expenses deductible in the period after the commencement of operations qualify for the 5% credit. Expenses of the facility deducted prior to the commencement of operations qualify only for the 30% credit as start-up costs. Any expense qualifying for the federal employer-provided child care credit under IRC Section 45F(c)(1)(A)(ii) for a tax year shall also qualify for the 5% credit in the same tax year. Any expense for which the employer claims the 5% credit authorized under this Section cannot qualify for the 5% Dependent Care Assistance Program Credit under IITA Section 210. (See IITA Section 210.5(a).)

e) Any credit allowed under this Section that is unused in the year the credit is earned may be carried forward and applied to the tax liability of the 5 taxable years following the excess credit year until it is used. (IITA Section 210.5(b)) Any 30% credit earned in tax years ending on or before the December 31, 2004 sunset date may be carried forward to tax years ending after that date. The credit must be applied to the earliest year for which there is a tax liability. If there are credits from more than one tax year that are available to offset a liability, then the earlier credit must be applied first. (IITA Section 210(b))

f) A corporate taxpayer claiming the credit provided by IITA Section 210.5 needs to maintain records sufficient to document the costs associated with the provision of a child care facility and the "start-up costs" expended to provide a child care facility. Documentation must take the form of vouchers paid, cancelled checks or other proof of payment. Should the expenditure not be solely for child care, the documentation should explain how the amount allocated for child care was determined.

If the child care provided includes care for non-employee children, the costs must be allocated between employee children and non-employee children. The method of allocation used must be reasonable and documented.

g) The credit is allowed only to corporations subject to tax under IITA Section 201(a) and (b). Neither Subchapter S corporations nor shareholders of Subchapter S corporations are allowed to claim the credit.

(Source: Added at 29 Ill. Reg. 2420, effective January 28, 2005)

SUBPART DD: MISCELLANEOUS

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Section 100.9900 Tax Shelter Voluntary Compliance Program

- a) Section 35-5(a) of the Tax Shelter Voluntary Compliance Law [35 ILCS 20/35-5(a)] provides that the Department shall establish and administer a tax shelter Voluntary Compliance Program as provided in this Section for eligible taxpayers subject to tax under the Illinois Income Tax Act. The tax shelter voluntary compliance program shall be conducted from October 15, 2004 to January 31, 2005 and shall apply to tax liabilities under Section 201 of the Illinois Income Tax Act attributable to the use of tax avoidance transactions for taxable years beginning before January 1, 2004. The Voluntary Compliance Program provides for abatement of penalties that would otherwise be imposed on underpayment or underreporting of Illinois income tax liabilities attributable to participation in tax shelters. The Tax Shelter Voluntary Compliance Law directs the Department to adopt rules, issue forms and instructions, and take such other actions as it deems necessary to implement the provisions of the Voluntary Compliance Program.
- b) Definitions. For purposes of this Section:
- 1) Tax Avoidance Transaction. Section 35-10 of the Tax Shelter Voluntary Compliance Law [35 ILCS 20/35-10] provides that "tax avoidance transaction" means any plan or arrangement devised for the principal purpose of avoiding federal income tax. Tax avoidance transactions include, but are not limited to, "listed transactions" as defined in Treasury Regulations Section 1.6011-4(b)(2).
- 2) Eligible Liability
- A) "Eligible Liability" means the excess, if any, of:
- i) the Illinois income tax liability for a taxable year properly computed without allowing the net tax benefits of any tax avoidance transaction over; or
- ii) the Illinois income tax liability for that taxable year properly computed allowing the tax benefits of any tax avoidance transactions in which the taxpayer participated.
- B) The Illinois income tax liabilities under subsection (b)(2)(A)(i) shall be computed without allowing the net tax benefits of any tax avoidance transaction for the taxable year at issue, whether or not

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such benefits are ultimately determined to be allowable and without allowing any benefits in the taxable year at issue that result from tax avoidance transactions in which the taxpayer participated in other tax years, such as, for example, by increasing any Illinois net loss or credit available to carry over into the taxable year at issue.

3) Voluntary Compliance Program Period. The "Voluntary Compliance Program Period" is October 15, 2004 through January 31, 2005, inclusive.

c) Participation in the Voluntary Compliance Program. Participation in the Voluntary Compliance Program is made separately for each taxable year. In order to participate in the Voluntary Compliance Program for a taxable year, a taxpayer must, during the Voluntary Compliance Program Period:

1) File Form VCP-1, Voluntary Compliance Participation Agreement, with an amended return reporting Illinois net income and tax for the taxable year, computed without regard to any tax avoidance transactions affecting Illinois net income for that taxable year.

A) Any taxpayer who, as a result of participating in a tax avoidance transaction, determined that it had no Illinois income tax liability for a taxable year therefore chose not to file a return for that taxable year may participate in the Voluntary Compliance Program by filing an original return for that taxable year and reporting its Illinois net income and tax for the taxable year, computed without regard to any tax avoidance transactions affecting Illinois net income or tax for that taxable year.

B) A trust, estate, exempt organization, partnership or Subchapter S corporation shall file a Form IL-843, Amended Return or Notice of Change in Income, with a revised return in the proper form.

C) A partnership or Subchapter S corporation may file a composite return for that taxable year on behalf of any partners or shareholders eligible to be included in a composite return.

D) No return filed outside the Voluntary Compliance Program Period will qualify for relief under this Section. An unprocessable return filed during the Voluntary Compliance Program Period will qualify

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for relief under this Section only if a processable return is filed within 30 days after the Department has issued a notice to that taxpayer that the return filed was unprocessable.

E) Failure to correct an underreporting of tax that is not the result of participation in a tax avoidance transaction shall not preclude relief under this Section.

2) Pay the full amount of the Eligible Liability, plus interest on the Eligible Liability.

A) Failure to pay any penalty or to pay any liability (or interest on such liability) other than the Eligible Liability shall not preclude relief under this Section.

B) If the Eligible Liability was eligible for amnesty under the Tax Delinquency Amnesty Act, interest that must be paid under this subsection (c)(2) shall be computed at 200% of the rate that would otherwise have been imposed under UPIA Section 3-2, as provided in UPIA Section 3-2(d).

C) In the case of a taxpayer who makes a good faith attempt to compute the correct amount of interest due on the Eligible Liability, attaches to its amended return a schedule showing its computation of interest due on the Eligible Liability, and pays the amount so shown during the Voluntary Compliance Program Period, failure to pay the full amount of interest due shall not preclude relief under this Section if the full amount of interest determined by the Department to be due on the Eligible Liability is paid within 30 days after the Department has issued a Notice and Demand for the unpaid amount.

D) No payment made under protest under Section 2a.1 of the State Officers and Employees Money Disposition Act [30 ILCS 230/2a.1] shall be considered a payment made during the Voluntary Compliance Program Period under this subsection (c)(2).

3) Make the election to participate under Voluntary Compliance without Appeal or Voluntary Compliance with Appeal.

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- A) The election shall be made by checking the appropriate box on the Form VCP-1, Voluntary Compliance Participation Agreement.
 - B) Once made, the election may not be revoked.
 - C) A separate election shall be made for each taxable year for which the taxpayer chooses to participate in the Voluntary Compliance program.
 - D) No relief shall be allowed to any taxpayer for any taxable year for which the taxpayer fails to properly make the election in accordance with this [subsection \(c\)\(3\)](#).
- d) Effect of Electing Voluntary Compliance without Appeal. If a taxpayer properly elects Voluntary Compliance without Appeal:
- 1) No claim for refund or credit shall be allowed with respect to the Eligible Liability. The taxpayer's rights to claim a refund or credit for other amounts paid that are not attributable to the tax avoidance transaction shall not be affected by this election.
 - 2) The following penalties that are otherwise applicable to the Eligible Liability for such taxable year shall be abated:
 - A) The negligence penalty imposed under IITA Section 1002(a), including any doubling of the penalty under UPIA Section 3-5(d).
 - B) The fraud penalty imposed under IITA Section 1002(b), including any doubling of the penalty under UPIA Section 3-6(c).
 - C) The penalty for underpayment of tax imposed under IITA Section 1005(a), including any doubling of that penalty under UPIA Section 3-3(i).
 - D) The reportable transaction penalty imposed under IITA Section 1005(b).
 - E) The 100% interest penalty imposed under IITA Section 1005(c).

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- F) The underreporting penalty imposed under UPIA Section 3-3(b-15)(2).
- G) In the case of an Eligible Liability reported on an original return filed during the Voluntary Compliance Program Period, the penalty for failure to pay estimated tax imposed by IITA Section 804(a), including any doubling of that penalty under UPIA Section 3-3(i).
- H) Because the Voluntary Compliance Program Period will expire before the date the first disclosure of participation in a reportable transaction could be due under IITA Section 501(b), filing of an amended return during the Voluntary Compliance Program Period reversing the tax benefits of a reportable transaction will avoid penalty under IITA Section 1001(b) for failure to disclose a reportable transaction.
- 3) None of the penalties listed in [this subsection \(d\)\(2\)](#) shall be abated under the Voluntary Compliance Program to the extent imposed with respect to a liability assessed prior to October 15, 2004. No other penalties (including, but not limited to, any penalties for late payment of tax or underpayment of tax resulting from any underpayment other than the Eligible Liability) are abated or avoided merely by participation in the Voluntary Compliance Program. However, participation in the Voluntary Compliance Program will not affect any right the taxpayer would otherwise have to abatement of penalties or to contest the imposition of penalties.
- 4) The Department shall not seek civil or criminal prosecution against the taxpayer for such taxable year with respect to tax avoidance transactions, except as otherwise provided in Tax Shelter Voluntary Compliance Law.
- 5) A claim for a refund of the Eligible Liability by a taxpayer who has elected Voluntary Compliance without Appeal shall be denied, but filing such claim will not disqualify the taxpayer from participation in the Voluntary Compliance Program.
- e) Effect of Electing Voluntary Compliance with Appeal. If a taxpayer properly elects Voluntary Compliance with Appeal:

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- 1) Any otherwise-allowable claim for refund or credit shall be allowed with respect to the Eligible Liability, provided that, notwithstanding IITA Section 909(e), the taxpayer may not file a written protest until after either of the following:
 - A) the date the Department issues a notice of denial; or
 - B) the earlier of:
 - i) the date which is 180 days after the date of a final determination by the Internal Revenue Service with respect to the transactions at issue;
 - ii) the date that is three years after the date the claim for refund was filed; or
 - iii) the date that is one year after full payment of all tax, including penalty and interest.
- 2) Participation in the Voluntary Compliance Program with Appeal shall not affect any right the taxpayer otherwise has to claim a refund or credit or protest the denial of such claim for any amount paid other than the Eligible Liability.
- 3) Penalties
 - A) The following penalties for the taxable year that are otherwise applicable to the Eligible Liability for such taxable year shall be abated:
 - i) The reportable transaction penalty imposed under IITA Section 1005(b).
 - ii) The 100% interest penalty imposed under IITA Section 1005(c).
 - B) Because the Voluntary Compliance Program Period will expire before the date the first disclosure of participation in a reportable transaction could be due under IITA Section 501(b), filing of an amended return during the Voluntary Compliance Program Period

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reversing the tax benefits of a reportable transaction will avoid penalty under IITA Section 1001(b) for failure to disclose a reportable transaction.

- C) Neither of the penalties listed in [this subsection \(e\)\(3\)\(A\)\(i\) and \(ii\)](#) shall be abated under the Voluntary Compliance Program to the extent imposed with respect to a liability assessed prior to October 15, 2004. No other penalties are abated or avoided merely by participation in the Voluntary Compliance Program. However, participation in the Voluntary Compliance Program will not affect any right the taxpayer would otherwise have to abatement of penalties or to contest the imposition of penalties.
- 4) The Department shall not seek civil or criminal prosecution against the taxpayer for such taxable year with respect to tax avoidance transactions, except as otherwise provided in the Tax Shelter Voluntary Compliance Law.
- f) Failure to Comply with All Requirements for Participation in the Voluntary Compliance Program. If the Department determines that a taxpayer who has been granted relief under this Section has failed to comply with all requirements of this Section, any penalties that had been abated shall be deemed assessed as of January 31, 2005, and shall be immediately due and collectible, provided that nothing in this subsection shall preclude abatement of a penalty for reasonable cause, if otherwise applicable, or deprive the taxpayer of any process otherwise available for seeking abatement of an assessed penalty.
- g) Participation in the Voluntary Compliance Program shall not be considered evidence that the taxpayer in fact engaged in a tax avoidance transaction.

(Source: Added at 29 Ill. Reg. 2420, effective January 28, 2005)

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- 1) Heading of the Part: Cancellation, Revocation or Suspension of Licenses or Permits
- 2) Code Citation: 92 Ill. Admin. Code 1040
- 3) Section Number: 1040.110 Adopted Action: New
- 4) Statutory Authority: 625 ILCS 5/6-103(16) (P.A.93-783)
- 5) Effective Date of Amendment: January 25, 2005
- 6) Does this rulemaking contain an automatic repeal date: No
- 7) Does this rulemaking contain incorporations by reference: No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: September 10, 2004; 28 Ill. Reg. 12559
- 10) Has JCAR issued a Statement of Objection to this amendment? No
- 11) Differences between proposal and final version: Grammatical, punctuation or other nonsubstantive changes were made as agreed upon with JCAR.
- 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 amendment replace any emergency amendment currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary of Purpose of Amendment: This rulemaking implements P.A. 93-783, signed into law by the Governor on July 21, 2004. This Act requires the Secretary of State's Office to develop rules relative to any person promising or tendering property or personal advantage, with the intent to influence any act related to the issuance of any driver's license or permit, to any individual authorized by statute to give driving instructions or administer any part of a driver's license examination. Any person promising or tendering such property or personal advantage shall either be denied the issuance of a driver's license or permit for 120 consecutive days or shall have his/her driver's license permit

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invalidated and be disqualified from holding any class of driver's license or permit for a period of 120 consecutive days.

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

Office of the Secretary of State
Driver Services Department
Jo Ann Wilson, Legislative Liaison
2701 S. Dirksen Parkway
Springfield, IL 62723

(217) 785-1441

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

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NOTICE OF ADOPTED AMENDMENT

TITLE 92: TRANSPORTATION
CHAPTER II: SECRETARY OF STATE

PART 1040

CANCELLATION, REVOCATION OR SUSPENSION OF LICENSES OR PERMITS

Section

1040.10	Court to Forward Licenses and Reports of Convictions
1040.20	Illinois Offense Table
1040.25	Suspension or Revocation for Driving Without a Valid Driver's License
1040.29	2 or More Traffic Offenses Committed within 24 Months by a Person Under the Age of 21 Years
1040.30	3 or More Traffic Offenses Committed Within 12 Months
1040.31	Operating a Motor Vehicle During a Period of Suspension or Revocation
1040.32	Suspension or Revocation of Driver's Licenses, Permits or Identification Cards Used Fraudulently
1040.33	Suspension or Revocation of Driver's Licenses/Permits for Fictitious or Unlawfully Altered Person-with-Disabilities License Plate or Parking Decal or Device or Fraudulent Person-with-Disabilities License Plate or Parking Decal or Device
1040.35	Commission of an Offense Requiring Mandatory Revocation or Discretionary Suspension or Revocation Upon Conviction
1040.36	Suspension for Violation of Restrictions on Driver's License
1040.37	Suspension for Violation of Restrictions on Instruction Permit
1040.38	Commission of a Traffic Offense in Another State
1040.40	Repeated Convictions or Collisions
1040.41	Suspension of Licenses for Curfew Violations
1040.42	Fleeing and Eluding
1040.43	Illegal Transportation
1040.46	Fatal Accident and Personal Injury Suspensions or Revocations
1040.48	Vehicle Emission Suspensions
1040.50	Suspension of License of Commercial Vehicle Driver
1040.52	Driver Remedial Education Course
1040.55	Suspension for Driver's License Classification Violations
1040.60	Release of Information Regarding a Disposition of Court Supervision
1040.65	Offenses Occurring on Military Bases
1040.66	Invalidation of a Restricted Driving Permit
1040.70	Problem Driver Pointer System
1040.80	Cancellation of Driver's License Upon Issuance of a Handicapped Identification Card

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1040.100	Rescissions
1040.101	Reinstatement Fees
1040.102	Bankruptcy for Suspensions, Cancellations, Failure to Pay and Returned Checks Actions
1040.105	Suspension for 5 or More Tollway Violations and/or Evasions
1040.107	Suspension for Violation of 625 ILCS 5/11-907, Approaching a Stationary Emergency Vehicle
1040.108	Suspension for Failure to Make Report of Vehicle Accident Violations
<u>1040.110</u>	<u>Bribery</u>

AUTHORITY: Implementing Articles II and VII of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/Ch. 6, Arts. II and VII] and authorized by Section 2-104(b) of the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code [625 ILCS 5/2-104(b)].

SOURCE: Filed September 22, 1972; amended at 3 Ill. Reg. 26, p. 282, effective June 30, 1979; amended at 5 Ill. Reg. 3533, effective April 1, 1981; amended at 6 Ill. Reg. 4239, effective April 2, 1982; codified at 6 Ill. Reg. 12674; amended at 8 Ill. Reg. 2200, effective February 1, 1984; amended at 8 Ill. Reg. 3783, effective March 13, 1984; amended at 8 Ill. Reg. 18925, effective September 25, 1984; amended at 8 Ill. Reg. 23385, effective November 21, 1984; amended at 10 Ill. Reg. 15265, effective September 4, 1986; amended at 11 Ill. Reg. 16977, effective October 1, 1987; amended at 11 Ill. Reg. 20659, effective December 8, 1987; amended at 12 Ill. Reg. 2148, effective January 11, 1988; amended at 12 Ill. Reg. 14351, effective September 1, 1988; amended at 12 Ill. Reg. 15625, effective September 15, 1988; amended at 12 Ill. Reg. 16153, effective September 15, 1988; amended at 12 Ill. Reg. 16906, effective October 1, 1988; amended at 12 Ill. Reg. 17120, effective October 1, 1988; amended at 13 Ill. Reg. 1593, effective January 23, 1989; amended at 13 Ill. Reg. 5162, effective April 1, 1989; amended at 13 Ill. Reg. 7802, effective May 15, 1989; amended at 13 Ill. Reg. 8659, effective June 2, 1989; amended at 13 Ill. Reg. 17087, effective October 16, 1989; amended at 13 Ill. Reg. 20127, effective December 8, 1989; amended at 14 Ill. Reg. 2944, effective February 7, 1990; amended at 14 Ill. Reg. 3664, effective February 7, 1990; amended at 14 Ill. Reg. 5178, effective April 1, 1990; amended at 14 Ill. Reg. 5560, effective March 22, 1990; amended at 14 Ill. Reg. 14177, effective August 21, 1990; amended at 14 Ill. Reg. 18088, effective October 22, 1990; amended at 15 Ill. Reg. 14258, effective September 24, 1991; amended at 17 Ill. Reg. 8512, effective May 27, 1993; amended at 17 Ill. Reg. 9028, effective June 2, 1993; amended at 17 Ill. Reg. 12782, effective July 21, 1993; amended at 18 Ill. Reg. 7447, effective May 3, 1994; amended at 18 Ill. Reg. 10853, effective June 27, 1994; amended at 18 Ill. Reg. 11644, effective July 7, 1994; amended at 18 Ill. Reg. 16443, effective October 24, 1994; amended at 20 Ill. Reg. 2558, effective January 26, 1996; amended at 21 Ill. Reg. 8398, effective June 30, 1997; amended at 21 Ill. Reg. 10985, effective July 29, 1997; amended at 21 Ill. Reg. 12249, effective August 26,

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1997; amended at 21 Ill. Reg. 12609, effective August 29, 1997; amended at 22 Ill. Reg. 1438, effective January 1, 1998; amended at 22 Ill. Reg. 5083, effective February 26, 1998; amended at 22 Ill. Reg. 13834, effective July 10, 1998; amended at 24 Ill. Reg. 1655, effective January 11, 2000; emergency amendment at 24 Ill. Reg. 8398, effective June 2, 2000, for a maximum of 150 days; emergency expired October 29, 2000; emergency amendment at 24 Ill. Reg. 16096, effective October 12, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 16689, effective October 30, 2000; amended at 25 Ill. Reg. 2723, effective January 31, 2001; amended at 25 Ill. Reg. 6402, effective April 26, 2001; emergency amendment at 26 Ill. Reg. 2044, effective February 1, 2002, for a maximum of 150 days; emergency expired June 30, 2002; emergency amendment at 26 Ill. Reg. 3753, effective February 21, 2002, for a maximum of 150 days; emergency expired July 20, 2002; amended at 26 Ill. Reg. 12373, effective July 25, 2002; amended at 26 Ill. Reg. 13684, effective September 3, 2002; amended at 29 Ill. Reg. 2441, effective January 25, 2005.

Section 1040.110 Bribery

- a) For the purposes of this Section, the following definitions shall apply:
- 1) "Authorized Personnel" – Manager, Administrator, Instructor, Secretary of State Police, Director or Inspector General.
 - 2) "Bribe" – Any item or thing of value, payment, or other personal advantage that an employee of the Secretary of State's Office, the owner or employee of any commercial driver training school licensed by the Secretary of State or any other individual authorized by the laws of this State to give driving instructions or administer any part of a driver's license examination is not authorized by law or administrative rule to accept, knowing or reasonably believing that such item, thing of value, payment or advantage was promised or tendered with the intent to influence or change the performance of any act or duty related to the issuance of a driver's license.
 - 3) "Bribery" – The solicitation or accepting of any bribe or improper offering.
 - 4) "Denial of Driver's License" – To prohibit or disallow the privilege to obtain a driver's license or permit.
 - 5) "Department" – Department of Driver Services within the Office of the Secretary of State.

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- 6) "Disqualified" – The denial of the issuance of a license or permit or the invalidation of any license or permit.
- 7) "Facility Administered Test" – An actual demonstration of the driver's license applicant's ability to successfully pass a Vision, Written or Drive Test administered by a Driver Services Facility employee or individual or entity approved by the Department to administer such test.
- 8) "Invalidate" – To render no longer valid any driver's license or permit for a specified period of time.
- b) The Department shall, pursuant to Section 6-103(16) of the Illinois Vehicle Code [625 ILCS 5/6-103(16)], deny for a period of 120 consecutive days the issuance of a driver's license and/or permit to any person who, with intent to influence any act related to the issuance of any driver's license or permit, promises or tenders to an employee of the Secretary of State's Office, the owner or employee of any commercial driver training school licensed by the Secretary of State, or any other individual authorized by the laws of this State to give driving instructions or administer any part of a driver's license examination any property or personal advantage that person is not authorized by law to accept.
- c) The Department shall, pursuant to Section 6-103(16) of the Illinois Vehicle Code [625 ILCS 5/6-103(16)], invalidate for a period of 120 consecutive days the driver's license and/or permit of any person who, with intent to influence any act related to the issuance of any driver's license or permit, promises or tenders to an employee of the Secretary of State's Office, the owner or employee of any commercial driver training school licensed by the Secretary of State, or any other individual authorized by the laws of this State to give driving instructions or administer any part of a driver's license examination any property or personal advantage that person is not authorized by law to accept. Any persons promising or tendering such property or personal advantage shall be disqualified from holding any class of driver's license or permit.
- d) When any employee of the Secretary of State's Office, the owner or employee of any commercial driver training school licensed by the Secretary of State, or any other individual authorized by the laws of this State to give driving instructions or administer any part of a driver's license examination is tendered a bribe or a bribe has been attempted as defined in subsection (a)(2), the person bribed or attempted to be bribed shall immediately report the incident to authorized personnel, as

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defined in this Section. Authorized personnel shall immediately proceed in the following manner: complete the interview process; complete the designated bribery/attempted bribery form; and notify the appropriate staff of the bribery incident. All evidence collected from the incident shall be placed in a secure locked place. For purposes of this Section, the Department shall disqualify the individual for a designated time upon receipt of the prescribed bribery/attempted bribery form faxed by the authorized personnel.

e) The facility application for any facility administered test that was successfully completed prior to the termination of further testing due to bribery/attempted bribery shall be validated and a receipt shall be given to the individual for any statutory fees collected by an employee of the Secretary of State's Office.

f) Pursuant to Section 2-118 of the Illinois Vehicle Code [625 ILCS 5/2-118], any person whose driver's license or permit has been disqualified under this Section may request an administrative hearing to contest the Department's action.

(Source: Added at 29 Ill. Reg. 2441, effective January 25, 2005)

DEPARTMENT OF STATE POLICE

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Certification and Training of Electronic Criminal Surveillance Officers
- 2) Code Citation: 20 Ill. Adm. Code 1295
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
1295.20	Amendment
1295.30	Amendment
- 4) Statutory Authority: Implementing and authorized by Section 108B-14 of the Code of Criminal Procedure of 1963 [725/5 ILCS 108B-14] and authorized by Section 2605-15 of the Civil Administrative Code of Illinois [20 ILCS 2605/2605-15]
- 5) Effective Date of Amendments: January 31, 2005
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these amendments contain incorporations by reference? No
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: 28 Ill. Reg. 11692; August 13, 2004
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Differences between proposal and final version: Editing and formatting changes recommended by JCAR were made. Those changes are as follows:

In Section 1295.30, added "7) If the candidate is a retired law enforcement officer, a statement that he/she shall maintain certification as an Electronic Criminal Surveillance Officer I only. Retired law enforcement officers qualified under the Act may not be certified at the Electronic Criminal Surveillance Officer II or III level."
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? No agreements were issued by JCAR.
- 13) Will these amendments replace any emergency amendments currently in effect? No
- 14) Are there any amendments pending on this Part? No

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- 15) Summary and Purpose of Amendments: The amendments will add the definition of retired law enforcement officer per Public Act 92-836 and make other necessary changes.
- 16) Information and questions regarding these adopted amendments shall be directed to:

Mr. Keith Jensen
Chief Legal Counsel
Illinois State Police
124 East Adams Street, Room 102
Post Office Box 19461
Springfield, Illinois 62794-9461

Telephone: (217) 782-7658

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

DEPARTMENT OF STATE POLICE

NOTICE OF ADOPTED AMENDMENTS

TITLE 20: CORRECTIONS, CRIMINAL JUSTICE, AND LAW ENFORCEMENT
CHAPTER II: DEPARTMENT OF STATE POLICEPART 1295
CERTIFICATION AND TRAINING OF
ELECTRONIC CRIMINAL SURVEILLANCE OFFICERS

Section

1295.10	Purpose
1295.20	Definitions
1295.30	Qualification, Certification, and Recertification of Officers
1295.40	Revocation of Certification
1295.50	Recording and Minimization Standards
1295.60	Documentation Requirements
1295.70	Evidence Handling Procedures
1295.80	Specifications for Materials and Equipment

AUTHORITY: Implementing and authorized by Section 108B-14 of the Code of Criminal Procedure of 1963 [725 ILCS 5/108B-14] and authorized by Section 2605-15 of the Civil Administrative Code of Illinois [20 ILCS 2605/2605-15].

SOURCE: Adopted at 13 Ill. Reg. 1856, effective January 26, 1989; amended at 25 Ill. Reg. 15626, effective November 21, 2001; amended at 29 Ill. Reg. 2448, effective January 31, 2005.

Section 1295.20 Definitions

- a) Unless specified otherwise, all terms shall have the meanings set forth in Article 108B of the Code of Criminal Procedure of 1963 [725 ILCS 5/108B].
- b) For purpose of this Part, the following additional definitions apply:

"Act" means Article 108B of the Code of Criminal Procedure of 1963 [725 ILCS 5/108B].

"Call Content" means the oral (audio) communication received from a communications common carrier.

"Call Data" means the data received from a communications common carrier that includes, but is not limited to, signaling, call progress signals, dialed digits, and caller identification.

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"Chief Executive Officer of a Law Enforcement Agency" means a chief of police, sheriff, director, superintendent, or other title that serves as the head of a law enforcement agency.

"Department" means the Illinois Department of State Police.

"Dialed Number Recorder" means a device used to register telephone numbers, either dialed or pulse dialed.

"Director" means the Director of the Illinois Department of State Police.

"Electronic Criminal Surveillance Officer Certification" refers to registered credentials issued by the Department and the Illinois Law Enforcement Training Standards Board that identify those aspects of electronic criminal surveillance that the officer is authorized to perform.

"Electronic Criminal Surveillance Officers Training Course" means a course or series of courses of instruction provided by the Department, in cooperation with the Illinois Law Enforcement Training Standards Board, in the legal, practical, and technical aspects of the interception of private oral communications and related investigative and prosecutive techniques.

"Intercept Device" means the specialized equipment developed to interface with a communications common carrier's equipment in order to capture data, including, but not limited to, call data and call content.

"Minimization" refers to measures initiated to prevent the interception of privileged communications and to limit the interception of conversations which are innocent and lack evidentiary or investigative value.

"Recording Media" means a removable write-protectable element of an intercept device used to store data and audio information (e.g., CD-rom, cassette tape, etc.).

"Retired law enforcement officer" means a person:

who is a graduate of a police training institute or academy and who, after graduating, served for at least 15 consecutive years as a sworn full-time peace officer qualified to carry firearms for any

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federal or State department or agency or for any unit of local government of Illinois;

who has retired as a local, State, or federal peace officer in a publicly created peace officer retirement system; and

whose service in law enforcement was honorably terminated through retirement or disability and not as result of discipline, suspension, or discharge.

"Technical Service Unit" is a component of a law enforcement agency charged with the responsibility for providing support to investigative activities by operating electronic surveillance apparatus, including electronic criminal surveillance devices, alarms, communications apparatus, video equipment, photographic equipment, and night vision devices.

(Source: Amended at 29 Ill. Reg. 2448, effective January 31, 2005)

Section 1295.30 Qualification, Certification, and Recertification of Officers

No person shall engage in the interception of private oral communication as described in the Act, unless authorized to do so pursuant to certification provisions elaborated in this Part.

- a) Qualifications – The qualifications of all candidates for certification as electronic criminal surveillance officers shall be specified in an application to the Director from the chief executive officer of the law enforcement agency which the candidate represents. Such application shall identify the specific level of training/certification which the candidate is authorized to receive and shall include a recommendation of the candidate by the chief executive officer. Other information to be supplied shall include:
- 1) The candidate's name, sex, date of birth, social security number, and agency identification number.
 - 2) The candidate's business address and telephone numbers.
 - 3) Statement that the candidate is a full-time law enforcement officer or a retired law enforcement officer.

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- 4) A brief synopsis of the candidate's training and service record, including any specialized instruction in the techniques of electronic surveillance.
 - 5) A brief statement reflecting the candidate's unit of assignment and present/proposed duties.
 - 6) For training for certification as an Electronic Criminal Surveillance Officer III, a statement that the sponsoring agency maintains a Technical Surveillance Unit and that the candidate will be assigned to such Unit subsequent to his/her certification.
 - 7) [If the candidate is a retired law enforcement officer, a statement that he/she shall maintain certification as an Electronic Criminal Surveillance Officer I only. Retired law enforcement officers qualified under the Act may not be certified at the Electronic Criminal Surveillance Officer II or III level.](#)
- b) Certification – Three levels of training in Electronic Criminal Surveillance shall be provided by the Department. The levels of training courses provided shall be designated as Electronic Criminal Surveillance Officer I (ECSO I), Electronic Criminal Surveillance Officer II (ECSO II), and Electronic Criminal Surveillance Officer III (ECSO III). Each of these training courses and training courses for recertification shall be certified by the Illinois Law Enforcement Training Standards Board in compliance with the administrative rules found at 20 Ill. Adm. Code 1720 and shall include training in the legal, practical, and technical aspects of the interception of private oral communications and related investigation and prosecution techniques. Upon successful completion of any one of these 3 courses of training, an officer shall be certified by the Illinois State Police and the Illinois Law Enforcement Training Standards Board for the particular level of expertise and shall be authorized to perform tasks as herein described for the grade of certification:
- 1) Electronic Criminal Surveillance Officer I: An officer certified as an Electronic Criminal Surveillance Officer I (ECSO I) shall be permitted to prepare petitions for the authority to intercept private oral communications in accordance with the provisions of the Act; to intercept and supervise the interception of conversations; to handle, safeguard, and utilize evidence derived from such conversations; and to operate and maintain equipment used to intercept such conversations. ECSO I certification, unless renewed by recertification, expires in ~~5~~3 years.

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- 2) Electronic Criminal Surveillance Officer II: An officer certified as an Electronic Criminal Surveillance Officer II (ECSO II) shall be authorized to install, maintain, repair, and remove electronic criminal surveillance devices designed or intended for use in intercepting private wire communications as defined by the Act. An ECSO II shall also have the full powers granted by ECSO I certification. ECSO II certification, unless renewed by recertification, expires in 4 years.
- 3) Electronic Criminal Surveillance Officer III: An officer certified as an Electronic Criminal Surveillance Officer III (ECSO III) can, when authorized by the Court, unobtrusively enter into any vehicle, structure, or property of another for the purpose of installing, maintaining, or removing electronic criminal surveillance devices. An ECSO III shall also have the full powers granted by ECSO II and ECSO I certification. ECSO III certification, unless renewed by recertification, expires in 2 years.
- 4) Certification as an ECSO II requires prior certification as an ECSO I. Certification as an ECSO III requires prior certification as an ECSO II.
- 5) Training for recertification of an ECSO II and ECSO III shall encompass all topics and information conveyed to subordinate levels.
- 6) Each law enforcement officer certified in accordance with this Part shall be issued registered credentials which identify the extent of each officer's authority.

(Source: Amended at 29 Ill. Reg. 2448, effective January 25, 2005)

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED RULES

- 1) Heading of the Part: Americans With Disabilities Act Grievance Procedure
- 2) Code Citation: 4 Ill. Adm. Code 1400
- 3)

<u>Section Numbers</u> :	<u>Adopted Action</u> :
1400.10	New Section
1400.20	New Section
1400.30	New Section
1400.40	New Section
1400.50	New Section
1400.60	New Section
1400.70	New Section
- 4) Statutory Authority: Implementing the Americans With Disabilities Act of 1990 (42 USC 12101 et seq.) and authorized by Section 20(g) of the Higher Education Student Assistance Act [110 ILCS 947/20(g)]
- 5) Effective Date of Rules: February 1, 2005
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of these adopted rules, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: September 24, 2004; 28 Ill. Reg. 12985
- 10) Has JCAR issued a Statement of Objection to these rules? No
- 11) Differences between proposed and final version: The only changes made were nonsubstantive in nature.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will these rules replace any emergency rules currently in effect? No
- 14) Are there any amendments pending on this Part? No

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED RULES

- 15) Summary and purpose of rulemaking: These adopted rules implement grievance procedures required under the federal Americans with Disabilities Act.
- 16) Information and questions regarding these adopted rules shall be directed to:

Thomas A. Breyer
Deputy Program Officer
Illinois Student Assistance Commission
1755 Lake Cook Road
Deerfield IL 60015

(847) 948-8500
email: tbreyer@isac.org

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

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED RULES

TITLE 4: DISCRIMINATION PROCEDURES

CHAPTER XLVI: ILLINOIS STUDENT ASSISTANCE COMMISSION

PART 1400

AMERICANS WITH DISABILITIES ACT GRIEVANCE PROCEDURE

Section

1400.10	Purposes
1400.20	Definitions
1400.30	Procedure
1400.40	Designated Coordinator Level
1400.50	Final Level
1400.60	Accessibility
1400.70	Case-By-Case Resolution

AUTHORITY: Implementing the Americans With Disabilities Act of 1990 (42 USC 12101 et seq.) and authorized by Section 20(g) of the Higher Education Student Assistance Act [110 ILCS 947/20(g)].

SOURCE: Adopted at 29 Ill. Reg. 2455, effective February 1, 2005.

Section 1400.10 Purposes

- a) This grievance procedure is established pursuant to the Americans With Disabilities Act of 1990 (42 USC 12101 et seq.) (ADA) and specifically Section 35.107 of the Title II regulations, 28 CFR 35, requiring that a grievance procedure be established to resolve grievances asserted by qualified individuals with disabilities. Should any individual desire to review the ADA or its regulations to understand the rights, privileges and remedies afforded by it, please contact the Designated Coordinator.
- b) In general, the ADA requires that each program, service and activity offered by the Illinois Student Assistance Commission (ISAC), when viewed in its entirety, be readily accessible to and usable by qualified individuals with disabilities.
- c) It is the intention of ISAC to foster open communication with all individuals requesting readily accessible programs, services and activities. ISAC encourages supervisors of programs, services and activities to respond to requests for modifications before they become grievances.

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Section 1400.20 Definitions

"Act" or "ADA" means the Americans With Disabilities Act of 1990 (42 USC 12101 et seq.).

"Complainant" is an individual with a disability who files a Grievance Form provided by ISAC under this procedure.

"Designated Coordinator" is the person designated by ISAC to be responsible for the coordination of efforts of ISAC to comply with and carry out its responsibilities under Title II of the ADA, including investigation of grievances filed by complainants. The Designated Coordinator may be contacted at Office of the General Counsel, Illinois Student Assistance Commission, 1755 Lake Cook Road, Deerfield IL 60015. (See 28 CFR 35.107.)

"Disabilities" shall have the same meaning as set forth in the Americans With Disabilities Act.

"Executive Director" means the Executive Director of ISAC.

"Grievance" is any complaint under the ADA that is reduced to writing by an individual with a disability who meets the essential eligibility requirements for participation in or receipt of the benefits of a program, activity or service offered by ISAC and believes he or she has been excluded from participation in, or denied the benefits of, any program, service or activity of ISAC or has been subject to discrimination by ISAC.

"Grievance Form" is prescribed for the purpose of filing a grievance under this Part and includes information such as name, address, phone number, nature of the grievance, with specificity, including date of incident, time, place and witnesses if applicable.

"ISAC" means the Illinois Student Assistance Commission.

"Qualified individual with a disability" means an individual with a disability who, with or without reasonable modifications to rules, policies, or practices, the removal of architectural, communication, or transportation barriers, or the provision of auxiliary aids and services, meets the essential eligibility requirements for the receipt of services or the participation in programs or activities provided by ISAC.

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Section 1400.30 Procedure

- a) Grievances must be submitted in accordance with procedures established in Sections 1400.40 and 1400.50 of this Part. It is mutually desirable and beneficial that grievances be satisfactorily resolved in a prompt manner. Time limits established in this procedure are in calendar days, unless otherwise stated, and may be extended by mutual agreement, in writing, by the complainant and the reviewer, at the Designated Coordinator and/or the Final Levels described in Section 1400.50.
- b) A complainant's failure to submit a grievance, or to submit or appeal it to the next level of procedure within the specified time limits, shall mean that the complainant has withdrawn the grievance or has accepted the last response from ISAC given in the grievance procedure.
- c) ISAC shall, upon being informed of individual's desire to file a formal grievance, instruct the individual how to receive a copy of this procedure and the Grievance Form.

Section 1400.40 Designated Coordinator Level

- a) If an individual desires to file a grievance, the individual shall promptly, but no later than 180 days after the alleged discrimination, submit the grievance to the Designated Coordinator in writing on the Grievance Form prescribed for that purpose. The Grievance Form must be completed in full in order to receive proper consideration by the Designated Coordinator.
- b) Upon request, assistance in completing the Grievance Form shall be provided by ISAC.
- c) The Designated Coordinator, or his/her representative, shall investigate the grievance and, if the grievance is found to be valid, shall make reasonable efforts to resolve it. The Designated Coordinator shall provide a written response to the complainant and Executive Director within 15 business days after receipt of the Grievance Form.

Section 1400.50 Final Level

- a) If the grievance is not resolved at the Designated Coordinator Level to the satisfaction of the complainant, the complainant may submit a copy of the Grievance Form and Designated Coordinator's response to the Executive Director

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for final review. The complainant shall submit these documents to the Executive Director, together with a short written statement explaining the reasons for dissatisfaction with the Designated Coordinator's written response, within 15 business days after receipt by the complainant of the Designated Coordinator's response.

- b) Within 15 business days, the Executive Director shall appoint a three-member panel to review the grievance at the Final Level. One member shall be designated chairman. The panel shall schedule a review of the grievance, which shall commence no later than 15 business days after the last member of the panel is appointed.
- c) Complainant shall be afforded an opportunity to appear before the panel. Complainant shall have a right to appoint a representative to appear on his or her behalf. The panel shall review the Designated Coordinator's written response and may conduct interviews and seek advice as it deems appropriate.
- d) Upon agreement of at least two of the panel members, but not later than 15 business days after the review described in subsection (b), the panel shall make recommendations in writing to the Executive Director as to the proper resolution of the grievance. All recommendations shall include reasons for such recommendations and shall bear the signatures of the concurring panel members. A dissenting member of the panel may make a recommendation to the Executive Director in writing and shall sign the recommendation.
- e) Within 15 business days after receipt of recommendations from a panel, the Executive Director or designee shall approve, disapprove or modify the panel recommendations; shall render a decision on those recommendations in writing; shall state the basis for his or decision; and shall cause a copy of the decision to be served on the parties. The Executive Director's decision shall be final. If the Executive Director disapproves or modifies the panel's recommendations, the Executive Director may include written reasons for such disapproval or modification.
- f) The Grievance Form, the Designated Coordinator's response, the statement of the reasons for dissatisfaction, the recommendations of the panel, and the decision of the Executive Director shall be maintained in accordance with the State Records Act [5 ILCS 160] or as otherwise required by law.

Section 1400.60 Accessibility

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ISAC shall ensure that all stages of the grievance procedure are readily accessible to and usable by individuals with disabilities.

Section 1400.70 Case-By-Case Resolution

Each grievance involves a unique set of factors that includes but is not limited to: the specific nature of the disability; the essential eligibility requirements, the benefits to be derived, and the nature of the service, program or activity at issue; the health and safety of others; and whether an accommodation would constitute a fundamental alteration to the program, service or activity or undue hardship on ISAC. Accordingly, termination of a grievance at any level, whether through the granting of relief or otherwise, shall not constitute a precedent on which any other complainants should rely.

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- 1) Heading of the Part: Illinois Veteran Grant (IVG) Program
- 2) Code Citation: 23 Ill. Adm. Code 2733
- 3) Section Number: 2733.20 Adopted Action:
Amendment
- 4) Statutory Authority: Implementing Section 40 and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/40 and 20(f)].
- 5) Effective Date of Amendment: February 1, 2005
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: September 17, 2004; 28 Ill. Reg. 12816
- 10) Has JCAR issued a Statement of Objection to this amendment? No
- 11) Differences between proposed and final version: Although there have been no substantive changes to the amendment since it was originally proposed, in response to a Statement of Recommendation issued by JCAR on the companion emergency rulemaking, ISAC has made extensive language changes to more clearly state eligibility standards.
- 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 rulemaking replace an emergency rulemaking currently in effect? Yes
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking: This amendment modifies the Applicant Eligibility criteria set forth in Section 2733.20. The Illinois Veteran Grant provides grants covering tuition and certain fees for qualified veterans attending state universities and community colleges. Under previous administrative rules, Illinois residents who were

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members of a Reserve component and who were called to active duty for at least one year, or at least one day in a foreign country in a time of hostilities in that country, needed to have completed their initial enlistment contract before they were eligible to receive the Veteran Grant. In addition, members of the National Guard were not eligible for the Veteran Grant while they were active in the Guard. Both of these limitations are being withdrawn in order to provide more equitable access to educational benefits for active-duty National Guard and Reserve members consistent with those provided to military personnel in the regular component of the U.S. Armed Forces.

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

Thomas A. Breyer
Deputy Program Officer
Illinois Student Assistance Commission
1755 Lake Cook Road
Deerfield IL 60015

(847) 948-8500
email: tbreyer@isac.org

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

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NOTICE OF ADOPTED AMENDMENT

TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE A: EDUCATION
CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSIONPART 2733
ILLINOIS VETERAN GRANT (IVG) PROGRAM

Section

2733.10	Summary and Purpose
2733.20	Applicant Eligibility
2733.30	Program Procedures
2733.40	Institutional Procedures

AUTHORITY: Implementing Section 40 and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/40 and 20(f)].

SOURCE: Emergency rule adopted at 10 Ill. Reg. 14322, effective August 20, 1986 for a maximum of 150 days; emergency expired January 16, 1987; adopted at 11 Ill. Reg. 3207, effective January 29, 1987; amended at 12 Ill. Reg. 11536, effective July 1, 1988; transferred from Chapter IX, 23 Ill. Adm. Code 1733 (State Scholarship Commission) to Chapter XIX, 23 Ill. Adm. Code 2733 (Illinois Student Assistance Commission) pursuant to P.A. 86-168, effective July 1, 1989, at 13 Ill. Reg. 17858; amended at 14 Ill. Reg. 10571, effective July 1, 1990; emergency amendments at 15 Ill. Reg. 15613, effective October 11, 1991, for a maximum of 150 days; emergency expired March 9, 1992; emergency amendment at 15 Ill. Reg. 18778, effective January 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 6880, effective April 14, 1992; amended at 16 Ill. Reg. 11261, effective July 1, 1992; amended at 17 Ill. Reg. 10570, effective July 1, 1993; amended at 18 Ill. Reg. 10309, effective July 1, 1994; amended at 20 Ill. Reg. 9200, effective July 1, 1996; old Part repealed and new Part adopted at 21 Ill. Reg. 11139, effective July 18, 1997; amended at 22 Ill. Reg. 11114, effective July 1, 1998; amended at 23 Ill. Reg. 7575, effective July 1, 1999; amended at 24 Ill. Reg. 9166, effective July 1, 2000; amended at 25 Ill. Reg. 8418, effective July 1, 2001; amended at 26 Ill. Reg. 10020, effective July 1, 2002; amended at 27 Ill. Reg. 10342, effective July 1, 2003; emergency amendment at 28 Ill. Reg. 12932, effective September 15, 2004, for a maximum of 150 days; amended at 29 Ill. Reg. 2462, effective February 1, 2005.

Section 2733.20 Applicant Eligibility

- a) A qualified applicant shall be any member of the Armed Forces of the United States, [a reserve component of the Armed Forces, or the Illinois National Guard](#) who has served at least one year of [federal](#) active duty [service](#) and whose

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~~separation from such~~ service has been characterized as honorable, provided he/she:

- 1) was a:
 - A) resident of Illinois at the time of entering federal active duty ~~the~~ service or within 6 months prior to entering the service; or
 - B) student at an Illinois public university or community college at the time of entering federal active duty ~~the~~ service; and
- 2) established or plans to establish Illinois residency within 6 months after leaving federal active duty service~~separation from the Armed Forces~~, or if married to a person in continued military service:
 - A) applied for this grant within 6 months after and including the date that the spouse was stationed within Illinois; or
 - B) established Illinois residency within 6 months after and including the date that the spouse was separated (if the spouse was stationed outside Illinois).
- b) A qualified applicant ~~recipient~~ must reside in Illinois unless he/she~~the recipient~~ is serving federal active duty~~a member of the Armed Forces~~ at the time of enrollment or is residing with a spouse in continued military service who is currently stationed outside of Illinois.
- c) Any member of the Armed Forces of the United States, a reserve component of the Armed Forces, or the Illinois National Guard who has served at least one year of federal active duty service and who meets the Illinois residency requirements of subsections (a) and (b) is a qualified applicant if his/her ~~separation from such~~ service was characterized as honorable. If the applicant is still in service, the individual~~the Armed Forces, he/she must have completed his/her initial active duty commitment with service characterized as honorable. Upon discharge from the Armed Forces, the veteran~~ shall be subject to verification of continued eligibility for assistance under this Part after each period of federal active duty service.
- d) A recipient must maintain an acceptable grade point average as determined by the institution pursuant to a published policy.

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- e) An individual is not a qualified applicant unless the individual's serviceseparation from the Armed Forces of the United States was characterized as honorable for each period of federal active duty service.
- f) An individual is not a qualified applicant if the individual's federal active duty servicewith the Armed Forces was for less than one year unless:
- 1) the applicant'sveteran's separation from such service for medical reasons directly connected with such service was characterized as honorable; or
 - 2) the applicant'sveteran's separation prior to August 11, 1967 was characterized as honorable; or
 - 3) the applicant's federal active dutyveteran's separation from such service, which included service in a foreign country in a time of hostilities in that country, was characterized as honorable. As used in this Section, "time of hostilities in a foreign country" means any action by the Armed Forces armed forces of the United States that is recognized by the issuance of a Presidential proclamation or a Presidential executive order and in which the Armed Forcesarmed forces expeditionary medal or other campaign service medals are awarded according to Presidential executive order.
- g) Members of the Reserve Officer Training Corps (ROTC) ~~and a state's National Guard~~ are not eligible for assistance under this Part.
- h) Applicants are not eligible if their only service has been attendance at a service academy.
- i) In order to establish eligibility for this grant, an individual shall submit to ISAC an application and documentation of all periods of service.
- 1) An applicant should submit a copy of his or her Certificate of Release or Discharge From Active Duty (DD Form 214) or Discharge Certificate, which can be obtained from the National Personnel Records Center or the Illinois Department of Veterans' Affairs.
 - 2) If the applicant does not have a copy of the DD Form 214, he/she should submit documentation that provides the following information: date of entry, date of separation, character of service, total active service, home or

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place of entry into the service, and home or place of separation from the service. Such documentation must have been issued by the United States Department of Defense (DD) or the United States Department of Veterans Affairs.

- 3) If the applicant is a member of the Armed Forces at the time of application, he/she shall submit a copy of the current Enlistment/Re-enlistment Document and a letter from the commanding officer. If the veteran is on an enlistment extension, copies of all extension contracts and a letter from the commanding officer must be provided with the application. The letter from the commanding officer must indicate that the applicant is a member of the Armed Forces at the time of application, must include the veteran's home of record at the time of original enlistment, and must state the veteran's length of time in service and the expiration date of the current enlistment.
- 4) The definition of "Resident of Illinois" contained in 23 Ill. Adm. Code 2700.20 is applicable to the Illinois Veteran Grant Program although residency, for the purposes of this program, can be established in six months. If the applicant's DD Form 214 does not indicate Illinois residency when entering and/or separating from the Armed Forces, he/she may verify residency by providing one or more of the documents listed below:
 - A) Illinois driver's license issued during the relevant six month period;
 - B) Illinois high school or college transcripts demonstrating attendance during the relevant six month period;
 - C) Utility bills/rent receipts in the applicant's name for the relevant six month period;
 - D) Illinois motor vehicle registration issued during the relevant six month period;
 - E) Residential lease in the applicant's name for the relevant six month period;
 - F) Statement of benefits history from the Illinois Department of Public Aid for the relevant six month period;

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- G) Statement of benefits from the Illinois Department of Employment Security for the relevant six month period;
- H) State of Illinois identification card issued during the relevant six month period; or
- I) Letter of employment verified by certification in accordance with Illinois law (see 735 ILCS 5/1-109) and printed on company letterhead.

(Source: Amended at 29 Ill. Reg. 2462, effective February 1, 2005)

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NOTICE OF EMERGENCY AMENDMENT

- 1) Heading of the Part: Issuance of Licenses
- 2) Code Citation: 92 Ill. Adm. Code 1030
- 3) Section Number: Emergency Action
1030.83 New
- 4) Statutory Authority: 625 ILCS 5/2-104(b) and 5/6-521(a)
- 5) Effective Date of Amendment: January 31, 2005
- 6) This emergency amendment will expire before the end of the 150-day period or upon adoption of permanent rules whichever occurs first.
- 7) Date filed with the Index Department: January 31, 2005
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Reason for Emergency: The Federal Motor Carrier Safety Administration issued an Interim Final Rule on May 5, 2003, incorporating in the Hazardous Material Regulations a requirement for shippers and transporters of certain hazardous materials to comply with Federal Security Regulations under the Department of Homeland Security. The Transportation Security Administration issued a Proposed Rule on November 10, 2004, addressing the fees for a security threat assessment. The Final Processing Rule that was needed for our office to develop Administrative Rules to implement this program, was issued November 24, 2004. The Final Fee Rule was issued January 13, 2005, with implementation effective January 31, 2005, for issuance of a new HME to CDL holders.
- 10) A Complete Description of the Subjects and Issues Involved: HB 719, PA 093-0667 gave the Secretary of State the authority to issue a Hazardous Material Endorsement to Commercial Driver License (CDL) holders after a Security Threat Assessment has been successfully completed by the Transportation Security Administration (TSA) in compliance with the Department of Homeland Security to administer provisions of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act (USA Patriot Act) Public Law 107-56, October 25, 2001 115 Stat 272.
- 11) Are there any proposed amendments to this Part pending? No

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- 12) Statement of Statewide Policy Objectives: None
- 13) Information and questions regarding this emergency amendment shall be directed to:
- Office of the Secretary of State
Driver Services Department
Jo Ann Wilson, Legislative Liaison
c/o Director's Office
2701 South Dirksen Parkway
Springfield IL 62723
- Telephone: (217) 785-1441
- 14) Does this amendment require the review of the Procurement Policy Board as specified in Section 5-25 of the Illinois Procurement Code [30 ILCS 500/5-25]? No

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

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TITLE 92: TRANSPORTATION
CHAPTER II: SECRETARY OF STATEPART 1030
ISSUANCE OF LICENSES

Section

1030.10	What Persons Shall Not be Licensed or Granted Permits
1030.11	Procedure for Obtaining a Driver's License/Temporary Visitor's Driver's License
1030.12	Driver's License Medical Advisory Board
1030.13	Denial of License or Permit
1030.15	Cite for Re-examination
1030.16	Physical and Mental Evaluation
1030.17	Errors in Issuance of Driver's License/Cancellation
1030.18	Medical Criteria Affecting Driver Performance
1030.20	Classification of Drivers – References
1030.30	Classification Standards
1030.40	Fifth Wheel Equipped Trucks
1030.50	Bus Driver's Authority, Religious Organization and Senior Citizen Transportation
1030.55	Commuter Van Driver Operating a For-Profit Ridesharing Arrangement
1030.60	Third-Party Certification Program
1030.63	Religious Exemption for Social Security Numbers
1030.65	Instruction Permits
1030.70	Driver's License Testing/Vision Screening
1030.75	Driver's License Testing/Vision Screening With Vision Aid Arrangements Other Than Standard Eye Glasses or Contact Lens(es)
1030.80	Driver's License Testing/Written Test
1030.81	Endorsements
1030.82	Charter Bus Driver Endorsement Requirements
<u>1030.83</u>	<u>Hazardous Material Endorsement</u>
<u>EMERGENCY</u>	
1030.84	Vehicle Inspection
1030.85	Driver's License Testing/Road Test
1030.86	Multiple Attempts – Written and/or Road Tests
1030.88	Exemption of Facility Administered Road Test
1030.89	Temporary Licenses
1030.90	Requirement for Photograph and Signature of Licensee on Driver's License
1030.91	Disabled Person/Handicapped Identification Card
1030.92	Restrictions
1030.93	Restricted Local Licenses

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- 1030.94 Duplicate or Corrected Driver's License or Instruction Permit
- 1030.95 Consular Licenses (Repealed)
- 1030.96 Restricted Commercial Driver's License
- 1030.97 Invalidation of a Driver's License, Permit and/or Driving Privilege
- 1030.98 School Bus Commercial Driver's License
- 1030.100 Anatomical Gift Donor
- 1030.110 Emergency Medical Information Card
- 1030.115 Change-of-Address
- 1030.120 Issuance of a Probationary License
- 1030.130 Grounds for Cancellation of a Probationary License
- 1030.APPENDIX A Questions Asked of a Driver's License Applicant
- 1030.APPENDIX B Acceptable Identification Documents

AUTHORITY: Implementing Article I of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/Ch. 6, Art. I] and authorized by Section 2-104(b) of the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code [625 ILCS 5/2-104(b)].

SOURCE: Filed March 30, 1971; amended at 3 Ill. Reg. 7, p. 13, effective April 2, 1979; amended at 4 Ill. Reg. 27, p. 422, effective June 23, 1980; amended at 6 Ill. Reg. 2400, effective February 10, 1982; codified at 6 Ill. Reg. 12674; amended at 9 Ill. Reg. 2716, effective February 20, 1985; amended at 10 Ill. Reg. 303, effective December 24, 1985; amended at 10 Ill. Reg. 18182, effective October 14, 1986; amended at 11 Ill. Reg. 9331, effective April 28, 1987; amended at 11 Ill. Reg. 18292, effective October 23, 1987; amended at 12 Ill. Reg. 3027, effective January 14, 1988; amended at 12 Ill. Reg. 13221, effective August 1, 1988; amended at 12 Ill. Reg. 16915, effective October 1, 1988; amended at 12 Ill. Reg. 19777, effective November 15, 1988; amended at 13 Ill. Reg. 5192, effective April 1, 1989; amended at 13 Ill. Reg. 7808, effective June 1, 1989; amended at 13 Ill. Reg. 12880, effective July 19, 1989; amended at 13 Ill. Reg. 12978, effective July 19, 1989; amended at 13 Ill. Reg. 13898, effective August 22, 1989; amended at 13 Ill. Reg. 15112, effective September 8, 1989; amended at 13 Ill. Reg. 17095, effective October 18, 1989; amended at 14 Ill. Reg. 4570, effective March 8, 1990; amended at 14 Ill. Reg. 4908, effective March 9, 1990; amended at 14 Ill. Reg. 5183, effective March 21, 1990; amended at 14 Ill. Reg. 8707, effective May 16, 1990; amended at 14 Ill. Reg. 9246, effective May 16, 1990; amended at 14 Ill. Reg. 9498, effective May 17, 1990; amended at 14 Ill. Reg. 10111, effective June 11, 1990; amended at 14 Ill. Reg. 10510, effective June 18, 1990; amended at 14 Ill. Reg. 12077, effective July 5, 1990; amended at 14 Ill. Reg. 15487, effective September 10, 1990; amended at 15 Ill. Reg. 15783, effective October 18, 1991; amended at 16 Ill. Reg. 2182, effective January 24, 1992; emergency amendment at 16 Ill. Reg. 12228, effective July 16, 1992, for a maximum of 150 days; emergency expired on December 13, 1992; amended at 16 Ill. Reg. 18087, effective November 17, 1992; emergency amendment at 17 Ill. Reg. 1219, effective January 13, 1993, for a maximum of 150 days; amended at 17 Ill.

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Reg. 2025, effective February 1, 1993; amended at 17 Ill. Reg. 7065, effective May 3, 1993; amended at 17 Ill. Reg. 8275, effective May 24, 1993; amended at 17 Ill. Reg. 8522, effective May 27, 1993; amended at 17 Ill. Reg. 19315, effective October 22, 1993; amended at 18 Ill. Reg. 1591, effective January 14, 1994; amended at 18 Ill. Reg. 7478, effective May 2, 1994; amended at 18 Ill. Reg. 16457, effective October 24, 1994; amended at 19 Ill. Reg. 10159, effective June 29, 1995; amended at 20 Ill. Reg. 3891, effective February 14, 1996; emergency amendment at 20 Ill. Reg. 8358, effective June 4, 1996, for a maximum of 150 days; emergency amendment repealed in response to an objection of the Joint Committee on Administrative Rules at 20 Ill. Reg. 14279; amended at 21 Ill. Reg. 6588, effective May 19, 1997; amended at 21 Ill. Reg. 10992, effective July 29, 1997; amended at 22 Ill. Reg. 1466, effective January 1, 1998; emergency amendment at 23 Ill. Reg. 9552, effective August 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 13947, effective November 8, 1999; amended at 24 Ill. Reg. 1259, effective January 7, 2000; emergency amendment at 24 Ill. Reg. 1686, effective January 13, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 6955, effective April 24, 2000; emergency amendment at 24 Ill. Reg. 13044, effective August 10, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 18400, effective December 4, 2000; amended at 25 Ill. Reg. 959, effective January 5, 2001; amended at 25 Ill. Reg. 7742, effective June 5, 2001; amended at 25 Ill. Reg. 12646, effective September 24, 2001; emergency amendment at 25 Ill. Reg. 12658, effective September 24, 2001, for a maximum of 150 days; emergency expired February 20, 2002; amended at 26 Ill. Reg. 9961, effective June 24, 2002; amended at 27 Ill. Reg. 855, effective January 3, 2003; emergency amendment at 27 Ill. Reg. 7340, effective April 14, 2003; emergency expired September 10, 2003; emergency amendment at 27 Ill. Reg. 16968, effective October 17, 2003, for a maximum of 150 days; emergency expired March 14, 2004; emergency amendment at 28 Ill. Reg. 384, effective January 1, 2004, for a maximum of 150 days; emergency expired May 29, 2004; amended at 28 Ill. Reg. 8895, effective June 14, 2004; amended at 28 Ill. Reg. 10776, effective July 13, 2004; amended at 29 Ill. Reg. 920, effective January 1, 2005; emergency amendment at 29 Ill. Reg. 2469, effective January 31, 2005, for a maximum of 150 days.

Section 1030.83 Hazardous Material Endorsement
EMERGENCY

a) Section 1030.83 Definitions

"Authorized Secretary of State Employee" – a Secretary of State Driver Services Facility employee.

"Cancellation" – cancellation of a CDL with a HME – the annulment or termination by formal action of the Secretary of State of an individual's commercial motor vehicle license with a HME who is no longer entitled to such

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license in accordance with a notification from the Department of Homeland Security that the endorsement holder poses a security threat warranting denial of a hazardous material endorsement.

"Commercial Driver's License (CDL)" – a driver's license issued by a state to a person, which authorizes the person to drive a certain class of commercial motor vehicle or vehicles (see 625 ILCS 5/6-500).

"Commercial Motor Vehicle" – a motor vehicle having a Gross Vehicle Weight Rating (GVWR) of 26,001 pounds or more, or such lesser GVWR as subsequently determined by Federal regulations or the Secretary of State; or any combination of vehicles with a Gross Combination Weight Rating (GCWR) of 26,001 pounds or more, provided the GVWR of any vehicles being towed is 10,001 pounds or more; or a vehicle designed to transport 16 or more persons; or a vehicle transporting hazardous materials that is required to be placarded. The definition does not include recreational vehicles when operated primarily for personal use, military vehicles being operated by non-civilian personnel or firefighting equipment owned or operated by or for a governmental entity.

"Commercial Instruction Permit (CIP) – is a permit issued pursuant to 625 ILCS 5/6-508.

"Driver" – any person who drives, operates, or is in physical control of a commercial motor vehicle, or who is required to hold a CDL.

"Driver License Facility" – facility operated by the Secretary of State where driving examinations are administered and driver's licenses are issued.

"Final Notification of Threat Assessment" – a final administrative determination by TSA that an individual poses a security threat warranting denial of the authorization for which the individual is applying.

"Hazardous Material" – upon a finding by the United States Secretary of Transportation, in his or her discretion, under 49 App. USC 5103(a), that the transportation of a particular quantity and form of material in commerce may pose an unreasonable risk to health and safety or property, he or she shall designate the quantity and form of material or group or class of the materials as a hazardous material. The materials so designated may include but are not limited to explosives, radioactive materials, etiologic agents, flammable liquids or solids, combustible materials, and compressed gases.

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"Hazardous Material Endorsement (HME)" – An indicator on the driver's license that the driver is qualified to transport hazardous materials that require placarding.

"Initial Notification of Threat Assessment" – an initial administrative determination by TSA that an individual poses a security threat warranting denial of the authorization for which the individual is applying.

"Secretary of State" – Illinois Secretary of State.

"Notification of No Security Threat" – an administrative determination by TSA that an individual does not pose a security threat warranting denial of the authorization for which the individual has successfully passed the Security Threat Assessment performed by TSA and is eligible to apply for a Hazardous Material Endorsement.

"Rescind Order" – a removal by formal action to annul or void a cancellation or denial of a Commercial Driver's License.

"Threat Assessment Fee" – the fee required to pay for the cost of TSA adjudicating security threat assessments, appeals, and waivers under 49 CFR 1572.

"Transportation Security Administration (TSA)" – a division of the Department of Homeland Security to administer provisions of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act (USA Patriot Act); Public Law 107-56, October 25, 2001, 115 Stat. 272.

"Vendor" – an authorized fingerprint company approved by the Illinois State Police (ISP) who will transmit fingerprint data to ISP to be forwarded to the Federal Bureau of Investigation (FBI) for a security threat assessment.

b) In order for the Secretary of State to issue a HME, all applicants must successfully comply with the following:

1) possess a valid and properly classified driver's license with a CIP or a CDL issued by the Secretary of State;

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- 2) submit the TSA application and a \$34 threat assessment fee to the authorized Secretary of State employee indicating he/she intends to apply for the TSA fingerprint-based criminal history record check;
 - 3) pass a written test administered by the Secretary of State on the transporting of hazardous materials;
 - 4) submit his/her fingerprints and pay all fees for the taking and processing of the fingerprints to an authorized vendor who will transmit fingerprint data to ISP to be forwarded to the FBI for a fingerprint based criminal history background record check for a threat assessment;
 - 5) pay all related application and fingerprinting fees as established by Federal Rule 49 CFR 1572 including, but not limited to, the amounts established by the FBI and the TSA;
 - 6) affirm under penalty of perjury that he/she has not made a false statement or knowingly concealed a material fact in any application for the HME.
- c) Upon receipt of Notification of No Security Threat from TSA on a driver that does not currently hold a HME on his CDL, the Secretary of State shall notify the applicant in writing of the Notification of No Security Threat from TSA and direct the applicant to return to a driver license facility to complete the requirements for the issuance of a HME.
 - d) Upon receipt of an Initial or Final Notification of Threat Assessment from TSA on a driver that does not currently hold a HME on his CDL, the Secretary of State shall place a tag on the driving record of the applicant indicating he is not eligible for a HME. Correspondence notifying the applicant of the failed threat assessment shall be sent by TSA directly to the applicant along with information regarding the applicant's right to due process.
 - e) Upon receipt of Notification of No Security Threat from TSA on a driver that currently holds a CDL with a HME, the Secretary of State shall notify the applicant in writing of the Notification of No Security Threat from TSA and direct the applicant to return to a driver license facility to complete the requirements to renew or transfer from another state his/her CDL with a HME.
 - f) Upon receipt of an Initial or Final Notification of Threat Assessment from TSA on a driver that currently holds a CDL with a HME, the Secretary of State shall

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send written notice to the driver explaining that he has failed the Threat Assessment and, therefore, must appear at a driver license facility to have the HME removed from his CDL. The holder will be given at least 5 days, but no more than 30 days, from the date of the notice, to appear at a driver license facility and have the HME removed from his CDL. A corrected CDL will then be issued without the HME at no charge to the driver.

- g) Refusal or neglect of a driver to have the HME removed and obtain a corrected CDL shall result in the cancellation of the driver's CDL pursuant to 625 ILCS 5/6-201(a)(6) and 6-207. A driver whose CDL was cancelled may request an administrative hearing to contest the cancellation. The scope of the hearing shall be limited to the reason for the cancellation and shall not address the Threat Assessment conducted by TSA.
- h) If, after a driver's CDL has been cancelled pursuant to subsection (g), the Secretary receives a Notification of No Security Threat from TSA on the driver, an order rescinding the cancellation shall be entered and the driver's CDL and the HME will be valid.
- i) A driver who obtains a corrected CDL shall be deemed to be in compliance with the Secretary of State's request and shall be allowed to retain his CDL driving privileges.
- j) If the Secretary of State receives a Notification of No Security Threat after a driver has previously been deemed a Security Threat by TSA and has had the HME removed from his CDL in compliance with subsection (f), the Secretary of State shall send written notice to the driver that he is now eligible to have the HME added back to his CDL. The written notice shall advise the driver that he may visit a driver license facility to have a corrected CDL issued reflecting the HME at no cost to the driver.
- k) Effective January 31, 2005, the SOS shall not issue a new HME in compliance with subsection (c) until the Secretary of State has received a Notification of No Security Threat from TSA.
- l) Effective March 31, 2005, a driver who possesses a CDL with a HME and who will be applying to renew his/her CDL HME after May 31, 2005 may complete the TSA application, pay all associated fees and submit his/her fingerprints to an authorized vendor. Effective May 31, 2005, the Secretary of State shall not renew

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or transfer from another state a HME in compliance with subsection (e) until the Secretary of State has received a Notification of No Security Threat from TSA.

(Source: Added by emergency rulemaking at 29 Ill. Reg. 2469, effective January 31, 2005, for a maximum of 150 days)

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- 1) Heading of the Part: Meat and Poultry Inspection Act
- 2) Code Citation: 8 Ill. Adm. Code 125
- 3)

<u>Section Number:</u>	<u>Proposed Action:</u>
125.260	Amend
125.380	Amend
- 4) Reference to the Specific State or Federal Court Order, Federal Rule or Statute which Requires this Peremptory Rulemaking: The Meat and Poultry Inspection Act [225 ILCS 650]; the Federal Meat Inspection Act (21 USCA 661); the Federal Poultry Products Inspection Act (21 USCA 454); and 69 FR 74405
- 5) Statutory Authority: The Meat and Poultry Inspection Act [225 ILCS 650]
- 6) Effective Date: February 1, 2005
- 7) A Complete Description of the Subjects and Issues Involved:
In order to maintain an "equal to" status with the federal meat and poultry products inspection program as required by the Federal Meat Inspection Act and the Poultry Products Inspection Act and in accordance with Section 16 of the Meat and Poultry Inspection Act, the Department is adopting amendments to the federal meat and poultry products inspection rules.

This rule announces that the Food Safety and Inspection Service (FSIS) is establishing January 1, 2008, as the uniform compliance date for new food labeling regulations that are issued between January 1, 2005, and December 31, 2006. FSIS is establishing a uniform compliance date to minimize the economic impact of labeling changes by providing for an orderly industry adjustment to new labeling requirements that occur between the designated dates. Furthermore, FSIS is establishing the uniform compliance date approach in order to be consistent with the approach that the Department of Health and Human Services, Food and Drug Administration (FDA) has already established.
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Date Filed with the Index Department: January 26, 2005
- 10) A copy of the peremptory amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 11) These peremptory amendments are in compliance with Section 5-150 of the Illinois Administrative Procedure Act.

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12) Are there any other proposed amendments pending on this Part? Yes

<u>Section Numbers</u>	<u>Proposed Action</u>	<u>Ill. Reg. Citation</u>
125.10	Amend	28 Ill. Reg. 15893
125.30	Amend	28 Ill. Reg. 15893
125.40	Amend	28 Ill. Reg. 15893
125.50	Amend	28 Ill. Reg. 15893
125.80	Amend	28 Ill. Reg. 15893
125.90	Amend	28 Ill. Reg. 15893
125.100	Amend	28 Ill. Reg. 15893
125.110	Amend	28 Ill. Reg. 15893
125.140	Amend	28 Ill. Reg. 15893
125.141	Amend	28 Ill. Reg. 15893
125.142	Amend	28 Ill. Reg. 15893
125.143	Amend	28 Ill. Reg. 15893
125.145	Amend	28 Ill. Reg. 15893
125.146	Amend	28 Ill. Reg. 15893
125.150	Amend	28 Ill. Reg. 15893
125.170	Amend	28 Ill. Reg. 15893
125.190	Amend	28 Ill. Reg. 15893
125.200	Amend	28 Ill. Reg. 15893
125.210	Amend	28 Ill. Reg. 15893
125.230	Amend	28 Ill. Reg. 15893
125.240	Amend	28 Ill. Reg. 15893
125.250	Amend	28 Ill. Reg. 15893
125.260	Amend	28 Ill. Reg. 15893
125.270	Amend	28 Ill. Reg. 15893
125.280	Amend	28 Ill. Reg. 15893
125.290	Amend	28 Ill. Reg. 15893
125.300	Amend	28 Ill. Reg. 15893
125.305	Amend	28 Ill. Reg. 15893
125.310	Amend	28 Ill. Reg. 15893
125.320	Amend	28 Ill. Reg. 15893
125.340	Amend	28 Ill. Reg. 15893
125.350	Amend	28 Ill. Reg. 15893
125.360	Amend	28 Ill. Reg. 15893
125.370	Amend	28 Ill. Reg. 15893
125.380	Amend	28 Ill. Reg. 15893
125.400	Amend	28 Ill. Reg. 15893

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125.410

Amend

28 Ill. Reg. 15893

13) Statement of Statewide policy Objectives: These preemptory amendments do not affect units of local government.

14) Information and questions regarding these preemptory amendments shall be directed to:

Linda Rhodes
Department of Agriculture
State Fairgrounds, P.O. Box 19281
Springfield IL 62794-9281

Telephone: 217/785-5713

Facsimile: 217/785-4505

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

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NOTICE OF PEREMPTORY AMENDMENTS

TITLE 8: AGRICULTURE AND ANIMALS
CHAPTER I: DEPARTMENT OF AGRICULTURE
SUBCHAPTER c: MEAT AND POULTRY INSPECTION ACTPART 125
MEAT AND POULTRY INSPECTION ACTSUBPART A: GENERAL PROVISIONS FOR BOTH
MEAT AND/OR POULTRY INSPECTION

Section	
125.10	Definitions
125.20	Incorporation by Reference of Federal Rules
125.30	Application for License; Approval
125.40	Official Number
125.50	Inspections; Suspension or Revocation of License
125.60	Administrative Hearings; Appeals (Repealed)
125.70	Assignment and Authority of Program Employees
125.80	Schedule of Operations; Overtime
125.90	Official Marks of Inspection, Devices and Certificates
125.100	Records and Reports
125.110	Exemptions
125.120	Disposal of Dead Animals and Poultry
125.130	Reportable Animal and Poultry Diseases
125.140	Detention; Seizure; Condemnation
125.141	Sanitation Standard Operating Procedures (SOP's)
125.142	Hazard Analysis and Critical Control Point (HACCP) Systems
125.143	Imported Products
125.144	Preparation and Processing Operations
125.145	Control of Listeria Monocytogenes in Ready-to-Eat Meat and Poultry Products
125.146	Consumer Protection Standards: Raw Products

SUBPART B: MEAT INSPECTION

Section	
125.150	Livestock and Meat Products Entering Official Establishments
125.160	Equine and Equine Products
125.170	Facilities for Inspection
125.180	Sanitation (Repealed)
125.190	Ante-Mortem Inspection

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125.200	Post-Mortem Inspection
125.210	Disposal of Diseased or Otherwise Adulterated Carcasses and Parts
125.220	Humane Slaughter of Animals
125.230	Handling and Disposal of Condemned or Other Inedible Products at Official Establishment
125.240	Rendering or Other Disposal of Carcasses and Parts Passed for Cooking
125.250	Marking Products and Their Containers
125.260	Labeling, Marking and Containers
125.270	Entry into Official Establishment; Reinspection and Preparation of Product
125.280	Meat Definitions and Standards of Identity or Composition
125.290	Transportation
125.295	Imported Products (Repealed)
125.300	Special Services Relating to Meat and Other Products
125.305	Exotic Animal Inspection

SUBPART C: POULTRY INSPECTION

Section	
125.310	Application of Inspection
125.320	Facilities for Inspection
125.330	Sanitation
125.340	Operating Procedures
125.350	Ante-Mortem Inspection
125.360	Post-Mortem Inspection; Disposition of Carcasses and Parts
125.370	Handling and Disposal of Condemned or Inedible Products at Official Establishments
125.380	Labeling and Containers
125.390	Entry of Articles Into Official Establishments; Processing Inspection and Other Reinspections; Processing Requirements
125.400	Definitions and Standards of Identity or Composition
125.410	Transportation; Sale of Poultry or Poultry Products

AUTHORITY: Implementing and authorized by the Meat and Poultry Inspection Act [225 ILCS 650] and Section 5-625 of the Civil Administrative Code of Illinois [20 ILCS 5/5-625].

SOURCE: Adopted at 9 Ill. Reg. 1782, effective January 24, 1985; preemptory amendment at 9 Ill. Reg. 2337, effective January 28, 1985; preemptory amendment at 9 Ill. Reg. 2980, effective February 20, 1985; preemptory amendment at 9 Ill. Reg. 4856, effective April 1, 1985; preemptory amendment at 9 Ill. Reg. 9240, effective June 5, 1985; preemptory amendment at 9 Ill. Reg. 10102, effective June 13, 1985; preemptory amendment at 9 Ill. Reg. 11673, effective

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July 17, 1985; preemptory amendment at 9 Ill. Reg. 13748, effective August 23, 1985; preemptory amendment at 9 Ill. Reg. 15575, effective October 2, 1985; preemptory amendment at 9 Ill. Reg. 19759, effective December 5, 1985; preemptory amendment at 10 Ill. Reg. 447, effective December 23, 1985; preemptory amendment at 10 Ill. Reg. 1307, effective January 7, 1986; preemptory amendment at 10 Ill. Reg. 3318, effective January 24, 1986; preemptory amendment at 10 Ill. Reg. 3880, effective February 7, 1986; preemptory amendment at 10 Ill. Reg. 11478, effective June 25, 1986; preemptory amendment at 10 Ill. Reg. 14858, effective August 22, 1986; preemptory amendment at 10 Ill. Reg. 15305, effective September 10, 1986; preemptory amendment at 10 Ill. Reg. 16743, effective September 19, 1986; preemptory amendment at 10 Ill. Reg. 18203, effective October 15, 1986; preemptory amendment at 10 Ill. Reg. 19818, effective November 12, 1986; preemptory amendment at 11 Ill. Reg. 1696, effective January 5, 1987; preemptory amendment at 11 Ill. Reg. 2930, effective January 23, 1987; preemptory amendment at 11 Ill. Reg. 9645, effective April 29, 1987; preemptory amendment at 11 Ill. Reg. 10321, effective May 15, 1987; preemptory amendment at 11 Ill. Reg. 11184, effective June 5, 1987; preemptory amendment at 11 Ill. Reg. 14830, effective August 25, 1987; preemptory amendment at 11 Ill. Reg. 18799, effective November 3, 1987; preemptory amendment at 11 Ill. Reg. 19805, effective November 19, 1987; preemptory amendment at 12 Ill. Reg. 2154, effective January 6, 1988; amended at 12 Ill. Reg. 3417, effective January 22, 1988; preemptory amendment at 12 Ill. Reg. 4879, effective February 25, 1988; preemptory amendment at 12 Ill. Reg. 6313, effective March 21, 1988; preemptory amendment at 12 Ill. Reg. 6819, effective March 29, 1988; preemptory amendment at 12 Ill. Reg. 13621, effective August 8, 1988; preemptory amendment at 12 Ill. Reg. 19116, effective November 1, 1988; preemptory amendment at 12 Ill. Reg. 20894, effective December 21, 1988; preemptory amendment at 13 Ill. Reg. 228, effective January 11, 1989; preemptory amendment at 13 Ill. Reg. 2160, effective February 13, 1989; amended at 13 Ill. Reg. 3696, effective March 13, 1989; preemptory amendment at 13 Ill. Reg. 15853, effective October 5, 1989; preemptory amendment at 13 Ill. Reg. 16838, effective October 11, 1989; preemptory amendment at 13 Ill. Reg. 17495, effective January 18, 1990; amended at 14 Ill. Reg. 3424, effective February 26, 1990; preemptory amendment at 14 Ill. Reg. 4953, effective March 23, 1990; preemptory amendment at 14 Ill. Reg. 11401, effective July 6, 1990; preemptory amendment at 14 Ill. Reg. 13355, effective August 20, 1990; preemptory amendment at 14 Ill. Reg. 16064, effective September 24, 1990; preemptory amendment at 14 Ill. Reg. 21060, effective May 29, 1991; preemptory amendment at 15 Ill. Reg. 620, effective January 2, 1991; preemptory amendment withdrawn at 15 Ill. Reg. 1574, effective January 2, 1991; preemptory amendment at 15 Ill. Reg. 3117, effective September 3, 1991; preemptory amendment at 15 Ill. Reg. 8714, effective May 29, 1991; amended at 15 Ill. Reg. 8801, effective June 7, 1991; preemptory amendment at 15 Ill. Reg. 13976, effective September 20, 1991; preemptory amendment at 16 Ill. Reg. 1899, effective March 2, 1992; amended at 16 Ill. Reg. 8349, effective May 26, 1992; preemptory amendment at 16 Ill. Reg. 11687, effective July 10, 1992; preemptory amendment at 16 Ill. Reg. 11963, effective July 22, 1992; preemptory amendment at 16 Ill. Reg. 12234, effective July 24, 1992;

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peremptory amendment at 16 Ill. Reg. 16337, effective October 19, 1992; peremptory amendment at 16 Ill. Reg. 17165, effective October 21, 1992; peremptory amendment at 17 Ill. Reg. 2063, effective February 12, 1993; peremptory amendment at 17 Ill. Reg. 15725, effective September 7, 1993; peremptory amendment at 17 Ill. Reg. 16238, effective September 8, 1993; peremptory amendment at 17 Ill. Reg. 18215, effective October 5, 1993; peremptory amendment at 18 Ill. Reg. 304, effective December 23, 1993; peremptory amendment at 18 Ill. Reg. 2164, effective January 24, 1994; amended at 18 Ill. Reg. 4622, effective March 14, 1994; peremptory amendment at 18 Ill. Reg. 6442, effective April 18, 1994; peremptory amendment at 18 Ill. Reg. 8493, effective May 27, 1994; amended at 18 Ill. Reg. 11489, effective July 7, 1994; peremptory amendment at 18 Ill. Reg. 12546, effective July 29, 1994; peremptory amendment at 18 Ill. Reg. 14475, effective September 7, 1994; amended at 18 Ill. Reg. 14924, effective September 26, 1994; peremptory amendment at 18 Ill. Reg. 15452, effective September 27, 1994; peremptory amendment at 19 Ill. Reg. 1342, effective January 27, 1995; peremptory amendment at 19 Ill. Reg. 4765, effective March 13, 1995; peremptory amendment at 19 Ill. Reg. 7067, effective May 8, 1995; peremptory amendment at 19 Ill. Reg. 14896, effective October 6, 1995; peremptory amendment at 19 Ill. Reg. 15766, effective November 10, 1995; peremptory amendment at 19 Ill. Reg. 16866, effective December 22, 1995; peremptory amendment at 20 Ill. Reg. 5091, effective March 19, 1996; peremptory amendment at 20 Ill. Reg. 10403, effective July 17, 1996; amended at 20 Ill. Reg. 11928, effective September 1, 1996; peremptory amendment at 20 Ill. Reg. 12634, effective September 5, 1996; peremptory amendment at 20 Ill. Reg. 15371, effective November 13, 1996; peremptory amendment at 21 Ill. Reg. 1221, effective January 14, 1997; peremptory amendment at 21 Ill. Reg. 1719, effective January 28, 1997; peremptory amendment at 21 Ill. Reg. 6609, effective May 20, 1997; amended at 21 Ill. Reg. 11494, effective August 1, 1997; peremptory amendment at 21 Ill. Reg. 11788, effective August 8, 1997; peremptory amendment at 21 Ill. Reg. 12686, effective August 28, 1997; peremptory amendment at 21 Ill. Reg. 14575, effective October 22, 1997; peremptory amendment at 22 Ill. Reg. 3602, effective February 2, 1998; peremptory amendment at 22 Ill. Reg. 5740, effective March 5, 1998; peremptory amendment at 22 Ill. Reg. 9384, effective May 15, 1998; peremptory amendment at 22 Ill. Reg. 20645, effective November 16, 1998; amended at 23 Ill. Reg. 450, effective January 1, 1999; peremptory amendment at 23 Ill. Reg. 3851, effective March 11, 1999; peremptory amendment at 23 Ill. Reg. 10880, effective August 19, 1999; peremptory amendment at 24 Ill. Reg. 3933, effective February 22, 2000; peremptory amendment at 24 Ill. Reg. 5699, effective March 14, 2000; peremptory amendment at 24 Ill. Reg. 6734, effective April 14, 2000; amended at 24 Ill. Reg. 7197, effective April 27, 2000; peremptory amendment at 24 Ill. Reg. 14074, effective August 30, 2000; peremptory amendment at 24 Ill. Reg. 14451, effective September 15, 2000; peremptory amendment at 25 Ill. Reg. 7341, effective April 26, 2001; peremptory amendment at 25 Ill. Reg. 12434, effective September 13, 2001; peremptory amendment at 25 Ill. Reg. 15444, effective November 19, 2001; peremptory amendment at 26 Ill. Reg. 980, effective January 11, 2002; peremptory amendment at 26 Ill. Reg. 7750, effective May 10, 2002; amended at 27 Ill. Reg. 10205, effective July 1, 2003; peremptory amendment at 27 Ill. Reg.

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13634, effective July 28, 2003; emergency amendment at 27 Ill. Reg. 14197, effective August 15, 2003, for a maximum of 150 days; emergency expired January 11, 2004; peremptory amendment at 27 Ill. Reg. 15172, effective September 15, 2003; peremptory amendment at 27 Ill. Reg. 17281, effective November 1, 2003; peremptory amendment at 27 Ill. Reg. 18270, effective November 14, 2003; amended at 28 Ill. Reg. 2131, effective February 1, 2004; peremptory amendment at 28 Ill. Reg. 3513, effective February 6, 2004; peremptory amendment at 28 Ill. Reg. 11934, effective August 5, 2004; peremptory amendment at 28 Ill. Reg. 15694, effective November 30, 2004; peremptory amendment at 28 Ill. Reg. 16368, effective December 6, 2004; peremptory amendment at 29 Ill. Reg. 2479, effective February 1, 2005.

SUBPART B: MEAT INSPECTION

Section 125.260 Labeling, Marking and Containers

- a) The Department incorporates by reference 9 CFR 317.1 through 317.2(j)(10), 317.2(j)(12) through 317.4(f)(2), 317.6, 317.8, 317.10 through 317.13, 317.17 through 317.24, 317.300, 317.302, 317.308, 317.309, 317.312, 317.313, 317.343, 317.344, 317.345, 317.354, 317.356, 317.360, 317.361, 317.362, 317.363, 317.369, 317.380, 317.400 (1997; 62 FR 45016, effective September 24, 1997; 63 FR 7279, effective February 13, 1998; 64 FR 732, effective March 8, 1999; 64 FR 53186, effective November 30, 1999; 64 FR 72168, effective January 24, 2000; 64 FR 72150, effective February 22, 2000; 65 FR 34381, effective August 28, 2000; 66 FR 40843, effective September 5, 2001; 66 FR 52484, effective November 15, 2001; 66 FR 54912, effective December 31, 2001; 68 FR 44859, effective October 22, 2003; 69 FR 34913, effective July 31, 2004; 69 FR 58799, effective November 30, 2004; [69 FR 74405, effective January 13, 2005](#)).
- b) The Department shall approve only those abbreviations for marks of inspection as specifically stated in Section 2.26(j)(3) and (k)(3), (4), (5) and (9) of the Act.
- c) Labeling and sketch labeling shall be approved by the Department if the label is in compliance with the provisions of this Section and the label is not misbranded in accordance with Section 2.20 of the Act. All labels and sketch labels shall be submitted to the Springfield office of the Department for approval.
- d) The Department shall approve temporary labeling as stated in 9 CFR 317.4(f). Labeling which has received temporary approval shall not be used beyond the temporary approval period unless the printer or manufacturer of the label is unable to provide the official establishment with the labels before the expiration of the temporary approval.

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- e) The quantity of contents as shown on the label shall be in compliance with the Weights and Measures Act [225 ILCS 470] and the rules adopted thereto (8 Ill. Adm. Code 600).
- f) Any Type I establishment is authorized to use generically approved labeling for meat and poultry products as defined in subsection (h) of this Section without the labeling being submitted for approval to the Department, provided the labeling is in accordance with this Section and shows all mandatory features in a prominent manner as required in 9 CFR 317.2 and 381 and is not otherwise false or misleading.
- g) The Department shall select samples of generically approved labeling from the records maintained by official establishments to determine compliance with labeling requirements. Any finding of false or misleading labeling shall institute the proceedings prescribed in 225 ILCS 650/13.
- h) Generically approved labeling is labeling that complies with the following:
 - 1) Labeling for a product that has a product standard as specified in 9 CFR 319 and 381 or the Standards and Labeling Policy Book and does not contain any special claims such as quality claims, nutrient content claims, health claims, negative claims, geographical origin claims or guarantees, or is not a domestic product labeled in a foreign language;
 - 2) Labeling for single-ingredient products, such as beef steak or lamb chops, that does not contain any special claims such as quality claims, nutrient content claims, health claims, negative claims, geographical origin claims or guarantees or is not a domestic product labeled with a foreign language;
 - 3) Labeling for containers of products sold under contract specifications to federal government agencies that the product is not offered for sale to the general public, provided that the contract specifications include specific requirements with respect to labeling and are made available to the inspector-in-charge;
 - 4) Labeling for shipping containers that contain fully labeled immediate containers, provided that the labeling complies with 9 CFR 316.13 and 381.127;

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- 5) Labeling for products not intended for human food, provided it complies with 9 CFR 325, 381.152(c) and 381.193;
- 6) Meat inspection legends;
- 7) Inserts, tags, liners, pasters and similar devices containing printed or graphic matter and for use or to be placed within containers and coverings of products, provided the devices contain no reference to product and bear no misleading feature;
- 8) Labeling for consumer test products not intended for sale;
- 9) Labeling that was previously approved by the Department as sketch labeling, and the final labeling was prepared without modification or with the following modifications:
 - A) All features of the labeling are proportionately enlarged or reduced provided that all minimum size requirements specified in applicable regulations are met and the labeling is legible;
 - B) The substitution of any unit of measurement with its abbreviation or the substitution of any abbreviation with its unit of measurement, e.g., "lb." for "pound" or "oz." for "ounce" or of the word "pound" for "lb." or "ounce" for "oz.";
 - C) A master or stock label has been approved where the name and address of the distributor are omitted and the name and address are applied before being used (in that case, the words "prepared for" or similar statement must be shown together with the blank space reserved for the insertion of the name and address when the labels are offered for approval);
 - D) Wrappers or other covers bearing pictorial designs, emblematic designs or illustrations, e.g., floral arrangements, illustrations of animals, fireworks, etc., are used with approved labeling (The use of the designs will not make necessary the application of labeling not otherwise required.);

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- E) A change in the language or the arrangement of directions pertaining to the opening of containers or the serving of the product;
- F) The addition, deletion or amendment of a dated or undated coupon, a cents-off statement, cooking instructions, packer product code information or the UPC product code information;
- G) Any change in the name or address of the packer, manufacturer or distributor that appears in the signature line;
- H) Any change in the net weight, provided the size of the net weight statement complies with CFR 317.2 and 318.121;
- I) The addition, deletion or amendment of recipe suggestions for the product;
- J) Any change in punctuation;
- K) Newly assigned or revised establishment numbers for a particular establishment that has been approved by the Department;
- L) The addition or deletion of open dating information;
- M) A change in the type of packaging material on which label is printed;
- N) Brand name changes, provided that there are no design changes, the brand name does not use a term that connotes quality or other product characteristics, the brand name has no geographic significance, and the brand name does not affect the name of the product;
- O) The deletion of the word "new" on new product labeling;
- P) The addition, deletion or amendment of special handling statements, provided that the change is consistent with CFR 317.2(k) and 318.125(a);

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- Q) The addition of safe handling instructions as required by CFR 317.2(1) and 381.125(b);
 - R) Changes reflecting a change in the quantity of an ingredient shown in the formula without a change in the order of predominance shown on the label, provided that the change in quantity of ingredients complies with any minimum or maximum limits for the use of the ingredients prescribed in CFR 318, 319 and 381.147;
 - S) Changes in the color of the labeling, provided that sufficient contrast and legibility remain;
 - T) A change in the product vignette, provided that the change does not affect mandatory labeling information or misrepresent the content of the package;
 - U) A change in the establishment number by a corporation or parent company for an establishment under its ownership;
 - V) Changes in nutrition labeling that only involve quantitative adjustments to the nutrition labeling information, except for serving sizes, provided the nutrition labeling information maintains its accuracy and consistency;
 - W) Deletion of any claim, and the deletion of non-mandatory features or non-mandatory information; and
 - X) The addition or deletion of a direct translation of the English language into a foreign language for products marked "for export only".
- i) With regard to the incorporated language in 9 CFR 317.6, the extension of time for exhausting existing stocks of labels is not applicable since all labels presently in use are in compliance with the rules of this Part.
 - j) The Department does not issue a list of approved packaging materials and will permit for use any packaging material which has been approved by the U.S. Department of Agriculture (see 9 CFR 317.24 (1997)).
 - k) Labels to be used for the relabeling of inspected and passed product shall be

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permitted to leave the official establishment when the product must be relabeled because the original labels have become mutilated or damaged. The official establishment shall reimburse the Department for any overtime costs, if applicable, involved for the inspector to supervise the relabeling of a product. The overtime charges shall be as set forth in Section 125.80.

- l) The inspector shall grant authorization to transport labels, wrappers and containers bearing official marks from one official establishment to another official establishment provided the official establishment provides to the inspector the information required in 9 CFR 317.13 so that the inspector can notify the inspector at the destination point.
- m) Labeling of custom slaughter and/or custom processed meat and/or meat products and the containers containing custom slaughtered and/or custom processed meat and/or meat products shall be as set forth in Section 5 of the Act.
- n) References in the incorporated language to 9 CFR 312 shall be interpreted to mean in accordance with Section 125.90.

(Source: Amended by peremptory rulemaking at 29 Ill. Reg. 2479, effective February 1, 2005)

SUBPART C: POULTRY INSPECTION

Section 125.380 Labeling and Containers

- a) The Department incorporates by reference 381.115 through 381.127, 381.129 through 381.132(f), 381.134, 381.136 through 381.140, 381.144(a) through 381.144(d), 381.400, 381.402, 381.408, 381.409, 381.412, 381.413, 381.443; 381.444; 381.445; 381.454; 381.456, 381.460, 381.461, 381.462, 381.463, 381.469, 381.480, 381.500 (1997; 62 FR 45016, effective September 24, 1997; 63 FR 7279, effective February 13, 1998; 63 FR 11359, effective May 8, 1998; 64 FR 732, effective March 8, 1999; 64 FR 53186, effective November 30, 1999; 64 FR 72168, effective January 24, 2000; 64 FR 72150, effective February 22, 2000; 65 FR 34381, effective August 28, 2000; 66 FR 40843, effective September 5, 2001; 66 FR 52484, effective November 15, 2001; 66 FR 54912, effective December 31, 2001; 68 FR 44859, effective October 22, 2003; 69 FR 28042, effective July 31, 2004; 69 FR 58799, effective November 30, 2004; [69 FR 74405, effective January 13, 2005](#)).

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- b) Each shipping container and each immediate container containing inspected and passed poultry and/or poultry products shall be identified in accordance with the labeling provisions of this Section.
- c) Immediate containers of poultry products packed in, bearing or containing any chemical additive shall bear a label naming the additive and the purpose of its use.
- d) Labels for consumer packages shall be approved if the label is not misbranded in accordance with Section 2.20 of the Act and is in compliance with this Section.
- e) The specific statements listed in 9 CFR 381.121 may be added to the label for the shipping container at the option of the licensee.
- f) The quantity of contents as shown on the label shall be in compliance with the Weights and Measures Act and the rules adopted thereto (8 Ill. Adm. Code 600).
- g) No labeling or containers that have not been approved shall be used until a final decision is rendered at an administrative hearing in accordance with Section 19 of the Act.
- h) The Department shall approve the manufacture of a device or label containing an official mark of inspection provided the device or label is in compliance with Section 125.90.
- i) Labeling and sketch labeling shall be approved by the Department if the label is in compliance with the provisions of this Section and the label is not misbranded in accordance with Section 2.20 of the Act. All labels and sketch labels shall be submitted to the Springfield office of the Department for approval.
- j) The Department shall approve temporary labeling as stated in 9 CFR 381.132(f). Labeling which has received temporary approval shall not be used beyond the temporary approval period unless the printer or manufacturer of the label is unable to provide the official establishment with the permanent labels before the expiration of the temporary approval.
- k) A copy of each label submitted for approval shall be accompanied by a statement showing the common or usual names, the kinds and percentages of the ingredients comprising the poultry product and a statement indicating the method or preparation of the product with respect to which the label is to be used. Laboratories used for chemical analysis shall be any approved laboratory as

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defined in 8 Ill. Adm. Code 20.1.

- l) The Department does not approve terms for generic labeling and considers the approval of terms as generic to be the responsibility of the federal government.
- m) The Department does not issue a list of approved packaging materials and will permit for use any packaging material which has been approved by the U.S. Department of Agriculture (see 9 CFR 317.24 (1997)).
- n) Labels and devices approved for use pursuant to Section 125.90 and this Section shall be disposed of only when such labels or devices have been mutilated or damaged or when the establishment ceases to do business. Such labels and devices shall be given to the inspector for disposition.
- o) The inspector shall grant authorization to transport labels, wrappers and containers bearing official marks from one official establishment to another official establishment provided the official establishment provides to the inspector the information required in 9 CFR 381.138 so that the inspector can notify the inspector at the destination point.
- p) Labels to be used for the relabeling of inspected and passed product shall be permitted to leave the official establishment when the product must be relabeled because the original labels have become mutilated or damaged. The official establishment shall reimburse the Department for any overtime costs, if applicable, involved for the inspector to supervise the relabeling of a product. The overtime charges shall be as set forth in Section 125.80.
- q) Labeling of custom slaughtered and/or custom processed poultry and/or poultry products and the containers containing custom slaughtered and/or custom processed poultry products shall be as set forth in Section 5 of the Act.
- r) The Department shall approve only those abbreviations for marks of inspection as specifically stated in Section 2.26(j)(3), (4), (5) and (9) of the Act.

(Source: Amended by peremptory rulemaking at 29 Ill. Reg. 2479, effective February 1, 2005)

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of January 25, 2005 through January 31, 2005 and have been scheduled for review by the Committee at its February 17, 2005 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.

<u>Second Notice Expires</u>	<u>Agency and Rule</u>	<u>Start Of First Notice</u>	<u>JCAR Meeting</u>
3/11/05	<u>Department of Public Aid</u> , Pharmaceutical Assistance Program (89 Ill. Adm. Code 119)	10/15/04 28 Ill. Reg. 13708	2/17/05
3/13/05	<u>Department of Public Aid</u> , Specialized Health Care Delivery Systems (89 Ill. Adm. Code 146)	10/29/04 28 Ill. Reg. 14087	2/17/05

ILLINOIS COMMUNITY COLLEGE BOARD

JANUARY 2005 REGULATORY AGENDA

- a) Part (Heading and Code Citation): Administration of the Illinois Public Community College Act; 23 Ill. Adm. Code 1501.307
- 1) Rulemaking: Proposed amendment to Cooperative Agreements and Contracts
- A) Description: Additions to existing rules will be proposed to accommodate for Illinois Community Colleges Online (ILCCO) program sharing to allow a college to award an online degree or certificate offered by another community college through an online cooperative agreement.
- B) Statutory authority: 110 ILCS 805/2-12(i)
- C) Scheduled meeting/hearing dates: The proposed amendments will be submitted as a future action agenda item in the January ICCB agenda materials. Pending comments/revisions from the Board and/or system, the rules amendment will be submitted to the ICCB for initial approval at its February meeting, with submission to the Index Department immediately following Board approval.
- D) Date agency anticipates First Notice: March 2005
- E) Affect on small businesses, small municipalities or not-for-profit corporations: The ICCB believes that this rulemaking will not affect not-for-profit corporations.
- F) Agency contact person for information:
- Cherie VanMeter
Administrative Aide
Illinois Community College Board
401 East Capitol Avenue
Springfield IL 62701-1711
217/785-0053
- G) Related rulemakings and other pertinent information: None

DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

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a) Part(s) (Heading and Code Citation): Illinois Promotion Act Programs [Subpart B: Tourism Marketing Partnership Program (14 Ill. Adm. Code 510.110)]

1) Rulemaking:

A) Description: Technical changes to address recent audit findings.

B) Statutory Authority: The Illinois Department of Commerce and Economic Opportunity, having been created pursuant to Executive Order No. 3 (effective 1979), has been empowered to administer the Illinois Promotion Act [20 ILCS 665]. Section 5 of the Act authorizes the Department to make grants to counties, municipalities, not-for-profit organizations, and local promotion groups located in the State of Illinois to assist in the promotion of tourism destinations, attractions and events.

C) Scheduled meeting/hearing dates: None scheduled

D) Date agency anticipates First Notice: Within six months

E) Affect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:

Jolene Clarke
Rules Administrator
620 East Adams Street
Springfield IL 62701
217/557-1820

G) Related rulemakings and other pertinent information: We are also updating Sections 510.10 through 510.80, the "General Grant Provisions," which are found in Subpart A (Title 14, Subtitle C, Chapter 1, Part 510).

b) Part(s) (Heading and Code Citation): Illinois Promotion Act Programs [Subpart C: Tourism Attraction Development Grant and Loan Program (14 Ill. Adm. Code 510.210)]

1) Rulemaking:

A) Description: Technical changes to address recent audit findings.

DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

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- B) Statutory Authority: The Illinois Department of Commerce and Economic Opportunity, having been created pursuant to Executive Order No. 3 (effective 1979), has been empowered to administer the Illinois Promotion Act [20 ILCS 665]. Section 8a of the Act authorizes the Department to make grants and loans to counties, municipalities, not-for-profit organizations, local promotion groups, and for-profit businesses for the development or improvement of tourism attractions in Illinois.
- C) Scheduled meeting/hearing dates: None scheduled
- D) Date agency anticipates First Notice: Within six months
- E) Affect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:
- Jolene Clarke
Rules Administrator
620 East Adams Street
Springfield IL 62701
217/557-1820
- G) Related rulemakings and other pertinent information: Related rulemakings and other pertinent information: We are also updating Sections 510.10 through 510.80, the "General Grant Provisions," which are found in Subpart A (Title 14, Subtitle C, Chapter 1, Part 510).
- c) Part(s) (Heading and Code Citation): Illinois Promotion Act Programs [Subpart D: Tourism Private Sector Grant Program (14 Ill. Adm. Code 510.310)]
- 1) Rulemaking:
- A) Description: Technical changes to address recent audit findings.
- B) Statutory Authority: The Illinois Department of Commerce and Economic Opportunity, having been created pursuant to Executive Order No. 3 (effective 1979), has been empowered to administer the Illinois Promotion Act [20 ILCS 665]. Section 5 of the Act authorizes the Department to

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make grants to Illinois not-for-profit organizations, for-profit entities, counties, municipalities and local promotion groups to match funds from sources in the private sector for the purpose of attracting and hosting tourism events.

- C) Scheduled meeting/hearing dates: None scheduled
- D) Date agency anticipates First Notice: Within six months
- E) Affect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:

Jolene Clarke
Rules Administrator
620 East Adams Street
Springfield IL 62701
217/557-1820

- G) Related rulemakings and other pertinent information: We are also updating Sections 510.10 through 510.80, the "General Grant Provisions," which are found in Subpart A (Title 14, Subtitle C, Chapter 1, Part 510).

d) Part(s) (Heading and Code Citation): Regional Tourism Development Organization Program (14 Ill. Adm. Code 515)

1) Rulemaking:

- A) Description: Technical changes to address recent audit findings.
- B) Statutory Authority: Implementing and authorized by Section 605-710 of the Civil Administrative Code of Illinois [20 ILCS 605/605-710]. Section 605-710 of the Civil Administrative Code of Illinois authorizes the Department of Commerce and Economic Opportunity to make grants to not-for-profit regional tourism development organizations that assist the Department in developing tourism throughout a multi-county geographical area designated by the Department.
- C) Scheduled meeting/hearing dates: None scheduled

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- D) Date agency anticipates First Notice: Within six months
- E) Affect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:
- Jolene Clarke
Rules Administrator
620 East Adams Street
Springfield IL 62701
217/557-1820
- G) Related rulemakings and other pertinent information: We are also updating Sections 510.10 through 510.80, the "General Grant Provisions," which are found in Subpart A (Title 14, Subtitle C, Chapter 1, Part 510).
- e) Part(s) (Heading and Code Citation): State Administration of the Federal Community Development Block Grant Program for Small Cities [Subpart A: Community Development Assistance Program (47 Ill. Adm. Code 110)]
- 1) Rulemaking:
- A) Description: In December of 2004, HUD authorized the Department to add a non-competitive Mobility and Accessibility Rehabilitation Services Component to its Community Development Block Grant Program, thus the need to propose rules. HUD also approved the Department's proposed changes in its annual consolidated plan.
- B) Statutory Authority: Implementing Section 605-940 and authorized by Section 605-95 of the Civil Administrative Code of Illinois [20 ILCS 605/605-940, 945 and 605-95]. Title I of the Housing and Community Development Act of 1974 as amended [42 USC 5302 et seq.]
- C) Scheduled meeting/hearing dates: None scheduled
- D) Date agency anticipates First Notice: Within six months

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- E) Affect on small businesses, small municipalities or not for profit corporations: General contractors performing rehabilitation to housing units for compensation and small municipalities would benefit from an increase in affordable handicap accessible units within the community and improvements to water and sewer facilities.
- F) Agency contact person for information:
- Jolene Clarke
Rules Administrator
620 East Adams Street
Springfield IL 62701
217/557-1820
- G) Related rulemakings and other pertinent information: We are also updating other sections within this part.
- f) Part(s) (Heading and Code Citation): State Administration of the Federal Community Development Block Grant Program for Small Cities [Subpart B: Revolving Funds (47 Ill. Adm. Code 110.95)]
- 1) Rulemaking:
- A) Description: Technical changes for clarification.
- B) Statutory Authority: Implementing Section 605-940 and authorized by Section 605-95 of the Civil Administrative Code of Illinois [20 ILCS 605/605-940 and 605-95]. Title I of the Housing and Community Development Act of 1974 as amended [42 USC 5302 et seq.]
- C) Scheduled meeting/hearing dates: None scheduled
- D) Date agency anticipates First Notice: Within six months
- E) Affect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:

Jolene Clarke

DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

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Rules Administrator
620 East Adams Street
Springfield IL 62701
217/557-1820

- G) Related rulemakings and other pertinent information: We are also updating other sections within this part.

DEPARTMENT OF HUMAN SERVICES

JANUARY 2005 REGULATORY AGENDA

a) Part(s) (Heading and Code Citation): Medicaid Home and Community-Based Services Waiver Program for Individuals with Developmental Disabilities; 59 Ill. Adm. Code 120

1) Rulemaking: Amendment

A) Description: The proposed amendment will streamline the appeal process regarding Medicaid Waiver eligibility. It will also update sections that are no longer accurate due to programmatic changes implemented over the last two years.

B) Statutory Authority: Implementing Section 3 of the Community Services Act [405 ILCS 30/3] and Sections 5-1 through 5-11 of the Public Aid Code [305 ILCS 5/5-1 through 5-11] and authorized by Section 5-104 of the Mental Health and Developmental Disabilities Code [405 ILCS 5/5-104] and Section 5 of the Mental Health and Developmental Disabilities Administrative Act [20 ILCS 1705/5].

C) Scheduled Meeting/Hearing Date: The public will have an opportunity to comment on these rules during the First Notice Period. Hearings will be held if necessary as required by the Illinois Administrative Procedures Act [5 ILCS 100].

D) Date agency anticipates First Notice: 6/15/05

E) Effect on small business, small municipalities or not for profit corporations: This rule governs, in part, the operations of not for profit corporations contracting with the Department of Human Services, Division of Developmental Disabilities, to provide community-based services for persons with developmental disabilities under the Medicaid Waiver program.

F) Agency contact person for information:

Tracie Drew, Bureau Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue, East
Springfield, Illinois 62762
217/785-9772

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G) Related rulemakings and other pertinent information: None

b) Part(s) (Heading and Code Citation): Child Care; 89 Ill. Adm. Code 50

1) Rulemaking: Amendment

A) Description: Sections 230 and 320 will be revised effective July 1, 2005, to reflect the new income maximums based on annual review of State Median Income.

B) Statutory Authority: Implementing Articles I through IXA and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. I through IXA and 12-13] and Public Act 93-361

C) Scheduled Meeting/Hearing Date: The public will have an opportunity to comment on these rules during the First Notice Period. Hearings will be held if necessary as required by the Illinois Administrative Procedures Act [5 ILCS 100].

D) Date agency anticipates First Notice: 6/01/05

E) Effect on small business, small municipalities or not for profit corporations: Child care providers

F) Agency contact person for information:

Tracie Drew, Bureau Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue, East
Springfield, Illinois 62762
217/785-9772

G) Related rulemakings and other pertinent information: None

c) Part(s) (Heading and Code Citation): Temporary Assistance for Needy Families; 89 Ill. Adm. Code 112

1) Rulemaking: Amendment

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- A) Description: Repeal Section 112.84, Employment Retention and Advancement Project. The Employment Retention and Advancement Project has ended.
- B) Statutory Authority: Implementing Article IV and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Art. IV and 12-13]
- C) Scheduled Meeting/Hearing Date: The public will have an opportunity to comment on these rules during the First Notice Period. Hearings will be held if necessary as required by the Illinois Administrative Procedures Act [5 ILCS 100].
- D) Date agency anticipates First Notice: 2/01/05
- E) Effect small business, small municipalities or not for profit corporations: None
- F) Agency contact person for information:

Tracie Drew, Bureau Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue, East
Springfield, Illinois 62762
217/785-9772
- G) Related rulemakings and other pertinent information: None
- d) Part(s) (Heading and Code Citation): Temporary Assistance for Needy Families; 89 Ill. Adm. Code 112
- 1) Rulemaking: Amendment
- A) Description: Section 112.302, Re-determinations of Earned Income Households will be changed from 6 month approval periods with re-determinations alternating between a face-to-face interview and a mail-in application, to 12 month approval periods with a face-to-face re-determination and a mail-in status report at 6 months. If the client does not return the 6-month report, benefits are stopped.

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- B) Statutory Authority: Implementing Article IV and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Art. IV and 12-13]
- C) Scheduled Meeting/Hearing Date: The public will have an opportunity to comment on these rules during the First Notice Period. Hearings will be held if necessary as required by the Illinois Administrative Procedures Act [5 ILCS 100].
- D) Date agency anticipates First Notice: 2/01/05
- E) Effect on small business, small municipalities or not for profit corporations: None
- F) Agency contact person for information:

Tracie Drew, Bureau Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue, East
Springfield, Illinois 62762
217/785-9772

- G) Related rulemakings and other pertinent information: These changes also apply to Earned Income Food Stamp households which will require amending Section 121.125.

e) Part(s) (Heading and Code Citation): Aid to the Aged, Blind or Disabled; 89 Ill. Adm. Code 113

1) Rulemaking: Amendment

- A) Description: Amendment to Section 113.251, Telephone. Provide a standard telephone allowance in the amount of \$27.00.
- B) Statutory Authority: Implementing Article III and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Art. III and 12-13]
- C) Scheduled Meeting/Hearing Date: The public will have an opportunity to comment on these rules during the First Notice Period. Hearings will be

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held if necessary as required by the Illinois Administrative Procedures Act [5 ILCS 100].

- D) Date agency anticipates First Notice: 6/01/05
- E) Effect on small business, small municipalities or not for profit corporations: None
- F) Agency contact person for information:

Tracie Drew, Bureau Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue, East
Springfield, Illinois 62762
217/785-9772

- G) Related rulemakings and other pertinent information: None

f) Part(s) (Heading and Code Citation): Aid to the Aged, Blind or Disabled; 89 Ill. Adm. Code 113

1) Rulemaking: Amendment

- A) Description: Amendment to Section 113.253, Allowances for Increases in SSI Benefits. Increase the Grant Adjustment allowance to pass along the 2005 COLA SSI increase.
- B) Statutory Authority: Implementing Article III and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Art. III and 12-13]
- C) Scheduled Meeting/Hearing Date: The public will have an opportunity to comment on these rules during the First Notice Period. Hearings will be held if necessary as required by the Illinois Administrative Procedures Act [5 ILCS 100].
- D) Date agency anticipates First Notice: 2/01/05
- E) Effect on small business, small municipalities or not for profit corporations: none

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F) Agency contact person for information:

Tracie Drew, Bureau Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue, East
Springfield, Illinois 62762
217/785-9772

G) Related rulemakings and other pertinent information: Noneg) Part(s) (Heading and Code Citation): Aid to the Aged, Blind or Disabled; 89 Ill. Adm. Code 1131) Rulemaking: Amendment

A) Description: Amendment to Section 113.260, Sheltered Care/Personal or Nursing Care Rates. Increased as a result of the 2005 SSI COLA.

B) Statutory Authority: Implementing Article III and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Art. III and 12-13]

C) Scheduled Meeting/Hearing Date: The public will have an opportunity to comment on these rules during the First Notice Period. Hearings will be held if necessary as required by the Illinois Administrative Procedures Act [5 ILCS 100].

D) Date agency anticipates First Notice: 2/01/05

E) Effect on small business, small municipalities or not for profit corporations: Sheltered Care Facilities.

F) Agency contact person for information:

Tracie Drew, Bureau Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue, East
Springfield, Illinois 62762

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217/785-9772

- G) Related rulemakings and other pertinent information: None
- h) Part(s) (Heading and Code Citation): Food Stamps; 89 Ill. Adm. Code 121
- 1) Rulemaking: Amendment
- A) Description: Section 121.64, Food Stamp Benefit Amount and Section 121.140, Small Group Living Arrangement Facilities, will be changed to give a standard food stamp allotment to group home residents. The allotment will be adjusted each October and March to reflect the cost of living adjustments. Residents will be certified as single person units for 24 months.
- B) Statutory Authority: Implementing Sections 12-4.4 through 12-4.6 and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-4.4 through 12-4.6 and 12-13]
- C) Scheduled Meeting/Hearing Date: The public will have an opportunity to comment on these rules during the First Notice Period. Hearings will be held if necessary as required by the Illinois Administrative Procedures Act [5 ILCS 100].
- D) Date agency anticipates First Notice: 3/01/05
- E) Effect on small business, small municipalities or not for profit corporations: Group homes
- F) Agency contact person for information:
- Tracie Drew, Bureau Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue, East
Springfield, Illinois 62762
217/785-9772
- G) Related rulemakings and other pertinent information: None

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- i) Part(s) (Heading and Code Citation): Food Stamps; 89 Ill. Adm. Code 121
- 1) Rulemaking: Amendment
- A) Description: Section 121.125, Re-determinations of Earned Income Households will be changed from 6 month approval periods with re-determinations alternating between a face-to-face interview and a mail-in application to 12 month approval periods with a face-to-face re-determination and a mail-in status report at 6 months. If the client does not return the 6-month report, benefits are stopped.
- B) Statutory Authority: Implementing Sections 12-4.4 through 12-4.6 and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-4.4 through 12-4.6 and 12-13]
- C) Scheduled Meeting/Hearing Date: Hearings will be held if necessary as required by the Illinois Administrative Procedure Act [5 ILCS 100].
- D) Date agency anticipates First Notice: 5/01/05
- E) Effect on small business, small municipalities or not for profit corporations: None
- F) Agency contact person for information:

Tracie Drew, Bureau Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue, East
Springfield, Illinois 62762
217/785-9772
- G) Related rulemakings and other pertinent information: These changes will also apply to TANF households with earned income and Food Stamps, which will require amending Section 112.302.

DEPARTMENT OF PUBLIC HEALTH

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- a) Part Heading and Code Citation: Intermediate Care for the Developmentally Disabled Facilities Code (77 Ill. Adm. Code 350)

1) Rulemaking

- A) Description: This rulemaking will amend staffing and employee orientation and training requirements in facilities of 16 or fewer beds.
- B) Statutory Authority: Nursing Home Care Act [210 ILCS 45]
- C) Scheduled meeting/hearing dates: Long Term Care Facility Advisory Board, February 2005 meeting
- D) Date agency anticipates First Notice: March 2005
- E) Effect on small businesses, small municipalities, or not-for profit corporations: These amendments may affect long-term care facilities that are small businesses and not-for-profit corporations.
- F) Requests for information concerning this regulatory agenda shall be directed to:

Susan Meister
Division of Legal Services
Illinois Department of Public Health
535 West Jefferson
Springfield, Illinois 62761
217/782-2043

- G) Related rulemaking and other information: None

- b) Part Heading and Code Citation: End Stage Renal Disease Facility Code (77 Ill. Adm. Code 235)

1) Rulemaking:

- A) Description: These rules will implement the End Stage Renal Disease Facility Act [210 ILCS 62]. The rules will include standards for infection control, personnel, patient-care services, records, physical plant, and quality assessment and improvement. Procedures for licensure

DEPARTMENT OF PUBLIC HEALTH

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application, inspections, notice of violation, plans of correction, sanctions, and hearings will be established.

- B) Statutory Authority: End Stage Renal Disease Facility Act [210 ILCS 62]
- C) Scheduled meeting/hearing dates: These rules will be reviewed by an advisory committee or the State Board of Health.
- D) Date agency anticipates First Notice: Spring or Summer 2005
- E) Effect on small businesses, small municipalities, or not-for profit corporations: These amendments may affect small businesses and not-for-profit corporations that become licensees.
- F) Requests for information concerning this regulatory agenda shall be directed to:

Susan Meister
Division of Legal Services
Illinois Department of Public Health
535 West Jefferson
Springfield, Illinois 62761
217/782-2043

- G) Related rulemaking and other information: None

c) Innovations in Long-Term Care Quality Grant Code (77 Ill. Adm. Code__)

1) Rulemaking:

- A) Description: This new Part will define the requirements for a facility to apply for a grant under the Innovations in Long-Term Care Quality Grant Act.
- B) Statutory Authority: Innovations in Long-Term Care Quality Grant Act (P.A. 92-0784)
- C) Scheduled meeting/hearing dates: Pending appointment of the advisory committee.

DEPARTMENT OF PUBLIC HEALTH

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- D) Date agency anticipates First Notice: 2005 (Publication is dependent upon review by the advisory committee.)
- E) Effect on small businesses, small municipalities, or not-for profit corporations: This rule may affect small businesses and not-for-profit corporations that are licensed under the Nursing Home Care Act [210 ILCS 45].
- F) Requests for information concerning this regulatory agenda shall be directed to:

Susan Meister
Division of Legal Services
Illinois Department of Public Health
535 West Jefferson
Springfield, Illinois 62761
217/782-2043

- G) Related rulemaking and other information: None
- d) Part Heading and Code Citation: Children's Respite Care Center Demonstration Program Code (77 Ill. Adm. Code 260)
- 1) Rulemaking:
- A) Description: These rules will be amended in response to P.A. 93-0402 (effective January 1, 2004), which amended the Alternative Health Care Delivery Act to change the name and the scope of service provided by this model. Children's community-based health care center models will be allowed to provide the same services as children's respite care centers, with the addition of providing transitional stays of up to 120 days, medical day care weekend camps, and diagnostic studies that are typically done in the home. The centers will service "children with special health care needs" who are younger than 22 years of age.
- B) Statutory Authority: Alternative Health Care Delivery Act [210 ILCS 3]
- C) Scheduled meeting/hearing dates: None scheduled at this time. These amendments will be reviewed by the State Board of Health prior to publication as a proposed rulemaking.

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- D) Date agency anticipates First Notice: Spring 2005
- E) Effect on small businesses, small municipalities, or not-for-profit corporations: The one current licensee in this program is a not-for-profit corporation.
- F) Requests for information concerning this regulatory agenda shall be directed to:
- Susan Meister
Division of Legal Services
Illinois Department of Public Health
535 W. Jefferson
Springfield, Illinois 62761
217/782-2043
- G) Related rulemaking and other information: None
- e) Part Heading and Code Citation: Assisted Living and Shared Housing Establishment Code (77 Ill. Adm. Code 295)
- 1) Rulemaking
- A) Description: The rules are being amended to implement P.A. 93-141, which amended the Assisted Living and Shared Housing Act to add a provision for “floating” licenses. Section 295.3040 also is being amended to conform to the Health Care Worker Background Check Code (77 Ill. Adm. Code 955). Other sections of the code are being amended to clarify existing language.
- B) Statutory Authority: Assisted Living and Shared Housing Act [210 ILCS 9].
- C) Schedule of meeting/hearing dates: Assisted Living Advisory Board, February 17, 2005
- D) Date agency anticipates First Notice: March 2005

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- E) Effect on small businesses, small municipalities, or not-for-profit corporations: These amendments may affect small business and not-for-profit corporations.
- F) Requests for information concerning this regulatory agenda shall be directed to:
- Susan Meister
Division of Legal Services
Illinois Department of Public Health
535 W. Jefferson St.
Springfield, Illinois 62761
217/782-2043
- G) Related rulemaking and other information: None
- f) Heading Part and Code Citation: Skilled Nursing and Intermediate Care Facilities Code (77 Ill. Adm. Code 300); Sheltered Care Facilities Code (77 Ill. Adm. Code 330); Illinois Veterans' Homes Code (77 Ill. Adm. Code 340); Intermediate Care for the Developmentally Disabled Facilities Code (Ill. Adm. Code 350); Long Term Care for Under Age 22 Facilities Code (77 Ill. Adm. Code 390)
- 1) Rulemaking
- A) Description: The proposed amendments will establish a flat fee for licensure for Part 300, Part 330 and Part 340; and delete the licensure fee for Part 350 and Part 390.
- B) Statutory Authority: Nursing Home Care Act [210 ILCS 45]
- C) Scheduled meeting/hearing dates: The proposed amendments were approved by the Long Term Care Facility Advisory Board in November 2004.
- D) Date agency anticipates First Notice: January 2005
- E) Effect on small business, small municipalities, or not-for-profit corporations: This rulemaking, and the change in law that it implements, could affect long-term care facilities that are small businesses and not-for-

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profit corporations. The effect will depend on the number of licensed beds in the facility.

- F) Requests for information concerning this regulatory agenda shall be directed to:

Susan Meister
Division of Legal Services
Illinois Department of Public Health
535 W. Jefferson St.
Springfield, Illinois 62761
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- G) Related rulemaking and other information: None

- g) Heading Part and Code Citation: Postsurgical Recovery Care Center Demonstration Program Code (77 Ill. Adm. Code 210); Community-Based Residential Rehabilitation Center Demonstration Program Code (77 Ill. Adm. Code 220); Alzheimer's Disease Management Center Demonstration Program Code (77 Ill. Adm. Code 225); Illinois Home Health Agency Code (77 Ill. Adm. Code 245); Hospital Licensing Requirements (77 Ill. Adm. Code 250); Children's Respite Care Center Demonstration Program Code (77 Ill. Adm. Code 260); Subacute Care Hospital Demonstration Program Code (77 Ill. Adm. Code 270); Hospice Programs (77 Ill. Adm. Code 280); Community Living Facilities Code (77 Ill. Adm. Code 370); Freestanding Emergency Center Demonstration Program Code (77 Ill. Adm. Code 518).

- 1) Rulemaking:

- A) Description: These above-listed rules will be amended to require compliance with the Health Care Worker Background Check Code (77 Ill. Adm. Code 955).
- B) Statutory Authority: Health Care Worker Background Check Act [225 ILCS 46]; Alternative Health Care Delivery Act [210 ILCS 3]; Hospice Program Licensing Act [210 ILCS 60]; Hospital Licensing Act [210 ILCS 85]; Home Health Agency Licensing Act [210 ILCS 55]; Community Living Facilities Licensing Act [210 ILCS 35]; Emergency Medical Services (EMS) Systems Code [210 ILCS 50].

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- C) Scheduled meeting/hearing dates: State Board of Health, March 2005; Hospital Licensing Board, February or May 2005; State EMS Council, March 2005.
- D) Date agency anticipates First Notice: Spring 2005
- E) Effect on small businesses, small municipalities, or not-for-profit corporations: These amendments may affect facilities that are small business and not-for-profit corporations.
- F) Requests for information concerning this regulatory agenda shall be directed to:
- Susan Meister
Division of Legal Services
Illinois Dept. of Public Health
535 W. Jefferson St.
Springfield, Illinois 62761
217/782-2043
- G) Related rulemaking and other information: None
- h) Heading Part and Code Citation: Illinois Home Health Agency Code (77 Ill. Adm. Code 245)
- 1) Rulemaking:
- A) Description: This Part will be amended to extend the time limit for obtaining a physician's signature on all orders from 14 days to 30 days. It also will be amended to require compliance with the Health Care Worker Background Check Code (77 Ill. Adm. Code 955).
- B) Statutory Authority: Home Health Agency Licensing Act [210 ILCS 55]; Health Care Worker Background Check Act [225 ILCS 46].
- C) Scheduled meeting/hearing dates: Home Health Advisory Committee, Spring 2005
- D) Date agency anticipates First Notice: Spring 2005.

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- E) Effects on small businesses, small municipalities, or not-for-profit corporations: Unknown at this time
- F) Requests for information concerning this regulatory agenda shall be directed to:

Susan Meister
Division of Legal Services
Illinois Dept. of Public Health
535 W. Jefferson St.
Springfield, Illinois 62761
217/782-2043

- G) Related rulemaking and other information: None

i) Part Heading and Code Citation): Hospital Report Card Code (77 Ill. Adm. Code ____)

1) Rulemaking:

- A) Description: These rules will implement the Hospital Report Card Act (Public Act 93-0563). The rules will include specific clinical procedures for reporting nosocomial infection rates for Class I surgical site infection, ventilator-assisted pneumonia, and central line-related bloodstream infections. The rules will also establish a format for quarterly reports to be submitted by hospitals to the Department April 30, July 31, October 31, and January 31 each year for the previous quarter. The format for annual reports, to be submitted by December 31 of each year, will also be included.
- B) Statutory Authority: Hospital Report Card Act (Public Act 93-0563)
- C) Schedule of meeting/hearing dates: No schedule has been established at this time.
- D) Date agency anticipates First Notice: Unknown at this time
- E) Effect on small businesses, small municipalities or not-for-profit corporations: This rulemaking should not affect small businesses, but small municipalities and not-for-profit corporations that own or operate hospitals may be affected.

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F) Information concerning this regulatory agenda shall be directed to:

Susan Meister
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535 W. Jefferson, 5th Floor
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G) Related rulemakings and other pertinent information: After the Hospital Report Card Code is adopted, the Hospital Licensing Requirements (77 Ill. Adm. Code 250) will be amended to reference these rules.j) Part Heading and Code Citation): Shellfish Certification Code (77 Ill. Adm. Code _____)1) Rulemaking

A) Description: Public Act 92-769, effective January 1, 2003, authorizes the Department to issue an Illinois shellfish certificate, upon request, to shellfish firms in compliance with the Interstate Shellfish Sanitation Conference. The rules will specify application procedures for shellfish certification. The rules will also incorporate federal guidelines and regulations relating to shellfish sanitations, including guidelines and regulations of the Food and Drug Administration titled *National Shellfish Sanitation Program Guide for the Control of Molluscan Shellfish and Fish and Fishery Products* (21 CFR 123), respectively .

B) Statutory Authority: Implementing and authorized by Section 21.3 of the Illinois Food, Drug and Cosmetic Act [410 ILCS 620/21.3]

C) Schedule of meeting/hearing dates: These amendments will be reviewed by the State Board of Health.

D) Date agency anticipates First Notice: Spring or summer 2005

E) Effect on small businesses, small municipalities or not-for-profit corporations: It is anticipated that the proposed changes will have a minimum impact on the regulated industry.

F) Information concerning this regulatory agenda shall be directed to:

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535 W. Jefferson, 5th Floor
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G) Related rulemakings and other pertinent information: None

k) Part Heading and Code Citation): Tanning Facilities Code (77 Ill. Adm. Code 795)

1) Rulemaking:

A) Description: This rulemaking will provide a general revision and update of the rules for the Tanning Facilities Inspection Program.

B) Statutory Authority: Implementing and authorized by the Tanning Facility Permit Act (10 ILCS 145)]

C) Schedule of meeting/hearing dates: These amendments will be reviewed by the State Board of Health.

D) Date agency anticipates First Notice: Spring 2005

E) Effect on small businesses, small municipalities or not-for-profit corporations: These amendments will clarify the regulatory procedures for the application for permits and the operation of tanning facilities.

F) Information concerning this regulatory agenda shall be directed to:

Susan Meister
Division of Legal Services
535 W. Jefferson, 5th Floor
Springfield, Illinois 62761
217/782-2043

G) Related rulemakings and other pertinent information: None

l) Part Heading and Code Citation): Illinois Formulary for the Drug Product Selection Program (77 Ill. Adm. Code 790)

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1) Rulemaking

- A) Description: This rulemaking will clarify the Department's authority and procedures for the addition of multiple-source drug products to the Illinois Formulary that are not subject to a New Drug Application (NDA) or Abbreviated New Drug Application (ANDA) by the federal Food and Drug Administration (FDA). It will also clarify the general procedures for inclusion in the Illinois Formulary of products listed in the FDA's publication, *Approved Drug Products with Therapeutic Equivalence Evaluations*.
- B) Statutory Authority: Sections 2.22 and 3.14 of the Illinois Food, Drug and Cosmetic Act [410 ILCS 620/2.22 and 620/3.14] and Section 25 of the Pharmacy Practice Act of 1987 [225 ILCS 85/25]
- C) Schedule of meeting/hearing dates: These amendments will be reviewed by the State Board of Health.
- D) Date agency anticipates First Notice: Spring 2005
- E) Effect on small businesses, small municipalities or not for-profit corporations: These amendments will provide for the immediate inclusion of additional generic drug products in the Illinois Formulary, available for Illinois pharmacists' prescription interchange.
- F) Information concerning this regulatory agenda shall be directed to:

Susan Meister
Division of Legal Services
535 W. Jefferson, 5th Floor
Springfield, Illinois 62761
217/782-2043

- G) Related rulemakings and other pertinent information: None

m) Part Heading and Code Citation: Asbestos Abatement for Public and Private Schools and Commercial and Public Buildings in Illinois (77 Ill. Adm. Code 855)

1) Rulemaking

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- A) Description: This rulemaking involves revisions to the rules governing asbestos abatement activities in public and private schools and commercial and public buildings in Illinois. Proposed changes to the rules include: 1) clarification of incorporated materials to eliminate specific areas of inconsistency and to update referenced documents; 2) addition of definitions for “demolition”, “incidental breakage” and other terms associated with non-friable floor tile removal; 3) increased licensing fees for workers and professionals; 4) clarification of notification requirements and procedures and clearance air sampling procedures for abatement of asbestos in commercial and public buildings; 5) addition of whole floor tile removal procedures for commercial and public building and schools; 6) provision of standards for floor tile supervisor and worker training.
- B) Statutory Authority: Section 6 (b)(i)(2)(d) of the Asbestos Abatement Act [105 ILCS 105] and the Commercial and Public Building Asbestos Abatement Act [225 ILCS 207].
- C) Schedule of meeting/hearing dates: These amendments will be reviewed by the State Board of Health. Public Hearings will be scheduled during the first notice period for this rulemaking.
- D) Date agency anticipates First Notice: 2005
- E) Effect on small businesses, small municipalities or not-for-profit corporations: It is anticipated that the proposed changes will have minimum impact on the regulated industry.
- F) Information concerning this regulatory agenda shall be directed to:
- Susan Meister
Division of Legal Services
535 W. Jefferson, 5th Floor
Springfield, Illinois 62761
217/782-2043
- G) Related rulemakings and other pertinent information: None

- n) Part Heading and Code Citation: Lead Poisoning Prevention Code (77 Ill. Adm. Code 845)

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1) Rulemaking

- A) Description: The existing rules set forth the requirements for the approval of training providers and the licensing of persons who conduct lead abatement and mitigation activities in dwellings and child care facilities. Additionally, the regulations cite the minimum work practices to be used when conducting lead investigations and remediation services to protect the public from associated hazards of lead exposure. This rulemaking involves a number of revisions to the lead poisoning prevention rules. Proposed changes include: 1) clarifying existing definitions applicable to lead activities; 2) eliminating redundancies of referenced incorporated federal regulations; 3) clarifying the work practices to be used by the Department or delegate agency for conducting investigations of regulated facilities that have been associated with a child with an elevated blood lead level; 4) establishing minimum work practices for lead investigations to be utilized by the regulated industry for conducting lead investigations in regulated facilities that are not associated with a child identified with an elevated blood lead level; 5) clarifying and expanding the minimum requirements for training course providers to receive Department approval to offer certified lead training for professionals seeking lead certification and licensing in Illinois; 6) clarifying the work practices to be prescribed by the Department or delegate agency for persons conducting lead mitigation or abatement of identified lead hazards in response to an investigation of regulated facilities associated with a child with an elevated blood lead level; 7) establishing minimum work practices for lead mitigation and abatement to be utilized by the regulated industry for conducting lead mitigation and abatement in regulated facilities that are not associated with a child identified with an elevated blood lead level; 8) clarifying existing requirements for licensed lead contractors to establish safe, effective and appropriate mitigation and abatement control plans to protect occupants of regulated facilities from lead hazards that may occur as a result of disturbed lead or generated as part of their lead work; 9) establishing record keeping requirements for licensed lead professionals and contractors; 10) clarifying the existing requirements for a licensed lead supervisor to oversee, manage and direct activities on lead mitigation and abatement projects; 11) clarifying existing requirements and standards for identification of lead, lead-bearing substances and lead hazards to be consistent with federal requirements; 12) establishing new regulations to be applied for fines and penalties applicable to licensed lead professionals,

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lead contractors and approved lead training course providers for violations of the Act or Code; and 13) establishing standards for administrative hearings.

- B) Statutory Authority: Sections 11.1, 11.2, 13 and 14 of the Illinois Lead Poisoning Prevention Act [410 ILCS 45]
- C) Schedule of meeting/hearing dates: Amendments were reviewed and approved by the State Board of Health on March 11, 2004.
- D) Date agency anticipates First Notice: January or February 2005
- E) Effect on small businesses, small municipalities or not for profit corporations: It is anticipated that the proposed changes will have minimum impact on the regulated industry.
- F) Information concerning this regulatory agenda shall be directed to:

Susan Meister
Division of Legal Services
535 W. Jefferson, 5th Floor
Springfield, Illinois 62761
217/782-2043

- G) Related rulemakings and other pertinent information: None
- o) Part Heading and Code Citation: Certificates of Free Sale and Health Certificates (77 Ill. Adm. Code 792)
- 1) Rulemaking:
 - A) Description: This rulemaking will provide definitions and describe the procedures for firms requesting certificates of free sale and/or health certificates from the Department. Instructions for completing department-provided application forms, preparation of certificates, preparation of certificates of authority, and payment of fees are detailed.
 - B) Statutory Authority: Implementing and authorized by Section 21.3 of the Illinois Food, Drug and Cosmetic Act [410 ILCS 620/1 et seq.].

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- C) Schedule of meeting/hearing dates: The amendments will be reviewed by the State Board of Health.
- D) Date agency anticipates First Notice: April 2005
- E) Effect on small businesses, small municipalities or not-for-profit corporations: None known at this time
- F) Information concerning this regulatory agenda shall be directed to:
- Susan Meister
Division of Legal Services
535 W. Jefferson, 5th Floor
Springfield, Illinois 62761
217/782-2043
- G) Related rulemakings and other pertinent information: None
- p) Part (Heading and Code Citation): HIV/AIDS Confidentiality and Testing Code (77 Ill. Adm. Code 697)
- 1) Rulemaking:
- A) Description: This rulemaking will allow for the use of a U.S. Food and Drug Administration approved HIV test to detect HIV infection and provide for the release of preliminary HIV test results to physicians and individuals receiving HIV tests. Changes to Section 697.140 further clarify the provision for release of HIV test results.
- B) Statutory Authority: AIDS Confidentiality Act (410 ILCS 305); AIDS Registry Act [410 ILCS 310]; Communicable Disease Prevention Act [410 ILCS 315]; and Sections 55, 55.11, 55.41 and 55.45 of the Civil Administrative Code of Illinois [20 ILCS 2310/55 et seq.]
- C) Schedule of meeting/hearing dates: These amendments will be reviewed by the State Board of Health.
- D) Date agency anticipates First Notice: 2005

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E) Effect on small businesses, small municipalities or not-for-profit corporations: None known at this time.

F) Information concerning this regulatory agenda shall be directed to:

Susan Meister
Division of Legal Services
535 W. Jefferson, 5th Floor
Springfield, Illinois 62761
217/782-2043

G) Related rulemakings and other pertinent information: None

q) Part (Heading and Code Citation): Safe Bottled Drinking Water Code (77 Ill. Adm. Code _____)

1) Rulemaking:

A) Description: This rulemaking will incorporate by reference those federal regulations applicable to the safe bottling of drinking water and to provide guidance for the issuance of permits, conduct of inspections, collection of samples and establishment of enforcement procedures as needed to implement Public Act 093-0866.

B) Statutory Authority: Safe Bottled Drinking Water Act, [410 ILCS _____]

C) Schedule of meeting/hearing dates: These rules will be reviewed by the State Board of Health.

D) Date agency anticipates First Notice: June 2005

E) Effect on small businesses, small municipalities or not-for-profit corporations: Rules will require that businesses apply for permits and be inspected routinely.

F) Information concerning this regulatory agenda shall directed to:

Susan Meister
Division of Legal Services
535 W. Jefferson, 5th Floor

DEPARTMENT OF PUBLIC HEALTH

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Springfield, Illinois 62761
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- G) Related rulemakings and other pertinent information: None
- r) Part (Heading and Code Citation): Illinois Water Well Construction Code (77 Ill. Adm. Code 920)
- 1) Rulemaking:
- A) Description: This rulemaking will clarify the requirements for grouting drilled wells, establish the minimum time to grout a well following the removal of the drill rig from the drill site and requirements for bored well construction materials, clarify the notification requirement for sealing abandoned wells and the setback requirements between closed-loop wells, water wells and sources of contamination.
- B) Statutory Authority: Illinois Water Well Construction Code [415 ILCS 30]
- C) Schedule of meeting/hearing dates: This rulemaking will be reviewed by the Illinois Water Well and Pump Installation Contractor's Licensing Board.
- D) Date agency anticipates First Notice: March 2005
- E) Effect on small businesses, small municipalities or not-for-profit corporations: The rulemaking will have no effect on small businesses, small municipalities, and not-for-profit corporations.
- F) Information concerning this regulatory agenda shall be directed to:
- Susan Meister
Division of Legal Services
535 W. Jefferson, 5th Floor
Springfield, Illinois 62761
217/782-2043
- G) Related rulemakings and other pertinent information: None

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- s) Part (Heading and Code Citation): Water Well and Pump Installation Contractor's License Code (77 Ill. Adm. Code 915)
- 1) Rulemaking:
- A) Description: This rulemaking will specify the documentation required to verify that an individual has the required experience installing water wells and water well pumps; increase the time period that requests for continuing education sessions must be submitted to the Department from 4 weeks to 120 days before any training session is presented; specify the time the Department must be notified in advance by those conducting required continuing education sessions and establish requirements for approving continuing education topics.
- B) Statutory Authority: Water Well and Pump Installation Contractor's License Act [415 ILCS 30/1 et. seq.]
- C) Schedule of meeting/hearing dates: This rulemaking will be reviewed by the Illinois Water Well and Pump Installation Contractor's Licensing Board.
- D) Date agency anticipates First Notice: March 2005
- E) Effect on small businesses, small municipalities or not-for-profit corporations: The rulemaking will have no effect on small businesses, small municipalities, and not-for-profit corporations.
- F) Information concerning this regulatory agenda shall be directed to:
- Susan Meister
Division of Legal Services
535 W. Jefferson, 5th Floor
Springfield, Illinois 62761
217/782-2043
- G) Related rulemakings and other pertinent information: None
- t) Part(s) (Heading and Code Citation): Local Health Protection Grant (77 Ill. Adm. Code 615)

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1) Rulemaking:

- A) Description: These rules specify standards of eligibility and operation of food protection, potable water, private sewage disposal and infectious disease programs for grants issued to certified local health departments. These amendments will change the training requirements for local health department food program personnel from every two years to every three years.
- B) Statutory Authority: Implementing and authorized by Division 5-25 of the Counties Code [55 ILCS 5]; the Public Health District Act [70 ILCS 905]; the Illinois Municipal Code [65 ILCS 5]; and Section 2310-10 of the Civil Administrative Code of Illinois [20 ILCS 2310/2310-10]
- C) Schedule of Dates for Hearings, Meetings, or Other Opportunities for Public Participation: These amendments will be reviewed by the State Board of Health.
- D) Date Agency Anticipates First Notice: June 2005
- E) Effect on Small Businesses, Small Municipalities, and Not-for-Profit Corporations: The rulemaking will have no effect on small businesses, small municipalities, and not-for-profit corporations.
- F) Agency Contact Person for Information:

Susan Meister
Division of Legal Services
535 West Jefferson, 5th Floor
Springfield, Illinois 62761
217/782-2043

- G) Other Pertinent Information Concerning this Rulemaking: None

u) Part(s) (Heading and Code Citation): Immunization Code (77 Ill. Adm. Code 695)1) Rulemaking:

- A) Description: Existing rules set forth the required immunizations and acceptable exemptions for children entering school-operated programs

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below the kindergarten level and kindergarten through 12th grade. Proposed changes in the immunization rules will further define “6 months of age” as required for the third dose of Hepatitis B vaccine to be “equal to or greater than”(≥) 24 weeks of age. This change is consistent with the ruling of the Advisory Committee on Immunization Practices as voted in October 2003 and will be evident in the production of the 2004 harmonized recommended schedule.

- B) Statutory Authority: Section 27-8.1 of the School Code [105 ILCS 5/27-8.1] and the Communicable Disease Prevention Act [410 ILCS 315]
- C) Schedule of Dates for Hearings, Meetings, or Other Opportunities for Public Participation: The amendments will be reviewed by the Immunization Advisory Committee, followed by a review by the State Board of Health. The State Board of Health will schedule and conduct public hearings, if indicated.
- D) Date Agency Anticipates First Notice: Spring 2005
- E) Effect on Small Businesses, Small Municipalities, and Not-for-Profit Corporations: The proposed changes are anticipated to have little impact on schools.
- F) Agency Contact Person for Information:

Susan Meister
Division of Legal Services
535 West Jefferson, 5th Floor
Springfield, Illinois 62761
217/782-2043

- G) Other Pertinent Information Concerning this Rulemaking: These changes also affect the Child Health Examination Code (77 Ill. Adm. Code 665).
- v) Part(s) (Heading and Code Citation): Child Health Examination Code (77 Ill. Adm. Code 665)
- 1) Rulemaking:

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- A) Description: Existing rules set forth the required immunizations and acceptable exemptions for children entering school-operated programs below the kindergarten level and kindergarten through 12th grade. Proposed changes in the immunization rules will further define “6 months of age” as required for the third dose of Hepatitis B vaccine to be “equal to or greater than”(≥) 24 weeks of age. This change is consistent with the ruling of the Advisory Committee on Immunization Practices.
- B) Statutory Authority: Section 27-8.1 of the School Code [105 ILCS 5/27-8.1] and the Communicable Disease Prevention Act [410 ILCS 315].
- C) Schedule of Dates for Hearings, Meetings, or Other Opportunities for Public Participation: The amendments will be reviewed by the Immunization Advisory Committee, followed by the State Board of Health. The State Board of Health will schedule and conduct public hearings, if indicated.
- D) Date Agency Anticipates First Notice: Spring 2005
- E) Effect on Small Businesses, Small Municipalities, and Not-for-Profit Corporations: The amendments are expected to have little impact on schools.
- F) Agency Contact Person for Information:
- Susan Meister
Division of Legal Services
535 West Jefferson, 5th Floor
Springfield, Illinois 62761
217/782-2043
- G) Other Pertinent Information Concerning this Rulemaking: These changes also affect the Immunization Code (77 Ill. Adm. Code 695).
- w) Part Heading and Code Citation: Grade A Pasteurized Milk and Milk Products (77 Ill. Adm. Code 775)
- 1) Rulemaking:

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- A) Description: This rulemaking will update references to several documents that are incorporated by reference in the Grade A Pasteurized Milk and Milk Products rules, including the Grade A Pasteurized Milk Ordinance (PMO), Methods of Making Sanitation Ratings of Milk Supplies (MMSR), and Procedures Governing the Cooperative State-Public Health Service/Food and Drug Administration (FDA) Program for Certification of Interstate Milk Shippers, all published by the FDA. References to other documents will be updated to reflect the most current editions.
- B) Statutory Authority: Grade A Pasteurized Milk and Milk Products Act [410 ILCS 635].
- C) Schedule of meeting/hearing dates: These amendments will be reviewed by the State Board of Health.
- D) Date agency anticipates First Notice: April 2005
- E) Effect on small businesses, small municipalities or not-for-profit corporations: It is anticipated that the proposed changes will have minimal impact on dairy producers and processors.
- F) Information concerning this regulatory agenda shall be directed to:

Susan Meister
Division of Legal Services
535 W. Jefferson, 5th Floor
Springfield, Illinois 62761
217/782-2043

- G) Related rulemakings and other pertinent information: None

- x) Part Heading and Code Citation: Illinois Health and Hazardous Substances Registry (77 Ill. Adm. Code 840)

- 1) Rulemaking:

- A) Description: The rules will be amended to allow registries to follow best practices in conducting surveillance of cancers and adverse pregnancy outcomes. The amendments include provisions for the Illinois State

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Cancer Registry to conduct rapid case ascertainment and patient contact activities and for the Adverse Pregnancy Outcomes Reporting System (APORS) to eliminate "Designated Patient Care Unit (DPU) stay only" from its case reporting criteria; add prenatal exposure to sexually transmitted diseases to the case definition; and define the age range for birth defect reporting as up to two years after birth.

- B) Statutory Authority: Illinois Health and Hazardous Substances Registry Act [410 ILCS 525]; Developmental Disabilities Prevention Act [410 ILCS 250]
- C) Scheduled meeting/hearing dates: These amendments were based on a year-long evaluation of APORS by UIC faculties and recommendation of the Illinois Health And Hazardous Substances Registry Coordinating Council.
- D) Date agency anticipates First Notice: Spring 2005
- E) Affect on small businesses, small municipalities or not for profit corporations: These amendments will not affect small businesses, small municipalities or not-for-profit corporations.
- F) Requests for information concerning this regulatory agenda shall be directed to:

Susan Meister
Division of Legal Services
Illinois Department of Public Health
535 W. Jefferson St., 5th Floor
Springfield, Illinois 62761
217/782-2043

- G) Related rulemakings and other pertinent information: None

y) Part Heading and Code Citation: Community Health Center Expansion Grants Code (77 Ill. Adm. Code _____)

- 1) Rulemaking

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- A) Description: P.A. 92-0088, the Community Health Center Expansion Act, authorizes the Illinois Department of Public Health to make grants to Federally Qualified Health Centers (FQHC) and FQHC look-alikes for the purpose of expanding the centers' capacity to serve more uninsured and underserved populations. The rules will describe eligibility for program participation, application process and the selection guidelines.
- B) Statutory Authority: Community Health Center Expansion Act [410 ILCS 66]
- C) Schedule of meeting/hearing dates: These rules will be reviewed by the State Board of Health.
- D) Date agency anticipates First Notice: 2005
- E) Effect on small businesses, small municipalities or not-for-profit corporations: None
- F) Information concerning this regulatory agenda shall be directed to:
- Susan Meister
Division of Legal Services
535 W. Jefferson, 5th Floor
Springfield, Illinois 62761
217/782-2043
- G) Related rulemakings and other pertinent information: None
- z) Part (Heading and Code Citation): Family Practice Residency Code (77 Ill. Adm. Code 590)
- 1) Rulemaking:
- A) Description: Subpart C: Medical Student Scholarships. This Subpart includes provisions for the distribution of medical student scholarships. Amendments will clarify limitations on the use of scholarship funds, terms of performance, designation of shortage areas and notification of shortage area designations.
- B) Statutory Authority: Family Practice Residency Act [110 ILCS 935]

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- C) Schedule of meeting/hearing dates: These amendments will be reviewed by the State Board of Health.
- D) Date agency anticipates First Notice: 2005
- E) Effect on small businesses, small municipalities or not-for-profit corporations: None
- F) Information concerning this regulatory agenda shall be directed to:

Susan Meister
Division of Legal Services
535 W. Jefferson, 5th Floor
Springfield, Illinois 62761
217/782-2043

- G) Related rulemakings and other pertinent information: None

aa) Part (Heading and Code Citation): Nursing Education Scholarships (77 Ill. Adm. Code 597)

1) Rulemaking:

- A) Description: Scholarships are awarded to students in nursing programs, who must be employed in a patient-care setting upon completion of their education. The amendments will expand the categories of nursing programs that program participants may attend and will expand employment locations for purposes of meeting the scholarship obligation.
- B) Statutory Authority: Nursing Education Scholarship Law [110 ILCS 975]
- C) Schedule of meeting/hearing dates: These amendments will be reviewed by the State Board of Health.
- D) Date agency anticipates First Notice: 2005
- E) Effect on small businesses, small municipalities or not-for-profit corporations: None

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F) Information concerning this regulatory agenda shall be directed to:

Susan Meister
Division of Legal Services
535 W. Jefferson, 5th Floor
Springfield, Illinois 62761
217/782-2043

G) Related rulemakings and other pertinent information: Nonebb) Part (Heading and Code Citation): Podiatric Scholarship and Residency Programs Code (77 Ill. Adm. Code 593)1) Rulemaking:

A) Description: The Podiatric Scholarship and Residency Act authorizes the Department to provide grants to podiatric medicine residency programs and scholarships to qualified podiatric medicine students. The program goals are to encourage podiatric physicians to locate in areas designated as having a shortage of primary care providers and to increase the total number of podiatric physicians in the State. The amendments will add a monthly living stipend for selected podiatric medical students, amend the number of hours defined as full-time practice, and increase the maximum years of award from two to four.

B) Statutory Authority: Podiatric Scholarship and Residency Act [110 ILCS 978/1]

C) Schedule of meeting/hearing dates: These amendments will be reviewed by the State Board of Health.

D) Date agency anticipates First Notice: 2005

E) Effect on small businesses, small municipalities or not-for-profit corporations: None

F) Information concerning this regulatory agenda shall be directed to:

Susan Meister
Division of Legal Services

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535 W. Jefferson, 5th Floor
Springfield, Illinois 62761
217/782-2043

G) Related rulemakings and other pertinent information: None

cc) Part (Heading and Code Citation): Vision Screening (77 Ill. Adm. Code 685)

1) Rulemaking:

- A) Description: These amendments will implement Public Act 93-0504, which amended the School Code to require. The rules will individuals conducting vision screening tests to give a child's parent or guardian written notification, before the vision screening is conducted, that vision screening is not a substitute for a complete eye and vision evaluation by an eye doctor. The parent or guardian must also be informed that if an optometrist or ophthalmologist has completed and signed a report form indicating that the child has had an examination within the previous 12 months, the child is not required to undergo the vision screening.
- B) Statutory Authority: Illinois Child Vision and Hearing Test Act [410 ILCS 205] and the Illinois School Code [105 ILCS 5/27-8.1]
- C) Scheduled meeting/hearing dates: These amendments will be reviewed by the State Board of Health.
- D) Date agency anticipates First Notice: 2005
- E) Effect on small businesses, small municipalities or not for profit corporations: These amendments to the statute and rules may increase costs to schools and local health departments.
- F) Agency contact person for information:

Susan Meister
Division of Legal Services
Illinois Department of Public Health
535 West Jefferson St, 5th Floor
Springfield, Illinois 62761
217/782-2043

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E-mail: rules@idph.state.il.us

G) Related rulemakings and other pertinent information: Nonedd) Part (Heading and Code Citation): Regionalized Perinatal Health Care Code (77 Ill. Adm. Code 640)1) Rulemaking:A) Description: These rules will be amended to update incorporated materials; update membership requirements for the Perinatal Advisory Committee; revise descriptions of the levels of perinatal care; revise the standards of care; revise requirements for designation as a Perinatal Center; revise requirements for the Perinatal Reporting System; and revise requirements for the high-risk follow-up program.B) Statutory Authority: Developmental Disability Prevention Act [410 ILCS 250]C) Scheduled meeting/hearing dates: These amendments will be reviewed by the State Board of Health.D) Date agency anticipates First Notice: Spring 2005E) Effect on small businesses, small municipalities or not-for-profit corporations: These amendments may affect hospitals that are operated by not-for-profit organizations.F) Requests for information concerning this regulatory agenda shall be directed to:

Susan Meister
Division of Legal Services
Illinois Department of Public Health
535 West Jefferson St, 5th Floor
Springfield, Illinois 62761
217/782-2043
E-mail: rules@idph.state.il.us

G) Related rulemaking and other information: None

DEPARTMENT OF PUBLIC HEALTH

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ee) Part (Heading and Code Citation): Physical Fitness Facility Medical Emergency Preparedness Code (77 Ill. Adm. Code 527)

1) Rulemaking:

A) Description: These rules will implement the Physical Fitness Facility Medical Emergency Preparedness Act (effective January 1, 2005). The rules will require the operator of a “physical fitness facility,” as defined in the Act and the rules, to develop and implement a plan for responding to a medical emergency at the facility. The plan must include the use of an AED. Coordination with local EMS Systems will also be required.

B) Statutory Authority: Physical Fitness Facility Medical Emergency Preparedness Act [210 ILCS 74]

C) Scheduled meeting/hearing dates: These rules were reviewed by the State Board of Health at its December 9, 2004, meeting.

D) Date agency anticipates First Notice: January 2005

E) Effect on small business, small municipalities, and not-for-profit corporations: These rules will affect physical fitness facilities that are operated by small business, small municipalities, and not-for-profit corporations, as defined in the Act and the rules.

F) Requests for information concerning this regulatory agenda shall be directed to:

Susan Meister
Division of Legal Services
Illinois Department of Public Health
535 West Jefferson St, 5th Floor
Springfield, Illinois 62761
217/782-2043
E-mail: rules@idph.state.il.us

G) Related rulemaking and other information: None

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ff) Part (Heading and Code Citation): Americans With Disabilities Act Grievance Procedure (77 Ill. Adm. Code 1625)

1) Rulemaking:

- A) Description: These rules will implement Section 35.107 of the federal regulations under the Americans With Disabilities Act (42 USC 12101 et seq.), which requires that a grievance procedure be established by a “public entity,” as defined in the federal regulations, for the purpose of resolving grievances asserted by individuals with disabilities.
- B) Statutory Authority: The Americans With Disabilities Act of 1990 (42 USC 12101 et seq.) and Section 2 of the Department of Public Health Act [20 ILCS 2305/2]
- C) Scheduled meeting/hearing dates: These rules were reviewed by the State Board of Health at its December 9, 2004, meeting.
- D) Date agency anticipates First Notice: January 2005
- E) Effect on small businesses, small municipalities, or not-for-profit corporations: None
- F) Requests for information concerning this regulatory agenda shall be directed to:

Susan Meister
Division of Legal Services
Illinois Department of Public Health
535 West Jefferson St, 5th Floor
Springfield, Illinois 62761
217/782-2043
E-mail: rules@idph.state.il.us

- G) Related rulemaking and other information: None

gg) Part(s) (Heading and Code Citations): Control of Communicable Diseases Code (77 Ill. Adm. Code 690)

1) Rulemaking:

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- A) Description: Amend Control of Communicable Diseases Code to implement provisions of Public Act 93-829, effective July 28, 2004 relating to expanded powers authorizing isolation, quarantine and closure of facilities; other expanded public health powers (including orders for physical examination and tests, vaccinations, medications, observation and monitoring; authority over animals); safe disposal of human remains; collection and sharing of data and emergency access to medical records.
- B) Statutory Authority: 20 ILCS 2305/2, 7, as amended by Public Act 93-829, effective July 28, 2004.
- C) Scheduled meeting/hearing dates: The rules must be approved by the State Board of Health.
- D) Date agency anticipates First Notice: Spring 2005
- E) Effect on small businesses, small municipalities or not for profit corporations: Unknown
- F) Agency contact person for information:

Susan Meister
Division of Legal Services
Illinois Department of Public Health
535 West Jefferson St, 5th Floor
Springfield, Illinois 62761
217/782-2043
E-mail: rules@idph.state.il.us

- G) Related rulemakings and other pertinent information: None

hh) Part(s) (Heading and Code Citations): Hospital Licensing Requirements (77 Ill. Adm. Code 250)

1) Rulemaking:

- A) Description: Amend Hospital Licensing Requirements to implement provisions of Public Act 93-829, effective July 28, 2004 relating to

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hospital disaster privileges. Specifically, the rule will establish the procedures and requirements for granting hospital disaster privileges.

- B) Statutory Authority: 210 ILCS 85/10.4, as amended by Public Act 93-829, effective July 28, 2004; Hospital Licensing Act [210 ILCS 85]
- C) Scheduled meeting/hearing dates: The rules must be approved by the Hospital Licensing Board.
- D) Date agency anticipates First Notice: Spring 2004
- E) Effect on small businesses, small municipalities or not for profit corporations: Unknown
- F) Agency contact person for information:

Susan Meister
Division of Legal Services
Illinois Department of Public Health
535 West Jefferson St, 5th Floor
Springfield, Illinois 62761
217/782-2043
E-mail: rules@idph.state.il.us

- G) Related rulemakings and other pertinent information: None

ii) Part(s) (Heading and Code Citations): Healthcare Professional Credentials Data Collection Code (77 Ill. Adm. Code 965)

1) Rulemaking:

- A) Description: Amend Healthcare Professional Credentials Data Collection Code to implement provisions of Public Act 93-829, effective July 28, 2004 relating to hospital disaster privileges. Specifically, the rule will cross reference amendments to the Hospital Licensing Requirements relating to hospital disaster privileges.
- B) Statutory Authority: 410 ILCS 517/15, as amended by Public Act 93-829, effective July 28, 2004.

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- C) Scheduled meeting/hearing dates: The rules must be approved by the State Board of Health.
- D) Date agency anticipates First Notice: Spring 2005
- E) Effect on small businesses, small municipalities or not for profit corporations: Unknown
- F) Agency contact person for information:
- Susan Meister
Division of Legal Services
Illinois Department of Public Health
535 West Jefferson St, 5th Floor
Springfield, Illinois 62761
217/782-2043
E-mail: rules@idph.state.il.us
- G) Related rulemakings and other pertinent information: None

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- a) Part(s) (Heading and Code Citations): Sale of Information; 92 Ill. Adm. Code 1002
- 1) Rulemaking:
- A) Description: Updating and amending the Administrative Code to conform with the federal provisions of 18 USC 2721.
- B) Statutory Authority: 625 ILCS 5/2-123, 625 ILCS 5/2-104, 5/2-107, and 18 USC 2721
- C) Scheduled Meeting/Hearing Dates: None scheduled
- D) Date Agency anticipates First Notice: April 2005
- E) Impact on Small Businesses, Small Municipalities or Not for Profit Corporations: None
- F) Agency Contact Person for Information:
- Brenda Cronk
Assistant General Counsel
Illinois Secretary of State
298 Howlett Building
Springfield IL 62701
217/785-3094
Fax: 217/524-1689
bcronk@ilsos.net
- G) Related Rulemakings and Other Pertinent Information: None
- b) Part(s) (Heading and Code Citations): Issuance of Licenses; 92 Ill. Adm. Code 1030
- 1) Rulemaking:
- A) Description: Adding the Hazardous Material Endorsement Security Threat Assessment requirements for Commercial Drivers License (CDL) holders as outlined in 49 CFR Chapter XII, Subchapter D, Part 1572. These federal rules address the requirements in the USA PATRIOT ACT of 2001.
- B) Statutory Authority: 625 ILCS 5/6-521

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- C) Scheduled Meeting/Hearing Dates: None scheduled
- D) Date Agency anticipates First Notice: March 1, 2005
- E) Impact on Small Businesses, Small Municipalities or Not for Profit Corporations: None
- F) Agency Contact Person for Information:
- Jo Ann Wilson
Driver Services Department
Illinois Secretary of State
2701 South Dirksen Parkway
Springfield IL 62723
217/785-1441
Fax: 217/557-1033
jwilson@ilsos.net
- G) Related Rulemakings and Other Pertinent Information: None
- c) Part(s) (Heading and Code Citations): Procedure for Obtaining a Driver's License/Temporary Visitor's Driver's License; 92 Ill. Adm. Code 1030.11.
- 1) Rulemaking:
- A) Description: This proposed amendment will be done per an agreement made between the Secretary of State's Office and JCAR during the rule making process establishing rules relative to the Temporary Visitor Driver's License. The proposed amendment will reflect the existence of a Central Review Unit, outline the availability of the review process, develop standards for review determinations and the timeframes for completing the review.
- B) Statutory Authority: 625 ILCS 5/6-105.1
- C) Scheduled Meeting/Hearing Dates: None scheduled
- D) Date Agency anticipates First Notice: March 2005.
- E) Impact on Small Businesses, Small Municipalities or Not for Profit Corporations: None

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F) Agency Contact Person for Information:

Jo Ann Wilson
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jwilson@ilsos.net

G) Related Rulemakings and Other Pertinent Information: Noned) Part(s) (Heading and Code Citation): Illinois Business Brokers Act of 1995; 14 Ill. Adm. Code 1401) Rulemaking:

A) Description: Amend rules and draft rules generally to conform regulations to legislative enactments.

B) Statutory Authority: Illinois Business Broker Act, 815 ILCS 307/10-1

C) Scheduled Meeting/Hearing Dates: None

D) Date Agency anticipates First Notice: Unknown

E) Impact on Small Business, Small Municipalities or Not for Profit Corporations: Unknown

F) Agency Contact Person for Information:

Tanya Solov, Director
Illinois Securities Department
Office of the Secretary of State
69 W. Washington Street, Suite 1220
Chicago IL 60602
312/793-3384
Fax: 312/793-1202
tsolov@ilsos.net

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G) Related Rulemaking and Other Pertinent Information: None

e) Part(s) (Heading and Code Citation): Illinois Securities Law of 1953; 14 Ill. Adm. Code 130

1) Rulemaking

A) Description: Amend and draft rules generally to conform regulations to state and federal legislative enactments and rules of the US Securities and Exchange Commission.

B) Statutory Authority: Illinois Securities Law of 1953, 815 ILCS 5

C) Scheduled Meeting/Hearing Dates: None

D) Date the Agency anticipates First Notice: Unknown

E) Impact on Small Business, Small Municipalities or Not For Profit Corporations: Unknown

F) Agency Contact Person for Information:

Tanya Solov, Director
Illinois Securities Department
Office of the Secretary of State
69 W. Washington Street, Suite 1220
Chicago IL 60602
312/793-3384
Fax: 312/793-1202
tsolov@ilsos.net

G) Related Rulemaking and Other Pertinent Information: None

f) Part(s) (Heading and Code Citation): Illinois Business Opportunity Sales Law of 1995; 14 Ill. Adm. Code 135

1) Rulemaking:

A) Description: Amend and draft rules generally to conform regulations to legislative enactments.

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- B) Statutory Authority: Illinois Business Opportunity Sales Law of 1995, 815 ILCS 602/5-1
- C) Schedule Meeting/Hearing Dates: None
- D) Date the Agency anticipates First Notice: Unknown
- E) Impact on Small Business, Small Municipalities or Not For Profit Corporations: Unknown
- F) Agency Contact Person for Information:

Tanya Solov, Director
Illinois Securities Department
Office of the Secretary of State
69 W. Washington Street, Suite 1220
Chicago IL 60602
312/793-3384
Fax: 312/7930-1202
tsolov@ilsos.net

- G) Related Rulemaking and Other Pertinent Information: None

g) Part(s) (Heading and Code Citation): Illinois Loan Brokers Act of 1995, 14 Ill. Adm. Code 145

1) Rulemaking:

- A) Description: Amend and draft rules generally to conform regulations to legislative changes.
- B) Statutory Authority: Illinois Loan Brokers Act of 1995, 815 ILCS 175/15-1
- C) Scheduled Meeting/Hearing Dates: None
- D) Date the Agency anticipates First Notice: Unknown
- E) Impact on Small Businesses, Small Municipalities or Not For Profit

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JANUARY 2005 REGULATORY AGENDA

Corporations: Unknown

F) Agency Contact Person for Information:

Tanya Solov, Director
Illinois Securities Department
Office of the Secretary of State
69 W. Washington Street, Suite 1220
Chicago IL 60602
312/793-3384
Fax: 312/7930-1202
tsolov@ilsos.net

G) Related Rulemaking and Other Pertinent Information: None

h) Part(s) (Heading and Code Citation): Procedures and Standards; 92 Ill. Adm. Code 1001.10, *et seq.*

1) Rulemaking:

A) Description:The Department is considering some modifications and clarifications to its hearing procedure (Subpart A of 92 IAC Part 1001), and to some substantive rules on hearings (Subpart D). Among others, the following amendments are under consideration:

- Remove the rule which allows a petitioner to file a Motion to Correct a Material Misstatement of Fact (§§1001.80 and 1001.110(g));
- The Department is considering amending its rules of evidence to explicitly allow the admission of an arresting officers narrative investigative report at implied consent hearings conducted by the Department, even when the officer fails to appear in response to a subpoena issued by the Department. (§1001.100(d));
- Shorten the period of time within which an out-of-state petitioner must provide the information required by the rules of the Secretary of State in order to obtain driving relief. The time frame currently in effect (90 days) has proven to be too long. (1001.100(n)(6));
- The Department is considering sending by electronic mail notices of hearing and final orders entered after a hearing. This practice would require the amendment of the rule on Orders (1001.110(d)) – add notification by electronic transmission;

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- Remove the limitation on applying for a formal hearing once every four (4) months §1001.50(a);
- Remove the rule which requires a petitioner who has been issued a restricted driving permit to drive on the permit for 75% of its length before applying for reinstatement (§1001.430(i));
- The Department's rule currently allows treatment providers to compose updated evaluations. We intend to clarify this rule by making it clear that only treatment providers that provide "primary" treatment will be allowed to compose updated evaluations (§1001.440(a)(6)(A)(2)); and
- The Department's rule on Uniform Reports or original evaluations as recently amended to require that a chronological alcohol/drug use history be included or attached as part of history be included or attached as part of the evaluation. We intend to extend this requirement to Investigative Evaluation. §1001.440(a)(4) and .440(a)(6)(D)).

B) Statutory Authority: 625 ILCS 5/2-104

C) Scheduled Meeting/Hearing Dates: None as yet

D) Date the Agency anticipates First Notice: Summer 2005

E) Impact on Small Business, Small Municipalities or Not For Profit Corporations: We do not anticipate some impact on small businesses.

F) Agency Contact Person for Information:

Marc Christopher Loro
Legal Advisor
Administrative Hearings
Office of the Secretary of State
Room 200, Howlett Building
Springfield IL 62756
217/785-8245
Fax 217-782-2192
mloro@ilsos.net

G) Related Rulemaking and Other Pertinent Information: None

i) Part(s) (Heading and Code Citation): Illinois State Library, Acquisition Division, Illinois Documents Section; 23 Ill. Adm. Code 3020

SECRETARY OF STATE

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- 1) Rulemaking:
 - A) Description: Section 23 Ill. Adm. Code 3020.110 will be amended to clarify the method for state agencies to transmit electronic publications to the Illinois State Library for public access through the Internet.
 - B) Statutory Authority: Implementing Section 21 and authorized by Section 2 of the State Library Act [15 ILCS 320/2 and 21].
 - C) Schedule Meeting/Hearing Date: None
 - D) Date Agency anticipates First Notice: July 2005
 - E) Impact on Small Businesses, Small Municipalities or Not For Profit Corporations: None
 - F) Agency Contact Person for Information:

Joseph Natale
Rules Coordinator
Illinois State Library
Gwendolyn Brooks Building
300 South Second Street
Springfield IL 62701-1796
217/558-4185
Fax: 217/557-2619
jnatale@ilsos.net
 - G) Related Information and Other Pertinent Information: None
- j) Part(s) (Heading and Code Citation): Illinois State Library Talking Book and Braille Service; 23 Ill. Adm. Code 3025
 - 1) Rulemaking:
 - A) Description: In conjunction with the rulemaking for the Illinois Library System Act (23 Ill. Admin. Code 3030), Section 23 Ill. Admin. Code 3030.105 (j) will be moved to this Part.
 - B) Statutory Authority: Implementing Section 18 of the Illinois State Library Act [15 ILCS 320/18] and authorized by Sections 2 and 8 of Illinois State Act [15 ILCS 320/2] and implementing 36 CFR 710.10
 - C) Schedule Meeting/Hearing Date: August 2005

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- D) Date Agency anticipates First Notice: July 2005
- E) Impact on Small Businesses, Small Municipalities or Not For Profit Corporations: None
- F) Agency Contact Person for Information:
Joseph Natale
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Illinois State Library
Gwendolyn Brooks Building
300 South Second Street
Springfield IL 62701-1796
217/558-4185
Fax: 217/557-2619
jnatale@ilsos.net
- G) Related Information and Other Pertinent Information: None
- k) Part(s) (Heading and Code Citation): Illinois State Library System Act; 23 Ill. Adm. Code 3030
- 1) Rulemaking:
- A) Description: This Part will be reviewed in order to renumber and reorganize its content to facilitate use. Section 3030.105, State Grants, will be moved to a new Part.
- B) Statutory Authority: Implementing and authorized by the Illinois Library System Act [75 ILCS 10]
- C) Schedule Meeting/Hearing Date: August 2005
- D) Date Agency anticipates First Notice: July 2005
- E) Impact on Small Businesses, Small Municipalities or Not For Profit Corporations: None
- F) Agency Contact Person for Information:
Joseph Natale
Rules Coordinator
Illinois State Library
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300 South Second Street
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SECRETARY OF STATE

JANUARY 2005 REGULATORY AGENDA

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Fax: 217/557-2619
jnatale@ilsos.net

G) Related Information and Other Pertinent Information: None

l) Part(s) (Heading and Code Citation): Literacy Grant Program; 23 Ill. Adm. Code 3040

1) Rulemaking:

A) Description: Clarify the application review and fiscal requirements for Literacy Grants.

B) Statutory Authority: Implementing and authorized by the State Library Act [15 ILCS 320] and the Illinois Literacy Act [15 ILCS 322]

C) Schedule Meeting/Hearing Date: No hearing scheduled

D) Date Agency anticipates First Notice: March 2005

E) Impact on Small Businesses, Small Municipalities or Not For Profit Corporations: None

F) Agency Contact Person for Information:

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Illinois State Library
Gwendolyn Brooks Building
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217/558-4185
Fax: 217/557-2619
jnatale@ilsos.net

G) Related Information and Other Pertinent Information: None

m) Part(s) (Heading and Code Citation): Public Library Construction Grants; 23 Ill. Adm. Code 3060

1) Rulemaking:

A) Description: Establish the funding priorities for FY 2006 construction grants in Section 23 Ill. Adm. Code 3060.500(c).

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- B) Statutory Authority: Implementing Section 3 of the Capital Development Bond Act of 1972 [30 ILCS 420/3] and authorized by Sections 3 and 8 of the Illinois Library System Act [75 ILCS 103 and 8]
- C) Scheduled Meeting/Hearing Date: No hearing scheduled
- D) Date Agency anticipates First Notice: July 2005
- E) Impact on Small Businesses, Small Municipalities or Not For Profit Corporations: None
- F) Agency Contact Person for Information:
Joseph Natale
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Illinois State Library
Gwendolyn Brooks Building
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217/558-4185
Fax: 217/557-2619
jnatale@ilsos.net
- G) Related Information and Other Pertinent Information: None
- n) Part(s) (Heading and Code Citations): Business Corporation Act; 14 Ill. Adm. Code 150
- 1) Rulemaking:
- A) Description: New Rule 150.725. Provides guidelines when a corporation acts as an incorporator.
- B) Statutory Authority: Implemented and authorized by Section 2.05 of the Illinois Business Corporation Act (805 ILCS 5/2.05)
- C) Scheduled Meeting/Hearing Dates: Unknown
- D) Date the Agency anticipates First Notice: Unknown
- E) Impact on Small Business, Small Municipalities or Not for Profit Corporation: None
- F) Agency Contact Person for Information:
Robert Durchholz
Department of Business Services
330 Howlett Building

SECRETARY OF STATE

JANUARY 2005 REGULATORY AGENDA

Springfield, Illinois 62756
217/782-4009
Fax: 217/782-1644
rdurchholz@ilsos.net

- G) Related Rulemaking and Other Pertinent Information: None
- o) Part(s) (Heading and Code Citations): Business Corporation Act; 14 Ill. Adm. Code 150
- 1) Rulemaking:
- A) Description: New Rule 150.730. Sets forth hours of business for the Springfield Office of the Department of Business Services.
- B) Statutory Authority: To be consistent with Rule 178.35 of the Limited Liability Company Act (14 Ill. Adm. Code 178)
- C) Scheduled Meeting/Hearing Dates: Unknown
- D) Date the Agency anticipates First Notice: Unknown
- E) Impact on Small Business, Small Municipalities or Not for Profit Corporation: None
- F) Agency Contact Person for Information:
- Robert Durchholz
Department of Business Services
330 Howlett Building
Springfield, Illinois 62756
217/782-4009
Fax: 217/782-1644
rdurchholz@ilsos.net
- G) Related Rulemaking and Other Pertinent Information: None

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF REDUCTION OF PENALTY FEE 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)], notice is hereby given that the Department of Financial and Professional Regulation, Division of Banks and Real Estate, of the State of Illinois has reduced the amount of the penalty fee from \$4,500 to \$1,500 against AMB Mortgage Bancorp, License No. MB.0005423, of Palatine, Illinois, a licensee under the Act, for violating the terms of the Act and the rules and regulations adopted thereunder, effective January 18, 2005. For further reference link to: <http://www.obre.state.il.us>

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

Pursuant to the provisions of 20 ILCS 1605/7.1, the Illinois Department of the Lottery shall publish each January in the Illinois Register a list of all game-specific rules, play instructions, directives, operations manuals, brochures, or other game-specific publications issued by the Department during the previous year. Following is the list of game-specific materials published by the Lottery during calendar year 2004.

Directive #04-05: "Special Game Designation: 30th Anniversary Promotion"

Directive #04-07: "End of Game: Pick 3/Pick 4 Extra"

Directive #05-01: "Special Drawing Designation: Sony Second Chance & Incentives"

Directive #05-03: "Special Game Designation: Holiday Cash, Game #352"

Game Rules – Instant Game No. 258, "Lion's Share"

Game Rules – Instant Game No. 261, "Bonus Blackjack"

Game Rules – Instant Game No. 263, "Sky's the Limit"

Game Rules – Instant Game No. 268, "Player's Club"

Game Rules – Instant Game No. 269, "\$20,000 Cash"

Game Rules – Instant Game No. 270, "Money Jar"

Game Rules – Instant Game No. 286, "Vegas Nights"

Game Rules – Instant Game No. 288, "Great Big Bingo"

Game Rules – Instant Game No. 289, "Double Bingo"

Game Rules – Instant Game No. 291, "\$50,000 Break Fort Knox"

Game Rules - Instant Game No. 292, "Wizard of Odds"

Game Rules - Instant Game No. 293, "Struck by Luck"

Game Rules - Instant Game No. 294, "Deluxe 7-11-21"

Game Rules - Instant Game No. 296, "7-11-21"

Game Rules - Instant Game No. 297, "Lucky Diamonds"

Game Rules - Instant Game No. 299, "Cash Bonanza"

Game Rules - Instant Game No. 300, "Doughnut Double Doubler"

Game Rules - Instant Game No. 301, "Hot Chocolate Change"

Game Rules - Instant Game No. 302, "Try Me Tripler"

Game Rules - Instant Game No. 303, "Livin' Lucky"

Game Rules - Instant Game No. 304, "Lucky Hearts"

Game Rules - Instant Game No. 305, "Winning Combination"

Game Rules - Instant Game No. 307, "O'Lucky Day"

Game Rules - Instant Game No. 308, "Super 7-11-21"

Game Rules - Instant Game No. 309, "Crossword"

Game Rules - Instant Game No. 310, "Extreme Green"

Game Rules - Instant Game No. 311, "Bunny Bucks"

Game Rules - Instant Game No. 312, "Super 6"

Game Rules - Instant Game No. 314, "Lucky Payday"

Game Rules - Instant Game No. 315, "Count the Change"

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Game Rules - Instant Game No. 316, "2-Step Doubler"
Game Rules - Instant Game No. 317, "Happy Mother's Day"
Game Rules - Instant Game No. 318, "Happy Father's Day"
Game Rules - Instant Game No. 319, "Zodiac Tripler"
Game Rules - Instant Game No. 320, "Patriotic Payday"
Game Rules - Instant Game No. 321, "Scratch & Match"
Game Rules - Instant Game No. 322, "Winning 30's"
Game Rules - Instant Game No. 323, "Anniversary Adventures"
Game Rules - Instant Game No. 324, "Celebrate 7's"
Game Rules - Instant Game No. 325, "Anniversary Millions"
Game Rules - Instant Game No. 326, "9's in a Line"
Game Rules - Instant Game No. 327, "Deep End Doubler"
Game Rules - Instant Game No. 328, "Change of the Season"
Game Rules - Instant Game No. 330, "4s Galore"
Game Rules - Instant Game No. 333, "Anniversary Extravaganza"
Game Rules - Instant Game No. 334, "30 Years Of Fun"
Game Rules - Instant Game No. 335, "Luck Of The Dice"
Game Rules - Instant Game No. 336, "Win for Life"
Game Rules - Instant Game No. 337, "Crossword"
Game Rules - Instant Game No. 338, "7-11-21"
Game Rules - Instant Game No. 339, "Tie Dye Dollars"
Game Rules - Instant Game No. 340, "Big Bang Bingo"
Game Rules - Instant Game No. 341, "Low Carb Cash"
Game Rules - Instant Game No. 342, "Change Your Luck"
Game Rules - Instant Game No. 344, "Scaredy Cash"
Game Rules - Instant Game No. 345, "Downhil Doubler"
Game Rules - Instant Game NO. 346, "Crossword"
Game Rules - Instant Game No. 348, "Turkey Tripler"
Game Rules - Instant Game No. 349, "Sony Xtreme"
Game Rules - Instant Game No. 350, "S'more Cash"
Game Rules - Instant Game No. 352, "Holiday Cash"
Game Rules - Instant Game No. 353, "Nutquaker Cash"
Game Rules - Instant Game No. 354, "Snow Dough"
Game Rules - Instant Game No. 355, "Ice Cold Cash"
Game Rules - Instant Game No. 356, "Silver & Gold Bingo"
Game Rules - Instant Game No. 357, "Merry Millionaire"
Game Rules - Instant Game No. 360, "Sapphire Blue 7s"
Game Rules - Instant Game No. 361, "7-11-21"
Game Rules - Instant Game No. 362, "Tickled Pink Tripler"
Game Rules - Instant Game No. 364, "Candy Cane Crossword"

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Game Rules – Instant Game No. 368, “Red, White & Blue”
"Big Ticket to the Billboard Latin Music Awards" Promotion Official Rules & Procedures
"Big Ticket to the Billboard Latin Music Awards" Promotion Official Drawing Procedures
"30th Anniversary Appreciation Celebration" Promotion Official Rules & Procedures, with amendments
"30th Anniversary Appreciation Celebration" Promotion Official Drawing Procedures
"Sony® Second Chance" Promotion Official Rules & Procedures
"Sony® Second Chance" Promotion Drawing Procedures
"State Fair Car Giveaway" Promotion Official Rules & Procedures
"State Fair Car Giveaway" Promotion Official Drawing Procedures
"African Festival of the Arts Giveaway" Promotion Official Rules & Procedures
"African Festival of the Arts Giveaway" Promotion Official Drawing Procedures
"Holiday Green Ball Double Draw" Promotion Official Rules & Procedures
On-Line Drawing Procedures Supplemental Instructions for Green Ball Double Draw
On Line Game Rules revised as of February 2004 and June 2004
30th Anniversary 2nd Chance Promo Flyer and Tear Pad
30th Anniversary 2nd Chance Promo Winners List
Big Ticket to the 2004 Billboard Latin Music Awards Poster and Flyer
Big Ticket to the 2004 Billboard Latin Music Awards Winner List
Big Ticket to your Big Party Poster
Big Ticket to your Big Party Winner Press Release (English & Spanish) & Winner List
Instant Ticket Claim Dates
Instant Game Chart 1975 – Present
Instant Game Prize List
2004 Winning Numbers Lists (Pick 3, Pick 4, Little Lotto, Lotto, Mega Millions)
2004 Winning Numbers in Order Drawn (Little Lotto, Lotto, Mega Millions)
Lottery Financial History, Sales by Game/Where Your Dollar Goes
Official Fun Guide - How to Play Lottery brochure
“Play Extra! Win Extra!” brochure
“Numbers Now” brochure (English and Spanish)
“Play Pick 3/4 Instantly with Numbers Now” flyer
Chances of Winning Lotto, Little Lotto or Mega Millions
Lotto and Little Lotto Subscription Forms
The Illinois Lottery: A History
The Illinois Lottery: The Condensed History
Chronological Events to Remember
The Illinois Lottery: How to Play and Win
Instant Game Unclaimed Prize Flyers
Lotto, Little Lotto Unclaimed Grand Prizes
Big Game/Mega Millions Unclaimed 2nd Prizes

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Record North American Jackpots
Top Lotto Jackpots
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Copies of the foregoing may be obtained by submitting a written request to:

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Illinois Department of Revenue
101 West Jefferson, MC 6-595
Springfield, Illinois 62702

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NOTICE OF NAMES OF PERSONS APPEARING
TO BE OWNERS OF UNCLAIMED PROPERTY WHOSE
LAST KNOWN ADDRESSES ARE IN CERTAIN STATES

Pursuant to Public Act 91-0016, the Illinois State Treasurer's Office is publishing the names and last known addresses of unclaimed property owners whose last known addresses are allegedly in a state other than Illinois. The other state does not have a reciprocity arrangement with Illinois.

If your name or that of a person you represent appears below, you may contact this Agency for further information about the assets.

INQUIRIES MUST BE IN WRITING. The written inquiry should include the name and address as listed, and the correct name and address for reply. If inquiring about a name other than your own, you must indicate your authority to act on behalf of that person.

Address written inquiries to:

ILLINOIS STATE TREASURER'S OFFICE
UNCLAIMED PROPERTY DIVISION
P.O. Box 19495
Springfield, Illinois 62794-9495

AUTHORITY: Implementing and required by the Illinois Uniform Disposition of Unclaimed Property Act, (765 ILCS 1025/12).

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Adeko T B	29 Hillbeck Close Tustin Street United Kingdom	FN	00000
Aggarwal Ajay	Road 22 House 12New Deli East Punjabi Bagh	FN	00000
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Auto Credit Of Florida			FL	
Auto Credit Of Va			VA	
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Nehra Elizabeth	1 Morley Ct Islington Ontario Canada		FN 00000
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Perwira Affin Bank Berhad	4 Jalan Pk Wisma Tong Ah 9th Floor	Kuala Lumpur	50915
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Prescott Leota	La Grande Princess 66	St Croix	VI 820
Preston Hjt Channing	St Peter Pt Gue Channel Ilands		FN 00000
Puky Akos	Apartado 68 587 Caracas 106		FN 00000
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Reynolds A J	Bn16 2sz East Preston West Sus 5 Springfield Close Runswick		FN 00000
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PROCLAMATIONS

2005-20**School Social Work Week (Revised)**

WHEREAS, education provides the necessary skills that serve as a foundation for people to become productive members of today's society; and

WHEREAS, the State of Illinois values its children and recognizes the importance of providing them with the best education possible so that they may realize their fullest potential and experience success in their future endeavors; and

WHEREAS, school social workers provide services to parents, children, and schools that are vital to the overall educational mission of the State of Illinois. These services include: group counseling; academic support; assessment; crisis intervention; conflict resolution; and coordination of school and community mental health resources; and

WHEREAS, school social workers serve as a link between school, home, and community by establishing relationships with parents, whom teachers have not been able to reach through normal channels, and helping them understand and meet their children's social and emotional needs; and

WHEREAS, the more than 2,200 school social workers in Illinois provide services to thousands of school children in regular and special education settings to help these children maximize their learning potential and experience school success:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim March 6 – 12, 2005 as SCHOOL SOCIAL WORK WEEK in Illinois, and encourage all citizens to recognize and support the men and women who perform this noble service to ensure a bright future for all children.

Issued by the Governor January 25, 2005.

Filed by the Secretary of State January 25, 2005.

2005-21**Night of 100 Stars**

WHEREAS, the DuSable Museum of African American History, the oldest independent institution of its kind in the country, is dedicated to the collection, preservation, interpretation and dissemination of the history and culture of Americans of African descent; and

WHEREAS, in 1992, the DuSable Museum culminated the celebration of its 30th Anniversary by instituting the African American HistoryMakers Awards; and

WHEREAS, the HistoryMakers Awards salute African American Chicagoans for their outstanding contributions to society through their professions and civic responsibilities. Honorees are inducted into the DuSable Museum's "Chicago African American HistoryMakers Gallery of Greats"; and

WHEREAS, this year's HistoryMakers include: Chuck Barksdale, founding member of the legendary R&B group, The Dells; Don Cornelius, creator of "Soul Train" and "The Soul Train Awards"; Valerie Norman-Gammon, an award winning television producer and President & CEO of Amethyst Entertainment; Irma P. Hall, an actress with appearances in such films as

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“Soul Food,” “Collateral,” and “The Lady Killers”; Quincy Jones, award winning musician, producer, and author; T’Keyah Crystal Kemah, a television actress with shows such as “In Living Color,” “Cosby,” and “That’s So Raven” to her credit; KoKo Taylor, a Grammy Award winning Blues artist; and Malcolm Jamal Warner, an actor who starred in “The Cosby Show” as well as “Malcolm and Eddie”; and

WHEREAS, the 2005 Chicago African American HistoryMakers will be honored on February 19, 2005, during the “Night of 100 Stars – Chicago African American HistoryMakers Awards” gala:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim February 19, 2005 as the NIGHT OF 100 STARS in Illinois, and encourage all citizens to join in honoring this year’s HistoryMakers.

Issued by the Governor January 25, 2005.

Filed by the Secretary of State January 25, 2005.

2005-22**ILLINOIS LULAC MONTH**

WHEREAS, the League of United Latin American Citizens (LULAC) is one of the oldest and most widely respected Hispanic civil rights organizations in the United States; and

WHEREAS, since its inception on February 17, 1929 in Corpus Christi, Texas, the founders of LULAC have taken a proactive approach by creating an organization that empowers its members to create and develop opportunities where they are needed most; and

WHEREAS, LULAC has developed a comprehensive set of nationwide programs fostering educational attainment, job training, housing, scholarships, new technology, economic development, citizenship, and voter registration. In addition, they have adopted a legislative platform that promotes humanitarian relief for immigrants, increases educational opportunities for our young adults and youth, and seeks equal treatment for all Hispanics in the United States and its territories including the Commonwealth of Puerto Rico; and

WHEREAS, LULAC will implement its SBC Foundation/LULAC Illinois partnership initiative “Empower Hispanic America with Technology,” where Hispanic leaders will come together to promote New Technology for Hispanics; and

WHEREAS, this year, the League of United Latin American Citizens will celebrate its seventy-sixth year of increasing educational opportunities and improving the quality of life for Hispanic Americans in Illinois, and across the country:

THEREFORE, I, Rod Blagojevich, Governor of Illinois, do hereby proclaim February 2005 as ILLINOIS LULAC MONTH, and encourage all citizens to join the LULAC membership in commemorating their seventy-six years of outstanding service to this state.

Issued by the Governor January 26, 2005.

Filed by the Secretary of State January 27, 2005.

2005-23**Provident Foundation Day**

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WHEREAS, in 1891, Dr. Daniel Hale Williams founded the Provident Hospital and Nursing Training School in Chicago, Illinois; and

WHEREAS, at the time of its inception, Provident Hospital was one of the only hospitals in the nation where African-American doctors and nurses were allowed to learn and practice medicine, as well as one of the few places where African-American and poverty-stricken patients could receive medical treatment; and

WHEREAS, the Provident Foundation was established in 1995 to perpetuate the legacy of the historic Provident Hospital and the contributions of founder, Dr. Daniel Hale Williams; and

WHEREAS, the Provident Foundation continues Provident Hospital's tradition of community service by offering scholarships and mentoring programs to future health care professionals who agree to work in underserved communities:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim February 2, 2005 as PROVIDENT FOUNDATION DAY in Illinois, and encourage all citizens to acknowledge and appreciate the trailblazing work of Dr. Daniel Hale Williams, and all those who showed an unwavering commitment to practicing medicine by working at Provident Hospital, despite the racism and discrimination so many of them faced.

Issued by the Governor January 27, 2005.

Filed by the Secretary of State January 27, 2005.

2005-24**African-American Veterans Recognition Day**

WHEREAS, despite the great challenges they have encountered, African-American men and women have displayed a history of patriotism by courageously serving in the various branches of the United States Armed Forces; and

WHEREAS, African-American men and women have served and distinguished themselves in times of peace as well as during every major conflict since the birth of our nation; and

WHEREAS, certain African-American groups such as: Company E, 4th United States Colored Infantry; the Tuskegee Airmen; the Montford Point Marines; the 555th Airborne Battalion; the 761st Tank Battalion; and the "Golden Thirteen" have become historical icons in American military history; and

WHEREAS, African-American men and women continue to bravely serve in all branches of the United States Armed Forces and carry on a great legacy of patriotism; and

WHEREAS, the State of Illinois is proud to participate in the "Salute to African-American Veterans" on February 12, 2005, to acknowledge the numerous accomplishments made by these brave men and women who have served their country through military service:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim February 12, 2005 as AFRICAN-AMERICAN VETERANS RECOGNITION DAY in Illinois, and encourage all citizens to honor those veterans who have courageously served their country.

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Issued by the Governor January 27, 2005.

Filed by the Secretary of State January 27, 2005.

2005-25**FINANCIAL AID/ADMISSIONS AWARENESS MONTH**

WHEREAS, the State of Illinois places great emphasis on the importance of educating our young people. With that in mind, students who choose to further their education through secondary schooling are amongst the State's highest priorities; and

WHEREAS, the Illinois Student Assistance Commission (ISAC) was created in 1957 to enable students in Illinois to realize their dreams of attending an institution of higher education, without having to worry about related financial burdens; and

WHEREAS, ISAC offers a comprehensive array of assistance, outreach, and informational programs that educate parents and students alike on the different kinds of assistance the State of Illinois offers; and

WHEREAS, one of their most popular financial aid programs is the Monetary Award Program (MAP) which offers grants to Illinois students that demonstrate financial need. ISAC also offers the College Illinois! program which allows parents to prepay tuition at current tuition rates; and

WHEREAS, throughout the month of February, ISAC will be holding several workshops that will focus on simplifying the financial aid process for current and prospective students. Counselors will be available to help fill out forms for a myriad of financial aid including the Free Application for Federal Student Aid (FAFSA), federal Pell Grants, and Illinois MAP grants; and

WHEREAS, my administration has taken great steps toward making tuition for higher education affordable for everyone, and we are proud to join ISAC in that ongoing mission. In 2003, I signed a law which made state universities lock in tuition rates for entering Illinois freshmen. This allows families to pay the same rate for all four years of college helping to keep the cost of higher education manageable:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim February 2005 as FINANCIAL AID/ADMISSIONS AWARENESS MONTH in Illinois, and encourage students and parents to take advantage of the great services ISAC provides to the people of Illinois.

Issued by the Governor January 27, 2005.

Filed by the Secretary of State January 27, 2005.

2005-26**FFA Week**

WHEREAS, agriculture is Illinois' largest and most productive industry, and is vital to the economic success and future prosperity of the State; and

WHEREAS, agricultural education prepares students for careers in agriculture, with hands-on learning experiences in science, business and technology; and

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WHEREAS, FFA is the largest career and technical student organization in the Illinois, preparing students for premier leadership, personal growth and career success; and

WHEREAS, the 16,000 members of the Illinois Association FFA are prepared to “Learn, Lead and Succeed” in their communities and careers; and

WHEREAS, the 2004-2005 state theme, “Illinois Association FFA – the Magic Formula,” is a fitting tribute to the FFA’s terrific efforts within Illinois and across the country; and

WHEREAS, a week in February has been designated as National FFA Week throughout the United States, Puerto Rico and the Virgin Islands, and Illinois proud to join in this spirited observance:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim the week of February 19-26, 2005 as FFA WEEK in Illinois, and encourage citizens to recognize and encourage agricultural education programs and students in Illinois, and support the ideals of the Illinois Association FFA.

Issued by the Governor January 31, 2005.

Filed by the Secretary of State January 31, 2005.

ILLINOIS ADMINISTRATIVE CODE

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