

# 2008

# ILLINOIS

# REGISTER

RULES  
OF GOVERNMENTAL  
AGENCIES



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## INTRODUCTION

The Illinois Register is the official state document for publishing public notice of rulemaking activity initiated by State governmental agencies. The table of contents is arranged categorically by rulemaking activity and alphabetically by agency within each category.

Rulemaking activity consists of proposed or adopted new rules; amendments to or repealers of existing rules; and rules promulgated by emergency or peremptory action. Executive Orders and Proclamations issued by the Governor; notices of public information required by State Statute; and activities (meeting agendas; Statements of Objection or Recommendation, etc.) of the Joint Committee on Administrative Rules (JCAR), a legislative oversight committee which monitors the rulemaking activities of State Agencies; is also published in the Register.

The Register is a weekly update of the Illinois Administrative Code (a compilation of the rules adopted by State agencies). The most recent edition of the Code, along with the Register, comprise the most current accounting of State agencies' rulemakings.

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

### 2008 REGISTER SCHEDULE VOLUME #32

<u>Issue #</u>	<u>Rules Due Date</u>	<u>Date of Issue</u>
1	December 21, 2007*	January 4, 2008
2	December 31, 2007	January 11, 2008
3	January 7, 2008	January 18, 2008
4	January 14, 2008	January 25, 2008
5	January 22, 2008	February 1, 2008
6	January 28, 2008	February 8, 2008
7	February 4, 2008	February 15, 2008
8	February 11, 2008	February 22, 2008
9	February 19, 2008	February 29, 2008
10	February 25, 2008	March 7, 2008
11	March 3, 2008	March 14, 2008
12	March 10, 2008	March 21, 2008
13	March 17, 2008	March 28, 2008
14	March 24, 2008	April 4, 2008
15	March 31, 2008	April 11, 2008
16	April 7, 2008	April 18, 2008
17	April 14, 2008	April 25, 2008
18	April 21, 2008	May 2, 2008
19	April 28, 2008	May 9, 2008
20	May 5, 2008	May 16, 2008
21	May 12, 2008	May 23, 2008
22	May 19, 2008	May 30, 2008
23	May 27, 2008	June 6, 2008

<u>Issue #</u>	<u>Rules Due Date</u>	<u>Date of Issue</u>
24	June 2, 2008	June 13, 2008
25	June 9, 2008	June 20, 2008
26	June 16, 2008	June 27, 2008
27	June 23, 2008	July 7, 2008
28	June 30, 2008	July 11, 2008
29	July 7, 2008	July 18, 2008
30	July 14, 2008	July 25, 2008
31	July 21, 2008	August 1, 2008
32	July 28, 2008	August 8, 2008
33	August 4, 2008	August 15, 2008
34	August 11, 2008	August 22, 2008
35	August 18, 2008	August 29, 2008
36	August 25, 2008	September 5, 2008
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41	September 29, 2008	October 10, 2008
42	October 6, 2008	October 17, 2008
43	October 14, 2008	October 24, 2008
44	October 20, 2008	October 31, 2008
45	October 27, 2008	November 7, 2008
46	November 3, 2008	November 14, 2008
47	November 10, 2008	November 21, 2008
48	November 17, 2008	December 1, 2008
49	November 24, 2008	December 5, 2008
50	December 1, 2008	December 12, 2008
51	December 8, 2008	December 19, 2008
52	December 15, 2008	December 26, 2008
53	December 22, 2008	January 2, 2009

Editor's Note: The second filing period for submitting Regulatory Agendas will start October 14, 2008 with the last day to file being January , 2009.

## ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

## NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Testing Fees for Analytical Services
- 2) Code Citation: 35 Ill. Adm. Code 691
- 3) Section Number: 691.102                      Proposed Action: Amended
- 4) Statutory Authority: Implementing and authorized by Sections 17.7 of the Illinois Environmental Protection Act [415 ILCS 5/17.7]
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking will update a statutory citation found in Section 691.102 and correct typographical errors.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: No
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: This Part establishes procedures for the determination and collection of fees for analyses of drinking water by the Agency.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to submit comments on the proposed rulemaking may submit them in writing by no later than 45 days after publication of this Notice to:

Stefanie N. Diers  
Assistant Counsel  
Illinois Environmental Protection Agency  
Division of Legal Counsel  
1021 North Grand Avenue East  
P.O. Box 19726  
Springfield, Illinois 62794-9276  
217/782-5544

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED AMENDMENT

stefanie.diers@illinois.gov

- 13) Initial Regulatory Flexibility Analysis:
  - A) Types of small businesses, small municipalities and not for profit corporations affected: This rulemaking is expected not to impact small businesses, small municipalities and not for profit corporations.
  - B) Reporting, bookkeeping or other procedures required for compliance: None
  - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: July 2007

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

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED AMENDMENT

TITLE 35: ENVIRONMENTAL PROTECTION  
SUBTITLE F: PUBLIC WATER SUPPLIES  
CHAPTER II: ENVIRONMENTAL PROTECTION AGENCY

PART 691  
TESTING FEES FOR ANALYTICAL SERVICES

SUBPART A: GENERAL

Section	
691.101	Purpose and Applicability
691.102	Definitions
691.103	Payment of Annual Testing Fee Required Prior to Laboratory Testing by the Agency (Repealed)
691.104	Period of Program Participation
691.105	Nonparticipation in the Program
691.106	Relation to Other Fee Systems (Repealed)
691.107	Severability

SUBPART B: PROGRAM PARTICIPATION FEES

Section	
691.200	Fee Payment
691.201	Calculation of Fee
691.202	Annual Testing Fee After Calendar Year 1990 (Repealed)
691.203	Determining the Number of Service Connections

SUBPART C: PROCEDURES FOR BILLING AND  
COLLECTING PROGRAM PARTICIPATION FEES

Section	
691.301	Billing Statements
691.302	Due Date of Payment
691.303	Form of Payment
691.304	Prohibition Against Refund (Repealed)
691.305	Overpayment or Underpayment of Program Participation Fee
691.306	Audit and Access to Records

SUBPART D: DISPUTE RESOLUTION PROCEDURES

## ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

## NOTICE OF PROPOSED AMENDMENT

## Section

691.401 Council's Non-Concurrence With the Agency Fee Determination

691.403 Dispute Resolution

691.APPENDIX A Agreement for Reduced Participation in Sample Analysis  
(Repealed)

AUTHORITY: Implementing and authorized by Section 17.7 of the Environmental Protection Act [415 ILCS 5/17.7].

SOURCE: Adopted at 14 Ill. Reg. 2045, effective January 18, 1990; amended at 19 Ill. Reg. 12648, effective August 24, 1995; amended at 33 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART A: GENERAL

**Section 691.102 Definitions**

- a) Unless specified otherwise, all terms shall have the meaning set forth in the Act.
- b) For purposes of this Part, the following definitions apply:

"Act" means the Environmental Protection Act [415 ILCS 5].

"Agency" means the Illinois Environmental Protection Agency.

"Board" means the Illinois Pollution Control Board.

"Certified laboratory" means any laboratory approved by the Agency pursuant to 35 Ill. Adm. Code 183, or other department or agency of State government if such authority is delegated for the specific parameters to be examined, pursuant to Section 4(n) or (o) of the Act.

"Community water supply" or "supply" means a public water supply which serves or is intended to serve at least 15 service connections used by residents or regularly serves at least 25 residents. (Section ~~3.1453-05~~ of the Act)

"Council" means the Community Water Supply Testing Council established by Section 17.7(~~f~~)(~~g~~) of the Act.

## ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

## NOTICE OF PROPOSED AMENDMENT

"Drinking water analysis program" or "Program" means the laboratory analysis of community water supplies by the Agency for any community water supply that does not declare its intent to not participate, in accordance with Section 691.105(c), and pays the fees established pursuant to Subpart B of this Part.

"Laboratory testing" means the analysis of drinking water by the Agency required under 35 Ill. Adm. Code Subtitle F and federal regulations established under the Safe Drinking Water Act (42 U.S.C. 300 f).

"Parent community water supply" or "Parent supply" is a community water supply that uses or sells potable water derived from its own sources or receives only a portion of its potable water from other potable water sources.

"Program participation fee" or "fee" means the amount due from the community water supply for analytical services under the Program.

"Public water supply" or "PWS" means all mains, pipes and structures through which water is obtained and distributed to the public, including wells and well structures, ~~intakes~~, ~~Intakes~~ and cribs, pumping stations, treatment plants, reservoirs, storage tanks and appurtenances, collectively or severally, actually used or intended for use for the purpose of furnishing water for drinking or general domestic use and which serve at least 15 service connections or which regularly serve at least 25 persons at least 60 days per year. A public water supply is either a "community water supply" or a "non-community water supply". (Section ~~3.3653-28~~ of the Act)

"Purchasing community water supply" or "Purchasing supply" is a community water supply that purchases or receives its potable water entirely from another potable water source.

"Service connection" means the opening, including all fittings and appurtenances at the water main through which water is supplied to the user.

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



## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF PROPOSED AMENDMENT

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

217/557-7157

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

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

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: Medicaid-certified nursing facilities
  - B) Reporting, bookkeeping or other procedures required for compliance: None
  - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: July 2008

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

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF PROPOSED AMENDMENT

## TITLE 89: SOCIAL SERVICES

## CHAPTER I: DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## SUBCHAPTER d: MEDICAL PROGRAMS

## PART 147

## REIMBURSEMENT FOR NURSING COSTS FOR GERIATRIC FACILITIES

## Section

147.5	Minimum Data Set-Mental Health (MDS-MH) Based Reimbursement System
147.15	Comprehensive Resident Assessment (Repealed)
147.25	Functional Needs and Restorative Care (Repealed)
147.50	Service Needs (Repealed)
147.75	Definitions (Repealed)
147.100	Reconsiderations (Repealed)
147.105	Midnight Census Report
147.125	Nursing Facility Resident Assessment Instrument
147.150	Minimum Data Set (MDS) Based Reimbursement System
147.175	Minimum Data Set (MDS) Integrity
147.200	Minimum Data Set (MDS) On-Site Review Documentation
147.205	Nursing Rates (Repealed)
147.250	Costs Associated with the Omnibus Budget Reconciliation Act of 1987 (P.L. 100-203) (Repealed)
147.300	Payment to Nursing Facilities Serving Persons with Mental Illness
147.301	Sanctions for Noncompliance
147.305	Psychiatric Rehabilitation Service Requirements for Individuals With Mental Illness in Residential Facilities (Repealed)
147.310	Inspection of Care (IOC) Review Criteria for the Evaluation of Psychiatric Rehabilitation Services in Residential Facilities for Individuals with Mental Illness (Repealed)
147.315	Comprehensive Functional Assessments and Reassessments (Repealed)
147.320	Interdisciplinary Team (IDT) (Repealed)
147.325	Comprehensive Program Plan (CPP) (Repealed)
147.330	Specialized Care – Administration of Psychopharmacologic Drugs (Repealed)
147.335	Specialized Care – Behavioral Emergencies (Repealed)
147.340	Discharge Planning (Repealed)
147.345	Reimbursement for Program Costs in Nursing Facilities Providing Psychiatric Rehabilitation Services for Individuals with Mental Illness (Repealed)
147.350	Reimbursement for Additional Program Costs Associated with Providing Specialized Services for Individuals with Developmental Disabilities in Nursing

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF PROPOSED AMENDMENT

## Facilities

147.TABLE A	Staff Time (in Minutes) and Allocation by Need Level
147.TABLE B	MDS-MH Staff Time (in Minutes and Allocation by Need Level)
147.TABLE C	Comprehensive Resident Assessment (Repealed)
147.TABLE D	Functional Needs and Restorative Care (Repealed)
147.TABLE E	Service (Repealed)
147.TABLE F	Social Services (Repealed)
147.TABLE G	Therapy Services (Repealed)
147.TABLE H	Determinations (Repealed)
147.TABLE I	Activities (Repealed)
147.TABLE J	Signatures (Repealed)
147.TABLE K	Rehabilitation Services (Repealed)
147.TABLE L	Personal Information (Repealed)

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

SOURCE: Recodified from 89 Ill. Adm. Code 140.900 thru 140.912 and 140.Table H and 140.Table I at 12 Ill. Reg. 6956; amended at 13 Ill. Reg. 559, effective January 1, 1989; amended at 13 Ill. Reg. 7043, effective April 24, 1989; emergency amendment at 13 Ill. Reg. 10999, effective July 1, 1989, for a maximum of 150 days; emergency expired November 28, 1989; amended at 13 Ill. Reg. 16796, effective October 13, 1989; amended at 14 Ill. Reg. 210, effective December 21, 1989; emergency amendment at 14 Ill. Reg. 6915, effective April 19, 1990, for a maximum of 150 days; emergency amendment at 14 Ill. Reg. 9523, effective June 4, 1990, for a maximum of 150 days; emergency expired November 1, 1990; emergency amendment at 14 Ill. Reg. 14203, effective August 16, 1990, for a maximum of 150 days; emergency expired January 13, 1991; emergency amendment at 14 Ill. Reg. 15578, effective September 11, 1990, for a maximum of 150 days; emergency expired February 8, 1991; amended at 14 Ill. Reg. 16669, effective September 27, 1990; amended at 15 Ill. Reg. 2715, effective January 30, 1991; amended at 15 Ill. Reg. 3058, effective February 5, 1991; amended at 15 Ill. Reg. 6238, effective April 18, 1991; amended at 15 Ill. Reg. 7162, effective April 30, 1991; amended at 15 Ill. Reg. 9001, effective June 17, 1991; amended at 15 Ill. Reg. 13390, effective August 28, 1991; emergency amendment at 15 Ill. Reg. 16435, effective October 22, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 4035, effective March 4, 1992; amended at 16 Ill. Reg. 6479, effective March 20, 1992; emergency amendment at 16 Ill. Reg. 13361, effective August 14, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 14233, effective August 31, 1992; amended at 16 Ill. Reg. 17332, effective November 6, 1992; amended at 17 Ill. Reg. 1128, effective January 12, 1993; amended at 17 Ill. Reg. 8486, effective June 1, 1993; amended at 17 Ill. Reg. 13498, effective August 6, 1993; emergency amendment at 17 Ill. Reg. 15189, effective

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF PROPOSED AMENDMENT

September 2, 1993, for a maximum of 150 days; amended at 18 Ill. Reg. 2405, effective January 25, 1994; amended at 18 Ill. Reg. 4271, effective March 4, 1994; amended at 19 Ill. Reg. 7944, effective June 5, 1995; amended at 20 Ill. Reg. 6953, effective May 6, 1996; amended at 21 Ill. Reg. 12203, effective August 22, 1997; amended at 26 Ill. Reg. 3093, effective February 15, 2002; emergency amendment at 27 Ill. Reg. 10863, effective July 1, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 18680, effective November 26, 2003; expedited correction at 28 Ill. Reg. 4992, effective November 26, 2003; emergency amendment at 29 Ill. Reg. 10266, effective July 1, 2005, for a maximum of 150 days; amended at 29 Ill. Reg. 18913, effective November 4, 2005; amended at 30 Ill. Reg. 15141, effective September 11, 2006; expedited correction at 31 Ill. Reg. 7409, effective September 11, 2006; amended at 31 Ill. Reg. 8654, effective June 11, 2007; emergency amendment at 32 Ill. Reg. 415, effective January 1, 2008, for a maximum of 150 days; emergency amendment suspended at 32 Ill. Reg. 3114, effective February 13, 2008; emergency suspension withdrawn in part at 32 Ill. Reg. 4399, effective February 26, 2008 and 32 Ill. Reg. 4402, effective March 11, 2008 and 32 Ill. Reg. 9765, effective June 17, 2008; amended at 32 Ill. Reg. 8614, effective May 29, 2008; amended at 33 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**Section 147.150 Minimum Data Set (MDS) Based Reimbursement System**

- a) Public Act 94-0964 requires the Department to implement, effective January 1, 2007, a payment methodology for the nursing component of the rate paid to nursing facilities. Except for nursing facilities that are defined as Class I Institutions for Mental Diseases (IMDs) pursuant to 89 Ill. Adm. Code 145.30, reimbursement for the nursing component shall be calculated using the Minimum Data Set (MDS). Increased reimbursement under this payment methodology shall be paid only if specific appropriation for this purpose is enacted by the General Assembly. ~~For Class I IMDs, the nursing component shall be the rate in effect on June 30, 2005 until a payment methodology using the Illinois Minimum Data Set-Mental Health (IL MDS-MH), appropriate for the care needs of the IMD resident population, is implemented. The payment methodology using the IL MDS-MH shall be implemented no later than July 1, 2007.~~
- b) The nursing component of the rate shall be calculated annually and may be adjusted quarterly. The determination of rates shall be based upon a composite of MDS data collected from each eligible resident in accordance with Section 147.147 Table A for those eligible residents who are recorded in the Department's Medicaid Management Information System as of 30 days prior to the rate period as present in the facility on the last day of the second quarter preceding the rate period. Residents for whom MDS resident identification information is missing

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

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or inaccurate, or for whom there is no current MDS record for that quarter, shall be placed in the lowest MDS acuity level for calculation purposes for that quarter. The nursing component of the rate may be adjusted on a quarterly basis if any of the following conditions are met:

- 1) Total variable nursing time for a rate quarter as calculated in subsection (c)(1) of this Section exceeds total variable nursing time calculated for the previous rate quarter by more than five percent.
  - 2) Total variable nursing time for a rate quarter as calculated in subsection (c)(1) of this Section exceeds total variable nursing time as calculated for the annual rate period by more than ten percent.
  - 3) Total variable nursing time for a rate quarter as calculated in subsection (c)(1) of this Section declines from the total variable nursing time as calculated for the annual period by more than five percent. No quarterly nursing component rate reduction shall exceed five percent from the previous rate quarter.
- c) Per diem reimbursement rates for nursing care in nursing facilities consist of three elements: variable time reimbursement; fringe benefit reimbursement; and reimbursement for supplies, consultants, medical directors and nursing directors.
- 1) Variable Time Reimbursement.  
Variable nursing time is that time necessary to meet the major service needs of residents that vary due to their physical or mental conditions. Each need level or specific nursing service measured by the Resident Assessment Instrument is associated with an amount of time and staff level (Section 147. Table A). Reimbursement is developed by multiplying the time for each service by the ~~wages~~wage(s) of the type of staff performing the service except for occupational therapy, physical therapy and speech therapy. If more than one level of staff are involved in delivering a service, reimbursement for that service will be weighted by the wage and number of minutes allocated to each staff type. In calculating a facility's rate, the figures used by the Department for wages will be determined in the following manner:
    - A) The mean wages for the applicable staff levels (RNs, LPNs, certified nursing assistants (CNAs), activity staff, social workers),

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF PROPOSED AMENDMENT

as reported on the cost reports and determined by regional rate area, will be the mean wages.

- B) Fringe benefits will be the average percentage of benefits to actual salaries of all nursing facilities based upon cost reports filed pursuant to 89 Ill. Adm. Code 140.543. Fringe benefits will be added to the mean wage.
- C) The base wage, including fringe benefits, will then be updated for inflation from the time period for which the wage data are available to the midpoint of the rate year to recognize projected base wage changes.
- D) Special minimum wage factor. The process used in subsection (c)(1)(A) of this Section to determine regional mean wages for RNs, LPNs and CNAs will include a minimum wage factor. For those facilities below 90% of the Statewide average, the wage is replaced by 90% of the Statewide average.
- E) Beginning January 1, 2007, facilities shall be paid a rate based upon the sum of the following:
  - i) the facility MDS-based rate multiplied by the ratio the numerator of which is the quotient obtained by dividing the additional funds appropriated specifically to pay for rates based upon the MDS nursing component methodology above the December 31, 2006 funding by the total number of Medicaid patient days utilized by facilities covered by the MDS-based system and the denominator of which is the difference between the weighted mean rate obtained by the MDS-based methodology and the weighted mean rate in effect on December 31, 2006.
  - ii) the facility rate in effect on December 31, 2006, which is defined as the facility rate in effect on December 31, 2006 plus the exceptional care reimbursement per diem computed in 89 Ill. Adm. Code 140.569(a)(1), multiplied by one minus the ratio computed in Section 147.150(c)(1)(E)(i). The exceptional care reimbursement

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF PROPOSED AMENDMENT

per diem effective January 1, 2007 computed in 89 Ill. Adm. Code 140.569 shall be included in the nursing component of the June 30, 2006 rate unless the total variable nursing time for a rate quarter as calculated in subsection (c)(1) of this Section is more than a five percent drop from the total variable nursing time calculated for the June 30, 2006 rate quarter. Then the facility will receive for the rate period zero percent of the exceptional care reimbursement per diem computed in 89 Ill. Adm. Code 140.569

- iii) For facilities in which the number of ventilator care residents in any quarter has increased over the number used to compute the exceptional care per diem as specified in 89 Ill. Adm. Code 140.569(a)(1), the rate computed in ~~subsections~~ ~~subsection~~ (c)(1)(E)(i) and (c)(1)(E)(ii) shall add the sum of total variable time reimbursement for the ventilator care add-on, vacation time, the average facility special patient need factors, and supply, consultant, and Director of Nursing factors for each resident receiving ventilator care in excess of the number used to compute the exceptional care per diem as specified in 89 Ill. Adm. Code 140.569(a)(1) divided by the total number of residents used to compute the MDS portion of the paid rate for that quarter. The resulting ventilator add-on shall be multiplied by one minus the ratio computed in Section 147.150(c)(1)(E)(i). This addition to the rate shall apply for each quarter regardless of the facility's eligibility for use of that quarter's MDS rate for computation of the paid facility rate as defined in subsection (b) of this Section.

- F) The annual amount of new funds allocated for MDS reimbursement methodology beginning January 1, 2007 is \$60 million. The annual amount of new funds allocated for MDS reimbursement methodology beginning January 1, 2008 is \$50 million. The annual amount of new funds for MDS reimbursement methodology beginning January 1, 2009 is \$84 million.

- 2) Vacation, Sick Leave and Holiday Time.

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF PROPOSED AMENDMENT

The time to be added for vacation, sick leave, and holidays will be determined by multiplying the total of variable time by 5%.

- 3) Special Supplies, Consultants and the Director of Nursing. Reimbursement will be made for health care and program supplies, consultants required by the Department of Public Health (including the Medical Director), and the Director of Nursing by applying a factor to variable time and vacation, sick leave and holiday time. (A list of consultants required by the Department of Public Health can be found in 77 Ill. Adm. Code 300.830.)
  - A) Supplies will be updated for inflation using the General Services Inflator (see 89 Ill. Adm. Code 140.551). Health care and program salaries shall be updated for inflation using the Nursing and Program Inflator (see 89 Ill. Adm. Code 140.552). A factor for supplies will be the Statewide mean of the ratio of total facility health care and programs supply costs to total facility health care and programs salaries.
  - B) The Director of Nursing and the consultants will be updated for inflation using the Nursing and Program Inflator (see 89 Ill. Adm. Code 140.552). A factor for the Director of Nursing and consultant costs shall be the Statewide mean of the ratio of all facilities' Director of Nursing and consultant costs to total facility health care and programs salaries.
  - C) These costs shall be updated pursuant to cost reports as referenced in 89 Ill. Adm. Code 153.125(f).
- d) Determination of Facility Rates.

An amount for each resident will be calculated by multiplying the number of minutes from the assessment by the appropriate wages for each assessment item (see subsection (c)(1) of this Section), adding the amounts for vacation, sick and holiday time (see subsection (c)(2) of this Section), and supplies, consultants, and the Director of Nursing (see subsection (c)(3) of this Section). The average of the rates for eligible residents assessed will become the facility's per diem reimbursement rate for each eligible resident in the facility.

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF PROPOSED AMENDMENT

- e) A transition period from the payment methodology in effect on June 30, 2003 to the payment methodology in effect July 1, 2003 shall be provided for a period not exceeding December 31, 2006, as follows:
- 1) MDS-based rate adjustments under this Section shall not be effective until the attainment of a threshold. The threshold shall be attained at the earlier of either:
    - A) when all nursing facilities have established a rate (sum of all components) which is no less than the rate effective June 30, 2002, or
    - B) January 1, 2007.
  - 2) For a facility that would receive a lower nursing component rate per resident day under the payment methodology effective July 1, 2003 than the facility received June 30, 2003, the nursing component rate per resident day for the facility shall be held at the level in effect on June 30, 2003 until a higher nursing component rate of reimbursement is achieved by that facility.
  - 3) For a facility that would receive a higher nursing component rate per resident day under the payment methodology in effect on July 1, 2003 than the facility received June 30, 2003, the nursing component rate per resident day for the facility shall be adjusted based on the payment methodology in effect July 1, 2003.
  - 4) Notwithstanding subsections (e)(2) and (3) of this Section, the nursing component rate per resident day for the facility shall be adjusted in accordance with subsection (c)(1)(E) of this Section.

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

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Extensions of Jurisdiction
- 2) Code Citation: 80 Ill. Adm. Code 305
- 3) Section Number: 305.260                      Adopted Action:  
New Section
- 4) Statutory Authority: Implementing and authorized by Section 4b of the Personnel Code [20 ILCS 415/4b]
- 5) Effective Date of Amendment: November 30, 2008
- 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: 32 Ill. Reg. 14367; September 5, 2008
- 10) Has JCAR issued a Statement of Objection to this amendment? No
- 11) Differences between proposal and final version: CMS Administrative Code citations were added in parentheses in Section 305.260(c).
- 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 Amendment: This rulemaking is a result of positions being included into the AFSCME bargaining unit and the agreement with AFSCME to include the positions under the Personnel Code.
- 16) Information and questions regarding this adopted amendment shall be directed to:

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENT

Margaret van Dijk  
Deputy General Counsel, Personnel  
720 Stratton Office Building  
Springfield IL 62706

217/782-5778

OR

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 Amendment begins on the next page:

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF ADOPTED AMENDMENT

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES  
SUBTITLE B: PERSONNEL RULES, PAY PLANS, AND  
POSITION CLASSIFICATIONS  
CHAPTER I: DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

PART 305  
EXTENSIONS OF JURISDICTION

## Section

305.50	Extends Jurisdiction A, B & C
305.60	Extends Jurisdiction A, B & C (July 1, 1970)
305.70	Extends Jurisdiction A, B & C (July 1, 1970)
305.80	Extends Jurisdiction A, B & C (August 1, 1970)
305.90	Extends Jurisdiction A, B & C (August 1, 1971)
305.100	Extends Jurisdiction A, B & C (November 16, 1971)
305.110	Extends Jurisdiction A, B & C (April 1, 1972)
305.120	Extends Jurisdiction A, B & C (May 1, 1972)
305.130	Extends Jurisdiction A & C (October 1, 1972)
305.140	Extends Jurisdiction A & C (October 1, 1972)
305.150	Extends Jurisdiction A, B and C (November 1, 1972)
305.160	Extends Jurisdiction B, Except 8b.1, 8b.3 and 8b.5 (January 1, 1973)
305.170	Extension of Jurisdiction
305.180	Termination of Extension of Jurisdiction
305.190	Extension of Jurisdiction
305.200	Third Extension of Jurisdiction to Office of the Treasurer
305.210	Extends Jurisdiction A, B and C (December 1, 1998)
305.220	Extends Jurisdiction A, B and C (December 1, 1998)
305.230	Extends Jurisdiction A, B and C (July 16, 2002)
305.240	Extends Jurisdiction A, B and C (April 7, 2005)
305.250	Extends Jurisdiction A, B and C (January 16, 2006)
<u>305.260</u>	<u>Extends Jurisdiction A, B and C (November 30, 2008)</u>

AUTHORITY: Implementing and authorized by Section 4b of the Personnel Code [20 ILCS 415/4b].

SOURCE: Filed May 29, 1975; emergency amendment at 2 Ill. Reg. 46, p. 3, effective January 1, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 1, p. 61, effective January 1, 1979; codified at 7 Ill. Reg. 13214; amended at 10 Ill. Reg. 21643, effective December 15, 1986; amended at 22 Ill. Reg. 21302, effective December 1, 1998; emergency amendment at 26 Ill.

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF ADOPTED AMENDMENT

Reg. 12060, effective July 16, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 16150, effective October 18, 2002; emergency amendment at 29 Ill. Reg. 5751, effective April 7, 2005, for a maximum of 150 days; emergency expired September 3, 2005; amended at 29 Ill. Reg. 14530, effective September 14, 2005; emergency amendment at 30 Ill. Reg. 1378, effective January 16, 2006, for a maximum of 150 days; amended at 30 Ill. Reg. 9321, effective May 4, 2006; amended at 32 Ill. Reg. 18931, effective November 30, 2008.

**Section 305.260 Extends Jurisdiction A, B and C (November 30, 2008)**

- a) Effective November 30, 2008, the Personnel Code Jurisdictions A, B and C will be extended to the Capital Development Board positions in the non-code classifications of Assistant Personnel Officer, responsible for a range of human resources services; Coordinator of Administrative Services, who supervises and assists with office support activities and advertises, schedules and checks bid openings and documents for the Office of Operations; Executive Assistant 1, who provides secretarial and administrative support services to program managers at the Board; and Fiscal Executive, responsible for performing advanced accounting, financial reporting and analyses.
- b) Effective November 30, 2008, the Personnel Code Jurisdictions A, B and C will be extended to the Illinois Commerce Commission positions in the non-code classifications of Accounts Processing Analyst, performing account technician work.
- c) Employees of these divisions serving prior to November 30, 2008 will be required to qualify within six months in the same kind of examination as those required for entrance examinations for comparable positions. All appointments subsequent to November 30, 2008 will be made pursuant to provisions of the Illinois Personnel Code and the Rules of the Department of Central Management Services (80 Ill. Adm. Code 301 through 303). No provision of this Section in any way affects the status of employees already holding certified status under the Personnel Code. All other provisions of the Personnel Code and Rules of the Department of Central Management Services (80 Ill. Adm. Code 301 through 303) will apply to employees of the above-named divisions, effective November 30, 2008.

(Source: Added at 32 Ill. Reg. 18931, effective November 30, 2008)

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF ADOPTED RULES

- 1) Heading of the Part: Service Quality and Customer Protection Applicable to Wireless Eligible Telecommunications Carriers
- 2) Code Citation: 83 Ill. Adm. Code 736
- 3) 

<u>Section Numbers</u> :	<u>Adopted Action</u> :
736.100	New Section
736.105	New Section
736.110	New Section
736.115	New Section
736.120	New Section
736.300	New Section
736.305	New Section
736.310	New Section
736.500	New Section
736.505	New Section
736.510	New Section
736.515	New Section
736.520	New Section
736.525	New Section
736.530	New Section
736.540	New Section
736.550	New Section
736.555	New Section
736.610	New Section
736.630	New Section
736.640	New Section
736.650	New Section
736.660	New Section
736.670	New Section
736.680	New Section
736.685	New Section
736.690	New Section
736.695	New Section
736.700	New Section
736.705	New Section
736.710	New Section
736.APPENDIX A	New Section
736.APPENDIX B	New Section

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- 4) Statutory Authority: Implementing Sections 13-101, 13-304, 13-305, and 13-712 and authorized by Section 10-101 of the Public Utilities Act [220 ILCS 5/13-101, 13-304, 13-305, 13-712, and 10-101]
- 5) Effective Date of Rules: December 1, 2008
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? Yes
- 8) A copy of the adopted rules, including any material incorporated by reference, is on file in the Commission's Springfield office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: May 16, 2008; at 32 Ill. Reg. 7517
- 10) Has JCAR issued a Statement of Objection to these rules? No
- 11) Differences between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? No changes required.
- 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 Rules? These rules set out the service quality standards and the consumer protection requirements for those wireless telecommunications carriers that are eligible for federal universal service support pursuant to section 214(e)(2) of the Telecommunications Act of 1996.
- 16) Information and questions regarding these adopted rules shall be directed to:

Conrad S. Rubinkowski  
Office of General Counsel  
Illinois Commerce Commission  
527 East Capitol Avenue  
Springfield, IL 62701

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NOTICE OF ADOPTED RULES

217/785-3922

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

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NOTICE OF ADOPTED RULES

TITLE 83: PUBLIC UTILITIES  
CHAPTER I: ILLINOIS COMMERCE COMMISSION  
SUBCHAPTER f: TELEPHONE UTILITIES

PART 736

SERVICE QUALITY AND CUSTOMER PROTECTION APPLICABLE TO  
WIRELESS ELIGIBLE TELECOMMUNICATIONS CARRIERS

SUBPART A: GENERAL

Section	
736.100	Application of Part
736.105	Definitions
736.110	Waiver
736.115	Reporting
736.120	Enforcement

SUBPART B: ENGINEERING

Section	
736.300	Construction and Maintenance of Plant and Equipment
736.305	Emergency Operation
736.310	Incorporation of National Codes and Standards

SUBPART C: STANDARDS OF QUALITY OF SERVICE

Section	
736.500	Adequacy of Service
736.505	Answering Time
736.510	Interoffice Trunks
736.515	Dropped Calls and Signal Strength
736.520	Service Outages and Notification
736.525	Installation Requests – Failure to Provide Service
736.530	Trouble Reports
736.540	Directory Notification

SUBPART D: OTHER WETC REQUIREMENTS

Section

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736.550	Obligation to Serve
736.555	Maps
736.610	Customer Billing
736.620	Deferred Payment Agreements
736.630	Applicants for Service
736.640	Present Customers
736.650	Deposits
736.660	Discontinuance or Refusal of Service
736.670	Illness Provision
736.680	Payment for Service
736.685	Past Due Bills
736.690	Service Restoration Charge
736.695	Dispute Procedures
736.700	Commission Complaint Procedures
736.705	Second Language
736.710	Customer Information Booklet

736.APPENDIX A Notice of Discontinuance of Service

736.APPENDIX B Requirements to Avoid Shutoff of Service in the Event of Illness

AUTHORITY: Implementing Sections 13-101, 13-304, 13-305, and 13-712 and authorized by Section 10-101 of the Public Utilities Act [220 ILCS 5/13-101, 13-304, 13-305, 13-712, and 10-101].

SOURCE: Adopted at 32 Ill. Reg. 18935, effective December 1, 2008.

## SUBPART A: GENERAL

**Section 736.100 Application of Part**

This Part shall apply to all wireless eligible telecommunication carriers ("WETC") offering or providing either competitive or noncompetitive telecommunications services as defined in Sections 13-209 and 13-210 of the Public Utilities Act [220 ILCS 5/13-209, 13-210]. This Part shall only apply to the relationship between a serving WETC and its end user. This Part shall not apply to the relationship between a serving WETC that provides wholesale facilities or services to another serving WETC for provisioning of services to its retail end user customers.

**Section 736.105 Definitions**

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As used in this Part, the following terms shall have these definitions:

"Act" means the Public Utilities Act [220 ILCS 5].

"Answer time" means a measurement in seconds from the point the carrier's telephone system receives the call until the call is answered by the carrier's representative or voice response unit and ready to accept information. When the carrier uses a menu-driven system, the measurement begins once the menu-based system has transferred the customer into the carrier's telephone system until the call is answered by the carrier's representative.

"Assistance calls" means calls in which the operator provides assistance or instructions to the customer. Examples include rate quotes, credit requests, trouble reports, dial assistance, and dialing instructions.

"Business office" means those offices of the carrier where calls are answered and made. A business office typically employs representatives to assist customers for order entry and lookup on customers' orders and account records through the use of a computerized system.

"Busy hour" means the two consecutive half-hours each day during which the greatest volume of traffic is handled.

"Commission" means the Illinois Commerce Commission.

"Customer" means any person, building owner, firm, partnership, corporation, municipality, cooperative, organization, governmental agency, etc., provided with WETC telecommunications services as defined in Section 13-204 of the Act [220 ILCS 5/13-204]. "Customer" may also be referred to as "end user."

"Customer premises equipment" or "CPE" means the equipment utilized by the customer to gain access to the wireless carrier's network – see "Handset."

"Dropped calls" means a wireless mobile phone call that is terminated unexpectedly and in the absence of disconnection initiated by either party to the call.

"Emergency situation" means a single event that causes an interruption of service or installations affecting end users of a WETC. The emergency situation shall

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begin with the first end user whose service is interrupted by the single event, and shall end with the restoration or installation of the service of all affected end users. The term single event shall include:

a declaration made by the applicable State or federal governmental agency that the area served by the WETC is either a State or federal disaster area;  
or

an act of third parties, including acts of terrorism, vandalism, riot, civil unrest, or war, or acts of parties that are not agents, employees or contractors of the WETC; or

a severe storm, tornado, earthquake, flood or fire, including any severe storm, tornado, earthquake, flood or fire that prevents the WETC from restoring service due to impassable roads, downed power lines, or the closing off of affected areas by public safety officials.

The term "emergency situation" shall not include:

a single event caused by high temperature conditions alone; or

a single event caused, or exacerbated in scope and duration, by acts or omissions of the WETC, its agents, employees or contractors or by the condition of facilities, equipment, or premises owned or operated by the WETC; or

any service interruption that occur during a single event listed in this definition, but are not caused by those single events; or

a single event that the WETC could have reasonably foreseen and taken precaution to prevent; provided, however, that in no event shall a WETC be required to undertake precautions that are technically infeasible or economically prohibitive.

This Part shall be construed as being content neutral as to whether a strike or other work stoppage is an "emergency situation". In the event of a strike or other work stoppage, the WETC's obligations to provide remedies for failure to comply with this Part shall, in the absence of a decision by a court of competent jurisdiction, be determined by the Commission on a case-by-case

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basis based upon the individual factual circumstances of each strike or other work stoppage. In making such a determination, and notwithstanding the definition of "emergency situation" above, the Commission shall not presume that a strike or other work stoppage is an act of an employee or of the WETC.

"End user" means any person, building owner, firm, partnership, corporation, municipality, cooperative, organization, governmental agency, etc., provided with WETC regulated telecommunications service for consumption, not for resale, as defined in Section 13-204 of the Act [220 ILCS 5/13-204]. "End user" may also be referred to as "customer."

"Handset" means the device employed by the end user to originate, route or terminate regulated telecommunications service over the WETC network. For the purposes of this Part, handsets are considered to be the equivalent of customer premises equipment ("CPE"), beyond the regulatory authority of the Commission, and subject to the terms and conditions of a contract or warranty between the manufacturer, WETC, and end user.

"Information call" means a call in which a customer will be connected to an information bureau by dialing the proper service code or number and will be given the directory number of the customer whom he desires to call, provided that the customer's number to be called is or will be published or listed in the information records. An "information call" is also referred to as directory assistance.

"Map" means a drawing showing a geographical area in which a WETC furnishes regulated telecommunications services.

"Regulated telecommunications service" means the ability to transmit and receive voice service over the WETC's network at the end user's residence or business location, as identified by the billing or designated address of the account. Regulated telecommunications service refers to Commission regulation, and does not include WETC network performance in other service territories (e.g., roaming) or from other cellular towers at locations away from the billing or designated address.

"Repair office" means an office to handle customers' reported telephone facility problems. Customers may call to request trouble verification tests, initiate trouble reports and obtain information on the status of open trouble reports.

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"Reporting entity" means a unit established by the WETC for the purpose of administering the customer service operations established by this Part.

"Signal strength" means the measure of how strongly a transmitted signal is being received, measured or predicted, at a reference point that is a significant distance from the transmitting antenna, measured in dB-microvolts per metre (dB $\mu$ V/m).

"Traffic" means call volume based on number and duration of messages.

"Trouble report" means any verbal or written report relating to difficulty or dissatisfaction with the operation of regulated telecommunications services to the WETC regarding the operation of the network affecting their regulated telecommunication service, including both service-affecting conditions or out of service conditions. One report shall be counted for a verbal or written report received. When several items are reported by one customer at the same time, and the group of troubles so reported is clearly related to a common cause, they are counted as one report.

"Wireless Eligible Telecommunications Carrier" or "WETC" means a wireless telecommunications carrier that has been designated by the Commission as eligible to receive federal universal service funds.

**Section 736.110 Waiver**

The Commission, on application of a company, customer, applicant, or end user or on its own motion, may grant a temporary or permanent waiver from this Part, or any subsections contained in this Part, in individual cases where the Commission finds, after notice and hearing, that:

- a) The provision from which the waiver is granted is not statutorily mandated;
- b) No party will be injured by the granting of the waiver; and
- c) The rule from which the waiver is granted would, as applied to the particular case, be unreasonable or unnecessarily burdensome.

**Section 736.115 Reporting**

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- a) All reports required to be submitted to the Chief Engineer, Telecommunications Division of the Commission under this Part 736 shall be verified by an authorized agent of the reporting carrier.
- b) Each WETC shall provide annually on July 1 to the Chief Engineer, Telecommunications Division of the Commission a service quality and consumer protection report, consisting of information relative to the following Sections: Section 736.505(a), Operator Answer Time; Section 736.505(b), Business and Repair Answer Time; Section 736.515, Dropped Calls and Signal Strength; Section 736.520, Service Outages; Section 736.525, Installation Requests – Failure to Provide Service; and Section 736.530, Trouble Reports.

**Section 736.120 Enforcement**

Upon complaint or its own motion, the Commission may find, pursuant to a proceeding conducted under the authority of Section 10-101 of the Public Utilities Act [220 ILCS 5/10-101], that a WETC has not met the requirements or standards established in this Part. Upon such a finding, the Commission may impose monetary penalties in its discretion under the authority granted it under the Act or choose to withdraw or withhold its positive recommendation, certification or designation to the Federal Communications Commission (FCC) regarding the WETC's eligibility to receive universal service funding.

## SUBPART B: ENGINEERING

**Section 736.300 Construction and Maintenance of Plant and Equipment**

The WETCs outside plant shall be designed, constructed, maintained, and operated in accordance with the provisions of 83 Ill. Adm. Code 305 and 83 Ill. Adm. Code 265.

**Section 736.305 Emergency Operation**

- a) Each WETC shall make provisions to meet emergencies resulting from failures of commercial or power service, sudden and prolonged increases in traffic, illness of personnel, fire, storm, or other natural disasters. Each WETC shall inform employees as to procedures to be followed in the event of emergency in order to prevent or minimize interruption or impairment of regulated telecommunications service.

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- b) Each WETC shall deploy backup battery power and permanent generators at all mobile telephone switching offices (MTSOs), and sufficient backup power at each cellular tower to permit a portable generator to be timely deployed in extended power outages. MTSO batteries shall be maintained in accordance with Institute of Electrical and Electronic Engineers (IEEE) standards as adopted in Section 736.310(b), and records verifying such maintenance shall be kept on site.

**Section 736.310 Incorporation of National Codes and Standards**

- a) The Commission adopts as its rules the following portions of the NESC (1997 edition, approved June 6, 1996, published by the Institute of Electric and Electronic Engineers, Inc., 345 East 47<sup>th</sup> Street, New York, New York 10017):
  - 1) Section 2 (Definitions of Special Terms).
  - 2) Section 9 (Grounding Methods of Electric Supply and Communications Facilities).
- b) The Commission adopts as its rules the following publications of the IEEE:
  - 1) IEEE Std 1188-1996 (August 20, 1996), Institute of Electrical and Electronics Engineers, Inc. (IEEE), 3 Park Avenue, New York NY 10016-5997, Recommended Practice for Maintenance, Testing, and Replacement of Valve-Regulated Lead-Acid (VRLA) Batteries for Stationary Applications.
  - 2) IEEE Std 450-1995 (May 31, 1995), Institute of Electrical and Electronics Engineers, Inc. (IEEE), 3 Park Avenue, New York NY 10016-5997, Recommended Practice for Maintenance, Testing and Replacement of Lead Acid Batteries for Stationary Applications.
- c) These incorporations do not include any later amendments or editions.

## SUBPART C: STANDARDS OF QUALITY OF SERVICE

**Section 736.500 Adequacy of Service**

Each WETC will comply with the applicable service quality and consumer protection provisions contained in the Cellular Telecommunications and Internet Association's (CTIA) Consumer

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Code for Wireless Service, except that compliance with Section Nine of that Code is not required by this Part. The Commission adopts the version in effect on January 25, 2007. The CTIA Code may be viewed on the Commission's web site at: <http://www.icc.illinois.gov>.

**Section 736.505 Answering Time**

- a) Operator Offices
  - 1) Operator offices shall be staffed so that the average answer time, calculated on a monthly basis, shall not exceed ten seconds for the following types of calls:
    - A) toll and assistance; and
    - B) information.
  - 2) Whenever the average answer time for either toll and assistance calls and/or information calls, calculated on a monthly basis, exceeds ten seconds, the WETC shall take corrective action and report such action to the Commission within 15 business days after the end of the month in which the violation occurred.
- b) Business and Repair Offices
  - 1) Business offices (during normal business hours) and repair offices shall be staffed so that the average answer time, calculated on a monthly basis, shall not exceed 60 seconds. In the case where a menu driven, automated, or interactive system is utilized to answer any such call, such system shall provide within the first menu of options, the option of transferring to a live attendant. This requirement shall apply separately to business offices and repair offices, if they are maintained separately.
  - 2) Whenever the average answer time for either business offices or repair offices (if maintained separately), calculated on a monthly basis, exceeds 60 seconds, the WETC shall take corrective action and report such action to the Commission within 15 business days after the end of the month in which the violation occurred.

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- 3) WETCs shall maintain records of answer time performance at their business offices and repair offices. At a minimum, these records shall contain the following information collected on a monthly basis:
  - A) Total number of calls received;
  - B) Total number of calls answered; and
  - C) Average answer time.
- c) For purposes of this Section, "average answer time" shall be calculated by dividing the total number of call waiting seconds by the total number of reported monthly calls answered.

**Section 736.510 Interoffice Trunks**

- a) WETC facilities shall be engineered so that at least 98% of calls shall not encounter an All Trunks Busy (ATB) condition and at least 98% of properly dialed calls, during the busy hour, shall receive ringing signal or station busy tone on the first attempt. When the completion rate falls below 98% for three consecutive months, corrective action shall be initiated and such action reported to the Commission.
- b) For purposes of subsection (a), the information required to be reported shall be calculated by capturing total call attempts and calls that do not encounter an ATB condition that are going through trunk groups controlled by the reporting entity during the busy hour. Calls that do not encounter an ATB condition should be divided by Total Trunk Attempts to derive the percent of calls completed without encountering an ATB.

**Section 736.515 Dropped Calls and Signal Strength**

In their annual filing to the Chief Engineer, Telecommunications Division of the Commission, WETCs will provide information regarding both dropped calls and signal strength. This information should support a conclusion that planned development areas are experiencing operational problems, and that additional investment from the universal service fund will provide tangible benefit to end users.

**Section 736.520 Service Outages and Notification**

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- a) All WETCs shall notify the Commission that they have experienced, on any facilities that they own, operate, lease or otherwise utilize, an outage of at least 30 minutes duration:
- 1) Of a Mobile Switching Center (MSC);
  - 2) That potentially affects at least 900,000 user minutes of telephony;
  - 3) That affects at least 1,350 DS3 minutes;
  - 4) That potentially affects any special offices and facilities; or
  - 5) That potentially affects a 9-1-1 special facility, in which case they also shall notify, as soon as possible by telephone or other electronic means, any official who has been designated by the management of the affected 9-1-1 facility as the provider's contact person for communications outages at that facility, and they shall convey to that person all available information that may be useful to the management of the affected facility in mitigating the effects of the outage on callers to that facility.
- b) Each WETC shall notify the Commission of any such service interruption. The notification shall be made via telephone call to (217)558-6166 and shall consist of the following information:
- 1) Affected Area Code/Prefix;
  - 2) Company name;
  - 3) Cause of interruption;
  - 4) Outage date and time;
  - 5) Restoration date and time;
  - 6) Effect on 9-1-1 service; and
  - 7) Name and number of person reporting the service interruption.

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- c) A follow-up written report shall be provided to the Chief Engineer of the Telecommunications Division within 30 days after the service interruption, either via U.S. Postal Service, facsimile, or e-mail.

**Section 736.525 Installation Requests – Failure to Provide Service**

WETCs shall annually report failures to provide service. The report shall include detailed information on the number of requests for service from applicants within its designated service areas that were unfulfilled for the reporting period. The WETC shall also describe its attempts to provide service to those applicants, and any investment plans that may mitigate the problem in the future.

**Section 736.530 Trouble Reports**

- a) WETC's shall annually compile and report trouble reports. The report shall provide separate totals for the number of complaints that the WETC's customers made to the FCC, as well as to its own network repair centers. The report shall also generally describe the nature of the complaints and outcome of the carrier's efforts to resolve the complaints. Trouble reports related to customer problems with handsets are not to be included in the calculation of WETC trouble reports.
- b) For purposes of maintaining records or reporting information relating to the requirement set forth in subsection (a), the information required to be so maintained or reported shall be calculated by dividing the number of customer-initiated network trouble reports in any given month that are cleared to network dispositions, less handset troubles, or emergency situations, by the total number of access lines in service. The rate shall be reported on a per 1000 access line basis.

**Section 736.540 Directory Notification**

WETCs shall, prior to entering into a contract with a customer, or prior to the conclusion of any applicable trial period, provide a written disclosure to the customer explaining that it will not provide a telephone directory to the customer, and that the customer's telephone number will not be published in any telephone directory. Such disclosure and acknowledgment shall be made in a type face of 10-point or larger, and shall be otherwise clear and conspicuous.

## SUBPART D: OTHER WETC REQUIREMENTS

**Section 736.550 Obligation to Serve**

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A WETC shall offer the nine services and functions that are supported by federal universal service support mechanisms, identified in the FCC's rules at 47 CFR 54.101(a) as of October 1, 2006, using either its own facilities or a combination of its own facilities and resale of another carrier's services (including the services offered by another eligible telecommunications carrier), upon a reasonable request for such service. The incorporation of federal rules in this Section does not include any later amendments or editions.

**Section 730.555 Maps**

- a) Each WETC shall have on file with the Commission a map of its designated ETC service area.
- b) A map filed after the effective date of this Part shall be in accordance with the WETC's ETC designation.
- c) Each map shall show the boundary lines of the area the WETC holds itself out to serve. Boundary lines shall be located by appropriate measurement to an identifiable location if that portion of the boundary line is not otherwise located on section lines, waterways, railroads, or roads.
- d) The name of the WETC filing the map shall be placed at the left side of the top of the map, and the name of the exchange followed by the words "(Name of carrier) ETC Service Area" shall be placed at the right side of the top of the map. The first filing of a map shall be designated by the word "Original" placed just below the words "(Name of carrier) ETC Service Area Boundary Map". If the map is subsequently refiled, the words "First Revisions" shall be substituted for the word "Original", and on each subsequent refiled the next higher number shall be substituted for the number preceding the word "Revision" on the last map filed. The docket number and the date of the order granting ETC Status shall also appear at the right side near the top of the map.
- e) Each WETC shall maintain and make available for public inspection a map of its ETC service area.

**Section 736.610 Customer Billing**

- a) A WETC shall issue bills to customers on a monthly basis. Bills shall be itemized as set forth in subsection (b) of this Section.

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- b) Itemization of charges
  - 1) All bills shall contain an itemization of charges. Itemization of every monthly billing shall include, but not be limited to:
    - A) the phone number of the appropriate WETC business office;
    - B) the due date of the bill; and
    - C) the separate listing of the following:
      - i) federal, state and local taxes, and
      - ii) federal universal service charges.
  - 2) Upon request, a WETC shall provide its customers with an itemization of service and equipment charges once every calendar year free of charge. This itemization shall also include the phone number of the local WETC business office that the customer may contact to receive further information concerning the service and equipment charges listed on such itemization.
- c) Customer bills sent through the United State mail shall be in envelopes and shall include return envelopes for payment of customer bills, unless the customer has elected to pay the bill electronically.
- d) Unbilled Service
  - 1) Bills for service supplied by a WETC must be rendered within one year of the date such service was supplied. No customer shall be liable for any amount of unbilled service after one year. A WETC is not restricted to this one year limitation on unbilled service if a WETC has reason to believe that the customer used a device or scheme to obtain service without payment and where the WETC has so notified the customer prior to disconnection.
  - 2) When delinquency occurs following the issuance of a bill for previously unbilled service, except when the customer has avoided payment as

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described in subsection (d)(1), a WETC shall review the bill with the customer, and shall offer to accept payments toward the liquidation of the amount of unbilled service over a period mutually agreed to by the WETC and customer. This period of time shall be at least as long as the period over which the unbilled or underbilled service was provided.

- e) Refunds
  - 1) In the event that a customer pays a bill as submitted by a WETC and that billing is later found to be incorrect due to an error either in charging more than the published rate, in measuring the quantity or volume of service provided, or in charging for the incorrect class of service, the WETC shall refund the overcharge from the date of overpayment by the customer.
  - 2) The refund shall be accomplished by a credit on a subsequent bill for the WETC's service, or by check if the account is final.
  - 3) Interest on any refund shall be at the rate set by the Commission pursuant to 83 Ill. Adm. Code 735.120.
- f) If the WETC offers electronic billing, customers may elect to have their bills sent electronically. Such bills shall be transmitted with instructions for payment. Information sent electronically shall be deemed to satisfy any requirement in this Part that such information be printed or written on a customer bill. Bills rendered in accordance with this Section may be paid electronically, provided that nothing in this Section shall be construed to prevent a WETC from accepting payment electronically or by the use of a customer-preferred financially accredited credit or debit methodology.

**Section 736.620 Deferred Payment Agreements**

- a) Customers who are indebted to a WETC for past due service shall have the opportunity to make arrangements with the WETC to retire the delinquent amount by periodic payments referred to hereinafter as a Deferred Payment Agreement. All applicants for service and customers who have failed to make payment under a DPA during the past 12 months, who are indebted to a WETC for past due service, may have the opportunity, at the discretion of the WETC, to make arrangements to retire the debt by periodic payments referred to hereinafter as a Deferred Payment Agreement.

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- b) The terms and conditions of a Deferred Payment Agreement shall be determined by a WETC after consideration of the following:
- 1) size of the past due account;
  - 2) customer's or applicant's ability to pay;
  - 3) customer's or applicant's payment history;
  - 4) reasons for the delinquency; and
  - 5) any other relevant factors relating to the circumstances of the customer's or applicant's service.
- c) The WETC shall allow the customer or applicant a minimum of four months from the date of the agreement in which to complete payment pursuant to a Deferred Payment Agreement.
- d) A Deferred Payment Agreement shall be in writing, with a copy provided to the applicant or customer, and shall conform to the following requirements:
- 1) the applicant or customer shall be required to pay all future bills for the WETC's service by the due date; and
  - 2) the applicant or customer shall retire the delinquent amount according to the terms of the Deferred Payment Agreement.
- e) If an applicant or customer shall default upon any payment due under the Deferred Payment Agreement, all amounts owed pursuant to the agreement become payable immediately and a WETC shall have the right to discontinue service, pursuant to proper notice.

**Section 736.630 Applicants for Service**

- a) In addition to the disclosures required in the CTIA Consumer Code for Wireless Service, incorporated into these rules in Section 736.500 above, each WETC shall disclose in collateral or other disclosures at point of sale, or conclusion of any applicable trial period, all of the services and service plans it offers customers in

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its ETC area, including the rates and terms and conditions of those services and service plans.

- b) As a part of the first bill rendered for service to a new customer, a WETC shall provide the customer with a listing of all services and telephone equipment which shall be provided to that customer, with an itemization of any applicable monthly charges. If the customer notifies the WETC within 20 days after receiving his/her first bill that the customer does not desire to receive certain services or equipment, the WETC will delete such services or equipment from the customer's account. The customer shall be responsible for all monthly usage and installation charges incurred for the use of such service and equipment.
- c) A WETC shall establish a written procedure governing requirements for establishment of credit, available upon request.
- d) Credit Information
  - 1) If an applicant for service is unable to provide satisfactory credit information, the WETC shall offer to provide prepaid service or offer to provide service upon the payment of a deposit, pursuant to Section 736.650.
  - 2) If the verification of credit provides unsatisfactory credit information, the applicant will be informed of the reason or reasons, and if the applicant so requests, the WETC shall provide these reasons in writing to the applicant. Thereafter, the WETC may refuse to provide or continue service until the customer provides a deposit pursuant to Section 736.650. Alternatively, the WETC may offer prepaid service options

**Section 736.640 Present Customers**

- a) A WETC may request that the customer pre-pay for service or may request a deposit, pursuant to Section 736.650, from any customer during any 12 months that a customer receives service if the customer, during that period, pays late four times or has service discontinued for nonpayment two times.
- b) A WETC requesting that the customer pre-pay for service or requesting a deposit for any of the reasons stated in this Section shall make such request within 45 days after the occurrence of the event giving rise to the request.

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- c) A present customer whose service is terminated for nonpayment becomes an applicant for service and will be subject to the provisions of Section 736.630 for purposes of establishing service.

**Section 736.650 Deposits**

Conditions under which a WETC may request a deposit from applicants for service are set out in Section 736.630.

- a) Nothing in this Section shall prevent a WETC from offering pre-paid service options in lieu of requesting a deposit in order to provide service.
- b) The WETC shall establish a written procedure governing the methods by which deposits shall be calculated, available upon request. The amount of the deposit may be adjusted at the request of the customer, applicant or WETC at any time when the character or degree of use of the service materially changes or when it is clearly established that the character or degree of use of the service will materially change in the immediate future. The written procedure governing the methods by which deposits shall be calculated shall be based on objective criteria and the amount of deposits requested shall be reasonably related to the expected obligation of the customer for the service options available. The estimated deposit for an applicant may take into consideration past billing history for service of another company if service was provided within the State of Illinois and within 6 months after the application.
- c) A WETC may request that the requested deposit from any customer be paid before service is activated.
- d) Refund of Deposits
  - 1) Deposits plus interest shall be automatically refunded after being held for 12 months, so long as:
    - A) the customer has paid any past due bill for service owed to the same WETC;
    - B) service has not been discontinued for nonpayment;

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- C) the customer has not paid late four times; or
  - D) the WETC has not provided evidence that the customer used a device or scheme to obtain service without payment.
- 2) If the WETC does not return a customer's deposit after 12 months, the WETC shall provide the customer with the reasons the deposit is being retained, if the customer so requests.
- e) Deposits plus interest shall be refunded when service has been terminated for more than 30 days, less the amount of any unpaid bills for that service. When a deposit plus interest is applied to the liquidation of unpaid bills, the WETC shall provide the customer with a statement showing the amount of the unpaid bill(s) liquidated by the deposit plus interest, and the balance remaining due either to the customer or to the WETC.
  - f) All deposit refunds shall be by separate check and not by credit to the customer's account unless the deposit is used to pay the customer's final bill. No refund of less than \$1 need be issued. When refunds are not deliverable, records shall be maintained to show a WETC's efforts toward locating the applicant or customer, and delivering the refund.
  - g) At the option of the WETC, a deposit plus interest may be refunded, in whole or in part, at any time earlier than the times prescribed in this Section.
  - h) The rate of interest on deposits shall be the rate set by the Commission pursuant to 83 Ill. Adm. Code 735.120.
  - i) At the request of a customer, the WETC shall compute the accrued interest upon the deposit and pay such amount to the customer. The WETC need not make such payment more often than once in a 12 month period, nor sooner than 12 months after receipt of a deposit.

**Section 736.660 Discontinuance or Refusal of Service**

- a) The WETC may discontinue or refuse service for any of the following reasons listed in this subsection:

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- 1) Failure to make or increase a deposit pursuant to Sections 736.630, 736.640, and 736.650;
  - 2) Failure to pay a past due bill owed to the WETC;
  - 3) Failure to make payment in accordance with the terms of a deferred payment agreement;
  - 4) When a WETC has reason to believe that a customer has used a device or scheme to obtain service without payment and where the WETC has so notified the customer prior to disconnection;
  - 5) Violation of or noncompliance with a Commission order;
  - 6) Violation of or noncompliance with any rules of the WETC for which the WETC is authorized to discontinue service for violation or noncompliance on the part of the customer or user;
  - 7) Violation of or noncompliance with municipal ordinances and/or other laws pertaining to service; or
  - 8) The customer's use of equipment adversely affects the WETC's service to others. This disconnection may be done without notice to the customer or user.
- b) Discontinuance procedures
- 1) The WETC may discontinue service to a customer for nonpayment only after it has mailed or delivered by other means a written notice of discontinuance, substantially in the form of Appendix A. Service shall not be discontinued until at least five days after delivery of this notice or eight days after the date on a mailed notice. The notice of discontinuance shall be delivered separately from any other written matter or bill.
  - 2) Notice of discontinuance shall not be mailed before the third business day following the due date shown on the bill.
  - 3) Notwithstanding anything else in this Section, the WETC may immediately discontinue service to a customer when, upon investigation, it

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has reason to believe that a customer has used a device or scheme to obtain service without payment and the WETC has notified the customer prior to disconnection.

- c) The notice shall remain in effect for 20 days after the date of discontinuance shown on the notice. The WETC shall not discontinue service beyond the 20 day period until at least five days after delivery of a new written notice of discontinuance or eight days after the date of a mailed notice. This provision shall not apply with respect to discontinuance pursuant to subsection (a)(4).
- d) In addition to the written notice, the WETC shall attempt to advise the customer when service is scheduled for discontinuance. The WETC shall not deliver more than two consecutive notices of discontinuance for past due bill without engaging in collection activity with the customer.
- e) Timing of the discontinuance
  - 1) Services may be discontinued only during hours when a WETC has personnel on duty who are able to restore service within three hours after receipt of payment, at any standard restoration charge.
  - 2) Each WETC shall have personnel authorized to reconnect service available until at least 5 p.m. on business days if the conditions cited as grounds for discontinuance are corrected and any restoration charge is paid.
- f) Service shall not be discontinued, and shall be restored if discontinued, where a present customer who is indebted to the WETC enters into a payment arrangement pursuant to Section 736.620, and complies with its terms.
- g) Service shall not be discontinued, and shall be restored if discontinued, for any reason that is the subject of a dispute or complaint pursuant to Section 736.670 and/or 736.680 while the dispute or complaint is pending and the complainant has complied with the provisions of these Sections.
- h) Service shall not be discontinued for an amount due the WETC that has not been included in a discontinuance notice.

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- i) Nothing in this Section shall be construed to prevent immediate discontinuance of service without notice or the refusal of service for reasons of public safety or health.

**Section 736.670 Illness Provision**

- a) Certificate of Illness
  - 1) A WETC shall postpone discontinuance of telephone service to a customer for 30 days after the date of certification by a licensed physician that discontinuance of service will aggravate an existing medical emergency or create a medical emergency for the customer or a permanent resident in the customer's household.
  - 2) Initial certification shall prohibit discontinuance of service for 30 days. Certification may be renewed by the customer for one additional 30 day period by providing another certificate to the WETC. Failure to renew the certificate shall entitle the WETC to initiate discontinuance procedures.
  - 3) Initial certification by the certifying physician may be by telephone if written certification is forwarded within five days.
- b) This certificate of medical emergency must be in writing on stationery that clearly sets forth the name of the doctor, hospital or medical clinic. The certificate shall show the name of the person whose illness would be aggravated, the nature of the medical emergency, and the name, title and signature of the licensed physician certifying the medical emergency.
- c) Within the first 30 days, the customer must enter into a Deferred Payment Agreement for the retirement of the unpaid balance of the account and keep the current account paid during the period that the unpaid balance is to be retired.
- d) In the event service is discontinued within 10 days prior to certification of illness by or for a qualifying resident, service shall be restored to that residence if a proper certification is thereafter made in accordance with the provisions of this Section.
- e) Notice of discontinuance of service sent to residential customers shall include a notice substantially in the form of Appendix B.

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**Section 736.680 Payment for Service**

- a) Payment to the WETC shall be made by the due date shown on the monthly bill and shall be by check, draft or other negotiable instrument denominated in U.S. dollars acceptable to the WETC or in United States currency, provided that nothing in this Section shall be construed to prevent a WETC from accepting payment electronically or by the use of a customer-preferred financially accredited credit or debit methodology.
- b) If the customer remits to the WETC on more than one occasion during a 12 month period a check, draft or other instrument that is dishonored, the WETC may refuse acceptance of further checks and place the customer on a "cash" basis. Under a "cash" basis, the WETC may refuse acceptance of anything as payment other than United States currency, U.S. Postal Service money orders, or an instrument denominated in U.S. dollars and guaranteed by or issued by a third party acceptable to the WETC. The WETC shall advise the customer in writing of the restriction and of the various options available in paying by "cash". The WETC may also offer prepaid service options.
- c) Receipt of a subsequently dishonored negotiable instrument in response to a notice of discontinuance shall not constitute payment of a customer's account and no WETC shall be required to issue additional notice prior to discontinuance. However, three business days must be allowed for redemption of such instrument.

**Section 736.685 Past Due Bills**

- a) The due date printed on the monthly bill shall not be less than 21 days after the date on the bill, if mailed, or the date of delivery as shown on the bill if delivered by other means.
- b) Payment made in person at the WETC's office or authorized agent shall be deemed received the date payment is made.
- c) Payment made in the WETC's night depository, if any, shall be deemed received on the next full business date.

**Section 736.690 Service Restoration Charge**

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- a) When service has been discontinued pursuant to Section 736.660, the WETC may charge and collect a restoration charge, if any, set forth in its terms and conditions of service contained in the contract between the WETC and the customer.
- b) When service has been discontinued for nonpayment and payment has not been received or satisfactory payment arrangements have not been made for a period of ten calendar days, the WETC may consider the service terminated. Restoration may be considered as a new activation if payment has not been received within ten days, at the WETC's option.

**Section 736.695 Dispute Procedures**

- a) The WETC shall make available at each of its offices where it transacts business with the public a customer service representative authorized to hear any dispute by an applicant, customer or user. Such personnel shall consider the complainant's allegations and shall explain the complainant's account and the WETC's assertions in connection therewith. Such personnel shall be authorized to act on behalf of the WETC in resolving the complaint and shall be available during all business hours for this duty.
- b) The WETC shall direct its personnel engaged in personal contact with an applicant, customer, or user in the WETC service area seeking dispute resolution under the provisions of this Part to inform the person of his/her right to have the problem considered and acted upon by supervisory personnel of the WETC when any dispute cannot be resolved. The WETC shall further direct supervisory personnel to inform the applicant, complainant, or user who expresses non-acceptance of the decision of the supervisory personnel of his/her right to have the problem, if arising under this Part, reviewed by the Commission and shall furnish them with the telephone number and address of the Consumer Services Division of the Illinois Commerce Commission.
- c) When a customer disputes a particular bill, the WETC shall not discontinue service for nonpayment so long as the customer:
  - 1) pays the undisputed portion of the bill;
  - 2) pays all future periodic bills by the due date; and
  - 3) enters into discussions with the WETC to settle the dispute with dispatch.

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- d) No late payment charge shall be charged on any disputed bill paid within 14 days after resolution of the dispute if the complaint was filed before the bill became past due.

**Section 736.700 Commission Complaint Procedures**

- a) Before the Commission will allow the filing of a formal complaint by a WETC applicant, customer, user or WETC an informal complaint shall be filed with the Commission's Consumer Services Division.
- b) The informal complaint:
  - 1) should be in writing but may be initiated by telephone or in person at the offices of the Commission; and
  - 2) shall provide the following information to the Commission:
    - A) the name, address and telephone number of the applicant, customer, or user,
    - B) the name of the WETC involved,
    - C) the nature of the complaint in a clear and concise manner, and
    - D) the specific relief requested.
- c) Upon receipt of the informal complaint, the Consumer Services Division shall:
  - 1) advise the WETC complained of that a complaint has been filed against it; the party complained of must respond to the Consumer Services Division within 14 days;
  - 2) review and investigate the complaint;
  - 3) advise the parties of the results of the investigation within a reasonable time not to exceed 14 days following receipt of a complete response from the WETC. By agreement of the parties and the Consumer Services Division, these time limits may be extended.

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- d) Service shall not be discontinued for the reason that is the subject of the complaint during the pendency of any proceeding (formal/informal) before the Commission pursuant to the provisions of this Section so long as the customer has complied with the provisions of Section 736.695(c).

**Section 736.705 Second Language**

Where there is a demonstrated need for second language notices in the service area of any WETC, as determined by the Commission on the basis of census figures, the community area involved, and customer complaints and requests for such notice, notices as set out in Appendices A and B shall be sent to customers located within the area and contain the following warning in the appropriate second language: "Important – This notice affects your rights and obligations and should be translated immediately. If you cannot find a person to translate for you, call your service provider immediately."

**Section 736.710 Customer Information Booklet**

A customer information booklet that contains a WETC's credit and collection practices shall be made available on the WETC's website, provided to all applicants for service, and shall be available at all business offices.

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED RULES

Section 736.APPENDIX A Notice of Discontinuance of Service

IMPORTANT! READ THIS IMMEDIATELY

WETC NAME \_\_\_\_\_ CUSTOMER \_\_\_\_\_

ADDRESS \_\_\_\_\_

CITY, STATE, ZIP \_\_\_\_\_

PHONE # \_\_\_\_\_ ACCOUNT # \_\_\_\_\_

YOUR \_\_\_\_\_ (WETC) SERVICE WILL BE DISCONTINUED ON OR

AFTER \_\_\_\_\_ (Date) BECAUSE:

YOU OWE \$ \_\_\_\_\_ IN PAST DUE BILLS

YOU OWE \$ \_\_\_\_\_ FOR A DEPOSIT FOR TELEPHONE SERVICE

OTHER \_\_\_\_\_ (Specify)

TO AVOID DISCONTINUANCE OF \_\_\_\_\_ (WETC) SERVICE, YOU MUST

PAY \$ \_\_\_\_\_ BEFORE \_\_\_\_\_ (Date).

\*\*\* If you cannot pay the whole amount now, you may be able to get a payment plan with \_\_\_\_\_ (WETC Name) . Call us at Phone # \_\_\_\_\_ for more information.

\*\*\* \_\_\_\_\_ (WETC Name) has employees on duty from \_\_\_\_\_ A.M. to \_\_\_\_\_ P.M. to answer your questions or listen to your complaints. If you do not understand why you owe this money, or if you think there has been a mistake, call \_\_\_\_\_ (WETC Name) at Phone # \_\_\_\_\_ , as soon as possible. If the person you talk to cannot help you, ask to talk to a supervisor. If the supervisor cannot help you, call the Consumer Services Division of the Illinois Commerce Commission at 800-524-0795. Call before you are Discontinued!

\*\*\* IMPORTANT: If your services are Discontinued, you will have to pay \$ \_\_\_\_\_ before your service will be turned on again.

(Printed on Red Paper)  
Reverse Side (Printed on Red Paper)

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED RULES

**Section 736.APPENDIX B Requirements to Avoid Shutoff of Service in the Event of Illness**

IF DISCONTINUANCE OF SERVICE WILL AGGRAVATE OR CREATE A MEDICAL EMERGENCY FOR A RESIDENT OF YOUR HOUSEHOLD, WE WILL NOT DISCONTINUE YOUR SERVICE.

WHAT YOU MUST DO:

YOU MUST CONTACT A PHYSICIAN OR LOCAL BOARD OF HEALTH. THEY MUST CALL \_\_\_\_\_ (WETC Name) AT \_\_\_\_\_ (Phone) RIGHT AWAY. THEY ALSO MUST SEND A WRITTEN CONFIRMATION, SIGNED BY A PHYSICIAN, TO THE COMPANY WITHIN 5 DAYS THAT CONTAINS THE FOLLOWING INFORMATION:

Name of the person. A statement that the person is a resident of the premises in question; the name, business address and telephone number of the certifying physician; the nature of the illness; the period of time during which discontinuance of telephone WETC service will aggravate the illness.

HOW LONG IS THE CERTIFICATION VALID?

THE CERTIFICATION IS VALID FOR ONE MONTH. IT CAN ALSO BE RENEWED FOR ONE MONTH IF THE PHYSICIAN WRITES TO THE COMPANY AGAIN. IF THE CERTIFICATION IS NOT RENEWED, YOUR TELEPHONE SERVICE MAY BE DISCONTINUED AFTER THE FIRST MONTH.

FOR MORE INFORMATION CALL \_\_\_\_\_ (WETC Name) AT \_\_\_\_\_ (Phone) OR CALL:

CONSUMER SERVICES DIVISION

ILLINOIS COMMERCE COMMISSION

800-524-0795

## DEPARTMENT OF EMPLOYMENT SECURITY

## NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Determination of Unemployment Contributions
- 2) Code Citation: 56 Ill. Adm. Code 2770
- 3) Section Number: 2770.106                      Adopted Action:  
Amendment
- 4) Statutory Authority: 820 ILCS 405/1500, 1501, 1503, 1506.1, 1506.2, 1506.3, 1508.1, 1700 and 1701
- 5) Effective Date of the Amendment: December 1, 2008
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain an incorporation 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: July 18, 2008; 32 Ill. Reg. 10738
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? No agreement letter was necessary.
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and purpose of the Rulemaking: The adopted amendment clarifies that the Director will announce the average contribution rate for each economic sector within the North American Industry Classification System (NAICS) by posting the rates for that year on the Department's website and not by amending the rules as had been done in the past. A new employer's contribution rate will be based on the average contribution rate for the sector to which the employer belongs if the average rate exceeds the standard new employer rate and the employer is not required to pay at a higher experience-based rate.

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF ADOPTED AMENDMENT

All employers will continue to receive individual notice of their contribution rates for each calendar year.

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

Gregory J. Ramel, Deputy Legal Counsel  
Illinois Department of Employment Security  
33 South State Street – Room 937  
Chicago, Illinois 60603

312/793-2333  
Gregory.ramel@illinois.gov

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

## DEPARTMENT OF EMPLOYMENT SECURITY

## NOTICE OF ADOPTED AMENDMENT

TITLE 56: LABOR AND EMPLOYMENT  
CHAPTER IV: DEPARTMENT OF EMPLOYMENT SECURITY  
SUBCHAPTER c: RIGHTS AND DUTIES OF EMPLOYERSPART 2770  
DETERMINATION OF UNEMPLOYMENT CONTRIBUTIONS

## SUBPART A: INDUSTRIAL CLASSIFICATIONS

Section	
2770.100	Pre 2003 Industrial Classification (Repealed)
2770.101	Post 2002 Industrial Classification
2770.105	Pre 2003 Contribution Rate For Non Experience-Rated Employers (Repealed)
2770.106	Post-2002 Contribution Rate <del>for</del> For Non Experience-Rated Employers
2770.110	Average Contribution Rates By Standard Industrial Classification (SIC) Codes (Repealed)
2770.111	Average Contribution Rates By North American Industry Classification System (NAICS) Assignment

## SUBPART B: ALTERNATIVE BENEFIT WAGE RATIO

Section	
2770.150	Eligibility To Elect The Alternative Benefit Wage Ratio (Repealed)
2770.155	Approval Of Election Of The Alternative Benefit Wage Ratio (Repealed)
2770.160	Adjustment Of The Benefit Wage Charges And The Determination Of The Alternative Benefit Wage Ratio (Repealed)
2770.165	Revocation Of Election Of Alternative Benefit Wage Ratio (Repealed)
2770.170	Appeals (Repealed)

SUBPART C: TRANSFER OF BENEFIT WAGES FROM BASE  
PERIOD TO SUBSEQUENT EMPLOYER

Section	
2770.400	Definitions (Repealed)
2770.405	Application Of Base Period Wages (Repealed)
2770.410	Restriction On Benefit Wage Transfers (Repealed)
2770.415	Benefit Wage Transfer Procedural Requirements (Repealed)
2770.420	Petition For Hearing (Repealed)

## DEPARTMENT OF EMPLOYMENT SECURITY

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## SUBPART D: BENEFIT WAGE CANCELLATIONS

## Section

2770.501 Effective Date Of Benefit Wage Cancellations Pursuant To Section 1508.1 Of The Act

2770.TABLE A General SIC Classifications (Repealed)

**AUTHORITY:** Implementing and authorized by Sections 1500, 1501, 1503, 1506.1, 1506.2, 1506.3, 1508.1, 1700 and 1701 of the Unemployment Insurance Act [820 ILCS 405/1500, 1501, 1503, 1506.1, 1506.2, 1506.3, 1508.1, 1700 and 1701].

**SOURCE:** Emergency rules adopted as 56 Ill. Adm. Code 600: Subpart C at 8 Ill. Reg. 550, effective January 1, 1984, for a maximum of 150 days; adopted at 8 Ill. Reg. 8208, effective May 30, 1984; recodified from 56 Ill. Adm. Code 600: Subpart C at 8 Ill. Reg. 15030; emergency amendments at 8 Ill. Reg. 15088, effective August 8, 1984, for a maximum of 150 days; emergency amendments at 8 Ill. Reg. 22139, effective October 26, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 24117, effective November 30, 1984; amended at 9 Ill. Reg. 4507, effective March 25, 1985; amended at 10 Ill. Reg. 6935, effective April 14, 1986; amended at 10 Ill. Reg. 21683, effective December 15, 1986; amended at 11 Ill. Reg. 9878, effective May 11, 1987; emergency amendments at 12 Ill. Reg. 210, effective January 1, 1988, for a maximum of 150 days; expired May 30, 1988; amended at 12 Ill. Reg. 11213, effective June 20, 1988; amended at 12 Ill. Reg. 12473, effective July 15, 1988; amended at 12 Ill. Reg. 18143, effective October 27, 1988; amended at 12 Ill. Reg. 20477, effective November 28, 1988; amended at 13 Ill. Reg. 11507, effective June 29, 1989; amended at 14 Ill. Reg. 2038, effective January 19, 1990; amended at 14 Ill. Reg. 18280, effective October 30, 1990; amended at 15 Ill. Reg. 172, effective December 28, 1990; amended at 15 Ill. Reg. 8553, effective May 24, 1991; amended at 16 Ill. Reg. 118, effective December 20, 1991; amended at 17 Ill. Reg. 295, effective December 28, 1992; amended at 18 Ill. Reg. 250, effective January 1, 1994; amended at 18 Ill. Reg. 17473, effective January 1, 1995; amended at 20 Ill. Reg. 350, effective January 1, 1996; amended at 21 Ill. Reg. 561, effective January 1, 1997; amended at 21 Ill. Reg. 15496, effective January 1, 1998; amended at 23 Ill. Reg. 155, effective January 1, 1999; amended at 23 Ill. Reg. 14299, effective January 1, 2000; amended at 24 Ill. Reg. 19125, effective January 1, 2001; amended at 26 Ill. Reg. 393, effective January 1, 2002; amended at 27 Ill. Reg. 2598, effective February 1, 2003; amended at 28 Ill. Reg. 1071, effective January 1, 2004; amended at 29 Ill. Reg. 788, effective January 1, 2005; amended at 30 Ill. Reg. 185, effective January 1, 2006; emergency amendment at 31 Ill. Reg. 221, effective January 1, 2007, for a maximum of 150 days; amended at 31 Ill. Reg. 6921, effective April 25, 2007; amended at 32 Ill. Reg. 155, effective January 1, 2008; amended at 32 Ill. Reg. 18966, effective December 1, 2008.

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## SUBPART A: INDUSTRIAL CLASSIFICATIONS

**Section 2770.106 Post-2002 Contribution Rate ~~for~~ Non-Experience Rated Employers.**

- a) For calendar year 2003 and each calendar year thereafter, the contribution rate under Section 1500(B) of the Act, for each employer who has not incurred liability for the payment of contributions within each of the three calendar years immediately preceding the calendar year for which a rate is being determined, shall be the greater of:
- 1) 2.7%, plus any applicable fund building rate, as imposed by Section 1506.3 of the Act [820 ILCS 405/1506.3]; or
  - 2) 2.7%, multiplied by the adjusted State experience factor, plus any applicable fund building rate, as imposed by Section 1506.3 of the Act; or
  - 3) The employer's contribution rate calculated pursuant to Sections 1501 through 1507 of the Act [820 ILCS 405/1501 through 1507], but only if this employer has had at least 13 consecutive months experience with the risk of unemployment by the June 30 preceding the calendar year for which a rate is being determined, plus any applicable fund building rate, as imposed by Section 1506.3 of the Act; or
  - 4) The mean average contribution rate of all experience rated employers within the specific Economic Sector, plus any applicable fund building rate, as imposed by Section 1506.3 of the Act.
    - A) The mean average contribution rate for an Economic Sector shall be determined by adding the rates of all experience rated employers in that sector and dividing the sum by the number of the employers. The rate computation shall be made for each of the applicable years as of July 31 of the preceding year. Any change in the industrial classification or the contribution rate of the experience rated employers made after the date of computation shall not affect the established average rate for the Economic Sector.

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- B) Experience rated employers whose liability was terminated on or before July 31 of the calendar year used in the computation in subsection (a)(4)(A); shall be included for computation purposes, unless prior to such date, a successor has succeeded to the experience rating record of the employer. In these instances, only the successor rate shall be used.
- b) The mean average contribution rate for each Economic Sector, determined pursuant to subsection (a)(4)(A) and (B), shall be announced annually by the Director, during the last quarter of the year preceding the applicable year. For calendar year 2009 and each calendar year thereafter, the Director shall announce the contribution rate calculated for an Economic Sector pursuant to subsection (a)(4) by posting it on the Department's website, [www.ides.state.il.us](http://www.ides.state.il.us), during the last quarter preceding the applicable year, and not by rulemaking.
- c) Appeals from any determinations under Section 2770.101 or 2770.106 shall be taken pursuant to and governed by Section 1509 of the Act.

(Source: Amended at 32 Ill. Reg. 18966, effective December 1, 2008)

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- 1) Heading of the Part: Payment Of Benefits
- 2) Code Citation: 56 Ill. Adm. Code 2830
- 3) 

<u>Section Numbers:</u>	<u>Adopted Action:</u>
2830.200	Amendment
2830.206	New
2830.210	Amendment
2830.215	Amendment
2830.220	Amendment
- 4) Statutory Authority: Implementing and authorized by Sections 400, 401, 404, 1700 and 1701 of the Unemployment Insurance Act [820 ILCS 405/400, 401, 404, 1700 and 1701]
- 5) Effective Date of Amendments: December 1, 2008
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain an incorporation 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 18, 2008; 32 Ill. Reg. 10751
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Differences between proposal and final version: In subsection (e) of Section 2830.206, "or" was added to the end of the subsection; in the title to Section 2830.215, "a" was made lower case in all three instances.
- 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 amendments replace any emergency amendments currently in effect? No
- 14) Are there any other amendments pending on this Part? No

## DEPARTMENT OF EMPLOYMENT SECURITY

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- 15) Summary and Purpose of Amendments: This rulemaking expands the circumstances under which a survivor of a deceased claimant can make a claim on behalf of the deceased for unpaid benefits for which the deceased qualified before dying. It also specifies circumstances under which a family member can make a claim on behalf of a comatose claimant for unpaid benefits for which the claimant had qualified prior to becoming comatose.
- 16) Information and questions regarding these adopted amendments shall be directed to:

Gregory J. Ramel, Deputy Legal Counsel  
Illinois Department of Employment Security  
33 South State Street – Room 937  
Chicago, Illinois 60603

312/793-2333  
gregory.ramel@illinois.gov

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

## DEPARTMENT OF EMPLOYMENT SECURITY

## NOTICE OF ADOPTED AMENDMENTS

TITLE 56: LABOR AND EMPLOYMENT  
CHAPTER IV: DEPARTMENT OF EMPLOYMENT SECURITY  
SUBCHAPTER e: RIGHTS AND DUTIES OF EMPLOYEESPART 2830  
PAYMENT OF BENEFITS

## SUBPART A: GENERAL PROVISIONS

## Section

- 2830.10 Mailing Address For Benefit Checks  
2830.50 Calculating The "National Average Of This Ratio" Under Section 401 Of The Act

## SUBPART B: PAYMENT TO DECEASED CLAIMANTS

## Section

- 2830.200 Payment ~~of~~ Benefits Due ~~a~~ Deceased ~~or~~ Comatose Claimant  
2830.205 Order Of Payment To Survivors Of A Deceased Claimant  
2830.206 Order of Payment on Behalf of a Comatose Claimant  
2830.210 Payment ~~to a~~ ~~To~~ A Minor Survivor ~~of a~~ ~~Of~~ A Deceased Claimant ~~or to a~~ Minor  
When the Claimant is Comatose  
2830.215 Time ~~and~~ And Manner ~~for~~ For Claiming Benefits Due ~~a~~ Deceased ~~or a~~ Comatose  
Claimant  
2830.220 Right ~~of~~ Of Appeal

SUBPART C: REISSUANCE OF BENEFIT CHECKS, MISDIRECTED  
PAYMENTS OR LOST OR STOLEN DEBIT CARDS

## Section

- 2830.300 Requests For Reissuance Of Checks Or Replacement Of Electronic Payments  
2830.303 Lost Or Stolen Debit Cards  
2830.305 Where Original Benefit Check Has Been Processed By The Payor Bank Or Where  
Direct Deposit Has Been Established Without Authorization  
2830.310 Check Or Direct Deposit Authorization Forgery Investigation  
2830.315 Notice Of Interview  
2830.320 Continuances  
2830.325 Check Or Direct Deposit Authorization Forgery Interview  
2830.330 The Record  
2830.335 Decision

## DEPARTMENT OF EMPLOYMENT SECURITY

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2830.340 Appeals

AUTHORITY: Implementing and authorized by Sections 400, 401, 404, 1700 and 1701 of the Unemployment Insurance Act [820 ILCS 405/400, 401, 404, 1700 and 1701].

SOURCE: Illinois Department of Labor, Bureau of Employment Security, Regulation 26, filed as amended May 2, 1952, effective May 12, 1952; rule repealed by operation of law, October 1, 1984; new rules adopted at 9 Ill. Reg. 10005, effective June 15, 1985; amended at 14 Ill. Reg. 9101, effective May 23, 1990; amended at 15 Ill. Reg. 16960, effective November 12, 1991; amended at 32 Ill. Reg. 13183, effective July 24, 2008; expedited correction at 32 Ill. Reg. 16932, effective July 24, 2008; amended at 32 Ill. Reg. 18972, effective December 1, 2008.

## SUBPART B: PAYMENT TO DECEASED CLAIMANTS

**Section 2830.200 Payment ~~of~~ Benefits Due ~~a~~ Deceased or Comatose Claimant**

- a) In the event that an individual ~~to whom benefits have become payable because he has certified for such benefits and been held eligible for such benefits~~ dies or becomes comatose before receiving ~~such~~ benefits to which he or she is entitled, ~~the benefits~~ they shall be paid over to the person or persons determined to be entitled to receive ~~those~~ such benefits, in accordance with Section 2830.205 or 2830.206 of this Part. However, any benefit checks previously issued to ~~the~~ such ~~deceased~~ individual ~~that~~ which have not been presented for payment must be returned to the Director, or an affidavit must be submitted stating that ~~the~~ such benefit checks were lost, stolen, or destroyed.
- b) In the case of a claimant who became and remains comatose or who died prior to certifying for benefits, a completed certification form must be submitted by an individual with first hand knowledge of the matters asserted in the certification, together with an affidavit attesting that the individual has first hand knowledge and that the matters asserted are true to the best of his or her knowledge. Under no circumstances shall the claimant's eligibility extend beyond the date that he or she entered the comatose state or died.

(Source: Amended at 32 Ill. Reg. 18972, effective December 1, 2008)

**Section 2830.206 Order of Payment on Behalf of a Comatose Claimant**

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Benefits that are payable, but as yet unpaid or not yet processed for payment, to a comatose individual shall be paid over to the persons claiming the benefits on behalf of the comatose claimant in the following order:

- a) The guardian of his or her estate, if one has been appointed;
- b) The living spouse;
- c) The living children in equal shares, if the claimant has no living spouse;
- d) The living parents in equal shares, if there is no living spouse or living child of the claimant;
- e) The living brothers or sisters of the claimant in equal shares, if there is no living spouse, child or parent of the claimant; or
- f) Other relatives, either by blood or marriage, who have paid the expenses connected with the claimant's care in his or her comatose state, in such shares as may be equitable, depending on the proportional contribution of the relative to the expenses, if there is no living spouse, child, parent, sister or brother of the claimant.

(Source: Added at 32 Ill. Reg. 18972, effective December 1, 2008)

**Section 2830.210 Payment ~~to a~~ To A Minor Survivor ~~of a~~ Of A Deceased Claimant ~~or to a~~ Minor When ~~the~~ Claimant ~~is~~ Comatose**

Whenever any share of benefits payable to a deceased or comatose claimant is payable to a person who has not attained majority age, ~~thesueh~~ payment shall be paid to the person legally entitled to receive ~~thesueh~~ payment on behalf of ~~thesueh~~ minor for his or her use and for the benefit of the minor without further responsibility on the part of the Director as to its actual distribution.

(Source: Amended at 32 Ill. Reg. 18972, effective December 1, 2008)

**Section 2830.215 Time ~~and~~ And Manner ~~for~~ For Claiming Benefits Due ~~a~~ A Deceased ~~or a~~ Comatose Claimant**

- a) Any individual specified in Section 2830.205 or 2830.206 of this Part who wishes

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to make application for any benefits due a deceased or comatose claimant must do so within nine months after of the date of death or entry into the comatose state, as the case may be, or within nine months after of the date when thesueh payment is finally authorized, whichever is later.

1) TheSueh application shall be made to the local unemployment office where thesueh deceased or comatose claimant last filed his or her claim for benefits or serving the geographic area in which the claimant resides or resided.

2) The application shall be made either in person or by certified mail and shall be supported by an affidavit setting forth the relationship to the deceased or comatose claimant, along with the names, addresses, and relationship of all other livingsurviving relatives in the order specified in Section 2830.205 or 2830.206 of this Part, and shall be accompanied by a certified copy of the death certificate for the deceased claimant or, in the case of a comatose claimant, the statement of a licensed and practicing physician indicating the date as of which the claimant became comatose. TheSueh application forms shall be available at the local unemployment offices.

b) Unless thesueh application is received within the time limits specified in subsection (a)above, any benefits due the deceased claimant shall revert to and be returned to the State'sstate's unemployment trust fund.

(Source: Amended at 32 Ill. Reg. 18972, effective December 1, 2008)

**Section 2830.220 Right ofOf Appeal**

Whenever an individual claiming a share of benefits payable to a deceased or comatose claimant is denied thatsueh share because of the provisions of SectionSections 2830.205 or 2830.215 of this Part, thesueh individual shall be notified in writing and have the right to appeal thesueh determination in accordance with the provisions of Section 800 of the Unemployment Insurance Act [820 ILCS 405/800](Ill. Rev. Stat. 1983, ch. 48, par. 470).

(Source: Amended at 32 Ill. Reg. 18972, effective December 1, 2008)

## DEPARTMENT OF EMPLOYMENT SECURITY

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- 1) Heading of the Part: Recovery of Benefits
- 2) Code Citation: 56 Ill. Adm. Code 2835
- 3) 

<u>Section Numbers:</u>	<u>Adopted Action:</u>
2835.1	Amendment
2835.5	Amendment
2835.10	Amendment
2835.15	Amendment
2835.33	New
2835.45	Amendment
- 4) Statutory Authority: Implementing and authorized by Sections 900, 901, 1700, 1701 and 1706 of the Unemployment Insurance Act [820 ILCS 405/900, 901, 1700, 1701 and 1706]
- 5) Effective Date of the Amendments: December 1, 2008
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain an incorporation 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 18, 2008; 32 Ill. Reg. 10758
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Differences between proposal and final version: In subsection (a)(1) of Section 2835.15, "TRA" was changed to "Trade Readjustment Allowance (TRA)"; in Section 2835.33, ", as it is on December 1, 2008 without regard to any later amendments" was added to the end of the line; and the proposed amendments to Section 2835.Table A concerning the Recoupment Matrix were not adopted.
- 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 any emergency rulemaking currently in effect? No

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- 14) Are there any other amendments pending on this Part? No
- 15) Summary and Purpose of Amendments: This rulemaking provides that Trade Readjustment Allowance (TRA) overpayments are to be recouped at a rate of 25% instead of 50% and that recovery of those overpayments is to be waived to the same extent authorized by federal rules. Additional amendments make minor changes to update and clarify the rules.
- 16) Information and questions regarding these adopted amendments shall be directed to:

Gregory J. Ramel, Deputy Legal Counsel  
Illinois Department of Employment Security  
33 South State Street – Room 937  
Chicago, Illinois 60603

312/793-2333  
gregory.ramel@illinois.gov

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

## DEPARTMENT OF EMPLOYMENT SECURITY

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TITLE 56: LABOR AND EMPLOYMENT  
CHAPTER IV: DEPARTMENT OF EMPLOYMENT SECURITY  
SUBCHAPTER e: RIGHTS AND DUTIES OF EMPLOYEESPART 2835  
RECOVERY OF BENEFITS

## SUBPART A: GENERAL PROVISIONS

## Section

2835.1	Recovery <del>of</del> Benefits <del>by</del> Recoupment
2835.5	Amounts Recoverable <del>by</del> Recoupment
2835.10	Time Limits Within Which <del>to</del> Recoup Benefits
2835.15	Extent <del>of</del> Recoupment
2835.20	Notice of Recoupment Decision
2835.25	Reconsideration Or Appeal Of Recoupment Decision
2835.30	Waiver Of Recoupment
<u>2835.33</u>	<u>Waiver of Recovery (TRA)</u>
2835.35	Benefits Received With Fault
2835.40	Benefits Received Without Fault
2835.45	Recoupment Against Equity <del>and</del> Good Conscience
2835.50	Request For And Decision Regarding Waiver Of Recoupment
2835.55	Reconsideration Or Appeal Of Denial Of Request For Waiver
2835.60	Periods When Waiver Of Recoupment Allowed
2835.65	Waiver Certifications By Mail
TABLE A	Recoupment Matrix

AUTHORITY: Implementing and authorized by Sections 900, 901, 1700, 1701 and 1706 of the Unemployment Insurance Act [820 ILCS 405/900, 901, 1700, 1701 and 1706].

SOURCE: 56 Ill. Adm. Code 800: Subpart F adopted at 7 Ill. Reg. 383, effective December 23, 1982; recodified to 56 Ill. Adm. Code 800: Subpart D at 8 Ill. Reg. 6037; recodified to 56 Ill. Adm. Code 2835 at 8 Ill. Reg. 15032; emergency amendment at 8 Ill. Reg. 19687, effective September 28, 1984, for a maximum of 150 days; amended at 9 Ill. Reg. 2493, effective February 13, 1985; amended at 9 Ill. Reg. 16225, effective October 15, 1985; amended at 10 Ill. Reg. 12776, effective July 14, 1986; amended at 11 Ill. Reg. 7626, effective April 14, 1987; emergency amendment at 12 Ill. Reg. 231, effective January 1, 1988, for a maximum of 150 days; emergency expired May 30, 1988; amended at 12 Ill. Reg. 11746, effective July 5, 1988; amended at 32 Ill. Reg. 18978, effective December 1, 2008.

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## SUBPART A: GENERAL PROVISIONS

**Section 2835.1 Recovery ~~of~~ Benefits ~~by~~ Recoupment**

- a) The Director may recover ~~for the State~~ by recoupment ~~any the sums paid as~~ unemployment insurance benefits ~~that are determined to have been overpaid to an individual to an individual who is found ineligible to receive benefits.~~ Recoupment is a method by which the Director deducts from any benefits payable to a claimant the amounts of benefits he was found not entitled to receive under the law.
- b) The recoverable amounts may be either regular or extended benefits paid under either the Unemployment Insurance Act, ~~as amended [820 ILCS 405] (Ill. Rev. Stat. 1985, ch. 48, pars. 300 through 820), hereinafter referred to as "the (Act)",~~ or the Federal Unemployment Compensation Act for Federal Employees (5 ~~USC U.S.C.~~ 8501 et seq.) or Ex-Servicemen (5 ~~USC U.S.C.~~ 8521 et seq.); (UCFE and UCX) programs administered by the Director ~~or any other federal unemployment insurance program administered by the Director (see Table A).~~

(Source Amended at 32 Ill. Reg. 18978, effective December 1, 2008)

**Section 2835.5 Amounts Recoverable ~~by~~ Recoupment**

- a) Benefits paid under state law subject to recoupment:
- 1) The entire amount of benefits previously paid to a claimant later found ineligible pursuant to a reconsidered Finding or reconsidered Determination, or pursuant to a Decision of a Hearings Referee or of the ~~Director~~ ~~Director's Representative~~ under Section 604 of the Act, which modifies or sets aside a Finding or Determination or a reconsidered Finding or reconsidered Determination. To the extent allowed by law, such benefits will be recouped from future State or federal benefits payable to a claimant as set forth in Table A. For purposes of this Section only, if the Board of Review remands a case to the Hearing Referee who then decides that the claimant is ineligible for benefits, such Decision shall make any benefits for which the claimant is then ineligible subject to recoupment.

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**EXAMPLE**~~Example~~: The Referee affirms a Determination by an Adjudicator holding a claimant eligible for benefits which have been paid to the claimant. Upon appeal, the Board of Review remands the case back to the Referee who then sets aside the Adjudicator's Determination and holds the claimant ineligible. The benefits for which the claimant was overpaid are now subject to recoupment.

- 2) Benefits paid to a claimant for weeks with respect to which he or she received wages by reason of a back pay award made by a governmental agency or pursuant to arbitration proceedings or by reason of payment of wages wrongfully withheld by an employing unit.
- b) Benefits paid under federal programs (~~UCFE and UCX~~)-subject to recoupment:
  - 1) Benefits paid to UCFE-UCX claimants who have been found ineligible to receive such benefits in a reconsidered Finding or Determination, or in a Decision of a Hearings Referee or the Director, may be recouped from either future UCFE-UCX benefits, or State or other federally funded benefits payable to such claimant.
  - 2) Recoupment of benefits paid to ineligible claimants under other federal programs administered by the Director shall be governed by the applicable federal law.
- c) Waiver of Recoupment – Recoupment from future benefits referred to in subsections (a) and (b) ~~above~~ may be waived from week to week in the manner provided in ~~Section 56 Ill. Adm. Code~~ 2835.30 of this Part.

(Source: Amended at 32 Ill. Reg. 18978, effective December 1, 2008)

**Section 2835.10 Time Limits Within Which ~~to To~~ Recoup Benefits**

- a) Benefits obtained by means of fraud: When the claimant knowingly makes a false statement or knowingly fails to disclose a material fact in order to receive regular or extended benefits to which he or she is ineligible, such benefits may be recouped at any time from future benefits payable to the claimant. See Table A for the time limits regarding recoupment of benefits obtained by means of fraud under federal programs, including UCFE-UCX and special programs.

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- b) Benefits obtained without fraud: When a claimant has been found ineligible to receive regular or extended benefits for any reason other than reasons stated in subsection (a), the benefits received may be recouped within ~~five~~three years from the date ~~the~~such claimant was found ineligible by a Claims Adjudicator, Hearings Referee or by the Director, ~~except, if the Determination is dated after January 1, 1984, the recoupment period shall be 5 years.~~ The same time limit of ~~three or five~~ years, ~~as the case may be,~~ shall apply to the recoupment of regular or extended the UCFE-UCX benefits paid to ineligible claimants for any reason other than the reason stated in subsection (a).
- c) With respect to other federally funded benefits administered by the Director, the provisions of the appropriate federal law shall be applicable.

(Source: Amended at 32 Ill. Reg. 18978, effective December 1, 2008)

**Section 2835.15 Extent ~~of~~ Recoupment**

- a) Benefits recoverable under Section 2835.5(a) shall be recouped in full or to the ~~extent~~extend of the benefits payable to the claimant, subject to the time limits provided in Section 2835.10.
- 1) The amount to be recouped in any particular week shall not exceed 25% of the claimant's weekly benefit amount provided that the recoverable benefits were not obtained by fraudulent means stated in Section 2835.10(a). The same limitation on the amount of recoupment shall apply to UCFE-UCX and Trade Readjustment Allowance (TRA) benefits (see 19 USC 2291-2298).
  - 2) With respect to other federally funded benefits administered by the Director, the provisions of the appropriate federal law shall be applicable.
- b) If the claimant knowingly makes a false statement or knowingly fails to disclose a material fact in order to receive benefits to which he or she is not entitled, the entire weekly benefit amount payable to the claimant is subject to recoupment until the full amount of the recoverable benefits has been completely recovered.
- c) The extent and period of time for recoupment, as defined in Section 2835.10 and this Section, except for TRA benefits~~Section 2835.1~~, shall be as set forth in ~~Section 2835~~.Table A.

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## NOTICE OF ADOPTED AMENDMENTS

(Source: Amended at 32 Ill. Reg. 18978, effective December 1, 2008)

**Section 2835.33 Waiver of Recovery (TRA)**

The Agency shall waive the recovery of any overpayment of TRA benefits, to the extent authorized to do so under 20 CFR 617.55, as it is on December 1, 2008 without regard to any later amendments.

(Source: Added at 32 Ill. Reg. 18978, effective December 1, 2008)

**Section 2835.45 Recoupment Against Equity ~~and~~ Good Conscience**

- a) Recoupment will be considered to be against equity and good conscience if the recoupment would cause the individual extreme financial hardship. For this purpose, extreme financial hardship shall mean the inability to meet vital financial obligations which cannot be deferred. Such obligations include:
- 1) Rent, if the individual has received an eviction notice or five day notice from the landlord;
  - 2) Utility bills, if the individual has received a utility cutoff notice;
  - 3) Unexpected medical bills not covered by insurance; and;
  - 4) Other debts incurred for essential living expenses, the payment of which cannot be deferred.
- b) The decision whether the recoupment would cause an individual extreme financial hardship shall be based on an assessment of the individual's complete financial situation. Factors, such as the extent of an individual's savings, his or her eligibility for welfare or other forms of public assistance, shall be relevant in making this decision.
- c) Notwithstanding subsections (a) and (b), whenever an individual is overpaid a sum as benefits and the payment of such sum was the result of the individual having claimed a dependent~~dependent(s)~~, under Section 401 of the Act, when a dependent child~~(ren)~~ of that same parent had already been claimed as a dependent by the other parent who was also entitled to claim thesueh dependent and the

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individual had responded negatively to the question on this subject on the form; BIS-0030, Unemployment Claim Application, or the Internet Claim Application (REV. 7/79), because the other parent who claimed ~~the~~ dependent had returned to work, recoupment of such sum shall be deemed to be against equity and good conscience.

(Source: Amended at 32 Ill. Reg. 18978, effective December 1, 2008)

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Sewer Discharge Criteria
- 2) Code Citation: 35 Ill. Adm. Code 307
- 3) 

<u>Section Numbers:</u>	<u>Adopted Action:</u>
307.4000	Amended
307.7500	Amended
- 4) Statutory Authority: 415 ILCS 5/7.2, 13, 13.3 and 27
- 5) Effective Date of Amendments: November 26, 2008
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these amendments contain incorporations by reference? Yes. 35 Ill. Adm. Code 307 includes numerous incorporations by reference. The amendments change the requirements based on the federal amendments by updating the incorporations of federal regulations by reference that appear in Sections 307.4000 and 307.7500. The Board has used this opportunity to update all of the incorporations by reference of federal regulations that appear in these two Sections to the latest editions currently available.
- 8) The adopted amendments, a copy of the Board's opinion and order adopted November 20, 2008, and all materials incorporated by reference are on file at the Board's principal office and are available for public inspection and copying.
- 9) Notice of Proposal Published in the Illinois Register: August 29, 2008; 32 Ill. Reg. 14032
- 10) Has JCAR Issued a Statement of Objections to these amendments? No.  
  
Section 13.3 of the Environmental Protection Act [415 ILCS 5/13.3] 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 the proposal and the final version: A table that appears in the Board's opinion and order of November 20, 2008 in docket R08-5 summarizes the differences between the amendments adopted in that order and those proposed by the

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

Board in an opinion and order dated August 7, 2008, in docket R08-5. 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, non-substantive corrections in the text. 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? Since the Notices of Proposed Amendments appeared in the August 29, 2008 issue of the *Illinois Register*, the Board received a limited 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 November 20, 2008 in docket R08-5, as indicated in item 11 above. See the November 20, 2008 opinion and order in docket R08-5 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.
- 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: The following briefly describes the subjects and issues involved in the docket R08-5 rulemaking of which the amendments to Part 307 are a single segment. Also affected is 35 Ill. Adm. Code 310, which is covered by a separate notice in this issue of the *Illinois Register*. A comprehensive description is contained in the Board's opinion and order of November 20, 2008, adopting amendments in docket R08-5, which opinion and order is available from the address below.

This proceeding updates the Illinois wastewater pretreatment rules to correspond with amendments adopted by the United States Environmental Protection Agency (USEPA) that appeared in the Federal Register during a single update period. The docket and time period that is involved in this proceeding is the following:

R08-5	Federal wastewater pretreatment amendments that occurred during the period January 1, 2007 through June 30, 2007.
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## POLLUTION CONTROL BOARD

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The R08-5 docket amends rules in Parts 307 and 310. The amendments to the two Parts are inter-related. The following table briefly summarizes the federal actions in the update period:

March 12, 2007 (72 Fed. Reg. 11200)	USEPA modified the testing procedures approved for sampling and analysis in programs established under the Clean Water Act (CWA) and the SDWA. The wastewater pretreatment rules are established under CWA, and the Primary Drinking Water Regulations are established under SDWA. The amendments updated the versions allowed for existing methods and approved new methods for use.
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Specifically, the amendments to Part 310 implement segments of the federal amendments of March 12, 2007. The amendments update incorporations by reference to include the USEPA amendments to the analytical methods provisions in 40 C.F.R. 136, 430, and 465.

Tables appear in the Board's opinion and order of November 20, 2008 in docket R08-5 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 November 20, 2008 opinion and order in docket R08-5.

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

Please reference consolidated Docket R08-5 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

## POLLUTION CONTROL BOARD

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Request copies of the Board's opinion and order of November 20, 2008 at 312-814-3620. Alternatively, you may obtain a copy of the Board's opinion and order from the Internet at <http://www.ipcb.state.il.us>.

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

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION  
SUBTITLE C: WATER POLLUTION  
CHAPTER I: POLLUTION CONTROL BOARDPART 307  
SEWER DISCHARGE CRITERIA

## SUBPART A: GENERAL PROVISIONS

Section	
307.101	Preamble (Renumbered)
307.102	General Requirements (Renumbered)
307.103	Mercury (Renumbered)
307.104	Cyanide (STORET number 00720) (Renumbered)
307.105	Pretreatment Requirements (Repealed)
307.1001	Preamble
307.1002	Definitions
307.1003	Test Procedures for Measurement
307.1005	Toxic Pollutants
307.1006	Electronic Reporting

## SUBPART B: GENERAL AND SPECIFIC PRETREATMENT REQUIREMENTS

Section	
307.1101	General and Specific Requirements
307.1102	Mercury
307.1103	Cyanide

## SUBPART F: DAIRY PRODUCTS PROCESSING

Section	
307.1501	Receiving Stations
307.1502	Fluid Products
307.1503	Cultured Products
307.1504	Butter
307.1505	Cottage Cheese and Cultured Cream Cheese
307.1506	Natural and Processed Cheese
307.1507	Fluid Mix for Ice Cream and other Frozen Desserts
307.1508	Ice Cream, Frozen Desserts, Novelties, and Other Dairy Desserts

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- 307.1509 Condensed Milk
- 307.1510 Dry Milk
- 307.1511 Condensed Whey
- 307.1512 Dry Whey

SUBPART G: GRAIN MILLS

Section

- 307.1601 Corn Wet Milling
- 307.1602 Corn Dry Milling
- 307.1603 Normal Wheat Flour Milling
- 307.1604 Bulgur Wheat Flour Milling
- 307.1605 Normal Rice Milling
- 307.1606 Parboiled Rice Milling
- 307.1607 Animal Feed
- 307.1608 Hot Cereal
- 307.1609 Ready-to-Eat Cereal
- 307.1610 Wheat Starch and Gluten

SUBPART H: CANNED AND PRESERVED FRUITS AND VEGETABLES

Section

- 307.1700 General Provisions
- 307.1701 Apple Juice
- 307.1702 Apple Products
- 307.1703 Citrus Products
- 307.1704 Frozen Potato Products
- 307.1705 Dehydrated Potato Products
- 307.1706 Canned and Preserved Fruits
- 307.1707 Canned and Preserved Vegetables
- 307.1708 Canned and Miscellaneous Specialties

SUBPART I: CANNED AND PRESERVED SEAFOOD

Section

- 307.1801 Farm-Raised Catfish
- 307.1815 Fish Meal Processing Subcategory

SUBPART J: SUGAR PROCESSING

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Section

- 307.1901 Beet Sugar Processing
- 307.1902 Crystalline Cane Sugar Refining
- 307.1903 Liquid Cane Sugar Refining

SUBPART K: TEXTILE MILLS

Section

- 307.2000 General Provisions
- 307.2001 Wool Scouring
- 307.2002 Wool Finishing
- 307.2003 Low Water Use Processing
- 307.2004 Woven Fabric Finishing
- 307.2005 Knit Fabric Finishing
- 307.2006 Carpet Finishing
- 307.2007 Stock and Yarn Finishing
- 307.2008 Nonwoven Manufacturing
- 307.2009 Felted Fabric Processing

SUBPART L: CEMENT MANUFACTURING

Section

- 307.2101 Nonleaching
- 307.2102 Leaching
- 307.2103 Materials Storage Piles Runoff

SUBPART M: CONCENTRATED ANIMAL FEEDING OPERATIONS

Section

- 307.2201 General
- 307.2202 Ducks

SUBPART N: ELECTROPLATING

Section

- 307.2300 General Provisions
- 307.2301 Electroplating of Common Metals
- 307.2302 Electroplating of Precious Metals

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

307.2304	Anodizing
307.2305	Coatings
307.2306	Chemical Etching and Milling
307.2307	Electroless Plating
307.2308	Printed Circuit Boards

## SUBPART O: ORGANIC CHEMICALS, PLASTICS, AND SYNTHETIC FIBERS

Section	
307.2400	General Provisions
307.2401	Rayon Fibers
307.2402	Other Fibers
307.2403	Thermoplastic Resins
307.2404	Thermosetting Resins
307.2405	Commodity Organic Chemicals
307.2406	Bulk Organic Chemicals
307.2407	Specialty Organic Chemicals
307.2410	Indirect Discharge Point Sources
307.2490	Non-Complexed Metal-Bearing and Cyanide-Bearing Waste Streams
307.2491	Complexed Metal-Bearing Waste Streams

## SUBPART P: INORGANIC CHEMICALS MANUFACTURING

Section	
307.2500	General Provisions
307.2501	Aluminum Chloride Production
307.2502	Aluminum Sulfate Production
307.2503	Calcium Carbide Production
307.2504	Calcium Chloride Production
307.2505	Calcium Oxide Production
307.2506	Chlor-Alkali Process (Chlorine and Sodium or Potassium Hydroxide Production)
307.2508	Hydrofluoric Acid Production
307.2509	Hydrogen Peroxide Production
307.2511	Potassium Metal Production
307.2512	Potassium Dichromate Production
307.2513	Potassium Sulfate Production
307.2514	Sodium Bicarbonate Production
307.2516	Sodium Chloride Production
307.2517	Sodium Dichromate and Sodium Sulfate Production

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

307.2520	Sodium Sulfite Production
307.2522	Titanium Dioxide Production
307.2523	Aluminum Fluoride Production
307.2524	Ammonium Chloride Production
307.2527	Borax Production
307.2528	Boric Acid Production
307.2529	Bromine Production
307.2530	Calcium Carbonate Production
307.2531	Calcium Hydroxide Production
307.2533	Carbon Monoxide and Byproduct Hydrogen Production
307.2534	Chrome Pigments Production
307.2535	Chromic Acid Production
307.2536	Copper Salts Production
307.2538	Ferric Chloride Production
307.2540	Fluorine Production
307.2541	Hydrogen Production
307.2542	Hydrogen Cyanide Production
307.2543	Iodine Production
307.2544	Lead Monoxide Production
307.2545	Lithium Carbonate Production
307.2547	Nickel Salts Production
307.2549	Oxygen and Nitrogen Production
307.2550	Potassium Chloride Production
307.2551	Potassium Iodide Production
307.2553	Silver Nitrate Production
307.2554	Sodium Bisulfite Production
307.2555	Sodium Fluoride Production
307.2560	Stannic Oxide Production
307.2563	Zinc Sulfate Production
307.2564	Cadmium Pigments and Salts Production
307.2565	Cobalt Salts Production
307.2566	Sodium Chlorate Production
307.2567	Zinc Chloride Production

## SUBPART R: SOAP AND DETERGENTS

## Section

307.2701	Soap Manufacturing by Batch Kettle
307.2702	Fatty Acid Manufacturing by Fat Splitting

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

307.2703	Soap Manufacturing by Fatty Acid Neutralization
307.2704	Glycerine Concentration
307.2705	Glycerine Distillation
307.2706	Manufacture of Soap Flakes and Powders
307.2707	Manufacture of Bar Soaps
307.2708	Manufacture of Liquid Soaps
307.2709	Oleum Sulfonation and Sulfation
307.2710	Air-Sulfur Trioxide Sulfation and Sulfonation
307.2711	Sulfur Trioxide Solvent and Vacuum Sulfonation
307.2712	Sulfamic Acid Sulfation
307.2713	Chlorosulfonic Acid Sulfation
307.2714	Neutralization of Sulfuric Acid Esters and Sulfonic Acids
307.2715	Manufacture of Spray Dried Detergents
307.2716	Manufacture of Liquid Detergents
307.2717	Manufacturing of Detergents by Dry Blending
307.2718	Manufacture of Drum Dried Detergents
307.2719	Manufacture of Detergent Bars and Cakes

## SUBPART S: FERTILIZER MANUFACTURING

Section	
307.2801	Phosphate
307.2802	Ammonia
307.2803	Urea
307.2804	Ammonium Nitrate
307.2805	Nitric Acid
307.2806	Ammonium Sulfate Production
307.2807	Mixed and Blend Fertilizer Production

## SUBPART T: PETROLEUM REFINING

Section	
307.2901	Topping
307.2902	Cracking
307.2903	Petrochemical
307.2904	Lube
307.2905	Integrated

## SUBPART U: IRON AND STEEL MANUFACTURING

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

## Section

307.3000	General Provisions
307.3001	Cokemaking
307.3002	Sintering
307.3003	Ironmaking
307.3004	Steelmaking
307.3005	Vacuum Degassing
307.3006	Continuous Casting
307.3007	Hot Forming
307.3008	Salt Bath Descaling
307.3009	Acid Pickling
307.3010	Cold Forming
307.3011	Alkaline Cleaning
307.3012	Hot Coating
307.3013	Other Operations

## SUBPART V: NONFERROUS METALS MANUFACTURING

## Section

307.3100	General Provisions
307.3101	Bauxite Refining
307.3102	Primary Aluminum Smelting
307.3103	Secondary Aluminum Smelting
307.3104	Primary Copper Smelting
307.3105	Primary Electrolytic Copper Refining
307.3106	Secondary Copper
307.3107	Primary Lead
307.3108	Primary Zinc
307.3109	Metallurgical Acid Plants
307.3110	Primary Tungsten
307.3111	Primary Columbium-Tantalum
307.3112	Secondary Silver
307.3113	Secondary Lead
307.3114	Primary Antimony
307.3115	Primary Beryllium
307.3116	Primary and Secondary Germanium and Gallium
307.3117	Secondary Indium
307.3118	Secondary Mercury

## POLLUTION CONTROL BOARD

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307.3119	Primary Molybdenum and Rhenium
307.3120	Secondary Molybdenum and Vanadium
307.3121	Primary Nickel and Cobalt
307.3122	Secondary Nickel
307.3123	Primary Precious Metals and Mercury
307.3124	Secondary Precious Metals
307.3125	Primary Rare Earth Metals
307.3126	Secondary Tantalum
307.3127	Secondary Tin
307.3128	Primary and Secondary Titanium
307.3129	Secondary Tungsten and Cobalt
307.3130	Secondary Uranium
307.3131	Primary Zirconium and Hafnium

## SUBPART X: STEAM ELECTRIC POWER GENERATING

Section	
307.3301	Steam Electric Power Generating

## SUBPART Y: FERROALLOY MANUFACTURING

Section	
307.3401	Open Electric Furnaces With Wet Air Pollution Control Devices
307.3402	Covered Electric Furnaces and Other Smelting Operations with Wet Air Pollution Control Devices
307.3403	Slag Processing
307.3404	Covered Calcium Carbide Furnaces With Wet Air Pollution Control Devices
307.3405	Other Calcium Carbide Furnaces
307.3406	Electrolytic Manganese Products
307.3407	Electrolytic Chromium

## SUBPART Z: LEATHER TANNING AND FINISHING

Section	
307.3500	General Provisions
307.3501	Hair Pulp, Chrome Tan, Retan-Wet Finish
307.3502	Hair Save, Chrome Tan, Retan-Wet Finish
307.3503	Hair Save or Pulp, Non-Chrome Tan, Retan-Wet Finish
307.3504	Retan-Wet Finish-Sides

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307.3505	No Beamhouse
307.3506	Through-the-Blue
307.3507	Shearling
307.3508	Pigskin
307.3509	Retan-Wet Finish-Splits
307.3590	Potassium Ferricyanide Titration Method

## SUBPART BA: GLASS MANUFACTURING

## Section

307.3601	Insulation Fiberglass
307.3602	Sheet Glass Manufacturing
307.3603	Rolled Glass Manufacturing
307.3604	Plate Glass Manufacturing
307.3605	Float Glass Manufacturing
307.3606	Automotive Glass Tempering
307.3607	Automotive Glass Laminating
307.3608	Glass Container Manufacturing
307.3610	Glass Tubing (Danner) Manufacturing
307.3611	Television Picture Tube Envelope Manufacturing
307.3612	Incandescent Lamp Envelope Manufacturing
307.3613	Hand Pressed and Blown Glass Manufacturing

## SUBPART BB: ASBESTOS MANUFACTURING

## Section

307.3701	Asbestos-Cement Pipe
307.3702	Asbestos-Cement Sheet
307.3703	Asbestos Paper (Starch Binder)
307.3704	Asbestos Paper (Elastomeric Binder)
307.3705	Asbestos Millboard
307.3706	Asbestos Roofing
307.3707	Asbestos Floor Tile
307.3708	Coating or Finishing of Asbestos Textiles
307.3709	Solvent Recovery
307.3710	Vapor Absorption
307.3711	Wet Dust Collection

## SUBPART BC: RUBBER MANUFACTURING

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

## Section

307.3801	Tire and Inner Tube Plants
307.3802	Emulsion Crumb Rubber
307.3803	Solution Crumb Rubber
307.3804	Latex Rubber
307.3805	Small-Sized General Molded, Extruded, and Fabricated Rubber Plants
307.3806	Medium-Sized General Molded, Extruded, and Fabricated Rubber Plants
307.3807	Large-Sized General Molded, Extruded, and Fabricated Rubber Plants
307.3808	Wet Digestion Reclaimed Rubber
307.3809	Pan, Dry Digestion, and Mechanical Reclaimed Rubber
307.3810	Latex-Dipped, Latex-Extruded, and Latex-Molded Rubber
307.3811	Latex Foam

## SUBPART BD: TIMBER PRODUCTS PROCESSING

## Section

307.3900	General Provisions
307.3901	Barking
307.3902	Veneer
307.3903	Plywood
307.3904	Dry Process Hardboard
307.3905	Wet Process Hardboard
307.3906	Wood Preserving – Water Borne or Nonpressure
307.3907	Wood Preserving – Steam
307.3908	Wood Preserving – Boulton
307.3909	Wet Storage
307.3910	Log Washing
307.3911	Sawmills and Planing Mills
307.3912	Finishing
307.3913	Particleboard Manufacturing
307.3914	Insulation Board
307.3915	Wood Furniture and Fixture Production without Water Wash Spray Booths or without Laundry Facilities
307.3916	Wood Furniture and Fixture Production with Water Wash Spray Booths or with Laundry Facilities

## SUBPART BE: PULP, PAPER, AND PAPERBOARD

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

## Section

307.4000	General Provisions
307.4001	Dissolving Kraft
307.4002	Bleached Papergrade Kraft and Soda
307.4003	Unbleached Kraft
307.4004	Dissolving Sulfite
307.4005	Papergrade Sulfite
307.4006	Semi-Chemical
307.4007	Mechanical Pulp
307.4008	Non-Wood Chemical Pulp
307.4009	Secondary Fiber Deink
307.4010	Secondary Fiber Non-Deink
307.4011	Fine and Lightweight Papers from Purchased Pulp
307.4012	Tissue, Filter, Non-Woven, and Paperboard from Purchased Pulp
307.4013	Groundwood-Thermo-Mechanical (Repealed)
307.4014	Groundwood-CMN Papers (Repealed)
307.4015	Groundwood-Fine Papers (Repealed)
307.4016	Soda (Repealed)
307.4017	Deink (Repealed)
307.4018	Nonintegrated-Fine Papers (Repealed)
307.4019	Nonintegrated-Tissue Papers (Repealed)
307.4020	Tissue From Wastepaper (Repealed)
307.4021	Papergrade Sulfite (Drum Wash) (Repealed)
307.4022	Unbleached Kraft and Semi-Chemical (Repealed)
307.4023	Wastepaper-Molded Products (Repealed)
307.4024	Nonintegrated-Lightweight Papers (Repealed)
307.4025	Nonintegrated-Filter and Nonwoven Papers (Repealed)
307.4026	Nonintegrated-Paperboard (Repealed)

## SUBPART BF: BUILDERS' PAPER AND BOARD MILLS

## Section

307.4101	Builder's Paper and Roofing Felt (Repealed)
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## SUBPART BG: MEAT PRODUCTS

## Section

307.4201	Simple Slaughterhouse
307.4202	Complex Slaughterhouse

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

307.4203	Low-Processing Packinghouse
307.4204	High-Processing Packinghouse
307.4205	Small Processor
307.4206	Meat Cutter
307.4207	Sausage and Luncheon Meats Processor
307.4208	Ham Processor
307.4209	Canned Meats Processor
307.4210	Renderer

## SUBPART BH: METAL FINISHING

Section	
307.4300	General Provisions
307.4301	Metal Finishing

## SUBPART BL: CENTRALIZED WASTE TREATMENT

Section	
307.4700	General Provisions
307.4701	Metals Treatment and Recovery
307.4702	Oils Treatment and Recovery
307.4703	Organics Treatment and Recovery
307.4704	Multiple Waste Streams

## SUBPART BN: PHARMACEUTICAL MANUFACTURING

Section	
307.4900	General Provisions
307.4901	Fermentation Products
307.4902	Extraction Products
307.4903	Chemical Synthesis Products
307.4904	Mixing/Compounding and Formulation
307.4905	Research (Repealed)

## SUBPART BQ: TRANSPORTATION EQUIPMENT CLEANING

Section	
307.5200	General Provisions
307.5201	Tank Trucks and Intermodal Tank Containers Transporting Chemical and

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- Petroleum Cargos
- 307.5202 Rail Tank Cars Transporting Chemical and Petroleum Cargos
- 307.5203 Tank Barges and Ocean/Sea Tankers Transporting Chemical and Petroleum Cargos
- 307.5204 Tanks Transporting Food Grade Cargos

SUBPART BR: PAVING AND ROOFING MATERIALS (TARS AND ASPHALT)

- Section
- 307.5301 Asphalt Emulsion
- 307.5302 Asphalt Concrete
- 307.5303 Asphalt Roofing
- 307.5304 Linoleum and Printed Asphalt Felt

SUBPART BS: WASTE COMBUSTORS

- Section
- 307.5401 Commercial Hazardous Waste Combustor

SUBPART BT: LANDFILLS

- Section
- 307.5500 General Provisions
- 307.5501 RCRA Subtitle C Hazardous Waste Landfill
- 307.5502 RCRA Subtitle D Non-Hazardous Waste Landfill

SUBPART BU: PAINT FORMULATING

- Section
- 307.5601 Oil-Base Solvent Wash Paint

SUBPART BV: INK FORMULATING

- Section
- 307.5701 Oil-Base Solvent Wash Ink

SUBPART CD: PESTICIDE CHEMICALS

Section

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

307.6500	General Provisions
307.6501	Organic Pesticide Chemicals Manufacturing
307.6502	Metallo-Organic Pesticides Chemicals Manufacturing
307.6503	Pesticide Chemicals Formulating and Packaging
307.6505	Repackaging of Agricultural Pesticides Performed at Refilling Establishments

## SUBPART CG: CARBON BLACK MANUFACTURING

Section	
307.6801	Carbon Black Furnace Process
307.6802	Carbon Black Thermal Process
307.6803	Carbon Black Channel Process
307.6804	Carbon Black Lamp Process

## SUBPART CJ: BATTERY MANUFACTURING

Section	
307.7100	General Provisions
307.7101	Cadmium
307.7102	Calcium
307.7103	Lead
307.7104	Leclanche
307.7105	Lithium
307.7106	Magnesium
307.7107	Zinc

## SUBPART CL: PLASTICS MOLDING AND FORMING

Section	
307.7300	General Provisions
307.7301	Contact Cooling and Heating Water
307.7302	Cleaning Water
307.7303	Finishing Water

## SUBPART CM: METAL MOLDING AND CASTING

Section	
307.7400	General Provisions
307.7401	Aluminum Casting

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307.7402 Copper Casting  
307.7403 Ferrous Casting  
307.7404 Zinc Casting

## SUBPART CN: COIL COATING

Section  
307.7500 General Provisions  
307.7501 Steel Basis Material  
307.7502 Galvanized Basis Material  
307.7503 Aluminum Basis Material  
307.7504 Canmaking

## SUBPART CO: PORCELAIN ENAMELING

Section  
307.7600 General Provisions  
307.7601 Steel Basis Material  
307.7602 Cast Iron Basis Material  
307.7603 Aluminum Basis Material  
307.7604 Copper Basis Material

## SUBPART CP: ALUMINUM FORMING

Section  
307.7700 General Provisions  
307.7701 Rolling With Neat Oils  
307.7702 Rolling With Emulsions  
307.7703 Extrusion  
307.7704 Forging  
307.7705 Drawing With Neat Oils  
307.7706 Drawing With Emulsions or Soaps

## SUBPART CQ: COPPER FORMING

Section  
307.7800 General Provisions  
307.7801 Copper Forming  
307.7802 Beryllium Copper Forming

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

## SUBPART CR: ELECTRICAL AND ELECTRONIC COMPONENTS

## Section

307.7901	Semiconductor
307.7902	Electronic Crystals
307.7903	Cathode Ray Tube
307.7904	Luminescent Materials

## SUBPART CT: NONFERROUS METALS FORMING AND METAL POWDERS

## Section

307.8100	General Provisions
307.8101	Lead-Tin-Bismuth Forming
307.8102	Magnesium Forming
307.8103	Nickel-Cobalt Forming
307.8104	Precious Metals Forming
307.8105	Refractory Metals Forming
307.8106	Titanium Forming
307.8107	Uranium Forming
307.8108	Zinc Forming
307.8109	Zirconium-Hafnium Forming
307.8110	Metal Powders

## 307.APPENDIX A References to Previous Rules (Repealed)

AUTHORITY: Implementing Sections 7.2, 13, and 13.3 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/7.2, 13, 13.3, and 27].

SOURCE: Adopted in R70-5, at 1 PCB 426, March 31, 1971; amended in R71-14, at 4 PCB 3, March 7, 1972; amended in R74-3, at 19 PCB 182, October 30, 1975; amended in R74-15, 16, at 31 PCB 405, at 2 Ill. Reg. 44, p. 151, effective November 2, 1978; amended in R76-17, at 31 PCB 713, at 2 Ill. Reg. 45, p. 101, effective November 5, 1978; amended in R76-21, at 44 PCB 203, at 6 Ill. Reg. 563, effective December 24, 1981; codified at 6 Ill. Reg. 7818; amended in R82-5, 10, at 54 PCB 411, at 8 Ill. Reg. 1625, effective January 18, 1984; amended in R86-44 at 12 Ill. Reg. 2592, effective January 13, 1988; amended in R88-11 at 12 Ill. Reg. 13094, effective July 29, 1988; amended in R88-18 at 13 Ill. Reg. 1794, effective January 31, 1989; amended in R89-3 at 13 Ill. Reg. 19288, effective November 17, 1989; amended in R88-9 at 14 Ill. Reg. 3100, effective February 20, 1990; amended in R89-12 at 14 Ill. Reg. 7620, effective May 8,

## POLLUTION CONTROL BOARD

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1990; amended in R91-5 at 16 Ill. Reg. 7377, effective April 27, 1992; amended in R93-2 at 17 Ill. Reg. 19483, effective October 29, 1993; amended in R94-10 at 19 Ill. Reg. 9142, effective June 23, 1995; amended in R95-22 at 20 Ill. Reg. 5549, effective April 1, 1996; amended in R97-23 at 21 Ill. Reg. 11930, effective August 12, 1997; amended in R99-4 at 23 Ill. Reg. 4413, effective March 31, 1999; amended in R99-17 at 23 Ill. Reg. 8421, effective July 12, 1999; amended in R00-15 at 24 Ill. Reg. 11640, effective July 24, 2000; amended in R01-5 at 25 Ill. Reg. 1735, effective January 11, 2001; amended in R01-25 at 25 Ill. Reg. 10867, effective August 14, 2001; amended in R03-13 at 27 Ill. Reg. 15095, effective September 10, 2003; amended in R04-1 at 28 Ill. Reg. 3076, effective February 6, 2004; amended in R04-18 at 28 Ill. Reg. 10661, effective July 13, 2004; amended in R05-4/R05-15 at 29 Ill. Reg. 6921, effective April 26, 2005; amended in R06-15 at 30 Ill. Reg. 17811, effective October 26, 2006; amended in R08-5/R08-7/R08-13 at 32 Ill. Reg. 18986, effective November 26, 2008.

## SUBPART BE: PULP, PAPER AND PAPERBOARD

**Section 307.4000 General Provisions**

- a) Applicability. This Subpart BE applies to any pulp, paper, or paperboard mill that introduces or may introduce process wastewater pollutants into a publicly owned treatment works (POTW).
- b) General definitions. The Board incorporates by reference 40 CFR 430.01 ~~(2007)(2003)~~. This incorporation includes no later amendments or editions.
- c) Monitoring requirements. The Board incorporates by reference 40 CFR 430.02 ~~(2007)(2003)~~. This incorporation includes no later amendments or editions.
- d) Best management practices. The Board incorporates by reference 40 CFR 430.03 ~~(2007)(2003)~~. This incorporation includes no later amendments or editions.

(Source: Amended at 32 Ill. Reg. 18986, effective November 26, 2008)

## SUBPART CN: COIL COATING

**Section 307.7500 General Provisions**

- a) Applicability. This Subpart CN applies to any coil coating facility or to any canmaking facility that introduces or may introduce process wastewater pollutants into a POTW.

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## NOTICE OF ADOPTED AMENDMENTS

- b) General definitions. The Board incorporates by reference 40 CFR 465.02 ~~(2007)(2003)~~. This incorporation includes no later amendments or editions.
- c) Monitoring requirements. The Board incorporates by reference 40 CFR 465.03 ~~(2007)(2003)~~. This incorporation includes no later amendments or editions.
- d) Compliance dates. The Board incorporates by reference 40 CFR 465.04 ~~(2007)(2003)~~. This incorporation includes no later amendments or editions.

(Source: Amended at 32 Ill. Reg. 18986, effective November 26, 2008)

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Pretreatment Programs
- 2) Code Citation: 35 Ill. Adm. Code 310
- 3) Section Number: 310.107                      Adopted Action:  
Amended
- 4) Statutory Authority: 415 ILCS 5/7.2, 13, 13.3 and 27.
- 5) Effective Date of Amendment: November 26, 2008
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? Yes. 35 Ill. Adm. Code 310.107 is a centralized location for numerous federal requirements incorporated by reference into the Illinois wastewater pretreatment program. The amendments change the requirements based on the federal amendments by updating the incorporations of federal regulations by reference that appear in Section 310.107(b). The Board has used this opportunity to update all of the incorporations by reference of federal regulations and statutes that appear in this Section to the latest editions currently available.
- 8) The adopted amendments, a copy of the Board's opinion and order adopted November 20, 2008, and all materials incorporated by reference are on file at the Board's principal office and are available for public inspection and copying.
- 9) Notice of Proposal Published in the Illinois Register: August 29, 2008; 32 Ill. Reg. 14054
- 10) Has JCAR Issued a Statement of Objection to this rulemaking? No. Section 13.3 of the Environmental Protection Act [415 ILCS 5/13.3] 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 the Proposal and the Final Version: A table that appears in the Board's opinion and order of November 20, 2008 in docket R08-5 summarizes the differences between the amendments adopted in that order and those proposed by the Board in an opinion and order dated August 7, 2008, in docket R08-5. Many of the

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENT

differences are explained in greater detail in the Board's opinion and order adopting the amendments.

The differences are limited to minor, non-substantive corrections in the text. 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? Since the Notices of Proposed Amendments appeared in the August 29, 2008 issue of the Illinois Register, the Board received a limited 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 November 20, 2008 in docket R08-5, as indicated in item 11 above. See the November 20, 2008 opinion and order in docket R08-5 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.
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any other amendments pending on this Part? No
- 15) Summary and Purpose of Amendment: The amendments to Part 310 are a single segment of the docket R08-5 rulemaking that also affects 35 Ill. Adm. Code 307, which is covered by a separate notice in this issue of the Illinois Register. To save space, a more detailed description of the subjects and issues involved in the docket R08-5 rulemaking in this Illinois Register are contained only in the answer to question 15 in the Notice of Adopted Amendments for 35 Ill. Adm. Code 307. A comprehensive description is contained in the Board's opinion and order of November 20, 2008, adopting amendments in docket R08-5, which opinion and order is available from the address below.

Specifically, the amendments to Part 310 implement segments of the federal amendments of March 12, 2007. The amendments update incorporations by reference to include the USEPA amendments to the analytical methods provisions in 40 C.F.R. 136, 430, and 465.

Tables appear in the Board's opinion and order of November 20, 2008 in docket R08-5 that list numerous corrections and amendments that are not based on current federal

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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 November 20, 2008 opinion and order in docket R08-5.

- 16) Information and questions regarding these adopted amendments shall be directed to:  
Please reference consolidated Docket R08-5 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 November 20, 2008 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 Amendment begins on the next page:

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

TITLE 35: ENVIRONMENTAL PROTECTION  
SUBTITLE C: WATER POLLUTION  
CHAPTER I: POLLUTION CONTROL BOARD

PART 310  
PRETREATMENT PROGRAMS

SUBPART A: GENERAL PROVISIONS

Section	
310.101	Applicability
310.102	Objectives
310.103	Federal Law
310.104	State Law
310.105	Confidentiality
310.106	Electronic Reporting
310.107	Incorporations by Reference
310.110	Definitions
310.111	New Source
310.112	Significant Industrial User

SUBPART B: PRETREATMENT STANDARDS

Section	
310.201	General Prohibitions
310.202	Specific Prohibitions
310.210	Local Limits Developed by POTW
310.211	Status of Local Limits
310.220	Categorical Standards
310.221	Source Category Determination Request
310.222	Deadline for Compliance with Categorical Standards
310.230	Concentration and Mass Limits
310.232	Dilution Prohibited as a Substitute for Treatment
310.233	Combined Waste Stream Formula

SUBPART C: REMOVAL CREDITS

Section	
310.301	Special Definitions

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- 310.302 Authority
- 310.303 Conditions for Authorization to Grant Removal Credits
- 310.310 Calculation of Revised Discharge Limits
- 310.311 Demonstration of Consistent Removal
- 310.312 Provisional Credits
- 310.320 Compensation for Overflow
- 310.330 Exception to POTW Pretreatment Program
- 310.340 Application for Removal Credits Authorization
- 310.341 Agency Review
- 310.343 Assistance of POTW
- 310.350 Continuation of Authorization
- 310.351 Modification or Withdrawal of Removal Credits

SUBPART D: PRETREATMENT PERMITS

- Section
- 310.400 Preamble
- 310.401 Pretreatment Permits
- 310.402 Time to Apply
- 310.403 Imminent Endangerment
- 310.410 Application
- 310.411 Certification of Capacity
- 310.412 Signatures
- 310.413 Site Visit
- 310.414 Completeness
- 310.415 Time Limits
- 310.420 Standard for Issuance
- 310.421 Final Action
- 310.430 Conditions
- 310.431 Duration of Permits
- 310.432 Schedules of Compliance
- 310.441 Effect of a Permit
- 310.442 Modification
- 310.443 Revocation
- 310.444 Appeal

SUBPART E: POTW PRETREATMENT PROGRAMS

Section

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENT

310.501	Pretreatment Programs Required
310.502	Deadline for Program Approval
310.503	Incorporation of Approved Programs in Permits
310.504	Incorporation of Compliance Schedules in Permits
310.505	Reissuance or Modification of Permits
310.510	Pretreatment Program Requirements
310.511	Receiving Electronic Documents
310.521	Program Approval
310.522	Contents of Program Submission
310.524	Content of Removal Allowance Submission
310.531	Agency Action
310.532	Defective Submission
310.533	Water Quality Management
310.541	Deadline for Review
310.542	Public Notice and Hearing
310.543	Agency Decision
310.544	USEPA Objection
310.545	Notice of Decision
310.546	Public Access to Submission
310.547	Appeal

## SUBPART F: REPORTING REQUIREMENTS

Section	
310.601	Definition of Control Authority (Repealed)
310.602	Baseline Report
310.603	Compliance Schedule
310.604	Report on Compliance with Deadline
310.605	Periodic Reports on Compliance
310.606	Notice of Potential Problems
310.610	Monitoring and Analysis
310.611	Requirements for Non-Categorical Standard Users
310.612	Annual POTW Reports
310.613	Notification of Changed Discharge
310.621	Compliance Schedule for POTWs
310.631	Signatory Requirements for Industrial User Reports
310.632	Signatory Requirements for POTW Reports
310.633	Fraud and False Statements
310.634	Recordkeeping Requirements
310.635	Notification of Discharge of Hazardous Waste

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENT

- 310.636 Annual Certification by Non-Significant Categorical Users  
310.637 Receiving Electronic Documents

## SUBPART G: FUNDAMENTALLY DIFFERENT FACTORS

- Section  
310.701 Definition of Requester  
310.702 Purpose and Scope  
310.703 Criteria  
310.704 Fundamentally Different Factors  
310.705 Factors that are Not Fundamentally Different  
310.706 More Stringent State Law  
310.711 Application Deadline  
310.712 Contents of FDF Request  
310.713 Deficient Requests  
310.714 Public Notice  
310.721 Agency Review of FDF Requests  
310.722 USEPA Review of FDF Requests

## SUBPART H: ADJUSTMENTS FOR POLLUTANTS IN INTAKE

- Section  
310.801 Net/Gross Calculation

## SUBPART I: UPSETS

- Section  
310.901 Definition  
310.902 Effect of an Upset  
310.903 Conditions Necessary for an Upset  
310.904 Burden of Proof  
310.905 Reviewability of Claims of Upset  
310.906 User Responsibility in Case of Upset

## SUBPART J: BYPASS

- Section  
310.910 Definitions  
310.911 Bypass Not Violating Applicable Pretreatment Standards or Requirements

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENT

- 310.912 Notice  
310.913 Prohibition of Bypass

## SUBPART K: MODIFICATION OF POTW PRETREATMENT PROGRAMS

- Section  
310.920 General  
310.921 Substantial Modifications Defined  
310.922 Approval Procedures for Substantial Modifications  
310.923 Approval Procedures for Non-Substantial Modifications  
310.924 Incorporation of Modifications into the Permit

## SUBPART L: FEDERAL PROJECT XL AGREEMENTS

- Section  
310.930 Federally Approved Pretreatment Program Reinvention Pilot Projects Under Project XL

**AUTHORITY:** Implementing and authorized by Sections 7.2, 13, 13.3, and 27 of the Environmental Protection Act [415 ILCS 5/7.2, 13, 13.3, and 27].

**SOURCE:** Adopted in R86-44 at 12 Ill. Reg. 2502, effective January 13, 1988; amended in R88-18 at 13 Ill. Reg. 2463, effective January 31, 1989; amended in R89-3 at 13 Ill. Reg. 19243, effective November 27, 1989; amended in R89-12 at 14 Ill. Reg. 7608, effective May 8, 1990; amended in R91-5 at 16 Ill. Reg. 7346, effective April 27, 1992; amended in R95-22 at 20 Ill. Reg. 5533, effective April 1, 1996; amended in R96-12 at 20 Ill. Reg. 10671, effective July 24, 1996; amended in R97-7 at 21 Ill. Reg. 5163, effective April 10, 1997; amended in R98-23 at 22 Ill. Reg. 11465, effective June 22, 1998; amended in R99-17 at 23 Ill. Reg. 8412, effective July 12, 1999; amended in R00-7 at 24 Ill. Reg. 2372, effective January 26, 2000; amended in R00-15 at 24 Ill. Reg. 11633, effective July 24, 2000; amended in R01-5 at 25 Ill. Reg. 1322, effective January 11, 2001; amended in R01-25 at 25 Ill. Reg. 10860, effective August 14, 2001; amended in R02-3 at 26 Ill. Reg. 4008, effective February 28, 2002; amended in R02-9 at 26 Ill. Reg. 4653, effective March 18, 2002; amended in R03-13 at 27 Ill. Reg. 15137, effective September 10, 2003; amended in R04-1 at 28 Ill. Reg. 3390, effective February 6, 2004; amended in R04-18 at 28 Ill. Reg. 10684, effective July 13, 2004; amended in R06-13 at 30 Ill. Reg. 17847, effective October 26, 2006; amended in R08-5/R08-7/R08-13 at 32 Ill. Reg. 19008, effective November 26, 2008.

## SUBPART A: GENERAL PROVISIONS

## POLLUTION CONTROL BOARD

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**Section 310.107 Incorporations by Reference**

- a) The following publications are incorporated by reference:

Combined Sewer Overflow (CSO) Control Policy (1994) (USEPA document number EPA-830/Z-94-001) available from NCEPI, 11029 Kenwood Rd., Bldg. 5, Cincinnati, OH 45242; fax (513) 891-6685, referenced in Section 310.320.

BOARD NOTE: USEPA published the Combined Sewer Overflow (CSO) Control Policy in the Federal Register at 59 Fed. Reg. 18688 (Apr. 19, 1994), and the USEPA, Office of Water has made it available on the Internet: [www.epa.gov/npdes/pubs/owm0111.pdf](http://www.epa.gov/npdes/pubs/owm0111.pdf).

The consent decree in NRDC v. Costle, 1978 WL 23471, 12 Environment Reporter Cases 1833 (D.C. Cir. August 16, 1978), referenced in Section 310.320.

Standard Industrial Classification Manual (1987) (document no. PB87-100012), available from the National Technical Information Service, 5285 Port Royal Road, Springfield, Virginia 22161, referenced in 35 Ill. Adm. Code 307.2201, 307.2400, 307.2402 through 307.2407, and 307.3901 and Section 310.602.

- b) The following provisions of the Code of Federal Regulations are incorporated by reference:

40 CFR 2.302 ~~(2007)~~(2005) (Special Rules Governing Certain Information Obtained Under the Clean Water Act), referenced in Section 310.105.

40 CFR 3.2 ~~(2007)~~, as added at 70 Fed. Reg. 59848 (Oct. 13, 2005) (How Does This Part Provide for Electronic Reporting?), referenced in Section 310.106.

40 CFR 3.3 ~~(2007)~~, as added at 70 Fed. Reg. 59848 (Oct. 13, 2005) (What Definitions Are Applicable to This Part?), referenced in Section 310.106.

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40 CFR 3.10 ~~(2007), as added at 70 Fed. Reg. 59848 (Oct. 13, 2005)~~  
(What Are the Requirements for Electronic Reporting to EPA?),  
referenced in Section 310.106.

40 CFR 3.2000 ~~(2007), as added at 70 Fed. Reg. 59848 (Oct. 13, 2005)~~  
(What Are the Requirements Authorized State, Tribe, and Local Programs'  
Reporting Systems Must Meet?), referenced in Section 310.106.

40 CFR 25 ~~(2007)(2005)~~ (Public Participation in Programs Under the  
Resource Conservation and Recovery Act, the Safe Drinking Water Act,  
and the Clean Water Act), referenced in Section 310.510.

Tables II (Organic Toxic Pollutants in Each of Four Fractions in Analysis  
by Gas Chromatography/Mass Spectroscopy (GS/MS)) and III (Other  
Toxic Pollutants (Metals and Cyanide) and Total Phenols) in appendix D  
to 40 CFR 122 ~~(2007)(2005)~~ (NPDES Permit Application Testing  
Requirements), referenced in 35 Ill. Adm. Code 307.1005.

40 CFR 136 ~~(2007)(2005)~~ (Guidelines Establishing Test Procedures for  
the Analysis of Pollutants), referenced in 35 Ill. Adm. Code 307.1003 and  
Sections 310.605, 310.610, and 310.611.

40 CFR 403 ~~(2007)(2005), as amended at 70 Fed. Reg. 60134 (Oct. 14,  
2005)~~ (General Pretreatment Regulations for Existing and New Sources of  
Pollution), referenced in Section 310.432.

40 CFR 403.12 ~~(2007)(2005), as amended at 70 Fed. Reg. 60134 (Oct. 14,  
2005)~~ (Reporting Requirements for POTWs and Industrial Users),  
referenced in Section 310.602.

Appendix D to 40 CFR 403 ~~(2007)(2005)~~ (Selected Industrial  
Subcategories Considered Dilute for Purposes of the Combined  
Wastestream Formula), referenced in Section 310.233.

Appendix G to 40 CFR 403 ~~(2007)(2005), as amended at 70 Fed. Reg.  
60134 (Oct. 14, 2005)~~ (Pollutants Eligible for a Removal Credit),  
referenced in Section 310.303.

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40 CFR 503 ~~(2007)~~~~(2005)~~ (Standards for the Use or Disposal of Sewage Sludge), referenced in Section 310.303.

- c) The following federal statutes are incorporated by reference:

Section 1001 of federal Crimes and Criminal Procedure (18 USC 1001 ~~(2007)~~~~(2003)~~), referenced in Section 310.633.

The federal Clean Water Act (CWA) (33 USC 1251 et seq. ~~(2007)~~~~(2003)~~), referenced in Section 310.110.

Section 204(b) of the federal Clean Water Act (33 USC 1284(b) ~~(2007)~~~~(2003)~~), referenced in Section 310.510.

Section 212(2) of the federal Clean Water Act (33 USC 1292(2) ~~(2007)~~~~(2003)~~), referenced in Section 310.110.

Section 308 of the federal Clean Water Act (33 USC 1318 ~~(2007)~~~~(2003)~~), referenced in Section 310.510.

Section 309(c)(4) of the federal Clean Water Act (33 USC 1319(c)(4) ~~(2007)~~~~(2003)~~), referenced in Section 310.633.

Section 309(c)(6) of the federal Clean Water Act (33 USC 1319(c)(6) ~~(2007)~~~~(2003)~~), referenced in Section 310.633.

Section 405 of the federal Clean Water Act (33 USC 1345 ~~(2007)~~~~(2003)~~), referenced in Section 310.510.

Subtitles C and D of the federal Resource Conservation and Recovery Act (42 USC 6921-6939e and 6941-6949a) ~~(2007)~~~~(2002)~~, referenced in Section 310.510.

- d) This Part incorporates no future editions or amendments.

(Source: Amended at 32 Ill. Reg. 19008, effective November 26, 2008)

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## NOTICE OF ADOPTED REPEALER

- 1) Heading of the Part: Lead Poisoning Prevention Code
- 2) Code Citation: 77 Ill. Adm. Code 845
- 3) 

<u>Section Numbers:</u>	<u>Adopted Action:</u>
845.10	Repeal
845.12	Repeal
845.15	Repeal
845.20	Repeal
845.21	Repeal
845.23	Repeal
845.25	Repeal
845.26	Repeal
845.27	Repeal
845.28	Repeal
845.29	Repeal
845.30	Repeal
845.31	Repeal
845.32	Repeal
845.33	Repeal
845.40	Repeal
845.50	Repeal
845.APPENDIX A	Repeal
845.APPENDIX A, EXHIBIT A	Repeal
845.APPENDIX A, EXHIBIT B	Repeal
845.APPENDIX A, EXHIBIT C	Repeal
845.APPENDIX C	Repeal
845.APPENIDX D	Repeal
845.APPENIDX D ILLUSTRATION A	Repeal
845.APPENIDX E	Repeal
845.APPENDIX F	Repeal
845.APPENDIX G	Repeal
485.APPENDIX H	Repeal
- 4) Statutory Authority: Implementing and authorized by the Lead Poisoning Prevention Act [410 ILCS 45]
- 5) Effective Date of Repealer: November 25, 2008

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## NOTICE OF ADOPTED REPEALER

- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? Yes
- 8) A copy of the adopted repealer, including any material incorporated by reference, is on file and available for public inspection at the Illinois Department of Public Health, 525 W. Jefferson Street, Springfield, Illinois 62761-0001.
- 9) Notices of Proposed Published in the Illinois Register: November 26, 2007; 31 Ill. Reg. 15451
- 10) Has JCAR issued a Statement of Objection to this Repealer? No
- 11) Differences between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? No
- 13) Will this repealer replace any emergency repealer currently in effect? No
- 14) Are there any amendments pending on this Part? Yes. A new part has been filed simultaneously.

<u>Section Numbers:</u>	<u>Proposed Action:</u>	<u>Illinois Register Citation:</u>
845.10	New	32 Ill. Reg. 19023; December 12, 2008
845.15	New	32 Ill. Reg. 19023; December 12, 2008
845.20	New	32 Ill. Reg. 19023; December 12, 2008
845.25	New	32 Ill. Reg. 19023; December 12, 2008
845.50	New	32 Ill. Reg. 19023; December 12, 2008
845.55	New	32 Ill. Reg. 19023; December 12, 2008
845.60	New	32 Ill. Reg. 19023; December 12, 2008
845.65	New	32 Ill. Reg. 19023; December 12, 2008
845.70	New	32 Ill. Reg. 19023; December 12, 2008
845.75	New	32 Ill. Reg. 19023; December 12, 2008
845.80	New	32 Ill. Reg. 19023; December 12, 2008
845.85	New	32 Ill. Reg. 19023; December 12, 2008
845.100	New	32 Ill. Reg. 19023; December 12, 2008
845.105	New	32 Ill. Reg. 19023; December 12, 2008

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845.110	New	32 Ill. Reg. 19023; December 12, 2008
845.115	New	32 Ill. Reg. 19023; December 12, 2008
845.120	New	32 Ill. Reg. 19023; December 12, 2008
845.125	New	32 Ill. Reg. 19023; December 12, 2008
845.130	New	32 Ill. Reg. 19023; December 12, 2008
845.135	New	32 Ill. Reg. 19023; December 12, 2008
845.140	New	32 Ill. Reg. 19023; December 12, 2008
845.150	New	32 Ill. Reg. 19023; December 12, 2008
845.155	New	32 Ill. Reg. 19023; December 12, 2008
845.160	New	32 Ill. Reg. 19023; December 12, 2008
845.165	New	32 Ill. Reg. 19023; December 12, 2008
845.170	New	32 Ill. Reg. 19023; December 12, 2008
845.175	New	32 Ill. Reg. 19023; December 12, 2008
845.200	New	32 Ill. Reg. 19023; December 12, 2008
845.205	New	32 Ill. Reg. 19023; December 12, 2008
845.210	New	32 Ill. Reg. 19023; December 12, 2008
845.215	New	32 Ill. Reg. 19023; December 12, 2008
845.220	New	32 Ill. Reg. 19023; December 12, 2008
845.225	New	32 Ill. Reg. 19023; December 12, 2008
845.230	New	32 Ill. Reg. 19023; December 12, 2008
845.250	New	32 Ill. Reg. 19023; December 12, 2008
845.255	New	32 Ill. Reg. 19023; December 12, 2008
845.260	New	32 Ill. Reg. 19023; December 12, 2008
845.265	New	32 Ill. Reg. 19023; December 12, 2008
845.270	New	32 Ill. Reg. 19023; December 12, 2008
845.275	New	32 Ill. Reg. 19023; December 12, 2008
845.280	New	32 Ill. Reg. 19023; December 12, 2008
845.285	New	32 Ill. Reg. 19023; December 12, 2008
845.290	New	32 Ill. Reg. 19023; December 12, 2008
845.295	New	32 Ill. Reg. 19023; December 12, 2008
845.300	New	32 Ill. Reg. 19023; December 12, 2008
845.350	New	32 Ill. Reg. 19023; December 12, 2008
845.355	New	32 Ill. Reg. 19023; December 12, 2008
845.360	New	32 Ill. Reg. 19023; December 12, 2008
845.365	New	32 Ill. Reg. 19023; December 12, 2008
845.370	New	32 Ill. Reg. 19023; December 12, 2008
845.APPENDIX AEXHIBIT A	New	32 Ill. Reg. 19023; December 12, 2008
845.APPENDIX AEXHIBIT B	New	32 Ill. Reg. 19023; December 12, 2008

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED REPEALER

15) Summary and Purpose of Repealer: These rules are being repealed and replaced with new proposed rules. The content of the original rule will be included in the proposed Lead Poisoning Prevention Code (77 Ill. Adm. Code 845).

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

Susan Meister  
Division of Legal Services  
Illinois Department of Public Health  
535 West Jefferson, Fifth Floor  
Springfield, Illinois 62761

217/782-2043  
(E-mail: DPH.RULES@illinois.gov)

17) Does this repealer 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

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## NOTICE OF ADOPTED RULES

- 1) Heading of the Part: Lead Poisoning Prevention Code
- 2) Code Citation: 77 Ill. Adm. Code 845
- 3) 

<u>Section Numbers:</u>	<u>Adopted Action:</u>
845.10	New
845.15	New
845.20	New
845.25	New
845.50	New
845.55	New
845.60	New
845.65	New
845.70	New
845.75	New
845.80	New
845.85	New
845.100	New
845.105	New
845.110	New
845.115	New
845.120	New
845.125	New
845.130	New
845.135	New
845.140	New
845.150	New
845.155	New
845.160	New
845.165	New
845.170	New
845.175	New
845.200	New
845.205	New
845.210	New
845.215	New
845.220	New
845.225	New
845.230	New

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845.250	New
845.255	New
845.260	New
845.265	New
845.270	New
845.275	New
845.280	New
845.285	New
845.290	New
845.295	New
845.300	New
845.350	New
845.355	New
845.360	New
845.365	New
845.370	New
845.APPENDIX A.EXHIBIT A	New
845.APPENDIX A.EXHIBIT B	New
845.APPENDIX B	New

- 4) Statutory Authority: Implementing and authorized by the Lead Poisoning Prevention Act [410 ILCS 45]
- 5) Effective Date of Rulemaking: November 25, 2008
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? Yes
- 8) A copy of the adopted rules, including any material incorporated by reference, is on file and available for public inspection at the Illinois Department of Public Health, 525 W. Jefferson Street, Springfield, Illinois 62761-0001.
- 9) Notices of Proposed Published in the Illinois Register: 31 Ill. Reg. 15543; November 26, 2007
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No

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- 11) Differences between proposal and final version: The following changes were made in response to suggestions from JCAR:
1. Section 845.15(a) was replaced with a detailed list of materials incorporated by reference in this Part.
  2. In Section 845.20 the definition of "Accredited Laboratory" was deleted.
  3. In Section 845.20, in the definition of "Blood Lead Test," the following text was added: "The terms "blood lead test" and "screen" are used interchangeably."
  4. In Section 845.20, the following definition was added: "XRF" means X-ray fluorescence. XRF instruments are typically used to measure lead in soil, dust and paint samples."
  5. In line Section 845.55(a) after "Act)" added "Medicaid enrolled children must be tested as required in the Healthy Kids Early and Periodic Screening, Diagnosis and Treatment Program (89 Ill. Adm. Code 140)."
  6. In Section 845.60(a)(1) added "*Upon the request of a provider, the Department may generate a list of individual patients treated by that provider according to the claims records and the patients' lead test results.* (Section 6.3(b) of the Act)".
  7. In Section 845.60(c) inserted "reporting as detailed in Appendix A."
  8. In Section 845.85(a)(1), added:
    - "D) If a child less than three years of age has a single confirmed blood lead level at or above 10 mcg/dL; or
    - E) If mitigation notices are issued for two or more dwelling units in a building within a five year time period, the Department may inspect common areas in the building and shall inspect units where children under the age of 6 reside, at the request of a parent or guardian of the child, or a pregnant woman resides, at the pregnant woman's request."
  9. In Section 845.85(a)(5)(D), added: "*Whenever a mitigation notice is issued pursuant to Section 9 or Section 9.2 of the Act, the Department shall make the owner aware of any financial assistance programs that may be available for lead*

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*mitigation through the federal, State or local government or a not-for-profit organization. (Section 9.3 of the Act)".*

10. In Section 845.250(b), added:

- "E) *The owner of a dwelling unit or residential building who has received a mitigation notice under Section 9 of the Act shall post notices in common areas of the building specifying the identified lead hazards. The posted notice, drafted by the Department and sent to the property owner with the notification of lead hazards, shall indicate the following:*
- i) *that a unit or units in the building have been found to have lead hazards;*
  - ii) *that other units in the building may have lead hazards;*
  - iii) *that the Department recommends that children 6 years of age or younger receive a blood lead screening;*
  - iv) *where to seek further information; and*
  - v) *whether mitigation notices have been issued for 2 or more dwelling units within a 5-year period of time.*
- 2) *Once the owner has complied with a mitigation notice or mitigation order issued by the Department, the owner may remove the notices posted pursuant to this Section. (Section 9.4 of the Act)".*

Additionally, various typographical, grammatical, and form changes were made in response to the comments from JCAR regarding the Department's second notice submission.

- 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

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- 14) Are there any amendments pending on this Part? A repealer has been filed simultaneously on the original Part 845.
- 15) Summary and Purpose of Rules: The existing rules address requirements for conducting medical and environmental follow-up for children who have been identified with an elevated level of lead in their blood. The existing rules also establish the minimum requirements for training and licensure of individuals and companies conducting services associated with lead-bearing substances in dwellings and childcare facilities. The minimum requirements for persons conducting training for lead-based paint activities are included in the existing rules. The new rulemaking includes repeal of the existing Part in its entirety and replacement with a new proposed Part in order to improve the ease of use of this complex administrative rulemaking for the agencies and organizations affected by this rule. The new rulemaking will reformat the existing requirements and clarify: requirements for training, requirements for licensure, requirements for training course providers, requirements and work practice standards for lead-based paint services, including lead inspection, lead risk assessment lead mitigation and lead abatement activities. It will also address requirements established by P.A. 92-0447 to develop rules for civil penalties for violations of the Act and Code, and will ensure the Illinois rule is at least as protective as new federal regulations.
- 16) Information and questions regarding this adopted rulemaking shall be directed to:

Susan Meister  
Division of Legal Services  
Illinois Department of Public Health  
535 West Jefferson, Fifth Floor  
Springfield, Illinois 62761

217/782-2043  
(E-mail: [DPH.RULES@illinois.gov](mailto:DPH.RULES@illinois.gov))

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

## DEPARTMENT OF PUBLIC HEALTH

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TITLE 77: PUBLIC HEALTH  
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH  
SUBCHAPTER p: HAZARDOUS AND POISONOUS SUBSTANCESPART 845  
LEAD POISONING PREVENTION CODE**Error! No table of contents entries found.**

- 845.APPENDIX A Instructions for Childhood Blood Lead Poisoning Reporting System
- 845.EXHIBIT A Instructions for Completing the Laboratory-Based Report of Childhood Lead Poisoning
- 845.EXHIBIT B Instructions for Submitting Follow-Up Data for Children With Blood Lead Levels  $\geq 15$  mcg/dL
- 845.APPENDIX B Information Agreement

AUTHORITY: Implementing and authorized by the Lead Poisoning Prevention Act [410 ILCS 45].

SOURCE: Adopted July 15, 1976; amended at 2 Ill. Reg. 43, effective October 23, 1978; rules repealed; new rules adopted and codified at 6 Ill. Reg. 14849, effective November 24, 1982; amended at 7 Ill. Reg. 7652, effective June 14, 1983; amended at 8 Ill. Reg. 8242, effective May 25, 1984; amended at 10 Ill. Reg. 5138, effective April 1, 1986; amended at 17 Ill. Reg. 1884, effective February 1, 1993; amended at 19 Ill. Reg. 238, effective December 31, 1994; amended at 21 Ill. Reg. 7444, effective May 31, 1997; emergency amendment at 21 Ill. Reg. 14680, effective October 31, 1997, for a maximum of 150 days; emergency amendment modified in response to JCAR objection at 22 Ill. Reg. 6252; amended at 22 Ill. Reg. 16000, effective August 20, 1998; amended at 24 Ill. Reg. 11974, effective July 26, 2000; old Part repealed at 32 Ill. Reg. 19019, and new Part adopted at 32 Ill. Reg. 19023, effective November 25, 2008.

## SUBPART A: GENERAL PROVISIONS

**Section 845.10 Applicability**

- a) Subpart A of this Part contains incorporated and referenced materials and definitions. This Subpart applies to all activities conducted in accordance with the Lead Poisoning Prevention Act (Act) and Lead Poisoning Prevention Code (Code).

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- b) Subpart B of this Part contains information that pertains only to activities conducted by the Illinois Department of Public Health or its delegate agency for cases in which a child has been identified with an elevated blood lead level.
- c) Subpart C of this Part contains requirements for licensure of individuals and firms, approval of training program providers and requirements for the Department's third party examination.
- d) Subpart D of this Part contains the responsibilities for licensed individuals, firms and approved training program providers.
- e) Subpart E of this Part contains standards and requirements to be used by licensed individuals for conducting lead investigation services in regulated facilities. This Subpart also outlines the specific record keeping requirements for these activities.
- f) Subpart F of this Part contains the standards and requirements for conducting lead mitigation and lead abatement activities in regulated facilities. This Subpart also outlines the specific record keeping requirements for these activities.
- g) Subpart G of this Part contains provisions for administrative enforcement, including the issuance of fines and penalties and procedures governing administrative hearings for violations of applicable laws or this Part for any lead services conducted in regulated facilities.

**Section 845.15 Incorporated and Referenced Materials**

- a) The following materials are incorporated in this Part.
  - 1) Federal Regulations:
    - A) Lead Standard: 29 CFR 1910.1025 and 29 CFR 1926.62, Occupational Safety and Health Administration (OSHA) (1993)
    - B) Respiratory Protection Standard: 29 CFR 1910.134, OSHA (1998)
    - C) Requirements for Lead-Based Paint Activities in Target Housing and Child-Occupational Facilities: 40 CFR 745, United States Environmental Protection Agency (USEPA) (1996)

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- D) Requirements for Hazard Education Before Renovation of Target Housing: 40 CFR 745, USEPA (1998)
  - E) Identification of Dangerous Levels of Lead: 40 CFR 745, USEPA (2001)
  - F) Protection of Identity – Research Subjects: 42 CFR 2a 4, Department of Health and Human Services (2000)
  - G) Lead and Copper Rule: 56 FR 26460 through 26564, USEPA (June 7, 1991)
  - H) Lead-Safe Housing Rule: 24 CFR 35, Department of Housing and Urban Development (HUD) (2004)
  - I) Lead; Requirements for Disclosure of Known Lead-Based Paint and/or Lead-Based Paint Hazards in Housing: 40 CFR 745, USEPA and HUD (1996)
- 2) Federal Guidelines:
- A) Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing, Department of Housing and Urban Development (HUD) (June 1995); Chapter Seven of the HUD Guidelines, Lead-Based Paint Inspection, 1997  
Available from: Office of Lead-Based Paint Abatement and Poisoning Prevention HUD, Room B-133, 451 Seventh Street, SW, Washington DC 20410  
Also available online at:  
<http://www.hud.gov/officeslead/guidelines/index.cfm>
  - B) A Field Test of Lead-Based Paint Testing Technologies (USEPA report # EPA 747-R-96-001) (March 1997)  
Available from: Technical Programs Branch Chemical Management Division, Office of Pollution Prevention and Toxics, U.S. Environmental Protection Agency, 401 M Street, SW, Washington DC 20460  
Also available online at:

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[http://www.hud.gov/offices/lead/reports/DAT\\_files/LBPTTech/R96-001.pdf](http://www.hud.gov/offices/lead/reports/DAT_files/LBPTTech/R96-001.pdf).

- C) Residential Sampling for Lead: Protocols for Dust and Soil Sampling (USEPA report # EPA 747-R-95-001) (1995)  
Available from: Technical Programs Branch Chemical Management Division, Office of Pollution Prevention and Toxics, U.S. Environmental Protection Agency, 401 M Street, SW, Washington DC 20460  
Also available online at:  
<http://www.hud.gov/offices/lead/reports/R95-001.pdf>
- D) USEPA Methodology for XRF Performance Characteristic Sheets (USEPA report # EPA 747-R-95-008) (1997)  
Available from: Technical Programs Branch Chemical Management Division, Office of Pollution Prevention and Toxics, U.S. Environmental Protection Agency, 401 M Street, SW, Washington DC 20460  
Also available online at:<http://www.epa.gov/lead/pub/r95-008.pdf>
- E) Laboratory Accreditation Guidelines; Measurement of Lead in Paint, Dust, and Soil (USEPA report # EPA 747-R-92-001) (March 1992)  
Available from: Exposure Evaluation Division, TS-798, Office of Pollution Prevention and Toxics, U.S. Environmental Protection Agency, 401 M Street, SW, Washington DC 20460  
<http://www.hud.gov/offices/lead/labs/nllap.cfm>
- b) All incorporation by reference of federal regulations or guidelines refer to the regulation or guideline on the date specified and do not include any subsequent editions or amendments.
- c) The following State statutes and rules are referenced in this Part:
- 1) Code of Civil Procedure [735 ILCS 5]
  - 2) Communicable Disease Report Act [745 ILCS 45]
  - 3) Illinois Clinical Laboratory and Blood Bank Act [210 ILCS 25]

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- 4) Freedom of Information Act [5 ILCS 140]
  - 5) State Records Act [5 ILCS 160]
  - 6) Medical Studies Act [735 ILCS 5/Art. VIII, Part 21]
  - 7) Rules of Practice and Procedure in Administrative Hearings (77 Ill. Adm. Code 100)
  - 8) Child Health Environmental Code (77 Ill. Adm. Code 665)
- d) The following federal statute is referenced in this Part:
- Toxic Substance Control Act (TSCA) (15 USC 2685 405(b)), Standards for Environment Sampling Laboratories
- e) The following Department of Public Health form is referenced in this Part:
- Childhood Lead Risk Assessment Questionnaire  
[www.idph.state.il.us/envhealth/pdf/Lead\\_LRAQ\\_6\\_07.pdf](http://www.idph.state.il.us/envhealth/pdf/Lead_LRAQ_6_07.pdf).

**Section 845.20 Definitions**

For purposes of this Part, the following terms have the meanings ascribed in this Section.

"Act" means the Lead Poisoning Prevention Act [410 ILCS 45].

"Blood Lead Test" means a blood lead testing by venous or capillary methodology. The terms "blood lead test" and "screen" are used interchangeably.

"Child" means a person under the age of 16.

*"Child Care Facility" means any structure used by a child care provider licensed by the Department of Children and Family Services or public school structure frequented by children under 6 years of age. (Section 2 of the Act)*

"Childhood Lead Risk Assessment" means administration of the risk assessment questionnaire to the parent.

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"Compliance Investigation" means the activity of performing a visual assessment and collecting dust wipe samples for the purpose of determining compliance with the Department's standard for lead dust levels.

"Confirmed Blood Lead Level" means that an elevated blood lead level is confirmed by a venous blood lead test.

"Defective Surface" means peeling, flaking, chalking, scaling or chipping paint; paint over crumbling, cracking or falling plaster or plaster with holes in it; paint over a defective or deteriorating substrate; or paint that is damaged or worn down in any manner such that a child can get paint from the damaged area.

*"Delegate Agency" means a unit of local government or health department approved by the Department in accordance with Section 845.50 of this Part to carry out the provisions of the Act. (Section 2 of the Act)*

*"Department" means the Department of Public Health of the State of Illinois. (Section 2 of the Act)*

"Director" means the Director of the Department of Public Health of the State of Illinois.

*"Dwelling" means any structure all or part of which is designed or used for human habitation. (Section 2 of the Act)*

"Elevated Results" means a blood lead test result of 10 micrograms/deciliter or higher.

"Encapsulant" means a substance that forms a barrier between a lead bearing substance and the environment using a liquid-applied coating or an adhesively bonded covering material.

"Health Care Provider" means any person providing health care services to children, who is authorized pursuant to the Illinois Clinical Laboratory and Blood Bank Act [210 ILCS 25] to request the testing of specimens, but does not include dentists.

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"HEPA" means a high efficiency particulate air filter capable of trapping and retaining 99.97 percent of particles greater than 0.3 micrometers in mass median aerodynamic equivalent diameter.

"Intact Surface" means a surface with no loose, peeling, chipping or flaking paint. Intact surfaces that are painted must be free from crumbling, cracking or deterioration. Intact surfaces must not be damaged or worn down in any way that would make paint or debris from the damaged area accessible to children.

"Lead Abatement" means any activity that will permanently eliminate lead exposure or remove the lead bearing substances in a regulated facility.

*"Lead Abatement Contractor" means any person or entity licensed by the Department to perform lead abatement or mitigation. (Section 2 of the Act)*

*"Lead Bearing Substance" means any item or part of an item containing or coated with lead such that the lead content is more than 0.06% lead by total weight; or any dust on surfaces or in furniture or other nonpermanent elements of the dwelling; or any paint or other surface coating material containing more than 0.5% lead by total weight (calculated as lead metal) in the total non-volatile content of liquid paint; or lead bearing substances containing greater than one milligram per square centimeter or any lower standard for lead content in residential paint as may be established by federal law or regulation; or more than 1 milligram per square centimeter in the dried film of paint or previously applied substance; or item or dust on item containing lead in excess of the amount specified in this Part or a lower standard for lead content as may be established by federal law or regulation. "Lead bearing substance" does not include firearm ammunition or components as defined by the Firearm Owners Identification Card Act. (Section 2 of the Act)*

*"Lead Hazard" means a lead bearing substance that poses an immediate health hazard to humans. (Section 2 of the Act)*

"Lead Hazard Screen" means a lead risk assessment that involves limited dust and paint sampling for lead bearing substances and lead hazards. This service is used as a screening tool designed to determine if further lead investigative services are required for the regulated facility.

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"Lead Inspection" means a surface-by-surface investigation to determine the presence of lead-based paint. Lead inspection includes sampling or investigation for lead associated with a lead inspection as defined in this Section and outlined in Section 845.210, and all lead sampling associated with compliance investigations defined in this Section and outlined in Section 845.225.

"Lead Inspector" means an individual who has been trained by a Department-approved training program and is licensed by the Department to conduct lead inspections; to sample for the presence of lead in paint, dust, soil, and water; and to conduct compliance investigations.

"Lead Mitigation" means the remediation of a lead hazard so that a lead bearing substance does not pose an immediate health hazard to humans.

*"Lead Poisoning" means the condition of having blood lead levels in excess of those considered safe under this Part (see the definition of "permissible limits") and federal rules and regulations. (Section 2 of the Act)*

"Lead Risk Assessment" means an on-site investigation to determine the existence, nature, severity and location of lead hazards. Lead risk assessment includes any lead sampling and visual assessment associated with conducting a lead risk assessment and lead hazard screen as defined in this Section and outlined in Sections 845.215 and 845.220, and all lead sampling associated with compliance investigations defined in this Section and outlined in Section 845.225.

"Lead Risk Assessor" means an individual who has been trained by a Department-approved training program and is licensed by the Department to conduct lead risk assessments, lead inspection, and lead hazard screens; to sample for the presence of lead in paint, dust, soil and water; and to conduct compliance investigations.

"Lead Supervisor" means any person employed by a lead abatement contractor and licensed by the Department to perform lead abatement and mitigation, and to supervise lead workers who perform lead abatement and mitigation. ("Lead Abatement Supervisor" was formerly called "Lead Abatement Contractor/Supervisor".)

*"Lead Worker" means any person employed by a licensed lead abatement contractor and licensed by the Department to perform lead abatement and mitigation. (Section 2 of the Act)*

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"Local Health Department" means the health department or board of health, as recognized by the Department, that has jurisdiction over the particular geographical area in which the person lives.

"Negative Blood Lead Test Result" means a blood lead test with a blood lead level of less than 10 micrograms/deciliter (mcg/dL) or less of whole blood in a child under age 16 years.

*"Owner" means any person who alone, jointly, or severally with others:*

*Has legal title to any dwelling or residential building, with or without accompanying actual possession of the dwelling or residential building, or*

*Has charge, care or control of the dwelling or residential building as owner or agent of the owner, or as executor, administrator, trustee, or guardian of the estate of the owner. (Section 2 of the Act)*

"Permissible Limits", for reporting purposes, means a confirmed blood lead level of less than 10 micrograms/deciliter (mcg/dL) of whole blood in a child under age 16 years, less than 10 mcg/dL for a pregnant or breast-feeding woman, and less than 25 mcg/dL for all other persons.

*"Person" means any one or more natural persons, legal entities, governmental bodies, or any combination. (Section 2 of the Act)*

"Positive Blood Lead Test Result" means a blood lead level test with a blood lead level of 10 micrograms/deciliter (mcg/dL) or higher of whole blood in a child under age 16 years.

"Regulated Facility" means a dwelling, residential building, child care facility, or any other structure as defined in the Act or this Part.

"Renovation" means the modification of any existing structure, or portion thereof, of a regulated facility that results in the disturbance of painted surfaces.

"Renovator" means any person who conducts renovation in a regulated facility for compensation, including barter.

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*"Residential Building" means any room, group of rooms, or other interior areas of a structure designed or used for human habitation; common areas accessible by inhabitants; and the surrounding property or structures. (Section 2 of the Act)*

"Room Equivalent" means an identifiable part of a residence, such as a room, a house exterior, a foyer, a staircase, a hallway or an exterior area.

"STELLAR" means the Systematic Tracking of Elevated Lead Levels and Remediation software developed and provided by the Centers for Disease Control and Prevention for local agencies to use in tracking lead poisoning cases.

"Testing Combination" means a unique combination of room equivalent, building component type, and substrate.

"Training Hour" means at least 50 minutes of actual teaching, including time devoted to lecture, learning activities, small group activities, demonstrations, evaluations, and/or hands-on experience.

"Work Area" means the interior and exterior areas where lead mitigation or lead abatement activities are conducted. These areas may include any room or rooms undergoing lead mitigation or lead abatement activities in a regulated facility, including any common area of these facilities.

"XRF" means X-ray fluorescence. XRF instruments are typically used to measure lead in soil, dust and paint samples.

**Section 845.25 Disclosure Requirements**

- a) An owner of a regulated facility who has received a mitigation notice under Section 9 of the Act shall, before entering into a lease agreement for the regulated facility for which the mitigation notice was issued, provide prospective lessees of that unit with written notice that a lead hazard has previously been identified in the regulated facility. An owner may satisfy this notice requirement by providing the prospective lessee with a copy of the inspection report, mitigation notice and subsequent certificate of compliance prepared pursuant to Section 9 of the Act.
- b) Before entering into a residential lease agreement, all owners of regulated facilities built before 1978 shall give prospective lessees information on the potential health hazards posed by lead in residential dwellings by providing the

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prospective lessee with a copy of an informational brochure on lead. The disclosure and informational brochure shall be consistent with the requirements set forth in 40 CFR 745, "Lead; Requirements for Disclosure of Known Lead-Based Paint and/or Lead-Based Paint Hazards in Housing".

- c) No more than 60 days before beginning renovation activities in any regulated facility, a renovator shall:
  - 1) Provide the owner of the unit with the pamphlet as required in subsection (b) of this Section, and comply with one of the following:
    - A) Obtain from the owner a written acknowledgment that the owner has received the pamphlet; or
    - B) Obtain a certificate of mailing from the United States Postal Service (USPS) at least seven days prior to beginning the renovation; and
  - 2) Provide the tenant with the pamphlet required in subsection (b) of this Section and comply with subsections (c)(1)(A) and (B) of this Section, or:
    - A) Obtain from the tenant a written acknowledgment that the tenant has received the pamphlet. If the renovator cannot get written acknowledgment from the tenant, the renovator shall document the attempts and the reason why the acknowledgment was not obtained (i.e., tenant refused, no tenant available); or
    - B) Obtain a certificate of mailing from the USPS at least seven days prior to beginning the renovation.

## SUBPART B: DEPARTMENT AND DELEGATE AGENCY ACTIVITIES

**Section 845.50 Approval of Units of Local Government or Health Departments as Delegate Agencies to Administer and Enforce the Act**

- a) The Department may approve units of local government or health departments as delegate agencies to administer and enforce the Act in accordance with individually negotiated delegate agency agreements. No unit of local government or health department shall be approved for this purpose except upon request.

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Approval shall be rescinded in the event that the delegate agency agreement is subsequently violated. Rescission shall become effective 30 days after the Department serves written notice on the unit of local government or local health department of the Department's intention to rescind approval.

- b) The Department shall approve units of local government or local health departments as delegate agencies that enter into written cooperative agreements with the Department to conduct the activities specified in this Subpart B. The delegate agency shall provide information to the Department on any environmental inspection completed for identified cases and on remediation action taken.

**Section 845.55 Lead Screening**

- a) *Every physician licensed to practice medicine in all its branches or health care provider shall screen children 6 months through 6 years of age for lead poisoning who are determined to reside in an area defined as high risk by the Department.* (Section 6.2 of the Act) Medicaid enrolled children must be tested as required in the Healthy Kids Early and Periodic Screening, Diagnosis and Treatment Program (89 Ill. Adm. Code 140). Children residing in areas defined as low risk by the Department shall be assessed for their risk for lead exposure by providing the information contained in the Childhood Lead Risk Assessment Questionnaire provided by the Department.
- 1) Children determined to be at high risk based upon a Childhood Lead Assessment shall have a blood lead measurement.
  - 2) Children who have elevated screening results shall have follow-up testing.
  - 3) Elevated capillary results 10 mcg/dL and above shall be confirmed by a venous sample.
- b) *Each licensed, registered, or approved health care facility serving children from 6 months through 6 years of age, including, but not limited to, health departments, hospitals, clinics, and health maintenance organizations approved, registered or licensed by the Department, shall take the appropriate steps (referral of children with identified risk factors as defined in the Department-provided Childhood Lead Risk Assessment Questionnaire to a physician or health care provider) to ensure that the patients receive lead poisoning screening, where*

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*medically indicated or appropriate*, consistent with the risk factors in the Childhood Lead Risk Lead Assessment Questionnaire provided by the Department. (Section 6.2 of the Act) Patients are those children receiving complete health care provided by the approved health care facility.

- c) Physicians and health care providers may assess children 7 years of age and older in accordance with the Childhood Lead Risk Assessment Questionnaire provided by the Department.
- d) *Each day care center, day care home, preschool, nursery school, kindergarten, or other child-care facility, licensed or approved by the State, including programs operated by a public school district, shall include a requirement that each parent or legal guardian of a child between the ages of 6 months through 6 years provide a statement from a physician or health care provider that the child has been screened or assessed for lead poisoning. This statement shall be provided prior to admission and subsequently in conjunction with physical examinations required by 77 Ill. Adm. Code 665.140 of the Department's rules titled Child Health Examination Code. (Section 7.1 of the Act)*
- e) *Nothing in this Part shall be construed to require any child to undergo a lead blood level screening or test whose parent or guardian objects to such screening on the grounds that the screening or test conflicts with his or her religious beliefs. (Section 7.1 of the Act)*

**Section 845.60 Reporting**

- a) The Department requires the following persons and facilities to report all blood levels to the Department:
  - 1) *Every physician who diagnoses, or health care provider, nurse, hospital administrator, or public health officer who has verified information of any person who has a level of lead in the blood in excess of the permissible limits, as defined in Section 845.20, is required to report pursuant to this Section, starting with a confirmed lead level of 10 mcg/dL. (Section 7 of the Act) If the analysis has been performed at the State laboratory, or the provider has ascertained that the clinical laboratory where specimens are processed electronically reports all blood lead level results to the Department, then duplicate reporting of elevated levels is not required. Upon the request of a provider, the Department may generate a list of*

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*individual patients treated by that provider according to the claims records and the patients' lead test results.* (Section 6.3(b) of the Act)

- 2) Directors of clinical laboratories who have verified information of any positive blood lead test results, as defined in Section 845.20, are required to report the results to the Department within 48 hours after receipt of verification. Negative blood lead test results shall be reported to the Department no later than 30 days following the last day of the month in which the test results are obtained by the laboratory. The information included in the clinical laboratory report on positive and negative blood lead test results shall include the blood lead level; the child's name, address, date of birth, sex and race; date of test; test type; date of report; physician and/or clinic, with address; Medicaid identification number (if applicable); and the reporting agency. Verification and test information on positive blood lead test results shall be submitted as a distinct report separate from the cumulated negative blood lead test information. All reports submitted shall identify the report content as either negative or positive blood lead test results.
  - b) Reports required pursuant to this Section shall be made to the Department, and all reported information, including the source of such information, received by the Department shall be considered confidential in nature. Any information submitted to a laboratory at the request of the Department and in accordance with this Part shall be treated as confidential by the laboratory that receives the information on behalf of and as required by the Department. The reports provided under this Section shall be confidential and subject to the provisions of the Medical Studies Act and the Communicable Disease Report Act. It is the right, however, of any patient to obtain his or her own data.
  - c) Reports required pursuant to this Section shall be submitted within 48 hours after receipt of verification. Methods of submission can include written or electronic reporting as detailed in Appendix A.
  - d) Reports of blood lead levels shall be on the form specified in Appendix A.

**Section 845.65 Provision of Data**

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- a) All reports issued by the Department, which are aggregated to make it impossible to identify any patient, reporting entity, or primary caregiver, shall be made available to the public pursuant to the Freedom of Information Act.
- b) All requests by medical or epidemiologic researchers for confidential data shall be submitted in writing to the Department. The request shall include a study protocol that contains: objectives of the research; rationale for the research, including scientific literature justifying the current proposal; overall study methods, including copies of forms, questionnaires, and consent forms used to contact facilities, physicians or study subjects; methods for documenting compliance with Department of Health and Human Services – Protection of Identity – Research Subjects; 42 CFR 2a.4(a) through (j), 2a.6(a) and (b), 2a.7(a) and (b)(1); methods for processing data; storage and security measures taken to ensure confidentiality of patient identifying information; time frame of the study; a description of the funding source of the study (e.g., federal contract); the curriculum vitae of the principal investigator; and a list of collaborators. In addition, the research request must specify what patient identifying information is needed and how the information will be used. Identifying information concerning the reporting entity will not be made available by the Department. Identifying information is defined as any information, collection, or groups of data from which the identity of the patient or reporting entity to which it relates may be discerned, e.g., name, address or ID number.
- c) All requests to conduct research and modifications to approved research proposals involving the use of data that includes patient identifying information shall be subject to a review to determine compliance with the following conditions:
  - 1) The request for patient identifying information contains stated goals or objectives;
  - 2) The request documents the feasibility of the study design in achieving the stated goals and objectives;
  - 3) The request documents the need for the requested data to achieve the stated goals and objectives;
  - 4) The requested data can be provided within the time frame set forth in the request;

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- 5) The request documents that the researcher has qualifications relevant to the type of research being conducted;
  - 6) The research will not duplicate other research already underway using the same data when both require the contact of a patient involved in the previously approved concurrent research; and
  - 7) Other conditions relevant to the need for the patient identifying information and the patient's confidentiality rights. (The Department will release only the patient identifying information that is necessary for research.)
- d) The Director or designee will review the request and approve or deny the request. The Information Agreement (Appendix B) shall contain the signatures of the Director and the applicant before data can be provided. Reasons for denial may include the following:
- 1) Confidentiality, privacy and/or security measures are unsatisfactory in the opinion of the Department;
  - 2) Data requested are unavailable or unreliable in the opinion of the Department;
  - 3) The stated purpose does not meet the Department's mission statement;
  - 4) The Department is unable to provide the data in the requested format;
  - 5) The applicant is not an accredited or licensed research institution, a government agency, legislative commission, or other organization with the ability to conduct research, such as a university research center or private research firm; or
  - 6) The information cannot be provided by the requested date.
- e) Denied requests may be revised and resubmitted.
- f) Information Agreements

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- 1) The Department will enter into information agreements for all approved research requests. These agreements shall specify the information that is being released and how it can be used in accordance with subsection (c) of this Section. In addition, the researcher shall include an assurance that:
  - A) Use of data is restricted to the specifications of the protocol;
  - B) All data that may lead to the identity of any patient, research subject, physician, other person, or hospital are strictly privileged and confidential, and the researcher agrees to keep all such data strictly confidential at all times;
  - C) All officers, agents and employees will keep all such data strictly confidential. The researcher will communicate the requirements of this Section to all officers, agents and employees, will discipline all persons who may violate the requirements of this Section, and will notify the Department in writing within 48 hours after any violation of this Section, including full details of the violation and corrective actions to be taken;
  - D) All data provided by the Department pursuant to the agreement may be used only for the purposes named in the agreement and any other or additional use of the data may result in immediate termination of the agreement by the Department; and
  - E) All data provided by the Department pursuant to the agreement are the sole property of the Department and may not be copied or reproduced in any form or manner, except for research use by the researcher, and that all data, copies and reproductions of the data made for the researcher's internal use shall be returned to the Department upon termination of the agreement.
- 2) Any departures from the approved protocol shall be submitted in writing and approved by the Director or designee in accordance with subsections (c) and (d) of this Section prior to initiation. A researcher shall not release identifying information to a third party.

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- g) Upon request, the Department shall disclose individual patient or reporting entity information to the reporting entity that originally supplied that information to the Department.
- h) By written reciprocating agreement, the Department may disclose individual patient information concerning residents of another state to the Childhood Lead Poisoning Prevention Program in the individual's state of residence only if the recipient of the information is legally required to hold the information in confidence and provides protection from disclosure of patient identifying information equivalent to the protection afforded by the Medical Studies Act.
- i) The identity of any person (or any group of facts that tends to lead to the identity of any person) whose blood test result is submitted to the Illinois Childhood Lead Poisoning Prevention Program is confidential and shall not be open to public inspection or dissemination. Such information shall not be available for disclosure, inspection or copying under the Freedom of Information Act or the State Records Act. All information for specific research purposes may be released in accordance with procedures established by the Department in this Section.
- j) The patient identifying information submitted to the Department by those entities required to submit information under the Act and this Part is to be used in the course of medical study under the Medical Studies Act and is privileged from disclosure by the Medical Studies Act.

**Section 845.70 Laboratory Fees for Blood Lead Screening**

- a) The fee schedule for a sample of blood submitted to the Department for blood lead analysis and necessary follow-up by the Department shall be \$25.75. The fee shall be assessed to the provider who submits the sample. Statements of fee assessment shall be mailed to the submitter of the specimens on a monthly basis. Payment and/or appropriate information as required in subsections (b) and (c) of this Section shall be submitted to the Department upon receipt of the monthly statement.
- b) The Medicaid Recipient Identification Number may be provided for Medicaid eligible recipients in lieu of payment.

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- c) Medically indigent recipients shall be those recipients with family incomes under 185% of the federal poverty guidelines, not eligible for Medicaid, and screened by local health departments, Rural Health Clinics, Federally Qualified Health Centers and facilities designated by the Department of Health and Human Services as look-alike Federally Qualified Health Centers. No fee shall be charged for these recipients.
- d) Fees collected from the Department's testing service will be placed in a special fund in the State Treasury known as the Lead Poisoning Screening, Prevention and Abatement Fund.

**Section 845.75 Requirements for Licensing of Department and Delegate Agency Personnel**

- a) Any Department or delegate agency personnel who conduct lead inspections, lead risk assessments, lead hazard screens, compliance investigations or any combination of these services in a regulated facility in which a child with an elevated blood lead level has been identified shall comply with the following:
  - 1) Complete the required training outlined in Subpart C of this Part to conduct lead investigation services;
  - 2) Be licensed in accordance with Subpart C of this Part to conduct lead investigation services; and
  - 3) Complete the appropriate third party examination as required in Subpart C of this Part.
- b) Employees of the Department, a delegate agency, or a local health department shall be exempt from licensure fees and third party examination fees required by Subpart C of this Part when those employees' licenses are used only for purposes related to employment at the above-mentioned agencies.
  - 1) Licenses issued pursuant to this Section shall be specifically noted as Health Department Employee (HDE) licenses.
  - 2) The HDE license shall not allow the licensed individual to provide private lead investigation services for personal profit.

**Section 845.80 Surveillance and Case Management**

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- a) Surveillance and Case Management
  - 1) Interviews shall be conducted with the parent or guardian or with attending physicians as needed to assure the accuracy and completeness of reports and to perform the activities of case follow-up for confirmed elevated blood lead levels above 15 mcg/dL.
  - 2) The following activities shall be conducted and documented concerning patient or case follow-up:
    - A) Trace the case;
    - B) Counsel the parent or guardian of the case;
    - C) Educate the parent or guardian of the case;
    - D) Interview the parent or guardian of the case for purposes of collecting, verifying or completing the information identified in Appendix A.Exhibit A and Appendix A.Exhibit B of this Part;
    - E) Refer the parent or guardian of the case for medical treatment when appropriate; and
    - F) Submit completed reports to the Department as specified in the agreement between the delegate agency and the Department.
- b) *Any delegate agency may establish fees, according to a reasonable fee structure, to be determined by the delegate agency, to cover the costs of drawing blood for blood lead screening and any necessary follow-up. (Section 7.2 of the Act)* Necessary follow-up includes individual case management and environmental management. In accordance with federal regulations, fees may not be charged to Medicaid recipients.

**Section 845.85 Environmental Follow-Up**

- a) Environmental Investigation of Regulated Facilities – Child Confirmed With Elevated Blood Lead Level

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- 1) Upon notification that a child who is an occupant or frequent inhabitant of a regulated facility is reported to have a confirmed blood lead level that would necessitate an environmental investigation, a representative of the Department or a delegate agency is authorized to inspect any regulated facility for the purpose of determining the source of lead poisoning. In the following cases, an environmental investigation and follow-up shall be conducted by the Department or delegate agency:
  - A) If a child has a confirmed blood lead level at or above 20 mcg/dL;
  - B) If a child has three successive confirmed blood lead levels of 15-19 mcg/dL with no time requirement between tests;
  - C) If a child has a single confirmed blood lead level at or above 10 mcg/dL and the child's physician requests an investigation to determine whether the child should be removed from the regulated facility because of the lead hazard;
  - D) If a child less than three years of age has a single confirmed blood lead level at or above 10 mcg/dL; or
  - E) If mitigation notices are issued for two or more dwelling units in a building within a five year time period, the Department may inspect common areas in the building and shall inspect units where children under the age of 6 reside, at the request of a parent or guardian of the child, or a pregnant woman resides, at the pregnant woman's request.
- 2) An investigation of a regulated facility to determine the source of lead poisoning as required by this Section shall be conducted using procedures and guidance outlined in this Section and the documented methodologies specified in Section 845.15, and shall consist of at least the following:
  - A) An interview with the owner or occupant about dwelling or facility use patterns and potential lead hazards, including inquiries regarding:
    - i) Improperly glazed pottery;

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- ii) Ethnic or folk medicines;
  - iii) Hobbies and occupation;
  - iv) Other dwellings;
  - v) International travel; and
  - vi) Recent renovations;
- B) A visual assessment of the condition of the building, appurtenant structures and painted surfaces; and
- C) Environmental sampling of deteriorated paint and dust based upon subsection (a)(4) of this Section.
- 3) Sampling shall be conducted by at least one of the following methods or a combination thereof:
- A) X-Ray fluorescence (XRF) testing. XRF equipment shall be operated in accordance with work practice standards incorporated in Section 845.15 and the manufacturer's operational manual. Surfaces sampled with XRF readings equal to or greater than the levels specified in Section 845.205 are considered to be lead bearing substances.
  - B) Dust wipe sampling. Dust wipe samples shall be collected in accordance with documented methodologies specified in Section 845.15. Dust samples collected with laboratory analysis reported as equal to or greater than the levels specified in Section 845.205 are considered elevated and are considered lead hazards.
  - C) Paint chip sampling. Paint chip samples shall be collected in accordance with documented methodologies specified in Section 845.15. Surfaces where paint chip samples are collected with analysis reported as equal to or greater than the levels specified in Section 845.205 are considered to be lead bearing substances.

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- D) Soil sampling. Soil samples are discretionary based on the visual assessment. If collected, soil samples shall be collected in accordance with documented methodologies specified in Section 845.15. Soil samples with laboratory analysis reported as equal to or greater than the levels specified in Section 845.205 are considered elevated.
- E) Water sampling. Water samples are discretionary. If collected, water samples shall be collected in accordance with documented methodologies specified in Section 845.15. Water samples with laboratory analysis reported as equal to or greater than the levels specified in Section 845.205 are considered elevated.
- 4) All environmental samples, excluding XRF sampling, shall be submitted to and analyzed by an accredited laboratory, as defined in Section 845.20.
- 5) *Following an investigation, the Department or its delegate agency shall:*
- A) *Prepare an investigation report that shall:*
- i) State the address of the regulated facility;
  - ii) *Describe the scope of the investigation, the investigation procedures used, and the method of ascertaining the existence of a lead bearing substance in the regulated facility;*
  - iii) *State whether any lead bearing substances were found in the regulated facility;*
  - iv) *Describe the nature, extent, and location of any lead bearing substance that is found;*
  - v) *State either that a lead hazard does exist or that a lead hazard does not exist. If a determination is made that a lead hazard does exist, the report shall describe the source, nature and location of the lead hazard. The existence of intact lead paint does not alone constitute a lead hazard for the purposes of this Section; and*

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- vi) *Give the name of the person who conducted the investigation and the person to contact for further information regarding the investigation and the requirements of this Part and the Act.*
- B) *Provide a copy of the investigation report to the property owner and to the occupants of the regulated facility. If a lead bearing substance is found, the Department or its delegate agency shall attach a brochure containing information on lead abatement and mitigation to the copy of the investigation report provided to the property owner and the occupants of the regulated facility.*
- C) *If the investigation report identifies a lead hazard, the Department or delegate agency shall serve a mitigation notice on the property owner stating that the owner is required to mitigate the lead hazard. The mitigation notice shall indicate the time period in which the owner must complete the mitigation as required by this Section, and shall include information describing mitigation activities that meet the requirements of this Part and the Act. Whenever a mitigation notice is issued pursuant to Section 9 or Section 9.2 of the Act, the Department shall make the owner aware of any financial assistance programs that may be available for lead mitigation through the federal, State or local government or a not-for-profit organization. (Section 9.3 of the Act)*
- D) *If the source of the lead hazard identified in the investigation report is lead paint or any other leaded surface coating, the lead hazard shall be deemed to have been mitigated if:*
  - i) *The surface identified as the source of the hazard is no longer in a condition that produces a hazardous level of leaded chips, flakes, dust or any other form of leaded substance that can be ingested or inhaled by humans; or*
  - ii) *The surface identified as the source of the hazard is accessible to children and could reasonably be chewed on by children, the surface coating is either removed or covered, or the access to the leaded surface by children is*

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*otherwise prevented as prescribed by the Department in this Part.*

- E) *When a mitigation notice is issued for a regulated facility inspected as a result of an elevated blood lead level in a pregnant woman or a child, or if the dwelling unit is occupied by a child under 6 years of age or a pregnant woman, the owner shall mitigate the hazard within 30 days after receiving the notice; otherwise, the owner shall complete the mitigation within 90 days.*
  - F) *An owner may apply to the Department or its delegate agency for an extension of the deadline for mitigation.*
  - G) *The Department or its delegate agency may, after the deadline set for completion of mitigation, conduct a follow-up inspection of any regulated facility for which a mitigation notice was issued for the purpose of determining whether the mitigation actions required have been completed and whether the activities have sufficiently mitigated the lead hazard. The Department or its delegate agency may conduct a follow-up inspection upon the request of an owner or resident. If, upon completing the follow-up inspection, the Department or its delegate agency finds that the lead hazard for which the mitigation notice was issued is not mitigated, the Department or its delegate agency shall serve the owner with notice of the deficiency and a mitigation order. The order shall indicate the specific actions the owner must take to comply with the mitigation requirements of the Act, which may include abatement if abatement is the sole means by which the lead hazard can be mitigated. The order shall also include the date by which the mitigation shall be completed. If, upon completing the follow-up inspection, the Department or delegate agency finds that the mitigation requirements of the Act have been satisfied, the Department or delegate agency shall provide the owner with a certificate of compliance stating that the required mitigation has been accomplished. (Section 9 of the Act)*
- b) Mitigation or Abatement of Lead Hazards in Regulated Facilities. Lead mitigation or lead abatement activities shall not result in lead contamination of areas outside of the abatement work area. The removal of lead bearing substances from

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regulated facilities shall be conducted in a manner that will not endanger the health or well-being of occupants and will result in the safe removal of lead bearing substances from the work area and the safe disposal of flakes, chips, debris, dust, and other lead bearing substances. Lead hazard repairs shall be completed within the time specified after receipt of written notification. Lead mitigation or lead abatement activities required by this Section may be conducted using any or all of the procedures outlined, or as prescribed by the Department or its delegate agency.

- 1) All loose paint shall be moistened and carefully scraped from defective surfaces. These areas shall then be covered with contact paper, cloth, canvas, or other material that will create an intact surface for the purpose of preventing the paint chips from falling on the floor. All debris shall be collected and sealed in plastic bags for proper disposal.
- 2) Any surfaces that have collected dust shall be cleaned by damp mopping with a detergent and water solution or a phosphate-free, lead-dissolving detergent.
- 3) A mitigation plan shall be submitted by the owner or its agent to the Department or delegate agency, specifying the method or methods by which surfaces that will be managed in place are to be maintained in an intact condition. The plan shall include an inspection schedule that includes inspection by the owner or its agent at least annually, and a maintenance schedule. Any surfaces that are not intact, as determined through an inspection, shall be repaired using the mitigation techniques specified in this Section.
- 4) Alternative Procedures
  - A) The Department or delegate agency may allow an alternative procedure for lead abatement, lead mitigation, containment or cleanup of a lead paint hazard, provided that the owner submits to the Department or delegate agency a written description of the alternative procedure that demonstrates to the satisfaction of the Department or delegate agency that the proposed alternative procedure provides a level of abatement and safety at least equivalent to the requirements of this Section.

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- B) In all cases in which the Department or delegate agency allows the use of an alternative procedure, the owner and occupant shall, for a one-year period after completion of the lead abatement or lead mitigation project, permit the Department or delegate agency to enter and inspect the area of abatement for the purpose of determining the effectiveness and durability of the allowed alternative procedure.
- c) Regulated Facilities Not Requiring Abatement or Mitigation. Notwithstanding any other provision of this Part, abatement or mitigation is not required when the property owner enters into a stipulation with the Department that will protect children from exposure to lead bearing substances. The stipulation shall be by written agreement, and shall provide that any violation of the agreement shall cause the immediate issuance of a mitigation or abatement order. Examples of conditions that may be included in a stipulation entered into by the property owners and the Department are as follows:
- 1) The property shall be demolished; or
  - 2) The property shall be vacated.

SUBPART C: TRAINING COURSE APPROVAL AND  
LICENSING OF INDIVIDUALS AND FIRMS**Section 845.100 Approval of Training Program Providers**

- a) Any firm providing lead training in Illinois to individuals seeking certification and licensure in accordance with the Act and this Part, and requirements outlined in USEPA regulations (40 CFR 745), is required to be approved in accordance with the Act and this Part.
- 1) A person seeking approval as a training program provider shall submit a completed written application to the Department containing the following information:
    - A) The training program provider's name, address and telephone number;

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- B) A list of courses for which approval is sought, including the requirements for each course as specified in Section 845.105;
- C) A statement signed by the program training manager certifying that the training program meets all of the requirements established in this Section;
- D) A copy of the student and instructor manuals to be used for each course;
- E) A copy of the agenda for each course;
- F) A description of the facilities and equipment to be used for lecture and hands-on training;
- G) A description of the examination for each discipline indicating the percentage of examination questions relating to each course objective;
- H) The final examination for each course, the answer key for the examination and the criteria for pass/fail (at least 70% correct to pass);
- I) An example of the certificate of course completion, which shall include:
  - i) Student name;
  - ii) An identification number unique to each student;
  - iii) The course name;
  - iv) Dates of the course;
  - v) Exam date;
  - vi) Name, address and telephone number of the training program provider;

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- vii) A statement that the course is approved by the Department;
  - viii) A statement that the student has completed the course and passed the course examination; and
  - ix) Signature of the training manager;
- J) A description of the activities and procedures that will be used for conducting and assessing hands-on skills requirements;
- K) A quality control plan, which shall include:
- i) Procedures for periodic revision of training materials and the course examination to reflect innovations in the lead industry;
  - ii) Procedures for the training manager's annual review of principal instructors' and guest instructors' competencies;
  - iii) Procedures and protocols for re-administration of course exam in case of student failure;
  - iv) An instructor-to-student ratio no greater than 1:30 for lecture portions and 1:15 for hands-on portions;
- L) The name of the training manager employed by the training program provider, with supporting qualifications as required by this Section, including the completed Training Manager Qualifications form provided by the Department; and
- M) The name of the principal instructor employed by the training program provider for each discipline, with supporting qualifications as required by this Section, including the Principle Instructor Qualifications form provided by the Department.
- b) The training program provider shall employ a training manager with the following minimum requirements and responsibilities.
- 1) Requirements

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- A) A resume or letters of reference documenting at least two years of experience, education, or training in teaching adults; and
  - B) Education and/or work experience equivalent to the following:
    - i) A bachelor's degree or higher degree in building construction technology, engineering, industrial hygiene, safety, public health, education, business administration or program management or a related field; or
    - ii) A resume or letters of reference documenting at least two years of experience in managing a training program specializing in environmental hazards; and experience, education or training in lead or asbestos abatement, construction, painting, carpentry, renovation, remodeling, occupational safety and health, or industrial hygiene.
- 2) Responsibilities
- A) Ensuring that the training program complies at all times with the requirements of this Part;
  - B) All formal correspondence such as training course certificates, approval requests and renewal applications;
  - C) Maintaining training program records and making those records available to the Department, as specified in this Section;
  - D) Designating a qualified principal instructor for each discipline as required by subsection (c) of this Section; and
  - E) Designating guest instructors as needed to provide instruction specific to the lecture, hands-on activities, or work practice components of a course.
- c) The training program provider shall employ a principal instructor for each discipline, with the following minimum requirements and responsibilities:

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- 1) A resume or letters of reference documenting at least two years of demonstrated experience, education or training in teaching workers or adults; and
  - 2) A current Department-approved training course certificate for the lead disciplines for which he/she is designated as principal instructor.
- d) The principal instructor shall be responsible for the organization of the course and oversight of the teaching of all course material.

**Section 845.105 Lead Training Course Approval Requirements**

- a) Requirements for Approval of Lead Inspector Training Courses. To obtain approval for a lead inspector training course, a training program provider shall submit information to confirm that the program provides:
- 1) A minimum of 24 training hours, with a minimum of 8 hours devoted to hands-on activities. The course topic requirements shall include the following (requirements ending in an asterisk (\*) require lecture and hands-on activities):
    - A) Role and responsibilities of a lead inspector;
    - B) Information on lead and the adverse health effects of lead exposure;
    - C) Information on federal, State and local regulations and guidance pertaining to lead-based paint and lead-based paint activities;
    - D) Lead-based paint inspection methods, including selection of rooms and components for sampling or testing;\*
    - E) Paint, dust and soil sampling methodologies;\*
    - F) Clearance standards and testing, including random sampling;\*
    - G) Preparation of the final inspection report;\* and
    - H) Record keeping.

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- 2) The one day (8 hour) Lead Inspector refresher course content shall be the same as the course content specified in subsection (a)(1) of this Section, and any current safety practices, new laws and regulations, and current technologies relating to lead-based paint activities. Requirements ending in an asterisk indicate areas that require refresher hands-on activities.
- b) Requirements for Approval of Risk Assessor Training Courses. To obtain approval for a risk assessor training course, a person shall submit information to confirm that the course provides:
- 1) A minimum of 16 training hours, with a minimum of 4 hours devoted to hands-on activities. The course topic requirements shall include the following (requirements ending in an asterisk require lecture and hands-on activities):
    - A) Assurance to the Department that a lead inspector training course certificate of completion is required of each applicant as a prerequisite for risk assessor training course attendance;
    - B) Role and responsibilities of the risk assessor;
    - C) Collection of necessary building information required to perform a lead risk assessment;
    - D) Sources of environmental lead contamination (paint, surface dust and soil, water, air, packaging and food);
    - E) Visual inspection procedures for the purpose of identifying potential sources of lead-based paint hazards;\*
    - F) Lead hazard screening protocol;
    - G) Sampling for sources of lead exposure;\*
    - H) Interpretation of lead-based paint and other lead sampling results, including all applicable State and federal guidance pertaining to lead-based paint hazards (i.e., federal statutes and regulations);\*

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- I) Development of hazard-control options, the role of interim controls, and operations and maintenance activities to reduce lead-based paint hazards; and
  - J) Preparation of a final lead risk assessment report.
- 2) The one day (8 hour) lead risk assessor refresher course content shall be the same as the course content specified in subsection (b)(1) of this Section, and any current safety practices, new laws and regulations, and current technologies relating to lead-based paint activities. Requirements ending in an asterisk indicate areas that require refresher hands-on activities.
- c) Requirements for Approval of Lead Worker Training Courses. To obtain approval for a lead worker training course, a person shall submit information to confirm that the course provides:
- 1) A minimum of 24 training hours, with a minimum of 8 hours devoted to hands-on activities. The course topic requirements shall include the following (requirements ending in an asterisk require lecture and hands-on activities):
    - A) Role and responsibilities of a lead worker;
    - B) Information on lead and the adverse health effects of lead exposure;
    - C) Information on federal, State and local regulations;
    - D) Lead-based paint hazard recognition and control;\*
    - E) Lead-based paint abatement and lead-based paint hazard reduction methods, including restricted practices;\*
    - F) Interior dust abatement methods/cleanup;\*
    - G) Soil and exterior dust abatement methods;\* and

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- H) Respiratory protection, including review of the OSHA Lead Standard.
- 2) The one day (8 hour) lead worker refresher course content shall be the same as the course content specified in subsection (c)(1) of this Section, and any current safety practices, new laws and regulations, and current technologies relating to lead-based paint activities. Requirements ending in an asterisk indicate areas that require refresher hands-on activities.
- d) Requirements for Approval of Supervisor Training Courses. To obtain approval for a lead supervisor training course, a person shall submit information to confirm that the course provides:
- 1) A minimum of 32 training hours, with a minimum of 8 hours devoted to hands-on activities. The course topic requirements shall include the following (requirements ending in an asterisk require lecture and hands-on activities):
    - A) Role and responsibilities of a lead supervisor;
    - B) Information on lead and its adverse health effects;
    - C) Information on federal, State and local regulations and guidance that pertain to lead-based abatement;
    - D) Liability and insurance issues relating to lead-based abatement;
    - E) Lead risk assessment and inspection report interpretation;\*
    - F) Development and implementation of an occupant protection plan and abatement report;
    - G) Lead-based paint hazard recognition and control;\*
    - H) Lead-based paint abatement and lead-based paint hazard reduction methods, including restricted practices;\*
    - I) Interior dust abatement/cleanup;\*

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- J) Soil and exterior dust abatement;\*
  - K) Clearance standards and testing;
  - L) Cleanup and waste disposal;
  - M) Record keeping;
  - N) Integration of lead-based paint abatement methods with modernization and rehabilitation projects for large scale abatement projects; and
  - O) Respiratory protection, including review of the OSHA Lead Standard.
- 2) The one day (8 hour) lead supervisor refresher course content shall be the same as the course content specified in subsection (d)(1) of this Section, and any current safety practices, new laws and regulations, and current technologies relating to lead-based paint activities. Requirements ending in an asterisk indicate areas that require refresher hands-on activities.
- e) Approval of Lead Alternative Course Schedules.
- 1) An Alternative Course Schedule is defined as:
    - A) Any training agenda that includes a training day of more than 8 hours, but fewer than 12 hours. Courses that consist of more than 12 hours of training per day will not be approved by the Department (Note: a training hour consists of 50 minutes of training time);
    - B) Any training agenda that includes a training day of fewer than 8 hours;
    - C) Any training agenda that includes more training days than required by this Part;
    - D) Any training agenda that includes fewer training days than required by this Part;

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- E) Any altered training course that may be offered in addition to the standard lead training course (an example is a training course provider offering the standard 3-day (8 hours per day) lead worker course and also a four-day lead worker course); or
  - F) Any combined training course that covers more than one training course discipline.
- 2) Application for Alternative Course Schedules shall be made in accordance with the appropriate discipline requirements set forth in this Section.
- f) Approval of Foreign Language Courses. The lead worker training course discipline is the only discipline that will be approved to be offered in a foreign language. All other lead training course disciplines shall be offered in English. Foreign language lead worker disciplines shall meet all of the requirements specified in subsection (c) of this Section. All foreign language course manuals, exams and other course material required by this Section shall be provided in both the language in which the course is to be offered and English.

**Section 845.110 Lead Training Course Notification Requirements**

- a) Notification of Course Schedules and Course Cancellations
  - 1) Notification of upcoming lead courses shall be made to the Department no later than 7 calendar days prior to the start of all Department-approved courses. The notification shall be made for all courses offered in Illinois and all adjoining states. Prior notification is not required when courses are offered in states other than Illinois and adjoining states; however the following conditions shall apply separately and jointly:
    - A) Upon request by the Department, the training program provider shall provide the Department with a copy of the notification of upcoming or past lead courses as submitted to the USEPA authorized lead program in the state or tribal area where the approved lead training course is offered.

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- B) Upon request by the Department, the training program provider shall provide the Department with a copy of the class roster as required by this Section.
  - C) The Department may verify that the notification was submitted to and received by a USEPA authorized lead program in accordance with the requirements established by such state or tribal agency.
- 2) The Department provides a class notification form in the application package to all training program providers. If the class notification form provided by the Department is not used, the following information shall be submitted to the Department to be used as the class notification:
- A) Name of training program provider;
  - B) Location where the course is to be held, including street address, city and state;
  - C) Which lead discipline is to be taught and in which language, including indication of initial or refresher course;
  - D) Course start date and end date (days of course need not be consecutive, but no more than 10 calendar days shall lapse between the start date of the course and the completion of the course and/or course examination); and
  - E) Course start time and end time.
- 3) Notice of cancellation of courses shall be made to the Department no later than the day the course is scheduled to be conducted.
- b) Class rosters shall be submitted to the Department within 7 calendar days after completion of the course. The Department provides a class roster report form in the application package to all training program providers. If the class roster form provided is not used, the following information shall be submitted to the Department to be used as the class roster:
- 1) Name of approved training program provider;

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- 2) Name of course (lead discipline);
- 3) Type of course (initial or refresher);
- 4) Language of course;
- 5) Course location;
- 6) Course hours;
- 7) Start date;
- 8) End date;
- 9) Exam date;
- 10) Instructors;
- 11) Student names;
- 12) Social Security number or unique identification number assigned by the training program provider to each student;
- 13) Certificate number unique to each certificate issued; and
- 14) Student percent score on course examination.

**Section 845.115 Application Fees for Approval and Renewal of Lead Training Courses**

- a) All lead training course approvals expire on October 15 of each year.
- b) Application fees for all lead training courses are as follows:
  - 1) Fees will be waived for any state or unit of local government seeking approval as a training provider;
  - 2) Initial training course for each discipline: \$500 per course;
  - 3) Refresher training course for each discipline: \$250 per course; and

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- 4) Late fees for each discipline: \$50 per course.
- c) Alternative course schedules:
- 1) If the only course being offered in a lead discipline is an alternative course schedule, then the fees outlined in subsections (b)(2) and (3) of this Section shall apply.
  - 2) If the training program provider is approved to conduct the standard lead course for a specific discipline, the application fee for an alternative course schedule of that discipline shall be \$100.
- d) Applications for renewal of all lead training course approvals must be received by September 15 of each year. If the renewal application is received after September 15, a \$50 late fee shall be charged per course.
- 1) To renew a training course that has been expired for fewer than 3 years, the training program provider shall pay the current application fee, plus a reinstatement fee of \$100 for each year the course approval is expired.
  - 2) To renew a training course that has been expired for a period of 3 years or more, the training program provider shall re-submit the complete training course with the appropriate application and fees for review and approval as required by Section 845.105.

**Section 845.120 Lead Training Program Provider Record Keeping Requirements**

- a) Training program records shall be made available to the Department for review as follows.
- 1) The training program provider shall retain records at the address specified on the training program provider approval application (or as modified) for a minimum of 4 years.
  - 2) The training program provider shall notify the Department in writing before changing the address specified on its training program provider approval application or transferring records from that address to a new address.

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- 3) The Department shall have the authority to enter, inspect and audit training activities and training records to determine compliance with the Act and this Part.
- 4) Training records that shall be maintained by the training program provider include the following:
  - A) All materials specified in Section 845.100 that have been submitted to the Department as part of the program's approval;
  - B) Current curriculum/course materials and documents reflecting any changes made to these materials;
  - C) Results of the students' hands-on skills assessments and course examinations and a record of each student's course completion certificate;
  - D) Qualifications for each guest instructor designated by the training manager in accordance with Section 845.100, including: resume, letters of reference, documentation of work experience, certifications, professional licenses, etc.; and
  - E) Approval letters from the Department for the training manager, principal instructors, each training course and course modifications.

**Section 845.125 Individual Licensing Requirements for Lead Activities**

- a) To conduct any lead services, including lead inspection, lead risk assessment, lead hazard screen, lead mitigation and lead abatement work and supervision, in a regulated facility in Illinois, an individual shall be licensed in accordance with the Act and this Section. To qualify for a license as a lead inspector, lead risk assessor, lead supervisor or lead worker, an applicant shall meet the following requirements:
  - 1) Be at least 18 years of age;
  - 2) Submit the Department-approved lead training course certificate.

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- A) The training course completed shall be for the discipline for which licensure is sought.
  - B) Training course certificates are valid for 3 years from the date the applicant passed the approved lead training course examination.
  - C) Training course certificates shall be renewed every 3 years by successfully completing a Department-approved refresher training course in the appropriate discipline.
  - D) If 4 years have passed since the applicant passed the approved training course examination, the training course certificate cannot be refreshed. An applicant is required to complete the initial lead training course as required by this Section;
- 3) Submit a recent 1" x 1" photograph of the applicant for proper identification of the licensee. The picture shall have the printed name of applicant on the reverse side. The license will not be issued without an identification photograph;
  - 4) Submit the appropriate completed application form provided by the Department;
  - 5) Submit the required license application fee; and
  - 6) For applicants seeking licensure as a lead inspector, lead risk assessor and lead supervisor, the applicant must meet the third party examination requirements of subsection (e) of this Section and Section 845.135 of this Part.
- b) Fees for Lead Licensure, Renewal, Late Renewals and Reinstatement of Expired Licenses
    - 1) Applicants for an initial lead license or renewal of an existing lead license shall pay an annual non-refundable fee as specified below:
      - A) Lead worker license – \$50;

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- B) Lead supervisor license – \$100;
  - C) Lead inspector license – \$100; and
  - D) Lead risk assessor license – \$100.
- 2) In addition to the annual renewal license fee, an applicant shall pay a non-refundable late fee of \$25:
- A) If a renewal application for a lead inspector or lead risk assessor license is received after January 1; or
  - B) If a renewal application for a lead worker or a lead supervisor license is received after March 1.
- 3) An applicant whose license has been expired for a period less than 3 years may apply to the Department for reinstatement of the license. The Department shall issue a reinstated license provided that:
- A) The applicant pays to the Department the current license fee applicable to the discipline to be reinstated, in accordance with subsection (b)(1).
  - B) The applicant pays a non-refundable reinstatement fee based on the following:
    - i) Lead workers: \$25 for each year the license has expired; and
    - ii) Lead supervisors, inspectors and lead risk assessors: \$50 for each year the license has expired.
- 4) A license that has been expired for more than 3 years may be restored only by submitting a new application in accordance with subsection (a) of this Section.
- c) All lead licenses expire annually in accordance with the following:

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- 1) Lead inspector and lead risk assessor licenses expire January 31 of each year, except that a first-time license issued after October 31 and before January 31 shall expire the next following January 31; and
  - 2) Lead worker and lead supervisor licenses expire March 31 of each year, except that a first-time license issued after December 31 and before March 31 shall expire the next following March 31.
- d) Renewal of License. Any license issued pursuant to this Part may be renewed if the licensee submits:
- 1) The completed renewal application;
  - 2) The non-refundable license renewal fee outlined in subsection (b)(1);
  - 3) A recent 1" x 1" photograph of the applicant for proper identification of the licensee. The picture shall have the printed name of the applicant on the reverse side. The license shall not be issued without an identification photograph; and
  - 4) A current certificate of completion from a Department-approved training course in accordance with subsection (a)(2) of this Section.
- e) In addition to meeting the general requirements outlined in subsections (a) and (b) of this Section, lead inspector, lead risk assessor and lead supervisor disciplines have specific training course requirements, examination and education and experience requirements as specified in this subsection (e):
- 1) To qualify for a license as a lead risk assessor, a person shall:
    - A) Submit the training course completion certificates, including one of the 2 following combinations:
      - i) An initial lead inspector training course certificate and any subsequent refresher certificates required to maintain accreditation as outlined in subsection (a) of this Section, and an initial lead risk assessor training course certificate and any subsequent refresher certificates required to

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- maintain accreditation as outlined in subsection (a) of this Section; or
- ii) An initial lead risk assessor training course certificate and any subsequent refresher certificates required to maintain accreditation as outlined in subsection (a) of this Section, and a current Illinois lead inspector license;
- B) Possess one of the following combinations of education and experience:
- i) A bachelor of science degree in engineering, or an environmental or health-related field; or
  - ii) A bachelor's degree in any discipline and one year of experience in a related field (e.g., lead, asbestos or environmental remediation work, or construction); or
  - iii) An associate's degree in any discipline and 2 years of experience in a related field (e.g., lead, asbestos or environmental remediation work, or construction); or
  - iv) A high school diploma (or equivalent) and at least 3 years of experience in a related field (e.g., lead, asbestos or environmental remediation work, or construction); or
  - v) Licensure as an industrial hygienist, professional engineer, architect or environmental health practitioner; and
- C) Pass the Department's third party examination for lead risk assessor as required by Section 845.135.
- 2) To qualify for a license as a lead inspector, a person shall:
- A) Submit the training course completion certificates, including an initial lead inspector training course certificate and any subsequent refresher certificates required to maintain accreditation as outlined in subsection (a) of this Section; and

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- B) Pass the Department's third party examination for lead inspector as required by Section 845.135.
- 3) To qualify for a license as a lead supervisor, a person shall:
  - A) Submit the training course completion certificates, including an initial lead supervisor training course certificate and any subsequent refresher certificates required to maintain accreditation as outlined in subsection (a) of this Section; and
  - B) Meet the experience requirements as follows:
    - i) One year of experience as a certified lead-based paint abatement worker; or
    - ii) Two years of experience in a related field (e.g., lead, asbestos or environmental remediation work) or in the building trades.
  - C) Pass the Department's third party examination for lead supervisor as required by Section 845.135.

**Section 845.130 Requirements for Lead Abatement Contractor Licensing**

- a) To conduct any lead mitigation or lead abatement activities in a regulated facility in Illinois, a person shall be licensed in accordance with the Act and this Section. To qualify for licensure as a lead abatement contractor, an applicant shall:
  - 1) Submit a completed application on a form provided by the Department;
  - 2) Submit a \$500 non-refundable licensure fee.
    - A) A \$250 non-refundable licensure fee, in lieu of the \$500 fee, may be submitted for initial license applications received and approved by the Department between December 1 and March 1 for licenses that will expire on May 31 of the current year.
    - B) A \$750 non-refundable licensure fee, in lieu of the \$500 fee, may be submitted for initial license applications received and approved

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by the Department between December 1 and March 1 for licenses that will expire May 31 of the following year;

- 3) Submit the name of the person with a valid Illinois lead supervisor license who will act as the designated lead supervisor for the lead abatement contractor. The license must be held by the contractor or an employee of the contractor;
  - 4) Submit a written statement signed by the contractor specifying that only lead workers licensed by the Department will be employed for lead abatement;
  - 5) Submit a copy of the contractor's written standard operating procedures and employee protection plan, which shall include the following:
    - A) A description of medical monitoring, respirator training and personal protective equipment programs required in Respiratory Protection Standard (OSHA); and
    - B) A description of safe work practices to be used when conducting lead mitigation or lead abatement that ensure compliance with this Part. The supervisor training curricula used for training of the designated licensed lead supervisor provides guidance and direction on standard operating procedures for lead safe work practices and should be referred to when preparing the work practices manual; and
  - 6) Submit a description of all legal proceedings, lawsuits or claims that have been filed or levied against the contractor or any of his/her past or present employees or companies in regard to construction-related activities. If there are no claims against the contractor, then a signed statement to that effect shall be submitted to the Department.
- b) **Renewal of License.** All lead abatement contractor licenses shall be renewed annually. All licenses shall expire on May 31 of each year.
- 1) If a renewal application is received after April 30, the applicant shall pay a non-refundable late fee of \$100, in addition to the \$500 non-refundable renewal fee.

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- 2) An applicant whose license has expired for a period of 3 years or less may apply to the Department for reinstatement of the license. The license shall be reinstated if the applicant submits to the Department the current license fee and a reinstatement fee of \$100 for each year the license was expired.
- 3) A license that has expired for more than 3 years is not eligible for renewal. In such instances, the applicant shall submit an initial application and supporting documentation as required by this Section.

**Section 845.135 Third Party Examination Requirements**

- a) Applicants for lead inspector, risk assessor and supervisor licenses are required to pass the Department's third party examination.
  - 1) To qualify to take the third party examination, an applicant shall:
    - A) Comply with the requirements of Section 845.125;
    - B) Submit a completed third party examination application form provided by the Department; and
    - C) Submit a \$50 non-refundable third party examination application fee for each separate discipline examination each time the examination is taken.
  - 2) The Department shall provide, by mail, the following to applicants who qualify to take the third party examination:
    - A) Date, time and location for the applicant to take the third party examination;
    - B) A detailed information packet, instructions for registration at the examination site, and directions to the facility where the examination is being administered; and
    - C) Date the Department accepted the application.

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- b) When an applicant receives a passing score on the third party examination, the Department shall issue the license to the applicant in the discipline for which the applicant qualifies, in accordance with Section 845.125.
- c) If the applicant does not pass the third party examination:
  - 1) The Department will notify the applicant in writing;
  - 2) The applicant may reapply to the Department to take the third party examination again. An applicant may take the third party examination no more than 3 times within the 6 months. If an applicant does not pass the third party examination within the 6 months, the applicant must retake the initial training course for that discipline from a Department-approved training program provider before reapplying for approval to take the third party examination.

**Section 845.140 Reciprocity Requirements**

- a) Each applicant for licensure who is licensed or certified by another USEPA authorized state or tribal lead program in any of the disciplines specified in Section 845.125 may request reciprocal licensure.
  - 1) The Department shall evaluate the requirements for licensure established by the other authorized state or tribal program and shall issue the license if the Department determines that the requirements for licensure by that program are as protective of health and the environment as the requirements for licensure in Illinois.
  - 2) To be considered for reciprocal license, each applicant for licensure pursuant to this Section shall submit:
    - A) The appropriate application and application fee as required in Section 845.125;
    - B) Supporting documentation from the USEPA authorized state or tribal program for which reciprocity is being requested, including:

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- i) Copies of the initial training certificate and subsequent refresher certificates required to maintain accreditation as required by that authorized program;
  - ii) Copies of the applicant's license issued by the authorized program, if applicable; and
  - iii) Copies of the results of the third party examination administered by the authorized program, if applicable.
- b) Applicants requesting third party examination reciprocity of an examination offered by another authorized state or tribal program shall pass the Illinois Reciprocal Supplemental Examination (IRSE) as required by this Section. The IRSE is used to evaluate the applicant's understanding of Illinois' requirements.
  - 1) The Department shall provide, by mail, the following to applicants who are required to pass the IRSE:
    - A) The IRSE application;
    - B) The IRSE form;
    - C) Copies of the Act and this Part; and
    - D) Date the Department accepted the reciprocal application.
  - 2) The applicant shall:
    - A) Complete and submit the IRSE application;
    - B) Submit the \$50 non-refundable IRSE fee; and
    - C) Submit the completed IRSE form.
  - 3) The applicant may use any resource material for completion of the IRSE form.
  - 4) When an applicant receives a score of at least 70% on the IRSE, the Department shall issue the reciprocal license to the applicant in the

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discipline for which the applicant qualifies, in accordance with this Section.

- 5) If the applicant does not pass the IRSE:
  - A) The Department will notify the applicant in writing;
  - B) The applicant may reapply to the Department to complete the IRSE again. An applicant may attempt to pass the IRSE twice within one month after the Department accepts the application for reciprocal licensure.
- c) If an applicant does not pass the IRSE within one month after the Department accepts the reciprocal application for licensure, the applicant must take a Department-approved refresher training course for the discipline for which the applicant is seeking Illinois licensure.
- d) Reciprocal licenses shall expire in accordance with Section 845.125.
- e) Applicants for renewal of an existing reciprocal lead license shall pay an annual non-refundable fee as specified in accordance with Section 845.125.

SUBPART D: RESPONSIBILITIES OF LICENSED INDIVIDUALS,  
CONTRACTORS AND APPROVED TRAINING PROGRAM PROVIDERS

**Section 845.150 Lead Worker Responsibilities**

- a) Any individual conducting lead mitigation and lead abatement is required to be licensed as a lead worker in accordance with the Act and Section 845.125. The licensed lead worker is responsible for the following:
  - 1) Compliance with the Act and this Part;
  - 2) Following the direction and guidance provided by a licensed lead supervisor as outlined in the Work Practice and Occupant Protection Plan required by Section 845.255;
  - 3) Proper implementation of lead mitigation and lead abatement methods;  
and

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- 4) Using work practices that:
  - A) Ensure the safety of the workers involved in the lead mitigation and lead abatement activities;
  - B) Ensure the safety of the occupants of the regulated facility; and
  - C) Control dust produced during mitigation or abatement of lead bearing surfaces or coatings.
- b) The lead worker shall possess the valid and current license issued by the Department on-site at any lead mitigation or lead abatement project.
- c) Licensed lead workers can conduct lead mitigation and lead abatement activities only with a licensed lead abatement contractor under the direct supervision of a licensed lead supervisor.

**Section 845.155 Lead Supervisor Responsibilities**

- a) Any individual supervising lead mitigation and lead abatement work practices is required to be licensed as a lead supervisor in accordance with the Act and Section 845.125. The licensed lead supervisor is responsible for the following:
  - 1) Compliance with the Act and this Part;
  - 2) Development and implementation of the Work Practice and Occupant Protection Plan required by Section 845.255;
  - 3) Ensuring proper implementation of lead mitigation and lead abatement methods;
  - 4) Enforcing work practices that:
    - A) Ensure the safety of the workers involved in the lead mitigation and lead abatement activities;
    - B) Ensure the safety of the occupants of the regulated facility; and

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- C) Control dust produced during mitigation or abatement of lead bearing surfaces or coatings;
- 5) Assuring that all lead workers conducting lead mitigation and lead abatement are licensed in accordance with Section 845.125.
    - A) The lead supervisor shall maintain on-site copies of licenses for each of the lead workers conducting lead mitigation and lead abatement; and
    - B) The lead supervisor shall ensure that each lead worker conducting lead mitigation and lead abatement possesses the valid and current license issued by the Department on-site;
  - 6) Being on-site and overseeing all lead mitigation and lead abatement that are occurring;
  - 7) Assuring that all lead mitigation and lead abatement work is conducted in accordance with the Act and Subpart F of this Part; and
  - 8) Providing a written document stating that all lead mitigation and lead abatement identified in the Work Practice and Occupant Protection Plan have been completed. The document shall be provided to the owner of the regulated facility and the licensed lead inspector or lead risk assessor conducting the compliance investigation.
- b) A licensed lead supervisor can conduct lead mitigation and lead abatement activities only with a licensed lead abatement contractor. The licensed lead supervisor can conduct lead mitigation and lead abatement without a lead worker license.

**Section 845.160 Lead Inspector Responsibilities**

Any individual conducting lead inspections in regulated facilities in Illinois is required to be licensed as a lead inspector in accordance with the Act and Section 845.125. The licensed lead inspector is responsible for the following:

- a) Compliance with the Act and this Part;

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- b) Conducting lead inspections in accordance with Section 845.210;
- c) Conducting compliance investigations in accordance with Section 845.225;
- d) Using procedures that:
  - 1) Ensure the safety of the occupants of the regulated facility; and
  - 2) Control dust and debris produced during lead inspections;
- e) Submitting quarterly reports to the Department identifying:
  - 1) The number of lead inspections conducted, including the addresses of the regulated facilities; and
  - 2) The number of compliance investigations conducted for lead mitigation and lead abatement projects, including the addresses of the regulated facilities; and
- f) Maintaining records required by Section 845.230.

**Section 845.165 Lead Risk Assessor Responsibilities**

Any individual conducting lead risk assessment services in a regulated facility in Illinois is required to be licensed as a lead risk assessor in accordance with the Act and Section 845.125. The licensed lead risk assessor is responsible for the following:

- a) Compliance with the Act and this Part;
- b) Conducting lead risk assessments in accordance with Section 845.215;
- c) Conducting lead inspections in accordance with Section 845.210;
- d) Conducting lead hazard screens in accordance with Section 845.220;
- e) Conducting compliance investigations in accordance with Section 845.225;
- f) Using procedures that:

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- 1) Ensure the safety of the occupants of the regulated facility; and
- 2) Control dust and debris produced during lead risk assessment services;
- g) Submitting quarterly reports to the Department identifying:
  - 1) The number of lead inspections conducted, including the addresses of the regulated facilities;
  - 2) The number of lead risk assessments conducted, including the addresses of the regulated facilities;
  - 3) The number of lead hazard screens conducted, including the addresses of the regulated facilities; and
  - 4) The number of compliance investigations conducted for lead mitigation and lead abatement projects, including the addresses of the regulated facilities; and
- h) Maintaining records required by Section 845.230.

**Section 845.170 Lead Abatement Contractor Responsibilities**

Any person conducting lead mitigation and lead abatement work in a regulated facility is required to be licensed as a lead abatement contractor in accordance with the Act and Section 845.130. The licensed lead abatement contractor is responsible for the following:

- a) Compliance with the Act and this Part;
- b) Comprehensive knowledge about general renovation techniques, including lead-based paint (LBP) mitigation and abatement;
- c) Assuring that all lead workers and lead supervisors have received Department-approved lead training on engineering controls and good work practices relating to lead mitigation and lead abatement and on the importance of adherence to these controls and practices;
- d) Assuring that all lead workers employed by the lead abatement contractor possess a current and valid lead worker license issued by the Department;

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- e) Employing a licensed lead supervisor;
- f) Assigning a licensed lead supervisor to oversee all project activities for each lead mitigation and lead abatement project;
- g) Assuring the safety of workers and preparing a personnel protection plan;
- h) Assuring that all lead mitigation and lead abatement work is conducted in accordance with the Act and this Part;
- i) Assuring that the Work Practice and Occupant Protection Plan required by Section 845.255 is developed and implemented for each lead mitigation and lead abatement project that is conducted;
- j) Submitting the required notification outlined in Section 845.250 for any lead mitigation or lead abatement project; and
- k) Maintaining records for licensure and records required for each lead mitigation or lead abatement project conducted in accordance with Section 845.300.

**Section 845.175 Lead Training Program Provider Responsibilities**

Any person providing lead training in Illinois to individuals seeking licensure in accordance with the Act and this Part is required to be approved in accordance with the Act and Section 845.100. The approved training program provider is responsible for the following:

- a) Compliance with the Act and this Part;
- b) Assuring that all lead training courses provided are approved in accordance with Subpart C of this Part;
- c) Assuring that all lead training is provided in accordance with requirements set forth in Subpart C of this Part; and
- d) Maintaining all records as required by Subpart C of this Part.

**SUBPART E: STANDARDS FOR CONDUCTING ENVIRONMENTAL INVESTIGATIONS FOR LEAD**

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**Section 845.200 Environmental Lead Sampling Protocol**

- a) Only licensed individuals as specified in Section 845.125 shall perform the activities specified in this Section and shall do so in accordance with the appropriate methodologies referenced in this Section.
- b) All samples shall be analyzed by an accredited laboratory that has been recognized by the USEPA as capable of performing analyses for lead compounds in paint chip, dust, soil or water, as appropriate.
- c) Paint chip samples shall be collected using methodologies outlined in the USEPA Guidance on Residential Lead-Based Paint, Lead-Contaminated Dust and Lead-Contaminated Soil. Surfaces where paint chip samples are collected with analyses reported as equal to or greater than the levels outlined in Section 845.205 are considered to be lead bearing substances.
- d) XRF testing shall be performed using the USEPA Methodology for XRF Performance Characteristic Sheets and in accordance with the XRF manufacturer's instructions. Surfaces sampled with XRF readings equal to or greater than the levels outlined in Section 845.205 are considered to be lead bearing substances.
- e) Dust sampling shall be collected using methodologies outlined in the USEPA Residential Sampling for Lead: Protocols for Dust and Soil Sampling. Composite dust sampling is not permitted. Dust samples collected with laboratory analyses reported as equal to or greater than the levels set forth in Section 845.205 are considered elevated.
- f) Soil sampling shall be collected using methodologies outlined in the USEPA Residential Sampling for Lead: Protocols for Dust and Soil Sampling. Soil samples collected with laboratory analyses reported as equal to or greater than the levels outlined in Section 845.205 are considered to be elevated.
- g) Water sampling shall be collected using methodologies outlined in the Lead and Copper Rule of the USEPA Safe Drinking Water Act. Water samples collected with laboratory analyses reported as equal to or greater than the levels outlined in Section 845.205 are considered to be elevated.

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- h) Composite sampling, as outlined in the HUD Guidelines USEPA protocols, may be applied to soil sampling only. No other environmental samples shall be collected using a composite sample method.

**Section 845.205 Regulatory Limits of Lead**

- a) The regulatory limit of lead in any lead bearing substance on an interior or exterior surface of a regulated facility shall be 0.5% lead by weight (calculated as lead metal) in the total non-volatile content of liquid paint, or  $\geq 1.0$  mg/cm<sup>2</sup> in the dried film of paint.
- b) The regulatory limit of lead in bare soil that is readily accessible to children shall be 400 mcg/g. The regulatory limit of lead in other bare soil areas shall be 1000 mcg/g.
- c) The regulatory limit of lead in dust shall be:
- 1) 40 mcg/ft<sup>2</sup> on all interior and exterior floors; and
  - 2) 200 mcg/ft<sup>2</sup> on all other horizontal surfaces.
- d) The regulatory limit of lead in dust for lead hazard screens shall be:
- 1) 25 mcg/ft<sup>2</sup> on all interior and exterior floors; and
  - 2) 100 mcg/ft<sup>2</sup> on all other horizontal surfaces.
- e) The regulatory limit of lead in drinking water is established by the USEPA as 0.015 mg/L (i.e., 15 ppb).
- f) Storage of any lead-containing or lead-contaminated article in an area accessible to children shall be prohibited. This includes automotive or marine batteries, battery casings or battery casing liners; scrap lead or lead solder; internal combustion engine parts; print or print faces; pottery glaze or pottery glaze containers; bullets or spent cartridges; or any other article containing or contaminated by lead.

**Section 845.210 Procedures for Lead Inspections in Regulated Facilities**

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- a) Licensure. A lead inspection shall be conducted only by a person licensed by the Department as set forth in Section 845.125 as a lead inspector or lead risk assessor. Licensed lead inspectors and risk assessors shall present, upon request, proof of licensure in the form of the Department-issued photo identification license.
- b) Conflict of Interest. Lead inspectors and risk assessors conducting lead inspections shall avoid potential conflicts of interest by not being an employee of the client (other than as contracted for the services at hand) or of the lead abatement contractor for the abatement or mitigation project for which clearance is being evaluated.
- c) Lead inspectors and risk assessors shall obtain or prepare a written statement of services in accordance with the client's specifications. The statement shall include the scope of the lead inspection, including a summary statement indicating what service was requested by the owner and the extent of service provided. The statement shall be descriptive and shall indicate if the service was a comprehensive lead inspection. If the service was not a comprehensive lead inspection, the extent and limitations of the service shall be clearly stated.
- d) Visual Assessment and Property Diagram. A visual assessment of the condition of the building, structures, surfaces and/or components to be included in the lead inspection shall be performed prior to environmental sampling.
  - 1) A detailed property diagram shall be produced using a systematic labeling system.
  - 2) A written inventory shall be produced of each testing combination for all interior and exterior room equivalents.
- e) Sampling Locations for Paint. When conducting a lead inspection, a lead inspector or risk assessor shall select the following locations according to the USEPA Residential Sampling for Lead: Protocols for Dust and Soil Sampling and HUD Guidelines and shall test the following locations for the presence of a lead bearing substance in accordance with Section 845.200:
  - 1) Each interior and exterior component that has a distinct painting history, except for components that the lead inspector or risk assessor determines do not contain lead bearing substances.

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- 2) Additional samples for each component that has a distinct painting history in every common area, except for components that the lead inspector or risk assessor determines do not contain lead bearing substances.
- f) Any sampling for lead in paint, dust, water or soil shall be collected using USEPA Residential Sampling for Lead: Protocols for Dust and Soil Sampling and HUD Guidelines methodologies.
  - g) Preparation of Inspection Report. The lead inspection shall be documented in a written report that shall include the following:
    - 1) The name and address of the regulated facility;
    - 2) The name, address and telephone number of the property owner;
    - 3) The name, license number and written signature of the lead inspector or risk assessor performing the work. A copy of the individual's license current at the time of the work shall be included in the report;
    - 4) The date of the field work and the date of the report;
    - 5) A summary statement indicating what service was performed as specified by the client in the contract for services. The statement shall be descriptive and shall indicate whether the service was a comprehensive lead inspection. If the service was not a comprehensive lead inspection, the extent and limitations of the service shall be clearly stated;
    - 6) Results of the visual inspections, including a narrative description of the regulated facility, including general condition, painted surfaces condition and maintenance practices;
    - 7) A list of the locations of the lead bearing substances identified. The list shall be cross-referenced with a basic floor plan drawing of the regulated facility inspected;
    - 8) A copy of all XRF sampling reports and laboratory analyses;

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- 9) Each testing method, device and XRF serial number (if applicable), and sampling procedures employed for paint analysis, including quality control data; and
- 10) A statement that the presence of lead bearing substances shall be disclosed to potential buyers and renters prior to obligation under a sales contract or lease in accordance with Section 845.25, 24 CFR 35 and 40 CFR 745. Sample disclosure language can be found in the HUD Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing, Chapter 7.
  - h) The written report required by this Section shall be provided to the owner. A copy of the report shall be maintained by the licensed professional who performed the service in accordance with Section 845.230.

**Section 845.215 Procedures for Lead Risk Assessments in Regulated Facilities**

- a) **Licensure.** A lead risk assessment shall be conducted only by a person licensed by the Department as set forth in Section 845.125 as a lead risk assessor. A licensed lead risk assessor shall present, upon request, proof of licensure in the form of the Department-issued photo identification license.
- b) **Conflict of Interest.** Lead risk assessors conducting lead risk assessment activities shall avoid potential conflicts of interest by not being an employee of the client (other than as contracted for the services at hand) or of the lead abatement contractor for the abatement or mitigation project for which clearance is being evaluated.
- c) **Lead risk assessors shall obtain or prepare a statement of services in accordance with the client's specifications.** The statement shall include the scope of the lead risk assessment, including a summary statement indicating what service was requested by the owner and the extent of service provided. The statement shall be descriptive and shall indicate whether the service was a comprehensive lead risk assessment. If the service was not a comprehensive lead risk assessment, the extent and limitations of the service shall be clearly stated.
- d) **Visual Assessment.** A visual inspection for risk assessment to locate the existence of deteriorated paint, assess the extent and causes of the deterioration, and

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evaluate other potential lead hazards shall be conducted prior to environmental sampling.

- e) Collection of Background Information. The lead risk assessor shall collect background information regarding the physical characteristics of the property, including use patterns that may cause exposure to a lead hazard.
- f) Sample Locations for Paint. When conducting a lead risk assessment, a lead risk assessor shall select the following locations according to the USEPA Residential Sampling for Lead: Protocols for Dust and Soil Sampling and HUD Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing. The following locations shall be tested for the presence of a lead bearing substance, in accordance with Section 845.200. The following surfaces that are determined to be a distinct testing combination shall be tested for the presence of lead:
  - 1) Each friction surface;
  - 2) Each impact surface with visibly deteriorated paint; and
  - 3) All other surfaces with visibly deteriorated paint.
- g) Sample Locations for Dust. When conducting a lead risk assessment, a lead risk assessor shall select the following locations according to USEPA Residential Sampling for Lead: Protocols for Dust and Soil Sampling and HUD Guidelines methodologies, and test for the presence of lead hazards in dust in accordance with Section 845.200. The following representative locations shall be tested for lead dust based on visual assessment of painting history and component type:
  - 1) Two single surface dust samples shall be collected, one from the floor and one from the window in each area where occupants are likely to come into contact with dust;
  - 2) Additionally, interior window stool and floor dust samples (single-surface samples only) shall be collected and analyzed for lead concentration in common areas where the occupants are likely to come into contact with lead. Composite samples are not permitted.
- h) Soil Sampling. Soil samples are discretionary based on the visual assessment. If collected, soil samples shall be collected in accordance with USEPA Residential

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Sampling for Lead: Protocols for Dust and Soil Sampling and HUD Guidelines methodologies. Soil samples collected with laboratory analyses reported as equal to or greater than the levels specified in Section 845.205 are considered elevated.

- i) All environmental sampling or testing shall be conducted using methodologies that incorporate adequate quality control procedures as referenced in Section 845.200.
- j) Any collected paint chip, dust, soil or water samples shall be analyzed by an accredited laboratory.
- k) The lead risk assessment shall be documented in a written report that shall include the following:
  - 1) The name and address of the regulated facility;
  - 2) The name, address and telephone number of the property owner;
  - 3) The name, license number and written signature of the lead risk assessor performing the work. A copy of the individual's license current at the time of the work shall be included in the report;
  - 4) The date of the field work and the date of the report;
  - 5) A summary statement indicating what service was requested by the owner and the extent of service provided by the lead risk assessor. The statement shall be descriptive and shall indicate whether the service was a comprehensive lead risk assessment. If the service was not a comprehensive lead risk assessment, the extent and limitations of the service shall be clearly stated. The statement shall also include a narrative description of the facility, including general condition, condition of the painted surfaces and maintenance practices;
  - 6) A list of the location and type of lead hazards and lead bearing substances identified. The lead hazards and lead bearing substances shall be cross-referenced with a basic floor plan drawing of the facility assessed. Each lead hazard identified shall be accompanied by written hazard control options available to the owner to address each lead hazard. The lead hazard listing shall be arranged based on priority;

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- 7) If the service was conducted for a regulated facility with multiple dwelling units, recommendations for maintenance of lead bearing substances and lead hazards that may be employed universally for all units in the complex shall be provided to the property owner;
  - 8) A copy of all XRF sampling reports and laboratory analyses, and a statement as to how the samples were collected; and
  - 9) A statement that the presence of lead bearing substances shall be disclosed to potential buyers and renters prior to obligation under a sales contract or lease in accordance with Section 845.25, 24 CFR 35 and 40 CFR 745. Sample disclosure language can be found in HUD Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing.
- l) The written report required by this Section shall be provided to the owner. A copy of the report shall be maintained by the licensed professional who performed the service in accordance with Section 845.230.

**Section 845.220 Procedures for Lead Hazard Screens in Regulated Facilities**

- a) **Licensure.** A lead hazard screen shall be conducted only by a person licensed by the Department as set forth in Section 845.125 as a lead risk assessor. The licensed lead risk assessor shall present, upon request, proof of licensure in the form of the Department-issued photo identification license.
- b) **Conflict of Interest.** Lead risk assessors conducting lead risk assessment activities shall avoid potential conflicts of interest by not being an employee of the client (other than as contracted for the services at hand) or of the lead abatement contractor for the abatement or mitigation project for which clearance is being evaluated.
- c) **Lead risk assessors shall obtain or prepare a written statement of services in accordance with the client's specifications. The statement shall include the scope of the lead hazard screen, including a summary statement indicating what service was requested by the owner and the extent of service provided.**

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- d) Collection of Background Information. The lead risk assessor shall collect background information regarding the physical characteristics of the property, including use patterns that may cause exposure to lead hazards.
- e) Visual Inspection. A visual inspection of the regulated facility shall be conducted to:
  - 1) Determine whether any deteriorated paint is present. Identification of 5 or more surfaces in poor condition constitutes failure of a lead hazard screen and requires a lead risk assessment; and
  - 2) Locate at least 2 dust sampling locations.
- f) Sample Locations for Paint. When conducting a lead hazard screen, a lead risk assessor shall select locations that have deteriorated paint and are found to have a distinct painting history to sample for the presence of lead bearing substances.
- g) Sample Locations for Dust. When conducting a lead hazard screen, a lead risk assessor shall select the following locations according to the methodologies referenced in this Section, and shall test for the presence of lead hazards in dust, in accordance with Section 845.200. The following representative locations shall be tested for lead dust based on visual assessment of painting history and component type:
  - 1) Two single surface dust samples shall be collected, one from the floor and one from the window in each area where occupants are likely to come into contact with dust; and
  - 2) Additionally, interior window stool and floor dust samples (single-surface samples only) shall be collected and analyzed for lead concentration in common areas where the occupants are likely to come into contact with lead. Composite samples are not permitted.
- h) Soil Sampling. Soil samples are discretionary based on the visual assessment. If collected, soil samples shall be collected in accordance with USEPA Residential Sampling for Lead: Protocols for Dust and Soil Sampling and HUD Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing methodologies. Soil samples collected with laboratory analyses reported as equal to or greater than the levels specified in Section 845.205 are considered elevated.

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- i) All environmental sampling or testing shall be conducted using methodologies that incorporate adequate quality control procedures as referenced in Section 845.200.
- j) All collected paint chip, dust, soil or water samples shall be analyzed by an accredited laboratory.
- k) The lead hazard screen shall be documented in a written report that shall include the following:
  - 1) The name and address of the regulated facility;
  - 2) The name, address and telephone number of the property owner;
  - 3) The name, license number and written signature of the lead risk assessor performing the work. A copy of the individual's license current at the time of the work, shall be included in the report;
  - 4) The date of the field work and the date of the report;
  - 5) A summary statement indicating what service was requested by the owner as required by subsection (c) of this Section. The statement shall also include a narrative description of the facility, including general condition, condition of the painted surfaces condition and maintenance practices;
  - 6) Results of the visual inspections, including a narrative description of the facility, including general condition and condition of the painted surfaces;
  - 7) A list of the locations of the lead bearing substances identified. The list shall be cross-referenced with a basic floor plan drawing of the regulated facility inspected;
  - 8) Recommendations for a follow-up lead risk assessment, as appropriate, and any further necessary actions;
  - 9) A copy of all XRF sampling reports and laboratory analyses;

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- 10) Each testing method, device and XRF serial number (if applicable) and sampling procedures employed for paint analysis, including quality control data; and
- 11) A statement that the presence of lead bearing substances shall be disclosed to potential buyers and renters prior to obligation under a sales contract or lease in accordance with Section 845.25, 24 CFR 35 and 40 CFR 745. Sample disclosure language can be found in HUD Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing.
  - l) The written report required by this Section shall be provided to the owner. A copy of the report shall be maintained by the licensed professional who performed the service in accordance with Section 845.230.

**Section 845.225 Compliance Investigation in Regulated Facilities**

- a) The owner, its agent and/or the licensed lead abatement contractor shall allow access to the Department or a delegate agency authorized by the Department to inspect a work area at any time during a lead abatement or lead mitigation project to determine compliance with the Act and this Part.
- b) Upon completion of the lead abatement or lead mitigation activities and the clean-up procedures outlined in Section 845.285, each work area shall pass a visual inspection and final clearance dust sampling, which shall include the following minimum requirements:
  - 1) A licensed lead inspector or risk assessor shall review the Work Practice and Occupant Protection Plan, developed by the licensed lead supervisor as outlined in Section 845.255, to determine the areas that require final clearance.
  - 2) A licensed lead inspector or risk assessor shall receive and review the written assurance statement provided by the licensed lead supervisor as required in Section 845.155.
  - 3) A licensed lead inspector or risk assessor shall conduct a visual inspection of the work areas identified in the above-referenced Work Practice and Occupant Protection Plan to ensure that the surfaces have been abated or mitigated. The licensed lead inspector or risk assessor shall notify the

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owner or its agent and the licensed lead abatement contractor of the results of the visual inspection, and shall include the locations and characteristics of surfaces with inadequate treatment. The visual assessment shall be documented in writing by the licensed lead inspector or risk assessor.

- 4) For work areas that pass the final visual inspection, a licensed lead inspector or risk assessor shall collect at least the following dust wipe samples for no fewer than four rooms within the work area identified in the Work Practice and Occupant Protection Plan (if there are fewer than 4 rooms, all rooms shall be sampled):
    - A) At least one sample shall be collected from the floor;
    - B) At least one sample shall be collected from a window stool and one sample from a window well if available. If there is not a window located within the work area, these dust samples shall be collected from alternative horizontal surfaces;
    - C) One sample shall be located on a horizontal surface at or near the entrance to the work area.
  - 5) For areas that fail the final visual inspections, the licensed lead abatement contractor shall repeat the procedures outlined in Section 845.285.
  - 6) For areas that pass the final visual inspection, but are found in non-compliance with the regulatory limits established in Section 845.205, the licensed lead abatement contractor shall repeat the procedures outlined in Section 845.285 for non-compliant surfaces and those horizontal surfaces below the non-compliant surfaces. Upon completion of these procedures, the licensed lead inspector or risk assessor shall repeat the visual assessment and dust sampling specified in subsection (b) for those non-compliant surfaces and the horizontal surfaces below the non-compliant surfaces. This process shall continue until compliance with the regulatory limits established in Section 845.205 is achieved.
- c) Before a work area may be released for re-occupancy, the work area must meet the following requirements.

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- 1) The work area shall pass the visual inspection outlined in subsection (a), ensuring that all abated or mitigated surfaces and all uncarpeted floors have been treated to provide smooth and easily cleanable surfaces.
- 2) Lead dust levels on horizontal surfaces are below the levels established in Section 845.205. All environmental lead samples must be submitted and analyzed by an accredited laboratory.
- d) Upon achieving acceptable clearance results, the licensed lead inspector or risk assessor shall prepare a written compliance investigation report. A copy of the compliance investigation report shall be provided to the licensed lead abatement contractor and to the owner of the regulated facility. The report shall include the following:
  - 1) The written statement required by subsection (b)(2) of this Section stating that the work area has passed the final visual inspection;
  - 2) A written statement that the dust wipe samples collected in the work area were within acceptable limits as outlined in Section 845.205;
  - 3) The printed name, license number and written signature of the person who conducted the clearance sampling; and
  - 4) A copy of the field sampling forms utilized, including the locations where the samples were collected and a copy of the laboratory results.
- e) The licensed lead inspector or risk assessor shall keep a copy of the compliance investigation report as required by the record keeping requirements outlined in Section 845.230.

**Section 845.230 Record Keeping Requirements for Environmental Investigations for Lead**

All written reports and records required in Sections 845.210, 845.215, 845.220 and 845.225 shall be maintained by the licensed lead inspector and/or lead risk assessor who performed the lead investigation service.

- a) Copies of all written reports and records shall be maintained for no fewer than 6 years from the date of the investigation;

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- b) The licensed lead inspector and lead risk assessor shall allow the Department or its delegate agency access to such records as requested, and shall provide copies to the Department upon request;
- c) Copies of all written reports and records shall be provided to the person who contracted for the lead investigation service for the regulated facility.

SUBPART F: STANDARDS FOR LEAD MITIGATION  
AND LEAD ABATEMENT**Section 845.250 Submissions and Notices**

- a) Notice to the Department. The lead abatement contractor shall notify the Department at least 7 calendar days prior to the commencement of any lead abatement or lead mitigation project of a regulated facility.
  - 1) Notifications and changes to the notification shall be submitted on a form provided by the Department and shall be complete and accurate;
  - 2) The notification shall reflect a start date that corresponds with the beginning of abatement setup and an end date that corresponds with the achievement of clearance. The lead abatement contractor shall submit any changes to the notification to the Department at least one day prior to the changes taking place;
  - 3) The calendar days shall be counted starting with the day the notice is received by the Department. The date received will be based on the postmarked date if mailed and/or the facsimile receipt date. The lead abatement contractor may start work on the eighth calendar day;
  - 4) In the event that a project is delayed for any reason, a notification shall be submitted to the Department stating so. The notification shall be updated every 7 days until the project begins again. If the notification dates expire before the job re-commences, a new 7-day notification shall be submitted to the Department in accordance with subsections (a)(1)-(3).
- b) Notice to Occupants

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- 1) The owner or its agent of any tenant-occupied regulated facility shall give notice to the occupants at least 7 calendar days, but not more than 30 calendar days, before a lead abatement contractor may commence a lead abatement or lead mitigation project. The owner of the building in which the lead abatement or lead mitigation project is to take place shall notify all residents of:
  - A) The area that is to be abated or mitigated;
  - B) The date on which abatement or mitigation is to commence;
  - C) The name and telephone number for the licensed lead abatement contractor;
  - D) The occupants' obligations under this Section to remove personal items from the proposed work area; and
  - E) *The owner of a dwelling unit or residential building who has received a mitigation notice under Section 9 of the Act shall post notices in common areas of the building specifying the identified lead hazards. The posted notice, drafted by the Department and sent to the property owner with the notification of lead hazards, shall indicate the following:*
    - i) *that a unit or units in the building have been found to have lead hazards;*
    - ii) *that other units in the building may have lead hazards;*
    - iii) *that the Department recommends that children 6 years of age or younger receive a blood lead screening;*
    - iv) *where to seek further information; and*
    - v) *whether mitigation notices have been issued for 2 or more dwelling units within a 5-year period of time.*

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- 2) *Once the owner has complied with a mitigation notice or mitigation order issued by the Department, the owner may remove the notices posted pursuant to this Section. (Section 9.4 of the Act)*

**Section 845.255 Work Practice and Occupant Protection Program**

- a) The lead abatement contractor shall protect occupants of a regulated facility undergoing lead abatement or lead mitigation activities from exposure to potential lead hazards that may be generated by the lead abatement or lead mitigation activities. To ensure the health and safety of occupants, a Work Practice and Occupant Protection Plan shall be produced and followed for each lead mitigation and lead abatement project. At a minimum, the plan shall describe the protocols, procedures and work practices to be employed by the lead abatement contractor to ensure that the occupants are properly protected from potential lead hazards that may be generated from the lead abatement or lead mitigation work. The plan shall be written and shall fulfill the following requirements:
  - 1) Evaluate the need to remove the occupants from the regulated facility during the lead abatement or lead mitigation;
  - 2) Be unique to each lead abatement or lead mitigation work area;
  - 3) Be developed by a licensed lead supervisor employed by the licensed lead abatement contractor performing the lead abatement or lead mitigation work;
  - 4) Provide the name, written signature and license number of the licensed lead supervisor who prepared the plan;
  - 5) Be developed and implemented prior to commencement of lead abatement or lead mitigation;
  - 6) Include the results of any lead inspection or lead risk assessment conducted in the regulated facility;
  - 7) Evaluate and establish the requirements for pre-cleaning the work areas before establishing work place barriers and containment systems as required by Section 845.265;

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- 8) Describe what work practices will be employed to prevent the uncontrolled release of dust and debris from the work area;
  - 9) Describe the method of separating the work area from non-work areas and describe work area isolation methods to prevent unauthorized entry by non-licensed or non-protected individuals;
  - 10) Describe in writing work practices to be employed to abate or mitigate the lead bearing substance and/or lead hazard;
  - 11) Outline procedures to ensure that the work area or regulated facility is not re-occupied prior to final cleaning required in Section 845.285 and the clearance requirements specified in Section 845.225;
  - 12) Be kept at the site and updated as necessary by the lead supervisor employed by the lead abatement contractor performing the lead abatement or lead mitigation;
  - 13) Be kept by the lead abatement contractor after the completion of the lead mitigation or lead abatement project in accordance with the record keeping requirements outlined in Section 845.300; and
  - 14) Be made available for review by the building owner, its agent or a representative of the Department or its delegate agency.
- b) The lead abatement contractor performing a lead abatement or lead mitigation activity that is expected to break or disturb any lead bearing substances shall display a caution sign at each work area in the regulated facility in the following manner:
- 1) Before abating or mitigating a lead bearing substance, caution signs shall be posted by the lead abatement contractor immediately outside all entrances and exits to each work area;
  - 2) Caution signs shall be kept posted until the lead abatement or lead mitigation is completed and final dust clearance results have been obtained. Caution signs shall:
    - A) Be at least 11" by 8.5";

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- B) State the date and place of the lead abatement or lead mitigation project; and
- C) Include the phrase "Warning, Lead Work Area, Poison, No Smoking or Eating" in bold lettering, at least 2 inches high.

**Section 845.260 Personnel Protection Program**

- a) The lead abatement contractor, its agent, or any person who is performing lead abatement or lead mitigation in a regulated facility shall take the necessary precautions to protect his or her health, the health of any supervisor or worker employed, and the health of occupants of the regulated facility during any lead abatement or lead mitigation that may produce lead chips, dust or fumes.
- b) The lead abatement contractor shall comply with the requirements established for worker protection in accordance with 29 CFR 1926.62, 29 CFR 1910.1025 and 29 CFR 1910.134.
- c) The lead abatement contractor shall maintain copies of the written personnel protection program on-site at each lead abatement and lead mitigation project and make those copies available for review by Department or delegate agency staff. The written plan shall include:
  - 1) The minimum requirements for personal protective equipment to enter the work area. If protective equipment is not provided, the contractor shall have on-site air monitoring results and/or negative exposure assessment as required by OSHA, indicating that protective equipment is not required;
  - 2) The work practices to ensure that employees are not spreading potential lead contamination to other locations by transfer on protective equipment; and
  - 3) The personal hygiene practices to be used by personnel for decontamination prior to leaving the work area.
- d) Copies of the written personnel protection program shall be maintained as part of the records required in Section 845.300.

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**Section 845.265 Work Area Isolation, Preparation and Containment**

- a) Work area isolation, preparation and containment shall be in accordance with the written Work Practice and Occupant Protection Program required by Section 845.255 and the procedures specified in this Section.
- b) The licensed lead abatement contractor shall ensure that unauthorized persons are not permitted to enter a work area where lead mitigation or lead abatement is occurring.
- c) The licensed lead abatement contractor shall ensure that all warning signs required by Section 845.255 are clearly displayed, identifying each work area within the regulated facility.
- d) Accessibility. At all times when a lead abatement or lead mitigation project is being conducted in a regulated facility, the lead abatement contractor shall ensure that the following conditions are met:
  - 1) The Department or its delegate agency shall have access to the work area at any time during a lead abatement or lead mitigation project to determine compliance with the requirements of this Part;
  - 2) The lead abatement contractor shall ensure that occupants and pets use alternative entrances and exits that do not require passage through the work area. The lead abatement contractor shall use all reasonable efforts to create an uncontaminated passage for entrance and exit of all building occupants;
  - 3) If the entrance to and exit from a building can only be through the work area, the lead abatement contractor shall provide an enclosed passage through the work area, which serves as an air-tight isolation barrier from the work area and is to be used for entrance and exit from the building. The airtight enclosed passage must remain in place until work is complete, final clean-up is conducted and the compliance investigation required by Section 845.225 has been successfully completed;
  - 4) Restricted access to each work area shall remain in place until work is completed, final clean-up is conducted and the final dust clearance

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samples have passed the compliance investigation required in Section 845.225.

- e) Work Area Pre-cleaning. The lead abatement contractor shall conduct the required pre-cleaning of each work area as required by the Work Practice and Occupant Protection Plan required by Section 845.255, including at least the following:
- 1) Turn off all forced air ventilation in the work area and seal exhaust and intake points in the work area;
  - 2) Pre-clean movable objects within the proposed work area using HEPA-filtered vacuum equipment and/or wet cleaning methods, as appropriate, and remove such objects from the work area;
  - 3) Clean upholstered furniture, drapes and removable carpeting twice using HEPA-filtered vacuum equipment before removal from the work area;
  - 4) Pre-clean fixed objects using HEPA-filtered vacuum equipment and/or wet cleaning methods as appropriate; and
  - 5) Pre-clean the proposed work area using HEPA filtered vacuum equipment and/or wet cleaning methods as appropriate.
- f) Interior Containment. Before beginning to abate or mitigate a lead bearing substance that may cause lead chips, dust or fumes in the work area, a licensed lead abatement contractor performing lead abatement or lead mitigation shall, in the following order:
- 1) Ensure that access to the work area is restricted as required in subsection (d) of this Section;
  - 2) Ensure that all requirements of work area pre-cleaning specified in subsection (e) of this Section have been completed;
  - 3) Cover and seal all objects that cannot be moved, such as radiators, refrigerators, stoves, kitchen cabinets, built-in furniture, and bookcases, with plastic sheeting at least 6 mils thick;

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- 4) Cover floors in the work area with plastic sheeting at least 6 mils thick sealed in place. For projects that will last more than one day, 2 layers of plastic sheeting 6 mils thick shall be installed. At the end of each work day the top layer of plastic sheeting shall be cleaned, removed and disposed of in accordance Section 845.285(b); and
  - 5) Protect carpeting to ensure that contamination does not occur from the lead abatement or lead mitigation activities. Carpeting is subject to the compliance sampling outlined in Section 845.225, including meeting the regulatory limits of lead for floors as specified in Section 845.205.
- g) Exterior Containment. Before beginning to abate or mitigate a lead bearing substance in an exterior work area, a licensed lead abatement contractor performing the abatement or mitigation shall ensure the following:
- 1) Access to the work area shall be restricted as required in subsection (d) of this Section.
  - 2) Pre-cleaning of the work area shall be completed as required by subsection (e) of this Section, including removal and disposal of visible paint chips and debris that are on the ground.
  - 3) When waste and debris will be generated from the lead mitigation or lead abatement activities, the lead abatement contractor shall install at least one layer of plastic sheeting at least 6 mils thick to collect any debris generated. The plastic sheeting shall be attached below the surface to be abated or mitigated to collect and contain any waste and debris. The plastic sheeting shall extend out from the foundation 3 feet per story being abated or mitigated, with a minimum of 5 feet and a maximum of 20 feet.
    - A) When liquid waste is produced, excluding hydro-blasting, the lead abatement contractor shall install a waste collection system capable of handling the amount of liquid waste to be generated by the procedure.
    - B) The waste collection system shall be attached below the surface being abated or mitigated to assure that liquid waste does not leak from the contained work area.

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- 4) Containment systems shall be installed to withstand the forces of the weather and to contain all debris and waste generated during the lead abatement or lead mitigation activities. If inclement weather conditions persist during lead abatement or lead mitigation activities, the lead abatement contractor may be required to erect vertical shrouds to prevent dispersal or spread of generated debris.
- 5) If the lead abatement contractor is to employ vacuum blasting or contained hydro-blasting, interior windows shall be sealed with at least 2 layers of plastic sheeting at least 6 mils thick.
- 6) Plastic containment barriers that cannot be secured to prevent unauthorized access in the absence of the lead abatement contractor shall be cleaned, removed and disposed of daily in accordance with Section 845.285(c).

**Section 845.270 Prohibited Work Practices**

- a) No person conducting lead abatement or lead mitigation of lead bearing substances shall employ the following methods:
  - 1) Open flame burning;
  - 2) Dry sanding;
  - 3) Open abrasive blasting;
  - 4) Uncontained hydro-blasting;
  - 5) Methylene chloride; or
  - 6) Dry scraping.

**Section 845.275 Safe Work Practices**

- a) Lead abatement is a work practice that when completed shall remove or permanently eliminate exposure to the lead bearing substances at a regulated facility. Abatement of lead bearing substances may employ a wide range of work

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practices outlined in the methodologies specified in Section 845.15, including the following methods:

- 1) Replacement. Any component part of a building may be abated by replacement with a part free of lead bearing substances.
- 2) Removal. Any component part of a building may be abated by the following techniques:
  - A) Off-site chemical stripping;
  - B) Heat gun (operating temperature shall not exceed 1100° F). If using heat guns, the lead abatement contractor shall ensure that appropriate fire extinguishing equipment is on-site and immediately accessible to the lead workers using the heat guns. A minimum of one fire extinguisher for each heat gun being used on-site shall be supplied by the lead abatement contractor;
  - C) Nonflammable chemical strippers that do not contain methylene chloride;
  - D) Sander equipped with HEPA vacuum attachment;
  - E) Wet planing to substrate;
  - F) Vacuum blasting in exterior work areas only;
  - G) Contained hydro-blasting in exterior work areas only; and
  - H) Mechanical paint removal systems equipped with a HEPA vacuum attachment.
- 3) Enclosure. A lead bearing substance may be abated by covering the lead bearing surface with any of the following materials, provided use of the material complies with local building ordinances or codes and is applied in accordance with methodologies outlined in Section 845.15.
  - A) Gypsum board;

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- B) Fiberglass mats;
  - C) Canvas-backed vinyl wall coverings;
  - D) High pressure laminated plastic sheet, such as Formica<sup>®</sup>;
  - E) Tile;
  - F) Paneling;
  - G) Vinyl;
  - H) Wood;
  - I) Aluminum;
  - J) Stone; or
  - K) Other durable material that does not readily tear or peel.
- 4) Encapsulation. A lead bearing substance may be abated by encapsulation if the encapsulating product is applied in accordance with the manufacturer's directions and is applied in accordance with methodologies specified in Section 845.15.
- b) Lead mitigation is a work practice that when completed temporarily renders a lead bearing substance safe and removes an immediate health hazard to humans. Mitigation of lead bearing substances may include a wide range of interim lead hazard control work practices, including:
- 1) Those procedures identified as interim controls outlined in the methodologies incorporated in Section 845.15;
  - 2) The methods outlined in subsection (a) of this Section that are not permanent;
  - 3) Paint film stabilization;
  - 4) Friction and impact surface treatment;

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- 5) Dust removal and control; and
- 6) Reversal. A lead bearing substance may be mitigated by reversing component parts, provided that no lead bearing surface remains exposed at the completion of the process and all seams are caulked and sealed.

**Section 845.280 Guidelines for Abatement and Mitigation of Lead-Contaminated Soil**

- a) Soil abatement, including removal of lead-contaminated soil, shall be conducted in accordance with methodologies outlined in Section 845.15 and meet the following requirements;
  - 1) All soil removal work shall be conducted by licensed lead abatement contractors employing licensed lead workers who are supervised by a licensed lead supervisor;
  - 2) Worker protection shall be provided as required in Section 845.260. At a minimum, all workers removing leaded soil shall be provided with a changing area equipped with a facility for washing or showering. Workers shall be required to change into personal protective clothing before entering the work area, and to remove personal protective clothing and shower or wash before leaving the work area;
  - 3) A Work Practice and Occupant Protection Program as required by Section 845.255 shall be developed;
  - 4) Equipment decontamination procedures shall be employed to prevent the spread of lead contamination. Disposable items are not to be reused and shall be discarded as provided in Section 845.285. The equipment decontamination procedures shall be outlined in the Work Practices and Occupant Protection Program required by Section 845.255;
  - 5) Prior to beginning soil removal, the source of the lead contamination of the soil shall be identified and eliminated if possible, to prevent re-contamination of the abated area;
  - 6) Removal of the lead-contaminated soil shall be accompanied by dust suppression methods to keep the generation of dust to a minimum;

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- 7) Soil that is stockpiled prior to disposal shall be:
    - A) Placed on a layer of impermeable plastic;
    - B) Kept moist to avoid dust generation; and
    - C) Covered with impermeable plastic that is secured to the ground.
  - 8) Removed lead-contaminated soil shall be transported to disposal areas in sealed containers or in a covered vehicle in accordance with disposal requirements outlined in Section 845.290. Off-site vehicular or foot tracking of contaminated soil shall be avoided;
  - 9) Any removed soil that is to be replaced shall be replaced with soil that has been tested and confirmed to have a lead concentration less than 400 ppm. The testing shall be conducted by a licensed lead inspector or lead risk assessor, with analysis performed by an accredited laboratory as defined in Section 845.20.
- b) Soil abatement, including the installation of a permanent cover, such as concrete or asphalt, over lead-contaminated soil shall be conducted in accordance with methodologies outlined in Section 845.15 and shall meet the following requirements:
- 1) Soil abatement work, including the installation of a permanent cover, may be conducted by non-licensed persons, provided that the abatement activities do not involve removal of the existing lead-contaminated soil;
  - 2) Dust suppression methods shall be employed to keep the generation of dust to a minimum;
  - 3) Equipment decontamination procedures shall be employed to prevent the spread of lead contamination. Disposable items are not to be reused and shall be discarded as provided in Section 845.290;
  - 4) Prior to beginning soil covering, the source of the lead contamination of the soil shall be identified and eliminated, if possible, to prevent re-contamination of the work area.

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- c) Soil mitigation, including the installation of a non-permanent cover, such as mulch, stone, gravel, soil, sod, etc., over lead-contaminated soil shall be conducted in accordance with documented methodologies outlined in Section 845.15 and shall meet the following requirements:
- 1) Soil mitigation work, including the installation of a non-permanent cover, may be conducted by non-licensed persons, provided that the mitigation activities do not include the removal of the existing lead-contaminated soil;
  - 2) Dust suppression methods shall be employed to keep the generation of dust to a minimum;
  - 3) Equipment decontamination procedures shall be employed to prevent the spread of lead contamination. Disposable items are not to be reused and shall be discarded as provided in Section 845.290;
  - 4) Prior to beginning soil mitigation, the source of the lead contamination of the soil shall be identified and eliminated if possible to prevent re-contamination of the mitigation area;
  - 5) The non-permanent cover material shall be tested and confirmed to have a lead concentration less than 400 ppm. The testing shall be conducted by a licensed lead inspector or lead risk assessor, with analysis conducted by an accredited laboratory.

**Section 845.285 Clean-Up Procedures**

- a) Clean up of interior and exterior work areas shall be conducted at least daily at the end of the work shift, and upon completion of the lead mitigation and lead abatement work.
- b) Clean Up of Interior Work Areas. The lead abatement contractor shall complete the following procedures in the order that they appear:
  - 1) All work area isolation systems required in Section 845.265 shall remain in place until completion of the compliance investigation in accordance with Section 845.225.

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- 2) All waste and debris shall be removed from the work area and disposed of in accordance with Section 845.290.
  - 3) All surfaces and plastic containment barriers in the work area shall be HEPA vacuumed and wet washed with a detergent and water solution or a phosphate-free lead-dissolving detergent.
  - 4) After wet washing and allowing all surfaces to dry, HEPA vacuuming of all surfaces in the work area shall be repeated.
  - 5) All plastic barriers used for containment, excluding isolation barriers, if present, shall be removed and disposed of.
  - 6) All surfaces in the work area shall be HEPA vacuumed.
  - 7) All lead waste, isolation barriers and material from clean up, including mop heads, sponges, filters and disposable clothing, shall be deposited in double plastic bags at least 4 mils thick or single bags 6 mils thick, and the bags shall be sealed.
- c) Clean Up of Exterior Work Area. The lead abatement contractor shall conduct exterior clean up according to the following:
- 1) All waste and debris shall be removed from the work area and disposed of in accordance with Section 845.290.
  - 2) All plastic barriers used for containment shall be removed and disposed of. The plastic sheeting shall be removed in a manner to prevent release of any remaining debris.
    - A) Any surface in the work area with visible debris remaining after removal of plastic sheeting shall be HEPA vacuumed.
    - B) All exterior horizontal components in the work area shall be wet washed with a detergent and water solution or a phosphate-free lead-dissolving detergent as appropriate.

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- 3) All lead waste, work area barriers and material from clean up, including mop heads, sponges, filters and disposable clothing, shall be deposited in double plastic bags at least 4 mils thick or single bags 6 mils thick, and the bags shall be sealed.

**Section 845.290 Disposal Procedures**

Waste Disposal. The lead abatement contractor shall dispose of all waste generated from the lead abatement or lead mitigation in accordance with State, local and federal laws.

**Section 845.295 Reoccupation of the Work Area**

- a) Before a work area may be released for reoccupancy, the work area must meet the following requirements:
  - 1) The work area shall pass the visual inspection outlined in Section 845.225, ensuring that all abated or mitigated surfaces and all floors have been treated to provide smooth and easily cleanable surfaces; and
  - 2) Lead dust levels on horizontal surfaces shall be below the levels established in Section 845.205. All environmental lead samples must be submitted and analyzed by an accredited laboratory, as defined in 845.20.
- b) Upon the work area's passing of the visual inspection and achieving acceptable dust sample clearance results, the licensed lead abatement contractor shall obtain a signed copy of the compliance investigation report required by Section 845.225 before being released from the work area.
- c) Upon receipt of the signed compliance investigation report required by Section 845.225, the licensed lead abatement contractor shall remove the remaining isolation barriers and may release the work area for reoccupancy.

**Section 845.300 Record Keeping Requirements for Lead Mitigation and Lead Abatement Activities**

- a) The lead abatement contractor shall retain the following information for every lead abatement or lead mitigation project conducted in a regulated facility in Illinois:

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- 1) The name and address of the owner or its agent for whom the project was conducted;
  - 2) A copy of the abatement/mitigation notification form submitted to the Department prior to commencement;
  - 3) Copies of the results of any lead inspection or lead risk assessment conducted in the regulated facility and provided to the lead abatement contractor;
  - 4) A copy of the Work Practice and Occupant Protection Plan developed for the regulated facility;
  - 5) A copy of the OSHA personal monitoring results conducted for the project;
  - 6) A list of the names of the licensed lead workers and lead supervisors employed for each project, including their license numbers;
  - 7) A copy of the written assurance statement provided by the licensed lead supervisor as required in Section 845.155, which states that all lead mitigation and lead abatement identified in the Work Practice and Occupant Protection Program have been completed; and
  - 8) A copy of the written compliance investigation report required by Section 845.225, indicating that the project met the clearance criteria.
- b) The records shall be retained for at least 6 years from the date the lead mitigation or lead abatement project was completed.
  - c) The lead abatement contractor shall provide a copy of the items listed in subsection (a)(1)-(8) to the owner of the regulated facility within 60 days after completion of the lead mitigation and/or abatement project.
  - d) The lead abatement contractor shall maintain the following records pertaining to lead abatement contractor license application records and supporting documents for as long as the company is licensed:
    - 1) Completed license application form;

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- 2) Proof of liability insurance for all of the time that the lead abatement contractor is licensed;
  - 3) Medical monitoring records for all employees;
  - 4) Copies of all correspondence from the Department; and
  - 5) Records of all legal proceedings, lawsuits or claims that have been filed or levied against the Contractor during the time that it is licensed by the Department as a lead abatement contractor.
- e) The lead abatement contractor shall allow the Department or its representative access to records pertaining to all lead mitigation and lead abatement projects conducted in regulated facilities.

## SUBPART G: FINES, PENALTIES AND ADMINISTRATIVE HEARINGS

**Section 845.350 Denial, Suspension and Revocation of Lead Training Course Approval**

- a) Suspension, Revocation, or Denial of Training Courses. The Director of Public Health, after notice and opportunity for hearing, may deny the application for, or suspend or revoke the approval of, a lead training program, or the approval of an individual training course, in any case in which the Department finds substantial or continued failure to comply with the requirements of this Part, including fraud, misrepresentation, working without approval, or not adhering to approved training materials.
- b) The hearing notice shall be made by certified mail or by personal service and shall set forth the particular reasons for the proposed action and provide the applicant or approved provider with an opportunity to request a hearing. If a written hearing request is not received within 15 days after the date of mailing by the Department, the right to a hearing is waived.

**Section 845.355 Denial, Suspension and Revocation of Licenses**

- a) In any case in which the Director of Public Health finds substantial or continued failure to comply with the requirements of this Part, including fraud, misrepresentation, working without a license, or not adhering to work practice

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standards, the Director, after notice and opportunity for hearing, may deny the application for, or suspend or revoke the license of, a lead abatement contractor, lead supervisor, lead worker, lead risk assessor or lead inspector.

- b) The notice shall be made by certified mail or by personal service and shall set forth the particular reasons for the proposed action and provide the applicant or licensee with an opportunity to request a hearing. If a written hearing request is not received within 15 days after the date of mailing by the Department, the right to a hearing is waived.

**Section 845.360 Fines and Penalties**

- a) In addition to any other action authorized by the Act or this Part, *the Department may assess civil penalties against any licensed lead worker, licensed lead professional, licensed lead abatement contractor or approved lead training provider for violation of any provision of the Act or this Part.* (Section 11.2 of the Act) The Department shall determine whether a fine will be assessed and the amount of any such fine.
- b) The Department shall consider the following criteria independently and aggregately to determine whether a fine shall be assessed:
- 1) Whether the Department issued a stop work order and whether the person strictly obeyed the order;
  - 2) Whether the person has previously been cited for a violation of the Act or this Part, except that any previously cited violation shall not be considered if the violation was held to be unfounded by a final order of the Department or by a court, or if any previous citations for violations occurred more than 3 years ago;
  - 3) Whether the violation is of such nature as to result in the possibility of injury or other harm to the environment; to the person's agents or employees; to the building owner, users or occupants; or to the general public;
  - 4) Whether the violation appears to be the result of any degree of negligence by the person or by the person's agents or employees;

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- 5) Whether the person demonstrated good faith efforts to correct the violation upon receipt of oral or written notice of the violation and whether such actions in fact corrected the violation;
  - 6) Whether the person has falsified any lead license or certificate or represents himself or herself as authorized to conduct work without a valid license in a fraudulent manner; and
  - 7) Whether the person falsified any record keeping information required by the Act or this Part.
- c) Criteria to determine the amount of a fine and/or penalty for a violation of any provision of the Act or of this Part are as follows. All amounts determined pursuant to these criteria shall be added together to determine the total fine against the person.
- 1) First violation – the person may be issued a fine of up to \$1,000.
  - 2) Each day that a violation exists shall constitute a separate or repeat violation.
  - 3) Repeat violation – the person may be issued a minimum fine of \$1,000 plus additional fines calculated according to subsection (c)(4) of this Section.
    - A) For each violation that may cause or result in harm or injury to the health or safety of the agents or employees of the person present: \$100 multiplied by the number of agents or employees present at any time on the date of the violation.
    - B) For each violation that may cause or result in harm or injury to the health or safety of the building owners or users, occupants of the building or the general public: \$100 multiplied by the number of persons present in or around the regulated facility at any time on the date of violation.
    - C) For each violation that may cause or result in contamination with lead dust or debris of any part of the regulated facility other than the work area: \$1,000.

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- D) For each violation that may cause or result in contamination with lead dust or debris of any surrounding areas to the regulated facility: \$1,000.
- 4) For a third violation of a provision of the Act or this Part, a licensee or approved training program provider, in addition to the fines and penalties in subsection (c)(3), may have his/her license or Department approval denied, suspended or revoked in accordance with Sections 845.350 and 845.355.
- 5) Notwithstanding any other provision of this Part, the Department may at any time, upon a finding of 5 or more violations during the same inspection that may cause or result in harm or injury to the health and safety of persons, assess a fine and/or penalty pursuant to subsection (c)(3).
- d) The Department shall serve notice of fine and/or penalty assessments, and shall provide the same rights and opportunity for hearing as provided in Section 12 of the Act and this Section. In the event that a person fails to request a hearing within the time provided in the notice, the person shall be deemed to have waived the right to an administrative hearing, and the fine and/or penalty assessments that are upheld in whole or in part by final order of the Department shall be due in full at the conclusion of the time period for filing for administrative review pursuant to the Administrative Review Law.
- e) All fine and/or penalty assessments that are upheld in whole or in part by final order of the Department shall be due in full at the conclusion of the time period for filing for administrative review pursuant to the Administrative Review Law, unless the person has within that time filed proceedings in administrative review specifically appealing the fine and/or penalty assessment and unless the court has stayed enforcement of the fine and/or penalty assessment.

**Section 845.365 Emergency Stop Work Orders for Regulated Facilities**

In circumstances of substantial danger to the environment or to the health of persons, the Department may direct a person to cease and desist lead activities conducted pursuant to the Act and this Part, to halt the activity causing or contributing to the danger, or to take such other action as may be necessary. The persons, licensed lead worker, licensed lead professional,

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licensed lead contractor or approved lead training course provider subject to the order will be removed from the Department's list of approved and/or licensed individuals or firms. The Department shall authorize the reinstatement of the lead activities and reinstatement of the individual and/or firm to the Department's list when the activities that are the subject of the emergency stop work order have been brought into compliance with applicable State and federal requirements and this Part.

**Section 845.370 Administrative Hearings**

All hearings shall be conducted pursuant to the Act and the Department's Rules of Practice and Procedure in Administrative Hearings.

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**Section 845.APPENDIX A Instructions for Childhood Blood Lead Poisoning Reporting System****Section 845.EXHIBIT A Instructions for Completing the Laboratory-Based Report of Childhood Lead Poisoning**

The Childhood Lead Poisoning Report form shall be completed for all blood lead test results on all persons 15 years of age and younger. Each laboratory in Illinois certified by the Department to conduct a blood lead analysis is required to complete the Childhood Lead Poisoning Report form, unless the laboratory is reporting to the Department using the electronic reporting system.

- 1) Complete the following information on the child's complete name:

LAST NAME: Enter the child's complete last name.

FIRST NAME: Enter the child's complete first name.

MIDDLE INITIAL: Enter the child's middle initial.

- 2) Complete the following information on the child's parent or guardian, if available:

LAST NAME: Enter the parent/guardian's complete last name.

FIRST NAME: Enter the parent/guardian's complete first name.

MAIDEN NAME: Enter the parent/guardian's complete maiden last name.

- 3) TELEPHONE NUMBER: If available, enter the child's telephone number (area code and 7-digit number).
- 4) DATE OF BIRTH: Enter the child's date of birth. Use 2 digits for the month, 2 digits for the day and 2 digits for the year (e.g., 01/01/01).
- 5) ADDRESS OF CHILD: Complete the following elements on the form. All elements refer to the current address for the child.

NUMBER: Enter the number of the child's current street address.

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**DIRECTION:** Enter the direction that appears in the child's current street address (e.g., North).

**STREET NAME:** Enter the name of the of the child's current street address.

**TYPE:** Enter the applicable type of street address (e.g., street, boulevard, avenue).

**APARTMENT NUMBER:** If applicable, enter the apartment number of the child's address.

**COUNTY:** Enter the complete name of the county where the child currently resides.

**CITY:** Enter the complete name of the city where the child current resides.

**STATE:** Enter the state where the child currently resides. Use the standard 2-character abbreviation.

**ZIP:** Enter the 5-digit zip code where the child currently resides.

- 6) **SEX:** Check the appropriate box to indicate the child's sex.
- 7) **RACE:** Check the appropriate box to indicate the child's race.
- 8) **HISPANIC:** Check the appropriate box to indicate whether the child is Hispanic.

## TEST DATA

- 1) **DATE OF FIRST TEST:** Enter the month, day and year the first blood lead sample to be reported was collected. Use 2 digits for the month, 2 digits for the day and 2 digits for the year (e.g., 01/01/01).
- 2) **TYPE:** Check the appropriate box to indicate the specimen type (venous or capillary).
- 3) **TEST RESULTS:** Enter the blood lead level of the sample in micrograms per deciliter (mcg/dL).
- 4) **DATE OF SECOND TEST:** Enter the month, day and year that the second blood lead sample to be reported was collected. Use 2 digits for the month, 2 digits for the day and 2 digits for the year (e.g., 01/01/01).

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- 5) TYPE: Check the appropriate box to indicate the specimen type (venous or capillary).
- 6) TEST RESULTS: Enter the blood lead level of the sample in micrograms per deciliter (mcg/dL).
- 7) NAME OF LABORATORY: Enter the name of the laboratory analyzing the blood lead sample or the laboratory code number.
- 8) LABORATORY TELEPHONE NUMBER: Enter the telephone number of the laboratory that analyzed the blood lead sample.

## SUBMITTING PARTY DATA

- 1) NAME: Enter the name of the physician, hospital staff member, laboratory technician, clinic employee or other person submitting the report of blood lead results.
- 2) TELEPHONE NUMBER: Enter the telephone number of the submitting party (area code and 7-digit number).
- 3) CLINIC/HOSPITAL: Enter the name of clinic or hospital.
- 4) ADDRESS: Enter the address of the physician, hospital, laboratory, clinic or other person/facility submitting the report of the blood lead test. The street number, direction, street name, suite, city, state, zip code and county shall be included.

## COMPLETION DATA

- 1) SIGNATURE/TITLE: On the line provided on the form, the usual signature of the person (first and last name) completing the form shall be affixed. Enter the title of the person completing the form.
- 2) DATE OF REPORT: Enter the month, day and year the form is completed. Use 2 digits for the month, 2 digits for the day and 2 digits for the year (e.g., 01/01/01).

All elevated blood lead levels of 45 mcg/dL shall be reported by telephone within 24 hours to the Childhood Lead Poisoning Prevention Program at (217) 785-9464 or (217) 782-0403.

Mail completed report within 48 hours to:

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Illinois Department of Public Health  
Division of Health Assessment and Screening  
Childhood Lead Poisoning Prevention Program  
535 West Jefferson Street  
Springfield, Illinois 62761

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**Section 845.APPENDIX A Instructions for Childhood Blood Lead Poisoning Reporting System****Section 845.EXHIBIT B Instructions for Submitting Follow-Up Data for Children With Blood Lead Levels  $\geq$  15 mcg/dL**

Medical follow-up should be completed by delegate agencies for all persons 15 years of age and younger having had a blood lead test analyzed and confirmed at 15 mcg/dL or higher.

All medical and environmental follow-up data must be entered into a STELLAR database maintained by the delegate agency. A STELLAR report and any additional reports requested by the Illinois Department of Public Health should be run regularly, at intervals determined by the Department. Detailed instructions on the STELLAR procedures are available from the Department upon request.

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**Section 845.APPENDIX B Information Agreement**

The Illinois Department of Public Health ("Department") and \_\_\_\_\_ ("Applicant"), agree as follows:

- 1) The Department will provide data dealing with children who have been tested for lead poisoning in Illinois as outlined in the letter of application.
- 2) The applicant agrees that:
  - a) Use of data is restricted to the purpose outlined in the letter of application (Attachment A), and any other or additional use of the data may result in immediate termination of this agreement by the Department;
  - b) Any and all data that may lead to the identity of any child or parent, research subject, physician, informant, other person or hospital is strictly privileged and confidential. Applicant agrees to keep all such data strictly confidential at all times;
  - c) All officers, applicants and employees of Applicant will keep all such data strictly confidential. Applicant will communicate the requirements of this Section to all officers, applicants and employees, will discipline all persons who may violate the requirement of this section, and will notify the Department in writing within 48 hours after any violation of this section, including full details of the violation and corrective actions to be taken;
  - d) All data provided by the Department pursuant to this agreement are the sole property of the Department. Any copies by applicant of data provided by the Department pursuant to this agreement are subject to all provisions contained in this agreement. Any copies of data created by Applicant will be destroyed upon completion of the purpose outlined in the application;
  - e) The applicant agrees to forward to the Department copies of proposed publications containing data or interpretation of data received as a result of this agreement for the sole purpose of confirming compliance with this agreement;
  - f) Any breach of any of the provisions of this agreement will void the agreement.

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- 3) The Applicant further agrees to state in publications and presentations concerning research that is the subject of this agreement that the Department was the source of data and conclusions, opinions and recommendations are not necessarily those of the Department.
- 4) The Applicant and the Department understand and agree that this agreement may not be sold, assigned or transferred in any matter and that any actual or attempted sale, assignment or transfer shall render this agreement null, void and of no further effect.
- 5) This agreement shall take effect upon signature by the Applicant and the Director of Public Health.
- 6) All notices required or requested by either the Department or the Applicant shall be sent to the following addresses:

To the Department:

Illinois Department of Public Health  
 Childhood Lead Poisoning Prevention Program  
 535 West Jefferson Street  
 Springfield, Illinois 62761

To the Applicant:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

- 7) The Applicant and the Department understand and agree that this agreement constitutes the total agreement between them and that no promises, terms or conditions, either oral or written, express or implied, not recited, incorporated or referenced in this agreement shall be binding.

Applicant

Department

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Recommended by)

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\_\_\_\_\_  
(Title)

\_\_\_\_\_  
(Director, Department)

\_\_\_\_\_  
(Typed/printed name)

\_\_\_\_\_  
(Execution date)

## DEPARTMENT OF REVENUE

## NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Retailers' Occupation Tax
- 2) Code Citation: 86 Ill. Adm. Code 130
- 3) Section Number: 130.330                      Adopted Action:  
Amendment
- 4) Statutory Authority: Public Act 95-707; 35 ILCS 105/3-50
- 5) Effective Date of Amendment: December 1, 2008
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? No
- 8) A copy of the adopted 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: 32 Ill. Reg. 8561; June 13, 2008
- 10) Has JCAR issued a Statement of Objection to this amendment? No
- 11) Differences between proposal and final version: The only changes made were the ones agreed upon with JCAR. The changes made were grammar and punctuation or technical. No substantive changes were made.
- 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? Yes

<u>Section Numbers:</u>	<u>Proposed Action:</u>	<u>Illinois Register Citation:</u>
130.120	Amendment	32 Ill. Reg. 4155; March 21, 2008
130.2145	Amendment	32 Ill. Reg. 15763; September 26, 2008
130.325	Amendment	32 Ill. Reg. 16057; October 3, 2008
130.331	Amendment	32 Ill. Reg. 16057; October 3, 2008
130.605	Amendment	32 Ill. Reg. 17654; November 14, 2008

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- 15) Summary and Purpose of Amendment: Implements changes made by Public Act 95-707 to expand the sales and use tax exemption for manufacturing and assembling machinery and equipment to include "production related tangible personal property" for purchases made for the one-year period from July 1, 2007 through June 30, 2008. The exemption is capped at an aggregate of \$10,000,000.
- 16) Information and questions regarding this adopted amendment shall be directed to:

Samuel J. Moore  
Associate Counsel  
Legal Services Office  
Illinois Department of Revenue  
101 West Jefferson  
Springfield, Illinois 62794

217/782-2844

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

## DEPARTMENT OF REVENUE

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TITLE 86: REVENUE  
CHAPTER I: DEPARTMENT OF REVENUEPART 130  
RETAILERS' OCCUPATION TAX

## SUBPART A: NATURE OF TAX

Section	
130.101	Character and Rate of Tax
130.105	Responsibility of Trustees, Receivers, Executors or Administrators
130.110	Occasional Sales
130.111	Sale of Used Motor Vehicles, Aircraft, or Watercraft by Leasing or Rental Business
130.115	Habitual Sales
130.120	Nontaxable Transactions

## SUBPART B: SALE AT RETAIL

Section	
130.201	The Test of a Sale at Retail
130.205	Sales for Transfer Incident to Service
130.210	Sales of Tangible Personal Property to Purchasers for Resale
130.215	Further Illustrations of Sales for Use or Consumption Versus Sales for Resale
130.220	Sales to Lessors of Tangible Personal Property
130.225	Drop Shipments

## SUBPART C: CERTAIN STATUTORY EXEMPTIONS

Section	
130.305	Farm Machinery and Equipment
130.310	Food, Drugs, Medicines and Medical Appliances
130.315	Fuel Sold for Use in Vessels on Rivers Bordering Illinois
130.320	Gasohol, Majority Blended Ethanol, Biodiesel Blends, and 100% Biodiesel
130.321	Fuel Used by Air Common Carriers in International Flights
130.325	Graphic Arts Machinery and Equipment Exemption
130.330	Manufacturing Machinery and Equipment
130.331	Manufacturer's Purchase Credit
130.332	Automatic Vending Machines
130.335	Pollution Control Facilities and Low Sulfur Dioxide Emission Coal-Fueled

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	Devices
130.340	Rolling Stock
130.341	Commercial Distribution Fee Sales Tax Exemption
130.345	Oil Field Exploration, Drilling and Production Equipment
130.350	Coal Exploration, Mining, Off Highway Hauling, Processing, Maintenance and Reclamation Equipment
130.351	Aggregate Manufacturing

## SUBPART D: GROSS RECEIPTS

Section	
130.401	Meaning of Gross Receipts
130.405	How to Avoid Paying Tax on State or Local Tax Passed on to the Purchaser
130.410	Cost of Doing Business Not Deductible
130.415	Transportation and Delivery Charges
130.420	Finance or Interest Charges – Penalties – Discounts
130.425	Traded-In Property
130.430	Deposit or Prepayment on Purchase Price
130.435	State and Local Taxes Other Than Retailers' Occupation Tax
130.440	Penalties
130.445	Federal Taxes
130.450	Installation, Alteration and Special Service Charges
130.455	Motor Vehicle Leasing and Trade-In Allowances

## SUBPART E: RETURNS

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130.501	Monthly Tax Returns – When Due – Contents
130.502	Quarterly Tax Returns
130.505	Returns and How to Prepare
130.510	Annual Tax Returns
130.515	First Return
130.520	Final Returns When Business is Discontinued
130.525	Who May Sign Returns
130.530	Returns Covering More Than One Location Under Same Registration – Separate Returns for Separately Registered Locations
130.535	Payment of the Tax, Including Quarter Monthly Payments in Certain Instances
130.540	Returns on a Transaction by Transaction Basis
130.545	Registrants Must File a Return for Every Return Period

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130.550	Filing of Returns for Retailers by Suppliers Under Certain Circumstances
130.551	Prepayment of Retailers' Occupation Tax on Motor Fuel
130.552	Alcoholic Liquor Reporting
130.555	Vending Machine Information Returns
130.560	Verification of Returns

## SUBPART F: INTERSTATE COMMERCE

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130.701	General Information on Obtaining a Certificate of Registration
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130.710	Procedure When Security Must be Forfeited
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130.725	Display
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## SUBPART H: BOOKS AND RECORDS

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130.805	What Records Constitute Minimum Requirement
130.810	Records Required to Support Deductions
130.815	Preservation and Retention of Records
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## SUBPART I: PENALTIES AND INTEREST

## Section

- 130.901 Civil Penalties
- 130.905 Interest
- 130.910 Criminal Penalties

## SUBPART J: BINDING OPINIONS

## Section

- 130.1001 When Opinions from the Department are Binding

## SUBPART K: SELLERS LOCATED ON, OR SHIPPING TO, FEDERAL AREAS

## Section

- 130.1101 Definition of Federal Area
- 130.1105 When Deliveries on Federal Areas Are Taxable
- 130.1110 No Distinction Between Deliveries on Federal Areas and Illinois Deliveries Outside Federal Areas

## SUBPART L: TIMELY MAILING TREATED AS TIMELY FILING AND PAYING

## Section

- 130.1201 General Information
- 130.1205 Due Date that Falls on Saturday, Sunday or a Holiday

## SUBPART M: LEASED PORTIONS OF LESSOR'S BUSINESS SPACE

## Section

- 130.1301 When Lessee of Premises Must File Return for Leased Department
- 130.1305 When Lessor of Premises Should File Return for Business Operated on Leased Premises
- 130.1310 Meaning of "Lessor" and "Lessee" in this Regulation

## SUBPART N: SALES FOR RESALE

## Section

- 130.1401 Seller's Responsibility to Determine the Character of the Sale at the Time of the Sale

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- 130.1405 Seller's Responsibility to Obtain Certificates of Resale and Requirements for Certificates of Resale
- 130.1410 Requirements for Certificates of Resale (Repealed)
- 130.1415 Resale Number – When Required and How Obtained
- 130.1420 Blanket Certificate of Resale (Repealed)

SUBPART O: CLAIMS TO RECOVER ERRONEOUSLY PAID TAX

Section

- 130.1501 Claims for Credit – Limitations – Procedure
- 130.1505 Disposition of Credit Memoranda by Holders Thereof
- 130.1510 Refunds
- 130.1515 Interest

SUBPART P: PROCEDURE TO BE FOLLOWED UPON  
SELLING OUT OR DISCONTINUING BUSINESS

Section

- 130.1601 When Returns are Required After a Business is Discontinued
- 130.1605 When Returns Are Not Required After Discontinuation of a Business
- 130.1610 Cross Reference to Bulk Sales Regulation

SUBPART Q: NOTICE OF SALES OF GOODS IN BULK

Section

- 130.1701 Bulk Sales: Notices of Sales of Business Assets

SUBPART R: POWER OF ATTORNEY

Section

- 130.1801 When Powers of Attorney May be Given
- 130.1805 Filing of Power of Attorney With Department
- 130.1810 Filing of Papers by Agent Under Power of Attorney

SUBPART S: SPECIFIC APPLICATIONS

Section

- 130.1901 Addition Agents to Plating Baths
- 130.1905 Agricultural Producers

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- 130.1910 Antiques, Curios, Art Work, Collectors' Coins, Collectors' Postage Stamps and Like Articles
- 130.1915 Auctioneers and Agents
- 130.1920 Barbers and Beauty Shop Operators
- 130.1925 Blacksmiths
- 130.1930 Chiropodists, Osteopaths and Chiropractors
- 130.1935 Computer Software
- 130.1940 Construction Contractors and Real Estate Developers
- 130.1945 Co-operative Associations
- 130.1950 Dentists
- 130.1951 Enterprise Zones
- 130.1952 Sales of Building Materials to a High Impact Business
- 130.1953 Sales of Building Materials to be Incorporated into a Redevelopment Project Area within an Intermodal Terminal Facility Area
- 130.1955 Farm Chemicals
- 130.1960 Finance Companies and Other Lending Agencies – Installment Contracts – Bad Debts
- 130.1965 Florists and Nurserymen
- 130.1970 Hatcheries
- 130.1971 Sellers of Pets and the Like
- 130.1975 Operators of Games of Chance and Their Suppliers
- 130.1980 Optometrists and Opticians
- 130.1985 Pawnbrokers
- 130.1990 Peddlers, Hawkers and Itinerant Vendors
- 130.1995 Personalizing Tangible Personal Property
- 130.2000 Persons Engaged in the Printing, Graphic Arts or Related Occupations, and Their Suppliers
- 130.2004 Sales to Nonprofit Arts or Cultural Organizations
- 130.2005 Persons Engaged in Nonprofit Service Enterprises and in Similar Enterprises Operated As Businesses, and Suppliers of Such Persons
- 130.2006 Sales by Teacher-Sponsored Student Organizations
- 130.2007 Exemption Identification Numbers
- 130.2008 Sales by Nonprofit Service Enterprises
- 130.2009 Personal Property Purchased Through Certain Fundraising Events for the Benefit of Certain Schools
- 130.2010 Persons Who Rent or Lease the Use of Tangible Personal Property to Others
- 130.2011 Sales to Persons Who Lease Tangible Personal Property to Exempt Hospitals
- 130.2012 Sales to Persons Who Lease Tangible Personal Property to Governmental Bodies
- 130.2013 Persons in the Business of Both Renting and Selling Tangible Personal Property –

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	Tax Liabilities, Credit
130.2015	Persons Who Repair or Otherwise Service Tangible Personal Property
130.2020	Physicians and Surgeons
130.2025	Picture-Framers
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130.2050	Sales and Gifts By Employers to Employees
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130.2060	Sales of Alcoholic Beverages, Motor Fuel and Tobacco Products
130.2065	Sales of Automobiles for Use In Demonstration (Repealed)
130.2070	Sales of Containers, Wrapping and Packing Materials and Related Products
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130.2076	Sales to Purchasers Performing Contracts with Governmental Bodies
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130.2085	Sales to or by Banks, Savings and Loan Associations and Credit Unions
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130.2100	Sellers of Feeds and Breeding Livestock
130.2101	Sellers of Floor Coverings
130.2105	Sellers of Newspapers, Magazines, Books, Sheet Music and Musical Recordings, and Their Suppliers; Transfer of Data Downloaded Electronically
130.2110	Sellers of Seeds and Fertilizer
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130.2120	Suppliers of Persons Engaged in Service Occupations and Professions
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130.2130	Undertakers and Funeral Directors
130.2135	Vending Machines
130.2140	Vendors of Curtains, Slip Covers and Other Similar Items Made to Order
130.2145	Vendors of Meals
130.2150	Vendors of Memorial Stones and Monuments
130.2155	Tax Liability of Sign Vendors
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130.2170 Warehousemen

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## Section

130.2500	Direct Payment Program
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130.ILLUSTRATION A Examples of Tax Exemption Card

130.ILLUSTRATION B Example of Notice of Revocation of Certificate of Registration

AUTHORITY: Implementing the Illinois Retailers' Occupation Tax Act [35 ILCS 120] and authorized by Section 2505-25 of the Civil Administrative Code of Illinois [20 ILCS 2505/2505-25].

SOURCE: Adopted July 1, 1933; amended at 2 Ill. Reg. 50, p. 71, effective December 10, 1978; amended at 3 Ill. Reg. 12, p. 4, effective March 19, 1979; amended at 3 Ill. Reg. 13, pp. 93 and 95, effective March 25, 1979; amended at 3 Ill. Reg. 23, p. 164, effective June 3, 1979; amended at 3 Ill. Reg. 25, p. 229, effective June 17, 1979; amended at 3 Ill. Reg. 44, p. 193, effective October 19, 1979; amended at 3 Ill. Reg. 46, p. 52, effective November 2, 1979; amended at 4 Ill. Reg. 24, pp. 520, 539, 564 and 571, effective June 1, 1980; amended at 5 Ill. Reg. 818, effective January 2, 1981; amended at 5 Ill. Reg. 3014, effective March 11, 1981; amended at 5 Ill. Reg. 12782, effective November 2, 1981; amended at 6 Ill. Reg. 2860, effective March 3, 1982; amended at 6 Ill. Reg. 6780, effective May 24, 1982; codified at 6 Ill. Reg. 8229; recodified at 6 Ill. Reg. 8999; amended at 6 Ill. Reg. 15225, effective December 3, 1982; amended at 7 Ill. Reg. 7990, effective June 15, 1983; amended at 8 Ill. Reg. 5319, effective April 11, 1984; amended at 8 Ill. Reg. 19062, effective September 26, 1984; amended at 10 Ill. Reg. 1937, effective January 10, 1986; amended at 10 Ill. Reg. 12067, effective July 1, 1986; amended at 10 Ill. Reg. 19538, effective November 5, 1986; amended at 10 Ill. Reg. 19772, effective November 5, 1986; amended at 11 Ill. Reg. 4325, effective March 2, 1987; amended at 11 Ill. Reg. 6252, effective March 20, 1987; amended at 11 Ill. Reg. 18284, effective October 27, 1987; amended at 11 Ill. Reg. 18767, effective October 28, 1987; amended at 11 Ill. Reg. 19138, effective October 29, 1987; amended at 11 Ill. Reg. 19696, effective November 23, 1987;

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amended at 12 Ill. Reg. 5652, effective March 15, 1988; emergency amendment at 12 Ill. Reg. 14401, effective September 1, 1988, for a maximum of 150 days, modified in response to an objection of the Joint Committee on Administrative Rules at 12 Ill. Reg. 19531, effective November 4, 1988, not to exceed the 150 day time limit of the original rulemaking; emergency expired January 29, 1989; amended at 13 Ill. Reg. 11824, effective June 29, 1989; amended at 14 Ill. Reg. 241, effective December 21, 1989; amended at 14 Ill. Reg. 872, effective January 1, 1990; amended at 14 Ill. Reg. 15463, effective September 10, 1990; amended at 14 Ill. Reg. 16028, effective September 18, 1990; amended at 15 Ill. Reg. 6621, effective April 17, 1991; amended at 15 Ill. Reg. 13542, effective August 30, 1991; amended at 15 Ill. Reg. 15757, effective October 15, 1991; amended at 16 Ill. Reg. 1642, effective January 13, 1992; amended at 17 Ill. Reg. 860, effective January 11, 1993; amended at 17 Ill. Reg. 18142, effective October 4, 1993; amended at 17 Ill. Reg. 19651, effective November 2, 1993; amended at 18 Ill. Reg. 1537, effective January 13, 1994; amended at 18 Ill. Reg. 16866, effective November 7, 1994; amended at 19 Ill. Reg. 13446, effective September 12, 1995; amended at 19 Ill. Reg. 13568, effective September 11, 1995; amended at 19 Ill. Reg. 13968, effective September 18, 1995; amended at 20 Ill. Reg. 4428, effective March 4, 1996; amended at 20 Ill. Reg. 5366, effective March 26, 1996; amended at 20 Ill. Reg. 6991, effective May 7, 1996; amended at 20 Ill. Reg. 9116, effective July 2, 1996; amended at 20 Ill. Reg. 15753, effective December 2, 1996; expedited correction at 21 Ill. Reg. 4052, effective December 2, 1996; amended at 20 Ill. Reg. 16200, effective December 16, 1996; amended at 21 Ill. Reg. 12211, effective August 26, 1997; amended at 22 Ill. Reg. 3097, effective January 27, 1998; amended at 22 Ill. Reg. 11874, effective June 29, 1998; amended at 22 Ill. Reg. 19919, effective October 28, 1998; amended at 22 Ill. Reg. 21642, effective November 25, 1998; amended at 23 Ill. Reg. 9526, effective July 29, 1999; amended at 23 Ill. Reg. 9898, effective August 9, 1999; amended at 24 Ill. Reg. 10713, effective July 7, 2000; emergency amendment at 24 Ill. Reg. 11313, effective July 12, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 15104, effective October 2, 2000; amended at 24 Ill. Reg. 18376, effective December 1, 2000; amended at 25 Ill. Reg. 941, effective January 8, 2001; emergency amendment at 25 Ill. Reg. 1792, effective January 16, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 4674, effective March 15, 2001; amended at 25 Ill. Reg. 4950, effective March 19, 2001; amended at 25 Ill. Reg. 5398, effective April 2, 2001; amended at 25 Ill. Reg. 6515, effective May 3, 2001; expedited correction at 25 Ill. Reg. 15681, effective May 3, 2001; amended at 25 Ill. Reg. 6713, effective May 9, 2001; amended at 25 Ill. Reg. 7264, effective May 25, 2001; amended at 25 Ill. Reg. 10917, effective August 13, 2001; amended at 25 Ill. Reg. 12841, effective October 1, 2001; amended at 26 Ill. Reg. 958, effective January 15, 2002; amended at 26 Ill. Reg. 1303, effective January 17, 2002; amended at 26 Ill. Reg. 3196, effective February 13, 2002; amended at 26 Ill. Reg. 5369, effective April 1, 2002; amended at 26 Ill. Reg. 5946, effective April 15, 2002; amended at 26 Ill. Reg. 8423, effective May 24, 2002; amended at 26 Ill. Reg. 9885, effective June 24, 2002; amended at 27 Ill. Reg. 795, effective January 3, 2003; emergency amendment at 27 Ill. Reg. 11099, effective July 7, 2003,

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for a maximum of 150 days; emergency expired December 3, 2003; amended at 27 Ill. Reg. 17216, effective November 3, 2003; emergency amendment at 27 Ill. Reg. 18911, effective November 26, 2003, for a maximum of 150 days; emergency expired April 23, 2004; amended at 28 Ill. Reg. 9121, effective June 18, 2004; amended at 28 Ill. Reg. 11268, effective July 21, 2004; emergency amendment at 28 Ill. Reg. 15193, effective November 3, 2004, for a maximum of 150 days; emergency expired April 1, 2005; amended at 29 Ill. Reg. 7004, effective April 26, 2005; amended at 31 Ill. Reg. 3574, effective February 16, 2007; amended at 31 Ill. Reg. 5621, effective March 23, 2007; amended at 31 Ill. Reg. 13004, effective August 21, 2007; amended at 31 Ill. Reg. 14091, effective September 21, 2007; amended at 32 Ill. Reg. 4226, effective March 6, 2008; emergency amendment at 32 Ill. Reg. 8785, effective May 29, 2008, for a maximum of 150 days; emergency expired October 25, 2008; amended at 32 Ill. Reg. 10207, effective June 24, 2008; amended at 32 Ill. Reg. 17228, effective October 15, 2008; amended at 32 Ill. Reg. 17519, effective October 24, 2008; amended at 32 Ill. Reg. 19128, effective December 1, 2008.

## SUBPART C: CERTAIN STATUTORY EXEMPTIONS

**Section 130.330 Manufacturing Machinery and Equipment**

- a) General. Notwithstanding the fact that the sales may be at retail, the Retailers' Occupation Tax does not apply to sales of machinery and equipment used primarily in the manufacturing or assembling of tangible personal property for wholesale or retail sale or lease. The exemption applies whether the sale or lease is made directly by the manufacturer or some other person. In certain cases, purchases of machinery and equipment by a lessor will be exempt even though that lessor does not ~~itself~~~~himself~~ employ the machinery and equipment in an exempt manner.
- b) Manufacturing and Assembling.
  - 1) This exemption exempts from tax only machinery and equipment used in manufacturing or assembling tangible personal property for sale or lease. Thus, the use of machinery and equipment in any industrial, commercial or business activity ~~that~~~~which~~ may be distinguished from manufacturing or assembling will not be an exempt use and ~~thesueh~~ machinery and ~~equipment~~ will be subject to tax.
  - 2) The manufacturing process is the production of any article of tangible personal property, whether ~~thesueh~~ article is a finished product or an article for use in the process of manufacturing or assembling a different

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article of tangible personal property, by procedures commonly regarded as manufacturing, processing, fabricating or refining ~~that~~<sup>which</sup> changes some existing material or materials into a material with a different form, use or name. These changes must result from the process in question and be substantial and significant.

- 3) The process or activity must be commonly regarded as manufacturing. To be so regarded, it must be thought of as manufacturing by the general public. Generally, the scale, scope and character of a process or operation will be considered to determine if ~~the~~<sup>such</sup> process or operation is commonly regarded as manufacturing. Manufacturing includes such activities as processing, fabricating and refining.
- 4) Manufacturing does not include extractive industrial activities. Mining, logging, and drilling for oil, gas, and water neither produce articles of tangible personal property nor effect any significant or substantial change in the form, use or name of the materials or resources upon which they operate. The extractive process of quarrying does not constitute manufacturing. However, the activities subsequent to quarrying, such as crushing, washing, sizing and blending, will constitute manufacturing, and machinery and equipment used primarily ~~for those purposes~~<sup>therefor</sup> will qualify for the exemption, if the process results in the assembling of an article of tangible personal property with a different form, use or name than the material extracted.
- 5) The printing process is not commonly regarded as manufacturing and court decisions have found that printing is not manufacturing. Therefore, machinery and equipment used in any printing application will not qualify for exemption. This includes graphic arts, newspapers, books, etc., as well as other industrial or commercial applications. (However, see Section 130.325 for the Graphic Arts Machinery and Equipment Exemption.)
- 6) Agricultural, horticultural and related, similar or comparable activities, including commercial fishing, beekeeping, production of seedlings or seed corn, and the development of hybrid seeds, plants, or shoots, are not manufacturing or assembling and, accordingly, machinery and equipment used in such activities is subject to tax. (However, see Section 130.305 for the Farm Machinery and Equipment Exemption.)

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- 7) The preparation of food and beverages by restaurants, food service establishments, and other retailers is not manufacturing.
- 8) Assembling means the production of any article of tangible personal property, whether ~~that~~~~such~~ article is a finished product or an article for use in the process of manufacturing or assembling a different article of tangible personal property, by the combination of existing materials in a manner commonly regarded as assembling ~~that~~~~which~~ results in a material of a different form, use or name.
- 9) Effective September 1, 1988 manufacturing includes photoprocessing if the products of photoprocessing are sold. Machinery and equipment ~~that~~~~which~~ would qualify for exemption includes, but are not limited to, developers, dryers, enlargers, mounting machines, roll film splicers, film developing image makers, disc film opening and spindling devices, film indexers, photographic paper exposure equipment, photographic paper developing machines, densitometers, print inspection devices, photo print/negative cut assembly stations, film sleeve insertion machines, negative image producers, film coating equipment, photo transparency mounters, processor rack sanitizers, photo print embossers, photo print mounting presses, graphic slide generators, chemical mixing equipment and paper exposure positioning and holding devices, etc. Cameras and equipment used to take pictures or expose film are not eligible as the photoprocessing begins after the film is exposed. Retail/net price calculation equipment and chemical reclamation equipment are not considered to be manufacturing machinery and equipment.

## c) Machinery and Equipment

- 1) The law exempts only the purchase and use of "machinery" and "equipment" used in manufacturing or assembling. Accordingly, no other type or kind of tangible personal property will qualify for the exemption, even though it may be used primarily in the manufacturing or assembling of tangible personal property for sale or lease. However, the manufacturing and assembling machinery and equipment exemption includes production related tangible personal property that is purchased on or after July 1, 2007 and on or before June 30, 2008, as provided in 86 Ill. Adm. Code 150.340. (Section 2-45 of the Act)

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- 2) Machinery means major mechanical machines or major components of such machines contributing to a manufacturing or assembling process: *including, machinery and equipment used in the general maintenance or repair of such exempt machinery and equipment or for in-house manufacture of exempt machinery and equipment.*
- 3) *Equipment includes any independent device or tool separate from any machinery but essential to an integrated manufacturing or assembling process: including computers used primarily in operating exempt machinery and equipment in a computer-assisted design, computer-assisted manufacturing (CAD/CAM) system; or any subunit or assembly comprising a component of any machinery or auxiliary, adjunct, or attachment, parts of machinery, such as tools, dies, jigs, fixtures, patterns and molds, and any parts which require periodic replacement in the course of normal operation. Beginning August 23, 2001, equipment includes computers used primarily in a manufacturer's computer-assisted design, computer-assisted manufacturing (CAD/CAM) system. For example, beginning August 23, 2001, a computer used by a manufacturer 25% of the time in operating exempt machinery and equipment (computer assisted manufacturing – CAM) and 75% of the time in design (computer assisted design – CAD) will now qualify for the exemption. Prior to August 23, 2001, a computer used in the manner described in the preceding sentence would not have qualified for the exemption because it did not primarily (over 50% of the time) operate exempt machinery and equipment. The exemption does not include hand tools, supplies (such as rags, sweeping or cleaning compounds), coolants, lubricants, adhesives, or solvents, items of personal apparel (such as gloves, shoes, glasses, goggles, coveralls, aprons, masks, mask air filters, belts, harnesses, or holsters), coal, fuel oil, electricity, natural gas, artificial gas, steam, refrigerants or water. (Section 2-45 of the Act)*
- 4) The exemption includes the sale of materials to a purchaser who manufactures ~~thesueh~~ materials into an exempted type of machinery or equipment or tools ~~that the~~~~which~~~~such~~ purchaser uses ~~himself~~ in the manufacturing of tangible personal property or leases to a manufacturer of tangible personal property. However, ~~thesueh~~ purchaser must maintain adequate records clearly demonstrating the incorporation of ~~thesesueh~~ materials into exempt machinery and equipment.

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- 5) Machinery and equipment does not include foundations for, or special purpose buildings to house or support, machinery and equipment.
- 6) *The exemption includes chemicals or chemicals acting as catalysts but only if the chemicals or chemicals acting as catalysts effect a direct and immediate change upon a product being manufactured or assembled for sale or lease. (Section 2-45 of the Act)* The following examples are illustrative:
  - A) Example 1. A chemical acid is used to etch copper off the surface of a printed circuit board during the manufacturing process. The acid causes a direct and immediate change upon the product. The acid qualifies for the exemption.
  - B) Example 2. An aluminum oxide catalyst is used in a catalytic cracking process to refine heavy gas oil into gasoline. In this process, large molecules of gas oil or feed are broken up into smaller molecules. After the catalyst is injected into the feed and used in the cracking process, it is drawn off and reused in subsequent manufacturing processes. The catalyst qualifies for the exemption.
- d) Primary Use
  - 1) The law requires that machinery and equipment be used primarily in manufacturing or assembling. Therefore, machinery ~~that~~*which* is used primarily in an exempt process and partially in a nonexempt manner would qualify for exemption. However, the purchaser must be able to establish through adequate records that the machinery or equipment is used over 50 percent in an exempt manner in order to claim the deduction.
  - 2) The fact that particular machinery or equipment may be considered essential to the conduct of the business of manufacturing or assembling because its use is required by law or practical necessity does not, of itself, mean that machinery or equipment is used primarily in manufacturing or assembling.
  - 3) By way of illustration and not limitation, the following activities will generally be considered to constitute an exempt use:

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- A) The use of machinery or equipment to effect a direct and immediate physical change upon the tangible personal property to be sold;
  - B) The use of machinery or equipment to guide or measure a direct and immediate physical change upon the tangible personal property to be sold, provided ~~this~~ function is an integral and essential part of tuning, verifying, or aligning the component parts of such property;
  - C) The use of machinery or equipment to inspect, test or measure the tangible personal property to be sold where ~~the~~ function is an integral part of the production flow;
  - D) The use of machinery and equipment to convey, handle, or transport the tangible personal property to be sold within production stations on the production line or directly between ~~the~~ production stations or buildings within the same plant;
  - E) The use of machinery or equipment to place the tangible personal property to be sold into the container, package, or wrapping in which ~~this~~ property is normally sold ~~when the~~ machinery or equipment is used as a part of an integrated manufacturing process;
  - F) The production or processing of food, including the use of baking equipment such as ovens to bake bread or other bakery items, whether that baking is performed by a central bakery or a retail grocery store;
  - G) The use of machinery or equipment such as buffers, builders, or vulcanizing equipment to retread tires, whether or not the tire casing is provided by the purchaser.
- 4) By way of illustration and not limitation, the following activities will generally not be considered to be manufacturing:
- A) The use of machinery or equipment in the construction,

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reconstruction, alteration, remodeling, servicing, repairing, maintenance, or improvement of real estate;

- B) The use of machinery or equipment in research and development of new products or production techniques, machinery, or equipment;
- C) The use of machinery or equipment to store, convey, handle or transport materials or parts or sub-assemblies prior to their entrance into the production cycle;
- D) The use of machinery or equipment to store, convey, handle or transport finished articles of tangible personal property to be sold or leased after completion of the production cycle;
- E) The use of machinery or equipment to transport work in process, or semifinished goods, between plants;
- F) The use of machinery or equipment in managerial, sales, or other nonproduction, nonoperational activities including disposal of waste, scrap or residue, inventory control, production scheduling, work routing, purchasing, receiving, accounting, fiscal management, general communications, plant security, sales, marketing, product exhibition and promotion, or personnel recruitment, selection or training;
- G) The use of machinery or equipment to prevent or fight fires or to protect employees, such as protective equipment face masks, helmets, gloves, coveralls, and goggles or for safety, accident protection or first aid, even though ~~thesuch~~ machinery or equipment may be required by law;
- H) The use of machinery or equipment for general ventilation, heating, cooling, climate control or general illumination, not required by the manufacturing process;
- I) The use of machinery or equipment in the preparation of food and beverages by a retailer for retail sale, i.e., restaurants, vending machines, food service establishments, etc.

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- J) The use of machinery or equipment used in the last step of the retail sale. Examples are paint mixing equipment used by a hardware store, embroidery or monogramming machines used by tee-shirt retailers and a sewing machine used to hem garments sold by a clothing store.
- 5) An item of machinery or equipment ~~thatwhich~~ initially is used primarily in manufacturing or assembling and having been so used for less than one-half of the useful life is converted to primarily nonexempt uses will become subject to tax at the time of the conversion. ~~TheSuch~~ tax will be collected on ~~thesuch~~ portion of the price of the machinery or equipment ~~thata~~ was excluded from tax at the time the sale or purchase was made.
- e) Product Use
- 1) The statute requires that the product produced as a result of the manufacturing or assembling process be tangible personal property for sale or lease. Accordingly, a manufacturer or assembler who uses any significant portion of the output of ~~itshis~~ machinery or equipment, either for internal consumption or any other nonexempt use, or a lessor who leases otherwise exempt machinery and equipment to such a manufacturer or assembler, will not be eligible to claim the exemption on that machinery and equipment. No apportionment of production capacity between output for sale or lease and output for self-use will be permitted and no partial exemption for any item of machinery and equipment will be allowed.
- 2) The production of articles of tangible personal property for sale, a portion of which is diverted by the manufacturer ~~of the propertythereof~~ to use as sales samples or as the subjects of quality control testing ~~thatwhich~~ renders the articles unfit for sale, will nevertheless be deemed to be production for sale, provided ~~thissuch~~ diversion represents only a small portion of the production of the articles of tangible personal property or of the sale of those articles.
- 3) Machinery and equipment used in the performance of a service, such as dry cleaning, is not used in the production of tangible personal property for sale and is thus taxable. However, a manufacturer or assembler who

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uses machinery and equipment to produce goods for sale or lease by ~~itself~~ ~~himself~~ or another, or to perform assembly or fabricating work for a customer who retains the manufacturer or assembler only for ~~it~~ ~~his~~ services, will not be liable for tax on the machinery and equipment ~~it~~ ~~he~~ uses as long as the goods produced either for ~~itself~~ ~~himself~~ or another are destined for sale or lease, rather than for use and consumption.

## f) Sales to Lessors of Manufacturers

- 1) For this exemption to apply, the purchaser need not ~~itself~~ ~~himself~~ employ the exempt machinery or equipment in manufacturing. If the purchaser leases that machinery or equipment to a lessee-manufacturer who uses it in an exempt manner, the sale to the purchaser-lessor will be exempt from tax. A supplier may exclude ~~these~~ ~~such~~ sales from ~~it~~ ~~his~~ taxable gross receipts provided the purchaser-lessor provides to ~~the supplier~~ ~~him~~ a properly completed exemption certificate and ~~this Section~~ ~~the information~~ ~~contained herein~~ would support an exemption if the sale were made directly to the lessee-manufacturer.
- 2) Should a purchaser-lessor subsequently lease the machinery or equipment to a lessee who does not use it in a manner that would qualify directly for the exemption, the purchaser-lessor will become liable for the tax from which ~~it~~ ~~he~~ was previously exempted.

## g) Exemption Certificates

- 1) The user of such machinery or equipment and tools shall prepare a certificate of exemption for each transaction stating facts establishing the exemption for that transaction and submit the certificate to the retailer. The certificates shall be retained by the retailer and shall be made available to the Department for inspection or audit. The Department shall prescribe the form of the certificate. If the user has an active registration or resale number, that number may be given in lieu of the prescribed certificate.
- 2) If a manufacturer or lessor purchases at retail from a vendor who is not registered to collect Illinois Use Tax, the purchaser must prepare and retain in ~~it~~ ~~his~~ files, the completed exemption certificate. The exemption certificate shall be available to the Department for inspection or audit.

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- 3) A vendor who makes sales of machinery or equipment to a manufacturer or lessor of a manufacturer must collect Use Tax, and will owe Retailers' Occupation Tax, on that sale unless the purchaser certifies the exempt nature of the purchase to the vendor as set out [in this subsection \(g\) above](#). The Summary Schedule, RR-586, must be submitted in lieu of taxes at the time the taxes are due.
- 4) In the case of a vendor who makes sales of qualifying machinery or equipment to a contractor who will incorporate it into real estate so that he, the contractor, would be the taxable user (see Sections 130.1940 and 130.2075 of this Part), the purchasing contractor should provide the vendor with a certification that the machinery or equipment will be transferred to a manufacturer as manufacturing machinery or equipment in the performance of a construction contract for the manufacturer. The purchasing contractor should include the manufacturer's name and registration number on the certification when claiming the exemption.
- h) **Opinions and Rulings**  
Informal ruling and opinion letters issued by the Department regarding the coverage and applicability of this exemption to specific devices will be maintained by the Department in Springfield. They will be available for public inspection and may be copied or reproduced at taxpayer's expense. Trade secrets or other confidential information in [thesesuch](#) letters will be deleted prior to release to public access files.

(Source: Amended at 32 Ill. Reg. 19128, effective December 1, 2008)

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- 1) Heading of the Part: Use Tax
- 2) Code Citation: 86 Ill. Adm. Code 150
- 3) Section Number: 150.340                      Adopted Action:  
New Section
- 4) Statutory Authority: Public Act 95-707; 35 ILCS 105/3-50
- 5) Effective Date of Amendment: December 1, 2008
- 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: June 13, 2008; 32 Ill. Reg. 8563
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version: The only changes made were the ones agreed upon with JCAR. The changes made were grammar and punctuation or technical. No substantive changes were made.
- 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 any emergency rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendment: Implements changes made by Public Act 95-707 to expand the sales and use tax exemption for manufacturing and assembling machinery and equipment to include "production related tangible personal property" for purchases made for the one-year period from July 1, 2007 through June 30, 2008. The exemption is capped at an aggregate of \$10,000,000.

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

Samuel J. Moore  
Associate Counsel  
Legal Services Office  
Illinois Department of Revenue  
101 West Jefferson  
Springfield, Illinois 62794

217/782-2844

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

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TITLE 86: REVENUE  
CHAPTER I: DEPARTMENT OF REVENUEPART 150  
USE TAX

## SUBPART A: NATURE OF THE TAX

Section	
150.101	Description of the Tax
150.105	Rate and Base of Tax
150.110	How To Compute Depreciation
150.115	How To Determine Effective Date
150.120	Effective Date of New Taxes
150.125	Relation of Use Tax to Retailers' Occupation Tax
150.130	Accounting for the Tax
150.135	How to Avoid Paying Tax on Use Tax Collected From the Purchaser

## SUBPART B: DEFINITIONS

Section	
150.201	General Definitions

## SUBPART C: KINDS OF USES AND USERS NOT TAXED

Section	
150.301	Cross References
150.305	Effect of Limitation that Purchase Must be at Retail From a Retailer to be Taxable
150.306	Interim Use and Demonstration Exemptions
150.310	Exemptions to Avoid Multi-State Taxation
150.311	Commercial Distribution Fee Sales Tax Exemption
150.315	Non-resident Exemptions
150.320	Meaning of "Acquired Outside This State"
150.325	Charitable, Religious, Educational and Senior Citizens Recreational Organizations as Buyers
150.330	Governmental Bodies as Buyers
150.331	Persons Who Lease Tangible Personal Property to Exempt Hospitals
150.332	Persons Who Lease Tangible Personal Property to Governmental Bodies
150.335	Game or Game Birds Purchased at Game Breeding and Hunting Areas or Exotic

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	Game Hunting Areas
150.336	Fuel Brought into Illinois in Locomotives
150.337	Food, Drugs, Medicines and Medical Appliances When Purchased for Use by a Person Receiving Medical Assistance under the Illinois Public Aid Code
<u>150.340</u>	<u>Manufacturing Machinery and Equipment; Production Related Tangible Personal Property; Department Determination of Amount of Exemption</u>

## SUBPART D: COLLECTION OF THE USE TAX FROM USERS BY RETAILERS

Section	
150.401	Collection of the Tax by Retailers From Users
150.405	Tax Collection Brackets
150.410	Tax Collection Brackets for a 2¼% Rate of Tax (Repealed)
150.415	Tax Collection Brackets for a 2½% Rate of Tax (Repealed)
150.420	Tax Collection Brackets for a 2¾% Rate of Tax (Repealed)
150.425	Tax Collection Brackets for a 3% Rate of Tax (Repealed)
150.430	Tax Collection Brackets for a 3⅛% Rate of Tax (Repealed)
150.435	Tax Collection Brackets for a 3¼% Rate of Tax (Repealed)
150.440	Tax Collection Brackets for a 3½% Rate of Tax (Repealed)
150.445	Tax Collection Brackets for a 3¾% Rate of Tax (Repealed)
150.450	Tax Collection Brackets for a 4% Rate of Tax (Repealed)
150.455	Tax Collection Brackets for a 4⅛% Rate of Tax (Repealed)
150.460	Tax Collection Brackets for a 4¼% Rate of Tax (Repealed)
150.465	Tax Collection Brackets for a 4½% Rate of Tax (Repealed)
150.470	Tax Collection Brackets for a 4¾% Rate of Tax (Repealed)
150.475	Tax Collection Brackets for a 5% Rate of Tax (Repealed)
150.480	Tax Collection Brackets for a 5⅛% Rate of Tax (Repealed)
150.485	Tax Collection Brackets for a 5¼% Rate of Tax (Repealed)
150.490	Tax Collection Brackets for a 5½% Rate of Tax (Repealed)
150.495	Tax Collection Brackets for a 5¾% Rate of Tax (Repealed)
150.500	Tax Collection Brackets for a 6% Rate of Tax (Repealed)
150.505	Optional 1% Schedule (Repealed)
150.510	Exact Collection of Tax Required When Practicable
150.515	Prohibition Against Retailer's Representing That He Will Absorb The Tax
150.520	Display of Tax Collection Schedule (Repealed)
150.525	Methods for Calculating Tax on Sales of Items Subject to Differing Tax Rates

## SUBPART E: RECEIPT FOR THE TAX

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Section  
150.601 Requirements

## SUBPART F: SPECIAL INFORMATION FOR TAXABLE USERS

Section  
150.701 When and Where to File a Return  
150.705 Use Tax on Items that are Titled or Registered in Illinois  
150.710 Procedure in Claiming Exemption from Use Tax  
150.715 Receipt for Tax or Proof of Exemption Must Accompany Application for Title or  
Registration  
150.716 Display Certificates for House Trailers  
150.720 Issuance of Title or Registration Where Retailer Fails or Refuses to Remit Tax  
Collected by Retailer from User  
150.725 Direct Payment of Tax by User to Department on Intrastate Purchase Under  
Certain Circumstances  
150.730 Direct Reporting of Use Tax to Department by Registered Retailers

## SUBPART G: REGISTRATION OF OUT-OF-STATE RETAILERS

Section  
150.801 When Out-of-State Retailers Must Register and Collect Use Tax  
150.805 Voluntary Registration by Certain Out-of-State Retailers  
150.810 Incorporation by Reference

## SUBPART H: RETAILERS' RETURNS

Section  
150.901 When and Where to File  
150.905 Deduction for Collecting Tax  
150.910 Incorporation by Reference  
150.915 Itemization of Receipts from Sales and the Tax Among the Different States from  
Which Sales are Made into Illinois

SUBPART I: PENALTIES, INTEREST, STATUTE OF LIMITATIONS  
AND ADMINISTRATIVE PROCEDURES

Section  
150.1001 General Information

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## SUBPART J: TRADED-IN PROPERTY

## Section

150.1101 General Information

SUBPART K: INCORPORATION OF ILLINOIS  
RETAILERS' OCCUPATION TAX REGULATIONS BY REFERENCE

## Section

150.1201 General Information

## SUBPART L: BOOKS AND RECORDS

## Section

150.1301 Users' Records

150.1305 Retailers' Records

150.1310 Use of Signs to Prove Collection of Tax as a Separate Item

150.1315 Consequence of Not Complying with Requirement of Collecting Use Tax  
Separately From the Selling Price

150.1320 Incorporation by Reference

## SUBPART M: CLAIMS TO RECOVER ERRONEOUSLY PAID TAX

## Section

150.1401 Claims for Credit – Limitations – Procedure

150.1405 Disposition of Credit Memoranda by Holders Thereof

150.1410 Refunds

150.1415 Interest

150.TABLE A Tax Collection Brackets

AUTHORITY: Implementing the Use Tax Act [35 ILCS 105] and authorized by Section 2505-90 of the Civil Administrative Code of Illinois [20 ILCS 2505/2505-90].

SOURCE: Adopted August 1, 1955; amended at 4 Ill. Reg. 24, p. 553, effective June 1, 1980; amended at 5 Ill. Reg. 5351, effective April 30, 1981; amended at 5 Ill. Reg. 11072, effective October 6, 1981; codified at 6 Ill. Reg. 9326; amended at 8 Ill. Reg. 3704, effective March 12, 1984; amended at 8 Ill. Reg. 7278, effective May 11, 1984; amended at 8 Ill. Reg. 8623,

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effective June 5, 1984; amended at 11 Ill. Reg. 6275, effective March 20, 1987; amended at 14 Ill. Reg. 6835, effective April 19, 1990; amended at 15 Ill. Reg. 5861, effective April 5, 1991; emergency amendment at 16 Ill. Reg. 14889, effective September 9, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 1947, effective February 2, 1993; amended at 18 Ill. Reg. 1584, effective January 13, 1994; amended at 20 Ill. Reg. 7019, effective May 7, 1996; amended at 20 Ill. Reg. 16224, effective December 16, 1996; amended at 22 Ill. Reg. 21670, effective November 25, 1998; amended at 24 Ill. Reg. 10728, effective July 7, 2000; amended at 25 Ill. Reg. 953, effective January 8, 2001; emergency amendment at 25 Ill. Reg. 1821, effective January 16, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 5059, effective March 23, 2001; amended at 25 Ill. Reg. 6540, effective May 3, 2001; amended at 25 Ill. Reg. 10937, effective August 13, 2001; amended at 26 Ill. Reg. 971, effective January 15, 2002; amended at 26 Ill. Reg. 9902, effective June 24, 2002; amended at 27 Ill. Reg. 1607, effective January 15, 2003; emergency amendment at 27 Ill. Reg. 11209, effective July 1, 2003, for a maximum of 150 days; emergency expired November 27, 2003; emergency amendment at 28 Ill. Reg. 15266, effective November 3, 2004, for a maximum of 150 days; emergency expired April 1, 2005; amended at 29 Ill. Reg. 7079, effective April 26, 2005; emergency amendment at 32 Ill. Reg. 8806, effective May 29, 2008, for a maximum of 150 days; emergency expired October 25, 2008; amended at 32 Ill. Reg. 17554, effective October 24, 2008; amended at 32 Ill. Reg. 19149, effective December 1, 2008.

## SUBPART C: KINDS OF USES AND USERS NOT TAXED

**Section 150.340 Manufacturing Machinery and Equipment; Production Related Tangible Personal Property; Department Determination of Amount of Exemption**

- a) General. Beginning on July 1, 2007 and ending on June 30, 2008, the manufacturing and assembling machinery and equipment exemption described in 86 Ill. Adm. Code 130.330 includes purchases of production related tangible personal property, subject to the limitations set forth in this Section. For purposes of this Section, terms used, unless defined in this Section, have the meaning ascribed to them in 86 Ill. Adm. Code 130.330.
- b) Limitations. The exemption for production related tangible personal property is subject to the following limitations:
  - 1) The exemption for production related tangible personal property allowed under this Section shall be awarded to the taxpayer in the form of a credit memorandum issued by the Department as provided in subsection (f). Retailers must collect tax on sales, and purchasers must pay tax on

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purchases, of production related tangible personal property at the time of the sale.

- 2) Purchases of production related tangible personal property made on or after July 1, 2007 and on or before June 30, 2008 are eligible for a credit memorandum equal to 5% of the purchase price.
- 3) Manufacturer's Purchase Credit (see 86 Ill. Adm. Code 130.331) may not be earned by the purchase of production related tangible personal property for which a credit memorandum is received under this Section and purchases otherwise eligible for the manufacturing and assembling machinery and equipment exemption are not eligible for a credit memorandum under this Section.
- 4) The maximum aggregate amount of credit memorandums for production related tangible personal property awarded under this Section to all taxpayers may not exceed \$10,000,000. If the claims for the credit memorandums exceed \$10,000,000, then the Department shall reduce the amount of the credit memorandum to each taxpayer on a pro rata basis.
- 5) Example. If a taxpayer submits a report that contains purchases of production related tangible personal property totaling \$50,000 for the year, the amount of the credit memorandum, before proration, would be \$2,500 (5% of the purchase price). If all of the reports submitted by taxpayers contain aggregate purchases of production related tangible personal property totaling \$400,000,000 for the year, the aggregate amount of credit memorandums that would be issued, before proration, is \$20,000,000 (5% of \$400,000,000). Because \$20,000,000 is twice the statutory limit of aggregate exemptions allowed, each exemption amount claimed will be reduced by one-half. So, the \$2,500 credit memorandum claimed will be reduced to \$1,250.

c) Production Related Tangible Personal Property.

- 1) "Production related tangible personal property" means all tangible personal property used or consumed in a production related process by a manufacturer in a manufacturing facility in which a manufacturing process described in Section 3-50 of the Use Tax Act takes place.

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- 2) "Production related tangible personal property" includes, without limitation, tangible personal property that is purchased for incorporation into real estate within a manufacturing facility and tangible personal property that is used or consumed in activities such as research and development, preproduction material handling, receiving, quality control, inventory control, storage, staging, and packaging for shipping and transportation purposes.
- 3) "Production related tangible personal property" does not include:
  - i) tangible personal property that is used, within or without a manufacturing facility, in sales, purchasing, accounting, fiscal management, marketing, personnel recruitment or selection, or landscaping; or
  - ii) tangible personal property that is required to be titled or registered with a department, agency, or unit of federal, State or local government.
- d) By way of illustration and not limitation, the following uses of tangible personal property will be considered production related:
  - 1) Tangible personal property purchased by a manufacturer for incorporation into real estate within a manufacturing facility for use in a production related process.
  - 2) Supplies and consumables used in a manufacturing facility, including fuels, coolants, solvents, oils, lubricants, cleaners and adhesives.
  - 3) Hand tools (not electrically, pneumatically or otherwise powered), protective apparel, and fire and safety equipment used or consumed in a manufacturing facility.
  - 4) Tangible personal property used or consumed in a manufacturing facility for purposes of pre-production and post-production material handling, receiving, quality control, inventory control, storage, staging and packing for shipping or transportation.

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- 5) Fuel used in a ready-mix cement truck to rotate the mixing drum in order to manufacture concrete or cement. However, only the amount of fuel used to rotate the drum will qualify. The amount of fuel used or consumed in transportation of the truck will not qualify as production related tangible personal property.
- e) By way of illustration and not limitation, the following uses of property will not be considered production related:
  - 1) The use of trucks, trailers and motor vehicles that are required to be titled or registered pursuant to the Illinois Vehicle Code [625 ILCS 5], and aircraft or watercraft required to be registered with an agency of State or federal government.
  - 2) Office supplies, computers, desks, copiers and equipment that are used for sales, purchasing, accounting, fiscal management, marketing and personnel recruitment or selection activities, even if that use takes place within a manufacturing facility.
  - 3) Tangible personal property used or consumed for aesthetic or decorative purposes, including landscaping and artwork.
  - 4) Tangible personal property used or consumed outside the manufacturing facility, including tangible personal property listed in subsection (d)(4), with the exception of tangible personal property used or consumed for research and development purposes.
  - 5) Tangible personal property purchased by a construction contractor for incorporation into a manufacturing facility.
  - 6) Tangible personal property transferred to a manufacturer's customer.
  - 7) Tangible personal property used in the process of graphic arts production.
- f) Administration of Exemption Claims. In order to meet the \$10,000,000 exemption cap set forth in subsection (b), which may require that exemptions be prorated, and in accordance with specific rulemaking authority granted in 35 ILCS 105/3-50(5), the Department shall implement the exemption under this

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Section through Exemption Reports filed by purchasers only. The exemption report procedure shall be as provided in this subsection (f).

- 1) Purchasers must file with the Department an Exemption Report, in the form and manner prescribed by the Department, for tax paid on purchases of production related tangible personal property that is purchased on or after July 1, 2007 and on or before June 30, 2008. The Exemption Report must be filed after the close of the eligibility period on June 30, 2008, but no later than September 1, 2008.
- 2) Subject to audit, purchasers must maintain records, as to each purchase of production related tangible personal property for which the purchaser files an Exemption Report, that:
  - A) Identify the vendor or supplier (including either the vendor's or supplier's Illinois registration number or Federal Employer Identification Number);
  - B) Identify the date of purchase, purchase price and description of the production related tangible personal property; and
  - C) Contain a certificate signed by the vendor or supplier (on a form provided by the Department or on the purchaser's own form containing the appropriate information) that:
    - i) acknowledges that the purchaser will file an Exemption Report for the production related tangible personal property; and
    - ii) certifies that the vendor or supplier will not file a claim against the taxes paid to the Department on that production related tangible personal property.
- 3) To claim the exemption for purchases of production related tangible personal property, the purchaser must report to the Department his or her purchases of production related tangible personal property made and for which tax was paid during the period beginning on July 1, 2007 and ending on June 30, 2008. The purchaser must make this report by signing and filing a Production Related Tangible Personal Property Exemption

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Report with the Department after the close of the eligibility period on June 30, 2008, but no later than September 1, 2008. Original Exemption Reports filed after September 1, 2008 shall be disallowed. The Production Related Tangible Personal Property Exemption Report must be filed on forms prescribed or approved by the Department and must state:

- A) The total purchase price of all production related tangible personal property purchased from July 1, 2007 through June 30, 2008 (excluding taxes paid);
  - B) The amount of the exemption claimed, which shall be equal to 5% of the amount in subsection (f)(3)(A); and
  - C) Such other information as the Department may reasonably require. (See Section 3-50(5) of the Use Tax Act.)
- 4) In order to efficiently administer this exemption within the statutory limitations, the Department shall proceed as provided in this subsection (f)(4).
- A) As soon as possible after the September 1, 2008 deadline for filing Exemption Reports, but no later than November 1, 2008, the Department shall review each Report timely filed.
  - B) The Department shall first determine all of those Exemption Reports that meet the requirements under this Section for approval in the full amount claimed (before proration) and hold them pending final determination on all Reports filed.
  - C) If an Exemption Report is timely filed that the Department does not approve in the full amount claimed (before proration), the Department shall notify the taxpayer that it has not approved the exemption in the amount claimed and explain the basis for its decision. The taxpayer shall have 30 days after the date of the notice to submit a corrected Exemption Report or provide evidence that the original Exemption Report is correct.
  - D) If, within 30 days after the date of the notice in subsection (f)(4)(C), the taxpayer submits a corrected Exemption Report that

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- meets the requirements under this Section for approval, or if the taxpayer submits evidence that the original Exemption Report is correct and the Department agrees with that evidence, then the exemption amount claimed will be approved and included with the other approved Exemption Reports under this Section.
- E) If, within 30 days after the date of the notice in subsection (f)(4)(C), the taxpayer responds to the notice and the Department changes the amount of the exemption approved as a result, but does not approve the full amount claimed in the corrected Exemption Report or based on the evidence provided, the Department shall include this final amount approved with the other approved Exemption Reports under this Section.
- F) If, within 30 days after the date of the notice in subsection (f)(4)(C), the taxpayer responds to the notice, but the taxpayer submits a corrected Exemption Report that does not meet the requirements under this Section for approval or the taxpayer submits evidence that the original Exemption Report is correct and the Department does not agree with that evidence, then the Exemption Report shall be approved only in the amount the Department determined to be eligible based on the original Exemption Report filed, which, in some instances will be a denial of all exemption amounts claimed.
- G) If the taxpayer does not respond to the notice in subsection (f)(4)(C) within 30 days after the date of the notice, then the Exemption Report shall be approved only in the amount the Department determined to be eligible based on the original Exemption Report filed, which, in some instances will be a denial of all exemption amounts claimed.
- 5) After making the final determination, as provided in subsection (f)(4), of which Exemption Reports meet the requirements for approval, the Department shall determine the aggregate amount of approved Exemption Reports for purchases of production related tangible personal property. If the aggregate amount of exemptions approved exceeds \$10,000,000, the Department shall reduce the exemption amount allowed to each claimant on a pro rata basis. After determining the pro rata amount approved for

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each Exemption Report, the Department shall notify each purchaser that the Report is approved and the pro rata amount of the exemption claimed that was allowed. This notification shall be made within 30 days after the Department makes the final determination.

EXAMPLE: Purchaser files an Exemption Report claiming an exemption of \$10,000 that the Department approves. The aggregate of all approved exemption claims equals \$20,000,000. All exemption claimants will be allowed a prorated exemption equal to one-half the Department-approved amount claimed. The purchaser who claimed a \$10,000 exemption will be allowed an exemption of \$5,000.

- 6) All exemption reports approved by the Department under this Section shall be awarded by the Department in the form of a credit memorandum. The taxpayer in the example in subsection (f)(5) would be awarded a credit memorandum in the amount of \$5,000 that he or she may use to satisfy State Use Tax and State and local occupation tax liability on future returns filed with the Department. A credit memorandum that is not used to offset the tax liability of the taxpayer may be assigned or transferred in accordance with 86 Ill. Adm. Code 130.1505. No interest shall be paid on exemption claims allowed under this Section.
- 7) A purchaser who is issued a credit memorandum under this Section for tax paid on the purchase of property that is later determined not to qualify as production related tangible personal property may be liable for tax, penalty and interest on the purchase of that property as of the date the credit memorandum is issued.

(Source: Added at 32 Ill. Reg. 19149, effective December 1, 2008)

## SECRETARY OF STATE

## NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Illinois Safety Responsibility Law
- 2) Code Citation: 92 Ill. Adm. Code 1070
- 3) Section Number: 1070.20                      Adopted Action: Amendment
- 4) Statutory Authority: 625 ILCS 5/Ch. 7
- 5) Effective Date of Amendment: November 25, 2008
- 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 Department's Division of Driver's Services, and is available for public inspection.
- 9) Notices of Proposed Published in Illinois Register: 32 Ill. Reg. 13838; August 22, 2008
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version: In the main authority note, 625 ILCS 5/6-521 was stricken.
- 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 Amendment: This rulemaking is to establish that Proof of Financial Responsibility, as required in IVC Section 7-315 and notices of cancellation or termination of the certified policy of insurance, as required in IVC Section 7-318, when submitted by paper, shall be on 8 ½" X 11" size paper. The Secretary of State will not process and shall return a certificate until it is submitted on the correct size of paper.

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENT

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

Arlene J. Pulley  
Office of the Secretary of State  
Driver Services Department  
2701 South Dirksen Parkway  
Springfield, Illinois 62723

217-557-4462

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

## SECRETARY OF STATE

## NOTICE OF ADOPTED AMENDMENT

TITLE 92: TRANSPORTATION  
CHAPTER II: SECRETARY OF STATEPART 1070  
ILLINOIS SAFETY RESPONSIBILITY LAW

Section	
1070.10	Forms of Security
1070.20	Future Proof
1070.30	Installment Agreements
1070.40	Disposition of Security
1070.50	Failure to Satisfy Judgment
1070.60	Release From Liability
1070.70	Incomplete Unsatisfied Judgment
1070.80	Driver's License Restriction for Exclusive Operation of Commercial Vehicles
1070.90	Dormant and Dead Judgments
1070.100	Bankruptcy
1070.110	Illinois Safety and Family Financial Responsibility Law

**AUTHORITY:** Implementing and authorized by the Illinois Safety and Family Financial Responsibility Law [625 ILCS 5/Ch. 7].

**SOURCE:** Filed and effective December 17, 1971; codified at 6 Ill. Reg. 12674; repealed at 7 Ill. Reg. 13678, effective October 14, 1983; New Part adopted at 11 Ill. Reg. 20215, effective November 30, 1987; amended at 14 Ill. Reg. 6859, effective April 24, 1990; amended at 14 Ill. Reg. 10107, effective June 12, 1990; amended at 15 Ill. Reg. 15083, effective October 8, 1991; amended at 16 Ill. Reg. 2172, effective January 24, 1992; amended at 17 Ill. Reg. 8517, effective May 27, 1993; amended at 18 Ill. Reg. 10909, effective June 28, 1994; amended at 20 Ill. Reg. 398, effective December 20, 1995; amended at 20 Ill. Reg. 7956, effective May 30, 1996; amended at 24 Ill. Reg. 1672, effective January 14, 2000; emergency amendment at 27 Ill. Reg. 14361, effective August 20, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 18458, effective November 24, 2003; emergency amendment at 30 Ill. Reg. 7974, effective April 14, 2006, for a maximum of 150 days; emergency expired September 11, 2006; amended at 30 Ill. Reg. 6392, effective April 12, 2007; amended at 32 Ill. Reg. 16507, effective September 25, 2008; amended at 32 Ill. Reg. 19163, effective November 25, 2008.

**Section 1070.20 Future Proof**

- a) For purposes of this Section, the following definitions shall apply:

## SECRETARY OF STATE

## NOTICE OF ADOPTED AMENDMENT

"Certificate of Insurance" – certificate filed with the Secretary of State's Office as proof that the person has purchased financial responsibility insurance as outlined in [IVC Section 625 ILCS 5/7-315](#).

"Department" – Department of Driver Services of the Office of the Secretary of State.

"Financial Responsibility Insurance" – insurance used to establish proof of financial responsibility as established in [IVC Sections 7-315 and 7-316](#) ~~of the Illinois Safety and Family Financial Responsibility Law [625 ILCS 5/7-315 and 7-316]~~.

"Illinois Insurance Guarantee Fund" – section of the Illinois Department of Insurance which deals with disposition of assets following bankruptcy.

["Illinois Vehicle Code" or "Vehicle Code" or "IVC" – 625 ILCS 5.](#)

"Law" – the Illinois Safety and Family Financial Responsibility Law of the Illinois Vehicle Code [625 ILCS 5/Ch. 7].

"Lien" – claim on property of another as security for payment of a just debt.

"Motor Vehicle Liability Policy" – "owner's policy" or an "operator's policy" of liability insurance ~~that~~[which](#) is certified pursuant to [IVC Section 7-315 or 7-316](#), ~~and~~ comports with [IVC Section 7-302](#) ~~of the Law~~ and ~~which~~ complies with the requirements of [IVC Section 7-317\(b\), \(c\), \(d\), and \(f\)](#) ~~of the Law~~.

"Proof of Financial Responsibility for the Future" – ability to respond in damages for any liability resulting from the ownership, maintenance, use or operation of a motor vehicle as provided in [IVC Section 7-302](#) ~~of the Law~~.

"Real Estate Bond" – proof filed pursuant to [IVC Section 7-320](#) ~~of the Law~~.

"Secretary of State" – Secretary of State of Illinois.

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"Stock" – proportionate share in ownership of corporation held by individual and ~~that~~which is usually represented by a stock certificate.

"Surety" – a person who makes himself/herself liable for another's debts or defaults of obligations.

- b) When a person purchases insurance to file proof of financial responsibility for the future, the insurance company will file a certificate of insurance with the Department. The certificate filed shall be either the AAMVA (American Association of Motor Vehicle Administrators) Uniform Financial Responsibility form, containing the insured's name and address, license number, and birthdate; current policy number and effective date of the insurance policy and the name of the insurance company with the signature of its authorized representative, or other certificate of insurance proof conforming to the requirements of IVC Section 7-315 or 7-316 ~~of the Law~~, which is endorsed and certifies policy limits as specified in IVC Section 7-302 ~~of the Law~~. If an owner's rather than operator's policy, it must include the model year, trade name and identification number of the vehicle. The owner's policy must also conform with the amounts specified in IVC Section 7-302 ~~of the Law~~.
- c) If a person purchases a certificate of insurance to satisfy his/her requirement to file future proof of financial responsibility and the insurance company fails and is no longer in business, and ceases operations by order of a court, and the Department is notified by the Illinois Insurance Guarantee Fund of the non-operation of the insurance company, the person shall have 30 days after notification by the Department to file a new certificate of insurance or satisfy his/her future proof requirement by cash or one of the other alternate methods provided in IVC Section 7-314 ~~of the Law~~. If a suspension has been entered even though the person has filed future proof of financial responsibility within the 30 day time period, the suspension shall be removed.
- d) If a person required to furnish proof of financial responsibility for the future chooses to file a bond pursuant to IVC Section 7-320 ~~of the Law~~, and the bond is executed by the person giving the proof and two individual sureties, the following conditions must be met:
- 1) Each surety must own real estate within the State of Illinois:-

## SECRETARY OF STATE

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- 2) Each surety must have equity in that real estate in the amount of the bond.
  - 3) The bond must be endorsed by the clerk of the court and approved by a judge as provided in [IVC](#) Section 7-320 ~~of the Law~~.
- e) If any evidence of proof of financial responsibility for the future filed under the Law falls below the amount required as provided in [IVC](#) Section 7-302 ~~of the Law~~, additional evidence shall be required. Cash and securities are deposited with the Illinois State Treasurer and the Treasurer monitors the securities and informs the Department if its value falls below the amount required. A certificate of insurance or bonds, real estate bonds that are without liens, stocks, and cash shall be accepted as evidence to establish the additional required proof of financial responsibility for the future. The additional security shall be sent to the Safety and Financial Responsibility Section, Department of Driver Services, 2701 South Dirksen Parkway, Springfield, Illinois 62723.
- f) Whenever any evidence of proof of ability to respond in damages required to be filed pursuant to the provisions of [IVC](#) Section 7-301 ~~of the Law~~ no longer fulfills the purpose for which required, the Department shall require other evidence of ability to respond in damages, including but not limited to an endorsed certificate of insurance meeting the requirements of [IVC](#) Section 7-302 ~~of the Law~~, bonds, unencumbered real estate bonds, stocks or cash. The person required to post proof shall have 30 days after notification by the Department to post or file additional proof. If the person fails to post proof within 30 days, ~~then~~ the Secretary of State shall suspend the driver's license, registration certificate, license plates and registration sticker pending receipt of such proof.
- g) Proof of Financial Responsibility as required in the Law shall be made by filing with the Secretary of State a written or electronic certificate of insurance. Notices of cancellation or termination of the certified policy of insurance proof as required in [IVC](#) Sections 7-315 and 7-318 ~~of the Law~~ must be submitted in writing or electronically. All written or electronic certificates of insurance proof and cancellation or termination as required in the Law must be submitted in a manner satisfactory to the Secretary of State.
- h) A notice of cancellation or termination of the certified policy of insurance for nonpayment of premiums shall only be sent to the Secretary of State after the insured has failed to discharge, on or after the due date, any of his or her obligations in connection with the payment of premiums, or installments that are

## SECRETARY OF STATE

## NOTICE OF ADOPTED AMENDMENT

payable directly to the insurer, its agent, or a party that has financed the premium. In the event an insurance company violates the provisions of this subsection, that violation shall be reported to the Illinois Department of Financial and Professional Regulation-Division of Insurance.

- i) Proof of Financial Responsibility as required in IVC Section 7-315, and notices of cancellation or termination of the certified policy of insurance, as required in IVC Section 7-318, when submitted by paper shall be 8½" X 11" in size. The Department shall return certificates submitted incorrectly to the insurance company. Certificates will not be processed until submitted on the correct size of paper.

(Source: Amended at 32 Ill. Reg. 19163, effective November 25, 2008)

## STATE BOARD OF EDUCATION

## NOTICE OF ADOPTED RULES

- 1) Heading of the Part: Incentive Grants for Agricultural Science Teacher Education
- 2) Code Citation: 23 Ill. Adm. Code 75
- 3) 

<u>Section Numbers</u> :	<u>Adopted Action</u> :
75.10	New Section
75.20	New Section
75.30	New Section
75.40	New Section
75.50	New Section
- 4) Statutory Authority: 105 ILCS 5/2-3.80a and 2-3.6
- 5) Effective Date of Rules: November 26, 2008
- 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 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 5, 2008; 32 Ill. Reg. 14489
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version: Section 75.30(b) was rewritten to clarify which officials must sign letters of support, and Section 75.40(a) was amplified by the insertion of the words "teacher education" to make clear which type of candidates are being discussed.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any other proposed rulemakings pending on this Part? No

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## NOTICE OF ADOPTED RULES

- 15) Summary and Purpose of Rules: These rules respond to Public Act 95-153, which was enacted in 2007 but funded for the first time for Fiscal Year 2009. The Act added Section 2-3.80a to the School Code, which directs ISBE to establish a "training continuum" for teachers of agricultural education that begins with awareness and recruitment at the secondary level. The new law identifies specifically the entities that are eligible for funds under this program and the categories of activities for which the funds may be used. The rules have been structured based on the understanding that all the eligible applicants are to receive grant awards. The amounts will vary according to the activities proposed by the participating universities and community colleges and the areas of priority selected for funding from year to year.
- 16) Information and questions regarding these adopted rules shall be directed to:

Patrick Murphy  
Division of Educator and School Development  
Illinois State Board of Education  
100 North First Street  
Springfield, Illinois 62777-0001

217/782-7702

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

## STATE BOARD OF EDUCATION

## NOTICE OF ADOPTED RULES

## TITLE 23: EDUCATION AND CULTURAL RESOURCES

## SUBTITLE A: EDUCATION

## CHAPTER I: STATE BOARD OF EDUCATION

## SUBCHAPTER b: PERSONNEL

## PART 75

## INCENTIVE GRANTS FOR AGRICULTURAL SCIENCE TEACHER EDUCATION

## Section

75.10	Purpose and Applicability
75.20	Eligible Applicants
75.30	Application Procedure
75.40	Program Specifications; Allowable Expenditures
75.50	Criteria for the Review of Proposals; Allocation of Funds

AUTHORITY: Implementing Section 2-3.80a and authorized by Section 2-3.6 of the School Code [105 ILCS 5/2-3.80a and 2-3.6].

SOURCE: Adopted at 32 Ill. Reg. 19170, effective November 26, 2008.

**Section 75.10 Purpose and Applicability**

This Part establishes the application procedure for and criteria for allocation of grant funds to eligible institutions of higher education under the agricultural science teacher education program established under Section 2-3.80a of the School Code [105 ILCS 5/2-3.80a].

**Section 75.20 Eligible Applicants**

Eligible applicants under this Part shall be as specified in Section 2-3.80a of the School Code, provided that public community colleges that *provide an articulated agriculture science teacher education course of study* are only those that offer at least:

- a) the introductory agricultural education course for which transfer credit is accepted by the public universities under the Illinois Articulation Initiative (see the information posted by the Illinois Board of Higher Education at [www.itransfer.org](http://www.itransfer.org)); and
- b) a one-semester-hour internship or other, equivalent field experience.

## STATE BOARD OF EDUCATION

## NOTICE OF ADOPTED RULES

**Section 75.30 Application Procedure**

- a) When State funding is expected to be available for the agricultural science teacher education program for a given fiscal year, the State Superintendent of Education shall issue a request for applications from eligible entities. This request shall:
  - 1) indicate the amount or expected amount of the appropriation for the program and the expected range for grant awards;
  - 2) describe the required content and format of applications and identify the activities that will receive priority consideration for funding, if applicable;
  - 3) identify the data that recipients will be required to collect and report regarding the activities conducted with the funds provided and the results of those activities, as well as the timelines for reporting;
  - 4) include such certifications, assurances, and program-specific terms of the grant as the State Superintendent may require; and
  - 5) indicate the deadline for submission of applications, which shall provide applicants with at least 30 days in which to respond.
- b) Each application shall be signed by an authorized representative of the institution, and each shall be accompanied by a letter of support signed by the head of the agriculture department and, as applicable, the head of the education department or other department responsible for the education program at the applicant institution.
- c) Applicants may be requested to clarify various aspects of their proposals. The content of the approved proposal shall be incorporated into a grant agreement to be signed by the applicant's authorized representative and the State Superintendent.
- d) Each participating institution's eligibility to receive funding in fiscal years following the initial appropriation for this program, or following the institution's initial receipt of funding, as applicable, shall be contingent upon the submission of:

## STATE BOARD OF EDUCATION

## NOTICE OF ADOPTED RULES

- 1) a description of activities undertaken to date and any other information required to be reported, demonstrating that the project has been implemented in conformance with the grant agreement;
- 2) an updated project narrative that discusses the services and activities for which the funding will be used and a rationale for the activities to be undertaken;
- 3) an updated budget summary and payment schedule for the coming fiscal year, including a narrative budget breakdown;
- 4) signed certifications, assurances, and program-specific terms of the grant, as applicable to the renewal period.

**Section 75.40 Program Specifications; Allowable Expenditures**

Funds provided pursuant to this Part may be expended only for activities and initiatives conducted in accordance with subsection (b) of Section 2-3.80a of the School Code and this Section.

- a) For purposes of this Part, "teacher education candidate recruitment and retention initiatives" include:
  - 1) the identification of students in Grades 11 and 12 who may be interested in pursuing agricultural education as a profession; and
  - 2) activities and strategies that are designed to attract these and other students to teaching in agricultural education, including, but not limited to:
    - A) introducing the students to multiple aspects of agricultural work and agricultural education in Illinois;
    - B) providing mentors or other forms of personal support to the students as they determine whether to pursue careers as agricultural education teachers and as they progress through the teacher preparation program; and
    - C) providing scholarships, stipends, or other forms of financial or in-kind support that will make completion of a teacher preparation

## STATE BOARD OF EDUCATION

## NOTICE OF ADOPTED RULES

program in agricultural education more affordable and accessible to students from a broad range of backgrounds.

- b) Each institution that elects to deliver professional development experiences for new teachers shall first seek approval as a provider of professional development for teachers in this field under the applicable provisions of the rules of the State Board of Education for Certification (see 23 Ill. Adm. Code 25.855, 25.870, and 25.872).
- c) For purposes of this Part:
  - 1) a "master teacher" is a teacher with no fewer than six years of teaching experience, ending no more than ten years prior to submission of an application under this Part, in the field of agricultural education, exclusive of teaching experience on a provisional vocational or temporary provisional vocational certificate; and
  - 2) a "practitioner" is an individual who, as demonstrated by the institution's proposal narrative:
    - A) is currently engaged, or has been engaged within the previous 10 years, in an agricultural occupation requiring knowledge and skills in agricultural science, agricultural mechanization, agricultural business, horticulture, or agricultural resources; or
    - B) holds a provisional vocational certificate endorsed for a skill area related to agricultural education and is currently teaching, or has taught within the previous 10 years, in a position requiring that certificate.
- d) A university shall expend no more than five percent of the grant funds received for professional development for the staff of its agricultural education teacher preparation program.
- e) Activities shall be supported by funding under this Part only to the extent that they do not duplicate or supplant efforts already conducted by or under the auspices of the community college or university. The use of grant funds for administrative expenditures shall be limited to amounts demonstrably necessary for the implementation or coordination of additional activities under this Part.

## STATE BOARD OF EDUCATION

## NOTICE OF ADOPTED RULES

**Section 75.50 Criteria for the Review of Proposals; Allocation of Funds**

Each applicant may propose to expend grant funds for one or more of the four types of activities discussed in subsection (b) of Section 2-3.80a of the School Code. Subsection (a) of this Section includes review criteria for all four types of activities; however, the individual criteria that are not relevant to the activities included in a particular proposal shall be disregarded in its review. The State Superintendent of Education shall make final determinations regarding the amounts to be provided based upon the total funds appropriated for this initiative and the amounts necessary to fund high-quality proposals that are most responsive to the area or areas of priority identified in the request for applications.

- a) Quality of the Plan (80 points)
  - 1) Proposed recruitment and retention strategies appear likely to:
    - A) promote increased awareness of agricultural education as a potential career among students from varied backgrounds and communities;
    - B) create enhanced incentives for individual students to enter and persist in teacher preparation programs in agricultural education; and
    - C) help eliminate barriers that may otherwise prevent individuals from completing preparation programs in this field.
  - 2) Proposed expenditures for the services of master teachers and practitioners as support for student teaching will enhance candidates' understanding of agricultural education as a profession and broaden their awareness of the varied facets of agriculture and agriculturally based careers.
  - 3) Plans for delivery of professional development for new teachers provide evidence that the training is designed in response to the expressed needs of individuals who are in their first five years of teaching in the field of agricultural education and the districts or cooperatives where they are employed.

## STATE BOARD OF EDUCATION

## NOTICE OF ADOPTED RULES

- 4) Planned expenditures for professional development for a university's agricultural education staff are demonstrably related to the needs of those individuals.
- b) Cost-Effectiveness (20 points)  
The proposal represents a cost-effective use of State resources, as evidenced by the amounts requested for the proposed activities in relation to the numbers of students or teachers to be served and the services to be provided.

## DEPARTMENT OF EMPLOYMENT SECURITY

## NOTICE OF EXPEDITED CORRECTION

- 1) Heading of the Part: Payment Of Benefits
- 2) Code Citation: 56 Ill. Adm. Code 2830
- 3) Section Number: 2830.305
- 4) Date Proposal published in Illinois Register: May 2, 2008; 32 Ill. Reg. 7005
- 5) Date Adoption published in Illinois Register: August 8, 2008; 32 Ill. Reg. 13183
- 6) Adoption Effective Date: November 26, 2008
- 7) Correction Effective Date: July 24, 2008
- 8) Summary and Purpose of Expedited Correction: In Section 2830.305(a), the word "claimant's" appears redundantly prior to the phrase "local office where the claimant last filed a claim for benefits". This extra word was not included in the 2nd Notice version of the rule text to which DES had agreed and to which JCAR had issued a Certificate of No Objection. The expedited correction was requested in order to conform the rule text to that agreed upon with the Joint Committee.

The full text of the Corrected Rules begins on the following page.

## DEPARTMENT OF EMPLOYMENT SECURITY

## NOTICE OF EXPEDITED CORRECTION

TITLE 56: LABOR AND EMPLOYMENT  
CHAPTER IV: DEPARTMENT OF EMPLOYMENT SECURITY  
SUBCHAPTER e: RIGHTS AND DUTIES OF EMPLOYEESPART 2830  
PAYMENT OF BENEFITS

## SUBPART A: GENERAL PROVISIONS

Section	
2830.10	Mailing Address For Benefit Checks
2830.50	Calculating The "National Average Of This Ratio" Under Section 401 Of The Act

## SUBPART B: PAYMENT TO DECEASED CLAIMANTS

Section	
2830.200	Payment Of Benefits Due A Deceased Claimant
2830.205	Order Of Payment To Survivors Of A Deceased Claimant
2830.210	Payment To A Minor Survivor Of A Deceased Claimant
2830.215	Time And Manner For Claiming Benefits Due A Deceased Claimant
2830.220	Right Of Appeal

SUBPART C: REISSUANCE OF BENEFIT CHECKS, MISDIRECTED  
PAYMENTS OR LOST OR STOLEN DEBIT CARDS

Section	
2830.300	Requests For Reissuance Of Checks Or Replacement Of Electronic Payments
2830.303	Lost Or Stolen Debit Cards
2830.305	Where Original Benefit Check Has Been Processed By The Payor Bank Or Where Direct Deposit Has Been Established Without Authorization
2830.310	Check Or Direct Deposit Authorization Forgery Investigation
2830.315	Notice Of Interview
2830.320	Continuances
2830.325	Check Or Direct Deposit Authorization Forgery Interview
2830.330	The Record
2830.335	Decision
2830.340	Appeals

AUTHORITY: Implementing and authorized by Sections 400, 401, 404, 1700 and 1701 of the

## DEPARTMENT OF EMPLOYMENT SECURITY

## NOTICE OF EXPEDITED CORRECTION

Unemployment Insurance Act [820 ILCS 405/400, 401, 404, 1700 and 1701].

SOURCE: Illinois Department of Labor, Bureau of Employment Security, Regulation 26, filed as amended May 2, 1952, effective May 12, 1952; rule repealed by operation of law, October 1, 1984; new rules adopted at 9 Ill. Reg. 10005, effective June 15, 1985; amended at 14 Ill. Reg. 9101, effective May 23, 1990; amended at 15 Ill. Reg. 16960, effective November 12, 1991; amended at 32 Ill. Reg. 13183, effective July 24, 2008; expedited correction at 32 Ill. Reg. 19178, effective July 24, 2008.

SUBPART C: REISSUANCE OF BENEFIT CHECKS, MISDIRECTED  
PAYMENTS OR LOST OR STOLEN DEBIT CARDS

**Section 2830.305 Where Original Benefit Check Has Been Processed By The Payor Bank  
Or Where Direct Deposit Has Been Established Without Authorization**

- a) When a request for reissuance of a payment is made by a claimant pursuant to Section 2830.300 and it is determined that the check has already been processed by the payor bank or when the payment has been directly deposited into a financial institution account the claimant asserts he or she did not authorize pursuant to 56 Ill. Adm. Code 2720.11, the claimant will be sent a copy of the check or the Direct Deposit Authorization/Change Form and an Affidavit of Non-Endorsement or an Affidavit of Non-Authorization for Direct Deposit. If the claimant believes that neither the claimant nor the claimant's authorized agent endorsed the check or completed the direct deposit authorization, within 30 days after the mailing of the copy of the check or Direct Deposit Authorization/Change Form, the claimant must file the completed Affidavit of Non-Endorsement or Affidavit of Non-Authorization for Direct Deposit, as appropriate, at the ~~claimant's~~ local office where the claimant last filed a claim for benefits.
- b) When a request for reissuance of a benefit check is made by a second endorser and the original benefit check has been processed by the payor bank, the request must be made within 90 days after the date that the check was paid by the payor bank.

(Source: Expedited Correction at 32 Ill. Reg. 19178, effective July 24, 2008)

JOINT COMMITTEE ON ADMINISTRATIVE RULES  
DECEMBER AGENDA

JOINT COMMITTEE ON ADMINISTRATIVE RULES

SCHEDULED MEETING:

JAMES R. THOMPSON CENTER  
ROOM 16-503  
CHICAGO, ILLINOIS  
10:30 A.M.  
DECEMBER 16, 2008

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

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

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

**RULEMAKINGS CURRENTLY BEFORE JCAR**

**PROPOSED RULEMAKINGS**

Agriculture

1. Insect Pest and Plant Disease Act (8 Ill. Adm. Code 240)  
-First Notice Published: 32 Ill. Reg. 13618 – 8/22/08  
-Expiration of Second Notice: 12/24/08

Financial and Professional Regulation

2. Consumer Installment Loan Act (38 Ill. Adm. Code 110)  
-First Notice Published: 32 Ill. Reg. 13127 – 8/8/08  
-Expiration of Second Notice: 1/21/09

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JOINT COMMITTEE ON ADMINISTRATIVE RULES  
DECEMBER AGENDA

3. Life Insurance Solicitation (50 Ill. Adm. Code 930)
  - First Notice Published: 32 Ill. Reg. 13374 – 8/15/08
  - Expiration of Second Notice: 12/21/08
4. Insurance Data Reporting Requirements (50 Ill. Adm. Code 4203)
  - First Notice Published: 32 Ill. Reg. 13439 – 8/15/08
  - Expiration of Second Notice: 12/21/08
5. Physician Assistant Practice Act of 1987 (68 Ill. Adm. Code 1350)
  - First Notice Published: 32 Ill. Reg. 13971 – 8/29/08
  - Expiration of Second Notice: 12/26/08

Healthcare and Family Services

6. Medical Assistance Programs (89 Ill. Adm. Code 120)
  - First Notice Published: 32 Ill. Reg. 6328 – 4/18/08
  - Expiration of Second Notice: 1/2/09
7. Child Support Enforcement (89 Ill. Adm. Code 160)
  - First Notice Published: 32 Ill. Reg. 13791 – 8/22/08
  - Expiration of Second Notice: 1/7/09

Housing Development Authority

8. Predatory Lending Database Program (47 Ill. Adm. Code 390)
  - First Notice Published: 32 Ill. Reg. 15201 – 9/26/08
  - Expiration of Second Notice: 1/8/09

Human Rights Commission

9. Procedural Rules (56 Ill. Adm. Code 5300)
  - First Notice Published: 32 Ill. Reg. 14371 – 9/5/08
  - Expiration of Second Notice: 12/19/08

Public Health

10. Body Art Code (77 Ill. Adm. Code 797)
  - First Notice Published: 32 Ill. Reg. 2738 – 2/22/08
  - Expiration of Second Notice: 1/1/09

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JOINT COMMITTEE ON ADMINISTRATIVE RULES  
DECEMBER AGENDA

Revenue

11. Income Tax (86 Ill. Adm. Code 100)
  - First Notice Published: 32 Ill. Reg. 16037 – 10/3/08
  - Expiration of Second Notice: 1/1/09
12. Income Tax (86 Ill. Adm. Code 100)
  - First Notice Published: 32 Ill. Reg. 16309 – 10/10/08
  - Expiration of Second Notice: 1/8/09
13. Retailers' Occupation Tax (86 Ill. Adm. Code 130)
  - First Notice Published: 32 Ill. Reg. 14927 – 9/19/08
  - Expiration of Second Notice: 1/4/09

Secretary of State

14. Procedures and Standards (92 Ill. Adm. Code 1001)
  - First Notice Published: 32 Ill. Reg. 9819 – 7/11/08
  - Expiration of Second Notice: 1/27/09

Transportation

15. Illinois Cycle Rider Safety Training Rules (Repealer) (92 Ill. Adm. Code 455)
  - First Notice Published: 32 Ill. Reg. 16327 – 10/10/08
  - Expiration of Second Notice: 1/8/09
16. Illinois Cycle Rider Safety Training Program (92 Ill. Adm. Code 455)
  - First Notice Published: 32 Ill. Reg. 16345 – 10/10/08
  - Expiration of Second Notice: 1/8/09

**EMERGENCY RULEMAKINGS**

Financial and Professional Regulation

17. Professional Boxing Act (Repealer) (68 Ill. Adm. Code 1370)
  - Notice Published: 32 Ill. Reg. 17828 – 11/14/08

Healthcare and Family Services

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JOINT COMMITTEE ON ADMINISTRATIVE RULES  
DECEMBER AGENDA

18. Medical Payment (89 Ill. Adm. Code 140)  
-Notice Published: 32 Ill. Reg. 18422 – 12/1/08

**PEREMPTORY RULEMAKINGS**

Agriculture

19. Meat and Poultry Inspection Act (8 Ill. Adm. Code 125)  
-Notice Published: 32 Ill. Reg. 17831 – 11/14/08

Central Management Services

20. Pay Plan (80 Ill. Adm. Code 310)  
-Notice Published: 32 Ill. Reg. 18324 – 12/1/08

Human Services

21. Temporary Assistance for Needy Families (89 Ill. Adm. Code 112)  
-Notice Published: 32 Ill. Reg. 18051 – 11/21/08
22. Aid to the Aged, Blind or Disabled (89 Ill. Adm. Code 113)  
-Notice Published: 32 Ill. Reg. 18065 – 11/21/08
23. General Assistance (89 Ill. Adm. Code 114)  
-Notice Published: 32 Ill. Reg. 18076 – 11/21/08
24. Refugee/Repatriate Program (89 Ill. Adm. Code 115)  
-Notice Published: 32 Ill. Reg. 18088 – 11/21/08
25. Food Stamps (89 Ill. Adm. Code 121)  
-Notice Published: 32 Ill. Reg. 18092 – 11/21/08

**ADOPTED RULEMAKING**

Illinois Violence Prevention Authority

26. Public Information, Rulemaking and Organization (2 Ill. Adm. Code 1770)  
-Notice Published: 32 Ill. Reg. 17450 – 11/7/08

**AGENCY RESPONSES**

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JOINT COMMITTEE ON ADMINISTRATIVE RULES  
DECEMBER AGENDA

Central Management Services

27. Standard Procurement (44 Ill. Adm. Code 1; 31 Ill. Reg. 14973)

Education

28. Special Education Facilities Under Section 14-7.02 of the School Code (23 Ill. Adm. Code 401; 32 Ill. Reg. 4705)

Healthcare and Family Services

29. Medical Payment (89 Ill. Adm. Code 140; 32 Ill. Reg. 10480) (Emergency)

Natural Resources

30. Special Wildlife Funds Grant Program (17 Ill. Adm. Code 3060; 32 Ill. Reg. 14413)

JOINT COMMITTEE ON ADMINISTRATIVE RULES  
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notice was received by the Joint Committee on Administrative Rules during the period of November 25, 2008 through December 1, 2008 and has been scheduled for review by the Committee at its December 16, 2008 meeting. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rulemaking should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield IL 62706.

<u>Second Notice Expires</u>	<u>Agency and Rule</u>	<u>Start Of First Notice</u>	<u>JCAR Meeting</u>
1/8/09	<u>Department of Revenue</u> , Income Tax (86 Ill. Adm. Code 100)	10/10/08 32 Ill. Reg. 16309	12/16/08
1/8/09	<u>Department of Transportation</u> , Illinois Cycle Rider Safety Training Rules (Repealer) (92 Ill. Adm. Code 455)	10/10/08 32 Ill. Reg. 16327	12/16/08
1/8/09	<u>Department of Transportation</u> , Illinois Cycle Rider Safety Training Program (92 Ill. Adm. Code 455)	10/10/08 32 Ill. Reg. 16345	12/16/08
1/8/09	<u>Illinois Housing Development Authority</u> , Predatory Lending Database Program (47 Ill. Adm. Code 390)	9/26/08 32 Ill. Reg. 15201	12/16/08

## PROCLAMATIONS

**2008-436**

**WHEREAS**, On the 4<sup>th</sup> day of November, 2008, an election was held in the State of Illinois for the election of twenty-one (21) Electors of President and Vice President of the United States.

**WHEREAS**, In pursuance of Law, the State Board of Elections appointed to canvass the returns of such election and to declare the results thereof, did, on this the 30<sup>th</sup> day of November, 2008, canvass the same, and as a result of such canvass, did declare elected the following named persons to the following named office:

**ELECTORS OF PRESIDENT AND VICE PRESIDENT OF THE UNITED STATES:**

Constance A. Howard

Carrie Austin

Andrew Madigan

Ricardo Munoz

James DeLeo

Marge Friedman

Vera Davis

Nancy Shepardson

William Marovitz

Lauren Beth Gash

Debbie Halvorson

Molly McKenzie

Julia Kennedy Beckman

Mark Guethle

Lynn Foster

John Nelson

Mary Boland

Shirley McCombs

Don Johnston

Barbara Flynn Currie

John R. Daley

**NOW, THEREFORE, I, ROD R. BLAGOJEVICH**, Governor of the State of Illinois, in conformity to statute in such case made and provided, do hereby make public proclamation, declaring as a result of such canvass the foregoing persons duly elected to the office as set out above.

**2008-437****TO ALL WHOM THESE PRESENTS SHALL COME, GREETING;**

**KNOW YE**, That on the 4<sup>th</sup> day of November, 2008, as ascertained by an official canvass made in accordance with the laws of the State of Illinois, a copy of the ascertainment of which canvass is hereto attached and made a part hereof Electors of President and Vice President of the United States were elected and appointed as follows, to-wit:

PROCLAMATIONS

*Constance A. Howard*  
*Carrie Austin*  
*Andrew Madigan*  
*Ricardo Munoz*  
*James DeLeo*  
*Marge Friedman*  
*Vera Davis*  
*Nancy Shepardson*  
*William Marovitz*  
*Lauren Beth Gash*

*Debbie Halvorson*  
*Molly McKenzie*  
*Julia Kennedy Beckman*  
*Mark Guethle*  
*Lynn Foster*  
*John Nelson*  
*Mary Boland*  
*Shirley McCombs*  
*Don Johnston*  
*Barbara Flynn Currie*  
*John R. Daley*

STATE OF ILLINOIS )  
 ) SS  
 EXECUTIVE DEPARTMENT )

*WHEREAS, On the 4<sup>th</sup> day of November, 2008, pursuant to the Statute in such case made and provided, an election was held in the State of Illinois for the purpose of electing on a general ballot, twenty-one (21) Electors of President and Vice President of the United States; and*

*WHEREAS, In accordance with the Statute aforesaid for the final ascertainment of the result of said election, held as aforesaid, we, the following members of the State Board of Elections, the officers appointed by law to canvass the returns made by the County Clerks of the several counties in the State, of the votes given at said election, on the 30<sup>th</sup> day of November, 2008, at the office of the State Board of Elections, in the City of Springfield, State of Illinois, proceeded to canvass the returns of the election as aforesaid, being the official abstracts*

## PROCLAMATIONS

*transmitted to the State Board of Elections of this State, of all voters given in each and every county in the State of Illinois, at the election held November 4, 2008, for Electors for President and Vice President of the United States, and it appears as the results of such canvass that the following named persons were voted for, for the office of Electors of President and Vice President of the United States in this State, and the number of votes given for each person is set opposite to his respective name, this is to say:*

**ELECTORS FOR PRESIDENT AND VICE PRESIDENT OF THE UNITED STATES****DEMOCRATIC PARTY**

<i>Constance A. Howard</i>	<i>received</i>	<i>3,419,673</i>	<i>votes</i>
<i>Carrie Austin</i>	<i>received</i>	<i>3,419,673</i>	<i>votes</i>
<i>Andrew Madigan</i>	<i>received</i>	<i>3,419,673</i>	<i>votes</i>
<i>Ricardo Munoz</i>	<i>received</i>	<i>3,419,673</i>	<i>votes</i>
<i>James DeLeo</i>	<i>received</i>	<i>3,419,673</i>	<i>votes</i>
<i>Marge Friedman</i>	<i>received</i>	<i>3,419,673</i>	<i>votes</i>
<i>Vera Davis</i>	<i>received</i>	<i>3,419,673</i>	<i>votes</i>
<i>Nancy Shepardson</i>	<i>received</i>	<i>3,419,673</i>	<i>votes</i>
<i>William Marovitz</i>	<i>received</i>	<i>3,419,673</i>	<i>votes</i>
<i>Lauren Beth Gash</i>	<i>received</i>	<i>3,419,673</i>	<i>votes</i>
<i>Debbie Halvorson</i>	<i>received</i>	<i>3,419,673</i>	<i>votes</i>
<i>Molly McKenzie</i>	<i>received</i>	<i>3,419,673</i>	<i>votes</i>
<i>Julia Kennedy Beckman</i>	<i>received</i>	<i>3,419,673</i>	<i>votes</i>
<i>Mark Guethle</i>	<i>received</i>	<i>3,419,673</i>	<i>votes</i>
<i>Lynn Foster</i>	<i>received</i>	<i>3,419,673</i>	<i>votes</i>
<i>John Nelson</i>	<i>received</i>	<i>3,419,673</i>	<i>votes</i>
<i>Mary Boland</i>	<i>received</i>	<i>3,419,673</i>	<i>votes</i>
<i>Shirley McCombs</i>	<i>received</i>	<i>3,419,673</i>	<i>votes</i>
<i>Don Johnston</i>	<i>received</i>	<i>3,419,673</i>	<i>votes</i>
<i>Barbara Flynn Currie</i>	<i>received</i>	<i>3,419,673</i>	<i>votes</i>
<i>John R. Daley</i>	<i>received</i>	<i>3,419,673</i>	<i>votes</i>

**ELECTORS FOR PRESIDENT AND VICE PRESIDENT OF THE UNITED STATES**

## PROCLAMATIONS

**REPUBLICAN PARTY**

<i>Carney Barr</i>	<i>received</i>	<i>2,031,527</i>	<i>votes</i>
<i>James Parrilli</i>	<i>received</i>	<i>2,031,527</i>	<i>votes</i>
<i>Gregory Ignoffo</i>	<i>received</i>	<i>2,031,527</i>	<i>votes</i>
<i>Chris Kachiroubas</i>	<i>received</i>	<i>2,031,527</i>	<i>votes</i>
<i>Frank Capuzi</i>	<i>received</i>	<i>2,031,527</i>	<i>votes</i>
<i>Donna Schaefer</i>	<i>received</i>	<i>2,031,527</i>	<i>votes</i>
<i>Joe Hedrick</i>	<i>received</i>	<i>2,031,527</i>	<i>votes</i>
<i>Jerome Hoynes</i>	<i>received</i>	<i>2,031,527</i>	<i>votes</i>
<i>Henry Meers</i>	<i>received</i>	<i>2,031,527</i>	<i>votes</i>
<i>Terri Bryant</i>	<i>received</i>	<i>2,031,527</i>	<i>votes</i>
<i>Brian Krajewski</i>	<i>received</i>	<i>2,031,527</i>	<i>votes</i>
<i>James Barr</i>	<i>received</i>	<i>2,031,527</i>	<i>votes</i>
<i>Connie Nord</i>	<i>received</i>	<i>2,031,527</i>	<i>votes</i>
<i>John Sweeney</i>	<i>received</i>	<i>2,031,527</i>	<i>votes</i>
<i>Steve Martin</i>	<i>received</i>	<i>2,031,527</i>	<i>votes</i>
<i>John Birch</i>	<i>received</i>	<i>2,031,527</i>	<i>votes</i>
<i>Randy Pollard</i>	<i>received</i>	<i>2,031,527</i>	<i>votes</i>
<i>Richard Stubblefield</i>	<i>received</i>	<i>2,031,527</i>	<i>votes</i>
<i>Ron Smith</i>	<i>received</i>	<i>2,031,527</i>	<i>votes</i>
<i>Craig Pesek</i>	<i>received</i>	<i>2,031,527</i>	<i>votes</i>
<i>Andy McKenna</i>	<i>received</i>	<i>2,031,527</i>	<i>votes</i>

**ELECTORS FOR PRESIDENT AND VICE PRESIDENT OF THE UNITED STATES****GREEN PARTY**

<i>Christian Wedemeyer</i>	<i>received</i>	<i>11,838</i>	<i>votes</i>
<i>Megan Wade Antieau</i>	<i>received</i>	<i>11,838</i>	<i>votes</i>
<i>Rita Maniotis</i>	<i>received</i>	<i>11,838</i>	<i>votes</i>
<i>David Sacks</i>	<i>received</i>	<i>11,838</i>	<i>votes</i>
<i>Drew Valkanas</i>	<i>received</i>	<i>11,838</i>	<i>votes</i>
<i>William Edgar III</i>	<i>received</i>	<i>11,838</i>	<i>votes</i>
<i>Julie Samuels</i>	<i>received</i>	<i>11,838</i>	<i>votes</i>
<i>Pat Pasquini</i>	<i>received</i>	<i>11,838</i>	<i>votes</i>
<i>Michael Drennan</i>	<i>received</i>	<i>11,838</i>	<i>votes</i>
<i>Rob Sherman</i>	<i>received</i>	<i>11,838</i>	<i>votes</i>
<i>Gini Lester</i>	<i>received</i>	<i>11,838</i>	<i>votes</i>
<i>Sarah Heyer</i>	<i>received</i>	<i>11,838</i>	<i>votes</i>
<i>Pat Oldendorf</i>	<i>received</i>	<i>11,838</i>	<i>votes</i>

## PROCLAMATIONS

<i>Adrian Frost</i>	<i>received</i>	<i>11,838</i>	<i>votes</i>
<i>Susan Rodgers</i>	<i>received</i>	<i>11,838</i>	<i>votes</i>
<i>David Black</i>	<i>received</i>	<i>11,838</i>	<i>votes</i>
<i>Marc Sanson</i>	<i>received</i>	<i>11,838</i>	<i>votes</i>
<i>Mary Ann Schafer</i>	<i>received</i>	<i>11,838</i>	<i>votes</i>
<i>Alicia Snyder</i>	<i>received</i>	<i>11,838</i>	<i>votes</i>
<i>Joel Tamraz</i>	<i>received</i>	<i>11,838</i>	<i>votes</i>
<i>Keith Powell</i>	<i>received</i>	<i>11,838</i>	<i>votes</i>

**ELECTORS FOR PRESIDENT AND VICE PRESIDENT OF THE UNITED STATES****LIBERTARIAN PARTY**

<i>Valiant S. Vetter</i>	<i>received</i>	<i>19,645</i>	<i>votes</i>
<i>Marjorie R. Kohls</i>	<i>received</i>	<i>19,645</i>	<i>votes</i>
<i>Daniel E. O'Connell</i>	<i>received</i>	<i>19,645</i>	<i>votes</i>
<i>James C. Waldron</i>	<i>received</i>	<i>19,645</i>	<i>votes</i>
<i>Susan L. Schell</i>	<i>received</i>	<i>19,645</i>	<i>votes</i>
<i>Kenton C. McMillen</i>	<i>received</i>	<i>19,645</i>	<i>votes</i>
<i>Crystal Jurczynski</i>	<i>received</i>	<i>19,645</i>	<i>votes</i>
<i>Andrew Wognum</i>	<i>received</i>	<i>19,645</i>	<i>votes</i>
<i>Edward K. Rutledge</i>	<i>received</i>	<i>19,645</i>	<i>votes</i>
<i>Evonne Bennett</i>	<i>received</i>	<i>19,645</i>	<i>votes</i>
<i>Gayle Elaine Dieck</i>	<i>received</i>	<i>19,645</i>	<i>votes</i>
<i>Julia Fox</i>	<i>received</i>	<i>19,645</i>	<i>votes</i>
<i>Dianna Visek</i>	<i>received</i>	<i>19,645</i>	<i>votes</i>
<i>David Lee Kelley</i>	<i>received</i>	<i>19,645</i>	<i>votes</i>
<i>Katherine M. Kelley</i>	<i>received</i>	<i>19,645</i>	<i>votes</i>
<i>Kenneth Groeling</i>	<i>received</i>	<i>19,645</i>	<i>votes</i>
<i>Lisa Groeling</i>	<i>received</i>	<i>19,645</i>	<i>votes</i>
<i>David L. Travis</i>	<i>received</i>	<i>19,645</i>	<i>votes</i>
<i>Frances A. Holt</i>	<i>received</i>	<i>19,645</i>	<i>votes</i>
<i>Jan E. Stover</i>	<i>received</i>	<i>19,645</i>	<i>votes</i>
<i>Michael Fogelsanger</i>	<i>received</i>	<i>19,645</i>	<i>votes</i>

## PROCLAMATIONS

***ELECTORS FOR PRESIDENT AND VICE PRESIDENT OF THE UNITED STATES******INDEPENDENT CANDIDATE***

<i>Maria E. Dokes</i>	<i>received</i>	<i>30,952</i>	<i>votes</i>
<i>Rebecca A. Sawyer-Spoon</i>	<i>received</i>	<i>30,952</i>	<i>votes</i>
<i>Kathleen O. Carlston</i>	<i>received</i>	<i>30,952</i>	<i>votes</i>
<i>Ellen L. McManus</i>	<i>received</i>	<i>30,952</i>	<i>votes</i>
<i>Peter Allison</i>	<i>received</i>	<i>30,952</i>	<i>votes</i>
<i>Brent E. Fritz</i>	<i>received</i>	<i>30,952</i>	<i>votes</i>
<i>Leah Rachel Pentz</i>	<i>received</i>	<i>30,952</i>	<i>votes</i>
<i>Richard B. Kaziny</i>	<i>received</i>	<i>30,952</i>	<i>votes</i>
<i>Autumn T Reidy-Hamer</i>	<i>received</i>	<i>30,952</i>	<i>votes</i>
<i>Leslie Plewa</i>	<i>received</i>	<i>30,952</i>	<i>votes</i>
<i>Anthony J Bahl</i>	<i>received</i>	<i>30,952</i>	<i>votes</i>
<i>Henry Gillam</i>	<i>received</i>	<i>30,952</i>	<i>votes</i>
<i>John P. Chavez</i>	<i>received</i>	<i>30,952</i>	<i>votes</i>
<i>Eugene A. Kulin</i>	<i>received</i>	<i>30,952</i>	<i>votes</i>
<i>Michael P Sullivan</i>	<i>received</i>	<i>30,952</i>	<i>votes</i>
<i>Tracy P. McLellan</i>	<i>received</i>	<i>30,952</i>	<i>votes</i>
<i>Moonyeen A. Carlyle</i>	<i>received</i>	<i>30,952</i>	<i>votes</i>
<i>David Richard Holmquist</i>	<i>received</i>	<i>30,952</i>	<i>votes</i>
<i>Joseph Acheson</i>	<i>received</i>	<i>30,952</i>	<i>votes</i>
<i>Grant M Urias</i>	<i>received</i>	<i>30,952</i>	<i>votes</i>
<i>Anthony Ebers</i>	<i>received</i>	<i>30,952</i>	<i>votes</i>

***ELECTORS FOR PRESIDENT AND VICE PRESIDENT OF THE UNITED STATES******NEW PARTY****DID NOT FILE ELECTORS****CONSTITUTIONAL PARTY OF ILLINOIS****DID NOT FILE ELECTORS****2008-438***

***WHEREAS***, *On the 4<sup>th</sup> day of November, 2008, an election was held in the State of Illinois at which time a Proposed Call for a Constitutional Convention was submitted, and*

## PROCLAMATIONS

*WHEREAS, In pursuance of Law, the State Board of Elections appointed to canvass the returns of such election and to declare the results thereof, did, on this the 30<sup>th</sup> day of November, 2008, canvass the same, and as a result of such canvass, did declare that the Proposed Call for a Constitutional Convention has not received either three-fifths of those voting on the question or a majority of those voting in the election.*

*NOW, THEREFORE, I, ROD R. BLAGOJEVICH, Governor of the State of Illinois, in conformity to statute in such case made and provided, do hereby make public proclamation, declaring as a result of such canvass the foregoing results.*

**2008-439**

*WHEREAS, On the 4<sup>TH</sup> day of November, 2008, an election was held in the State of Illinois for the election of the following officer, to-wit:*

*One (1) United States Senator for the full term of six years.*

*WHEREAS, In pursuance of Law, the State Board of Elections appointed to canvass the returns of such election and to declare the results thereof, did, on this the 30<sup>th</sup> day of November, 2008, canvass the same, and as a result of such canvass, did declare elected the following named person to the following named office:*

**UNITED STATES SENATOR**

*Richard J. Durbin*

*NOW, THEREFORE, I, ROD R. BLAGOJEVICH, Governor of the State of Illinois, in conformity to statute in such case made and provided, do hereby make public proclamation, declaring as a result of such canvass the foregoing person duly elected to the office as set out above.*

## PROCLAMATIONS

**2008-440**

**WHEREAS**, *On the 4<sup>th</sup> day of November, 2008, an election was held in the State of Illinois for the election of the following officers, to-wit:*

*Nineteen (19) Representatives in Congress, to-wit: One (1) Representative in Congress from each of the nineteen (19) Congressional Districts of the State for the full term of two years.*

*Thirty-nine (39) State Senators, to-wit: One (1) State Senator from the 2<sup>nd</sup>, 3<sup>rd</sup>, 5<sup>th</sup>, 6<sup>th</sup>, 8<sup>th</sup>, 9<sup>th</sup>, 11<sup>th</sup>, 12<sup>th</sup>, 14<sup>th</sup>, 15<sup>th</sup>, 17<sup>th</sup>, 18<sup>th</sup>, 20<sup>th</sup>, 21<sup>st</sup>, 23<sup>rd</sup>, 24<sup>th</sup>, 26<sup>th</sup>, 27<sup>th</sup>, 29<sup>th</sup>, 30<sup>th</sup>, 32<sup>nd</sup>, 33<sup>rd</sup>, 35<sup>th</sup>, 36<sup>th</sup>, 38<sup>th</sup>, 39<sup>th</sup>, 41<sup>st</sup>, 42<sup>nd</sup>, 44<sup>th</sup>, 45<sup>th</sup>, 47<sup>th</sup>, 48<sup>th</sup>, 50<sup>th</sup>, 51<sup>st</sup>, 53<sup>rd</sup>, 54<sup>th</sup>, 56<sup>th</sup>, 57<sup>th</sup> and 59<sup>th</sup> Legislative District for the full term of four years.*

*One (1) State Senator, to-wit: One (1) State Senator from the 7<sup>th</sup> Legislative District for an unexpired two years term.*

*One Hundred Eighteen (118) Representatives in the General Assembly, to-wit: One (1) Representative from each of the one hundred eighteen (118) Representative Districts of the State for the full term of two years.*

**WHEREAS**, *In pursuance of Law, the State Board of Elections appointed to canvass the returns of such election and to declare the results thereof, did, on this the 30<sup>th</sup> day of November, 2008, canvass the same, and as a result of such canvass, did declare elected the following named persons to the following named offices.*

**REPRESENTATIVES TO REPRESENT THE PEOPLE OF THE STATE OF ILLINOIS**

PROCLAMATIONS

*IN THE 111th CONGRESS OF THE UNITED STATES*

***FIRST CONGRESSIONAL DISTRICT***

*Bobby L. Rush*

***SECOND CONGRESSIONAL DISTRICT***

*Jesse L. Jackson, Jr.*

***THIRD CONGRESSIONAL DISTRICT***

*Daniel William Lipinski*

***FOURTH CONGRESSIONAL DISTRICT***

*Luis V. Gutierrez*

***FIFTH CONGRESSIONAL DISTRICT***

*Rahm Emanuel*

***SIXTH CONGRESSIONAL DISTRICT***

*Peter J. Roskam*

***SEVENTH CONGRESSIONAL DISTRICT***

*Danny K. Davis*

***EIGHTH CONGRESSIONAL DISTRICT***

*Melissa Bean*

***NINTH CONGRESSIONAL DISTRICT***

*Janice D. Schakowsky*

***TENTH CONGRESSIONAL DISTRICT***

*Mark Steven Kirk*

***ELEVENTH CONGRESSIONAL DISTRICT***

*Deborah "Debbie" Halvorson*

***TWELFTH CONGRESSIONAL DISTRICT***

*Jerry F. Costello*

***THIRTEENTH CONGRESSIONAL DISTRICT***

*Judy Biggert*

PROCLAMATIONS

***FOURTEENTH CONGRESSIONAL DISTRICT***

*Bill Foster*

***FIFTEENTH CONGRESSIONAL DISTRICT***

*Timothy V. Johnson*

***SIXTEENTH CONGRESSIONAL DISTRICT***

*Donald A. Manzullo*

***SEVENTEENTH CONGRESSIONAL DISTRICT***

*Phil Hare*

***EIGHTEENTH CONGRESSIONAL DISTRICT***

*Aaron Schock*

***NINETEENTH CONGRESSIONAL DISTRICT***

*John M. Shimkus*

***STATE SENATORS TO REPRESENT THE PEOPLE OF THE STATE OF ILLINOIS***

***IN THE 96<sup>th</sup> GENERAL ASSEMBLY OF THE STATE***

***SECOND LEGISLATIVE DISTRICT***

*William "Willie" Delgado*

***THIRD LEGISLATIVE DISTRICT***

*Mattie Hunter*

***FIFTH LEGISLATIVE DISTRICT***

*Rickey R. Hendon*

***SIXTH LEGISLATIVE DISTRICT***

*John J. Cullerton*

***SEVENTH LEGISLATIVE DISTRICT***

***(For an unexpired two year term)***

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PROCLAMATIONS

*Heather Steans*

***EIGHTH LEGISLATIVE DISTRICT***

*Ira I. Silverstein*

***NINTH LEGISLATIVE DISTRICT***

*Jeffrey M. Schoenberg*

***ELEVENTH LEGISLATIVE DISTRICT***

*Louis S. "Lou" Viverito*

***TWELFTH LEGISLATIVE DISTRICT***

*Martin A. Sandoval*

***FOURTEENTH LEGISLATIVE DISTRICT***

*Emil Jones, III*

***FIFTEENTH LEGISLATIVE DISTRICT***

*James T. Meeks*

***SEVENTEENTH LEGISLATIVE DISTRICT***

*Donne E. Trotter*

***EIGHTEENTH LEGISLATIVE DISTRICT***

*Edward D. Maloney*

***TWENTIETH LEGISLATIVE DISTRICT***

*Iris Y. Martinez*

***TWENTY-FIRST LEGISLATIVE DISTRICT***

*Dan Cronin*

PROCLAMATIONS

***TWENTY-THIRD LEGISLATIVE DISTRICT***

*Carole Pankau*

***TWENTY-FOURTH LEGISLATIVE DISTRICT***

*Kirk W. Dillard*

***TWENTY-SIXTH LEGISLATIVE DISTRICT***

*Dan Duffy*

***TWENTY-SEVENTH LEGISLATIVE DISTRICT***

*Matt Murphy*

***TWENTY-NINTH LEGISLATIVE DISTRICT***

*Susan Garrett*

***THIRTIETH LEGISLATIVE DISTRICT***

*Terry Link*

***THIRTY-SECOND LEGISLATIVE DISTRICT***

*Pamela J. Althoff*

***THIRTY-THIRD LEGISLATIVE DISTRICT***

*Daniel W. Kotowski*

***THIRTY-FIFTH LEGISLATIVE DISTRICT***

*J. Bradley Burzynski*

***THIRTY-SIXTH LEGISLATIVE DISTRICT***

*Mike Jacobs*

***THIRTY-EIGHTH LEGISLATIVE DISTRICT***

PROCLAMATIONS

*Gary G. Dahl*

***THIRTY-NINTH LEGISLATIVE DISTRICT***

*Don Harmon*

***FORTY-FIRST LEGISLATIVE DISTRICT***

*Christine Radogno*

***FORTY-SECOND LEGISLATIVE DISTRICT***

*Linda Holmes*

***FORTY-FOURTH LEGISLATIVE DISTRICT***

*Bill Brady*

***FORTY-FIFTH LEGISLATIVE DISTRICT***

*Tim Bivins*

***FORTY-SEVENTH LEGISLATIVE DISTRICT***

*John M. Sullivan*

***FORTY-EIGHTH LEGISLATIVE DISTRICT***

*Randall M. "Randy" Hultgren*

***FIFTIETH LEGISLATIVE DISTRICT***

*Larry K. Bomke*

***FIFTY-FIRST LEGISLATIVE DISTRICT***

*Frank Watson*

***FIFTY-THIRD LEGISLATIVE DISTRICT***

*Dan Rutherford*

PROCLAMATIONS

***FIFTY-FOURTH LEGISLATIVE DISTRICT***

*John O. Jones*

***FIFTY-SIXTH LEGISLATIVE DISTRICT***

*William R. "Bill" Haine*

***FIFTY-SEVENTH LEGISLATIVE DISTRICT***

*James F. Clayborne, Jr. II*

***FIFTY-NINTH LEGISLATIVE DISTRICT***

*Gary Forby*

***REPRESENTATIVES TO REPRESENT THE PEOPLE OF THE STATE OF ILLINOIS***

***IN THE 96<sup>th</sup> GENERAL ASSEMBLY OF THE STATE***

***FIRST REPRESENTATIVE DISTRICT***

*Susana Mendoza*

***SECOND REPRESENTATIVE DISTRICT***

*Edward J. Acevedo*

***THIRD REPRESENTATIVE DISTRICT***

*Luis Arroyo*

***FOURTH REPRESENTATIVE DISTRICT***

*Cynthia Soto*

***FIFTH REPRESENTATIVE DISTRICT***

*Kenneth "Ken" Dunkin*

PROCLAMATIONS

***SIXTH REPRESENTATIVE DISTRICT***

*Esther Golar*

***SEVENTH REPRESENTATIVE DISTRICT***

*Karen A. Yarbrough*

***EIGHTH REPRESENTATIVE DISTRICT***

*La Shawn K. Ford*

***NINTH REPRESENTATIVE DISTRICT***

*Arthur L. Turner*

***TENTH REPRESENTATIVE DISTRICT***

*Annazette R. Collins*

***ELEVENTH REPRESENTATIVE DISTRICT***

*John A. Fritchey*

***TWELFTH REPRESENTATIVE DISTRICT***

*Sara Feigenholtz*

***THIRTEENTH REPRESENTATIVE DISTRICT***

*Gregory Harris*

***FOURTEENTH REPRESENTATIVE DISTRICT***

*Harry Osterman*

***FIFTEENTH REPRESENTATIVE DISTRICT***

*John C. D'Amico*

***SIXTEENTH REPRESENTATIVE DISTRICT***

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PROCLAMATIONS

*Lou Lang*

**SEVENTEENTH REPRESENTATIVE DISTRICT**

*Elizabeth Coulson*

**EIGHTEENTH REPRESENTATIVE DISTRICT**

*Julie Hamos*

**NINETEENTH REPRESENTATIVE DISTRICT**

*Joseph M. Lyons*

**TWENTIETH REPRESENTATIVE DISTRICT**

*Michael P. McAuliffe*

**TWENTY-FIRST REPRESENTATIVE DISTRICT**

*Michael J. Zalewski*

**TWENTY-SECOND REPRESENTATIVE DISTRICT**

*Michael J. Madigan*

**TWENTY-THIRD REPRESENTATIVE DISTRICT**

*Daniel J. Burke*

**TWENTY-FOURTH REPRESENTATIVE DISTRICT**

*Elizabeth "Lisa" Hernandez*

**TWENTY-FIFTH REPRESENTATIVE DISTRICT**

*Barbara Flynn Currie*

**TWENTY-SIXTH REPRESENTATIVE DISTRICT**

*William D. "Will" Burns*

PROCLAMATIONS

***TWENTY-SEVENTH REPRESENTATIVE DISTRICT***

*Monique D. Davis*

***TWENTY-EIGHTH REPRESENTATIVE DISTRICT***

*Robert "Bob" Rita*

***TWENTY-NINTH REPRESENTATIVE DISTRICT***

*David E. Miller*

***THIRTIETH REPRESENTATIVE DISTRICT***

*William "Will" Davis*

***THIRTY-FIRST REPRESENTATIVE DISTRICT***

*Mary E. Flowers*

***THIRTY-SECOND REPRESENTATIVE DISTRICT***

*Andre Thapedi*

***THIRTY-THIRD REPRESENTATIVE DISTRICT***

*Marlow H. Colvin*

***THIRTY-FOURTH REPRESENTATIVE DISTRICT***

*Constance A. "Connie" Howard*

***THIRTY-FIFTH REPRESENTATIVE DISTRICT***

*Kevin Carey Joyce*

***THIRTY-SIXTH REPRESENTATIVE DISTRICT***

*James D. Brosnahan*

***THIRTY-SEVENTH REPRESENTATIVE DISTRICT***

PROCLAMATIONS

*Kevin A. McCarthy*

***THIRTY-EIGHTH REPRESENTATIVE DISTRICT***

*Al Riley*

***THIRTY-NINTH REPRESENTATIVE DISTRICT***

*Maria Antonia "Toni" Berrios*

***FORTIETH REPRESENTATIVE DISTRICT***

*Deborah L. Mell*

***FORTY-FIRST REPRESENTATIVE DISTRICT***

*Robert A. "Bob" Biggins*

***FORTY-SECOND REPRESENTATIVE DISTRICT***

*Sandra M. Pihos*

***FORTY-THIRD REPRESENTATIVE DISTRICT***

*Keith Farnham*

***FORTY-FOURTH REPRESENTATIVE DISTRICT***

*Fred Crespo*

***FORTY-FIFTH REPRESENTATIVE DISTRICT***

*Franco Coladipietro*

***FORTY-SIXTH REPRESENTATIVE DISTRICT***

*Dennis M. Reboletti*

***FORTY-SEVENTH REPRESENTATIVE DISTRICT***

*Patricia R. "Patti" Bellock*

PROCLAMATIONS

***FORTY-EIGHTH REPRESENTATIVE DISTRICT***

*Michael G. Connelly*

***FORTY-NINTH REPRESENTATIVE DISTRICT***

*Timothy L. Schmitz*

***FIFTIETH REPRESENTATIVE DISTRICT***

*Kay Hatcher*

***FIFTY-FIRST REPRESENTATIVE DISTRICT***

*Ed Sullivan, Jr.*

***FIFTY-SECOND REPRESENTATIVE DISTRICT***

*Mark H. Beaubien, Jr.*

***FIFTY-THIRD REPRESENTATIVE DISTRICT***

*Sidney H. Mathias*

***FIFTY-FOURTH REPRESENTATIVE DISTRICT***

*Suzanne "Suzie" Bassi*

***FIFTY-FIFTH REPRESENTATIVE DISTRICT***

*Randy Ramey*

***FIFTY-SIXTH REPRESENTATIVE DISTRICT***

*Paul Froehlich*

***FIFTY-SEVENTH REPRESENTATIVE DISTRICT***

*Elaine Nekritz*

***FIFTY-EIGHTH REPRESENTATIVE DISTRICT***

PROCLAMATIONS

*Karen May*

***FIFTY-NINTH REPRESENTATIVE DISTRICT***

*Kathleen A. Ryg*

***SIXTIETH REPRESENTATIVE DISTRICT***

*Eddie Washington*

***SIXTY-FIRST REPRESENTATIVE DISTRICT***

*JoAnn D. Osmond*

***SIXTY-SECOND REPRESENTATIVE DISTRICT***

*Sandy Cole*

***SIXTY-THIRD REPRESENTATIVE DISTRICT***

*Jack D. Franks*

***SIXTY-FOURTH REPRESENTATIVE DISTRICT***

*Michael W. Tryon*

***SIXTY-FIFTH REPRESENTATIVE DISTRICT***

*Rosemary E. Mulligan*

***SIXTY-SIXTH REPRESENTATIVE DISTRICT***

*Mark Walker*

***SIXTY-SEVENTH REPRESENTATIVE DISTRICT***

*Charles E. "Chuck" Jefferson*

***SIXTY-EIGHTH REPRESENTATIVE DISTRICT***

*Dave Winters*

PROCLAMATIONS

***SIXTY-NINTH REPRESENTATIVE DISTRICT***

*Ronald A. Wait*

***SEVENTIETH REPRESENTATIVE DISTRICT***

*Robert W. Pritchard*

***SEVENTY-FIRST REPRESENTATIVE DISTRICT***

*Mike Boland*

***SEVENTY-SECOND REPRESENTATIVE DISTRICT***

*Patrick Verschoore*

***SEVENTY-THIRD REPRESENTATIVE DISTRICT***

*David R. Leitch*

***SEVENTY-FOURTH REPRESENTATIVE DISTRICT***

*Donald L. Moffitt*

***SEVENTY-FIFTH REPRESENTATIVE DISTRICT***

*Careen M. Gordon*

***SEVENTY-SIXTH REPRESENTATIVE DISTRICT***

*Frank J. Mautino*

***SEVENTY-SEVENTH REPRESENTATIVE DISTRICT***

*Angelo "Skip" Saviano*

***SEVENTY-EIGHTH REPRESENTATIVE DISTRICT***

*Deborah L. Graham*

***SEVENTY-NINTH REPRESENTATIVE DISTRICT***

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PROCLAMATIONS

*Lisa M. Dugan*

***EIGHTIETH REPRESENTATIVE DISTRICT***

*George Scully*

***EIGHTY-FIRST REPRESENTATIVE DISTRICT***

*Renée Kosel*

***EIGHTY-SECOND REPRESENTATIVE DISTRICT***

*Jim Durkin*

***EIGHTY-THIRD REPRESENTATIVE DISTRICT***

*Linda Chapa LaVia*

***EIGHTY-FOURTH REPRESENTATIVE DISTRICT***

*Tom Cross*

***EIGHTY-FIFTH REPRESENTATIVE DISTRICT***

*Emily Klunk-McAsey*

***EIGHTY-SIXTH REPRESENTATIVE DISTRICT***

*Jack McGuire*

***EIGHTY-SEVENTH REPRESENTATIVE DISTRICT***

*Bill Mitchell*

***EIGHTY-EIGHTH REPRESENTATIVE DISTRICT***

*Dan Brady*

***EIGHTY-NINTH REPRESENTATIVE DISTRICT***

*Jim Sacia*

PROCLAMATIONS

***NINETIETH REPRESENTATIVE DISTRICT***

*Jerry L. Mitchell*

***NINETY-FIRST REPRESENTATIVE DISTRICT***

*Michael K. Smith*

***NINETY-SECOND REPRESENTATIVE DISTRICT***

*Jehan Gordon*

***NINETY-THIRD REPRESENTATIVE DISTRICT***

*Jil Tracy*

***NINETY-FOURTH REPRESENTATIVE DISTRICT***

*Richard P. "Rich" Myers*

***NINETY-FIFTH REPRESENTATIVE DISTRICT***

*Mike Fortner*

***NINETY-SIXTH REPRESENTATIVE DISTRICT***

*Darlene J. Senger*

***NINETY-SEVENTH REPRESENTATIVE DISTRICT***

*Jim Watson*

***NINETY-EIGHTH REPRESENTATIVE DISTRICT***

*Gary Hannig*

***NINETY-NINTH REPRESENTATIVE DISTRICT***

*Raymond Poe*

***ONE HUNDREDTH REPRESENTATIVE DISTRICT***

PROCLAMATIONS

*Rich Brauer*

**ONE HUNDRED AND FIRST REPRESENTATIVE DISTRICT**

*Bob Flider*

**ONE HUNDRED AND SECOND REPRESENTATIVE DISTRICT**

*Ron Stephens*

**ONE HUNDRED AND THIRD REPRESENTATIVE DISTRICT**

*Naomi D. Jakobsson*

**ONE HUNDRED AND FOURTH REPRESENTATIVE DISTRICT**

*William B. "Bill" Black*

**ONE HUNDRED AND FIFTH REPRESENTATIVE DISTRICT**

*Shane Cultra*

**ONE HUNDRED AND SIXTH REPRESENTATIVE DISTRICT**

*Keith P. Sommer*

**ONE HUNDRED AND SEVENTH REPRESENTATIVE DISTRICT**

*John Cavaletto*

**ONE HUNDRED AND EIGHTH REPRESENTATIVE DISTRICT**

*David B. Reis*

**ONE HUNDRED AND NINTH REPRESENTATIVE DISTRICT**

*Roger L. Eddy*

**ONE HUNDRED AND TENTH REPRESENTATIVE DISTRICT**

*Chapin Rose*

PROCLAMATIONS

***ONE HUNDRED AND ELEVENTH REPRESENTATIVE DISTRICT***

*Daniel V. Beiser*

***ONE HUNDRED AND TWELFTH REPRESENTATIVE DISTRICT***

*Jay C. Hoffman*

***ONE HUNDRED AND THIRTEENTH REPRESENTATIVE DISTRICT***

*Thomas "Tom" Holbrook*

***ONE HUNDRED AND FOURTEENTH REPRESENTATIVE DISTRICT***

*Wyvetter H. Younge*

***ONE HUNDRED AND FIFTEENTH REPRESENTATIVE DISTRICT***

*Mike Bost*

***ONE HUNDRED AND SIXTEENTH REPRESENTATIVE DISTRICT***

*Dan Reitz*

***ONE HUNDRED AND SEVENTEENTH REPRESENTATIVE DISTRICT***

*John Bradley*

***ONE HUNDRED AND EIGHTEENTH REPRESENTATIVE DISTRICT***

*Brandon W. Phelps*

***NOW, THEREFORE, I, ROD R. BLAGOJEVICH, Governor of the State of Illinois, in conformity to statute in such case made and provided, do hereby make public proclamation, declaring as a result of such canvass the foregoing persons duly elected to the offices as set out above.***

**2008-441**

## PROCLAMATIONS

*WHEREAS, On the 4<sup>th</sup> day of November, 2008, an election was held in the State of Illinois for the election of the following officers, to-wit:*

*Two (2) Regional Superintendents of Schools, for an unexpired two year term, to-wit: One (1) Regional Superintendent of Schools from the DeWitt, Livingston and McLean Region and one (1) from the Henderson, Mercer and Warren Region.*

*WHEREAS, In pursuance of Law, the State Board of Elections appointed to canvass the returns of such election and to declare the results thereof, did, on this the 30<sup>th</sup> day of November, 2008, canvass the same, and as a result of such canvass, did declare elected the following named persons to the following named offices:*

**REGIONAL SUPERINTENDENT OF SCHOOLS****DeWITT, LIVINGSTON AND McLEAN**  
**(For an unexpired two year term)**

*Mark E. Jontry*

**HENDERSON, MERCER AND WARREN**  
**(For an unexpired two year term)**

*Jodi L. Scott*

**NOW, THEREFORE, I, ROD R. BLAGOJEVICH, Governor of the State of Illinois, in conformity to statute in such case made and provided, do hereby make public proclamation, declaring as a result of such canvass the foregoing persons duly elected to the offices as set out above.**

**2008-442**

*WHEREAS, On the 4<sup>th</sup> day of November, 2008, an election was held in the State of Illinois for the election of the following officers, to-wit:*

## PROCLAMATIONS

*Five (5) Trustees of the Prairie Dupont Levee and Sanitary District.*

**WHEREAS**, *In pursuance of Law, the State Board of Elections appointed to canvass the returns of such election and to declare the results thereof, did, on this the 30<sup>th</sup> day of November, 2008, canvass the same, and as a result of such canvass, did declare elected the following named persons to the following named office:*

**TRUSTEES OF THE PRAIRIE DUPONT LEVEE AND SANITARY DISTRICT**

*Michael E. Sullivan  
Jule G. Levin  
Michael H. Lindhorst  
David E. Walster  
Randy C Bolle*

**NOW, THEREFORE, I, ROD R. BLAGOJEVICH**, *Governor of the State of Illinois, in conformity to statute in such case made and provided, do hereby make public proclamation, declaring as a result of such canvass the foregoing persons duly elected to the office as set out above.*

**2008-443**

**WHEREAS**, *On the 4<sup>th</sup> day of November, 2008, an election was held in the State of Illinois for the election of the following judges, to-wit:*

*Supreme Court Judge to fill the vacancy of the Honorable Mary Ann G. McMorrow, First Judicial District.*

*Appellate Court Judges to fill the vacancy of the Honorable Anne M. Burke, to fill the vacancy of the Honorable Calvin C. Campbell, First Judicial District; to fill the vacancy of the Honorable Terrence J. Hopkins, Fifth Judicial District.*

## PROCLAMATIONS

*Circuit Court Judges to fill the vacancy of the Honorable Barbara J. Disko, to fill the vacancy of the Honorable Francis W. Glowacki, to fill the vacancy of the Honorable Michael T. Healy, to fill the vacancy of the Honorable Michael R. Keehan, to fill the vacancy of the Honorable Gay-Lloyd Lott, to fill the vacancy of the Honorable Anthony S. Montelione, to fill the vacancy of the Honorable Michael J. Murphy, to fill the vacancy of the Honorable Julia M. Nowicki, to fill the vacancy of the Honorable Mary Maxwell Thomas, Cook County Judicial Circuit.*

*Circuit Court Judges to fill the vacancy of the Honorable Edna Turkington, First Subcircuit; to fill the vacancy of the Honorable David R. Donnersberger, Third Subcircuit; to fill the vacancy of the Honorable Lon W. Shults, Fourth Subcircuit; to fill the vacancy of the Honorable Bernetta D. Bush, to fill additional judgeship A, Fifth Subcircuit; to fill the vacancy of the Honorable Raymond A. Figueroa, Sixth Subcircuit; to fill the vacancy of the Honorable Anthony L. Young, Seventh Subcircuit; to fill the vacancy of the Honorable Nancy Drew Sheehan, Eighth Subcircuit; to fill the vacancy of the Honorable Robert J. Kowalski, to fill the vacancy of the Honorable Dennis J. Morrissey, to fill the vacancy of the Honorable Aurelia Pucinski, Tenth Subcircuit; to fill the vacancy of the Honorable Donald M. Devlin, Twelfth Subcircuit; to fill the vacancy of the Honorable James T. Ryan, to fill the vacancy of the Honorable Karen T. Tobin, Thirteenth Subcircuit; to fill the vacancy of the Honorable James F. Henry, to fill the vacancy of the Honorable Ralph Reyna, Fourteenth Subcircuit, to fill additional judgeship A, Fifteenth Subcircuit, Cook County Judicial Circuit.*

## PROCLAMATIONS

*Circuit Court Judges to fill the vacancy of the Honorable Bruce D. Stewart, to fill the vacancy of the Honorable Terry J. Foster, Massac County, to fill the vacancy of the Honorable Donald Lowery, Pope County, to fill the vacancy of the Honorable Michael J. Henshaw, Saline County, First Judicial Circuit; to fill the vacancy of the Honorable James M. Wexstten, to fill the vacancy of the Honorable Loren P. Lewis, Franklin County, to fill the vacancy of the Honorable Don A. Foster, Gallatin County, Second Judicial Circuit; to fill the vacancy of the Honorable Edward C. Ferguson, to fill the vacancy of the Honorable Nicholas G. Byron, Madison County, Third Judicial Circuit; to fill the vacancy of the Honorable H. Dean Andrews, Edgar County, Fifth Judicial Circuit; to fill the vacancy of the Honorable David K. Slocum, Brown County, Eighth Judicial Circuit; to fill the vacancy of the Honorable David R. Hultgren, Ninth Judicial Circuit; to fill the vacancy of the Honorable Donald D. Bernardi, to fill the vacancy of the Honorable Harold J. Frobish, Livingston County, to fill the vacancy of the Honorable David L. Coogan, Logan County, Eleventh Judicial Circuit; to fill additional judgeship A, Second Subcircuit, to fill additional judgeship A, Third Subcircuit, to fill additional judgeship A, Fourth Subcircuit, Twelfth Judicial Circuit; to fill the vacancy of the Honorable Robert L. Carter, LaSalle County, Thirteenth Judicial Circuit; to fill the vacancy of the Honorable John E. Payne, to fill the vacancy of the Honorable David T. Fritts, Lee County, Fifteenth Judicial Circuit; to fill additional judgeship A, First Subcircuit, to fill additional judgeship A, Second Subcircuit, Sixteenth Judicial Circuit; to fill the vacancy of the Honorable Timothy R. Gill, to fill the vacancy of the Honorable Frederick J. Kapala, to fill additional judgeship A, First Subcircuit, to fill additional judgeship A, Second Subcircuit, Seventeenth Judicial Circuit; to fill the vacancy*

## PROCLAMATIONS

*of the Honorable Edward R. Duncan, Jr., to fill the vacancy of the Honorable Kenneth Moy, Eighteenth Judicial Circuit; to fill additional judgeship A, First Subcircuit, to fill additional judgeship A, Second Subcircuit, Nineteenth Judicial Circuit; to fill the vacancy of the Honorable J. Gregory Householter, Kankakee County, Twenty-First Judicial Circuit.*

*WHEREAS, In pursuance of Law, the State Board of Elections appointed to canvass the returns of such election and to declare the results thereof, did, on this the 30<sup>th</sup> day of November, 2008, canvass the same, and as a result of such canvass, did declare elected the following named persons to the following named offices:*

**SUPREME COURT JUDGE****FIRST JUDICIAL DISTRICT**

*(To fill the vacancy of the Honorable Mary Ann G. McMorrow)*

*Anne M. Burke*

**APPELLATE COURT JUDGES****FIRST JUDICIAL DISTRICT**

*(To fill the vacancy of the Honorable Anne M. Burke)*

*Sharon Johnson Coleman*

*(To fill the vacancy of the Honorable Calvin C. Campbell)*

*John O. Steele*

**FIFTH JUDICIAL DISTRICT**

PROCLAMATIONS

*(To fill the vacancy of the Honorable Terrence J. Hopkins)*

*James M. Wexstten*

**JUDGES OF THE CIRCUIT COURT**

**COOK COUNTY JUDICIAL CIRCUIT**

*(To fill the vacancy of the Honorable Barbara J. Disko)*

*Dennis J. Burke*

*(To fill the vacancy of the Honorable Francis W. Glowacki)*

*Jesse G. Reyes*

*(To fill the vacancy of the Honorable Michael T. Healy)*

*Maureen Ward Kirby*

*(To fill the vacancy of the Honorable Michael R. Keehan)*

*Marilyn F. Johnson*

*(To fill the vacancy of the Honorable Gay-Lloyd Lott)*

*Thomas J. Byrne*

*(To fill the vacancy of the Honorable Anthony S. Montelione)*

*Debra B. Walker*

*(To fill the vacancy of the Honorable Michael J. Murphy)*

*Kristyna Colleen Ryan*

*(To fill the vacancy of the Honorable Julia M. Nowicki)*

*Michael B. Hyman*

PROCLAMATIONS

*(To fill the vacancy of the Honorable Mary Maxwell Thomas)*

*Joan Powell*

**FIRST SUBCIRCUIT**

*(To fill the vacancy of the Honorable Edna Turkington)*

*Donna L. Cooper*

**THIRD SUBCIRCUIT**

*(To fill the vacancy of the Honorable David R. Donnersberger)*

*Patrick J. Sherlock*

**FOURTH SUBCIRCUIT**

*(To fill the vacancy of the Honorable Lon W. Shultz)*

*Pat Rogers*

**FIFTH SUBCIRCUIT**

*(To fill the vacancy of the Honorable Bernetta D. Bush)*

*Jackie Marie Portman*

*(To fill additional judgeship A)*

*Dominique C. Ross*

**SIXTH SUBCIRCUIT**

*(To fill the vacancy of the Honorable Raymond A. Figueroa)*

*Mauricio Araujo*

**SEVENTH SUBCIRCUIT**

PROCLAMATIONS

*(To fill the vacancy of the Honorable Anthony L. Young)*

*Anita Rivkin-Carothers*

**EIGHTH SUBCIRCUIT**

*(To fill the vacancy of the Honorable Nancy Drew Sheehan)*

*Ann Collins Dole*

**TENTH SUBCIRCUIT**

*(To fill the vacancy of the Honorable Robert J. Kowalski)*

*Ursula Walowski*

*(To fill the vacancy of the Honorable Dennis J. Morrissey)*

*Diana L. Kenworthy*

*(To fill the vacancy of the Honorable Aurelia Pucinski)*

*Eileen O'Neill Burke*

**TWELFTH SUBCIRCUIT**

*(To fill the vacancy of the Honorable Donald M. Devlin)*

*Pamela Elizabeth Loza*

**THIRTEENTH SUBCIRCUIT**

*(To fill the vacancy of the Honorable James T. Ryan)*

*Annie O'Donnell*

*(To fill the vacancy of the Honorable Karen T. Tobin)*

*Margarita Kulys Hoffman*

**FOURTEENTH SUBCIRCUIT**

PROCLAMATIONS

*(To fill the vacancy of the Honorable James F. Henry)*

*James N. O'Hara*

*(To fill the vacancy of the Honorable Ralph Reyna)*

*Edward A. Arce*

**FIFTEENTH SUBCIRCUIT**

*(To fill additional judgeship A)*

*Anna Helen Demacopoulos*

**FIRST JUDICIAL CIRCUIT**

*(To fill the vacancy of the Honorable Bruce D. Stewart)*

*James R. "Randy" Moore*

*(To fill the vacancy of the Honorable Terry J. Foster)*

**MASSAC COUNTY**

*Joe Jackson*

*(To fill the vacancy of the Honorable Donald Lowery)*

**POPE COUNTY**

*Joseph M. Leberman*

*(To fill the vacancy of the Honorable Michael J. Henshaw)*

**SALINE COUNTY**

*Walden E. Morris*

**SECOND JUDICIAL CIRCUIT**

PROCLAMATIONS

*(To fill the vacancy of the Honorable James M. Wexstten)*

*David K. Overstreet*

*(To fill the vacancy of the Honorable Loren P. Lewis)*

**FRANKLIN COUNTY**

*Tom Tedeschi*

*(To fill the vacancy of the Honorable Don A. Foster)*

**GALLATIN COUNTY**

*Tom Foster*

**THIRD JUDICIAL CIRCUIT**

*(To fill the vacancy of the Honorable Edward C. Ferguson)*

*Dennis R. Ruth*

*(To fill the vacancy of the Honorable Nicholas G. Byron)*

**MADISON COUNTY**

*Richard L. Tognarelli*

**FIFTH JUDICIAL CIRCUIT**

*(To fill the vacancy of the Honorable H. Dean Andrews)*

**EDGAR COUNTY**

*Steven L. Garst*

**EIGHTH JUDICIAL CIRCUIT**

*(To fill the vacancy of the Honorable David K. Slocum)*

**BROWN COUNTY**

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PROCLAMATIONS

*Diane M. Lagoski*

***NINTH JUDICIAL CIRCUIT***

***(To fill the vacancy of the Honorable David R. Hultgren)***

*Paul L Mangieri*

***ELEVENTH JUDICIAL CIRCUIT***

***(To fill the vacancy of the Honorable Donald D. Bernardi)***

*Robert L. Freitag*

***(To fill the vacancy of the Honorable Harold J. Frobish)***

***LIVINGSTON COUNTY***

*Jennifer H. Bauknecht*

***(To fill the vacancy of the Honorable David L. Coogan)***

***LOGAN COUNTY***

*Thomas M. Harris, Jr.*

***TWELFTH JUDICIAL CIRCUIT***

***SECOND SUBCIRCUIT***

***(To fill additional judgeship A)***

*Jeff Allen*

***THIRD SUBCIRCUIT***

***(To fill additional judgeship A)***

*Sarah Jones*

PROCLAMATIONS

**FOURTH SUBCIRCUIT**

*(To fill additional judgeship A)*

*Paula A. Gomora*

**THIRTEENTH JUDICIAL CIRCUIT**

*(To fill the vacancy of the Honorable Robert L. Carter)*

**LaSALLE COUNTY**

*Joseph P. Hettel*

**FIFTEENTH JUDICIAL CIRCUIT**

*(To fill the vacancy of the Honorable John E. Payne)*

*Daniel A. Fish*

*(To fill the vacancy of the Honorable David T. Fritts)*

**LEE COUNTY**

*Ron Jacobson*

**SIXTEENTH JUDICIAL CIRCUIT**

**FIRST SUBCIRCUIT**

*(To fill additional judgeship A)*

*Jim Murphy*

**SECOND SUBCIRCUIT**

*(To fill additional judgeship A)*

*John A. Noverini*

**SEVENTEENTH JUDICIAL CIRCUIT**

PROCLAMATIONS

*(To fill the vacancy of the Honorable Timothy R. Gill)*

*Ronald "Ron" J. White*

*(To fill the vacancy of the Honorable Frederick J. Kapala)*

*Eugene Doherty*

**FIRST SUBCIRCUIT**

*(To fill additional judgeship A)*

*Gwyn Gulley*

**SECOND SUBCIRCUIT**

*(To fill additional judgeship A)*

*Lisa Fabiano*

**EIGHTEENTH JUDICIAL CIRCUIT**

*(To fill the vacancy of the Honorable Edward R. Duncan, Jr.)*

*Blanche Hill Fawell*

*(To fill the vacancy of the Honorable Kenneth Moy)*

*John J. Kinsella*

**NINETEENTH JUDICIAL CIRCUIT**

**FIRST SUBCIRCUIT**

*(To fill additional judgeship A)*

*Jay W. Ukena*

**SECOND SUBCIRCUIT**

## PROCLAMATIONS

*(To fill additional judgeship A)*

*Valerie Ceckowski*

**TWENTY-FIRST JUDICIAL CIRCUIT**

*(To fill the vacancy of the Honorable J. Gregory Householter)*

**KANKAKEE COUNTY**

*Adrienne Wakat Albrecht*

**NOW, THEREFORE, I, ROD R. BLAGOJEVICH**, Governor of the State of Illinois, in conformity to statute in such case made and provided, do hereby make public proclamation, declaring as a result of such canvass the foregoing persons duly elected to the offices as set out above.

**2008-444**

**WHEREAS**, On the 4<sup>th</sup> day of November, 2008, an election was held in the State of Illinois for the retention of the following judges, to-wit:

*Appellate Court Judges from the First, Second, Fourth and Fifth Judicial Districts;*

*Circuit Court Judges from the First, Second, Fourth, Fifth, Sixth, Seventh, Eighth, Ninth, Tenth, Eleventh, Twelfth, Thirteenth, Fourteenth, Fifteenth, Sixteenth, Seventeenth, Eighteenth, Nineteenth, Twentieth, Twenty-first, Twenty-second and Cook County Judicial Circuits.*

**WHEREAS**, In pursuance of Law, the State Board of Elections appointed to canvass the returns of such election and to declare the results thereof, did, on this the 30<sup>th</sup> day of November, 2008, canvass the same, and as a result of such canvass, did declare retained the following named persons to the following named offices:

---

PROCLAMATIONS

***RETENTION***

***JUDGE OF THE APPELLATE COURT***

***FIRST JUDICIAL DISTRICT***

*Michael J. Gallagher*

*Margaret Stanton McBride*

***SECOND JUDICIAL DISTRICT***

*Robert D. McLaren*

***FOURTH JUDICIAL DISTRICT***

*Sue E. Myerscough*

***FIFTH JUDICIAL DISTRICT***

*Richard P. Goldenhersh*

***JUDGES OF THE CIRCUIT COURT***

***FIRST JUDICIAL CIRCUIT***

*James R. "Jim" Williamson*

*Stephen L. Spomer*

*Phillip G. Palmer*

*William J. Thurston*

***SECOND JUDICIAL CIRCUIT***

*E. Kyle Vantrease*

PROCLAMATIONS

*Joe Harrison*

*Stephen G. Sawyer*

*Barry L. Vaughan*

***FOURTH JUDICIAL CIRCUIT***

*S. Gene Schwarm*

***FIFTH JUDICIAL CIRCUIT***

*Tracy W. Resch*

*Mitchell K. Shick*

***SIXTH JUDICIAL CIRCUIT***

*Thomas J. Difanis*

*Harry E. Clem*

*Arnold F. Blockman*

*Katherine (Kitty) McCarthy*

*A. G. Webber*

***SEVENTH JUDICIAL CIRCUIT***

*James W. Day*

*Lois A. Bell*

***EIGHTH JUDICIAL CIRCUIT***

*Michael R. Roseberry*

*Mark A. Schuering*

*Scott H. Walden*

---

PROCLAMATIONS

*Richard D. Greenlief*

*Bob Hardwick, Jr.*

***NINTH JUDICIAL CIRCUIT***

*James B. Stewart*

*David L. Vancil, Jr.*

***TENTH JUDICIAL CIRCUIT***

*Richard E. Grawey*

*Scott A. Shore*

*James E. Shadid*

*Kevin R. Galley*

*Stephen A. Kouri*

***ELEVENTH JUDICIAL CIRCUIT***

*G. Michael Prall*

*James E. Souk*

*Charles G. Reynard*

***TWELFTH JUDICIAL CIRCUIT***

*Amy M. Bertani-Tomczak*

*Gerald R. Kinney*

*Stephen D. White*

*Susan T. O'Leary*

PROCLAMATIONS

*Carla Alessio Policandriotes*

*Richard C. Schoenstedt*

*Dick Siegel*

**THIRTEENTH JUDICIAL CIRCUIT**

*Eugene P. "Gene" Daugherty*

*Robert C. Marsaglia*

**FOURTEENTH JUDICIAL CIRCUIT**

*Charles "Casey" Stengel*

*Ted Hamer*

*Walter D. Braud*

**FIFTEENTH JUDICIAL CIRCUIT**

*William A. Kelly*

*Val Gunnarsson*

*Michael T. Mallon*

**SIXTEENTH JUDICIAL CIRCUIT**

*Michael J. Colwell*

*Grant S. Wegner*

*Timothy Q. Sheldon*

*F. Keith Brown*

*Kurt P. Klein*

*Joseph M. Grady*

---

PROCLAMATIONS

*Judy Brawka*

**SEVENTEENTH JUDICIAL CIRCUIT**

*Ronald L. Pirrello*

*Joseph G. McGraw*

*Rosemary Collins*

**EIGHTEENTH JUDICIAL CIRCUIT**

*Robert J. Anderson*

*Perry R. Thompson*

*Hollis L. Webster*

*George J. Bakalis*

*John T. Elsner*

*Kathryn E. Creswell*

*Michael J. Burke*

**NINETEENTH JUDICIAL CIRCUIT**

*Christopher C. "Kip" Starck*

*James K. Booras*

**TWENTIETH JUDICIAL CIRCUIT**

*Michael J. O'Malley*

*James W. Campanella*

*Dennis Doyle*

PROCLAMATIONS

*Annette A. Eckert*

***TWENTY-FIRST JUDICIAL CIRCUIT***

*Clark Erickson*

*Gordon L. Lustfeldt*

*Michael J. Kick*

*Susan Sumner Tungate*

***TWENTY-SECOND JUDICIAL CIRCUIT***

*Michael J. Sullivan*

*Sharon Prather*

*Michael T. Caldwell*

***COOK COUNTY JUDICIAL CIRCUIT***

*Thomas E. Flanagan*

*Michael P. Toomin*

*Richard J. Elrod*

*Themis N. Karnezis*

*James Patrick Flannery*

*Mary Ellen Coghlan*

*Sebastian Thomas Patti*

*Michelle Francene Lowrance*

*Kathleen Marie McGury*

PROCLAMATIONS

*Shelley Lynn Sutker-Dermer*

*Lynn Marie Egan*

*Gerald C. Bender*

*Andrew Berman*

*Diane Gordon Cannon*

*Evelyn B. Clay*

*Sharon Johnson Coleman*

*Clayton J. Crane*

*Candace Jean Fabri*

*John J. Fleming*

*Rodolfo (Rudy) Garcia*

*James J. Gavin*

*Shelli Williams Hayes*

*Vanessa A. Hopkins*

*Rickey Jones*

*Kathleen G. Kennedy*

*William G. Lacy*

*Marjorie C. Laws*

*Patricia Manila Martin*

*Veronica B. Mathein*

*Carol Pearce McCarthy*

## PROCLAMATIONS

*Barbara A. McDonald*

*Mary A. Mulhern*

*Edward N. Pietrucha*

*Edmund Ponce de Leon*

*James L. Rhodes*

*Barbara Ann Riley*

*James G. Riley*

*Cheryl A. (Hilliard) Starks*

*David P. Sterba*

*Jane Louise Stuart*

*Donald Joseph Suriano*

*Kenneth J. Wadas*

*Frank G. Zelezinski*

*Gregory Joseph Wojkowski*

*Sandra Otaka*

*Mary Anne Mason*

*Robert E. Gordon*

*Lewis Nixon*

*Eileen Mary Brewer*

*Noreen Valeria Love*

*Margaret Ann Brennan*

## PROCLAMATIONS

*Janet Adams Brosnahan*

*James R. Brown*

*Anthony Lynn Burrell*

*John Thomas Doody, Jr.*

*Peter A. Felice*

*Kerry M. Kennedy*

*Casandra Lewis*

*Thomas J. Lipscomb*

*Sheila McGinnis*

*Dennis Michael McGuire*

*Barbara M Meyer*

*William Timothy O'Brien*

*Lawrence O'Gara*

*Laura Marie Sullivan*

*Sandra Tristano*

*Valarie E. Turner*

*Raúl Vega*

**NOW, THEREFORE, I, ROD R. BLAGOJEVICH**, Governor of the State of Illinois, in conformity to statute in such case made and provided, do hereby make public proclamation, declaring as a result of such canvass the foregoing persons duly retained to the offices as set out above.

# ILLINOIS ADMINISTRATIVE CODE

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