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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.].

ILLINOIS REGISTER PUBLICATION SCHEDULE FOR 2010

<u>Issue #</u>	<u>Rules Due Date</u>	<u>Date of Issue</u>
1	December 21, 2009	January 4, 2010
2	December 28, 2009	January 8, 2010
3	January 4, 2010	January 15, 2010
4	January 11, 2010	January 22, 2010
5	January 19, 2010	January 29, 2010
6	January 25, 2010	February 5, 2010
7	February 1, 2010	February 16, 2010
8	February 8, 2010	February 19, 2010
9	February 16, 2010	February 26, 2010
10	February 22, 2010	March 5, 2010
11	March 1, 2010	March 12, 2010
12	March 8, 2010	March 19, 2010
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20	May 3, 2010	May 14, 2010
21	May 10, 2010	May 21, 2010
22	May 17, 2010	May 28, 2010
23	May 24, 2010	June 4, 2010
24	June 1, 2010	June 11, 2010

<u>Issue #</u>	<u>Rules Due Date</u>	<u>Date of Issue</u>
25	June 7, 2010	June 18, 2010
26	June 14, 2010	June 25, 2010
27	June 21, 2010	July 2, 2010
28	June 28, 2010	July 9, 2010
29	July 6, 2010	July 16, 2010
30	July 12, 2010	July 23, 2010
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47	November 8, 2010	November 19, 2010
48	November 15, 2010	November 29, 2010
49	November 22, 2010	December 3, 2010
50	November 29, 2010	December 10, 2010
51	December 6, 2010	December 17, 2010
52	December 13, 2010	December 27, 2010
53	December 20, 2010	January 3, 2011

Editor's Note: This is a reminder that January 4, 2010 is the final day to submit your Agency's Regulatory Agenda for the January 2010 filing period.

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of Part: Procedures For Collection Of Air Pollution Site Fees
- 2) Code Citation: 35 Ill. Adm. Code 251
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
251.201	Amend
251.210	Amend
251.301	Amend
- 4) Statutory Authority: Implementing and authorized by Section 9.6 of the Environmental Protection Act [415 ILCS 5/9.6]
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking will amend the amounts of air pollution site fees in response to changes to Section 9.6 of the Environmental Protection Act.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will these amendments 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 amendments pending on this Part? No
- 11) Statement of Statewide Policy Objectives: The proposed amendments do not create or enlarge a state mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)].
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: The Illinois Environmental Protection Agency will accept written public comments on this proposal for a period of 45 days after the date of publication in the *Illinois Register*. Comments should reference the Procedures For Collection Of Air Pollution Site Fees and be addressed to:

Annet Godiksen
Illinois Environmental Protection Agency

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED AMENDMENTS

1021 North Grand Avenue East
P.O. Box 19276
Springfield, IL 62794-9276

217/782-5544

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: Any small business, small municipality or not-for-profit corporation that is required to obtain an air pollution site permit from the Agency pursuant to Section 9.6 of the Environmental Protection Act may be impacted by this rulemaking.
 - B) Reporting, book keeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: January 2009

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

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE B: AIR POLLUTION
CHAPTER II: ENVIRONMENTAL PROTECTION AGENCY

PART 251

PROCEDURES FOR COLLECTION OF AIR POLLUTION SITE FEES

SUBPART A: INTRODUCTION

Section	
251.101	Purpose
251.103	Definitions

SUBPART B: PROCEDURES FOR BILLING AND COLLECTION OF
AIR POLLUTION SITE FEES

Section	
251.201	Amount of Air Pollution Site Fee
251.202	Withdrawal of Permits
251.203	Agency Billing Procedures
251.208	Time and Method of Payment
251.210	Form of Payment
251.212	Return of Site Fee (Repealed)
251.215	Prohibition Against Refund

SUBPART C: RESOLUTION OF DISPUTES

Section	
251.301	Request for Reconsideration
251.305	Effect of Request for Reconsideration
251.308	Agency Response
251.310	Appeal of Final Agency Action

AUTHORITY: Implementing and authorized by Section 9.6 of the Environmental Protection Act [415 ILCS 5/9.6].

SOURCE: Adopted at 10 Ill. Reg. 19968, effective November 14, 1986; emergency amendments at 13 Ill. Reg. 955, effective January 1, 1989 for a maximum of 150 days; amended at 13 Ill. Reg. 8867, effective May 30, 1989; amended at 22 Ill. Reg. 6652, effective March 31,

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED AMENDMENTS

1998; amended at 28 Ill. Reg. 1370, effective January 7, 2004; amended at 34 Ill. Reg. _____, effective _____.

SUBPART B: PROCEDURES FOR BILLING AND COLLECTION
OF AIR POLLUTION SITE FEES**Section 251.201 Amount of Air Pollution Site Fee**

- a) Except as provided in Section 39.5 of the Act, an annual air pollution site fee shall be paid by the owner or operator of an air pollution site, in accordance with the requirements of this Part, in the amounts set forth below:
- 1) For any site permitted to emit less than 25 tons per year of any combination of regulated air pollutants, the annual site fee shall be ~~\$200~~\$100.
 - 2) For any site permitted to emit at least 25 tons per year but less than 100 tons per year of any combination of regulated air pollutants, the annual site fee shall be ~~\$1,800~~\$1,000.
 - 3) For any site permitted to emit at least 100 tons per year but not more than ~~194~~185 tons per year of any combination of ~~regulated~~regulated air pollutants, the annual site fee shall be ~~\$18.00~~\$13.50 per ton.
 - 4) For any site permitted to emit more than ~~194~~185 tons per year of any combination of regulated air pollutants, the annual site fee shall be ~~\$3,500~~\$2,500.
 - 5) The provisions of this Section shall not apply to a site permitted solely as a retail liquid dispensing facility that has air pollution control equipment.
- b) The Agency shall annually assess the amount of the air pollution site fee due based upon its records of permitted sites and allowable emissions from those sites.
- c) It shall be the obligation of the owner or operator to notify the Agency's Bureau of Air, in writing, of the cessation of or reduction in the operation at the site and to request revision or withdrawal of all appropriate operating permits. Notification and requests shall be sent to:

ENVIRONMENTAL PROTECTION AGENCY

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Illinois Environmental Protection Agency
Bureau of Air, Permit Section
Attention: Records Unit
P.O. Box 1927619506
Springfield, IL 62794-927662794-9506

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

Section 251.210 Form of Payment

- a) Payment shall be made by check or money order payable to "Treasurer, State of Illinois," and shall be accompanied by the site name and identification number assigned by the Agency's Division of Air Pollution Control.
- b) Payment shall be mailed to:

Illinois Environmental Protection Agency
Fiscal Services Section
1021 North Grand Avenue East~~2200 Churchill Road~~
P.O. Box 19276
Springfield, IL 62794-9276

- c) Payment shall not include any fees due to the Agency for any purpose other than the air pollution site fee.

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

SUBPART C: RESOLUTION OF DISPUTES

Section 251.301 Request for Reconsideration

- a) The owner or operator of a site shall request reconsideration of the amount of the air pollution site fee as determined by the Agency pursuant to Section 251.201(a)(1) and (2) within 30 days after issuance of a billing statement. Failure to request reconsideration within this period shall constitute waiver of all rights to seek reconsideration of the amount from the Agency and will result in waiver of right to appeal pursuant to Section 251.310.
- b) All requests for reconsideration shall be in writing and shall include all pertinent

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED AMENDMENTS

facts and arguments in support of the request. Such requests shall be addressed to:

Illinois Environmental Protection Agency
Bureau of Air, Permit Section
Attention: Records Unit
P. O. Box ~~19276~~~~19506~~
Springfield, IL ~~62794-9276~~~~62794-9506~~

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

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Standards for the Management of Used Oil
- 2) Code Citation: 35 Ill. Adm. Code 739
- 3) Section Number: 739.100 Proposed Action:
Amend
- 4) Statutory Authority: Implementing Sections 21, 22, 22.01 and 22.9 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/21, 22, 22.01, 22.9, 27]
- 5) A complete description of the subjects and issues involved: For a more detailed description of this rulemaking, see the Board's December 17, 2009, opinion and order Proposed Amendments to the Board's Special Waste Regulations Concerning Used Oil: 35 Ill. Adm. Code 739, 808, 809 (R06-20 B).

During the first-notice period in the companion docket R06-20 A, the Board received comments from the Illinois Environmental Protection Agency (Agency) and NORA, An Association of Responsible Recyclers, formerly known as the National Oil Recycling Association (NORA) addressing addition of three definitions to the Board's proposal. The Board opened this Docket B in order to address one definition in Section 739.100, which the Board had not included in its August 20, 2009, first-notice opinion and order.

The amendments proposed in the companion Docket A are intended to exempt from the special waste manifest requirements of Parts 808 and 809 (35 Ill. Adm. Code 808, 809) used oil that is defined by, and managed in accordance, with Part 739 (35 Ill. Adm. Code 739) and also to exempt from those requirements specific mixtures of used oil and other materials. The proposal also amends used oil tracking provisions in Part 739 to include information required by a manifest for those specified mixtures.

- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: NORA, which originated this rulemaking with the Board, did not use a published study or report in developing its original or amended proposal.
- 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

POLLUTION CONTROL BOARD

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- 10) Are there any other amendments pending on this Part? Yes

In the Matter of: Proposed Amendments to the Board's Special Waste Regulations Concerning Used Oil, 35 Ill. Adm. Code 739, 808, 809, R06-20 A

<u>Section Numbers:</u>	<u>Proposed Action:</u>	<u>Illinois Register Citation:</u>
739.146	Amend	33 Ill. Reg. 12426; September 11, 2009
739.156	Amend	33 Ill. Reg. 12426; September 11, 2009
739.165	Amend	33 Ill. Reg. 12426; September 11, 2009
739.174	Amend	33 Ill. Reg. 12426; September 11, 2009

- 11) Statement of Statewide policy objectives: The proposed amendments do not create or expand a State mandate as defined in Section 3 of the State Mandates Act [30 ILCS 805].
- 12) Time, place and manner in which interested persons may comment on this proposed rulemaking: The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference docket R06-20 B and be addressed to:

Clerk's Office
Illinois Pollution Control Board
State of Illinois Center, Suite 11-500
100 W. Randolph St.
Chicago, IL 60601

Address questions to Tim Fox at 312-814-6085.

Interested persons may request copies of the Board's opinion and order by calling the Clerk's office at 312-814-3620, or download them from the Board's Web site at www.ipcb.state.il.us.

- 13) Initial Regulatory Flexibility Analysis: In Part 739, the Agency proposes to add a single new definition of the term "classification" as employed in amendments proposed in the companion docket R06-20 A.
- A) Types of small businesses, small municipalities, and not-for-profit corporations affected: NORA, a trade association of companies providing used oil collection and recycling services, originally proposed these regulations. The additional definition may affect any generator and transporter of used oil.

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- B) Reporting, bookkeeping or other procedures required for compliance: As the amended rules proposed in the companion docket R06-20 A would provide an exemption from existing requirements, and because this docket proposes only a single new definition, the proposal does not require procedures for compliance.
 - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: January 2008

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

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENT

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE G: WASTE DISPOSAL
CHAPTER I: POLLUTION CONTROL BOARD
SUBCHAPTER c: HAZARDOUS WASTE OPERATING REQUIREMENTS

PART 739
STANDARDS FOR THE MANAGEMENT OF USED OIL

SUBPART A: DEFINITIONS

Section
739.100 Definitions

SUBPART B: APPLICABILITY

Section
739.110 Applicability
739.111 Used Oil Specifications
739.112 Prohibitions
739.113 Electronic Reporting

SUBPART C: STANDARDS FOR USED OIL GENERATORS

Section
739.120 Applicability
739.121 Hazardous Waste Mixing
739.122 Used Oil Storage
739.123 On-Site Burning in Space Heaters
739.124 Off-Site Shipments

SUBPART D: STANDARDS FOR USED OIL COLLECTION CENTERS
AND AGGREGATION POINTS

Section
739.130 Do-It-Yourselfer Used Oil Collection Centers
739.131 Used Oil Collection Centers
739.132 Used Oil Aggregate Points Owned by the Generator

SUBPART E: STANDARDS FOR USED OIL TRANSPORTER

POLLUTION CONTROL BOARD

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AND TRANSFER FACILITIES

Section

- 739.140 Applicability
- 739.141 Restrictions on Transporters that Are Not Also Processors
- 739.142 Notification
- 739.143 Used Oil Transportation
- 739.144 Rebuttable Presumption for Used Oil
- 739.145 Used Oil Storage at Transfer Facilities
- 739.146 Tracking
- 739.147 Management of Residues

SUBPART F: STANDARDS FOR USED OIL PROCESSORS

Section

- 739.150 Applicability
- 739.151 Notification
- 739.152 General Facility Standards
- 739.153 Rebuttable Presumption for Used Oil
- 739.154 Used Oil Management
- 739.155 Analysis Plan
- 739.156 Tracking
- 739.157 Operating Record and Reporting
- 739.158 Off-Site Shipments of Used Oil
- 739.159 Management of Residues

SUBPART G: STANDARDS FOR USED OIL BURNERS THAT BURN
OFF-SPECIFICATION USED OIL FOR ENERGY RECOVERY

Section

- 739.160 Applicability
- 739.161 Restriction on Burning
- 739.162 Notification
- 739.163 Rebuttable Presumption for Used Oil
- 739.164 Used Oil Storage
- 739.165 Tracking
- 739.166 Notices
- 739.167 Management of Residues

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SUBPART H: STANDARDS FOR USED OIL FUEL MARKETERS

Section

739.170	Applicability
739.171	Prohibitions
739.172	On-Specification Used Oil Fuel
739.173	Notification
739.174	Tracking
739.175	Notices

SUBPART I: DISPOSAL OF USED OIL

Section

739.180	Applicability
739.181	Disposal
739.182	Use As a Dust Suppressant

AUTHORITY: Implementing Sections 7.2 and 22.4 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/7.2, 22.4, and 27].

SOURCE: Adopted in R93-4 at 17 Ill. Reg. 20954, effective November 22, 1993; amended in R93-16 at 18 Ill. Reg. 6931, effective April 26, 1994; amended in R94-17 at 18 Ill. Reg. 17616, effective November 23, 1994; amended in R95-6 at 19 Ill. Reg. 10036, effective June 27, 1995; amended in R96-10/R97-3/R97-5 at 22 Ill. Reg. 767, effective December 16, 1997; amended in R98-21/R99-2/R99-7 at 23 Ill. Reg. 2274, effective January 19, 1999; amended in R04-16 at 28 Ill. Reg. 10706, effective July 19, 2004; amended in R06-5/R06-6/R06-7 at 30 Ill. Reg. 4094, effective February 23, 2006; amended in R06-16/R06-17/R06-18 at 31 Ill. Reg. 1413, effective December 20, 2006; amended in R07-5/R07-14 at 32 Ill. Reg. 13047, effective July 14, 2008; amended in R06-20 (B) at 34 Ill. Reg. _____, effective _____.

SUBPART A: DEFINITIONS

Section 739.100 Definitions

Terms that are defined in 35 Ill. Adm. Code 720.110, 721.101, and 731.112 have the same meanings when used in this Part.

"Aboveground tank" means a tank used to store or process used oil that is not an underground storage tank, as defined in 35 Ill. Adm. Code 280.12.

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BOARD NOTE: This definition is different from the definition for "aboveground tank" given in 35 Ill. Adm. Code 720.110. Although the meanings are similar, the main distinction is that the definition for this Part limits the tanks to those used to store or process used oil, whereas the 720.110 definition contemplates tanks that contain hazardous wastes. This definition of aboveground tank is limited to this Part only.

"Classification", as used in this Part, means a short description of the waste generating activity and designation as either hazardous waste with the appropriate hazardous waste code, nonhazardous used oil, nonhazardous used oil mixture, or nonhazardous other special waste.

"Container" means any portable device in which a material is stored, transported, treated, disposed of, or otherwise handled.

"Do-it-yourselfer used oil collection center" means any site or facility that accepts or aggregates and stores used oil collected only from household do-it-yourselfers.

"Existing tank" means a tank that is used for the storage or processing of used oil and that is in operation, or for which installation had commenced on or prior to October 4, 1996. Installation will be considered to have commenced if the owner or operator had obtained all federal, state, and local approvals or permits necessary to begin installation of the tank and if either of the following had occurred:

A continuous on-site installation program had begun, or

The owner or operator had entered into contractual obligations that cannot be canceled or modified without substantial loss for installation of the tank to be completed within a reasonable time.

BOARD NOTE: This definition is similar to the definition for "Existing tank system" in 35 Ill. Adm. Code 720.110. Although the meanings are similar, the definition given above for "existing tank" in this Part limits the tanks to those used to store or process used oil, whereas the 720.110 definition contemplates tanks systems that contain hazardous wastes. This definition of existing tank is limited to this Part only.

"Household 'do-it-yourselfer' used oil" means oil that is derived from households, such as used oil generated by individuals who generate used oil through the

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENT

maintenance of their personal vehicles.

BOARD NOTE: Household "do-it-yourselfer" used oil is not subject to the State's special waste hauling permit requirements under Part 809.

"Household 'do-it-yourselfer' used oil generator" means an individual who generates household "do-it-yourselfer" used oil.

"New tank" means a tank that will be used to store or process used oil and for which installation had commenced after October 4, 1996.

BOARD NOTE: This definition is similar to the definition given for "New tank system" given in 35 Ill. Adm. Code 720.110. Although the meanings are similar, the definition given above for "new tank" in this Part limits the tanks to those used to store or process used oil, whereas the 720.110 definition contemplates new tanks systems that contain hazardous wastes. This definition of new tank is limited to this Part only.

"Petroleum refining facility" means an establishment primarily engaged in producing gasoline, kerosene, distillate fuel oils, residual fuel oils, and lubricants, through fractionation, straight distillation of crude oil, redistillation of unfinished petroleum derivatives, cracking, or other processes (i.e., facilities classified as SIC 2911).

"Processing" means chemical or physical operations designed to produce from used oil, or to make used oil more amenable for production of, fuel oils, lubricants, or other used oil-derived product. Processing includes, but is not limited to the following: blending used oil with virgin petroleum products, blending used oils to meet the fuel specification, filtration, simple distillation, chemical or physical separation, and re-refining.

"Re-refining distillation bottoms" means the heavy fraction produced by vacuum distillation of filtered and dehydrated used oil. The composition of still bottoms varies with column operation and feedstock.

"Tank" means any stationary device, designed to contain an accumulation of used oil that is constructed primarily of non-earthen materials (e.g., wood, concrete, steel, plastic) which provide structural support.

"Used oil" means any oil that has been refined from crude oil or any synthetic oil that has been used and as a result of such use is contaminated by physical or

POLLUTION CONTROL BOARD

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chemical impurities.

"Used oil aggregation point" means any site or facility that accepts, aggregates, or stores used oil collected only from other used oil generation sites owned or operated by the owner or operator of the aggregation point, from which used oil is transported to the aggregation point in shipments of no more than 55 gallons. Used oil aggregation points may also accept used oil from household do-it-yourselfers.

"Used oil burner" means a facility where used oil not meeting the specification requirements in Section 739.111 is burned for energy recovery in devices identified in Section 739.161(a).

"Used oil collection center" means any site or facility that is registered by the Agency to manage used oil and accepts or aggregates and stores used oil collected from used oil generators regulated under Subpart C of this Part that bring used oil to the collection center in shipments of no more than 55 gallons under the provisions of Section 739.124. Used oil collection centers may also accept used oil from household do-it-yourselfers.

"Used oil fuel marketer" means any person that conducts either of the following activities:

Directs a shipment of off-specification used oil from their facility to a used oil burner; or

First claims that used oil that is to be burned for energy recovery meets the used oil fuel specifications set forth in Section 739.111.

"Used oil generator" means any person, by site, whose act or process produces used oil or whose act first causes used oil to become subject to regulation.

"Used oil processor" means a facility that processes used oil.

"Used oil transfer facility" means any transportation-related facility including loading docks, parking areas, storage areas, and other areas where shipments of used oil are held for more than 24 hours and not longer than 35 days during the normal course of transportation or prior to an activity performed pursuant to Section 739.120(b)(2). Transfer facilities that store used oil for more than 35

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NOTICE OF PROPOSED AMENDMENT

days are subject to regulation under Subpart F of this Part.

"Used oil transporter" means any person that transports used oil, any person that collects used oil from more than one generator and that transports the collected oil, and owners and operators of used oil transfer facilities. Used oil transporters may consolidate or aggregate loads of used oil for purposes of transportation but, with the following exception, may not process used oil. Transporters may conduct incidental processing operations that occur in the normal course of used oil transportation (e.g., settling and water separation), but that are not designed to produce (or make more amenable for production of) used oil derived products or used oil fuel.

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

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Special Waste Classifications
- 2) Code Citation: 35 Ill. Adm. Code 808
- 3) Section Number: 808.110 Proposed Action:
Amend
- 4) Statutory Authority: Implementing Sections 21, 22, 22.01 and 22.9 of and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/21, 22, 22.01, 22.9, 27]
- 5) A complete description of the subjects and issues involved: For a more detailed description of this rulemaking, see the Board's December 17, 2009, opinion and order Proposed Amendments to the Board's Special Waste Regulations Concerning Used Oil: 35 Ill. Adm. Code 739, 808, 809 (R06-20 B).

During the First Notice period in the companion docket R06-20 A, the Board received comments from the Illinois Environmental Protection Agency (Agency) and NORA, An Association of Responsible Recyclers, formerly known as the National Oil Recycling Association (NORA) addressing addition of three definitions to the Board's proposal. The Board opened this Docket B in order to address two definitions in Section 808.110, which the Board had not included in its August 20, 2009, First Notice opinion and order.

The amendments proposed in the companion Docket A are intended to exempt from the special waste manifest requirements of Parts 808 and 809 (35 Ill. Adm. Code 808, 809) used oil that is defined by, and managed in accordance with, Part 739 (35 Ill. Adm. Code 739) and also to exempt from those requirements specific mixtures of used oil and other materials. The proposal also amends used oil tracking provisions in Part 739 to include information required by a manifest for those specified mixtures.

- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: NORA, which filed this rulemaking with the Board, did not use a published study or report in developing its original or amended proposal.
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No

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- 10) Are there any other amendments pending on this Part? Yes

<u>Section Number:</u> 808.121	<u>Proposed Action:</u> Amend	<u>Illinois Register Citation:</u> 33 Ill. Reg. 12439; September. 11, 2009
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- 11) Statement of Statewide Policy Objectives: The proposed amendments do not create or expand a State mandate as defined in Section 3 of the State Mandates Act [30 ILCS 805].

- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference docket R06-20 and be addressed to:

Clerk's Office
Illinois Pollution Control Board
State of Illinois Center, Suite 11-500
100 W. Randolph St.
Chicago, IL 60601

Address all questions to Tim Fox at 312-814-6085.

Interested persons may request copies of the Board's opinion and order by calling the Clerk's office at 312/814-3620, or download them from the Board's Web site at www.ipcb.state.il.us.

- 13) Initial Regulatory Flexibility Analysis: In Part 808, the Agency proposes to add two new definitions, "Btu" and "wastewater", as employed in amendments proposed in the companion docket R06-20 A.
- A) Types of small businesses, small municipalities, and not-for-profit corporations affected: NORA, a trade association of companies providing used oil collection and recycling services, originally proposed these regulations. The additional definition may affect any generator and transporter of used oil.
- B) Reporting, bookkeeping or other procedures required for compliance: As the amended rules proposed in the companion docket R06-20 A would provide an exemption from existing requirements, and because this docket proposes only two new definitions, the proposal does not require procedures for compliance.

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- C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: January 2008

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

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NOTICE OF PROPOSED AMENDMENT

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE G: WASTE DISPOSAL
CHAPTER I: POLLUTION CONTROL BOARD
SUBCHAPTER i: SOLID WASTE AND SPECIAL WASTE HAULING

PART 808
SPECIAL WASTE CLASSIFICATIONS

SUBPART A: GENERAL PROVISIONS

Section	
808.100	Purpose, Scope and Applicability
808.101	Transitional Rule
808.110	Definitions
808.111	Incorporations by Reference
808.121	Generator Obligations
808.122	Manifests
808.123	Small Quantity Generators

SUBPART B: CLASSES OF SPECIAL WASTE

Section	
808.240	Special Waste Classes
808.241	Default Classification of Special Wastes
808.242	Special Handling Waste
808.243	Wastes Categorized by Source
808.244	Wastes Categorized by Characteristics
808.245	Classification of Wastes

SUBPART C: CRITERIA AND DATA REQUIREMENTS

Section	
808.300	Introduction
808.301	Degree of Hazard Determination by Computer
808.302	Data Base and Bioassay Procedures

SUBPART D: REQUEST FOR WASTE CLASSIFICATION

Section

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- 808.400 Introduction
- 808.401 Application Forms
- 808.402 Application for Waste Classification
- 808.410 Physical and Chemical Analysis
- 808.411 Significant Trace Constituents
- 808.412 Common Names
- 808.413 Wastestream Description
- 808.420 Quality Assurance Plan
- 808.430 Degree of Hazard Data
- 808.431 Toxicological Testing

SUBPART E: REVIEW OF CLASSIFICATION REQUESTS

- Section
- 808.501 Order of Requesting Information
- 808.502 Completeness
- 808.503 Standard for Classification

SUBPART F: WASTESTREAM CLASSIFICATION DETERMINATIONS

- Section
- 808.520 Time for Agency Action
- 808.521 Conditions of Wastestream Classification
- 808.522 Final Agency Action

SUBPART G: MODIFICATION, APPEAL AND ENFORCEMENT

- Section
- 808.541 Request for Modification
- 808.542 Appeal
- 808.543 Effect of Classification
- 808.544 Enforcement
- 808.545 Modification

SUBPART H: CATEGORICAL AND CHARACTERISTIC WASTES

- Section
- 808.600 Introduction

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808.APPENDIX A Assignment Of Special Waste To Classes
808.APPENDIX B Toxicity Hazard

AUTHORITY: Implementing Sections 21, 22, 22.01 and 22.9, and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/21, 22, 22.01, 22.9, 27].

SOURCE: Adopted in R89-13A at 14 Ill. Reg. 14043, effective August 15, 1990; amended in R98-29 at 23 Ill. Reg. 6875, effective July 1, 1999; amended in R06-20 (B) at 34 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL PROVISIONS

Section 808.110 Definitions

"Act" means the Environmental Protection Act [\[415 ILCS 5\]](#)~~(Ill. Rev. Stat. 1989, ch. 111½, pars. 1001 et seq.)~~.

"Agency" means the Illinois Environmental Protection Agency.

"Btu" or "British thermal unit" means the quantity of heat required to raise the temperature of one pound of water one degree Fahrenheit.

"Board" means the Illinois Pollution Control Board.

"Carcinogen" means a chemical, or complex mixture of closely related chemicals, which has been determined in accordance with USEPA Guidelines for Carcinogenic Risk Assessment, incorporated by reference at Section 808.111, to have either sufficient or limited human evidence or sufficient animal evidence supporting a causal association between exposure to the chemical and an increase in incidence of benign or malignant neoplasms or substantial decrease in the latency period between exposure and onset of neoplasms.

"Declassified waste" means a waste which has been determined pursuant to Section 808.245 to not be a special waste.

"Degree of hazard" is determined pursuant to Section 808.245.

"Hazardous waste" or "RCRA hazardous waste" is as defined in 35 Ill. Adm. Code 721.

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"LC₅₀" means that concentration of a substance administered to test organisms that is lethal to 50 percent of a population of exposed organisms in a given time period. "Inhalation rat" means that the substance is administered by inhalation and the test organisms are laboratory rats. "Aquatic toxicity" means that the substance is administered in water to specified free-swimming test organisms.

"LD₅₀" means that dose of a substance administered to test organisms that is lethal to 50 percent of a population of exposed organisms in a given time period. "LD₅₀-oral rat" or "oral rat" means that dose of a substance, administered orally, that is lethal to 50 percent of a population of exposed rats in a given time period.

"Mutagen" means a chemical, or complex mixture of closely related chemicals or ionizing radiation which has been determined, in accordance with USEPA Guidelines for Mutagenic Risk Assessment, incorporated by reference at Section 808.111, to have sufficient evidence supporting a causal association between exposure to the chemical and point mutations (i.e., submicroscopic changes in the base sequence of DNA) or structural or numerical chromosome aberrations. Structural aberrations include deficiencies, duplications, insertions, inversions, and translocations, whereas numerical aberrations are gains or losses of whole chromosomes (e.g., trisomy, monosomy) or sets of chromosomes (haploidy, polyploidy).

"Special handling waste" is a declassified waste which, due to its form and mode of containment in transport or storage, presents a danger to a person handling the waste such that the person needs information about the waste to safely transport or store the waste. "Special handling waste" includes any such waste which would pose a danger if handled in a manner similar to household waste.

"Dangers" include, but are not limited to, the following: fire, explosion, and emission of toxic or carcinogenic gas or dust. "Special handling waste" also includes any special waste which, because of appearance or packaging, resembles waste which would be a special handling waste. Such waste includes, but is not limited to, any special waste contained in a sealed drum. Irrespective of its degree of hazard ranking under Section 808.245, a special handling waste is a special waste.

BOARD NOTE: Section 808.245(d) provides that special handling waste which would otherwise be declassified is at least a Type B special waste.

"Special (non-RCRA) waste" is any special waste that is not hazardous waste as

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defined in this Section.

"Special waste" means any hazardous waste, and any industrial process waste or pollution control waste which has not been declassified pursuant to Section 808.245. (Section 3.45 of the Act.)

BOARD NOTE: The definition of "hazardous waste" at Section 3.15 of the Act differs from the definition of the same term as used in this Part. The Board intends that the Section 3.15 definition apply to this Part only for the purposes of this definition of special waste. The Board intends that the definition given in this Section apply to all other appearances for the term "hazardous waste" throughout this Part.

"TC₅₀" means that dose of a substance administered to test organisms that produces toxic effects in 50 percent of a population of exposed organisms in a given time period. "TD₅₀-oral rat" means that the test organisms are laboratory rats.

"Wastewater" means sewage, industrial waste, or other waste, or any combination of these, whether treated or untreated, plus any admixed land runoff.

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

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- 1) Heading of the Part: Nonhazardous Special Waste Hauling and the Uniform Program
- 2) Code Citation: 35 Ill. Adm. Code 809
- 3)

<u>Section Number:</u> 809.103	<u>Proposed Action:</u> Amend
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- 4) Statutory Authority: Implementing Sections 5, 10, 13, 21, 22, 22.01 and 22.2 of and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/5, 10, 13, 21, 22, 22.01, 22.2 and 27]
- 5) A Complete Description of the Subjects and Issues Involved: For a more detailed description of this rulemaking, see the Board's December 17, 2009, opinion and order Proposed Amendments to the Board's Special Waste Regulations Concerning Used Oil: 35 Ill. Adm. Code 739, 808, 809 (R06-20 B).

During the First Notice period in the companion docket R06-20 A, the Board received comments from the Illinois Environmental Protection Agency (Agency) and NORA, An Association of Responsible Recyclers, formerly known as the National Oil Recycling Association (NORA) addressing addition of three definitions to the Board's proposal. The Board opened this Docket B in order to address two definitions in Section 809.103, which the Board had not included in its August 20, 2009, First Notice opinion and order.

The amendments proposed in the companion Docket A are intended to exempt from the special waste manifest requirements of Parts 808 and 809 (35 Ill. Adm. Code 808, 809) used oil that is defined by, and managed in accordance with, Part 739 (35 Ill. Adm. Code 739) and also to exempt from those requirements specific mixtures of used oil and other materials. The proposal also amends used oil tracking provisions in Part 739 to include information required by a manifest for those specified mixtures.

- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: NORA, which filed this rulemaking with the Board, did not use a published study or report in developing its original or amended proposal.
- 7) Will this rulemaking replace any emergency rulemakings currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No

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10) Are there any other amendments pending on this Part? Yes

<u>Section Numbers:</u>	<u>Proposed Action:</u>	<u>Illinois Register Citation:</u>
809.301	Amend	33 Ill. Reg. 12446; September 11, 2009
809.302	Amend	33 Ill. Reg. 12446; September 11, 2009
809.501	Amend	33 Ill. Reg. 12446; September 11, 2009

11) Statement of Statewide Policy Objectives: The proposed amendments do not create or expand a State mandate as defined in Section 3 of the State Mandates Act [30 ILCS 805].

12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference Docket R06-20 and be addressed to:

Clerk's Office
 Illinois Pollution Control Board
 State of Illinois Center, Suite 11-500
 100 W. Randolph St.
 Chicago, IL 60601

Address all questions to Tim Fox at 312/814-6085.

Interested persons may request copies of the Board's opinion and order by calling the Clerk's office at 312-814-3620, or download them from the Board's Web site at www.ipcb.state.il.us.

13) Initial Regulatory Flexibility Analysis: In Part 809, the Board proposes to add two new definitions, "Btu" and "wastewater," as employed in amendments proposed in the companion docket R06-20 A.

A) Types of small businesses, small municipalities, and not-for-profit corporations affected: NORA, a trade association of companies providing used oil collection and recycling services, originally proposed these regulations. The additional definition may affect any generator and transporter of used oil.

B) Reporting, bookkeeping or other procedures required for compliance: As the amended rules proposed in the companion docket R06-20 A would provide an

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exemption from existing requirements, and because this docket proposes only two new definitions, the proposal does not require procedures for compliance.

- C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized January 2008 (32 Ill. Reg. 8085, 8091 (May 30, 2008)).

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

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NOTICE OF PROPOSED AMENDMENT

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE G: WASTE DISPOSAL
CHAPTER I: POLLUTION CONTROL BOARD
SUBCHAPTER i: SOLID WASTE AND SPECIAL WASTE HAULINGPART 809
NONHAZARDOUS SPECIAL WASTE HAULING
AND THE UNIFORM PROGRAM

SUBPART A: GENERAL PROVISIONS

Section	
809.101	Authority, Policy and Purposes
809.102	Severability
809.103	Definitions
809.104	Incorporations by Reference
809.105	Public Records

SUBPART B: NONHAZARDOUS SPECIAL WASTE HAULING PERMITS

Section	
809.201	Nonhazardous Special Waste Hauling Permits – General
809.202	Applications for Nonhazardous Special Waste Hauling Permit – Contents
809.203	Applications for Nonhazardous Special Waste Hauling Permit – Signatures and Authorization
809.204	Applications for Nonhazardous Special Waste Hauling Permit – Filing and Final Action by the Agency
809.205	Nonhazardous Special Waste Hauling Permit Conditions
809.206	Nonhazardous Special Waste Hauling Permit Revision
809.207	Transfer of Nonhazardous Special Waste Hauling Permits
809.208	Nonhazardous Special Waste Hauling Permit Revocation
809.209	Permit No Defense
809.210	General Exemption from Nonhazardous Special Waste Hauling Permit Requirements
809.211	Exemptions for Nonhazardous Special Waste Transporters
809.212	Duration of Nonhazardous Special Waste Hauling Permits

SUBPART C: DELIVERY AND ACCEPTANCE

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Section
809.301 Requirements for Delivery of Nonhazardous Special Waste to Transporters
809.302 Requirements for Acceptance of Nonhazardous Special or Hazardous Waste from Transporters

SUBPART D: PERMIT AVAILABILITY AND SYMBOLS

Section
809.401 Permit Availability
809.402 Nonhazardous Special Waste Symbols

SUBPART E: MANIFESTS, RECORDS AND REPORTING

Section
809.501 Manifests, Records, Access to Records, Reporting Requirements and Forms

SUBPART F: DURATION OF PERMITS AND TANK NUMBERS

Section
809.601 Duration of Special Waste Hauler Permits and Tank Numbers (Repealed)

SUBPART G: EMERGENCY CONTINGENCIES FOR SPILLS

Section
809.701 General Provision

SUBPART H: EFFECTIVE DATES

Section
809.801 Compliance Date
809.802 Exceptions (Repealed)

SUBPART I: HAZARDOUS (INFECTIOUS) HOSPITAL WASTE

Section
809.901 Definitions (Repealed)
809.902 Disposal Methods (Repealed)
809.903 Rendering Innocuous by Sterilization (Repealed)
809.904 Rendering Innocuous by Incineration (Repealed)

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- 809.905 Recordkeeping Requirements for Generators (Repealed)
809.906 Defense to Enforcement Action (Repealed)

SUBPART J: UNIFORM PROGRAM

Section

- 809.910 Uniform State Hazardous Waste Transportation Registration and Permit Program
809.911 Application for a Uniform Permit
809.912 Application for Uniform Registration
809.913 Payment of Processing and Audit Fees
809.914 Payment of Apportioned Mile Fees
809.915 Submittal of Fees
809.916 Previously Permitted Transporters
809.917 Uniform Registration and Uniform Permit Conditions
809.918 Uniform Registration and Uniform Permit Revision
809.919 Transfer of Uniform Registration and Uniform Permits
809.920 Audits and Uniform Registration and Uniform Permit Revocation
809.921 Permit No Defense

809.APPENDIX A Old Rule Numbers Referenced (Repealed)

AUTHORITY: Implementing Sections 5, 10, 13, 21, 22, 22.01, and 22.2 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/5, 10, 13, 21, 22, 22.01, 22.2, and 27] (see P.A. 90-219).

SOURCE: Adopted in R76-10, 33 PCB 131, at 3 Ill. Reg. 13, p. 155, effective March 31, 1979; emergency amendment in R76-10, 39 PCB 175, at 4 Ill. Reg. 34, p. 214, effective August 7, 1980, for a maximum of 150 days; emergency amendment in R80-19, 40 PCB 159, at 5 Ill. Reg. 270, effective January 1, 1981, for a maximum of 150 days; amended in R77-12(B), 41 PCB 369, at 5 Ill. Reg. 6384, effective May 28, 1981; amended in R80-19, 41 PCB 459, at 5 Ill. Reg. 6378, effective May 31, 1981; codified in R81-9, 53 PCB 269, at 7 Ill. Reg. 13640, effective September 30, 1983; recodified in R84-5, 58 PCB 267, from Subchapter h to Subchapter i at 8 Ill. Reg. 13198; amended in R89-13A at 14 Ill. Reg. 14076, effective August 15, 1990; amended in R91-18 at 16 Ill. Reg. 130, effective January 1, 1992; amended in R95-11 at 20 Ill. Reg. 5635, effective March 27, 1996; amended in R98-29 at 23 Ill. Reg. 6842, effective July 1, 1999; amended in R00-18 at 24 Ill. Reg. 14747, effective September 25, 2000; amended in R06-20 (B) at 34 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL PROVISIONS

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Section 809.103 Definitions

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

"Agency" means the Illinois Environmental Protection Agency.

"Base state" means the state in which a hazardous waste transporter must obtain a uniform registration, if required by the base state, and uniform permit.

"Board" means the Illinois Pollution Control Board.

"Btu" or "British thermal unit" means the quantity of heat required to raise the temperature of one pound of water one degree Fahrenheit.

"Disposal" means the discharge, deposit, injection, dumping, spilling, leaking, or placing of any waste or special waste into or on any land or water so that such waste or special waste or any constituent thereof may enter the environment or be emitted into the air or discharged into any waters, including ground waters. [415 ILCS 5/3.08] (See "Waste", "Special Waste".)

"Garbage" means the waste resulting from the handling, processing, preparation, cooking, and consumption of food, and wastes from the handling, processing, storage and sale of produce. [415 ILCS 5/3.11] (See "Waste".)

"Hazardous waste" means a waste, or combination of wastes, which because of quantity, concentration, or physical, chemical, or infectious characteristics may cause or significantly contribute to an increase in mortality or an increase in serious, irreversible, or incapacitating reversible, illness; or pose a substantial present or potential threat to human health or to the environment when improperly treated, stored, transported or disposed of, or otherwise managed, and which has been identified, by characteristics or listing, as hazardous pursuant to Section 3001 of the Resource Conservation and Recovery Act of 1976 (42 USC 6901 et seq.) or pursuant to agency guidelines consistent with the requirements of the Act and Board regulations. Potentially infectious medical waste is not a hazardous waste, except for those potentially infectious medical wastes identified by characteristics or listing as hazardous under Section 3001 of the Resource Conservation and Recovery Act of 1976, P.L. 94-580, or pursuant to Board regulations. [415 ILCS 5/3.15]

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"Hazardous waste transporter" means any person who transports hazardous waste as defined in Section 3.15 of the Act.

"Industrial process waste" means any liquid, solid, semi-solid or gaseous waste, generated as a direct or indirect result of the manufacture of a product or the performance of a service, which poses a present or potential threat to human health or to the environment or with inherent properties which make the disposal of such waste in a landfill difficult to manage by normal means. "Industrial process waste" includes but is not limited to spent pickling liquors, cutting oils, chemical catalysts, distillation bottoms, etching acids, equipment cleanings, paint sludges, incinerator ashes, core sands, metallic dust sweepings, asbestos dust, hospital pathological wastes and off-specification, contaminated or recalled wholesale or retail products. Specifically excluded are uncontaminated packaging materials, uncontaminated machinery components, general household waste, landscape waste and construction or demolition debris. [415 ILCS 5/3.17]

"Manifest" means the form provided or prescribed by the Agency and used for identifying name, quantity, and the origin, routing, and destination of special waste during its transportation from the point of generation to the point of disposal, treatment, or storage, as required by this Part, 35 Ill. Adm. Code: Subtitle G, or by the Resource Conservation and Recovery Act of 1976 (42 USC 6901 et seq.) or regulations thereunder.

"Nonhazardous special waste" means any special waste, as defined in this Section, that has not been identified, by characteristics or listing, as hazardous pursuant to ~~section~~Section 3001 of the Resource Conservation and Recovery Act of 1976 (42 USC 6901 et seq.) or pursuant to Board regulations.

"Nonhazardous special waste hauling vehicle" means any self-propelled motor vehicle, except a truck tractor without a trailer, used to transport nonhazardous special waste in bulk or packages, tanks, or other containers.

"Nonhazardous special waste transporter" means any person who transports nonhazardous special waste.

"Off-site" means any site that is not "on-site", as defined in this Section.

"On-site" means (for the purpose of transporting hazardous waste) on the same or

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geographically contiguous property under the control of the same person even if such contiguous property is divided by a public or private right-of-way. Non-contiguous properties owned by the same person but connected by a right-of-way that the person controls, and to which the public does not have access, is also considered on-site property.

"Participating state" means a state that has elected to participate in the uniform program and has entered into a reciprocal agreement.

"Permitted disposal site" means a sanitary landfill or other type of disposal site, including but not limited to a deep well, a pit, a pond, a lagoon or an impoundment that has a current, valid operating permit issued by the Agency and a supplemental permit issued by the Agency specifically permitting the site to accept a special waste tendered for disposal.

"Permitted storage site" means any site used for the interim containment of special waste prior to disposal or treatment that has a current, valid operating permit issued by the Agency and a supplemental permit issued by the Agency specifically permitting the site to accept a special waste tendered for storage.

"Permitted treatment site" means any site used to change the physical, chemical or biological character or composition of any special waste, including but not limited to a processing center, a reclamation facility or a recycling center that has a current, valid operating permit issued by the Agency and a supplemental permit issued by the Agency specifically permitting the site to accept a special waste tendered for treatment.

"Person" means any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, political subdivision, state agency, or any other legal entity or their legal representative, agent or assignee. [415 ILCS 5/3.26]

"Pollution control waste" means any liquid, solid, semi-solid or gaseous waste generated as a direct or indirect result of the removal of contaminants from the air, water or land, and which pose a present or potential threat to human health or to the environment or with inherent properties which make the disposal of such waste in a landfill difficult to manage by normal means. "Pollution control waste" includes but is not limited to water and wastewater treatment plant sludges, baghouse dusts, scrubber sludges and chemical spill cleanings. [415

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ILCS 5/3.27]

"Principal place of business" means the state in which a person owning vehicles used for transporting hazardous waste maintains its central records or majority of its records relating to the transportation of hazardous materials; or the state in which the person owning vehicles used for transporting hazardous waste has the plurality of its mileage.

"Reciprocal agreement" means an agreement between Illinois and another state to participate in the Uniform Program.

"Reclamation" means the recovery of material or energy from waste for commercial or industrial use.

"Refuse" means any garbage or other discarded materials, with the exception of radioactive materials discarded in accordance with the provisions of the Radiation Protection Act [420 ILCS 40] and Radioactive Waste Storage Act [420 ILCS 35]. (See "Waste:").

"Septic tank pumpings" means the liquid portions and sludge residues removed from septic tanks.

"Site" means any location, place, tract of land, and facilities, including but not limited to buildings, and improvements used for purposes subject to regulation or control by this Act or regulations under the Act. [415 ILCS 5/3.43]

"Solid waste:" (see "Waste:").

"Special waste" means any of the following:

Potentially infectious medical waste;

Hazardous waste, as determined in conformance with RCRA hazardous waste determination requirements set forth in 35 Ill. Adm. Code 722.111, including a residue from burning or processing hazardous waste in a boiler or industrial furnace unless the residue has been tested in accordance with 35 Ill. Adm. Code 726 and proven to be nonhazardous;

Industrial process waste or pollution control waste, except:

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Any such waste certified by its generator, pursuant to Section 22.48 of the Act, not to be any of the following:

A liquid, as determined using the paint filter test set forth in 35 Ill. Adm. Code 811.107(m)(3)(a);

Regulated asbestos-containing waste materials, as defined under the National Emission Standards for Hazardous Air Pollutants in 40 CFR 61.141;

Polychlorinated biphenyls (PCBs) regulated pursuant to 40 CFR 761;

An industrial process waste or pollution control waste subject to the waste analysis and recordkeeping requirements of 35 Ill. Adm. Code 728.107 under the land disposal restrictions of 35 Ill. Adm. Code 728; and

A waste material generated by processing recyclable metals by shredding and required to be managed as a special waste under Section 22.29 of the Act;

Any empty portable device or container, including but not limited to a drum, in which a special waste has been stored, transported, treated, disposed of, or otherwise handled, provided that the generator has certified that the device or container is empty and does not contain a liquid, as determined using the paint filter test set forth in 35 Ill. Adm. Code 811.107(m)(3)(a). "Empty portable device or container" means a device or container in which removal of special waste, except for a residue that shall not exceed one inch in thickness, has been accomplished by a practice commonly employed to remove materials of that type. An inner liner used to prevent contact between the special waste and the container shall be removed and managed as a special waste; or

As may otherwise be determined under Section 22.9 of the Act.
[415 ILCS 5/3.45]

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"Special waste transporter" means any person who transports special waste (as defined in Section 3.45 of the Act) from any location.

"Spill" means any accidental discharge of special waste.

"Storage" means the interim containment of special waste prior to disposal or treatment.

"Tank" means any bulk container placed on or carried by a vehicle to transport special waste, including wheel mounted tanks.

"Treatment" means any method, technique or process, including neutralization designed to change the physical, chemical or biological character or composition of any special waste so as to neutralize that waste or so as to render that waste nonhazardous, safer for transport, amenable for recovery, amenable for storage or reduced in volume. "Treatment" includes any activity or processing designed to change the physical form or chemical composition of special waste to render it less dangerous or nonhazardous. [415 ILCS 5/3.49] Treatment also includes reclamation, re-use and recycling of special waste.

"Truck" means any unitary vehicle used to transport special waste.

"Truck tractor" means any motor vehicle used to transport special waste that is designed and used for drawing other devices and not so constructed as to carry a load other than a part of the weight of the device and load so drawn.

"Uniform application" means the uniform registration and uniform permit application form established under the Uniform Program and provided by the Agency.

"Uniform permit" means the permit issued by a base state under Part II of the uniform application.

"Uniform Program" means the program established pursuant to the directive of the Hazardous Materials Transportation Uniform Safety Act of 1990 (49 USC 1 et seq.) and the Hazardous Materials Transportation Authorization Act of 1994 (49 USCS 5101 et seq.) and implemented pursuant to the Final Report: Uniform Program Pilot Project and the State Program Administrator's Manual, Uniform Program, Alliance for Uniform HazMat Transportation Procedures, incorporated

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by reference in Section 809.104.

"Uniform registration" means the annual registration issued by a base state under Part I of the uniform application, if the base state has a registration requirement.

"Vehicle" means any *self-propelled motor vehicle, except a truck tractor without a trailer, designed or used for the transportation of hazardous waste.* [415 ILCS 5/22.2(1-5)(1)]

"Waste" means any garbage, sludge from a waste treatment plant, water supply treatment plant, or air pollution control facility or other discarded material, including solid, liquid, semi-solid, or contained gaseous material resulting from industrial, commercial, mining and agricultural operations, and from community activities, but does not include solid or dissolved material in domestic sewage, or solid or dissolved materials in irrigation return flows, or coal combustion by-products as defined in Section 3.94 of the Act, or industrial discharges which are point sources subject to permits under ~~section~~*Section* 402 of the Federal Water Pollution Control Act, as now or hereafter amended, or source, special nuclear, or byproduct materials as defined by the Atomic Energy Act of 1954, as amended (42 USC 2011 et seq.) or any solid or dissolved material from any facility subject to The Federal Surface Mining Control and Reclamation Act of 1977 (P.L. 95-87) or the rules and regulations thereunder or any law or rule or regulation adopted by the State of Illinois pursuant thereto. [415 ILCS 5/3.53]

"Wastewater" means sewage, industrial waste, or other waste, or any combination of these, whether treated or untreated, plus any admixed land runoff.

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

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- 1) Heading of the Part: Ambulatory Surgical Treatment Center Licensing Requirements
- 2) Code Citation: 77 Ill. Adm. Code 205
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
205.115	Amend
205.410	Amend
205.1400	Amend
205.1410	Amend
205.1520	Amend
205.1540	Amend
205.1760	Amend
205.1770	Amend
205.1780	Amend
- 4) Statutory Authority: Ambulatory Surgical Treatment Center Act [210 ILCS 5]
- 5) A Complete Description of the Subjects and Issues Involved: The Ambulatory Surgical Treatment Center Licensing Requirements establish minimum standards for ASTCs in Illinois including facility maintenance, building design, construction, insulation, Heating, Ventilating, and Air Conditioning (HVAC), and other construction and life safety standards. This proposed rulemaking updates all references to the National Fire Protection Association Life Safety Standards to conform to the 2000 edition of the Life Safety Code.

In Section 205.115 (Incorporated and Referenced Materials), older dates are being inserted for some NFPA standards. These are the dates for those standards that are referenced in Chapter 2, "Mandatory References" of the 2000 Life Safety Code. Other changes include correcting incorrect citations and updating the list of referenced materials to reflect current State statutes and rules.

The eight other Sections are being amended to make them consistent with the changes to Section 205.115.

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

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

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- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: National Fire Protection Association Standard No. 101
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? Yes
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: This rulemaking does not create a State mandate.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning this rulemaking within 45 days after this issue of the *Illinois Register* to:

Susan Meister
Division of Legal Services
Illinois Department of Public Health
535 West Jefferson St., 5th Floor
Springfield, Illinois 62761

217/782-2043
e-mail: dph.rules@illinois.gov
- 13) Initial Regulatory Flexibility Analysis:
 - A) Type of small businesses, small municipalities and not-for-profit corporations affected: Ambulatory surgical treatment centers
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: January 2009

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

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TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER b: HOSPITAL AND AMBULATORY CARE FACILITIES

PART 205
AMBULATORY SURGICAL TREATMENT CENTER LICENSING REQUIREMENTS

SUBPART A: GENERAL

Section	
205.110	Definitions
205.115	Incorporated and Referenced Materials
205.118	Conditions of Licensure
205.120	Application for Initial Licensure
205.125	Application for License Renewal
205.130	Approval of Surgical Procedures
205.135	Diagnostic Cardiac Catheterization Procedures

SUBPART B: OWNERSHIP AND MANAGEMENT

Section	
205.210	Ownership, Control and Management
205.220	Organizational Plan
205.230	Standards of Professional Work
205.240	Policies and Procedures Manual

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Section	
205.310	Personnel Policies
205.320	Presence of Qualified Physician
205.330	Nursing Personnel
205.340	Basic Life Support
205.350	Laboratory Services

SUBPART D: EQUIPMENT, SUPPLIES, AND FACILITY MAINTENANCE

Section	
205.410	Equipment

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205.420 Sanitary Facility

SUBPART E: GENERAL PATIENT CARE

Section

205.510 Emergency Care
205.520 Preoperative Care
205.530 Operative Care
205.540 Postoperative Care

SUBPART F: RECORDS AND REPORTS

Section

205.610 Clinical Records
205.620 Statistical Data

SUBPART G: LIMITED PROCEDURE SPECIALTY CENTERS

Section

205.710 Pregnancy Termination Specialty Centers
205.720 Personnel (Repealed)
205.730 General Patient Care (Repealed)
205.740 Preoperative Requirements (Repealed)
205.750 Postoperative Requirements (Repealed)
205.760 Reports (Repealed)

SUBPART H: LICENSURE PROCEDURES

Section

205.810 Complaints
205.820 Notice of Violation
205.830 Plan of Correction
205.840 Adverse Licensure Action
205.850 Fines and Penalties
205.860 Hearings

SUBPART I: BUILDING DESIGN, CONSTRUCTION STANDARDS,
AND PHYSICAL REQUIREMENTS

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Section

205.1310	Plant and Service Requirements
205.1320	General Considerations
205.1330	New Construction, Additions and Major Alterations
205.1340	Minor Alterations and Remodeling Changes
205.1350	Administration Department and Public Areas
205.1360	Clinical Facilities
205.1370	Support Service Areas
205.1380	Diagnostic Facilities
205.1390	Other Building Services
205.1400	Details and Finishes
205.1410	Construction, Including Fire-Resistive Requirements, and Life Safety

SUBPART J: MECHANICAL

Section

205.1510	General
205.1520	Thermal and Acoustical Insulation
205.1530	Steam and Hot Water Systems
205.1540	Air Conditioning, Heating and Ventilating Systems

SUBPART K: PLUMBING AND OTHER PIPING SYSTEMS

Section

205.1610	General
205.1620	Plumbing Fixtures
205.1630	Water System
205.1640	Drainage Systems
205.1650	Identification

SUBPART L: ELECTRICAL

Section

205.1710	General
205.1720	Switchboards and Power Panels
205.1730	Panelboards
205.1740	Lighting
205.1750	Receptacles (Convenience Outlets)
205.1760	Grounding

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- 205.1770 Equipment Installation in Special Areas
205.1780 Emergency Electric Service
205.1790 Fire Alarm System

- 205.TABLE A General Pressure Relationships and Ventilation Rates of Ambulatory Surgery Area

AUTHORITY: Implementing and authorized by the Ambulatory Surgical Treatment Center Act [210 ILCS 5].

SOURCE: Amended July 18, 1974; emergency amendment at 3 Ill. Reg. 10, p. 43, effective February 23, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 30, p. 371, effective July 23, 1979; amended at 5 Ill. Reg. 12756, effective November 4, 1981; amended at 6 Ill. Reg. 6220, 6225, and 6226, effective May 17, 1982; amended at 6 Ill. Reg. 10974, effective August 30, 1982; amended at 6 Ill. Reg. 13337, effective October 20, 1982; amended at 7 Ill. Reg. 7640, effective June 14, 1983; codified at 8 Ill. Reg. 9367; amended at 9 Ill. Reg. 12014, effective July 23, 1985; amended at 10 Ill. Reg. 8806, effective June 1, 1986; amended at 10 Ill. Reg. 21906, effective January 15, 1987; amended at 11 Ill. Reg. 14786, effective October 1, 1987; amended at 12 Ill. Reg. 3743, effective February 15, 1988; amended at 12 Ill. Reg. 15573, effective October 1, 1988; amended at 13 Ill. Reg. 16025, effective November 1, 1989; emergency amendment at 14 Ill. Reg. 5596, effective March 26, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 13802, effective August 15, 1990; amended at 15 Ill. Reg. 17770, effective December 1, 1991; amended at 17 Ill. Reg. 3507, effective March 3, 1993; amended at 18 Ill. Reg. 11939, effective July 22, 1994; amended at 18 Ill. Reg. 17250, effective December 1, 1994; amended at 22 Ill. Reg. 9335, effective May 20, 1998; amended at 22 Ill. Reg. 22019, effective December 4, 1998; amended at 24 Ill. Reg. 2691, effective February 18, 2000; amended at 25 Ill. Reg. 7471, effective May 31, 2001; amended at 26 Ill. Reg. 16556, effective October 25, 2002; amended at 27 Ill. Reg. 13457, effective July 25, 2003; amended at 31 Ill. Reg. 7278, effective May 7, 2007; amended at 32 Ill. Reg. 14326, effective August 12, 2008; amended at 33 Ill. Reg. 13395, effective September 10, 2009; amended at 34 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL

Section 205.115 Incorporated and Referenced Materials

- a) The following regulations and standards are incorporated in this Part:
- 1) Private and professional association standards:

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- A) The following standards of the American Society of Heating, Refrigerating, and Air Conditioning Engineers (ASHRAE), which may be obtained from the ~~National Association of~~ American Society of Heating, Refrigerating, and Air Conditioning Engineers, Inc., 1791 Tullie Circle, N.E., Atlanta, Georgia 30329:
- i) Standard No. 52.1: Gravimetric and Dust Spot Procedures for Testing Air Cleaning Devices Used in General Ventilation for Removing Particulate Matter (1992) (see Section 205.1540(i)).
 - ii) Standard No. 52.2: Method of Testing General Ventilation Air Cleaning Devices for Removal Efficiency by Particle Size (1999) (see Section 205.1540(i)).
 - iii) Standard No. 55: Thermal Environmental Conditions for Human Occupancy and Addendum (1992) (see Section 205.1540(i)).
 - iv) Standard No. 58: Method of Testing for Rating Room Air Conditioner and Packaged Terminal Air Conditioner Heating Capacity (1986) (see Section 205.1540(i)).
 - v) Standard No. 62: Ventilation for Acceptable Indoor Air Quality (1999) (see Section 205.1540(i)).
 - vi) Standard No. 63.1: Method of Testing Liquid Line Refrigerant Driers (1995) (see Section 205.1540(i)).
 - vii) Standard No. 63.2: Methods of Testing the Filtration Capability of Refrigerant Liquid Line Filters and Filter-Driers (1996) (see Section 205.1540(i)).
 - viii) Standard No. 64: Methods of Testing Remote Mechanical-Draft Evaporative Refrigerant Condensers (1995) (see Section 205.1540(i)).
 - ~~ix)xi)~~ Standard No. 68: Laboratory Method of Testing to Determine the Sound Power in a Duct (1997) (see Section

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205.1540(i)).

- x) Handbook of Fundamentals (2001) (see Section 205.1540(p)).

B) The following National Fire Protection Association (NFPA) standards, which may be obtained from the National Fire Protection Association, 1 Batterymarch Park, Quincy, Massachusetts [0216902269](tel:0216902269):

- i) No. 101: Life Safety Code (2000), Chapters 20 and 21 (New and Existing Ambulatory Health Care Occupancies).
- ii) No. 99 (~~19992002~~): Standard for Health Care Facilities. (See Section 205.1410.)
- iii) No. 70 (~~19992002~~): National Electrical Code. (See Sections 205.1760, 205.1770 and 205.1780.)
- iv) No. 80 (1999): Standard for Fire Doors and Fire Windows. (See Section 205.1400(f).)
- v) No. 90A (1999): Standard for the Installation of Air-Conditioning and Ventilating Systems. (See Section 205.1540.)
- ~~vi) No. 90B (1999): Standard for the Installation of Warm Air Heating and Air-Conditioning Systems. (See Section 205.1540.)~~
- vii) No. 255 (2000): Standard Method of Test of Surface Burning Characteristics of Building Materials. (See Sections 205.1410 and 205.1520.)
- viii) No. 701 (1999): Standard Methods of Fire Tests for Flame Propagation of Textiles and Films. (See Section 205.1400(j).)
- ~~ix) No. 101A (2001): Guide on Alternative Approaches to~~

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~~Life Safety.~~

- ~~ix)x~~) No. 72 (1999): National Fire Alarm Code.
 - ~~x)xi~~) No. 241 (~~1996~~2000): Standard for Safeguarding Construction, Alteration, and Demolition Operations.
 - ~~C)~~) ~~The following standards of the National Council on Radiation Protection (NCRP), which may be obtained from the National Council on Radiation Protection and Measurements, 7910 Woodmont Avenue, Suite 800, Bethesda, Maryland 20814-3095. (See Section 205.1400(g).):~~
 - ~~i)~~) ~~Report No. 102: Medical X-ray, Electron Beam and Gamma-Ray Protection for Energies up to 50 MeV (Equipment Design, Performance, and Use (1989)).~~
 - ~~ii)~~) ~~Report No. 49: Structural Shielding Design and Evaluation for Medical Use of X-rays and Gamma-rays of Energies up to MeV (1976).~~
 - ~~C)D)~~) Underwriters Laboratories, Inc. (UL), Publication No. 181 (1996): Factory-Made Air Ducts and Air Connectors, which may be obtained from Underwriters Laboratories, Inc., 333 Pfingsten Road, Northbrook, Illinois 60062. (See Section 205.1710.)
 - ~~D)E)~~) American College of Cardiology/Society for Cardiac Angiography and Interventions, Clinical Expert Consensus Document on Cardiac Catheterization Laboratory Standards, published in the Journal of the American College of Cardiology, 2001; 37:2170-2214, which may be obtained from the American College of Cardiology, Educational Services, 9111 Old Georgetown Road, Bethesda, Maryland 20814-1699.
- 2) Federal regulations: Rules of the Centers for Medicare & Medicaid Services governing Medicare program coverage of Ambulatory Surgical Services (42 CFR 416, October 1, ~~2008~~2004) under the Social Security Act (42 USC 1395). (See definition of "Ambulatory Surgical Treatment Center" in Section 205.110 and Section 205.130(d).)

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- b) All incorporations by reference of federal regulations and the standards of nationally recognized organizations refer to the regulations and standards on the dates specified and do not include any amendments or editions subsequent to the date specified.
- c) The following statutes and State regulations are referenced in this Part:
- 1) State of Illinois statutes:
 - A) Ambulatory Surgical Treatment Center Act [210 ILCS 5]
 - B) Illinois Dental Practice Act [225 ILCS 25]
 - C) ~~Nurse~~Nursing and Advanced Practice Nursing Act [225 ILCS 65]
 - D) Podiatric Medical Practice Act of 1987 [225 ILCS 100]
 - E) Safety Glazing Materials Act [430 ILCS 60]
 - F) Hospital Licensing Act [210 ILCS 85]
 - G) Nursing Home Care Act [210 ILCS 45]
 - H) Illinois Health Facilities Planning Act [20 ILCS ~~39603906~~]
 - I) Illinois Administrative Procedure Act [5 ILCS 100]
 - J) Laser System Act of 1997 [420 ILCS 56]
 - K) Illinois Clinical Laboratory and Blood Bank Act [210 ILCS 25]
 - L) Physician Assistant Practice Act of 1987 [225 ILCS 95]
 - M) Administrative Review Law [735 ILCS 5/Art. III]
 - 2) State of Illinois rules:
 - A) Department of Public Health, Illinois Plumbing Code (77 Ill. Adm.

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Code 890)

- B) Illinois Emergency Management Agency, General Provisions for Department of Nuclear Safety, Radiation Protection (32 Ill. Adm. Code 310: Chapter I, Subchapter b)
- C) Department of Public Health, Control of Sexually Transmissible Diseases Code (77 Ill. Adm. Code 693)
- D) Pollution Control Board, Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities (35 Ill. Adm. Code 724)
- E) Pollution Control Board, Nonhazardous Special Waste Handling and the Uniform Program (35 Ill. Adm. Code 809)
- F) Department of Public Health, Rules of Practice and Procedure in Administrative Hearings (77 Ill. Adm. Code 100)
- G) Capital Development Board, Illinois Accessibility Code (71 Ill. Adm. Code 400)
- H) Illinois Emergency Management Agency, Standards for Protection Against Radiation (32 Ill. Adm. Code 340)
- I) Illinois Emergency Management Agency, Use of X-rays in the Healing Arts Including Medical, Dental, Podiatry, and Veterinary Medicine (32 Ill. Adm. Code 360)

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

SUBPART D: EQUIPMENT, SUPPLIES, AND FACILITY MAINTENANCE

Section 205.410 Equipment

Equipment shall be in good working order and shall be available in numbers sufficient to provide good patient care based on the procedures to be performed in the facility.

- a) Monitoring~~There shall be monitoring~~ equipment, suction apparatus, oxygen and

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related items shall be available within the surgical and postoperative recovery ~~areas~~area. Cardiac pulmonary resuscitation equipment shall be available in all facilities.

- b) The facility shall have~~There shall be~~ written procedures governing the care, use, sterilization, storage and disposal of all materials to ensure~~insure~~ that an adequate supply of sterile equipment is available for each procedure. ~~The section on "Sterilization and Disinfection" from Infection Control in the Hospital, most recent edition, American Hospital Association, shall be used as the guideline.~~
- c) The facility shall have~~There shall be~~ written procedures to assure safety in storage and use of inhalation anesthetics and medical gases in accordance with NFPA Standard No. 99.
- d) The facility shall have~~There shall be~~ written procedures to assure the safety in storage and use of all narcotics and medications in accordance with State~~state~~ and federal law.
- e) Facilities~~In those facilities~~ using laser equipment shall maintain~~there shall be~~ documentation that the equipment is registered~~of registration~~ with the Illinois Emergency Management Agency~~Illinois Department of Nuclear Safety~~ as is required by the Laser System Act of 1997~~(Ill. Rev. Stat. 1991, ch. 111½, par. 700 et seq.)~~ [420 ILCS 5655]. The facility shall also have a written safety and maintenance program related to the use of the laser equipment.

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

SUBPART I: BUILDING DESIGN, CONSTRUCTION STANDARDS,
AND PHYSICAL REQUIREMENTS**Section 205.1400 Details and Finishes**

- a) Corridors and Exits
- 1) Minimum public corridor width shall be 5'-0", except those corridors/aisles where patients are transported in stretchers or carts shall be 8'-0".
 - 2) The facility or section shall have at least two exits that are remote from

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each other.

- 3) Items such as drinking fountains, telephone booths, vending machines, and portable equipment shall be located so as not to restrict corridor traffic or reduce the corridor width below the required minimum.

b) Doors

- 1) All doors to toilets that may be used by patients shall be equipped with hardware that will permit access in any emergency.
- 2) The minimum width of doors for patient access to examination and treatment rooms shall be 3'-0".
- 3) The minimum width of doors to rooms needing access for stretchers (procedure rooms, recovery) shall be 3'-8".
- 4) Doors on all openings between corridors and rooms or spaces subject to occupancy, except elevator doors, shall be swing type.

- c) Doors, sidelights, borrowed lights, and windows in which the glazing extends down to within 18 inches of the floor (thereby creating the possibility of accidental breakage by pedestrian traffic) shall be glazed with safety glass, wire glass, or plastic glazing material that will resist breaking and will not create dangerous cutting edges when broken, in accordance with the Safety Glazing Materials Act [430 ILCS 60]. Similar materials shall be used in wall openings unless required otherwise for fire safety.

- d) Thresholds and expansion joint covers shall be made flush with the floor surface to facilitate use of wheelchairs and carts.

- e) Air dryers, or paper towel dispensers and waste receptacles, shall be provided at all hand-washinghandwashing fixtures.

- f) Where labeled fire doors are required, these shall be certified by an independent testing laboratory as meeting the construction requirements equal to those for fire doors in ~~National Fire Protection Association (NFPA) Standard No. 80:~~ "Standard for Fire Doors and Fire Windows. Reference to a labeled fire door shall be construed to include labeled frame and hardware.

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- g) Radiation protection requirements of X-ray and gamma-ray installations shall conform to the requirements of the Illinois Emergency Management Agency's Department of Nuclear Safety's rules titled General Provisions for Radiation Protection (32 Ill. Adm. Code 310), Standards for Protection Against Radiation (32 Ill. Adm. Code 340) and Use of X-rays in the Healing Arts Including Medical, Dental, Podiatry, and Veterinary Medicine (32 Ill. Adm. Code 360).~~Chapter II, Subchapter b) and should follow guidelines of the National Council on Radiation Protection and Measurements (NCRP) reports No. 102 (Medical X-ray, Electron Beam and Gamma Ray Protection for Energies up to 50 MeV (Equipment Design, Performance and Use)), and No. 49 (Structural Shielding Design and Evaluation for Medical Use of X-rays and Gamma Rays of Energies up to 10 MeV).~~ Provisions shall be made for testing and completed installation before use, and all defects ~~shall~~must be corrected before use.
- h) The minimum ceiling height shall be 8'-0" with the following exceptions:
- 1) Boiler rooms, if provided, shall have ceiling clearance not less than 2'-6" above the main boiler header and connecting piping.
 - 2) Radiographic and other rooms containing ceiling-mounted equipment and including those with ceiling-mounted surgical light fixtures shall have height required to accommodate the equipment and/or fixture.
 - 3) Ceilings in corridors, storage rooms, toilet rooms, and other minor rooms may be not less than 7'-8".
 - 4) Suspended tracks, rails, and pipes located in the path of normal traffic shall be not less than 6'-8" above the floor.
- i) Flammable anesthetics are prohibited.
- j) Cubicle curtains and draperies shall be noncombustible or rendered flame retardant and shall pass both the large and small scale tests of NFPA ~~Standard No. 701: Standard Methods of Fire Tests for Flame Propagation of Textiles and Films.~~
- k) Floor materials shall be easily cleanable and have wear resistance appropriate for the location involved.

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- 1) In all areas frequently subject to wet cleaning methods, floor materials shall not be physically affected by germicidal and cleaning solutions.
- 2) Floors that are subject to traffic while wet shall have a nonslip surface.
- l) Wall finishes shall be washable and, in the immediate area of plumbing fixtures, shall be smooth and moisture resistant.
- m) Floor and wall penetrations by pipes, ducts, and conduits shall be tightly sealed to minimize entry of rodents and insects. Joints of structural elements shall be similarly sealed.
- n) Ceiling Finishes
 - 1) Ceilings shall be cleanable, and those in sensitive areas such as surgical rooms shall be readily washable and without crevices that can retain dirt particles. These sensitive areas shall have a finished ceiling, covering all overhead ductwork and piping.
 - 2) Finished ceilings may be omitted in mechanical and equipment spaces, shops, general storage areas, and similar spaces, unless required for fire-resistive purposes.
 - 3) Acoustical ceilings are recommended in corridors, multipurpose rooms, and waiting areas.
- o) For dates of materials incorporated by reference, see Section 205.115.

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

Section 205.1410 Construction, Including Fire-Resistive Requirements, and Life Safety

Buildings shall meet the construction requirements and life safety requirements established in ~~Chapter~~ chapters 20 and 21 (~~New and Existing Ambulatory Health Care Occupancies~~) of the NFPA ~~101~~ Life Safety Code (see Section 205.115(a)(1)(B)).

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

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SUBPART J: MECHANICAL

Section 205.1520 Thermal and Acoustical Insulation

- a) Insulation shall be provided for the following within the building:
- 1) Boilers, smoke breeching and stacks.
 - 2) Steam supply and condensate return piping.
 - 3) Hot water piping above 180°F and all hot water heaters.
 - 4) Hot water piping above 125°F ~~that~~ ~~which~~ is exposed to contact by patients.
 - 5) Chilled water, refrigerant, other process piping and equipment operating with fluid temperatures below ambient dew point.
 - 6) Water supply and drainage piping with fluid temperatures below ambient dew point.
 - 7) Air ducts and casings with outside surface temperature below ambient dew point.
 - 8) Other piping, ducts, and equipment necessary to maintain the efficiency of the system.
- b) Insulation may be omitted from hot water and steam condensate piping not subject to contact by patients when such insulation is unnecessary for preventing excessive system heat loss or excessive heat gain in the surrounding space.
- c) Insulation on cold surfaces shall include an exterior vapor barrier.
- d) Insulation, including finishes and adhesives on exterior surfaces of ducts, pipes, and equipment, shall have a flame spread rating of 25 or less and a smoke developed rating of 450 or less as determined by an independent testing laboratory in accordance with NFPA 255. Exception: Duct, pipe, and equipment coverings shall not be required to meet these requirements where they are located entirely outside the building, or do not penetrate a wall or roof or do not create an exposure hazard.

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- e) Linings in air ducts and equipment shall meet the Erosion Test Method described in UL Pub. No. 181. These linings, including coatings and adhesives, and insulation on exterior surfaces of pipes and ducts in building spaces used as air supply plenums, shall have a flame spread rating of 25 or less and a smoke developed rating of 450 or less as determined by an independent testing laboratory in accordance with NFPA 255.
- f) Duct linings shall not be used in systems supplying procedure and recovery rooms unless terminal filters of at least 90 percent efficiency are installed downstream of the linings.

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

Section 205.1540 Air Conditioning, Heating and Ventilating Systems

- a) The systems shall be designed to provide the comfort temperatures and humidities as recommended by American Society of Heating, Refrigerating, and Air Conditioning Engineers (ASHRAE) Standards [\(see Section 205.115\(a\)\(1\)\(A\)\)](#).
- b) Air handling systems shall conform to NFPA 90A: ~~Standard for the Installation of Air Conditioning and Ventilating Systems~~.
- c) ~~Heating. For spaces not exceeding 25,000 cubic feet in volume, heating,~~ air conditioning, and ventilating systems [for spaces not exceeding 25,000 cubic feet in volume](#) shall conform to NFPA 90B: ~~Standard for the Installation of Warm Air Heating and Air Conditioning Systems~~, except that return ducts shall be constructed of materials equal to that specified for supply ducts, Chapter 2, paragraph 1.1., Duct Materials.
- d) Outdoor air intakes shall be located as far as practical, but not less than 15 feet, from exhaust outlets of ventilation systems, combustion equipment stacks, medical-surgical vacuum systems, [and plumbing vent stacks](#), or from areas that may collect vehicular exhaust and other noxious fumes.
- e) All ventilation air outlets and inlets shall conform to NFPA 90A, ~~Chapter 2,~~ paragraph 3.2., Location of Outlets and Inlets.
- f) The ventilation systems shall be designed and balanced to provide the ventilation

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and pressure relationships as shown in Table A.

- g) The ventilation air supplied to the procedure rooms shall be delivered at or near the ceiling of the area served, and all exhaust or return air from the area shall be removed near the floor level. At least two exhaust outlets shall be used in each procedure room.
- h) All central ventilation or air conditioning systems shall be equipped with filters having efficiencies not less than those specified in the following table:

TABLE A

FILTER EFFICIENCIES FOR CENTRAL VENTILATION AND AIR
CONDITIONING SYSTEMS IN AMBULATORY SURGICAL
TREATMENT FACILITIES

<u>Area Designation</u>	<u>Minimum Number of Filter Beds</u>	<u>Filter Filters Efficiencies (Percent)</u>	
		<u>Filter Bed No. 1</u>	<u>Filter Bed No. 2</u>
Procedure and Recovery Rooms	2	25	90
All Other Areas	1	25	--

- i) All filter efficiencies shall be average atmospheric dust spot efficiencies tested in accordance with the ASHRAE Standards 52.1, 52.2, 55, 58, 62, 63.1, 63.2, 64, and 68.
- j) For systems serving procedure and recovery rooms, filter bed No. 1 shall be located upstream of the air conditioning equipment, and filter bed No. 2 shall be located downstream of the supply fan and air conditioning equipment, including humidifiers.
- k) Filter frames shall be durable and shall provide an airtight fit with the enclosing duct work. All joints between filter segments and enclosing duct work shall be gasketed or sealed to provide a positive seal against air leakage.

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- l) A manometer shall be installed across each filter bed serving procedure and recovery rooms.
- m) Fire and smoke dampers shall be constructed, located and installed in accordance with the requirements of NFPA 90A.
- n) All systems, regardless of size, that serve more than one smoke or fire zone shall be equipped with smoke detectors to shut down fans automatically as specified in paragraph 4-3.1 of NFPA 90A.
- o) The ventilation system for anesthesia storage rooms shall conform to the requirements of NFPA 99: ~~Standard for Health Care Facilities~~, including the gravity option ventilation system.
- p) Boiler rooms shall be provided with sufficient outdoor air to maintain combustion rates of equipment and limit temperatures in working stations to 97°F Effective Temperature as defined by the ASHRAE Handbook of Fundamentals.
- q) Rooms containing heat-producing equipment, such as boiler rooms and heater rooms, shall be insulated and ventilated to prevent any floor surface above from exceeding a temperature of 100°F.
- r) For dates of materials incorporated by reference, see Section 205.115.

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

SUBPART L: ELECTRICAL

Section 205.1760 Grounding

In areas used for patient care or treatment, all receptacles operating at over 100 volts shall be grounded by an insulated copper conductor, sized in accordance with Table 250-95 of NFPA 70: ~~National Electrical Code~~ (see Section 205.115(a)(1)(B)), and installed with the branch conductors supplying these receptacles.

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

Section 205.1770 Equipment Installation in Special Areas

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- a) X-ray Installations. Fixed and mobile X-ray equipment installations, if installed, shall conform to Article 660 of NFPA 70: ~~National Electrical Code~~ (see Section 205.115(a)(1)(B)).
- b) Installation in non-flammable anesthetizing locations of all electrical equipment and devices, receptacles, and wiring shall comply with NFPA 70. Exception: Isolated electrical systems are not required.
- c) An "In Use" warning light or sign shall be installed immediately outside of the entrance to a procedure room in which laser equipment is used when such warning light or sign is required by the manufacturer's specifications.

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

Section 205.1780 Emergency Electric Service

- a) An emergency source of electricity shall be provided.
- b) Ambulatory surgical treatment centers that do not administer inhalation anesthetics in any concentration, or that have no patients requiring electrical life-support equipment, shall be permitted to use a battery system for emergency power. The following ~~are~~ required:
 - 1) Illumination of means of egress as required in ~~the NFPA 101; Life Safety Code.~~
 - 2) Illumination of procedure and recovery rooms; ~~and~~
 - 3) Illumination of exit and exit directional signs; ~~and~~
 - 4) Fire alarm and alarms required for nonflammable medical gas systems, if nonflammable medical gas systems are installed.
- c) Ambulatory surgical treatment centers in which inhalation anesthetics are administered in any concentration to patients or that have patients requiring electrically operated or mechanical life support devices ~~shall~~ must be provided with an emergency generator. This generator ~~shall~~ must supply a limited amount of lighting and power service that is essential for life safety and orderly cessation

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of a procedure during the time normal service is interrupted for any reason. The maximum time of automatic transfer is 10 seconds. The following ~~are~~ required:

- 1) Task illumination that is related to the safety of life and that is necessary for the safe cessation of procedures in progress;
- 2) All anesthesia and resuscitative equipment used in areas where inhalation anesthetics are administered to patients must include alarms and alerting devices;
- 3) Illumination of means of egress as required in the NFPA ~~101 Life Safety Code~~;
- 4) Illumination of exit and directional signs;
- 5) Fire alarm and nonflammable medical gas system alarms, if nonflammable medical gas systems are installed; ~~and~~;
- 6) General illumination and selected receptacles in the vicinity of the generator set.

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

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- 1) Heading of the Part: Hospice Programs
- 2) Code Citation: 77 Ill. Adm. Code 280
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
280.1010	Amend
280.4040	Amend
- 4) Statutory Authority: Hospice Program Licensing Act [210 ILCS 60]
- 5) A Complete Description of the Subjects and Issues Involved: The Hospice Programs rules set forth the minimum requirements for hospices, including physical plant requirements for hospice residences.

The citation for the National Fire Protection Association Life Safety Code in Section 280.1010 (Incorporated and Referenced Materials) lists incorrect chapter numbers. These are being corrected, as are dates for federal regulations. Identical corrections are being made in Section 280.4040 (Hospice Residence Operation Requirements).

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

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

- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: NFPA 101: Life Safety Code, Standard 101 (2000)
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? Yes
- 10) Are there any other amendments pending on this Part? No
- 11) Statement of Statewide Policy Objectives: This rulemaking does not create a State Mandate.

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- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning this rulemaking within 45 days after this issue of the Illinois Register to:

Susan Meister
Division of Legal Services
Illinois Department of Public Health
535 West Jefferson St., 5th Floor
Springfield, Illinois 62761

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

- 13) Initial Regulatory Flexibility Analysis:
- A) Type of small businesses, small municipalities and not-for-profit corporations affected: hospices
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: January 2009

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

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER b: HOSPITAL AND AMBULATORY CARE FACILITIES

PART 280
HOSPICE PROGRAMS

SUBPART A: LICENSURE

Section	
280.1000	Definitions
280.1010	Incorporated and Referenced Materials
280.1015	Licensure Applicability
280.1020	Licensure Procedures
280.1030	Statement of Ownership
280.1040	Inspections and Investigations
280.1050	Notice of Violation and Plan of Correction
280.1060	Adverse Licensure Actions

SUBPART B: HOSPICE SERVICES

Section	
280.2000	Hospice Service Plan
280.2010	Hospice Services
280.2020	Administration
280.2030	Policies and Procedures
280.2035	Health Care Worker Background Check
280.2040	Personnel Policies
280.2045	Initial Health Evaluation for Employees
280.2050	Patient Rights
280.2060	Clinical Records
280.2070	Medical Director and Physician Services
280.2080	Hospice Program Care
280.2090	Quality Assurance Program
280.3000	Research or Experimental Programs

SUBPART C: INPATIENT CARE

Section

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280.4000	Inpatient Care Facilities
280.4010	Licensure of Hospice Residences
280.4015	Hospice Residence Application and Approval Review Criteria
280.4020	Hospice Residence Admission and Discharge
280.4030	Hospice Residence Nursing Care and Assistance in Activities of Daily Living
280.4040	Hospice Residence Operational Requirements

AUTHORITY: Implementing and authorized by the Hospice Program Licensing Act [210 ILCS 60].

SOURCE: Adopted at 2 Ill. Reg. 31, p. 77, effective August 2, 1978; emergency amendment at 3 Ill. Reg. 38, p. 314, effective September 7, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 40, p. 153, effective October 6, 1979; emergency amendment at 4 Ill. Reg. 18, p. 129, effective April 21, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 40, p. 56, effective September 23, 1980; emergency amendment at 6 Ill. Reg. 5855, effective April 28, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 11006, effective August 30, 1982; amended at 7 Ill. Reg. 13665, effective October 4, 1983; codified at 8 Ill. Reg. 16829; amended at 9 Ill. Reg. 4836, effective April 1, 1985; amended at 14 Ill. Reg. 2382, effective February 15, 1990; amended at 15 Ill. Reg. 5376, effective May 1, 1991; amended at 18 Ill. Reg. 2414, effective January 22, 1994; emergency amendments at 20 Ill. Reg. 467, effective January 1, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 10003, effective July 15, 1996; Part repealed and new Part adopted at 22 Ill. Reg. 10625, effective June 1, 1998; emergency amendment at 23 Ill. Reg. 6913, effective June 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 13232, effective October 20, 1999; amended at 28 Ill. Reg. 14121, effective October 15, 2004; amended at 32 Ill. Reg. 2330, effective January 23, 2008; amended at 34 Ill. Reg. _____, effective _____.

SUBPART A: LICENSURE

Section 280.1010 Incorporated and Referenced Materials

- a) The following regulations and standards are incorporated by reference in this Part:
 - 1) Private and professional association standards:
National Fire Protection Association (NFPA), Standard No. 101 (2000):
Life Safety Code, Chapter [32, New Residential Board and Care Occupancies](#),²² and Chapter [33, Existing Residential Board and Care Occupancies](#),²³ "~~Board and Care Homes, Impractical Evacuation Capabilities~~", which may be obtained from the National Fire Protection

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Association, 1 Batterymarch Park, Quincy, Massachusetts 02169.

2) Federal regulations ~~and statutes~~:

A) Department of Health and Human Services
Centers for Medicare and Medicaid Services
42 CFR 2.52 (Research Activities) (~~20072004~~).

B) Department of Health and Human Services
Food and Drug Administration
21 CFR 178.1010 (Sanitizing Solutions) (~~20082005~~).

C) Department of Health and Human Services
Centers for Medicare and Medicaid Services
42 CFR 418 (Conditions of Participation) (~~20072004~~).

~~D) Medicare Prescription Drug Improvement and Modernization Act
of 2003 (P.L. 108-173).~~

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

c) The following State ~~and federal~~ statutes are referenced in this Part:

1) Hospital Licensing Act [210 ILCS 85];

2) Nursing Home Care Act [210 ILCS 45];

3) Illinois Administrative Procedure Act [5 ILCS 100];

4) Health Care Worker Background Check Act [225 ILCS 46];

5) Nurse Practice Act [225 ILCS 65];

6) Home Health, Home Services, and Home Nursing Agency Licensing Act [210 ILCS 55];

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- 7) General Not For Profit Corporation Act of 1986 [805 ILCS 105];
- 8) Counties Code [55 ILCS 5];
- 9) Medical Practice Act of 1987 [225 ILCS 60]; ~~and~~
- 10) Clinical Social Work and Social Work Practice Act [225 ILCS 20]; ~~and~~.
- 11) Medicare Prescription Drug Improvement and Modernization Act of 2003 (Public Law 108-173).

d) The following State rules are referenced in this Part:

- 1) Department of Public Health, Rules of Practice and Procedure in Administrative Hearings (77 Ill. Adm. Code 100);
- 2) Department of Public Health, Illinois Home Health Agency Code (77 Ill. Adm. Code 245);
- 3) Department of Public Health, Skilled Nursing and Intermediate Care Facilities Code (77 Ill. Adm. Code 300);
- 4) Department of Public Health, Control of Communicable Diseases Code (77 Ill. Adm. Code 690);
- 5) Department of Public Health, Food Service Sanitation Code (77 Ill. Adm. Code 750);
- 6) Department of Public Health, Illinois Plumbing Code (77 Ill. Adm. Code 890);
- 7) Department of Public Health, Health Care Worker Background Check Code (77 Ill. Adm. Code 955).

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

SUBPART C: INPATIENT CARE

Section 280.4040 Hospice Residence Operational Requirements

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- a) A supply of clean linen, washcloths and towels, available at all times and adequate for the number of residents, shall be provided. Storage, handling, processing and transportation of clean and soiled linen shall prevent cross-contamination and odors.
- b) **Nutritional Issues**
If the integrated care plan identifies that ~~patient~~~~client~~ intake of adequate nutrition or hydration is a problem, a nutritional plan shall be developed that is consistent with the patient's advance directives or the patient's stated choices as noted in the clinical record.
- c) **Meal Service**
Meals shall be scheduled in accordance with times customary in the community. The hospice residence shall provide~~Care shall be taken to ensure~~ a variety of menus that recognize ~~patient~~~~client~~ preferences.
- d) **Food Service Sanitation**
- 1) Food shall be free from spoilage, filth, and other contamination, and shall be safe for human consumption. Scheduled meals ~~shall~~~~must~~ be prepared in an inspected food service establishment.
 - 2) Food ~~shall~~~~must~~ be protected from potential contamination while being stored, prepared, served, or transported. Potentially hazardous food shall be maintained at ~~temperature~~~~temperature~~ in accordance with Section 750.10 of the Food Service Sanitation Code ~~(77 Ill. Adm. Code 750)~~.
 - 3) Adequate refrigeration facilities and hot food storage facilities shall be provided to assure the maintenance of food at the required temperature during storage.
 - 4) No person shall work in food service while infected with a disease in a communicable form that can be transmitted by foods, or who is a carrier of organisms that cause such a disease, or while afflicted with a boil or infected wound or an acute respiratory infection.
 - 5) Staff shall wash their hands thoroughly with soap and warm water before starting work, during work as often as necessary to keep the hands~~them~~

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clean, and after smoking, eating, drinking, or using the toilet. Staff shall not use tobacco in any form while engaged in food preparation or service, ~~or~~ while in any equipment or utensil washing or food preparation area.

- 6) Food contact surfaces shall be easily cleanable, smooth, free of breaks, open seams, cracks, chips, pits, and similar imperfections, and be free of difficult-to-clean internal corners and crevices. Non-food-contact surfaces of equipment shall be designed and fabricated to be smooth, washable, free of unnecessary ledges, projections, or crevices, and shall be of such material and in such repair as to be easily maintained in a clean, sanitary condition. Food-contact and non-food-contact surfaces shall be maintained in a clean condition.
- 7) Equipment and utensils shall be washed, rinsed, and sanitized after each use. For manual cleaning and sanitizing, items ~~shall~~ will be washed in a hot detergent solution, rinsed with clear water, and sanitized by one of the following methods:
 - A) ~~Immersion~~ for at least one-half minute in clean, hot water of at least 170°F; or
 - B) ~~Immersion~~ for at least one minute in a clean solution of at least 50 parts per million of available chlorine as a hypochlorite and having a temperature of at least 75°F; or
 - C) ~~Immersion~~ for at least one minute in a clean solution containing at least 12.5 parts per million of available iodine and having a pH not higher than 5.0 and a temperature of at least 75°F; or
 - D) ~~Immersion~~ in a clean solution containing any other chemical sanitizing agent allowed under 21 CFR 178.1010 that will provide the equivalent bactericidal effect of a solution containing at least 50 parts per million of available chlorine as a hypochlorite and having a temperature of at least 75°F for one minute.
- 8) Mechanical cleaning and sanitizing may be done by spray-type or immersion dishwashing machines, or by any other type of machine or

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device demonstrated to thoroughly clean and sanitize equipment and utensils. Machines shall be installed and maintained in good repair, and shall be operated in accordance with the manufacturer's instructions. The final sanitizing rinse shall be at least 180°F or equivalent. Mechanical sanitizing shall be in accordance with ~~Refer to~~ the Food Service Sanitation Code, Section 750.830(h), ~~for specifics on mechanical sanitizing.~~

- 9) Utensils shall be air dried before being stored or shall be stored in a self-draining position.
 - 10) Garbage and refuse shall be kept in durable, easily cleanable insect- and rodent-proof containers that do not leak or absorb liquid.
 - 11) The facility shall be kept in such a condition as to prevent ~~the harborage or feeding of~~ insects and rodents from harboring or feeding. Screen doors shall be self-closing, and screening material shall not be less than 16 mesh to the inch.
 - 12) Floors, floor coverings, walls, and ceilings shall be easily cleanable and maintained in good repair.
 - 13) Poisonous or toxic materials shall be properly labeled. Insecticides and rodenticides and detergents, sanitizers, and other cleaning agents shall be stored physically separate from each other and not stored above or intermingled with food, food equipment, and utensils.
- e) Physical Plant Requirements
- 1) New hospice residences shall submit drawings for the proposed hospice residence facility for review by the Department, which shall be in compliance with the requirements of ~~the National Fire Protection Association (NFPA) Standard No. 101 (2000), "Life Safety Code," Chapter 32, New Board and Care Occupancies.22 "Board and Care Homes, Impractical Evacuation Capabilities."~~
 - 2) Existing hospice residences shall comply with the requirements of ~~the National Fire Protection Association (NFPA) Standard No. 101 (2000) "Life Safety Code," Chapter 33, Existing Board and Care Occupancies.23 "Board and Care Homes, Impractical Evacuation Capabilities."~~

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- 3) Each hospice residence facility shall be in full compliance with local building codes and fire safety/protection requirements.
- 4) Exits shall not be blocked.
- 5) The following patient areas ~~shall~~must be designed and equipped for the comfort and privacy of each patient and his or her family members:
 - A) Physical space for private patient/family visiting;
 - B) Accommodations for family members to remain with the patient throughout the night;
 - C) Accommodations for family privacy after a patient's death;
 - D) A living room with a minimum area of 10 square feet per patient ~~resident~~ bed; and
 - E) A dining room with a minimum area of 10 square feet per patient ~~resident~~ bed.
- 6) Decor shall be homelike in design and function.
- 7) Not more than two people shall share a bedroom. No room commonly used for other purposes, including, but not limited to, a hall, stairway, attic, garage, storage area, shed or similar detached building, shall be used as a sleeping room for any patient ~~client~~.
- 8) The patient rooms shall be designed and equipped for adequate nursing care and the comfort and privacy of patients and shall comply with the following:
 - A) Be equipped with or conveniently located near toilet and bathing facilities;
 - B) Be at or above grade level;
 - C) Contain a suitable bed for each patient and other appropriate

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furniture;

- D) Have closet space that provides security and privacy for clothing and personal belongings;
 - E) Contain no more than ~~two~~2 beds;
 - F) Measure at least 100 square feet for a single patient room or 80 square feet for each patient in a multi-patient room; and
 - G) Be equipped with a device for calling the staff member on duty.
- 9) Toilets and bathroom facilities shall be conveniently located. At least one toilet, washbasin, and bathtub or shower shall be provided per six ~~patients~~elients. If the bathing area or toilet room contains more than one of each fixture, a means of allowing individual privacy shall be provided. Toilets and bathroom facilities shall be designed to provide the following:
- A) An adequate supply of hot water at all times for patient use; and
 - B) Plumbing fixtures with control valves that automatically regulate the temperature of the hot water used by patients.
- 10) Isolation areas. The hospice ~~shall isolate~~must make provisions for ~~isolating~~ patients with infectious diseases.
- 11) Garbage shall be disposed of in accordance with State and local requirements. Potentially infectious medical wastes shall be disposed of in accordance with State and local requirements. All solid waste shall be handled in the ~~hospice residence~~facility to prevent transmission of disease. Sharps ~~shall~~must be stored and disposed of in rigid, puncture-resistant containers.
- 12) Water supply, sewage disposal and plumbing systems shall comply with all applicable State and local codes and ordinances.
- 13) Hospice residences shall be limited to 16 ~~patient~~resident beds.

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

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NOTICE OF PROPOSED RULES

- 1) Heading of the Part: Child Murderer and Violent Offender Against Youth Registration Act
- 2) Code Citation: 20 Ill. Adm. Code 1283
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
1283.10	New Section
1283.20	New Section
1283.30	New Section
1283.40	New Section
1283.50	New Section
- 4) Statutory Authority: Implementing and authorized by Section 90 of the Child Murderer and Violent Offender Against Youth Registration Act [730 ILCS 154] and authorized by 2605-15 of the Civil Administrative Code of Illinois [20 ILCS 2605/2605-15]
- 5) A Complete Description of the Subjects and Issues Involved: The purpose of this Part is to provide requirements and procedures for the registration of child murderers and violent offenders against youth.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: This rulemaking will not require a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Within 45 days after the publication of this Notice, any interested person may submit comments, data, views or argument regarding the proposed rules. The submissions must be in writing and directed to:

DEPARTMENT OF STATE POLICE

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Mr. John M. Hosteny
Interim Chief Legal Counsel
Illinois State Police
801 South 7th Street, Suite 1000-S
Post Office Box 19461
Springfield, Illinois 62794-9461

217/782-7658

13) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not for profit corporations affected: This rulemaking will affect municipal police departments.
- B) Reporting, bookkeeping or other procedures required for compliance: The agency of jurisdiction is responsible for meeting the registration requirements for child murderers and violent offenders against youth as outlined in the Act.
- C) Types of professional skills necessary for compliance: None

14) Regulatory Agenda which this rulemaking was summarized: January 2009

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

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NOTICE OF PROPOSED RULES

TITLE 20: CORRECTIONS, CRIMINAL JUSTICE, AND LAW ENFORCEMENT
CHAPTER II: DEPARTMENT OF STATE POLICEPART 1283
CHILD MURDERER AND VIOLENT OFFENDER
AGAINST YOUTH REGISTRATION ACT

SUBPART A: PROMULGATION

Section	
1283.10	Purpose
1283.20	Definitions
1283.30	Juvenile Violent Offender Against Youth

SUBPART B: OPERATIONS

Section	
1283.40	Procedures
1283.50	Requirements

AUTHORITY: Implementing and authorized by the Child Murderer and Violent Offender Against Youth Registration Act [730 ILCS 154] and the Child Murderer and Violent Offender Against Youth Community Notification Law [730 ILCS 154/75 through 105] and authorized by Section 2605-15 of the Civil Administrative Code of Illinois [20 ILCS 2605/2605-15].

SOURCE: Adopted by emergency rulemaking at 30 Ill. Reg. 13541, effective August 1, 2006, for a maximum of 150 days; emergency expired December 28, 2006; adopted at 34 Ill. Reg. _____, effective _____.

SUBPART A: PROMULGATION

Section 1283.10 Purpose

The purpose of this Part is to provide requirements and procedures for the registration of child murderers and violent offenders against youth.

Section 1283.20 Definitions

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Terms used in this Part shall have the meanings set forth in the Child Murderer and Violent Offender Against Youth Registration Act or in this Section.

"Act" means the Child Murderer and Violent Offender Against Youth Registration Act [730 ILCS 154].

"Adjudicated juvenile delinquent violent offender" means a juvenile who has been adjudicated a juvenile delinquent as a result of committing or attempting to commit any of the offenses described in Section 5 of the Act or a violation of any substantially similar federal, other state or foreign country law.

"Agency of jurisdiction" or "jurisdiction" means the law enforcement agency having jurisdiction as defined in the Act, i.e., the agency with jurisdiction where the offender intends to reside.

"Child care facilities" has the meaning set forth in Section 2.05 of the Child Care Act of 1969 [225 ILCS 10/2.05], but does not include licensed foster homes.

"Conviction" means one or more convictions that result from or are connected with the same act, or result from offenses committed at the same time. Such convictions shall be counted as one conviction.

"Department" means the Illinois Department of State Police and any of its subdivisions.

"Fixed residence" means any and all places that an individual resides for an aggregate period of time of 5 or more days in a calendar year.

"Institution of higher education" means an Illinois institution legally constituted to provide post-secondary education.

"Notification Form" means the Child Murderer and Violent Offender Against Youth Notification Form designed by the Department to be used to notify the violent offender of the responsibility to register.

"Out-of-state employee" means any violent offender who is employed in Illinois, regardless of whether the individual receives payment for services performed, volunteers, or performs services for government or educational benefit for a period of time of 10 or more days or for an aggregate period of time of more than

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30 days during any calendar year. Persons who are employed to operate motor vehicles in or through Illinois or whose employment involves periods of less than a full day in Illinois accrue one day of employment for any portion of a day spent in Illinois.

"Out-of-state student" means any violent offender who is enrolled in Illinois, on a full-time or part-time basis, in any public or private educational institution, including, but not limited to, any secondary school, trade or professional institution, or institution of higher education.

"Registration Form" means the Child Murderer and Violent Offender Against Youth Registration Form designed by the Department to be used to satisfy the registration requirements of the Act.

"Registry" means data maintained by the Department for the purpose of complying with and implementing the Child Murderer and Violent Offender Against Youth Registration Act and the Child Murderer and Violent Offender Against Youth Community Notification Law [730 ILCS 154/75-105]. This data includes information forwarded to the Department by jurisdictions and information obtained by the Department itself.

"Resides" means to maintain a residence or to be temporarily domiciled for a period of 5 or more days.

"Scheduled notifications" means notices sent annually.

"School" means any public or private educational institution, including, but not limited to, any elementary or secondary school, trade or professional institution, or institution of higher education. School also means the school boards of public school districts and the principal or other appropriate administrative officer of each non-public school that has registered with the State Board of Education or, in the case of a group of non-public schools registered with the State Board of Education that are organized under a single controlling administrative entity, the controlling administrative entity of that group of non-public schools.

"Sex Offender Registry" means the data maintained by the Department for the purpose of complying with and implementing the Sex Offender Registration Act [730 ILCS 150] and the Sex Offender Community Notification Law [730 ILCS

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152]. This data includes information forwarded to the Department by jurisdictions and information obtained by the Department itself.

"Sexually motivated" is defined in Section 10 of the Sex Offender Management Board Act [20 ILCS 4026/10].

"State's Attorney's Office" means the Office of the State's Attorney for the county in which the violent offender against youth was convicted.

"Transfer" means to transfer from the Sex Offender Registry to the Violent Offender Against Youth Registry.

"Verification of Case Facts Form" means the form that the Department created for use by the State's Attorney's Office to verify an offense was not sexually motivated.

"Victim" means the individual subjected to the particular offense for which the perpetrator acquired the status of a violent offender against youth. This term also includes the parent and legal guardian of the victim.

"Violent offender against youth" is defined in Section 5(a) of the Child Murderer and Violent Offender Against Youth Registration Act.

Section 1283.30 Juvenile Violent Offender Against Youth

An adjudicated juvenile delinquent violent offender against youth is required to comply with all the statutory and administrative obligations of a violent offender against youth. However, to qualify as an adjudicated juvenile delinquent violent offender against youth, the adjudication referenced in Section 5(a)(2) of the Act must have occurred on or after July 1, 1999 (the effective date of P.A. 91-48).

SUBPART B: OPERATIONS

Section 1283.40 Procedures

- a) Illinois Department of Corrections (IDOC), Hospital or Other Place of Confinement

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- 1) A violent offender against youth, prior to release from an IDOC facility or other penal institution, hospital or other treatment facility, or other place of confinement, shall be notified by the place of confinement of the duty to register under the Act. The violent offender against youth shall also be required to read and sign a completed Child Murderer and Violent Offender Against Youth Notification Form.
 - 2) The place of confinement shall give one copy of the completed Notification Form to the violent offender against youth, keep the original for its records, and send a photograph of the offender to the Department.
 - 3) IDOC shall share with the Department, within 24 hours, electronic data files, including photographs, containing all violent offenders being released from IDOC facilities.
 - 4) A hospital, treatment facility, or place of confinement other than IDOC shall give one copy of the completed Notification Form to the violent offender against youth, keep the original for its records, and forward one copy to the Department within 3 days after the violent offender against youth's release.
- b) Court. The court shall ensure that:
- 1) A violent offender against youth, released on probation or discharged upon payment of a fine as a result of a conviction for an offense or an attempted offense that requires registration under the Act, shall be informed of the duty to register under the Act. The violent offender against youth shall also be required to read and sign a completed Notification Form.
 - 2) One copy of the completed Notification Form is given to the violent offender against youth and the original is maintained in the court file.
 - 3) The record of notification is entered into the Law Enforcement Agencies Data System (LEADS) and a photograph is forwarded to the Department within 3 days after conviction.
 - 4) A Verification of Case Facts Form is completed by the convicting State's Attorney's Office to verify the offense was not sexually motivated. This

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form must be forwarded to the Department and to the jurisdiction with which the violent offender against youth must register.

- c) Agency of Jurisdiction
- 1) The agency of jurisdiction will complete the Child Murderer and Violent Offender Against Youth Registration Form; ensure the violent offender against youth reads and signs the form, provide one copy of the form to the violent offender against youth, keep the original signed copy until the requirement to register has expired, and, within 3 days, enter registration information into LEADS; and forward a copy of the violent offender against youth's photograph to the Department. Fingerprints will be obtained from the offender, using the standard arrest card, and forwarded to the Illinois State Police Bureau of Identification during initial registration. The card shall indicate that the purpose of the fingerprints is for Child Murderer and Violent Offender Against Youth registration.
 - 2) The agency of jurisdiction shall review the current criminal history record of the violent offender against youth. The jurisdiction shall confirm the violent offender against youth's duty to register and the violent offender against youth's registration information and determine if the violent offender against youth qualifies as a violent offender against youth under the Act. The agency of jurisdiction must receive a copy of the Verification of Case Facts Form in order to place the violent offender against youth in the registry. If the disposition is missing or the criminal history is incomplete, the jurisdiction shall inform the Illinois State Police. The Bureau of Identification shall provide any information it has that would assist in completing the record.
 - 3) The agency of jurisdiction shall record contacts with convicted violent offenders against youth into LEADS as an add-on record.
 - 4) Agencies of jurisdiction can establish agreements with other agencies of jurisdiction to facilitate the discharge of their responsibilities under the Act and this Part. These agreements may delegate to another jurisdiction tasks necessary to accomplish a jurisdiction's mandatory duties. The agreements shall be in writing and shall be submitted to the Department prior to implementation. Regardless of any agreement, each agency shall

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be responsible to ensure its individual compliance with the Act and this Part.

- 5) Agencies of jurisdiction shall verify the address of violent offenders against youth required to register with that jurisdiction at least once a year. A record of the results of this verification shall be documented with a LEADS add-on.
 - 6) Section 10(a) of the Act requires that violent offenders against youth required by the Act to register shall register in person with the agency of jurisdiction where the violent offender against youth intends to reside or be temporarily (5 or more days per calendar year) domiciled. Registration of location of employment or school attendance shall be completed within 5 days after beginning employment or school. The Department will electronically share the registrant information with the agency of jurisdiction in the location of the registrant's temporary domicile, employment, or school attendance.
 - 7) When an individual required to register is employed by or attends an institution of higher education outside the jurisdiction of the place of residence, that individual shall provide this information to the agency of jurisdiction in the location of the offender's residence.
- d) Change of Address
- 1) A violent offender against youth who changes residence address shall, within 5 days after the change, so inform, in person, the last law enforcement agency with whom registered. Within 3 days after receiving notification, the law enforcement agency shall enter the notice of address change into LEADS.
 - 2) A violent offender against youth shall report in person any changes of employment or school status to the law enforcement jurisdiction of the violent offender against youth's residence within 5 days after the change.
- e) Registration Fees
- The agency of jurisdiction shall collect a \$20 initial registration fee and a \$10 annual renewal fee from violent offenders against youth. The jurisdiction can waive the fee if the violent offender against youth is indigent or otherwise unable

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to pay the registration fee. All registration fees shall be retained by the registering jurisdiction and used for official purposes only. Appropriate records of receipts and expenditures shall be maintained by the registering jurisdiction. Fees shall not be collected for reporting changes in employment or school, other than as may be required for annual registration.

- f) **Registration of Juveniles**
The parent, legal guardian, probation or parole supervisor, or other court-appointed custodian shall accompany juveniles to the agency of jurisdiction for the purpose of registering as a violent offender against youth.
- g) **Transfer from the Sex Offender Registry**
The registration information for a person registered under the Sex Offender Registration Act who was convicted or adjudicated for offenses listed in Section 5(b) of the Act may only be transferred to the Violent Offender Against Youth Registry if all the following conditions are met:
 - 1) The offender's sole offense requiring registration is a conviction or adjudication for an offense or offenses listed in Section 5(b) of the Act.
 - 2) The State's Attorney's Office in the county in which the offender was convicted has verified on the Verification of Case Facts Form the person's crime that requires registration was not sexually motivated as defined in Section 10 of the Sex Offender Management Board Act.
 - 3) The completed Verification of Case Facts Form has been received by the registering law enforcement agency and the Sex Offender Registration Unit at the Department.
 - 4) Once transferred, if an offender is convicted of an offense that requires sex offender registration, the offender will be removed from the Violent Offender Against Youth Registry and will be placed in the Sex Offender Registry.
- h) **State Board of Education**
 - 1) The State Board of Education shall provide to the Department an accurate listing of addresses and points of contact for all schools.

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- 2) The listing shall be provided to the Department at least 30 days prior to the beginning of scheduled notifications.
 - 3) The State Board of Education shall appoint a point of contact to coordinate notification activities with the Department.
- i) Department of Children and Family Services
- 1) The Department of Children and Family Services shall provide to the Department a listing of addresses and points of contact for all licensed child care facilities.
 - 2) The listing shall be provided to the Department at least 30 days prior to the beginning of scheduled notifications.
 - 3) A point of contact from the law enforcement agency of jurisdiction will be identified to serve as a liaison with schools and child care facilities. Jurisdictions shall provide the name and telephone number of their point of contact to all child care facilities and schools within their jurisdictions.
- j) Board of Higher Education
- 1) The Illinois Board of Higher Education shall provide to the Department an accurate listing of addresses and points of contact for all institutions of higher education.
 - 2) The listing shall be provided to the Department at least 30 days prior to the beginning of scheduled notifications.
 - 3) The Board of Higher Education shall appoint a contact to coordinate notification activities with the Department.
- k) Victim Notification
- 1) The victim may request automatic notification of the change of address of the violent offender against youth associated with that victim.
 - 2) In order to obtain automatic notification, the victim must make a request in writing to the Department that includes the full name and date of birth,

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or the full name, date of conviction and county of conviction, of the violent offender against youth.

- 1) Agency of Jurisdiction
 - 1) Law enforcement agencies having jurisdiction will develop internal procedures and policies for implementing the provisions of the Act. Procedures shall provide for reasonable access to the information required to be provided under the Act.
 - 2) Jurisdictions shall provide the name, address, date of birth and offense or adjudication of the violent offender against youth required to register to any individual authorized by law who requests access to the registry. Jurisdictions have the discretion to provide to any individual authorized by law any additional information contained in the registry that will help identify the violent offender against youth. This disclosure shall not include any information that would help identify the victim.
 - 3) A point of contact will be identified to serve as a liaison with schools and child care facilities. Jurisdictions shall provide the name and telephone number of their point of contact to all child care facilities and schools within their jurisdictions. Schools and child care facilities will be provided any changes on a timely basis. Point of contact information will also be provided to the Department.
 - 4) Requesters will be required to show identification to receive violent offender against youth information.
 - 5) Jurisdictions may charge a reasonable fee, not to exceed costs, to provide the information to individuals requesting access to the registry. Provisions for this charge must be included in their written procedures. Fees cannot be charged to schools, child care facilities or other government agencies or for discretionary release of information.
 - 6) Disclosure to the Department of Children and Family Services, schools and child care facilities will be made during each scheduled notification. Additional disclosures may be made at any time.

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- 7) Jurisdictions can establish agreements with other law enforcement agencies having jurisdiction to facilitate the discharge of their responsibilities under the Act and this Part. These agreements may delegate to another jurisdiction tasks necessary to accomplish a jurisdiction's mandatory duties. The agreements shall be in writing and shall be submitted to the Department prior to implementation. Regardless of any agreement, each jurisdiction shall be responsible to ensure its individual compliance with the law and this Part.
 - 8) Jurisdictions have the discretion to place violent offender against youth information, including photographs, on the Internet or in other media. Jurisdictions shall have the discretion to release information regarding employment, school and juvenile information only when a risk to the public exists.
 - 9) Law enforcement agencies having jurisdiction of violent offenders against youth attending or employed at institutions of higher education will, within 3 days, forward one copy of the registration form and all changes of employment or education status to the point of contact for the institution.
- m) Illinois State Police
- 1) The Department will provide a listing of all schools and child care facilities to Illinois sheriffs' offices and the Chicago Police Department for their respective jurisdictions. However, the Department will not list controlling administrative entities of groups of non-public schools. The listing or changes in the listing will be provided to agencies at least two weeks prior to the beginning of scheduled notifications.
 - 2) The Department will maintain the registry and conduct audits of criminal justice agencies affected by this Part to ensure the integrity of data. The Department will maintain LEADS as the primary mechanism for registration and communication relating to violent offenders against youth.
 - 3) The Department will confer with the State Board of Education, the Department of Children and Family Services, and the Board of Higher Education concerning the implementation of this Part. Procedures to evaluate the notification process will be developed jointly. Periodic

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meetings will be scheduled to address issues and identify potential problems.

Section 1283.50 Requirements

a) Registration Period

A violent offender against youth required to register under the Act shall be required to register for a period of 10 years after the conviction or adjudication if not confined to a penal institution, hospital, or any other institution or facility, or, if confined, for a period of 10 years after parole, discharge or release from any such facility. Liability for registration terminates at the expiration of 10 years from the date of conviction or adjudication if not confined to a penal institution, hospital, or any other institution or facility, or, if confined, at the expiration of 10 years from the date of parole, discharge or release from any such facility, providing the person does not, during that period, again become liable to register under the Act. Reconfinement (due to violation of parole or other circumstances) that relates to the original conviction or adjudication shall extend the period of registration to 10 years after final parole, discharge, or release. Failure to comply with any provision of the Act shall extend the period of registration by 10 years beyond the period otherwise required. A person at least 17 years of age at the time of the commission of the offense who is convicted of first degree murder under Section 9-1 of the Criminal Code of 1961 [720 ILCS 5/9-1], against a person under 18 years of age, shall register in person annually within one year after his or her last registration for the period of his or her natural life. Transfer from the Sex Offender Registry to the Violent Offender Against Youth Registry will not extend the registration period for offenders who were registered under the Sex Offender Registration Act.

b) Confidentiality

- 1) The secondary dissemination of violent offender against youth information is not prohibited. Secondary dissemination is defined as dispersing the information beyond law enforcement officials.
- 2) Information regarding an adjudicated juvenile delinquent violent offender against youth shall not be available to the public, except that information may be provided to a person when the Department or any law enforcement agency determines that the person's safety may be compromised for some reason related to the juvenile violent offender against youth.

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- c) **Child Murderer and Violent Offender Against Youth Registration Form**
The Registration Form shall contain all the information necessary to comply with the requirements of this Part and shall also provide descriptive information necessary to identify the person registering.
- d) **Child Murderer and Violent Offender Against Youth Notification Form**
The Notification Form shall be used to notify the violent offender against youth regarding responsibilities under the Act. The form shall, at a minimum, include the violent offender against youth's name, date of birth, sex, race, SID (State identification number), county of conviction, date of conviction, and intended address. The form must be initialed and signed by the violent offender against youth. The form is not required for violent offenders against youth who were convicted and sentenced to probation or who were released from confinement prior to January 1, 1996.
- e) **Out-of-State Student**
Out-of-state students must register with the agency of jurisdiction where they attend school in Illinois.
- f) **Out-of-State Employee**
Out-of-state employees must register with the agency of jurisdiction where they are employed in Illinois. Out-of-state employees whose employment involves work in more than one location shall register in the location in which the greatest time of employment is spent. Out-of-state employees are required to register no later than the day on which they qualify as an out-of-state employee as defined in Section 5(g) of the Act.
- g) **Electronic Transmission of Information**
Any of the Department's communications and transfer of information described in this Part may be accomplished by electronic means. Publicly accessible communication networks, such as the Internet, may be used when technically feasible.
- h) **Public Access**
 - 1) **Discretionary Access**
The Department and any law enforcement agency having jurisdiction may provide any information contained in the registry, including photographs

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but excluding information that would help identify the victim, on any violent offender against youth to any individual or entity likely to encounter the offender. However, information on an adjudicated juvenile delinquent violent offender against youth shall only be disseminated when related to personal safety.

2) Public Inspection

Any individual or entity shall, upon request to the local agency of jurisdiction, be provided an opportunity by that jurisdiction to inspect a listing of all names, addresses, dates of birth, and offenses or adjudications of violent offenders against youth required to register or registered with that jurisdiction. The jurisdiction has the discretion to provide any additional information contained in the registry, including photographs but excluding information that would help identify the victim, for the purposes of public inspection. The jurisdiction has the discretion to provide the requester with the list of all violent offenders against youth required to register within the county, or in any other Illinois county. The jurisdiction may either allow the requester to inspect the list and take notes, as appropriate, or provide a copy of the list to the requester. Secondary dissemination of violent offender against youth information is not prohibited. However, information on an adjudicated juvenile delinquent violent offender against youth shall only be disseminated when related to personal safety.

i) Violent Offender Against Youth Information

The name, address, date of birth and offense of the violent offender against youth will be provided to all persons or entities receiving information from the registry pursuant to this Part. General violent offender against youth information can be obtained on the Illinois State Police Website at www.isp.state.il.us. Law enforcement agencies have the discretion to provide any additional information contained in the registry, including photographs, that will help identify the violent offender against youth. Information that would help identify the victim may not be disclosed.

j) Juvenile Registration

A person who has been adjudicated a juvenile delinquent for an act that, if committed by an adult, would be a violent offense against youth shall register as an adult violent offender against youth within 10 days after attaining 17 years of age. Upon registering as an adult, the juvenile offender will be placed on the

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Illinois State Police Violent Offender Against Youth Registry website after an authorization letter is signed by the offender and received by the Illinois State Police.

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

<u>Section Numbers:</u>	<u>Proposed Action:</u>
2700.15	Amend
2700.20	Amend
2700.30	Amend
2700.40	Amend
- 4) Statutory Authority: Implementing the Higher Education Student Assistance Act [110 ILCS 947]; Title IV of the Higher Education Act of 1965, as amended (20 USC 1070 et seq., as amended by P.L. 105-244); and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/20(f)]
- 5) A Complete Description of the Subjects and Issues Involved: The amendments proposed for this Part provide clarifications that are necessitated by federal statutory and regulatory changes impacting the definitions of co-maker and default status and eligibility for guaranteed student loans. The other amendments proposed are updates to federal regulatory citations.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this proposed rulemaking replace any emergency rulemaking currently in effect?
No
- 8) Does this proposed rulemaking contain an automatic repeal date? No
- 9) Does this proposed rulemaking contain incorporations by reference? No
- 10) Are there any other amendments pending on this Part? No
- 11) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a State mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)] and does not necessitate a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.

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

Lynn Hynes
Agency Rules Coordinator
Illinois Student Assistance Commission
1755 Lake Cook Road
Deerfield IL 60015

847/948-8500
email: lhynes@isac.org

Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not for profit corporations affected: None
- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: January 2010

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

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

Section

2700.10	Summary and Purpose
2700.15	Incorporations by Reference
2700.20	Definitions
2700.30	General Institutional Eligibility Requirements
2700.40	General Applicant Eligibility Requirements
2700.50	Determining Applicant Eligibility
2700.55	Use, Security and Confidentiality of Data
2700.60	Audits and Investigations
2700.70	Appeal Procedures
2700.80	Contractual Agreement Requirements

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

SOURCE: Adopted at 9 Ill. Reg. 20783, effective January 1, 1986; amended at 11 Ill. Reg. 3167, effective January 29, 1987; amended at 11 Ill. Reg. 14099, effective August 10, 1987; amended at 12 Ill. Reg. 11510, effective July 1, 1988; amended at 13 Ill. Reg. 8626, effective July 1, 1989; transferred from Chapter IX, 23 Ill. Adm. Code 1700 (State Scholarship Commission) to Chapter XIX, 23 Ill. Adm. Code 2700 (Illinois Student Assistance Commission) pursuant to P.A. 86-168, effective July 1, 1989, at 13 Ill. Reg. 17854; amended at 14 Ill. Reg. 10538, effective July 1, 1990; amended at 16 Ill. Reg. 11206, effective July 1, 1992; amended at 17 Ill. Reg. 10541, effective July 1, 1993; amended at 18 Ill. Reg. 10282, effective July 1, 1994; amended at 19 Ill. Reg. 8343, effective July 1, 1995; amended at 20 Ill. Reg. 9170, effective July 1, 1996; amended at 21 Ill. Reg. 11066, effective July 18, 1997; amended at 22 Ill. Reg. 11072, effective July 1, 1998; amended at 23 Ill. Reg. 7550, effective July 1, 1999; amended at 24 Ill. Reg. 9121, effective July 1, 2000; amended at 25 Ill. Reg. 8383, effective July 1, 2001; amended at 26 Ill. Reg. 9980, effective July 1, 2002; amended at 27 Ill. Reg. 10320, effective July 1, 2003; amended at 29 Ill. Reg. 9884, effective July 1, 2005; amended at 30 Ill. Reg. 11600, effective July 1, 2006; amended at 31 Ill. Reg. 9478, effective July 1, 2007; amended at 32 Ill. Reg.

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10269, effective July 1, 2008; amended at 33 Ill. Reg. 9742, effective July 1, 2009; amended at 34 Ill. Reg. _____, effective _____.

Section 2700.15 Incorporations by Reference

- a) The Commission incorporates by reference 34 CFR 85, 237, 600, 653, 668, 674, 675, 676, 682 and 690 (~~October 2009~~)(~~July 1, 2008~~). No incorporation by reference in this Section includes any later amendment or edition beyond the date stated. The Code of Federal Regulations is available online at: www.gpoaccess.gov.
- b) Copies of the appropriate material are available for inspection at the Illinois Student Assistance Commission offices at:

1755 Lake Cook Road, Deerfield IL 60015-5209

500 West Monroe, Springfield IL 62704-1876

100 West Randolph, Suite 3-200, Chicago IL 60601-3219

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

Section 2700.20 Definitions

"Academic Level" – The classification of a student as a freshman, sophomore, junior, senior, or graduate student.

"Academic Year" – In relation to scholarship and grant programs, a twelve month period of time, normally from August or September of any year through August or September of the ensuing year. In relation to the Federal Family Education Loan Program, academic year is defined at ~~section~~Section 481(d)(2) of the Higher Education Act of 1965, as amended (HEA), and at 34 CFR 668.3.

"Alternative Loan" – Any educational loan made or purchased by ISAC other than a loan made pursuant to Title IV of the Higher Education Act of 1965, as amended (20 USC 1071 et seq.), or any other federal statute providing for federal insurance of education loans to borrowers.

"Applicant" – Any individual who requests ISAC consideration for a scholarship,

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grant, tuition waiver, or guaranteed or alternative loan.

"Approved High School" – *Any public high school located in this State; and any high school, located in this State or elsewhere (whether designated as a high school, secondary school, academy, preparatory school, or otherwise) which in the judgment of the State Superintendent of Education provides a course of instruction at the secondary level and maintains standards of instruction substantially the equivalent of those public high schools located in this State.* (Section 10 of the Higher Education Student Assistance Act [110 ILCS 947/10])

"Armed Forces" – The United States Army, Air Force, Navy, Marines and Coast Guard.

"Blanket Certificate of Loan Guaranty" – A process that permits an eligible lender to make loans without receiving prior approval from ISAC for individual loans to eligible borrowers enrolled in eligible programs at eligible institutions, as authorized by ~~section~~[Section](#) 428(n) of the HEA.

"Chargeback" – Payment of tuition by the community college district of a student's residence to the community college district of a student's attendance. (See 110 ILCS 805/6-2.)

"Citizen" – One who, under the Constitution and laws of the United States, is a native-born or naturalized citizen of the United States of America.

"College Savings Bond" – A State of Illinois general obligation, zero coupon bond, issued pursuant to the Baccalaureate Savings Act as a long-term education savings instrument.

"Co-maker" – One of the two individuals who are joint borrowers either on a Federal PLUS Loan ([parent borrowers](#)) that was certified prior to January 1, 1995 or on any Federal Consolidation loan ([married borrowers](#)) and who are equally liable for repayment of the loan. (See 34 CFR 682.200.)

"Commission" – The ten member Illinois Student Assistance Commission created by Section 15 of the Higher Education Student Assistance Act [110 ILCS 947/15].

"Compound Accreted Value" – An amount equal to the original amount plus an

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investment return accrued to the date of determination at a semiannual compounding rate that is necessary to produce the yield at maturity indicated on the Official Statement that was issued when the college savings bonds were sold. The "Compound Accreted Value at Maturity" will be equal to \$5000 or an integral multiple thereof.

"Concurrent Registration" – The simultaneous enrollment at two or more institutions.

"Consolidation" – A federal program under which a borrower may receive a single new loan that refinances one or more outstanding qualified education loans under new terms and conditions, as authorized by [sectionSection](#) 428C of the HEA.

"Contractual Agreement" – The written agreement between an eligible institution and a school or organization that is not eligible for participation in ISAC-administered programs whereby the non-eligible institution provides part of the education program of students enrolled at the eligible institution, as codified in Section 2700.80. A contractual agreement differs from a consortium agreement, which is an agreement among two or more eligible institutions only.

"Correctional Officer" – An employee of the Illinois Department of Corrections (DOC) who is assigned to a security position with the Department, and who has responsibility for inmates of any correctional institution under the jurisdiction of the Department.

"Correspondence Course" – A home study course provided by an institution under which the institution provides instructional materials, including examinations on the materials, to students who are not physically attending classes at the institution, as defined at 34 CFR 600.2.

"Co-signer" – A person who is secondarily liable for the repayment of an Alternative Loan.

"Cost of Attendance" – For the purposes of ISAC's rules, this term is defined at [sectionSection](#) 472 of the [HEAHigher Education Act of 1965, as amended](#) (20 USC 1087I).

"Cumulative Grade Point Average" – The average grade earned throughout a

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student's applicable secondary or postsecondary educational program. The calculation shall be consistent with the institution's established policy or practice and shall be the same as that completed for admission, placement or other similar purposes.

"Default Status" – The failure of a borrower or endorser (if any) to make an installment payment when due or to meet other terms of the promissory note as defined at 34 CFR 682.200.

"Delinquency" – For the purposes of ISAC's rules, this term is defined at 34 CFR 682.411(b).

"Dependent Student" – A scholarship, loan, tuition waiver or grant applicant or recipient who is not classified as an independent student.

"Disbursement" – In relation to scholarship and grant programs, a disbursement occurs on the payment voucher date. In relation to the Federal Family Education Loan Program, disbursement is the process of transferring loan proceeds as defined at 34 CFR 682.200.

"Distance Education" – A learning and teaching mode characterized by the separation of place or time between instructor and student, which includes programs and courses offered by correspondence and telecommunications.

"ED" – The acronym for the United States Department of Education.

"Educational Institution" – Unless otherwise qualified, any secondary or postsecondary educational organization that enrolls students who participate in ISAC programs.

"Educational Lender" – An institution that meets the lender eligibility criteria outlined in 23 Ill. Adm. Code 2720.25 for FFELP Loans and 2721.40 for alternative loans.

"EFT" – The acronym for electronic funds transfer.

"Eligible Noncitizen" – A noncitizen who is eligible for federal student assistance pursuant to ~~section~~Section 484 of the ~~HEA~~Higher Education Act of 1965, as amended. (See 20 USC 1091-).

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"Endorser" – A person who is secondarily liable for the repayment of a Federal PLUS Loan obligation ([34 CFR 682.200](#)).

"Enrolled" – The status of a student who has completed the institution's registration requirements and is attending classes.

"Executive Director" – The chief executive officer of ISAC.

"Expected Family Contribution" – The amount the student and the student's family may be reasonably expected to contribute toward the student's postsecondary education. Expected Family Contribution is defined at [sectionSection 474 of the Higher Education Act \(HEA\) of 1965, as amended. \(See 20 USC 1087nn-\).](#)

"FAFSA" – The acronym for the Free Application for Federal Student Aid.

"FAFSA Receipt Date" – The date reported by ED's processor as the date upon which it receives an applicant's initial FAFSA for an academic year. For paper FAFSA's sent through the U.S. Postal Service, this is the date of physical receipt at the processor, not the postmark date.

"Federal Regulations" – Refers to regulations promulgated by ED and codified at 34 CFR 600 et seq.

"FFELP" – The acronym for the Federal Family Education Loan Program, as authorized by [sectionSection 421 of the HEAHigher Education Act, as amended](#), including subsidized and unsubsidized Federal Stafford Loans, Federal PLUS Loans, Federal SLS Loans and Federal Consolidation Loans.

"Fire Officer" – For the purposes of ISAC's rules, this term means a firefighter who is employed by, or in the voluntary service of, this State or any public entity in this State.

"Foreign Missionary" – An individual who is assigned duty outside of the United States by an organization that engages in educational, philanthropic, humanitarian or altruistic works. The missionary organization must be exempt from the payment of federal taxes and must have been engaged in placing foreign missionaries for at least five years. Examples of such missionary organizations

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include, but are not limited to, the following: Peace Corps, Evangelical Alliance Mission, etc.

"Full-time Student" – In relation to scholarship and grant programs, an individual enrolled for twelve or more credit hours, for either a semester or quarter term. In relation to the Federal Family Educational Loan Program, full-time student is defined at 34 CFR 668.2.

"Gift Assistance" – Student assistance funds in the form of a scholarship, grant or tuition waiver, including, but not limited to, federal, State, institutional and private aid.

"Golden Apple Scholars of Illinois" – A private, not-for-profit program under the auspices of the Golden Apple Foundation that recruits, prepares and provides financial assistance to high school graduates to pursue postsecondary education for careers as teachers for particular Illinois schools.

"Good Moral Character" – An applicant is of good moral character if the applicant will benefit from postsecondary instruction and is allowed to enroll at an approved postsecondary institution.

"Graduating Class" – The students who will complete the high school's program of instruction and graduate within an academic year.

"Guaranteed Loan" – Loan assistance through the Federal Family Education Loan Program (FFELP) that includes the subsidized and unsubsidized Federal Stafford Loan, the Federal PLUS Loan, the Federal Supplemental Loans for Students (SLS), and the Federal Consolidation Loan programs.

"HEA" – The acronym for the Higher Education Act of 1965, as amended, and codified at 20 USC 1070 et seq.

"Half-time Student" – In relation to scholarship and grant programs, an individual enrolled for six or more credit hours (but fewer than ~~12~~^{twelve} credit hours) for either a semester or quarter term. In relation to the Federal Family Education Loan Program, half-time student is defined at 34 CFR 668.2.

"Holder" – An organization authorized by ED and ISAC to purchase or retain possession of guaranteed loans. These organizations operate as commercial and

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educational lenders or secondary markets and may purchase ISAC-guaranteed loans from approved lenders.

"IBHE" – The acronym for the Illinois Board of Higher Education, the administrative agency created by the Board of Higher Education Act [110 ILCS 947/205].

"IDAPP" – The acronym for ISAC's Illinois Designated Account Purchase Program as authorized by the Education Loan Purchase Program Law [110 ILCS 947/125 through 170].

"Independent Student" – For the purposes of ISAC's rules, an independent student is defined by ~~section~~Section 480 of the ~~HEA~~Higher Education Act of 1965, as amended by P.L. 110-84. (See 20 USC 1087vv.).

"Institution" – Unless otherwise qualified, any secondary or postsecondary educational organization that enrolls students who participate in ISAC programs.

"Institution of Higher Learning" – An educational organization whose main campus is physically located in Illinois that:

provides at least a two-year program of collegiate study in liberal arts or sciences, or associate degree or both, directly applicable toward the attainment of a baccalaureate degree, or, a program in health education directly applicable toward the attainment of a certificate, diploma, or an associate degree; and

is operated:

by the State; or

publicly or privately, not for profit; or

for profit, provided it:

offers degree programs that have been approved by the IBHE for a minimum of three years under the Academic Degree Act; and

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enrolls a majority of its students in these degree programs;⁵
and

maintains accredited status with the Higher Learning
Commission of the North Central Association of Colleges
and Schools.

For otherwise eligible educational organizations that provide academic programs for incarcerated students, the term "institution of higher learning" shall specifically exclude academic programs for incarcerated students (Section 10 of the Higher Education Student Assistance Act). For eligible institutions with campuses in multiple states, the term "institution of higher learning" shall include only those campuses located in Illinois.

"Institution of Record" – The postsecondary institution at which a student is enrolled and seeking a degree or certificate. This institution assumes primary responsibility for certification of eligibility for ISAC-administered programs and for requesting payment from ISAC.

"ISAC" – The acronym for the Illinois Student Assistance Commission, the administrative agency created by Section 15 of the Higher Education Student Assistance Act [110 ILCS 947/15] to administer student assistance programs.

"ISBE" – The acronym for the Illinois State Board of Education, the administrative agency created by the School Code [105 ILCS 5].

"Lender" – An organization authorized by ISAC to make educational loans to students.

"Mandatory Fees" – The charges assessed by an institution to each and every full-time student for each term. Application, graduation, laboratory, breakage, add/drop fees, and program administrative fees for out-of-state or foreign study are specifically excluded. For the purposes of ISAC's rules, tuition is not a mandatory fee.

"MAP" – The acronym for the Monetary Award Program administered by ISAC, as authorized by [Section 35 of the Higher Education Student Assistance Act](#)~~40 ILCS 947/35~~ and codified at 23 Ill. Adm. Code 2735.

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"Master Check" – A single check representing the loan proceeds for more than one borrower.

"Minority Student" – *A student who is either Black (a person having origins in any of the black racial groups in Africa); Hispanic (a person of Spanish or Portuguese culture with origins in Mexico, South or Central America, or the Caribbean Islands, regardless of race); Asian American (a person with origins in any of the original peoples of the Far East, Southeast Asia, the Indian subcontinent, including Pakistan, and the Pacific Islands, including, among others, Hawaii, Melanesia, Micronesia and Polynesia); or Native American (a person who is a member of a federally or state recognized Indian tribe, or whose parents or grandparents have such membership) and to include the native people of Alaska* (Section 50(a) of the Higher Education Student Assistance Act).

"Parent" – For the purposes of ISAC's rules, this term is defined at 34 CFR 668.2.

"Pell Grant" – A federal gift assistance program administered by ED in accordance with ~~section~~Section 411 of the ~~HEA~~Higher Education Act of 1965, as amended. (See 20 USC 1070a et seq.).

"PLUS" – The federal program that provides loans to graduate students or parents of certain undergraduate students, as authorized by ~~section~~Section 428B of the ~~HEA~~Higher Education Act of 1965, as amended (20 USC 1078-2) and Sections 80 through 175 of the Higher Education Student Assistance Act [110 ILCS 947/80 through 175].

"Police Officer" – For the purposes of ISAC's rules, this term means a law enforcement officer who is employed by, or in the voluntary service of, this State or any public entity in this State.

"Qualified Applicant" – An individual who meets the eligibility requirements of the gift assistance program for which she/he is applying.

"Regular School Year" – An eight to nine month period of time that includes two semester terms or three quarter terms. The regular school year excludes summer terms. Terms that begin after April 15 and end before September 16 are considered summer terms.

"Remedial Courses" – The course work that prepares a student for study at the

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postsecondary level and is necessary for the student to pursue the eligible postsecondary program.

"Resident of Illinois" –

A dependent student is a resident of Illinois if the parent of the dependent-applicant, who is required by the instructions to complete the Free Application for Federal Student Aid (FAFSA), physically resides within the State of Illinois and Illinois is his or her true, fixed and permanent home.

An independent student is a resident of Illinois if the applicant physically resides within the State of Illinois (at the time of application), and has so resided for a period of 12 continuous, full months immediately prior to the start of the academic year for which assistance is requested and Illinois is his or her true, fixed and permanent home.

When an applicant does not qualify as a resident of Illinois under the preceding two paragraphs and the applicant is a member of the U.S. Armed Forces or a foreign missionary, or is the dependent or the spouse of an individual who is a member of the U.S. Armed Forces or a foreign missionary, then the applicant's residency shall be determined in accordance with the following four paragraphs.

An applicant who is a member of the U.S. Armed Forces will be a resident of Illinois if the applicant physically resided in Illinois immediately prior to entering the U.S. Armed Forces, returned (or plans to return) to Illinois within six months after and including the date of separation and can demonstrate (pursuant to Section 2700.50(f) and (g)) that his/her domicile was the State of Illinois throughout such enlistment.

An applicant who is a foreign missionary will be a resident of Illinois if the applicant physically resided in Illinois for six continuous months immediately prior to entering missionary service, returned (or plans to return) to Illinois within six months after the conclusion of missionary service, and can demonstrate (pursuant to Section 2700.50(f) and (g)) that his/her domicile was the State of Illinois throughout such missionary service.

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The dependent-applicant shall be a resident of Illinois notwithstanding the parents' temporary physical absence from Illinois provided the parents would be a resident of Illinois under the preceding two paragraphs.

The spouse-applicant shall be a resident of Illinois immediately upon physically occupying a dwelling within the State of Illinois provided the applicant can demonstrate that his/her absence from the State was the result of residing with the spouse during enlistment or missionary service outside of Illinois and that the spouse-applicant's domicile continues to be the State of Illinois.

"Rules" – The rules of ISAC codified at 23 Ill. Adm. Code: Subtitle A, Chapter XIX.

"Satisfactory Academic Progress" – An institutional policy that establishes minimum standards of academic performance. For purposes of ISAC-administered programs, the standards must be at least as stringent as those required by ED pursuant to ~~section~~Section 484 of the ~~HEA~~Higher Education Act of 1965, as amended. (See 20 USC 1091-).

"Service Academy" – *The U.S. Air Force Academy, the U.S. Coast Guard Academy, the U.S. Military Academy or the U.S. Naval Academy* (Section 30(a) of the Higher Education Student Assistance Act).

"SLS" – The acronym for the federal Supplemental Loans for Students Program, as authorized by ~~section~~Section 428A of the ~~HEA~~Higher Education Act, as amended (20 USC 1078-1). No SLS loans have been made for periods of enrollment beginning on or after July 1, 1994.

"Special Education" – A postsecondary educational program designed to teach persons how to meet the needs of all children designated as physically disabled, with specific learning disabilities, or requiring extraordinary special education services and facilities. (See 105 ILCS 5/14-1.02 and 7.20a.) These programs prepare persons for meeting the needs of children who exhibit disabilities or exceptional characteristics ranging from very mild to very severe. (See 23 Ill. Adm. Code 226, Special Education.) Such a program prepares a student to teach physically disabled children or children with learning disabilities. (See 105 ILCS 5/14-1.02 and 1.03a.)

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"Stafford" – The federal subsidized and unsubsidized loan programs as authorized by ~~sections~~ Sections 427, 428 and 428H of the ~~HEA~~ Higher Education Act, as amended (20 USC 1078).

"Student Beneficiary" – An individual designated as the recipient of a College Savings Bond Bonus Incentive Grant.

"Teacher Education Program" – An undergraduate postsecondary course of study that, upon completion, qualifies a student to be certified as a pre-school, elementary or secondary teacher by a state board of education or its equivalent (including the Illinois State Board of Education). For a student who has completed less than four semesters/six quarters of postsecondary study, this includes a postsecondary course of study that leads to a teacher education program.

"Teacher Shortage Discipline" – An academic discipline in which a shortage of teachers exists in Illinois, as designated by the Illinois State Board of Education.

"Telecommunications Course" – A course offered principally through the use of television, audio, or computer transmission, including open broadcast, closed circuit, cable microwave, satellite, audio conferencing, computer conferencing, and video cassettes or disks, as defined at 34 CFR 600.2.

"Term" – A unit of time for student attendance, including, but not limited to, a quarter or semester.

"Tuition" – The charge for instruction assessed by an institution.

"Verification" – Procedures implemented by postsecondary institutions to verify the eligibility of applicants. The procedures are established by 34 CFR 668 et seq. and by ISAC's rules.

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

Section 2700.30 General Institutional Eligibility Requirements

- a) ISAC Program Participation Agreement
 - 1) All institutions shall execute an ISAC Program Participation Agreement in

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order to participate in ISAC gift assistance programs.

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

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- 3) The Illinois National Guard Grant and the Illinois Veteran Grant (IVG) Programs may finance only a portion of certain fee charges. (See 23 Ill. Adm. Code 2730.30(a) and 2733.30(e).)
 - A) Example: One fee finances both tuition and text book expenses. Only the portion of the fee that is attributable to tuition expenses may be financed with program benefits.
 - B) Institutions with such a fee shall certify what percentage of the fee is eligible to be financed with program benefits. Certification shall be performed by the institution's chief fiscal officer.
- f) Institutions shall submit additional reports, data and information to ISAC as may be requested. These inquiries include, but are not limited to, surveys, enrollment confirmations and evaluation instruments.
- g) Additional institutional eligibility requirements are contained in subsequent Parts of ISAC's rules.
- h) Postsecondary institutions may apply to participate in ISAC-guaranteed loan programs in accordance with 23 Ill. Adm. Code 2720.
- i) Postsecondary institutions may apply to participate in ISAC gift assistance programs in accordance with this subsection.
 - 1) The Commission approves participation in ISAC gift assistance programs for an institution rather than for specific academic programs within an institution.
 - 2) Prior to applying for participation in ISAC gift assistance programs, the institutional applicant must have authority to operate a postsecondary institution in Illinois. (See 23 Ill. Adm. Code 1030.)
 - 3) Institutional applicants that are fully accredited by the Higher Learning Commission of the North Central Association of Colleges and Schools and have degree-granting authority may be approved to participate in ISAC gift assistance programs provided the institution meets and maintains the requirements of subsections (i)(4)(C) and (D).

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

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postsecondary institutions shall have a valid Program Participation Agreement with ED (see ~~section~~Section 487 of the ~~HEA~~Higher Education Act of 1965, as amended (20 USC 1094)) and shall report their Office of Postsecondary Education Identification (OPE-ID) number to ISAC.

- k) In order to begin and to continue participation in ISAC-administered student assistance programs, institutions must also demonstrate administrative capability and financial responsibility, as defined by federal regulations. (See, e.g., 34 CFR 668.15 & 668.16.) An institution's failure to meet and maintain those standards can lead to limitation, suspension or termination proceedings. (See 23 Ill. Adm. Code 2790.)
- l) Institutions that have been assigned multiple main OPE-ID numbers will be considered separate entities by ISAC. Different campus codes associated with the same main OPE-ID number will not be considered separate entities.
- m) An institution shall notify ISAC of its Federal Employer Identification Number (FEIN) in order to receive payment pursuant to any ISAC-administered program.
- n) When an approved institution has a change of ownership resulting in a change of control, a change of location, or a change of name as defined by federal regulations, the institution's Program Participation Agreement with ED may be terminated. After an institution has undergone a change of status affecting its participation in any Title IV federal student financial aid programs, the institution may have its eligibility with ISAC reinstated by the execution of a new Program Participation Agreement with ED (~~see, e.g., 34 CFR 600.31 et seq.~~)(~~see, e.g., 34 CFR 600.30 et seq.~~) and by the submission and Commission approval of a new application for participation with ISAC.

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

Section 2700.40 General Applicant Eligibility Requirements

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

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

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eligibility. (See Section 2700.50.) Failure to supply adequate documentation will result in the denial of student assistance benefits.

- d) An applicant who has received financial assistance based on fraudulent data shall be denied ISAC-administered assistance until full restitution has been made to ISAC for any fraudulently-obtained funds, and may also be subject to prosecution by the Illinois Attorney General, United States Department of Justice and/or an Illinois State's Attorney.
- e) Each applicant must submit his/her Social Security Number (SSN).
- f) Recipients who cease to be residents of Illinois after notification of eligibility may complete the academic year with the assistance awarded.
- g) Unless otherwise provided, benefits under gift assistance programs are subject to the limits of dollars appropriated to ISAC by the Illinois General Assembly and approved by the Governor.
- h) When gift assistance eligibility is limited to a specified number of term payments, the eligibility cap is calculated in accordance with this subsection.
 - 1) For each semester term of full-time payment benefits, the recipient is assessed six eligibility units. For each quarter term of full-time payment benefits, the recipient is assessed four eligibility units.
 - 2) For each semester term of half-time payment benefits, the recipient is assessed three eligibility units. For each quarter term of half-time payment benefits, the recipient is assessed two eligibility units.
 - 3) For each semester or quarter term of less than half-time payment benefits, the recipient is assessed one eligibility unit.
 - 4) Sixty eligibility units are the equivalent of payments for ~~10~~^{ten} semesters/~~15~~^{fifteen} quarters of full-time benefits.
 - 5) Forty-eight eligibility units are the equivalent of payments for eight semesters/~~12~~^{twelve} quarters of full-time benefits.
- i) An applicant shall comply with Selective Service registration requirements,

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pursuant to 34 CFR 668.37 et seq.

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

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

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

<u>Section Numbers</u> :	<u>Proposed Action</u> :
2720.50	Amend
2720.70	Amend
- 4) Statutory Authority: Implementing Sections 80-175 of the Higher Education Student Assistance Act [110 ILCS 947/80-175]; Title IV, Part B, of the Higher Education Act of 1965, as amended (20 USC 1071 et seq.); and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/20(f)]
- 5) A Complete Description of the Subjects and Issues Involved: The amendments proposed for this Part are necessitated by federal statutory and regulatory changes. In addition to making minor technical changes, ISAC proposes an amendment to reflect the provision that lenders must provide required disclosures to borrowers of federal Stafford, PLUS and Consolidation loans as detailed in federal regulations.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other amendments pending on this Part? No
- 11) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a State mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)] and does not necessitate a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to comment on this proposed rulemaking may submit written comments no later than 45 days after the publication of this notice to:

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Lynn Hynes
Agency Rules Coordinator
Illinois Student Assistance Commission
1755 Lake Cook Road
Deerfield IL 60015

847/948-8500
email: lhynes@isac.org

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: January 2010

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

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

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

Section

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

SUBPART B: ILLINOIS DESIGNATED ACCOUNT PURCHASE PROGRAM (IDAPP)

Section

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

SUBPART C: ISAC ORIGINATED LOANS

Section

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

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

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

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

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1, 1996; amended at 21 Ill. Reg. 11038, effective July 18, 1997; amended at 22 Ill. Reg. 11051, effective July 1, 1998; amended at 23 Ill. Reg. 7537, effective July 1, 1999; amended at 24 Ill. Reg. 9101, effective July 1, 2000; amended at 25 Ill. Reg. 8369, effective July 1, 2001; amended at 26 Ill. Reg. 9998, effective July 1, 2002; amended at 27 Ill. Reg. 10326, effective July 1, 2003; amended at 28 Ill. Reg. 9135, effective July 1, 2004; amended at 29 Ill. Reg. 9897, effective July 1, 2005; amended at 31 Ill. Reg. 9496, effective July 1, 2007; amended at 32 Ill. Reg. 10290, effective July 1, 2008; amended at 33 Ill. Reg. 9758, effective July 1, 2009; amended at 34 Ill. Reg. _____, effective _____.

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

Section 2720.50 Procedures for Disbursement, Disclosure, Delivery and Repayment

- a) Disbursement, disclosure, delivery and repayment procedures are specified in federal regulations. (See 34 CFR 682.205, 34 CFR 682.206, 34 CFR 682.207, 34 CFR 682.209, and 34 CFR 682.604.) Furthermore, the lender shall provide required disclosures to federal Stafford, PLUS, and Consolidation loan borrowers, according to federal regulations. (See 34 CFR 682.205, 34 CFR 682.208(e)(1), 34 CFR 682.210(a)(3)(ii); 34 CFR 682.211(e).)
- b) Prior to disbursement, the borrower shall execute a common ED-approved promissory note for the principal and interest on the loan. The lender shall retain an original or true and exact copy of the promissory note. (See 34 CFR 682.414.)
- c) The lender shall transmit to ED any and all statements and reports necessary to obtain federal interest payments on the borrower's behalf. The lender shall not collect or attempt to collect from the borrower or ISAC any portion of the interest on the loan that is payable by ED.
- d) Except for loans pursuant to Section 2720.55, or loans made under a Blanket Certificate of Loan Guaranty agreement, the lender shall not disburse the proceeds of any loan on the borrower's behalf unless and until the lender shall have received from ISAC evidence of a guarantee. The lender shall inform ISAC of all disbursement dates.
- e) Federal Stafford and Federal PLUS Loan proceeds shall be transmitted directly to the institution.

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- 1) Federal Stafford Loan checks shall be payable to the student borrower unless the institution requires all Stafford loan checks to be co-payable to the borrower and the institution. Federal PLUS Loan checks shall be co-payable to the institution and the borrower. Federal Stafford or Federal PLUS Loan funds disbursed either via EFT or by Master Check to the institution shall include information identifying the names, Social Security Numbers and the loan amounts of the borrowers who are receiving a portion of the disbursement, and, in the case of a Parent PLUS Loan, the names and the Social Security Numbers of the students on whose behalf the parents are borrowing.
- 2) Loan proceeds must be disbursed to the institution and delivered to the borrower no later than 180 days after the end of the loan period or 180 days after the date on which the student ceased to be enrolled at least half-time, whichever is earlier. If the loan proceeds are not delivered pursuant to this subsection (e)(2), the school must request that the loan be canceled and must return any loan proceeds. (See 34 CFR 668.164(g).)
- 3) If the student has withdrawn from enrollment and federal regulations require the institution to submit a refund to the lender, either electronically or in the form of a check payable to the lender on behalf of the borrower, the institution shall provide simultaneous written notice to the borrower of the refund.
 - A) If the institution fails to issue a timely refund, as defined by federal regulations (see 34 CFR 682.607(c) and 668.22(j)), the institution shall pay penalty interest.
 - B) The penalty interest shall equal the total amount of interest and special allowance generated by the principal value of the refund amount. The penalty interest shall be computed from the date the refund was due until the date the refund was issued.
 - C) The penalty interest shall be paid to the lender or subsequent holder.
- f) The borrower shall have the right to prepay without penalty the whole or any part of a loan guaranteed under this Part.

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- g) The lender or holder shall notify the borrower of the repayment options available, as specified in 34 CFR 682.209. The lender or holder shall send a repayment schedule to a FFELP borrower no less than 30 days nor more than 150 days before the first payment on the loan is due from the borrower.
- h) The lender or holder shall notify ISAC of payment in full or prepayment in full by the borrower.
- i) In accordance with federal regulations, the lender or holder may extend the maturity date of any note.
- j) Lenders or holders may exercise administrative forbearances, which do not require the agreement of the borrower, as authorized by section 428(c)(3)(C) of the Higher Education Act of 1965, as amended (20 USC 1078(c)(3)(C)), and by federal regulations. (See 34 CFR 682.211.)
- k) Borrowers are entitled to deferments, which extend the maturity date of any note, under conditions established by federal regulations. (See 34 CFR 682.210.)
- l) ISAC provides lenders or holders with the ED-approved common forms necessary for servicing their guaranteed loan portfolio (e.g., deferment forms, mandatory forbearance forms).
- m) No note shall be sold or transferred by the lender except to an ISAC-approved lender, an ISAC-approved holder, or ISAC.

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

Section 2720.70 Reimbursement Procedures

- a) The lender or holder shall request reimbursement from ISAC within 60 days from the date the lender or holder receives a completed request for loan cancellation or discharge due to death, total and permanent disability, attendance at a school that closes, false certification by a school of a borrower's eligibility for a loan, unpaid refunds, ~~areas of national need, civil legal assistance attorneys, or child care provider~~ or teacher loan forgiveness, in accordance with federal regulations and the Higher Education Act of 1965, as amended. (See, e.g., ~~34 CFR 682.21634~~ ~~CFR 682.215~~, 682.402 and 682.409.)

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- b) Requests for default reimbursement must be submitted to ISAC within the time frames specified in, and the lender or holder shall be reimbursed in accordance with, federal regulations and the Higher Education Act of 1965, as amended. In the case of a default on a Federal PLUS Loan, the borrower, co-maker and endorser must meet the default criteria contained in federal regulations.
- c) The lender or holder must request ISAC reimbursement for a bankruptcy claim in accordance with federal regulations and the Higher Education Act of 1965, as amended. (See, e.g., 34 CFR 682.402(f).) The request for reimbursement must be submitted within 30 days after the lender's or holder's receipt of notice that collection on the debt is stayed, or 15 days upon notice of an adversary proceeding for undue hardship. A copy of the restraining order and the appropriate papers must be included. In the case of a bankruptcy involving a Federal PLUS Loan, the borrower, co-maker and endorser must meet the bankruptcy criteria contained in federal regulations.
- d) Prior to reimbursement, the lender or holder must certify compliance with federal due diligence requirements and subsection (h) of this Section.
- e) Prior to reimbursement, the lender or holder must have remitted the federal default fee established by Section 2720.80.
- f) The lender or holder shall forward to ISAC any payments made by or on behalf of the borrower after default reimbursement and shall advise ISAC of any subsequent information received concerning the borrower. Prior to reimbursement, all original notes or true and exact copies of original notes must be properly endorsed and submitted to ISAC. If the notes have been lost or erroneously stamped "Paid in Full," the lender or holder shall execute a Hold Harmless Agreement with ISAC.
- g) No fee or charge to the borrower, other than the maximum interest rate prescribed by ED and the collection charges outlined in federal regulations (see 34 CFR 682.202(f) and (g)), including the federal default fee, and the federal loan origination fee, shall be contracted for or received by the lender.
- h) The lender or holder shall make a proper collection effort in accordance with acceptable practices of prudent lending institutions including, but not limited to, the collection activities required by federal regulations. (See, e.g., 34 CFR

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682.402, 682.411 and 682.412.)

- i) ISAC shall collect the outstanding amount on the reimbursed guaranteed loan. If the borrower refuses to retire the debt, ISAC shall follow the requirements of federal regulations, including, but not limited to, offsets of federal income tax refunds and other payments made by the federal government to the borrower. (See 34 CFR 682.410(b)(6).)
- j) Should a borrower refuse to retire the debt, ISAC shall direct the State Comptroller to offset any payment from the State Treasurer to the borrower. The funds offset shall be remitted to ISAC and credited against the debt.
 - 1) All offsets shall be processed in accordance with 74 Ill. Adm. Code 285.
 - 2) ISAC shall not direct an offset if the borrower has maintained a satisfactory repayment record. (See 23 Ill. Adm. Code 2700.40(a)(1).)
 - 3) ISAC shall notify the Office of the Comptroller that a borrower is eligible to be offset. ISAC may provide additional notice of subsequent offsets for the same debt. The Comptroller shall notify the borrower that the Comptroller is required to hold all eligible payments until the loan is paid in full. Should the borrower dispute the debt, a protest must be filed with the Office of the Comptroller within 30 days after and including the date of the notice. If the requested relief is granted, the funds offset shall be returned to the borrower.
 - 4) Funds eligible to be offset include, but are not limited to, State income tax refunds and the wages of State employees.
- k) ISAC shall provide a borrower with an opportunity for an administrative review of the legal enforceability or past-due status of the loan obligation after it pays a default claim but before it reports the default to each national consumer reporting agency-credit bureau or assesses collection costs against the borrower, in accordance with federal regulations (34 CFR 682.410(b)(5)(ii)(C)).
- l) ISAC may garnish the disposable pay of a borrower if the individual is not currently making required payments, in accordance with Section 488A of the Higher Education Act, as amended.

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- m) ISAC requires the lender or holder to submit a request for an increase in claim payment within 90 days after receiving the claim payment. ISAC will provide the lender or holder with a determination on the increase in claim payment within 90 days after receiving the request and supporting documentation.

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

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NOTICE OF PROPOSED RULES

- 1) Heading of the Part: Grant Program For Participants in SIU-C Achieve Program
- 2) Code Citation: 23 Ill. Adm. Code 2739
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
2739.10	New Section
2739.20	New Section
2739.30	New Section
2739.40	New Section
- 4) Statutory Authority: Implementing Section 65.85 and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/65.85 and 20(f)]
- 5) A Complete Description of the Subjects and Issues Involved: These proposed rules govern the administration of the new Grant Program for Participants in SIU-C Achieve Program. The Part sets forth the applicant eligibility requirements, program procedures and institutional procedures for students to receive a grant equal to the amount of fees charged for participation in the Clinical Center Achieve program at Southern Illinois University at Carbondale.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: PA 96-229; effective 7/1/09
- 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 amendments pending on this Part? No
- 11) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a State mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)] and does not necessitate a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested parties may submit comments in writing within 45 days after publication to:

ILLINOIS STUDENT ASSISTANCE COMMISSION

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Lynn Hynes
Agency Rules Coordinator
Illinois Student Assistance Commission
1755 Lake Cook Road
Deerfield IL 60015

847/948-8500
email: lhynes@isac.org

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: January 2010

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

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NOTICE OF PROPOSED RULES

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

PART 2739

GRANT PROGRAM FOR PARTICIPANTS IN SIU-C ACHIEVE PROGRAM

Section

2739.10	Summary and Purpose
2739.20	Applicant Eligibility
2739.30	Program Procedures
2739.40	Institutional Procedures

AUTHORITY: Implementing Section 65.85 and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/65.85 and 20(f)].

SOURCE: Adopted at 34 Ill. Reg. _____, effective _____.

Section 2739.10 Summary and Purpose

- a) Subject to appropriation, ISAC shall award grants to eligible students who are participants in the Clinical Center Achieve Program in order to pay for fees that are charged for the comprehensive services provided. The Clinical Center Achieve Program is an academic support program for college students with learning disabilities or attention deficit disorders who are enrolled at Southern Illinois University at Carbondale.
- b) This Part establishes rules that govern the Program. Additional rules and definitions are contained in General Provisions (23 Ill. Adm. Code 2700).

Section 2739.20 Applicant Eligibility

A qualified applicant shall be:

- a) a U.S. citizen or eligible noncitizen;
- b) a resident of Illinois; and

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- c) admitted to and in good standing with the Clinical Center Achieve Program at Southern Illinois University at Carbondale (SIU-C).

Section 2739.30 Program Procedures

- a) All applicants must complete and file the form that the U.S. Department of Education (ED) designates as an application for federal student financial aid and must notify the financial aid office of their desire to receive a grant.
- b) Awards shall be made to participants using a need-based formula. When funds are insufficient to award all participants, priority will be given to students with the highest calculated unmet financial need.

Section 2739.40 Institutional Procedures

- a) Funds shall be disbursed by ISAC to SIU-C. ISAC shall notify the institution of the amount of funds available and shall send a claim form that is to be used by SIU-C to request the amount of funds needed to pay claims. The form must be signed by an official of SIU-C and returned to ISAC's Deerfield office.
- b) The institution shall determine the amount of each grant, which shall be equal to the amount of the fees charged the student as a participant of the Clinical Center Achieve Program.
- c) If the institution cannot award the full amount of funds disbursed to it in the fiscal year for which the funds are appropriated, the unused portion must be returned to ISAC.
- d) The institution shall notify applicants that grant assistance is contingent upon the availability of funds appropriated for this Program.

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NOTICE OF PROPOSED REPEALER

- 1) Heading of the Part: Forensic Science Grant Program
- 2) Code Citation: 23 Ill. Adm. Code 2742
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
2742.10	Repeal
2742.20	Repeal
2742.30	Repeal
2742.40	Repeal
- 4) Statutory Authority: Implementing Section 65.80 and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/65.80 and 20(f)]
- 5) A Complete Description of the Subjects and Issues Involved: 110 ILCS 947/65.80 states that, subject to appropriation, the Commission shall receive and consider applications for grant assistance under the program until July 1, 2010. Since the inception of the program, no grants have been made, thereby eliminating the need to monitor the fulfillment of the employment agreement. As a result, ISAC is repealing the administrative rules for this program.
- 6) Will this proposed repealer replace any emergency rulemakings currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this rulemaking contain incorporations by reference? No
- 9) Are there any other amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: This proposed repealer does not create or expand a State mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)] and does not necessitate a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to comment on this proposed repealer may submit written comments no later than 45 days after the publication of this notice to:

Lynn Hynes
Agency Rules Coordinator

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF PROPOSED REPEALER

Illinois Student Assistance Commission
1755 Lake Cook Road
Deerfield, IL 60015

847/948-8500
email: lhynes@isac.org

- 12) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 13) Regulatory Agenda on which this rulemaking was summarized: January 2010

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

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF PROPOSED REPEALER

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

PART 2742

FORENSIC SCIENCE GRANT PROGRAM **(REPEALED)**

Section

2742.10	Summary and Purpose
2742.20	Applicant Eligibility
2742.30	Program Procedures
2742.40	Institutional Procedures

AUTHORITY: Implementing Section 65.80 and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/65.80 and 20(f)].

SOURCE: Adopted at 30 Ill. Reg. 18764, effective December 1, 2006; repealed at 34 Ill. Reg. _____, effective _____.

Section 2742.10 Summary and Purpose

- a) The Forensic Science Grant Program encourages graduate students to enter the field of forensic science and continue their careers as forensic scientists with the Illinois State Police (ISP). The career opportunity will take place in one of the specialty areas of forensic science that is considered a shortage specialty area. For purposes of this Part, ISP has determined that specialty shortage area means that forensic scientists are needed for the processing and analysis of latent fingerprints and forensic biology/DNA testing.
- b) This Part governs the Forensic Science Grant Program. Additional rules and definitions are contained in General Provisions, 23 Ill. Adm. Code 2700.

Section 2742.20 Applicant Eligibility

- a) A qualified applicant shall be:
 - 1) a United States citizen or eligible noncitizen;

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- 2) a resident of Illinois or will be residing in Illinois for other than a temporary or transitory purpose upon completion of the forensic science program;
- 3) enrolled on a full-time basis at an Illinois institution of higher learning in a minimum one-year program that combines graduate education with training in a specific forensic discipline in a manner equivalent to the Illinois State Police's new examiner training program so as to prepare him or her to do casework; and
- 4) in compliance with all of the evaluation criteria required by the ISP for employment.

Section 2742.30 Program Procedures

- a) A completed ISAC application/ISP Employment Agreement and promissory note for the Forensic Science Grant Program must be received preceding the academic year for which the grant is being requested in order to receive priority consideration for an award.
- b) If, in any given year, the number of qualified applicants exceeds the amount of funds available, priority will be given according to the following criteria:
 - 1) students demonstrating exceptional merit according to their cumulative grade point averages, prioritized from the highest to the lowest. All grade point averages will be converted to a four-point scale; and
 - 2) grant recipients under the Forensic Science Grant Program during the previous academic year shall receive first priority consideration provided the student:
 - A) maintains his or her status as a qualified applicant;
 - B) maintains satisfactory academic progress as determined by the institution; and
 - C) submits all necessary documentation on a timely basis.

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- c) If all other criteria are equal, priority consideration will be given to the applicant who submitted his or her completed application on the earliest date.
- d) A recipient may receive the equivalent of two academic years of award assistance under this Part.
- e) Awards are applicable for full-time study during any academic year.
- f) The total number of grants in a given fiscal year is contingent upon available funding.
- g) Each qualified applicant who is selected to receive a Forensic Science Grant shall be notified.
- h) This forensic Science Grant information shall be available to the public with the application packet or online at ISAC's website.
- i) Prior to receiving grant assistance for any academic year, the qualified applicant must sign an ISP Employment Agreement/Promissory Note that is submitted to ISAC. The ISP Employment Agreement/Promissory Note shall include the following stipulations:
 - 1) the recipient pledges to be employed in Illinois by the ISP as a forensic scientist in a designated specialty area under the guidelines of the ISP for a period of not less than four years as required for receiving an award under this Part;
 - 2) the recipient shall begin employment with the ISP within one year following termination of the academic program (unless circumstances prohibit ISP from hiring program participants), and shall maintain employment on a continuous basis for the required period of four years;
 - 3) if the recipient does not fulfill the requirement to work as a forensic scientist in a designated specialty area for the ISP, the grant converts to a loan and the recipient must repay the entire amount of the grant, prorated according to the fraction of the obligation not completed, plus interest at a rate of 5% and, if applicable, reasonable collection fees;

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- 4) the recipient agrees to provide ISAC with evidence of compliance with program requirements; and
 - 5) the recipient promises to use the proceeds awarded for educational expenses related to his or her education and any cost deemed necessary by the ISP and or the institution of higher learning to complete training.
- j) If deemed necessary by the ISP, the recipient shall sign an affidavit regarding participation and conduct.
- k) A recipient of the grant under this Part shall not be in violation of the agreement entered into pursuant to subsection (i) during periods in which the recipient:
- 1) serves, for not more than three years, as a member of the United States Armed Forces;
 - 2) is enrolled full-time in a specific forensic discipline equivalent to the ISP's new examiner training program at an approved institution. This must be for one continuous period of time, not to exceed one year, following graduation;
 - 3) is temporarily totally disabled for not more than three years, as established by the sworn affidavit of a qualified physician; or
 - 4) meets all required qualifications and is actively seeking but unable to be employed as a forensic scientist with the ISP for one continuous period and provides evidence of that fact.
- l) If a recipient is required to repay any portion of the grant, the repayment period shall be completed within ten years after the grant converts to a loan. This ten-year period may be extended if the recipient:
- 1) serves, for not more than three years, as a member of the United States Armed Forces;
 - 2) is enrolled full-time in a graduate or doctoral program at an approved institution for one continuous period of time, not to exceed one year, following graduation;

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- 3) is temporarily totally disabled, for not more than three years, as established by the sworn affidavit of a licensed physician; or
 - 4) is seeking but unable to find full-time employment for one continuous period not to exceed two years and provides evidence of that fact.
- m) During the time a recipient qualifies for any of the extensions listed in subsection (l), he or she shall not be required to make payments and interest shall not accrue.
- n) A recipient shall enter repayment status on the earliest of the following dates:
- 1) the first day of the first calendar month after the recipient has ceased to pursue a course of study leading to certification as a forensic scientist;
 - 2) the date the recipient informs ISAC that she or he does not plan to fulfill the contractual agreement; or
 - 3) the day after the latest date upon which the recipient must have begun service with the ISP as a forensic scientist after termination of the education for which the grant was awarded.
- o) A recipient shall not be required to repay the amount of the proceeds received if she or he becomes permanently totally disabled, as established by the sworn affidavit of a licensed physician (see, e.g., 34 CFR 653.42(k)(1)), or if his or her representative provides ISAC with a certified death certificate.

Section 2742.40 Institutional Procedures

- a) The institution shall submit payment requests to ISAC. By submitting a payment request, an institution is certifying that the qualified applicants meet the requirements of Section 2742.20, Applicant Eligibility.
- b) Funds shall be remitted by ISAC annually to participating institutions on behalf of the recipients.
- c) The total amount awarded to a qualified applicant in a given academic year shall not exceed \$30,000, to cover those expenses related to the forensic science program in which he or she is enrolled.

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- d) Upon receipt of the funds, the institution shall verify the recipient's enrollment status for the term for which the award was intended. If enrolled, the institution may credit the funds to the recipient's account for expenses due and payable. The balance of the disbursement shall be released to the recipient.

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NOTICE OF PROPOSED RULES

- 1) Heading of the Part: Public Interest Attorney Loan Repayment Assistance Program
- 2) Code Citation: 23 Ill. Adm. Code 2756
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
2756.10	New Section
2756.15	New Section
2756.20	New Section
2756.30	New Section
- 4) Statutory Authority: Implementing and authorized by Section 20 of the Public Interest Attorney Assistance Act [110 ILCS 916/20]
- 5) A Complete Description of the Subjects and Issues Involved: These proposed rules govern the administration of the new Public Interest Attorney Loan Repayment Assistance Program. Proposed rulemaking for this program will set forth the applicant eligibility and program procedures for eligible public interest attorneys to receive loan repayment assistance in the form of a forgivable loan.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: PA 96-615; effective 1/1/10
- 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 amendments pending on this Part? No
- 11) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a State mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)] and does not necessitate a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested parties may submit comments in writing within 45 days after publication to:

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF PROPOSED RULES

Lynn Hynes
Agency Rules Coordinator
Illinois Student Assistance Commission
1755 Lake Cook Road
Deerfield IL 60015

847/948-8500
email: lhynes@isac.org

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: January 2010

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

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF PROPOSED RULES

TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSION

PART 2756

PUBLIC INTEREST ATTORNEY LOAN REPAYMENT ASSISTANCE PROGRAM

Section

2756.10	Summary and Purpose
2756.15	Definitions
2756.20	Applicant Eligibility
2756.30	Program Procedures

AUTHORITY: Implementing and authorized by Section 20 of the Public Interest Attorney Assistance Act [110 ILCS 916/20].

SOURCE: Adopted at 34 Ill. Reg. _____, effective _____.

Section 2756.10 Summary and Purpose

- a) The Public Interest Attorney Loan Repayment Assistance Program provides loan repayment assistance to practicing attorneys to encourage them to pursue careers as public interest attorneys to protect the rights of this State's most vulnerable citizens or provide quality enforcement of State law.
- b) This Part governs the Public Interest Attorney Loan Repayment Assistance Program. Additional rules and definitions are contained in General Provisions (23 Ill. Adm. Code 2700).

Section 2756.15 Definitions

"Assistant State's Attorney" – *A full-time employee of a State's Attorney in Illinois or the State's Attorneys Appellate Prosecutor who is continually licensed to practice law and prosecutes or defends cases on behalf of the State or a county.*

"Assistant Attorney General" – *A full-time employee of the Illinois Attorney General who is continually licensed to practice law and prosecutes or defends cases on behalf of the State.*

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"Assistant Public Defender" – *A full-time employee of a Public Defender in Illinois or the State Appellate Defender who is continually licensed to practice law and provides legal representation to indigent persons, as provided by statute.*

"Assistant public guardian" – *A full-time employee of a public guardian in Illinois who is continually licensed to practice law and provides legal representation pursuant to court appointment.*

"Civil legal aid" – *Free or reduced-cost legal representation or advice to low-income clients in non-criminal matters.*

"Civil legal aid attorney" – *An attorney who is continually licensed to practice law and is employed full time as an attorney at a civil legal aid organization in Illinois.*

"Civil legal aid organization" – *A not-for-profit corporation in Illinois that:*

is exempt from the payment of federal income tax pursuant to section 501(c)(3) of the Internal Revenue Code;

is established for the purpose of providing legal services that include civil legal aid;

employs 2 or more full-time attorneys who are licensed to practice law in this State and who directly provide civil legal aid; and

is in compliance with registration and filing requirements that are applicable under the Charitable Trust Act [760 ILCS 65] and the Solicitation for Charity Act [225 ILCS 460].

"Eligible debt" – *The outstanding principal, interest, and related fees from loans obtained for undergraduate, graduate, or law school educational expenses made by government or commercial lending institutions or educational institutions. Eligible debt excludes loans made by a private individual or family member.*

"IGAC attorney" – *A full-time employee of the Illinois Guardianship and Advocacy Commission, including the Office of State Guardian, the Legal Advocacy Service, and the Human Rights Authority, who is continually licensed to*

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practice law and provides legal representation to carry out the responsibilities of the Illinois Guardianship and Advocacy Commission.

"Legislative attorney" – A full-time employee of the Illinois Senate, the Illinois House of Representatives, or the Illinois Legislative Reference Bureau who is continually licensed to practice law and provides legal advice to members of the General Assembly.

"Public interest attorney" – An attorney practicing in Illinois who is an assistant State's Attorney, assistant Public Defender, civil legal aid attorney, assistant Attorney General, assistant public guardian, IGAC attorney, or legislative attorney.

"Qualifying employer" – For purposes of this Part, a qualifying employer is: an Illinois State's Attorney or the State's Attorneys Appellate Prosecutor, an Illinois Public Defender or the State Appellate Defender, an Illinois civil legal aid organization, the Illinois Attorney General, an Illinois public guardian, the Illinois Guardianship and Advocacy Commission, the Illinois Senate, the Illinois House of Representatives, or the Illinois Legislative Reference Bureau. [110 ILCS 916/15]

Section 2756.20 Applicant Eligibility

A qualified applicant for loan repayment assistance shall be:

- a) a United States citizen or eligible noncitizen;
- b) a licensed member of the Illinois Bar in good standing;
- c) a borrower with an outstanding balance due on an eligible educational loan;
- d) an applicant who is not in default on a federal guaranteed educational loan or owes a refund on a grant or scholarship program administered by ISAC; and
- e) employed as a public interest attorney with a qualifying employer in Illinois.

Section 2756.30 Program Procedures

- a) Eligible educational loans include:

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- 1) Federal Stafford Loans;
 - 2) Federal Graduate PLUS Loans;
 - 3) Federal consolidation loans;
 - 4) Law school student loans;
 - 5) Federal Supplemental Loans for Students;
 - 6) Private/alternative loans; and
 - 7) Other types of educational loans made by government or commercial lending institutions or educational institutions.
- b) Non-eligible loans include:
- 1) Parent PLUS Loans;
 - 2) Loans that have been paid in full;
 - 3) Loans obtained from family members or a private individual;
 - 4) Any portion of a consolidated loan that is not the applicant's; and
 - 5) Any portion of a loan that is fully forgiven by a state or federal government or a lending institution through a comparable repayment or forgiveness program.
- c) All applicants annually must complete an ISAC application/promissory note for the loan repayment program. The qualified applicant must sign a promissory note that stipulates the loan repayment assistance is in the form of a forgivable loan.
- 1) The application/promissory note is available at ISAC's web site and ISAC's Springfield, Deerfield and Chicago offices.
 - 2) If the application/promissory note is incomplete, ISAC will notify the applicant, who will have an opportunity to furnish the missing

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information. The application will only be considered for processing as of the date it is complete and received at ISAC's Deerfield office.

- 3) Applicants must use the proceeds from assistance provided under this Part for the purpose of making payments to the loan holders of their eligible educational loans.
 - 4) The applicant shall submit eligibility information in sufficient time for ISAC to disburse monetary assistance each year the forgivable loans are made.
- d) Selection of Recipients for Forgivable Loans
- 1) ISAC shall select the recipients from those who have submitted a complete application/promissory note, with all required documentation, and the application/promissory note is received in ISAC's Deerfield office by the published due date. Applicants who filed renewal applications by the published due date and have complied with the information in subsection (c) have priority consideration. Selection is then made from among qualified new applicants.
 - 2) The total number of payments made for qualified applicants in a given fiscal year is contingent upon available funding. If funding is insufficient to make forgivable loans to all eligible applicants, first preference in the selection process is given to renewal applicants who meet the requirements outlined in subsection (d)(1). Priority, in combination with the following criteria, is then given to those who file timely applications and receive the highest point totals according to the following criteria:
 - A) Salary level at time of application: 0-40 points, reflecting salary of applicants from highest (0 points) to lowest (40 points);
 - B) Eligible debt at time of application: 0-30 points, reflecting debt of applicants from lowest (0 points) to highest (30 points);
 - C) Years of service as a public interest attorney at time of application: point value equal to number of years of service; and

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- D) Availability of other loan repayment assistance during award year:
15 points when no other assistance is available.
- 3) If all other criteria are equal, selection is made by lottery.
- e) Loan repayment assistance is in the form of a forgivable loan. The amount for a recipient shall not exceed \$6,000 per year, up to a maximum of \$30,000 during the recipient's career.
- f) The forgivable loan proceeds shall be remitted to the qualified applicant.
- g) To have the loan forgiven, the recipient must:
- 1) complete a year of employment with a qualifying employer; and
 - 2) make educational debt payments (interest or principal or both) that equal at least the amount of assistance received under the program during the assistance year.
- h) A recipient must respond to any notifications from ISAC and must notify ISAC of changes to his or her address or employment status within 10 days after a change.
- i) If the recipient becomes ineligible or does not make educational debt payments as prescribed in subsection (g), he or she can no longer receive benefits and must repay any amounts received under the program that are outstanding, plus interest at a rate of five percent and, if applicable, reasonable collection fees.
- 1) If the recipient must repay the forgivable loan, repayment status will begin on the earliest of the following dates:
 - A) the first day of the first calendar month after the recipient has ceased to practice as a public interest attorney as defined in Section 2756.15; or
 - B) the date the recipient informs ISAC that he or she does not plan to fulfill his or her practice obligation; or
 - C) the first day of the first calendar month after the recipient fails to make educational debt payments (interest or principal or both) that

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equal at least the amount of assistance received under the program during the assistance year.

- 2) The repayment period shall be completed within five years.
- 3) A recipient shall not be required to repay the educational loan received under this Part if he or she becomes permanently totally disabled, as established by the sworn affidavit of a qualified physician, or if his or her representative provides ISAC with a death certificate or other evidence that the recipient has died.
- 4) No claim for repayment may be filed against the estate of a decedent or incompetent.

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- 1) Heading of the Part: Definitions and General Provisions
- 2) Code citation: 35 Ill. Adm. Code 211
- 3) Section Number: 211.7150 Adopted action: Amend
- 4) Statutory Authority: 415 ILCS 5/7.2, 9.1(e), and 27
- 5) Effective date of amendment: January 11, 2010
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) Statement of availability: The adopted amendment, a copy of the Board's opinion and order adopted 1/7/10 in docket R10-7, 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: 10/16/09; 33 Ill. Reg. 14275
- 10) Has JCAR issued a statement of objections to this amendment? No. Section 9.1(e) of the Environmental Protection Act [415 ILCS 5/9.1] 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 IAPA, 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 January 7, 2010 in docket R10-7 summarizes the differences between the amendments adopted in that order and those proposed by the Board in an opinion and order dated October 1, 2009, in docket R10-7.

The differences are limited to minor Illinois Administrative Code format corrections and corrections to the volume numbers in *Illinois Register* citations. 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.

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- 12) Have all the changes agreed upon by the board and JCAR been made as indicated in the agreements issued by JCAR? Section 9.1(e) of the Environmental Protection Act [415 ILCS 5/9.1] provides that Section 5-35 of the Administrative Procedure Act [5 ILCS 100/5-35] does not apply to this rulemaking. Because this rulemaking is not subject to Section 5-35 of the APA, it is not subject to First Notice or to Second Notice review by JCAR.

JCAR reviewed the text of the Board's October 1, 2009 proposal and made minor Illinois Administrative Code format corrections and corrections of the volume numbers in *Illinois Register* citations before publication of the Notice of Proposed Amendments in the October 16, 2009 issue of the *Illinois Register*. The Board evaluated each correction and incorporated them into the text of the adopted amendments, as detailed in the opinion and order of January 7, 2010 in docket R10-7, as indicated in item 11 above. See the January 7, 2010 opinion and order in docket R10-7 for additional details on the JCAR suggestions and the Board actions with regard to each. A table in that opinion itemizes the changes made in response to various suggestions.

- 13) Will this amendment replace any emergency amendments currently in effect? No

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

- 15) Summary and Purpose of amendment: The following briefly describes the subjects and issues involved in this rulemaking. A comprehensive description is contained in the Board's opinion and order of 10/1/09, adopting amendments in docket R10-7, which opinion and order is available from the address below.

The R10-7 proceeding relates to the listings of compounds exempted from the State definition of "volatile organic material" (VOM) or "volatile organic compound" (VOC) in 35 Ill. Adm. Code 211.7150 of the Illinois air pollution control rules. These amendments update the definition of to correspond with amendments to the corresponding definition of VOC in the federal regulations at 40 C.F.R. 51.100(s) that the United States Environmental Protection Agency (USEPA) adopted during the period January 1, 2009 through June 30, 2009. During this period, USEPA amended its definition of VOC as follows:

R10-7	Federal wastewater pretreatment amendments that occurred during the period January 1, 2009 through June 30, 2009.
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Tables appear in the Board's opinion and order of January 7, 2010 in docket R10-7 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 January 7, 2010 opinion and order in docket R10-7.

Section 9.1(e) of the Environmental Protection Act [415 ILCS 5/9.1(e)] provides that Section 5-35 of the Administrative Procedure Act [5 ILCS 100/5-35] does not apply to this rulemaking. Because this rulemaking is not subject to Section 5-35 of the APA, it is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules (JCAR).

- 16) Information and questions regarding this adopted amendment shall be directed to: Please reference consolidated docket R10-7 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 1/7/10 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:

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TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE B: AIR POLLUTION
CHAPTER I: POLLUTION CONTROL BOARD
SUBCHAPTER c: EMISSION STANDARDS AND LIMITATIONS
FOR STATIONARY SOURCESPART 211
DEFINITIONS AND GENERAL PROVISIONS

SUBPART A: GENERAL PROVISIONS

Section	
211.101	Incorporations by Reference
211.102	Abbreviations and Conversion Factors

SUBPART B: DEFINITIONS

Section	
211.121	Other Definitions
211.122	Definitions (Repealed)
211.130	Accelacota
211.150	Accumulator
211.170	Acid Gases
211.210	Actual Heat Input
211.230	Adhesive
211.240	Adhesion Promoter
211.250	Aeration
211.270	Aerosol Can Filling Line
211.290	Afterburner
211.310	Air Contaminant
211.330	Air Dried Coatings
211.350	Air Oxidation Process
211.370	Air Pollutant
211.390	Air Pollution
211.410	Air Pollution Control Equipment
211.430	Air Suspension Coater/Dryer
211.450	Airless Spray
211.470	Air Assisted Airless Spray
211.474	Alcohol

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211.479	Allowance
211.484	Animal
211.485	Animal Pathological Waste
211.490	Annual Grain Through-Put
211.495	Anti-Glare/Safety Coating
211.510	Application Area
211.530	Architectural Coating
211.550	As Applied
211.560	As-Applied Fountain Solution
211.570	Asphalt
211.590	Asphalt Prime Coat
211.610	Automobile
211.630	Automobile or Light-Duty Truck Assembly Source or Automobile or Light-Duty Truck Manufacturing Plant
211.650	Automobile or Light-Duty Truck Refinishing
211.660	Automotive/Transportation Plastic Parts
211.665	Auxiliary Boiler
211.670	Baked Coatings
211.680	Bakery Oven
211.685	Basecoat/Clearcoat System
211.690	Batch Loading
211.695	Batch Operation
211.696	Batch Process Train
211.710	Bead-Dipping
211.730	Binders
211.740	Brakehorsepower (rated-bhp)
211.750	British Thermal Unit
211.770	Brush or Wipe Coating
211.790	Bulk Gasoline Plant
211.810	Bulk Gasoline Terminal
211.820	Business Machine Plastic Parts
211.830	Can
211.850	Can Coating
211.870	Can Coating Line
211.890	Capture
211.910	Capture Device
211.930	Capture Efficiency
211.950	Capture System
211.953	Carbon Adsorber

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211.955	Cement
211.960	Cement Kiln
211.970	Certified Investigation
211.980	Chemical Manufacturing Process Unit
211.990	Choke Loading
211.995	Circulating Fluidized Bed Combustor
211.1010	Clean Air Act
211.1050	Cleaning and Separating Operation
211.1070	Cleaning Materials
211.1090	Clear Coating
211.1110	Clear Topcoat
211.1120	Clinker
211.1130	Closed Purge System
211.1150	Closed Vent System
211.1170	Coal Refuse
211.1190	Coating
211.1210	Coating Applicator
211.1230	Coating Line
211.1250	Coating Plant
211.1270	Coil Coating
211.1290	Coil Coating Line
211.1310	Cold Cleaning
211.1312	Combined Cycle System
211.1315	Combustion Tuning
211.1316	Combustion Turbine
211.1320	Commence Commercial Operation
211.1324	Commence Operation
211.1328	Common Stack
211.1330	Complete Combustion
211.1350	Component
211.1370	Concrete Curing Compounds
211.1390	Concentrated Nitric Acid Manufacturing Process
211.1410	Condensate
211.1430	Condensable PM-10
211.1435	Container Glass
211.1465	Continuous Automatic Stoking
211.1467	Continuous Coater
211.1470	Continuous Process
211.1490	Control Device

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211.1510	Control Device Efficiency
211.1515	Control Period
211.1520	Conventional Air Spray
211.1530	Conventional Soybean Crushing Source
211.1550	Conveyorized Degreasing
211.1570	Crude Oil
211.1590	Crude Oil Gathering
211.1610	Crushing
211.1630	Custody Transfer
211.1650	Cutback Asphalt
211.1670	Daily-Weighted Average VOM Content
211.1690	Day
211.1710	Degreaser
211.1730	Delivery Vessel
211.1740	Diesel Engine
211.1750	Dip Coating
211.1770	Distillate Fuel Oil
211.1780	Distillation Unit
211.1790	Drum
211.1810	Dry Cleaning Operation or Dry Cleaning Facility
211.1830	Dump-Pit Area
211.1850	Effective Grate Area
211.1870	Effluent Water Separator
211.1875	Elastomeric Materials
211.1880	Electromagnetic Interference/Radio Frequency Interference (EMI/RFI) Shielding Coatings
211.1885	Electronic Component
211.1890	Electrostatic Bell or Disc Spray
211.1900	Electrostatic Prep Coat
211.1910	Electrostatic Spray
211.1920	Emergency or Standby Unit
211.1930	Emission Rate
211.1950	Emission Unit
211.1970	Enamel
211.1990	Enclose
211.2010	End Sealing Compound Coat
211.2030	Enhanced Under-the-Cup Fill
211.2050	Ethanol Blend Gasoline
211.2070	Excess Air

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211.2080	Excess Emissions
211.2090	Excessive Release
211.2110	Existing Grain-Drying Operation (Repealed)
211.2130	Existing Grain-Handling Operation (Repealed)
211.2150	Exterior Base Coat
211.2170	Exterior End Coat
211.2190	External Floating Roof
211.2210	Extreme Performance Coating
211.2230	Fabric Coating
211.2250	Fabric Coating Line
211.2270	Federally Enforceable Limitations and Conditions
211.2285	Feed Mill
211.2290	Fermentation Time
211.2300	Fill
211.2310	Final Repair Coat
211.2330	Firebox
211.2350	Fixed-Roof Tank
211.2355	Flare
211.2357	Flat Glass
211.2360	Flexible Coating
211.2365	Flexible Operation Unit
211.2370	Flexographic Printing
211.2390	Flexographic Printing Line
211.2410	Floating Roof
211.2420	Fossil Fuel
211.2425	Fossil Fuel-Fired
211.2430	Fountain Solution
211.2450	Freeboard Height
211.2470	Fuel Combustion Emission Unit or Fuel Combustion Emission Source
211.2490	Fugitive Particulate Matter
211.2510	Full Operating Flowrate
211.2530	Gas Service
211.2550	Gas/Gas Method
211.2570	Gasoline
211.2590	Gasoline Dispensing Operation or Gasoline Dispensing Facility
211.2610	Gel Coat
211.2620	Generator
211.2625	Glass Melting Furnace
211.2630	Gloss Reducers

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211.2650	Grain
211.2670	Grain-Drying Operation
211.2690	Grain-Handling and Conditioning Operation
211.2710	Grain-Handling Operation
211.2730	Green-Tire Spraying
211.2750	Green Tires
211.2770	Gross Heating Value
211.2790	Gross Vehicle Weight Rating
211.2810	Heated Airless Spray
211.2815	Heat Input
211.2820	Heat Input Rate
211.2830	Heatset
211.2850	Heatset Web Offset Lithographic Printing Line
211.2870	Heavy Liquid
211.2890	Heavy Metals
211.2910	Heavy Off-Highway Vehicle Products
211.2930	Heavy Off-Highway Vehicle Products Coating
211.2950	Heavy Off-Highway Vehicle Products Coating Line
211.2970	High Temperature Aluminum Coating
211.2990	High Volume Low Pressure (HVLP) Spray
211.3010	Hood
211.3030	Hot Well
211.3050	Housekeeping Practices
211.3070	Incinerator
211.3090	Indirect Heat Transfer
211.3100	Industrial Boiler
211.3110	Ink
211.3130	In-Process Tank
211.3150	In-Situ Sampling Systems
211.3170	Interior Body Spray Coat
211.3190	Internal-Floating Roof
211.3210	Internal Transferring Area
211.3230	Lacquers
211.3250	Large Appliance
211.3270	Large Appliance Coating
211.3290	Large Appliance Coating Line
211.3300	Lean-Burn Engine
211.3310	Light Liquid
211.3330	Light-Duty Truck

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211.3350	Light Oil
211.3355	Lime Kiln
211.3370	Liquid/Gas Method
211.3390	Liquid-Mounted Seal
211.3410	Liquid Service
211.3430	Liquids Dripping
211.3450	Lithographic Printing Line
211.3470	Load-Out Area
211.3475	Load Shaving Unit
211.3480	Loading Event
211.3483	Long Dry Kiln
211.3485	Long Wet Kiln
211.3487	Low-NO _x Burner
211.3490	Low Solvent Coating
211.3500	Lubricating Oil
211.3510	Magnet Wire
211.3530	Magnet Wire Coating
211.3550	Magnet Wire Coating Line
211.3570	Major Dump Pit
211.3590	Major Metropolitan Area (MMA)
211.3610	Major Population Area (MPA)
211.3620	Manually Operated Equipment
211.3630	Manufacturing Process
211.3650	Marine Terminal
211.3660	Marine Vessel
211.3670	Material Recovery Section
211.3690	Maximum Theoretical Emissions
211.3695	Maximum True Vapor Pressure
211.3710	Metal Furniture
211.3730	Metal Furniture Coating
211.3750	Metal Furniture Coating Line
211.3770	Metallic Shoe-Type Seal
211.3780	Mid-Kiln Firing
211.3790	Miscellaneous Fabricated Product Manufacturing Process
211.3810	Miscellaneous Formulation Manufacturing Process
211.3830	Miscellaneous Metal Parts and Products
211.3850	Miscellaneous Metal Parts and Products Coating
211.3870	Miscellaneous Metal Parts or Products Coating Line
211.3890	Miscellaneous Organic Chemical Manufacturing Process

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211.3910	Mixing Operation
211.3915	Mobile Equipment
211.3930	Monitor
211.3950	Monomer
211.3960	Motor Vehicles
211.3965	Motor Vehicle Refinishing
211.3970	Multiple Package Coating
211.3980	Nameplate Capacity
211.3990	New Grain-Drying Operation (Repealed)
211.4010	New Grain-Handling Operation (Repealed)
211.4030	No Detectable Volatile Organic Material Emissions
211.4050	Non-Contact Process Water Cooling Tower
211.4055	Non-Flexible Coating
211.4065	Non-Heatset
211.4067	NO _x Trading Program
211.4070	Offset
211.4090	One Hundred Percent Acid
211.4110	One-Turn Storage Space
211.4130	Opacity
211.4150	Opaque Stains
211.4170	Open Top Vapor Degreasing
211.4190	Open-Ended Valve
211.4210	Operator of a Gasoline Dispensing Operation or Operator of a Gasoline Dispensing Facility
211.4230	Organic Compound
211.4250	Organic Material and Organic Materials
211.4260	Organic Solvent
211.4270	Organic Vapor
211.4280	Other Glass
211.4290	Oven
211.4310	Overall Control
211.4330	Overvarnish
211.4350	Owner of a Gasoline Dispensing Operation or Owner of a Gasoline Dispensing Facility
211.4370	Owner or Operator
211.4390	Packaging Rotogravure Printing
211.4410	Packaging Rotogravure Printing Line
211.4430	Pail
211.4450	Paint Manufacturing Source or Paint Manufacturing Plant

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211.4470	Paper Coating
211.4490	Paper Coating Line
211.4510	Particulate Matter
211.4530	Parts Per Million (Volume) or PPM (Vol)
211.4550	Person
211.4590	Petroleum
211.4610	Petroleum Liquid
211.4630	Petroleum Refinery
211.4650	Pharmaceutical
211.4670	Pharmaceutical Coating Operation
211.4690	Photochemically Reactive Material
211.4710	Pigmented Coatings
211.4730	Plant
211.4740	Plastic Part
211.4750	Plasticizers
211.4770	PM-10
211.4790	Pneumatic Rubber Tire Manufacture
211.4810	Polybasic Organic Acid Partial Oxidation Manufacturing Process
211.4830	Polyester Resin Material(s)
211.4850	Polyester Resin Products Manufacturing Process
211.4870	Polystyrene Plant
211.4890	Polystyrene Resin
211.4910	Portable Grain-Handling Equipment
211.4930	Portland Cement Manufacturing Process Emission Source
211.4950	Portland Cement Process or Portland Cement Manufacturing Plant
211.4960	Potential Electrical Output Capacity
211.4970	Potential to Emit
211.4990	Power Driven Fastener Coating
211.5010	Precoat
211.5015	Preheater Kiln
211.5020	Preheater/Preheater Kiln
211.5030	Pressure Release
211.5050	Pressure Tank
211.5060	Pressure/Vacuum Relief Valve
211.5061	Pretreatment Wash Primer
211.5065	Primary Product
211.5070	Prime Coat
211.5080	Primer Sealer
211.5090	Primer Surfacer Coat

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211.5110	Primer Surfacer Operation
211.5130	Primers
211.5150	Printing
211.5170	Printing Line
211.5185	Process Emission Source
211.5190	Process Emission Unit
211.5195	Process Heater
211.5210	Process Unit
211.5230	Process Unit Shutdown
211.5245	Process Vent
211.5250	Process Weight Rate
211.5270	Production Equipment Exhaust System
211.5310	Publication Rotogravure Printing Line
211.5330	Purged Process Fluid
211.5340	Rated Heat Input Capacity
211.5350	Reactor
211.5370	Reasonably Available Control Technology (RACT)
211.5390	Reclamation System
211.5410	Refiner
211.5430	Refinery Fuel Gas
211.5450	Refinery Fuel Gas System
211.5470	Refinery Unit or Refinery Process Unit
211.5480	Reflective Argent Coating
211.5490	Refrigerated Condenser
211.5500	Regulated Air Pollutant
211.5510	Reid Vapor Pressure
211.5530	Repair
211.5550	Repair Coat
211.5570	Repaired
211.5580	Repowering
211.5590	Residual Fuel Oil
211.5600	Resist Coat
211.5610	Restricted Area
211.5630	Retail Outlet
211.5640	Rich-Burn Engine
211.5650	Ringelmann Chart
211.5670	Roadway
211.5690	Roll Coater
211.5710	Roll Coating

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211.5730	Roll Printer
211.5750	Roll Printing
211.5770	Rotogravure Printing
211.5790	Rotogravure Printing Line
211.5810	Safety Relief Valve
211.5830	Sandblasting
211.5850	Sanding Sealers
211.5870	Screening
211.5880	Screen Printing on Paper
211.5890	Sealer
211.5910	Semi-Transparent Stains
211.5930	Sensor
211.5950	Set of Safety Relief Valves
211.5970	Sheet Basecoat
211.5980	Sheet-Fed
211.5990	Shotblasting
211.6010	Side-Seam Spray Coat
211.6025	Single Unit Operation
211.6030	Smoke
211.6050	Smokeless Flare
211.6060	Soft Coat
211.6070	Solvent
211.6090	Solvent Cleaning
211.6110	Solvent Recovery System
211.6130	Source
211.6140	Specialty Coatings
211.6145	Specialty Coatings for Motor Vehicles
211.6150	Specialty High Gloss Catalyzed Coating
211.6170	Specialty Leather
211.6190	Specialty Soybean Crushing Source
211.6210	Splash Loading
211.6230	Stack
211.6250	Stain Coating
211.6270	Standard Conditions
211.6290	Standard Cubic Foot (scf)
211.6310	Start-Up
211.6330	Stationary Emission Source
211.6350	Stationary Emission Unit
211.6355	Stationary Gas Turbine

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211.6360	Stationary Reciprocating Internal Combustion Engine
211.6370	Stationary Source
211.6390	Stationary Storage Tank
211.6400	Stencil Coat
211.6410	Storage Tank or Storage Vessel
211.6420	Strippable Spray Booth Coating
211.6430	Styrene Devolatilizer Unit
211.6450	Styrene Recovery Unit
211.6470	Submerged Loading Pipe
211.6490	Substrate
211.6510	Sulfuric Acid Mist
211.6530	Surface Condenser
211.6540	Surface Preparation Materials
211.6550	Synthetic Organic Chemical or Polymer Manufacturing Plant
211.6570	Tablet Coating Operation
211.6580	Texture Coat
211.6590	Thirty-Day Rolling Average
211.6610	Three-Piece Can
211.6620	Three or Four Stage Coating System
211.6630	Through-the-Valve Fill
211.6650	Tooling Resin
211.6670	Topcoat
211.6690	Topcoat Operation
211.6695	Topcoat System
211.6710	Touch-Up
211.6720	Touch-Up Coating
211.6730	Transfer Efficiency
211.6750	Tread End Cementing
211.6770	True Vapor Pressure
211.6790	Turnaround
211.6810	Two-Piece Can
211.6830	Under-the-Cup Fill
211.6850	Undertread Cementing
211.6860	Uniform Finish Blender
211.6870	Unregulated Safety Relief Valve
211.6880	Vacuum Metallizing
211.6890	Vacuum Producing System
211.6910	Vacuum Service
211.6930	Valves Not Externally Regulated

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211.6950	Vapor Balance System
211.6970	Vapor Collection System
211.6990	Vapor Control System
211.7010	Vapor-Mounted Primary Seal
211.7030	Vapor Recovery System
211.7050	Vapor-Suppressed Polyester Resin
211.7070	Vinyl Coating
211.7090	Vinyl Coating Line
211.7110	Volatile Organic Liquid (VOL)
211.7130	Volatile Organic Material Content (VOMC)
211.7150	Volatile Organic Material (VOM) or Volatile Organic Compound (VOC)
211.7170	Volatile Petroleum Liquid
211.7190	Wash Coat
211.7200	Washoff Operations
211.7210	Wastewater (Oil/Water) Separator
211.7230	Weak Nitric Acid Manufacturing Process
211.7250	Web
211.7270	Wholesale Purchase – Consumer
211.7290	Wood Furniture
211.7310	Wood Furniture Coating
211.7330	Wood Furniture Coating Line
211.7350	Woodworking
211.7400	Yeast Percentage

211.APPENDIX A Rule into Section Table

211.APPENDIX B Section into Rule Table

AUTHORITY: Implementing Sections 9, 9.1, 9.9 and 10 and authorized by Sections 27 and 28.5 of the Environmental Protection Act [415 ILCS 5/9, 9.1, 9.9, 10, 27 and 28.5].

SOURCE: Adopted as Chapter 2: Air Pollution, Rule 201: Definitions, R71-23, 4 PCB 191, filed and effective April 14, 1972; amended in R74-2 and R75-5, 32 PCB 295, at 3 Ill. Reg. 5, p. 777, effective February 3, 1979; amended in R78-3 and 4, 35 PCB 75 and 243, at 3 Ill. Reg. 30, p. 124, effective July 28, 1979; amended in R80-5, at 7 Ill. Reg. 1244, effective January 21, 1983; codified at 7 Ill. Reg. 13590; amended in R82-1 (Docket A) at 10 Ill. Reg. 12624, effective July 7, 1986; amended in R85-21(A) at 11 Ill. Reg. 11747, effective June 29, 1987; amended in R86-34 at 11 Ill. Reg. 12267, effective July 10, 1987; amended in R86-39 at 11 Ill. Reg. 20804, effective December 14, 1987; amended in R82-14 and R86-37 at 12 Ill. Reg. 787, effective December 24, 1987; amended in R86-18 at 12 Ill. Reg. 7284, effective April 8, 1988; amended

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in R86-10 at 12 Ill. Reg. 7621, effective April 11, 1988; amended in R88-23 at 13 Ill. Reg. 10862, effective June 27, 1989; amended in R89-8 at 13 Ill. Reg. 17457, effective January 1, 1990; amended in R89-16(A) at 14 Ill. Reg. 9141, effective May 23, 1990; amended in R88-30(B) at 15 Ill. Reg. 5223, effective March 28, 1991; amended in R88-14 at 15 Ill. Reg. 7901, effective May 14, 1991; amended in R91-10 at 15 Ill. Reg. 15564, effective October 11, 1991; amended in R91-6 at 15 Ill. Reg. 15673, effective October 14, 1991; amended in R91-22 at 16 Ill. Reg. 7656, effective May 1, 1992; amended in R91-24 at 16 Ill. Reg. 13526, effective August 24, 1992; amended in R93-9 at 17 Ill. Reg. 16504, effective September 27, 1993; amended in R93-11 at 17 Ill. Reg. 21471, effective December 7, 1993; amended in R93-14 at 18 Ill. Reg. 1253, effective January 18, 1994; amended in R94-12 at 18 Ill. Reg. 14962, effective September 21, 1994; amended in R94-14 at 18 Ill. Reg. 15744, effective October 17, 1994; amended in R94-15 at 18 Ill. Reg. 16379, effective October 25, 1994; amended in R94-16 at 18 Ill. Reg. 16929, effective November 15, 1994; amended in R94-21, R94-31 and R94-32 at 19 Ill. Reg. 6823, effective May 9, 1995; amended in R94-33 at 19 Ill. Reg. 7344, effective May 22, 1995; amended in R95-2 at 19 Ill. Reg. 11066, effective July 12, 1995; amended in R95-16 at 19 Ill. Reg. 15176, effective October 19, 1995; amended in R96-5 at 20 Ill. Reg. 7590, effective May 22, 1996; amended in R96-16 at 21 Ill. Reg. 2641, effective February 7, 1997; amended in R97-17 at 21 Ill. Reg. 6489, effective May 16, 1997; amended in R97-24 at 21 Ill. Reg. 7695, effective June 9, 1997; amended in R96-17 at 21 Ill. Reg. 7856, effective June 17, 1997; amended in R97-31 at 22 Ill. Reg. 3497, effective February 2, 1998; amended in R98-17 at 22 Ill. Reg. 11405, effective June 22, 1998; amended in R01-9 at 25 Ill. Reg. 108, effective December 26, 2000; amended in R01-11 at 25 Ill. Reg. 4582, effective March 15, 2001; amended in R01-17 at 25 Ill. Reg. 5900, effective April 17, 2001; amended in R05-16 at 29 Ill. Reg. 8181, effective May 23, 2005; amended in R05-11 at 29 Ill. Reg. 8892, effective June 13, 2005; amended in R04-12/20 at 30 Ill. Reg. 9654, effective May 15, 2006; amended in R07-18 at 31 Ill. Reg. 14254, effective September 25, 2007; amended in R08-6 at 32 Ill. Reg. 1387, effective January 16, 2008; amended in R07-19 at 33 Ill. Reg. 11982, effective August 6, 2009; amended in R08-19 at 33 Ill. Reg. 13326, effective August 31, 2009; amended in R10-7 at 34 Ill. Reg. 1391, effective January 11, 2010.

SUBPART B: DEFINITIONS

Section 211.7150 Volatile Organic Material (VOM) or Volatile Organic Compound (VOC)

"Volatile organic material" (also "VOM") or "volatile organic compound" (also "VOC") means any compound of carbon, excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, and ammonium carbonate, that participates in atmospheric photochemical reactions.

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- a) This definition of VOM includes any organic compound that participates in atmospheric photochemical reactions, other than the compounds listed in this subsection (a). USEPA has determined that the compounds listed in this subsection (a) have negligible photochemical reactivity. USEPA has excluded the listed negligibly-reactive compounds from the definition of VOM for purposes of VOM limitations or VOM content requirements. However, USEPA has required that certain of these compounds be considered VOM for purposes of recordkeeping, emissions reporting, and inventory requirements, as described in subsection (e) of this Section.

Acetone (2-propanone or dimethylketone)
tertiary-Butyl acetate
1-Chloro-1,1-difluoroethane (HCFC-142b)
Chlorodifluoromethane (CFC-22)
1-Chloro-1-fluoroethane (HCFC-151a)
2-Chloro-1,1,1,2-tetrafluoroethane (HCFC-124)
Chlorofluoromethane (HCFC-31)
Chloropentafluoroethane (CFC-115)
1,1,1,2,2,3,4,5,5,5-Decafluoro-3-methoxy-4-trifluoromethyl-pentane
(HFE-7300, L-14787, or $C_2F_5CF(OCH_3)CF(CF_3)_2$)
1,1,1,2,3,4,4,5,5,5-Decafluoropentane (HFC 43-10mee)
Dichlorodifluoromethane (CFC-12)
1,1-Dichloro-1-fluoroethane (HCFC-141b)
3,3-Dichloro-1,1,1,2,2-pentafluoropropane (HCFC-225ca)
1,3-Dichloro-1,1,2,2,3-pentafluoropropane (HCFC-225cb)
1,2-Dichloro-1,1,2,2-tetrafluoroethane (CFC-114)
1,2-Dichloro-1,1,2-trifluoroethane (HCFC-123a)
1,1-Difluoroethane (HFC-152a)
Difluoromethane (HFC-32)
2-(Difluoromethoxymethyl)-1,1,1,2,3,3,3-heptafluoropropane
($(CF_3)_2CFCF_2OCH_3$)
Dimethyl carbonate
Ethane
2-(Ethoxydifluoromethyl)-1,1,1,2,3,3,3-heptafluoropropane
($(CF_3)_2CFCF_2OC_2H_5$)
Ethylfluoride (HFC-161)
1-Ethoxy-1,1,2,2,3,3,4,4,4-nonafluorobutane ($C_4F_9OC_2H_5$ or HFE-7200)
3-Ethoxy-1,1,1,2,3,4,4,5,5,6,6,6-dodecafluoro-2-(trifluoromethyl)hexane
(HFE-7500)

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1,1,1,2,2,3,3-Heptafluoro-3-methoxypropane (n-C₃F₇OCH₃ or HFE-7000)
1,1,1,2,3,3,3-Heptafluoropropane (HFC-227ea)
1,1,1,2,3,3-Hexafluoropropane (HFC-236ea)
1,1,1,3,3,3-Hexafluoropropane (HFC-236fa)
Methane
Methyl acetate
Methylene chloride (dichloromethane)
Methyl formate (HCOOCH₃)
1,1,1,2,2,3,3,4,4-Nonafluoro-4-methoxybutane (C₄F₉OCH₃ or HFE-7100)
Parachlorobenzotrifluoride (PCBTF)
1,1,1,3,3-Pentafluorobutane (HFC-365mfc)
Pentafluoroethane (HFC-125)
1,1,2,2,3-Pentafluoropropane (HFC-245ca)
1,1,2,3,3-Pentafluoropropane (HFC-245ea)
1,1,1,2,3-Pentafluoropropane (HFC-245eb)
1,1,1,3,3-Pentafluoropropane (HFC-245fa)
Perchloroethylene (tetrachloroethylene)
Perfluorocarbon compounds that fall into the following classes:
 Cyclic, branched, or linear, completely fluorinated alkanes
 Cyclic, branched, or linear, completely fluorinated ethers with no
 unsaturations
 Cyclic, branched, or linear, completely fluorinated tertiary amines
 with no unsaturations
 Sulfur-containing perfluorocarbons with no unsaturations and with
 sulfur bonds only to carbon and fluorine
Propylene carbonate (4-methyl-1,3-dioxolan-2-one)
Siloxanes: cyclic, branched, or linear completely-methylated
1,1,2,2-Tetrafluoroethane (HFC-134)
1,1,1,2-Tetrafluoroethane (HFC-134a)
1,1,1-Trichloroethane (methyl chloroform)
Trichlorofluoromethane (CFC-11)
1,1,2-Trichloro-1,2,2-trifluoroethane (CFC-113)
1,1,1-Trifluoro-2,2-dichloroethane (HCFC-123)
1,1,1-Trifluoroethane (HFC-143a)
Trifluoromethane (HFC-23)

- b) For purposes of determining VOM emissions and compliance with emissions limits, VOM will be measured by the test methods in the approved implementation plan or 40 CFR 60, Appendix A, incorporated by reference at 35

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Ill. Adm. Code 215.105, 218.112, and 219.112, as applicable, or by source-specific test methods that have been established pursuant to a permit issued under a program approved or promulgated under Title V of the Clean Air Act; under 40 CFR 51, Subpart I or Appendix S, incorporated by reference at 35 Ill. Adm. Code 218.112 and 219.112; or under 40 CFR 52.21, incorporated by reference at 35 Ill. Adm. Code 218.112 and 219.112, as applicable. Where such a method also measures compounds with negligible photochemical reactivity, these negligibly-reactive compounds may be excluded as VOM if the amount of such compounds is accurately quantified and the exclusion is approved by the Agency.

- c) As a precondition to excluding these negligibly-reactive compounds as VOM, or at any time thereafter, the Agency may require an owner or operator to provide monitoring or testing methods and results demonstrating, to the satisfaction of the Agency, the amount of negligibly-reactive compounds in the source's emissions.
- d) The USEPA will not be bound by any State determination as to appropriate methods for testing or monitoring negligibly-reactive compounds if such determination is not reflected in any of the test methods in subsection (b) above.
- e) The following compound is VOM for the purposes of all recordkeeping, emissions reporting, photochemical dispersion modeling and inventory requirements that apply to VOM, and it must be uniquely identified in emission reports, but it is not VOM for the purposes of VOM emissions limitations or VOM content requirements: t-butyl acetate.

(Source: Amended at 34 Ill. Reg. 1391, effective January 11, 2010)

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- 1) Heading of the Part: Uniform Commercial Code
- 2) Code Citation: 14 Ill. Adm. Code 180
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
180.12	Amended
180.13	Amended
180.18	Amended
- 4) Statutory Authority: Implementing and authorized by 9-516, 9-523 and 9-526 of the Uniform Commercial Code Act (810 ILCS 9-516, 9-523, and 9-526) and 110 of the Illinois Federal Lien Registration Act (770 ILCS 110/4)
- 5) Effective Date of Amendments: February 1, 2010
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted 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: 33 Ill. Reg. 12675; September 18, 2009
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Differences between proposal and final version: Grammatical, punctuation or technical changes were made as agreed upon with JCAR.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency rulemakings currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendments: Section 180.12(a) is amended to allow for the use of capital letters with a font size of at least 9 point Helvetica type. This will allow

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UCC XML bulk data users to file electronically using a type size and font style that are currently accepted by other filing jurisdictions.

Section 180.13(c) is amended to authorize the filing office to refuse to accept for filing any UCC document that does not have the statutorily required filing fee.

Section 180.18 is amended to provide the filing office extended time to process any UCC search requests that are in excess of 100 pages in length. Section 180.18 is also amended to require that a UCC/Federal Tax Lien searcher designates on the UCC-11 Information Request form if the search is to be performed for either UCC records or Federal Tax Lien records.

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

Dennis L. Hankins, Administrator
Department of Business Services
Uniform Commercial Code Division
501 South Second St.
Howlett Building, Room 350 West
Springfield, IL 62756

Telephone: 217/524-3356
Fax: 217/557-4430
Email: dhankins@ilsos.net

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

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TITLE 14: COMMERCE
SUBTITLE A: REGULATION OF BUSINESS
CHAPTER I: SECRETARY OF STATEPART 180
UNIFORM COMMERCIAL CODE

Section

180.10	Definitions
180.11	Tender of UCC Records for Filing/Search Request Delivery
180.12	Forms
180.13	Filing Fees/Methods of Payment/Overpayment and Underpayment Policies
180.14	Public Record Services
180.15	Acceptance and Refusal of Records
180.16	UCC Information Management System
180.17	Filing and Data Entry Procedures
180.18	Search Requests and Reports
180.19	XML Documents

AUTHORITY: Implementing and authorized by Article 9 of the Uniform Commercial Code [810 ILCS 5/Art. 9].

SOURCE: Adopted at 12 Ill. Reg. 17431, effective November 1, 1988; amended at 18 Ill. Reg. 2101, effective February 1, 1994; amended at 20 Ill. Reg. 7064, effective May 8, 1996; emergency amendment at 25 Ill. Reg. 9984, effective July 23, 2001, for a maximum of 150 days; emergency expired December 19, 2001; amended at 26 Ill. Reg. 7448, effective May 2, 2002; amended at 29 Ill. Reg. 19704, effective November 28, 2005; amended at 30 Ill. Reg. 12977, effective July 11, 2006; amended at 31 Ill. Reg. 8559, effective June 15, 2007; amended at 32 Ill. Reg. 12057, effective July 16, 2008; amended at 34 Ill. Reg. 1411, effective February 1, 2010.

Section 180.12 Forms

The forms prescribed by Section 9-521 of the UCC [810 ILCS 5/9-521] shall be accepted by the filing office. Forms approved by the International Association of Commercial Administrators (IACA) on or prior to July 1, 2006 and forms approved by the UCC Division shall be accepted. Copies of the forms approved by IACA as of July 1, 2006 are available on the Secretary of State's website at www.cyberdriveillinois.com, on IACA's website at www.iaca.org and at IACA, 3851 Essen Lane, Baton Rouge LA 70816. The incorporations of forms in this Section do not include any later amendments or editions.

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- a) In order to insure the legibility after records are scanned into the imaging system of the UCC Division, the information on each record submitted shall be typewritten or computer generated typeface. The names and addresses of the debtor and the secured party shall be in capital letters with a font size of at least 9 point Helvetica style or 12 point Times New Roman style font~~12 in Times New Roman style.~~
- b) The remitter shall submit two copies of each record, along with a self-addressed stamped envelope. The UCC Division shall retain one copy for its records and return one copy to the remitter as an acknowledgement. If only one copy is submitted, it will be stamped "No Acknowledgement Received" and the UCC Division will retain that copy for its records. There will be no acknowledgement copy returned to the remitter.
- c) All UCC records must contain the full legal name of the debtor and indicate whether the debtor is an individual or an organization. If the debtor is an organization, the record must include the type of organization, the jurisdiction of the organization, and the organizational identification number of the debtor. Records that do not contain this information will not be accepted for filing. The disclosure on the records of the social security number or tax identification number of the debtor is voluntary only, and records will be accepted for filing without the number. The disclosure on the records of the social security number or tax identification number of the debtor is non-required information and, due to the sensitive nature of the information, it will be redacted from the record.
- d) When submitting a UCC-3 Amendment to delete more than a single debtor name, a separate UCC-3 Amendment form must, pursuant to Section 9-512 of the UCC, be completed for each debtor name to be deleted. A separate fee must also be tendered for each UCC-3 Amendment form submitted.
- e) When submitting a UCC-3 Amendment pursuant to Section 9-512 of the UCC, only one UCC-3 Amendment type per form will be permitted. A separate fee must also be tendered for each UCC-3 Amendment form submitted.

(Source: Amended at 34 Ill. Reg. 1411, effective February 1, 2010)

Section 180.13 Filing Fees/Methods of Payment/Overpayment and Underpayment Policies

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- a) Filing Fees.
- 1) The fee for filing and indexing a UCC record communicated in a paper-based format or electronically is \$20.
 - 2) A fee of \$20 shall be paid for an initial financing statement that indicates that it is filed in connection with a public-finance transaction and a fee of \$20 shall be paid for an initial financing statement that indicates that it is filed in connection with a manufactured-home transaction.
 - 3) UCC search fee. The fee for a UCC search request communicated on paper or in a paper-based format is \$10 per name searched.
 - 4) UCC search – copies. The fee for UCC search copies is \$1 per page.
- b) Methods of Payment. Filing fees and fees for public records services may be paid by the following methods:
- 1) Cash. Payment in cash shall be accepted, if paid in person at the filing office.
 - 2) Checks. Personal checks, cashier's checks and money orders made payable to the filing office shall be accepted for payment if they are drawn on a bank acceptable to the filing office or if the drawer is acceptable to the filing office. Checks made payable to the filing office are acceptable to the filing office if drawn on a bank insured by the Federal Deposit Insurance Corporation (FDIC), the Federal Savings and Loan Insurance Corporation (FSLIC), or the National Credit Union Association (NCUA).
 - 3) Electronic funds transfer. The filing office may accept payment via electronic funds transfer under National Automated Clearing House Association (NACHA) rules from remitters who have entered into appropriate NACHA-approved arrangements for the EFT and who authorize the relevant transfer pursuant to the arrangements and rules. NACHA rules are available at NACHA, 13665 Dulles Technology Drive, Suite 300, Herndon VA 20171. The NACHA rules were effective as of January 1, 2001 and do not include any later amendments or editions.
 - 4) Credit cards. The UCC Division shall accept payment by credit cards

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issued by approved issuers. Remitters shall provide the filing officer with the card number, the expiration date of the card, the name of the card issuer, the name of the person or entity to whom the card was issued, the daytime telephone number of the remitter and the billing address for the card. Payment will not be deemed tendered until the issuer or its agent has confirmed payment. A current list of approved credit card issuers is available from the filing office.

- 5) Debit cards. The UCC Division shall accept payment by debit cards issued by approved issuers (e.g., Visa, MasterCard). Remitters shall provide the filing officer with the card number, the expiration date of the card, the name of the card issuer, the name of the person or entity to whom the card was issued, the daytime telephone number of the remitter and the billing address for the card. Payment will not be deemed tendered until the issuer or its agent has confirmed payment. A current list of approved debit card issuers is available from the filing office.

c) Overpayment and Underpayment Policies.

- 1) Overpayment. The filing officer shall refund an overpayment only upon the written request of the remitter. Requests for refund shall contain the debtor's name and address, the file number and date of filing the record for which overpayment was made. If the record for which a refund is requested is a UCC-3, the request must also include the file number of the original filing.
- 2) Underpayment. Upon receipt of a record with an insufficient fee, the filing officer shall return the record to the remitter as provided in Section 180.15. The tendered payment shall be included with the record.
- 3) Non-sufficient funds. Upon notification from Accounting/Revenue that non-sufficient funds or an unacceptable form of payment was accepted for a UCC filing, that filing will be reversed and removed from the Secretary of State information management system as though it were never received and was refused for acceptance under the provisions of 810 ILCS 5/9-516(b)(2).

(Source: Amended at 34 Ill. Reg. 1411, effective February 1, 2010)

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Section 180.18 Search Requests and Reports

General requirements. The filing officer maintains for public inspection a searchable index for all records of UCC documents. The index shall provide for the retrieval of a record by the name of the debtor and by the file number of the initial financing statement of each filed UCC record relating to the initial financing statement.

- a) Search requests. Search requests shall contain the following information:
 - 1) Name searched. A search request should set forth the name of the debtor to be searched and must specify whether the debtor is an individual or an organization. A search request will be processed using the name in the exact form it is submitted. Each search request shall be limited to one debtor name.
 - 2) Requesting party. The name and address of the person to whom the search report is to be sent.
 - 3) Fee. The appropriate fee shall be enclosed, payable by a method described in Section 180.13 of this Part.
 - 4) Search request with filing. If a filer requests a search at the time a UCC record is filed, a UCC-11 form designating the exact debtor name from the initial financing statement shall be submitted. The requesting party shall be the name and address to whom the search report should be sent, and the search request shall be deemed to request a search that would retrieve all financing statements filed on or prior to the date the UCC record is filed. The filer shall submit the search request on a UCC-11 form.
- b) Rules applied to search requests. Search results are produced by the application of standardized search logic to the name presented to the filing officer. Human judgment does not play a role in determining the results of the search. The following rules apply to searches:
 - 1) There is no limit to the number of matches that may be returned in response to the search criteria.
 - 2) No distinction is made between upper and lower case letters.

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- 3) Punctuation marks and accents are disregarded.
- 4) Words and abbreviations at the end of a name that indicate the existence or nature of an organization as set forth in the "Ending Noise Words" list as promulgated and adopted by the International Association of Commercial Administrators are disregarded. Such words include, but are not limited to, the following:

Agency	Incorporated	PLCC
Trustee	LC	Prof Assn
Assc	Limited	Prof Corp
Assn	Limited Liability	Professional
Assoc	Company	Association
Associates	Limited Liability	Professional
Association	Partnership	Corporation
Attorneys at Law	Limited	Professional
Bank	Partnership	Limited
Business Trust	LLC	Liability
Charter	LLLP	Company
Chartered	LLP	Real Estate
Co	LP	Investment Trust
Company	Ltd.	Registered
Corp	Ltd. Partnership	Limited
Corporation	MDPA	Liability
Credit Union	MDPC	Partnership
CU	Medical Doctors	REIT
FCU	Professional	RLLP
Federal Credit	Association	SA
Union	Medical Doctors	Savings
Federal Savings	Professional	Association
Bank	Corporation	Sole
FSB	NA	Proprietorship
Gen Part	National	SP
General	Association	SPA
Partnership	National Bank	Trust
GP	PA	Trustee
Inc	Partners	

- 5) The word "the" if used anyplace in the search criteria is disregarded.

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- 6) All spaces are disregarded.
 - 7) For first and middle names of individuals, initials are treated as the logical equivalent of all names that begin with such initials, and first name and no middle name or initial is equated with all middle names and initials. For example, a search request for "John A. Smith" would cause the search to retrieve all filings against all individual debtors with "John" or the initial "J" as the first name, "Smith" as the last name, and with the initial "A" or any name beginning with "A" in the middle name field. If the search were for "John Smith" (first and last names with no designation in the middle name field), the search would retrieve all filings against individual debtors with "John" or the initial "J" as the first name, "Smith" as the last name and with any name or initial or no name or initial in the middle name field.
 - 8) After using the preceding rules to modify the name to be searched, the search will reveal only names of debtors that are contained in unpled financing statements and exactly match the name requested, as modified.
- c) Optional information. A UCC search request may contain any of the following information:
- 1) The request may limit the records requested by limiting them by the address of the debtor, the city of the debtor, the date of filing (or a range of filing dates) on the financing statements. A report created by the filing officer in response to such a request shall contain the statement "A limited search may not reveal all filings against the debtor searched and the searcher bears the risk of relying on such a search".
 - 2) The request may ask for copies of UCC records identified on the primary search response.
 - 3) Instructions on the mode of delivery desired, if other than by ordinary mail, which will be honored if the requested mode is available to the filing office.
 - 4) UCC or Federal Tax Lien Search Requests. All information requests submitted on a UCC-11 Information Request Form will be assumed to be a UCC information search unless otherwise identified as a Federal Tax

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Lien search. Only one type of search may be requested per form. A separate fee and form are required for each search requested.

- d) Search responses. Reports created in response to a search request shall include the following:
- 1) Filing officer. Identification of the filing officer and the certification of the filing officer required by law.
 - 2) Report date. The date the report was generated.
 - 3) Name searched. Identification of the name searched.
 - 4) Certification date. The certification date and time for which the search is effective.
 - 5) Identification of initial financing statements. Identification of each unlapsed initial financing statement filed on or prior to the certification date and time corresponding to the search criteria, by name of debtor, by identification number, and by file date and file time.
 - 6) History of financing statement. For each initial financing statement on the report, a listing of all related UCC records filed by the filing officer on or prior to the certification date.
 - 7) Copies. Copies of all UCC records revealed by the search and requested by the searcher.
 - 8) Extensive search requests. The filing officer will need additional time to process any information or search request that is in excess of 100 pages in length due to system limitations for printing lengthy search requests as described under the provisions of 810 ILCS 5/9-524(1) and (2).

(Source: Amended at 34 Ill. Reg. 1411, effective February 1, 2010)

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF MODIFICATION TO EMERGENCY AMENDMENTS IN RESPONSE TO
AN OBJECTION OF THE JOINT COMMITTEE ON ADMINISTRATIVE RULES

- 1) Heading of the Part: Reimbursement for Nursing Costs for Geriatric Facilities
- 2) Code Citation: 89 Ill. Adm. Code 147
- 3) Section Numbers: 147.150
147.200
147.205
147.TABLE A
- 4) Notice of Emergency Amendments published in the *Illinois Register*: October 16, 2009;
33 Ill. Reg. 14350
- 5) JCAR Statement of Objection to Emergency Amendments published in the *Illinois Register*: December 4, 2009; 33 Ill. Reg. 16777
- 6) Date agency submitted this modification to JCAR for approval: January 5, 2010
- 7) Summary of Action Taken by the Agency: The Joint Committee on Administrative Rules issued an Objection to this rulemaking "because the Department inadvertently included Continuous Positive Airway Pressure (CPAP) or Bi-level Positive Airway Pressure (BIPAP) devices within the new reimbursement methodology for ventilator dependent residents in nursing homes." The Department agrees and a modification of the emergency rulemaking to correct the text is hereby submitted.

The full text of the Section of the emergency amendment being modified begins on the next page:

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF MODIFICATION TO EMERGENCY AMENDMENTS IN RESPONSE TO
AN OBJECTION OF THE JOINT COMMITTEE ON ADMINISTRATIVE RULES**Section 147.205 Reimbursement for Ventilator Dependent Residents
EMERGENCY**

- a) Pursuant to Section Public Act 96-0473, effective October 1, 2009, Department of Healthcare and Family Services (HFS) shall begin paying nursing facilities for ventilator dependent residents through a system separate from the Minimum Data Set (MDS) based reimbursement methodology. For purposes of this Section, ventilators are defined as any type of electrical or pneumatically powered closed mechanical system for residents who are, or who may become, unable to support their own respiration. It does not include Continuous Positive Airway Pressure (CPAP) or Bi-level Positive Airway Pressure (BIPAP) devices.
- b) Payment shall be made for each individual resident receiving ventilator services through the Medicaid Management Information System (MMIS). The rate shall include the facility specific support, capital and nursing components plus the geographic area average ventilator minutes from the MDS and \$150.00 supply cost.
- c) Other services coded by a facility on the MDS for a ventilator dependent resident shall continue to be applied toward the nursing component of the nursing facility rate.
- d) Staffing
 - 1) A minimum of one RN on duty on the day shift, seven days per week (as required by the Department of Public Health (DPH) in 77 Ill. Adm. Code 300.1240 or 250.910(e) and 250.910(f)(1) as appropriate. Additional RN staff may be determined necessary by HFS, based on the HFS' review of the ventilator services.
 - 2) A minimum of the required number of LPN staff (as required by the DPH in 77 Ill. Adm. Code 300.1230, 300.1240 or 250.910(e) and 250.910(f)(1) as appropriate), on duty, with an RN on call, if not on duty on the evening and night shifts, seven days per week.
 - 3) A certified respiratory therapy technician or registered respiratory therapist shall be available at the facility or on call 24 hours a day.

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- 4) A certified respiratory therapist shall evaluate and document the respiratory status of the ventilator resident on a weekly basis.
 - 5) At least one of the full-time licensed nursing staff members must have successfully completed a course in the care of ventilator dependent individuals and the use of ventilators, conducted and documented by a certified respiratory therapy technician or registered respiratory therapist or a qualified registered nurse who has at least one year experience in the care of ventilator dependent persons.
 - 6) All staff caring for ventilator dependent residents must have documented in-service training in ventilator care prior to providing such care. In-service training must be conducted at least annually by a certified respiratory therapy technician or registered respiratory therapist or a qualified registered nurse who has at least one-year experience in the care of ventilator dependent persons. In-service training documentation shall include, name and qualification of the in-service director, duration of presentation, content of presentation and signature and position description of all participants.
- e) **Physical Plant**
The Provider shall have and maintain physical plant adaptations to accommodate the necessary equipment, such as, an emergency electrical backup system.
- f) **Notification to HFS**
A provider shall notify HFS, in writing, when a ventilator dependent resident is admitted and discharged from the facility. Notification in either instance shall occur within five days of the admission or discharge. Discharge is defined as the resident leaving the facility with no intention of returning. It does not mean an admission to a hospital.
- g) **Accessibility**
The provider must make accessible to HFS and/or DPH all provider, resident and other records necessary to determine that the needs of the resident are being met and to determine the appropriateness of ventilator services.

(Source: Old Section 147.205 repealed at 27 Ill. Reg. 18680, effective November 26, 2003; new Section 147.205 added by emergency rulemaking at 33 Ill. Reg. 14350,

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF MODIFICATION TO EMERGENCY AMENDMENTS IN RESPONSE TO
AN OBJECTION OF THE JOINT COMMITTEE ON ADMINISTRATIVE RULES

effective October 1, 2009, for a maximum of 150 days; emergency amendment modified in response to the objection of the Joint Committee on Administrative Rules at 34 Ill. Reg. 1421, effective January 5, 2010, for the remainder of the 150 days)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

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

<u>Section Numbers:</u>	<u>Peremptory Action:</u>
310.APPENDIX A, TABLE G	Amend
310.APPENDIX A, TABLE W	Amend
310.APPENDIX A, TABLE X	Amend
- 4) Reference to the Specific State or Federal Court Order, Federal Rule or Statute which Requires this Peremptory Rulemaking: The Department of Central Management Services (CMS) is amending the Pay Plan (80 Ill. Adm. Code 310) Section 310.Appendix A, Table G to reflect a Memorandum of Understanding (MOU) between CMS and the Illinois Federation of Public Employees signed December 22, 2009 correcting the RC-045 bargaining unit salary rates. The corrected salary rates are effective July 1, 2008 through June 30, 2012.

Section 310.Appendix A, Table W is amended to reflect a MOU between CMS and the American Federation of State, County and Municipal Employees (AFSCME) for the Public Service Administrator (PSA) title Option 7 (Gaming Board and Department of Revenue) signed December 10, 2009. Effective October 19, 2009, the positions allocated to the PSA title Option 7 (Gaming Board and Department of Revenue) are assigned to the RC-062-24 pay grade.

Section 310.Appendix A Table X is amended to reflect a MOU between CMS and AFSCME for the PSA title Option 8P (Department of Human Services) signed December 10, 2009. Effective September 29, 2009, the positions allocated to the PSA title Option 8P (Department of Human Services) are assigned to the RC-063-26 pay grade.
- 5) Statutory Authority: Authorized by Sections 8, 8a and 9(7) of the Personnel Code [20 ILCS 415/8, 20 ILCS 415/8a and 20 ILCS 415/9(7)] and by Sections 4, 6, 15 and 21 of the Illinois Public Labor Relations Act [5 ILCS 315/4, 5 ILCS 315/6, 5 ILCS 315/15 and 5 ILCS 315/21].
- 6) Effective Date: January 5, 2010
- 7) A Complete Description of the Subjects and Issues Involved: In Section 310.Appendix A Table G, the July 1, 2007 and January 1, 2008 rate table is removed. The July 1, 2008

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NOTICE OF PEREMPTORY AMENDMENTS

and January 1, 2009 rate table is added. The July 1, 2009 and January 1, 2010 rate table is added.

In Section 310.Appendix A Table W, Public Service Administrator Option 7 Gaming Board and Department of Revenue, title code 37015, bargaining unit RC-062 and pay grade 24 are added to the title table.

In Section 310.Appendix A Table X, Public Service Administrator Option 8P of Human Services, title code 37015, bargaining unit RC-063 and pay grade 26 are added to the title table. The Option 8P is added to the note after the title table.

- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Date filed with the Index Department: January 5, 2010
- 10) This and other Pay Plan amendments are available in the Division of Technical Services of the Bureau of Personnel.
- 11) Is this in compliance with Section 5-50 of the Illinois Administrative Procedure Act?
Yes
- 12) Are there any other proposed amendments pending on this Part? Yes

<u>Section Numbers:</u>	<u>Proposed Action:</u>	<u>Illinois Register Citation:</u>
310.410	Amendment	33 Ill. Reg. 14874; November 6, 2009
310.495	Amendment	33 Ill. Reg. 14874; November 6, 2009
310.Appendix A Table X	Amendment	33 Ill. Reg. 14874; November 6, 2009
310.Appendix B	Amendment	33 Ill. Reg. 14874; November 6, 2009
310.Appendix D	Amendment	33 Ill. Reg. 14874; November 6, 2009
310.80	Amendment	34 Ill. Reg. 602; January 15, 2010
310.100	Amendment	34 Ill. Reg. 602; January 15, 2010
310.410	Amendment	34 Ill. Reg. 602; January 15, 2010
310.460	Amendment	34 Ill. Reg. 602; January 15, 2010
310.470	Amendment	34 Ill. Reg. 602; January 15, 2010
310.490	Amendment	34 Ill. Reg. 602; January 15, 2010
310.495	Amendment	34 Ill. Reg. 602; January 15, 2010
310.Appendix A Table S	Amendment	34 Ill. Reg. 602; January 15, 2010

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- 13) Statement of Statewide Policy Objectives: These amendments to the Pay Plan affect only the employees subject to the Personnel Code and do not set out any guidelines that affect local or other jurisdictions in the State.
- 14) Information and questions regarding this peremptory rulemaking shall be directed to:

Mr. Jason Doggett
Manager
Compensation Section
Division of Technical Services and Agency Training and Development
Bureau of Personnel
Department of Central Management Services
504 William G. Stratton Building
Springfield IL 62706

217/782-7964
Fax: 217/524-4570
CMS.PayPlan@Illinois.gov

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

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NOTICE OF PEREMPTORY AMENDMENTS

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

CHAPTER I: DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

PART 310
PAY PLAN

SUBPART A: NARRATIVE

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

SUBPART B: SCHEDULE OF RATES

Section	
310.205	Introduction
310.210	Prevailing Rate
310.220	Negotiated Rate
310.230	Part-Time Daily or Hourly Special Services Rate (Repealed)
310.240	Daily or Hourly Rate Conversion
310.250	Member, Patient and Inmate Rate
310.260	Trainee Rate

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310.270	Legislated Rate
310.280	Designated Rate
310.290	Out-of-State Rate (Repealed)
310.295	Foreign Service Rate (Repealed)
310.300	Educator Schedule for RC-063 and HR-010
310.310	Physician Specialist Rate
310.320	Annual Compensation Ranges for Executive Director and Assistant Executive Director, State Board of Elections (Repealed)
310.330	Excluded Classes Rate (Repealed)

SUBPART C: MERIT COMPENSATION SYSTEM

Section	
310.410	Jurisdiction
310.415	Merit Compensation Salary Range Assignments
310.420	Objectives
310.430	Responsibilities
310.440	Merit Compensation Salary Schedule
310.450	Procedures for Determining Annual Merit Increases and Bonuses
310.455	Intermittent Merit Increase
310.456	Merit Zone (Repealed)
310.460	Other Pay Increases
310.470	Adjustment
310.480	Decreases in Pay
310.490	Other Pay Provisions
310.495	Broad-Band Pay Range Classes
310.500	Definitions
310.510	Conversion of Base Salary to Pay Period Units (Repealed)
310.520	Conversion of Base Salary to Daily or Hourly Equivalents
310.530	Implementation
310.540	Annual Merit Increase and Bonus Guidechart
310.550	Fiscal Year 1985 Pay Changes in Merit Compensation System, effective July 1, 1984 (Repealed)
310.APPENDIX A	Negotiated Rates of Pay
310.TABLE A	RC-104 (Conservation Police Supervisors, Laborers' – ISEA Local #2002)
310.TABLE B	VR-706 (Assistant Automotive Shop Supervisors, Automotive Shop Supervisors and Meat and Poultry Inspector Supervisors, Laborers' –

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	ISEA Local #2002)
310.TABLE C	RC-056 (Site Superintendents and Natural Resource, Historic Preservation and Agriculture Managers, IFPE)
310.TABLE D	HR-001 (Teamsters Local #726)
310.TABLE E	RC-020 (Teamsters Local #330)
310.TABLE F	RC-019 (Teamsters Local #25)
310.TABLE G	RC-045 (Automotive Mechanics, IFPE)
310.TABLE H	RC-006 (Corrections Employees, AFSCME)
310.TABLE I	RC-009 (Institutional Employees, AFSCME)
310.TABLE J	RC-014 (Clerical Employees, AFSCME)
310.TABLE K	RC-023 (Registered Nurses, INA)
310.TABLE L	RC-008 (Boilermakers)
310.TABLE M	RC-110 (Conservation Police Lodge)
310.TABLE N	RC-010 (Professional Legal Unit, AFSCME)
310.TABLE O	RC-028 (Paraprofessional Human Services Employees, AFSCME)
310.TABLE P	RC-029 (Paraprofessional Investigatory and Law Enforcement Employees, IFPE)
310.TABLE Q	RC-033 (Meat Inspectors, IFPE)
310.TABLE R	RC-042 (Residual Maintenance Workers, AFSCME)
310.TABLE S	VR-704 (Corrections, Financial and Professional Regulation, Juvenile Justice and State Police Supervisors, Laborers' – ISEA Local #2002)
310.TABLE T	HR-010 (Teachers of Deaf, IFT)
310.TABLE U	HR-010 (Teachers of Deaf, Extracurricular Paid Activities)
310.TABLE V	CU-500 (Corrections Meet and Confer Employees)
310.TABLE W	RC-062 (Technical Employees, AFSCME)
310.TABLE X	RC-063 (Professional Employees, AFSCME)
310.TABLE Y	RC-063 (Educators, AFSCME)
310.TABLE Z	RC-063 (Physicians, AFSCME)
310.TABLE AA	NR-916 (Department of Natural Resources, Teamsters)
310.TABLE AB	RC-150 (Public Service Administrators Option 6, AFSCME)
310.APPENDIX B	Schedule of Salary Grade Pay Grades – Monthly Rates of Pay
310.APPENDIX C	Medical Administrator Rates (Repealed)
310.APPENDIX D	Merit Compensation System Salary Schedule
310.APPENDIX E	Teaching Salary Schedule (Repealed)
310.APPENDIX F	Physician and Physician Specialist Salary Schedule (Repealed)
310.APPENDIX G	Broad-Band Pay Range Classes Salary Schedule

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

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SOURCE: Filed June 28, 1967; codified at 8 Ill. Reg. 1558; emergency amendment at 8 Ill. Reg. 1990, effective January 31, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 2440, effective February 15, 1984; emergency amendment at 8 Ill. Reg. 3348, effective March 5, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 4249, effective March 16, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 5704, effective April 16, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 7290, effective May 11, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 11299, effective June 25, 1984; emergency amendment at 8 Ill. Reg. 12616, effective July 1, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 15007, effective August 6, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 15367, effective August 13, 1984; emergency amendment at 8 Ill. Reg. 21310, effective October 10, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 21544, effective October 24, 1984; amended at 8 Ill. Reg. 22844, effective November 14, 1984; emergency amendment at 9 Ill. Reg. 1134, effective January 16, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 1320, effective January 23, 1985; amended at 9 Ill. Reg. 3681, effective March 12, 1985; emergency amendment at 9 Ill. Reg. 4163, effective March 15, 1985, for a maximum of 150 days; emergency amendment at 9 Ill. Reg. 9231, effective May 31, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 9420, effective June 7, 1985; amended at 9 Ill. Reg. 10663, effective July 1, 1985; emergency amendment at 9 Ill. Reg. 15043, effective September 24, 1985, for a maximum of 150 days; preemptory amendment at 10 Ill. Reg. 3325, effective January 22, 1986; amended at 10 Ill. Reg. 3230, effective January 24, 1986; emergency amendment at 10 Ill. Reg. 8904, effective May 13, 1986, for a maximum of 150 days; preemptory amendment at 10 Ill. Reg. 8928, effective May 13, 1986; emergency amendment at 10 Ill. Reg. 12090, effective June 30, 1986, for a maximum of 150 days; preemptory amendment at 10 Ill. Reg. 13675, effective July 31, 1986; preemptory amendment at 10 Ill. Reg. 14867, effective August 26, 1986; amended at 10 Ill. Reg. 15567, effective September 17, 1986; emergency amendment at 10 Ill. Reg. 17765, effective September 30, 1986, for a maximum of 150 days; preemptory amendment at 10 Ill. Reg. 19132, effective October 28, 1986; preemptory amendment at 10 Ill. Reg. 21097, effective December 9, 1986; amended at 11 Ill. Reg. 648, effective December 22, 1986; preemptory amendment at 11 Ill. Reg. 3363, effective February 3, 1987; preemptory amendment at 11 Ill. Reg. 4388, effective February 27, 1987; preemptory amendment at 11 Ill. Reg. 6291, effective March 23, 1987; amended at 11 Ill. Reg. 5901, effective March 24, 1987; emergency amendment at 11 Ill. Reg. 8787, effective April 15, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 11830, effective July 1, 1987, for a maximum of 150 days; preemptory amendment at 11 Ill. Reg. 13675, effective July 29, 1987; amended at 11 Ill. Reg. 14984, effective August 27, 1987; preemptory amendment at 11 Ill. Reg. 15273, effective September 1, 1987; preemptory amendment at 11 Ill. Reg. 17919, effective October 19, 1987; preemptory amendment at 11 Ill. Reg. 19812, effective November 19, 1987; emergency amendment at 11 Ill. Reg. 20664, effective December 4, 1987, for a

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maximum of 150 days; amended at 11 Ill. Reg. 20778, effective December 11, 1987; preemptory amendment at 12 Ill. Reg. 3811, effective January 27, 1988; preemptory amendment at 12 Ill. Reg. 5459, effective March 3, 1988; amended at 12 Ill. Reg. 6073, effective March 21, 1988; preemptory amendment at 12 Ill. Reg. 7783, effective April 14, 1988; emergency amendment at 12 Ill. Reg. 7734, effective April 15, 1988, for a maximum of 150 days; preemptory amendment at 12 Ill. Reg. 8135, effective April 22, 1988; preemptory amendment at 12 Ill. Reg. 9745, effective May 23, 1988; emergency amendment at 12 Ill. Reg. 11778, effective July 1, 1988, for a maximum of 150 days; emergency amendment at 12 Ill. Reg. 12895, effective July 18, 1988, for a maximum of 150 days; preemptory amendment at 12 Ill. Reg. 13306, effective July 27, 1988; corrected at 12 Ill. Reg. 13359; amended at 12 Ill. Reg. 14630, effective September 6, 1988; amended at 12 Ill. Reg. 20449, effective November 28, 1988; preemptory amendment at 12 Ill. Reg. 20584, effective November 28, 1988; preemptory amendment at 13 Ill. Reg. 8080, effective May 10, 1989; amended at 13 Ill. Reg. 8849, effective May 30, 1989; preemptory amendment at 13 Ill. Reg. 8970, effective May 26, 1989; emergency amendment at 13 Ill. Reg. 10967, effective June 20, 1989, for a maximum of 150 days; emergency amendment expired on November 17, 1989; amended at 13 Ill. Reg. 11451, effective June 28, 1989; emergency amendment at 13 Ill. Reg. 11854, effective July 1, 1989, for a maximum of 150 days; corrected at 13 Ill. Reg. 12647; preemptory amendment at 13 Ill. Reg. 12887, effective July 24, 1989; amended at 13 Ill. Reg. 16950, effective October 20, 1989; amended at 13 Ill. Reg. 19221, effective December 12, 1989; amended at 14 Ill. Reg. 615, effective January 2, 1990; preemptory amendment at 14 Ill. Reg. 1627, effective January 11, 1990; amended at 14 Ill. Reg. 4455, effective March 12, 1990; preemptory amendment at 14 Ill. Reg. 7652, effective May 7, 1990; amended at 14 Ill. Reg. 10002, effective June 11, 1990; emergency amendment at 14 Ill. Reg. 11330, effective June 29, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 14361, effective August 24, 1990; emergency amendment at 14 Ill. Reg. 15570, effective September 11, 1990, for a maximum of 150 days; emergency amendment expired on February 8, 1991; corrected at 14 Ill. Reg. 16092; preemptory amendment at 14 Ill. Reg. 17098, effective September 26, 1990; amended at 14 Ill. Reg. 17189, effective October 2, 1990; amended at 14 Ill. Reg. 17189, effective October 19, 1990; amended at 14 Ill. Reg. 18719, effective November 13, 1990; preemptory amendment at 14 Ill. Reg. 18854, effective November 13, 1990; preemptory amendment at 15 Ill. Reg. 663, effective January 7, 1991; amended at 15 Ill. Reg. 3296, effective February 14, 1991; amended at 15 Ill. Reg. 4401, effective March 11, 1991; preemptory amendment at 15 Ill. Reg. 5100, effective March 20, 1991; preemptory amendment at 15 Ill. Reg. 5465, effective April 2, 1991; emergency amendment at 15 Ill. Reg. 10485, effective July 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 11080, effective July 19, 1991; amended at 15 Ill. Reg. 13080, effective August 21, 1991; amended at 15 Ill. Reg. 14210, effective September 23, 1991; emergency amendment at 16 Ill. Reg. 711, effective December 26, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 3450, effective February 20, 1992; preemptory amendment at 16 Ill. Reg. 5068, effective March 11, 1992;

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peremptory amendment at 16 Ill. Reg. 7056, effective April 20, 1992; emergency amendment at 16 Ill. Reg. 8239, effective May 19, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 8382, effective May 26, 1992; emergency amendment at 16 Ill. Reg. 13950, effective August 19, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 14452, effective September 4, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 238, effective December 23, 1992; peremptory amendment at 17 Ill. Reg. 498, effective December 18, 1992; amended at 17 Ill. Reg. 590, effective January 4, 1993; amended at 17 Ill. Reg. 1819, effective February 2, 1993; amended at 17 Ill. Reg. 6441, effective April 8, 1993; emergency amendment at 17 Ill. Reg. 12900, effective July 22, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 13409, effective July 29, 1993; emergency amendment at 17 Ill. Reg. 13789, effective August 9, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 14666, effective August 26, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 19103, effective October 25, 1993; emergency amendment at 17 Ill. Reg. 21858, effective December 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 22514, effective December 15, 1993; amended at 18 Ill. Reg. 227, effective December 17, 1993; amended at 18 Ill. Reg. 1107, effective January 18, 1994; amended at 18 Ill. Reg. 5146, effective March 21, 1994; peremptory amendment at 18 Ill. Reg. 9562, effective June 13, 1994; emergency amendment at 18 Ill. Reg. 11299, effective July 1, 1994, for a maximum of 150 days; peremptory amendment at 18 Ill. Reg. 13476, effective August 17, 1994; emergency amendment at 18 Ill. Reg. 14417, effective September 9, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 16545, effective October 31, 1994; peremptory amendment at 18 Ill. Reg. 16708, effective October 28, 1994; amended at 18 Ill. Reg. 17191, effective November 21, 1994; amended at 19 Ill. Reg. 1024, effective January 24, 1995; peremptory amendment at 19 Ill. Reg. 2481, effective February 17, 1995; peremptory amendment at 19 Ill. Reg. 3073, effective February 17, 1995; amended at 19 Ill. Reg. 3456, effective March 7, 1995; peremptory amendment at 19 Ill. Reg. 5145, effective March 14, 1995; amended at 19 Ill. Reg. 6452, effective May 2, 1995; peremptory amendment at 19 Ill. Reg. 6688, effective May 1, 1995; amended at 19 Ill. Reg. 7841, effective June 1, 1995; amended at 19 Ill. Reg. 8156, effective June 12, 1995; amended at 19 Ill. Reg. 9096, effective June 27, 1995; emergency amendment at 19 Ill. Reg. 11954, effective August 1, 1995, for a maximum of 150 days; peremptory amendment at 19 Ill. Reg. 13979, effective September 19, 1995; peremptory amendment at 19 Ill. Reg. 15103, effective October 12, 1995; amended at 19 Ill. Reg. 16160, effective November 28, 1995; amended at 20 Ill. Reg. 308, effective December 22, 1995; emergency amendment at 20 Ill. Reg. 4060, effective February 27, 1996, for a maximum of 150 days; peremptory amendment at 20 Ill. Reg. 6334, effective April 22, 1996; peremptory amendment at 20 Ill. Reg. 7434, effective May 14, 1996; amended at 20 Ill. Reg. 8301, effective June 11, 1996; amended at 20 Ill. Reg. 8657, effective June 20, 1996; amended at 20 Ill. Reg. 9006, effective June 26, 1996; amended at 20 Ill. Reg. 9925, effective July 10, 1996; emergency amendment at 20 Ill. Reg. 10213, effective July 15, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 10841, effective August 5, 1996; peremptory amendment at 20 Ill. Reg. 13408,

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effective September 24, 1996; amended at 20 Ill. Reg. 15018, effective November 7, 1996; preemptory amendment at 20 Ill. Reg. 15092, effective November 7, 1996; emergency amendment at 21 Ill. Reg. 1023, effective January 6, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 1629, effective January 22, 1997; amended at 21 Ill. Reg. 5144, effective April 15, 1997; amended at 21 Ill. Reg. 6444, effective May 15, 1997; amended at 21 Ill. Reg. 7118, effective June 3, 1997; emergency amendment at 21 Ill. Reg. 10061, effective July 21, 1997, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 12859, effective September 8, 1997, for a maximum of 150 days; preemptory amendment at 21 Ill. Reg. 14267, effective October 14, 1997; preemptory amendment at 21 Ill. Reg. 14589, effective October 15, 1997; preemptory amendment at 21 Ill. Reg. 15030, effective November 10, 1997; amended at 21 Ill. Reg. 16344, effective December 9, 1997; preemptory amendment at 21 Ill. Reg. 16465, effective December 4, 1997; preemptory amendment at 21 Ill. Reg. 17167, effective December 9, 1997; preemptory amendment at 22 Ill. Reg. 1593, effective December 22, 1997; amended at 22 Ill. Reg. 2580, effective January 14, 1998; preemptory amendment at 22 Ill. Reg. 4326, effective February 13, 1998; preemptory amendment at 22 Ill. Reg. 5108, effective February 26, 1998; preemptory amendment at 22 Ill. Reg. 5749, effective March 3, 1998; amended at 22 Ill. Reg. 6204, effective March 12, 1998; preemptory amendment at 22 Ill. Reg. 7053, effective April 1, 1998; preemptory amendment at 22 Ill. Reg. 7320, effective April 10, 1998; preemptory amendment at 22 Ill. Reg. 7692, effective April 20, 1998; emergency amendment at 22 Ill. Reg. 12607, effective July 2, 1998, for a maximum of 150 days; preemptory amendment at 22 Ill. Reg. 15489, effective August 7, 1998; amended at 22 Ill. Reg. 16158, effective August 31, 1998; preemptory amendment at 22 Ill. Reg. 19105, effective September 30, 1998; preemptory amendment at 22 Ill. Reg. 19943, effective October 27, 1998; preemptory amendment at 22 Ill. Reg. 20406, effective November 5, 1998; amended at 22 Ill. Reg. 20581, effective November 16, 1998; amended at 23 Ill. Reg. 664, effective January 1, 1999; preemptory amendment at 23 Ill. Reg. 730, effective December 29, 1998; emergency amendment at 23 Ill. Reg. 6533, effective May 10, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 7065, effective June 3, 1999; emergency amendment at 23 Ill. Reg. 8169, effective July 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 11020, effective August 26, 1999; amended at 23 Ill. Reg. 12429, effective September 21, 1999; preemptory amendment at 23 Ill. Reg. 12493, effective September 23, 1999; amended at 23 Ill. Reg. 12604, effective September 24, 1999; amended at 23 Ill. Reg. 13053, effective September 27, 1999; preemptory amendment at 23 Ill. Reg. 13132, effective October 1, 1999; amended at 23 Ill. Reg. 13570, effective October 26, 1999; amended at 23 Ill. Reg. 14020, effective November 15, 1999; amended at 24 Ill. Reg. 1025, effective January 7, 2000; preemptory amendment at 24 Ill. Reg. 3399, effective February 3, 2000; amended at 24 Ill. Reg. 3537, effective February 18, 2000; amended at 24 Ill. Reg. 6874, effective April 21, 2000; amended at 24 Ill. Reg. 7956, effective May 23, 2000; emergency amendment at 24 Ill. Reg. 10328, effective July 1, 2000, for a maximum of 150 days; emergency expired November 27, 2000; preemptory amendment at 24 Ill. Reg. 10767, effective July 3, 2000; amended at 24 Ill.

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Reg. 13384, effective August 17, 2000; preemptory amendment at 24 Ill. Reg. 14460, effective September 14, 2000; preemptory amendment at 24 Ill. Reg. 16700, effective October 30, 2000; preemptory amendment at 24 Ill. Reg. 17600, effective November 16, 2000; amended at 24 Ill. Reg. 18058, effective December 4, 2000; preemptory amendment at 24 Ill. Reg. 18444, effective December 1, 2000; amended at 25 Ill. Reg. 811, effective January 4, 2001; amended at 25 Ill. Reg. 2389, effective January 22, 2001; amended at 25 Ill. Reg. 4552, effective March 14, 2001; preemptory amendment at 25 Ill. Reg. 5067, effective March 21, 2001; amended at 25 Ill. Reg. 5618, effective April 4, 2001; amended at 25 Ill. Reg. 6655, effective May 11, 2001; amended at 25 Ill. Reg. 7151, effective May 25, 2001; preemptory amendment at 25 Ill. Reg. 8009, effective June 14, 2001; emergency amendment at 25 Ill. Reg. 9336, effective July 3, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 9846, effective July 23, 2001; amended at 25 Ill. Reg. 12087, effective September 6, 2001; amended at 25 Ill. Reg. 15560, effective November 20, 2001; preemptory amendment at 25 Ill. Reg. 15671, effective November 15, 2001; amended at 25 Ill. Reg. 15974, effective November 28, 2001; emergency amendment at 26 Ill. Reg. 223, effective December 21, 2001, for a maximum of 150 days; amended at 26 Ill. Reg. 1143, effective January 17, 2002; amended at 26 Ill. Reg. 4127, effective March 5, 2002; preemptory amendment at 26 Ill. Reg. 4963, effective March 15, 2002; amended at 26 Ill. Reg. 6235, effective April 16, 2002; emergency amendment at 26 Ill. Reg. 7314, effective April 29, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 10425, effective July 1, 2002; emergency amendment at 26 Ill. Reg. 10952, effective July 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 13934, effective September 10, 2002; amended at 26 Ill. Reg. 14965, effective October 7, 2002; emergency amendment at 26 Ill. Reg. 16583, effective October 24, 2002, for a maximum of 150 days; emergency expired March 22, 2003; preemptory amendment at 26 Ill. Reg. 17280, effective November 18, 2002; amended at 26 Ill. Reg. 17374, effective November 25, 2002; amended at 26 Ill. Reg. 17987, effective December 9, 2002; amended at 27 Ill. Reg. 3261, effective February 11, 2003; expedited correction at 28 Ill. Reg. 6151, effective February 11, 2003; amended at 27 Ill. Reg. 8855, effective May 15, 2003; amended at 27 Ill. Reg. 9114, effective May 27, 2003; emergency amendment at 27 Ill. Reg. 10442, effective July 1, 2003, for a maximum of 150 days; emergency expired November 27, 2003; preemptory amendment at 27 Ill. Reg. 17433, effective November 7, 2003; amended at 27 Ill. Reg. 18560, effective December 1, 2003; preemptory amendment at 28 Ill. Reg. 1441, effective January 9, 2004; amended at 28 Ill. Reg. 2684, effective January 22, 2004; amended at 28 Ill. Reg. 6879, effective April 30, 2004; preemptory amendment at 28 Ill. Reg. 7323, effective May 10, 2004; amended at 28 Ill. Reg. 8842, effective June 11, 2004; preemptory amendment at 28 Ill. Reg. 9717, effective June 28, 2004; amended at 28 Ill. Reg. 12585, effective August 27, 2004; preemptory amendment at 28 Ill. Reg. 13011, effective September 8, 2004; preemptory amendment at 28 Ill. Reg. 13247, effective September 20, 2004; preemptory amendment at 28 Ill. Reg. 13656, effective September 27, 2004; emergency amendment at 28 Ill. Reg. 14174, effective October 15, 2004, for a maximum of 150 days; emergency expired March 13, 2005; preemptory amendment at 28 Ill.

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Reg. 14689, effective October 22, 2004; preemptory amendment at 28 Ill. Reg. 15336, effective November 15, 2004; preemptory amendment at 28 Ill. Reg. 16513, effective December 9, 2004; preemptory amendment at 29 Ill. Reg. 726, effective December 15, 2004; amended at 29 Ill. Reg. 1166, effective January 7, 2005; preemptory amendment at 29 Ill. Reg. 1385, effective January 4, 2005; preemptory amendment at 29 Ill. Reg. 1559, effective January 11, 2005; preemptory amendment at 29 Ill. Reg. 2050, effective January 19, 2005; preemptory amendment at 29 Ill. Reg. 4125, effective February 23, 2005; amended at 29 Ill. Reg. 5375, effective April 4, 2005; preemptory amendment at 29 Ill. Reg. 6105, effective April 14, 2005; preemptory amendment at 29 Ill. Reg. 7217, effective May 6, 2005; preemptory amendment at 29 Ill. Reg. 7840, effective May 10, 2005; amended at 29 Ill. Reg. 8110, effective May 23, 2005; preemptory amendment at 29 Ill. Reg. 8214, effective May 23, 2005; preemptory amendment at 29 Ill. Reg. 8418, effective June 1, 2005; amended at 29 Ill. Reg. 9319, effective July 1, 2005; preemptory amendment at 29 Ill. Reg. 12076, effective July 15, 2005; preemptory amendment at 29 Ill. Reg. 13265, effective August 11, 2005; amended at 29 Ill. Reg. 13540, effective August 22, 2005; preemptory amendment at 29 Ill. Reg. 14098, effective September 2, 2005; amended at 29 Ill. Reg. 14166, effective September 9, 2005; amended at 29 Ill. Reg. 19551, effective November 21, 2005; emergency amendment at 29 Ill. Reg. 20554, effective December 2, 2005, for a maximum of 150 days; preemptory amendment at 29 Ill. Reg. 20693, effective December 12, 2005; preemptory amendment at 30 Ill. Reg. 623, effective December 28, 2005; preemptory amendment at 30 Ill. Reg. 1382, effective January 13, 2006; amended at 30 Ill. Reg. 2289, effective February 6, 2006; preemptory amendment at 30 Ill. Reg. 4157, effective February 22, 2006; preemptory amendment at 30 Ill. Reg. 5687, effective March 7, 2006; preemptory amendment at 30 Ill. Reg. 6409, effective March 30, 2006; amended at 30 Ill. Reg. 7857, effective April 17, 2006; amended at 30 Ill. Reg. 9438, effective May 15, 2006; preemptory amendment at 30 Ill. Reg. 10153, effective May 18, 2006; preemptory amendment at 30 Ill. Reg. 10508, effective June 1, 2006; amended at 30 Ill. Reg. 11336, effective July 1, 2006; emergency amendment at 30 Ill. Reg. 12340, effective July 1, 2006, for a maximum of 150 days; preemptory amendment at 30 Ill. Reg. 12418, effective July 1, 2006; amended at 30 Ill. Reg. 12761, effective July 17, 2006; preemptory amendment at 30 Ill. Reg. 13547, effective August 1, 2006; preemptory amendment at 30 Ill. Reg. 15059, effective September 5, 2006; preemptory amendment at 30 Ill. Reg. 16439, effective September 27, 2006; emergency amendment at 30 Ill. Reg. 16626, effective October 3, 2006, for a maximum of 150 days; preemptory amendment at 30 Ill. Reg. 17603, effective October 20, 2006; amended at 30 Ill. Reg. 18610, effective November 20, 2006; preemptory amendment at 30 Ill. Reg. 18823, effective November 21, 2006; preemptory amendment at 31 Ill. Reg. 230, effective December 20, 2006; emergency amendment at 31 Ill. Reg. 1483, effective January 1, 2007, for a maximum of 150 days; preemptory amendment at 31 Ill. Reg. 2485, effective January 17, 2007; preemptory amendment at 31 Ill. Reg. 4445, effective February 28, 2007; amended at 31 Ill. Reg. 4982, effective March 15, 2007; preemptory amendment at 31 Ill. Reg. 7338, effective May 3, 2007; amended at 31 Ill. Reg. 8901, effective July 1, 2007;

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emergency amendment at 31 Ill. Reg. 10056, effective July 1, 2007, for a maximum of 150 days; preemptory amendment at 31 Ill. Reg. 10496, effective July 6, 2007; preemptory amendment at 31 Ill. Reg. 12335, effective August 9, 2007; emergency amendment at 31 Ill. Reg. 12608, effective August 16, 2007, for a maximum of 150 days; emergency amendment at 31 Ill. Reg. 13220, effective August 30, 2007, for a maximum of 150 days; preemptory amendment at 31 Ill. Reg. 13357, effective August 29, 2007; amended at 31 Ill. Reg. 13981, effective September 21, 2007; preemptory amendment at 31 Ill. Reg. 14331, effective October 1, 2007; amended at 31 Ill. Reg. 16094, effective November 20, 2007; amended at 31 Ill. Reg. 16792, effective December 13, 2007; preemptory amendment at 32 Ill. Reg. 598, effective December 27, 2007; amended at 32 Ill. Reg. 1082, effective January 11, 2008; preemptory amendment at 32 Ill. Reg. 3095, effective February 13, 2008; preemptory amendment at 32 Ill. Reg. 6097, effective March 25, 2008; preemptory amendment at 32 Ill. Reg. 7154, effective April 17, 2008; expedited correction at 32 Ill. Reg. 9747, effective April 17, 2008; preemptory amendment at 32 Ill. Reg. 9360, effective June 13, 2008; amended at 32 Ill. Reg. 9881, effective July 1, 2008; preemptory amendment at 32 Ill. Reg. 12065, effective July 9, 2008; preemptory amendment at 32 Ill. Reg. 13861, effective August 8, 2008; preemptory amendment at 32 Ill. Reg. 16591, effective September 24, 2008; preemptory amendment at 32 Ill. Reg. 16872, effective October 3, 2008; preemptory amendment at 32 Ill. Reg. 18324, effective November 14, 2008; preemptory amendment at 33 Ill. Reg. 98, effective December 19, 2008; amended at 33 Ill. Reg. 2148, effective January 26, 2009; preemptory amendment at 33 Ill. Reg. 3530, effective February 6, 2009; preemptory amendment at 33 Ill. Reg. 4202, effective February 26, 2009; preemptory amendment at 33 Ill. Reg. 5501, effective March 25, 2009; preemptory amendment at 33 Ill. Reg. 6354, effective April 15, 2009; preemptory amendment at 33 Ill. Reg. 6724, effective May 1, 2009; preemptory amendment at 33 Ill. Reg. 9138, effective June 12, 2009; emergency amendment at 33 Ill. Reg. 9432, effective July 1, 2009, for a maximum of 150 days; amended at 33 Ill. Reg. 10211, effective July 1, 2009; preemptory amendment at 33 Ill. Reg. 10823, effective July 2, 2009; preemptory amendment at 33 Ill. Reg. 11082, effective July 10, 2009; preemptory amendment at 33 Ill. Reg. 11698, effective July 23, 2009; preemptory amendment at 33 Ill. Reg. 11895, effective July 31, 2009; preemptory amendment at 33 Ill. Reg. 12872, effective September 3, 2009; amended at 33 Ill. Reg. 14944, effective October 26, 2009; preemptory amendment at 33 Ill. Reg. 16598, effective November 13, 2009; preemptory amendment at 34 Ill. Reg. 305, effective December 18, 2009; emergency amendment at 34 Ill. Reg. 957, effective January 1, 2010, for a maximum of 150 days; preemptory amendment at 34 Ill. Reg. 1425, effective January 5, 2010.

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Section 310.APPENDIX A Negotiated Rates of Pay**Section 310.TABLE G RC-045 (Automotive Mechanics, IFPE)**

<u>Title</u>	<u>Title Code</u>	<u>Bargaining Unit</u>	<u>Pay Plan Code</u>	<u>July 1, 2007 Monthly Rate</u>	<u>January 1, 2008 Monthly Rate</u>
Auto & Body Repairer	03680	RC-045	B	4448	4593
Auto & Body Repairer	03680	RC-045	Q	4606	4756
Auto & Body Repairer	03680	RC-045	S	4671	4823
Automotive Attendant I	03696	RC-045	B	2687	2774
Automotive Attendant I	03696	RC-045	Q	2794	2885
Automotive Attendant I	03696	RC-045	S	2853	2946
Automotive Attendant II	03697	RC-045	B	2868	2961
Automotive Attendant II	03697	RC-045	Q	2982	3079
Automotive Attendant II	03697	RC-045	S	3040	3139
Automotive Mechanic	03700	RC-045	B	4448	4593
Automotive Mechanic	03700	RC-045	Q	4606	4756
Automotive Mechanic	03700	RC-045	S	4671	4823
Automotive Parts Warehouser	03730	RC-045	B	4272	4411
Automotive Parts Warehouse Specialist	03734	RC-045	B	4355	4497
Small Engine Mechanic	41150	RC-045	B	3917	4044
Storekeeper I*	43051	RC-045	B	4185	4321
Storekeeper II*	43052	RC-045	B	4275	4414

<u>Title</u>	<u>Title Code</u>	<u>Bargaining Unit</u>	<u>Pay Plan Code</u>	<u>July 1, 2008 Monthly Rate</u>	<u>January 1, 2009 Monthly Rate</u>
Auto & Body Repairer	03680	RC-045	B	4616	4708
Auto & Body Repairer	03680	RC-045	Q	4780	4876
Auto & Body Repairer	03680	RC-045	S	4847	4944
Automotive Attendant I	03696	RC-045	B	2788	2844
Automotive Attendant I	03696	RC-045	Q	2899	2957
Automotive Attendant I	03696	RC-045	S	2961	3020
Automotive Attendant II	03697	RC-045	B	2976	3036
Automotive Attendant II	03697	RC-045	Q	3094	3156
Automotive Attendant II	03697	RC-045	S	3155	3218

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<u>Automotive Mechanic</u>	<u>03700</u>	<u>RC-045</u>	<u>B</u>	<u>4616</u>	<u>4708</u>
<u>Automotive Mechanic</u>	<u>03700</u>	<u>RC-045</u>	<u>Q</u>	<u>4780</u>	<u>4876</u>
<u>Automotive Mechanic</u>	<u>03700</u>	<u>RC-045</u>	<u>S</u>	<u>4847</u>	<u>4944</u>
<u>Automotive Parts</u>					
<u>Warehouse</u>	<u>03730</u>	<u>RC-045</u>	<u>B</u>	<u>4433</u>	<u>4522</u>
<u>Automotive Parts</u>					
<u>Warehouse Specialist</u>	<u>03734</u>	<u>RC-045</u>	<u>B</u>	<u>4519</u>	<u>4609</u>
<u>Small Engine Mechanic</u>	<u>41150</u>	<u>RC-045</u>	<u>B</u>	<u>4064</u>	<u>4145</u>
<u>Storekeeper I*</u>	<u>43051</u>	<u>RC-045</u>	<u>B</u>	<u>4343</u>	<u>4430</u>
<u>Storekeeper II*</u>	<u>43052</u>	<u>RC-045</u>	<u>B</u>	<u>4436</u>	<u>4525</u>

<u>Title</u>	<u>Title Code</u>	<u>Bargaining Unit</u>	<u>Pay Plan Code</u>	<u>July 1, 2009 Monthly Rate</u>	<u>January 1, 2010 Monthly Rate</u>
<u>Auto & Body Repairer</u>	<u>03680</u>	<u>RC-045</u>	<u>B</u>	<u>4849</u>	<u>4946</u>
<u>Auto & Body Repairer</u>	<u>03680</u>	<u>RC-045</u>	<u>Q</u>	<u>5022</u>	<u>5122</u>
<u>Auto & Body Repairer</u>	<u>03680</u>	<u>RC-045</u>	<u>S</u>	<u>5092</u>	<u>5194</u>
<u>Automotive Attendant I</u>	<u>03696</u>	<u>RC-045</u>	<u>B</u>	<u>2929</u>	<u>2988</u>
<u>Automotive Attendant I</u>	<u>03696</u>	<u>RC-045</u>	<u>Q</u>	<u>3046</u>	<u>3107</u>
<u>Automotive Attendant I</u>	<u>03696</u>	<u>RC-045</u>	<u>S</u>	<u>3111</u>	<u>3173</u>
<u>Automotive Attendant II</u>	<u>03697</u>	<u>RC-045</u>	<u>B</u>	<u>3127</u>	<u>3190</u>
<u>Automotive Attendant II</u>	<u>03697</u>	<u>RC-045</u>	<u>Q</u>	<u>3251</u>	<u>3316</u>
<u>Automotive Attendant II</u>	<u>03697</u>	<u>RC-045</u>	<u>S</u>	<u>3315</u>	<u>3381</u>
<u>Automotive Mechanic</u>	<u>03700</u>	<u>RC-045</u>	<u>B</u>	<u>4849</u>	<u>4946</u>
<u>Automotive Mechanic</u>	<u>03700</u>	<u>RC-045</u>	<u>Q</u>	<u>5022</u>	<u>5122</u>
<u>Automotive Mechanic</u>	<u>03700</u>	<u>RC-045</u>	<u>S</u>	<u>5092</u>	<u>5194</u>
<u>Automotive Parts</u>					
<u>Warehouse</u>	<u>03730</u>	<u>RC-045</u>	<u>B</u>	<u>4658</u>	<u>4751</u>
<u>Automotive Parts</u>					
<u>Warehouse Specialist</u>	<u>03734</u>	<u>RC-045</u>	<u>B</u>	<u>4747</u>	<u>4842</u>
<u>Small Engine Mechanic</u>	<u>41150</u>	<u>RC-045</u>	<u>B</u>	<u>4269</u>	<u>4354</u>
<u>Storekeeper I*</u>	<u>43051</u>	<u>RC-045</u>	<u>B</u>	<u>4563</u>	<u>4654</u>
<u>Storekeeper II*</u>	<u>43052</u>	<u>RC-045</u>	<u>B</u>	<u>4661</u>	<u>4754</u>

*Cook County only.

(Source: Amended by peremptory rulemaking at 34 Ill. Reg. 1425, effective January 5, 2010)

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

<u>Title</u>	<u>Title Code</u>	<u>Bargaining Unit</u>	<u>Pay Grade</u>
Accountant	00130	RC-062	14
Accountant Advanced	00133	RC-062	16
Accountant Supervisor	00135	RC-062	18
Accounting and Fiscal Administration Career Trainee	00140	RC-062	12
Activity Therapist	00157	RC-062	15
Activity Therapist Coordinator	00160	RC-062	17
Actuarial Assistant	00187	RC-062	16
Actuarial Examiner	00195	RC-062	16
Actuarial Examiner Trainee	00196	RC-062	13
Actuarial Senior Examiner	00197	RC-062	19
Actuary I	00201	RC-062	20
Actuary II	00202	RC-062	24
Agricultural Market News Assistant	00804	RC-062	12
Agricultural Marketing Generalist	00805	RC-062	14
Agricultural Marketing Reporter	00807	RC-062	18
Agricultural Marketing Representative	00810	RC-062	18
Agriculture Land and Water Resource Specialist I	00831	RC-062	14
Agriculture Land and Water Resource Specialist II	00832	RC-062	17
Agriculture Land and Water Resource Specialist III	00833	RC-062	20
Aircraft Pilot I	00955	RC-062	19
Aircraft Pilot II	00956	RC-062	22
Aircraft Pilot II – Dual Rating	00957	RC-062	23
Appraisal Specialist I	01251	RC-062	14
Appraisal Specialist II	01252	RC-062	16
Appraisal Specialist III	01253	RC-062	18
Arts Council Associate	01523	RC-062	12
Arts Council Program Coordinator	01526	RC-062	18
Arts Council Program Representative	01527	RC-062	15
Assignment Coordinator	01530	RC-062	20
Bank Examiner I	04131	RC-062	16
Bank Examiner II	04132	RC-062	19
Bank Examiner III	04133	RC-062	22
Behavioral Analyst Associate	04355	RC-062	15

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Behavioral Analyst I	04351	RC-062	17
Behavioral Analyst II	04352	RC-062	19
Business Administrative Specialist	05810	RC-062	16
Business Manager	05815	RC-062	18
Buyer	05900	RC-062	18
Capital Development Board Account Technician	06515	RC-062	11
Capital Development Board Art in Architecture Technician	06533	RC-062	12
Capital Development Board Construction Support Analyst	06520	RC-062	11
Capital Development Board Project Technician	06530	RC-062	12
Chemist I	06941	RC-062	16
Chemist II	06942	RC-062	19
Chemist III	06943	RC-062	21
Child Protection Advanced Specialist	07161	RC-062	19
Child Protection Associate Specialist	07162	RC-062	16
Child Protection Specialist	07163	RC-062	18
Child Support Specialist I	07198	RC-062	16
Child Support Specialist II	07199	RC-062	17
Child Support Specialist Trainee	07200	RC-062	12
Child Welfare Associate Specialist	07216	RC-062	16
Child Welfare Staff Development Coordinator I	07201	RC-062	17
Child Welfare Staff Development Coordinator II	07202	RC-062	19
Child Welfare Staff Development Coordinator III	07203	RC-062	20
Child Welfare Staff Development Coordinator IV	07204	RC-062	22
Children and Family Service Intern – Option I	07241	RC-062	12
Children and Family Service Intern – Option II	07242	RC-062	15
Clinical Laboratory Technologist I	08220	RC-062	18
Clinical Laboratory Technologist II	08221	RC-062	19
Clinical Laboratory Technologist Trainee	08229	RC-062	14
Communications Systems Specialist	08860	RC-062	23
Community Management Specialist I	08891	RC-062	15
Community Management Specialist II	08892	RC-062	17
Community Management Specialist III	08893	RC-062	19
Community Planner I	08901	RC-062	15
Community Planner II	08902	RC-062	17
Community Planner III	08903	RC-062	19
Conservation Education Representative	09300	RC-062	12
Conservation Grant Administrator I	09311	RC-062	18
Conservation Grant Administrator II	09312	RC-062	20
Conservation Grant Administrator III	09313	RC-062	22

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Construction Program Assistant	09525	RC-062	12
Correctional Counselor I	09661	RC-062	15
Correctional Counselor II	09662	RC-062	17
Correctional Counselor III	09663	RC-062	19
Corrections Apprehension Specialist	09750	RC-062	19
Corrections Industries Marketing Representative	09803	RC-062	17
Corrections Leisure Activities Specialist I	09811	RC-062	15
Corrections Leisure Activities Specialist II	09812	RC-062	17
Corrections Leisure Activities Specialist III	09813	RC-062	19
Corrections Parole Agent	09842	RC-062	17
Corrections Senior Parole Agent	09844	RC-062	19
Criminal Intelligence Analyst I	10161	RC-062	18
Criminal Intelligence Analyst II	10162	RC-062	20
Criminal Intelligence Analyst Specialist	10165	RC-062	22
Criminal Justice Specialist I	10231	RC-062	16
Criminal Justice Specialist II	10232	RC-062	20
Criminal Justice Specialist Trainee	10236	RC-062	13
Curator of the Lincoln Collection	10750	RC-062	16
Data Processing Supervisor I	11435	RC-062	11
Data Processing Supervisor II	11436	RC-062	14
Data Processing Supervisor III	11437	RC-062	18
Day Care Licensing Representative I	11471	RC-062	16
Developmental Disabilities Council Program Planner I	12361	RC-062	12
Developmental Disabilities Council Program Planner II	12362	RC-062	16
Developmental Disabilities Council Program Planner III	12363	RC-062	18
Dietary Manager I	12501	RC-062	16
Dietary Manager II	12502	RC-062	18
Dietitian	12510	RC-062	15
Disability Appeals Officer	12530	RC-062	22
Disability Claims Adjudicator I	12537	RC-062	16
Disability Claims Adjudicator II	12538	RC-062	18
Disability Claims Adjudicator Trainee	12539	RC-062	13
Disability Claims Analyst	12540	RC-062	21
Disability Claims Specialist	12558	RC-062	19
Disaster Services Planner	12585	RC-062	19
Document Examiner	12640	RC-062	22
Economic Development Representative I	12931	RC-062	17
Economic Development Representative II	12932	RC-062	19
Educator – Provisional	13105	RC-062	12

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Employment Security Field Office Supervisor	13600	RC-062	20
Employment Security Manpower Representative I	13621	RC-062	12
Employment Security Manpower Representative II	13622	RC-062	14
Employment Security Program Representative	13650	RC-062	14
Employment Security Program Representative – Intermittent	13651	RC-062	14H
Employment Security Service Representative	13667	RC-062	16
Employment Security Specialist I	13671	RC-062	14
Employment Security Specialist II	13672	RC-062	16
Employment Security Specialist III	13673	RC-062	19
Employment Security Tax Auditor I	13681	RC-062	17
Employment Security Tax Auditor II	13682	RC-062	19
Energy and Natural Resources Specialist I	13711	RC-062	15
Energy and Natural Resources Specialist II	13712	RC-062	17
Energy and Natural Resources Specialist III	13713	RC-062	19
Energy and Natural Resources Specialist Trainee	13715	RC-062	12
Environmental Health Specialist I	13768	RC-062	14
Environmental Health Specialist II	13769	RC-062	16
Environmental Health Specialist III	13770	RC-062	18
Environmental Protection Associate	13785	RC-062	12
Environmental Protection Specialist I	13821	RC-062	14
Environmental Protection Specialist II	13822	RC-062	16
Environmental Protection Specialist III	13823	RC-062	18
Environmental Protection Specialist IV	13824	RC-062	22
Equal Pay Specialist	13837	RC-062	17
Executive I	13851	RC-062	18
Executive II	13852	RC-062	20
Financial Institutions Examiner I	14971	RC-062	16
Financial Institutions Examiner II	14972	RC-062	19
Financial Institutions Examiner III	14973	RC-062	22
Financial Institutions Examiner Trainee	14978	RC-062	13
Fire Protection Specialist I	15351	RC-062	16
Flight Safety Coordinator	15640	RC-062	22
Forensic Scientist I	15891	RC-062	18
Forensic Scientist II	15892	RC-062	20
Forensic Scientist III	15893	RC-062	22
Forensic Scientist Trainee	15897	RC-062	15
Guardianship Representative	17710	RC-062	17
Habilitation Program Coordinator	17960	RC-062	17
Handicapped Services Representative I	17981	RC-062	11

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Health Facilities Surveyor I	18011	RC-062	16
Health Facilities Surveyor II	18012	RC-062	19
Health Facilities Surveyor III	18013	RC-062	20
Health Services Investigator I – Opt. A	18181	RC-062	19
Health Services Investigator I – Opt. B	18182	RC-062	20
Health Services Investigator II – Opt. A	18185	RC-062	22
Health Services Investigator II – Opt. B	18186	RC-062	22
Health Services Investigator II – Opt. C	18187	RC-062	25
Health Services Investigator II – Opt. D	18188	RC-062	25
Historical Documents Conservator I	18981	RC-062	13
Historical Exhibits Designer	18985	RC-062	15
Historical Research Editor II	19002	RC-062	14
Human Relations Representative	19670	RC-062	16
Human Resources Representative	19692	RC-062	17
Human Resources Specialist	19693	RC-062	20
Human Rights Investigator I	19774	RC-062	16
Human Rights Investigator II	19775	RC-062	18
Human Rights Investigator III	19776	RC-062	19
Human Rights Specialist I	19778	RC-062	14
Human Rights Specialist II	19779	RC-062	16
Human Rights Specialist III	19780	RC-062	18
Human Services Casework Manager	19788	RC-062	20
Human Services Caseworker	19785	RC-062	16
Human Services Grants Coordinator I	19791	RC-062	14
Human Services Grants Coordinator II	19792	RC-062	17
Human Services Grants Coordinator III	19793	RC-062	20
Human Services Grants Coordinator Trainee	19796	RC-062	12
Human Services Sign Language Interpreter	19810	RC-062	16
Iconographer	19880	RC-062	12
Industrial and Community Development Representative I	21051	RC-062	17
Industrial and Community Development Representative II	21052	RC-062	19
Industrial Services Consultant I	21121	RC-062	14
Industrial Services Consultant II	21122	RC-062	16
Industrial Services Consultant Trainee	21125	RC-062	11
Industrial Services Hygienist	21127	RC-062	19
Industrial Services Hygienist Technician	21130	RC-062	16
Industrial Services Hygienist Trainee	21133	RC-062	12
Information Technology/Communication Systems Specialist I	21216	RC-062	19
Information Technology/Communication Systems Specialist II	21217	RC-062	24

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Instrument Designer	21500	RC-062	18
Insurance Analyst III	21563	RC-062	14
Insurance Analyst IV	21564	RC-062	16
Insurance Company Claims Examiner II	21602	RC-062	19
Insurance Company Field Staff Examiner	21608	RC-062	16
Insurance Company Financial Examiner Trainee	21610	RC-062	13
Insurance Performance Examiner I	21671	RC-062	14
Insurance Performance Examiner II	21672	RC-062	17
Insurance Performance Examiner III	21673	RC-062	20
Intermittent Unemployment Insurance Representative	21689	RC-062	12H
Internal Auditor I	21721	RC-062	17
Internal Security Investigator I, not Department of Corrections	21731	RC-062	18
Internal Security Investigator II, not Department of Corrections	21732	RC-062	21
Juvenile Justice Youth and Family Specialist, Option 1	21991	RC-062	18
Juvenile Justice Youth and Family Specialist, Option 2	21992	RC-062	20
KidCare Supervisor	22003	RC-062	20
Labor Conciliator	22750	RC-062	20
Laboratory Equipment Specialist	22990	RC-062	18
Laboratory Quality Specialist I	23021	RC-062	19
Laboratory Quality Specialist II	23022	RC-062	21
Laboratory Research Specialist I	23027	RC-062	19
Laboratory Research Specialist II	23028	RC-062	21
Land Acquisition Agent I	23091	RC-062	15
Land Acquisition Agent II	23092	RC-062	18
Land Acquisition Agent III	23093	RC-062	21
Land Reclamation Specialist I	23131	RC-062	14
Land Reclamation Specialist II	23132	RC-062	17
Liability Claims Adjuster I	23371	RC-062	14
Liability Claims Adjuster II	23372	RC-062	18
Library Associate	23430	RC-062	12
Life Sciences Career Trainee	23600	RC-062	12
Liquor Control Special Agent II	23752	RC-062	15
Local Historical Services Representative	24000	RC-062	17
Local Housing Advisor I	24031	RC-062	14
Local Housing Advisor II	24032	RC-062	16
Local Housing Advisor III	24033	RC-062	18
Local Revenue and Fiscal Advisor I	24101	RC-062	15
Local Revenue and Fiscal Advisor II	24102	RC-062	17
Local Revenue and Fiscal Advisor III	24103	RC-062	19

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Lottery Regional Coordinator	24504	RC-062	19
Lottery Sales Representative	24515	RC-062	16
Management Operations Analyst I	25541	RC-062	18
Management Operations Analyst II	25542	RC-062	20
Manpower Planner I	25591	RC-062	14
Manpower Planner II	25592	RC-062	17
Manpower Planner III	25593	RC-062	20
Manpower Planner Trainee	25597	RC-062	12
Medical Assistance Consultant I	26501	RC-062	13
Medical Assistance Consultant II	26502	RC-062	16
Medical Assistance Consultant III	26503	RC-062	19
Mental Health Administrator I	26811	RC-062	18
Mental Health Administrator II	26812	RC-062	20
Mental Health Recovery Support Specialist I	26921	RC-062	17
Mental Health Recovery Support Specialist II	26922	RC-062	18
Mental Health Specialist I	26924	RC-062	12
Mental Health Specialist II	26925	RC-062	14
Mental Health Specialist III	26926	RC-062	16
Mental Health Specialist Trainee	26928	RC-062	11
Meteorologist	27120	RC-062	18
Methods and Procedures Advisor I	27131	RC-062	14
Methods and Procedures Advisor II	27132	RC-062	16
Methods and Procedures Advisor III	27133	RC-062	20
Methods and Procedures Career Associate I	27135	RC-062	11
Methods and Procedures Career Associate II	27136	RC-062	12
Methods and Procedures Career Associate Trainee	27137	RC-062	09
Metrologist Associate	27146	RC-062	15
Microbiologist I	27151	RC-062	16
Microbiologist II	27152	RC-062	19
Natural Resources Advanced Specialist	28833	RC-062	20
Natural Resources Coordinator	28831	RC-062	15
Natural Resources Specialist	28832	RC-062	18
Oral Health Consultant	30317	RC-062	18
Paralegal Assistant	30860	RC-062	14
Pension and Death Benefits Technician I	30961	RC-062	12
Pension and Death Benefits Technician II	30962	RC-062	19
Plumbing Consultant (Department of Public Health)	32910	RC-062	22
Police Training Specialist	32990	RC-062	17
Program Integrity Auditor I	34631	RC-062	16

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Program Integrity Auditor II	34632	RC-062	19
Program Integrity Auditor Trainee	34635	RC-062	12
Property Consultant	34900	RC-062	15
Public Aid Investigator	35870	RC-062	19
Public Aid Investigator Trainee	35874	RC-062	14
Public Aid Lead Casework Specialist	35880	RC-062	17
Public Aid Program Quality Analyst	35890	RC-062	19
Public Aid Quality Control Reviewer	35892	RC-062	17
Public Aid Quality Control Supervisor	35900	RC-062	19
Public Aid Staff Development Specialist I	36071	RC-062	15
Public Aid Staff Development Specialist II	36072	RC-062	17
Public Health Educator Associate	36434	RC-062	14
Public Health Program Specialist I	36611	RC-062	14
Public Health Program Specialist II	36612	RC-062	16
Public Health Program Specialist III	36613	RC-062	19
Public Health Program Specialist Trainee	36615	RC-062	12
Public Information Coordinator	36750	RC-062	18
Public Information Officer I	37001	RC-062	12
Public Information Officer II	37002	RC-062	14
Public Information Officer III	37003	RC-062	19
Public Information Officer IV	37004	RC-062	21
Public Safety Inspector	37007	RC-062	16
Public Safety Inspector Trainee	37010	RC-062	10
<u>Public Service Administrator, Option 7</u>			
<u>Gaming Board and Department of Revenue</u>	<u>37015</u>	<u>RC-062</u>	<u>24</u>
Public Service Administrator, Options 8B and 8Y	37015	RC-062	23
Public Service Administrator, Option 8Z	37015	RC-062	19
Railroad Safety Specialist I	37601	RC-062	19
Railroad Safety Specialist II	37602	RC-062	21
Railroad Safety Specialist III	37603	RC-062	23
Railroad Safety Specialist IV	37604	RC-062	25
Real Estate Investigator	37730	RC-062	19
Real Estate Professions Examiner	37760	RC-062	22
Recreation Worker I	38001	RC-062	12
Recreation Worker II	38002	RC-062	14
Rehabilitation Counselor	38145	RC-062	17
Rehabilitation Counselor Senior	38158	RC-062	19
Rehabilitation Counselor Trainee	38159	RC-062	15
Rehabilitation Services Advisor I	38176	RC-062	20

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Rehabilitation Workshop Supervisor I	38194	RC-062	12
Rehabilitation Workshop Supervisor II	38195	RC-062	14
Rehabilitation Workshop Supervisor III	38196	RC-062	16
Reimbursement Officer I	38199	RC-062	14
Reimbursement Officer II	38200	RC-062	16
Research Economist I	38207	RC-062	18
Research Scientist I	38231	RC-062	13
Research Scientist II	38232	RC-062	16
Research Scientist III	38233	RC-062	20
Residential Services Supervisor	38280	RC-062	15
Resource Planner I	38281	RC-062	17
Resource Planner II	38282	RC-062	19
Resource Planner III	38283	RC-062	22
Retirement System Disability Specialist	38310	RC-062	19
Revenue Audit Supervisor (IL)	38369	RC-062	25
Revenue Audit Supervisor (states other than IL, CA or NJ)	38369	RC-062	27
Revenue Audit Supervisor (CA or NJ)	38369	RC-062	29
Revenue Auditor I (IL)	38371	RC-062	16
Revenue Auditor I (states other than IL, CA or NJ)	38371	RC-062	19
Revenue Auditor I (CA or NJ)	38371	RC-062	21
Revenue Auditor II (IL)	38372	RC-062	19
Revenue Auditor II (states other than IL, CA or NJ)	38372	RC-062	22
Revenue Auditor II (CA or NJ)	38372	RC-062	24
Revenue Auditor III (IL)	38373	RC-062	22
Revenue Auditor III (states other than IL, CA or NJ)	38373	RC-062	24
Revenue Auditor III (CA or NJ)	38373	RC-062	26
Revenue Auditor Trainee (IL)	38375	RC-062	12
Revenue Auditor Trainee (states other than IL, CA or NJ)	38375	RC-062	13
Revenue Auditor Trainee (CA or NJ)	38375	RC-062	15
Revenue Collection Officer I	38401	RC-062	15
Revenue Collection Officer II	38402	RC-062	17
Revenue Collection Officer III	38403	RC-062	19
Revenue Collection Officer Trainee	38405	RC-062	12
Revenue Computer Audit Specialist (IL)	38425	RC-062	23
Revenue Computer Audit Specialist (states other than IL, CA or NJ)	38425	RC-062	25
Revenue Computer Audit Specialist (CA or NJ)	38425	RC-062	27
Revenue Senior Special Agent	38557	RC-062	23

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Revenue Special Agent	38558	RC-062	19
Revenue Special Agent Trainee	38565	RC-062	14
Revenue Tax Specialist I	38571	RC-062	12
Revenue Tax Specialist II (IL)	38572	RC-062	14
Revenue Tax Specialist II (states other than IL, CA or NJ)	38572	RC-062	17
Revenue Tax Specialist II (CA or NJ)	38572	RC-062	19
Revenue Tax Specialist III	38573	RC-062	17
Revenue Tax Specialist Trainee	38575	RC-062	10
Site Assistant Superintendent I	41071	RC-062	15
Site Assistant Superintendent II	41072	RC-062	17
Site Interpretive Coordinator	41093	RC-062	13
Site Services Specialist I	41117	RC-062	15
Site Services Specialist II	41118	RC-062	17
Social Service Consultant I	41301	RC-062	18
Social Service Consultant II	41302	RC-062	19
Social Service Program Planner I	41311	RC-062	15
Social Service Program Planner II	41312	RC-062	17
Social Service Program Planner III	41313	RC-062	20
Social Service Program Planner IV	41314	RC-062	22
Social Services Career Trainee	41320	RC-062	12
Social Worker I	41411	RC-062	16
Staff Development Specialist I	41771	RC-062	18
Staff Development Technician I	41781	RC-062	12
Staff Development Technician II	41782	RC-062	15
State Mine Inspector	42230	RC-062	19
State Police Field Specialist I	42001	RC-062	18
State Police Field Specialist II	42002	RC-062	20
Statistical Research Specialist I	42741	RC-062	12
Statistical Research Specialist II	42742	RC-062	14
Statistical Research Specialist III	42743	RC-062	17
Storage Tank Safety Specialist	43005	RC-062	18
Telecommunications Specialist	45295	RC-062	15
Telecommunications Systems Analyst	45308	RC-062	17
Telecommunications Systems Technician I	45312	RC-062	10
Telecommunications Systems Technician II	45313	RC-062	13
Terrorism Research Specialist I	45371	RC-062	18
Terrorism Research Specialist II	45372	RC-062	20
Terrorism Research Specialist III	45373	RC-062	22

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Terrorism Research Specialist Trainee	45375	RC-062	14
Unemployment Insurance Adjudicator I	47001	RC-062	11
Unemployment Insurance Adjudicator II	47002	RC-062	13
Unemployment Insurance Adjudicator III	47003	RC-062	15
Unemployment Insurance Revenue Analyst I	47081	RC-062	15
Unemployment Insurance Revenue Analyst II	47082	RC-062	17
Unemployment Insurance Revenue Specialist	47087	RC-062	13
Unemployment Insurance Special Agent	47096	RC-062	18
Veterans Educational Specialist I	47681	RC-062	15
Veterans Educational Specialist II	47682	RC-062	17
Veterans Educational Specialist III	47683	RC-062	21
Veterans Employment Representative I	47701	RC-062	14
Veterans Employment Representative II	47702	RC-062	16
Volunteer Services Coordinator I	48481	RC-062	13
Volunteer Services Coordinator II	48482	RC-062	16
Volunteer Services Coordinator III	48483	RC-062	18
Wage Claims Specialist	48770	RC-062	09
Weatherization Specialist I	49101	RC-062	14
Weatherization Specialist II	49102	RC-062	17
Weatherization Specialist III	49103	RC-062	20
Weatherization Specialist Trainee	49105	RC-062	12
Workers Compensation Insurance Compliance Investigator	49640	RC-062	20

NOTE: For the Revenue Audit Supervisor, Revenue Auditor I, II and III, Revenue Auditor Trainee, Revenue Computer Audit Specialist and Revenue Tax Specialist II position classification titles only – The pay grade assigned to the employee is based on the location of the position and the residence held by the employee. In the same position classification, the employee holding a position and residence outside the boundaries of the State of Illinois is assigned to a different pay grade than the pay grade assigned to the employee holding a position within the boundaries of the State of Illinois. The pay grade assigned to the employee holding a position located within the boundaries of the State of Illinois is the pay grade with the (IL) indication next to the position classification. The pay grade assigned to the employee holding the position located outside the boundaries of the State of Illinois is determined by the location of the employee's residence or position location (e.g., IL, CA or NJ or a state other than IL, CA or NJ). If the employee's residence moves to another state while the employee is in the same position located outside the boundaries of the State of Illinois, or moves into another position located outside the boundaries of the State of Illinois in the same position classification, the base salary may change depending on the location of the

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employee's new residence. In all cases, change in base salary shall be on a step for step basis (e.g., if the original base salary was on Step 5 in one pay grade, the new base salary will also be on Step 5 of the newly appropriate pay grade).

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Pay Grade	Pay Plan Code	S T E P S									
		1b	1a	1	2	3	4	5	6	7	8
09	B	2722	2790	2860	2949	3043	3137	3238	3333	3490	3630
09	Q	2831	2902	2976	3067	3167	3264	3370	3471	3637	3783
09	S	2898	2966	3038	3131	3231	3331	3438	3538	3706	3855
10	B	2811	2881	2952	3060	3150	3254	3357	3461	3638	3784
10	Q	2921	2994	3071	3182	3279	3390	3496	3606	3798	3950
10	S	2987	3059	3134	3246	3346	3456	3563	3678	3869	4024
11	B	2912	2987	3061	3165	3267	3385	3496	3605	3796	3948
11	Q	3029	3105	3184	3297	3405	3527	3645	3760	3964	4122
11	S	3094	3169	3247	3362	3470	3594	3714	3831	4033	4194
12	B	3027	3103	3184	3301	3409	3536	3652	3787	3990	4149
12	Q	3148	3229	3315	3437	3551	3687	3813	3951	4167	4333
12	S	3212	3295	3379	3503	3618	3758	3885	4025	4241	4411
12H	B	18.63	19.10	19.59	20.31	20.98	21.76	22.47	23.30	24.55	25.53
12H	Q	19.37	19.87	20.40	21.15	21.85	22.69	23.46	24.31	25.64	26.66
12H	S	19.77	20.28	20.79	21.56	22.26	23.13	23.91	24.77	26.10	27.14
13	B	3138	3217	3304	3425	3556	3688	3823	3967	4186	4354
13	Q	3266	3351	3441	3567	3707	3853	3993	4140	4375	4550
13	S	3332	3418	3507	3636	3778	3926	4064	4216	4451	4629
14	B	3267	3356	3445	3576	3716	3878	4020	4172	4416	4592
14	Q	3405	3495	3591	3728	3880	4048	4201	4361	4615	4798

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14	S	3470	3562	3658	3802	3950	4122	4274	4436	4687	4874
14H	B	20.10	20.65	21.20	22.01	22.87	23.86	24.74	25.67	27.18	28.26
14H	Q	20.95	21.51	22.10	22.94	23.88	24.91	25.85	26.84	28.40	29.53
14H	S	21.35	21.92	22.51	23.40	24.31	25.37	26.30	27.30	28.84	29.99
15	B	3395	3487	3581	3740	3894	4046	4212	4368	4631	4815
15	Q	3537	3635	3737	3901	4064	4227	4403	4565	4837	5032
15	S	3603	3704	3807	3974	4135	4303	4477	4638	4914	5110
16	B	3548	3645	3749	3917	4091	4260	4439	4616	4888	5083
16	Q	3699	3805	3913	4091	4275	4454	4637	4824	5111	5316
16	S	3772	3877	3987	4165	4351	4531	4712	4900	5181	5388
17	B	3709	3817	3929	4109	4299	4481	4663	4852	5140	5346
17	Q	3872	3985	4099	4296	4493	4680	4871	5070	5371	5587
17	S	3944	4058	4173	4371	4569	4758	4946	5143	5450	5667
18	B	3901	4014	4134	4333	4536	4742	4934	5133	5439	5657
18	Q	4073	4193	4319	4533	4741	4957	5159	5364	5686	5913
18	S	4144	4270	4391	4604	4815	5031	5234	5441	5758	5989
19	B	4107	4228	4357	4579	4795	5017	5229	5447	5778	6010
19	J	4107	4228	4357	4579	4795	5017	5229	5447	5778	6010
19	Q	4293	4422	4553	4786	5008	5247	5465	5694	6037	6279
19	S	4369	4498	4630	4862	5085	5321	5541	5771	6112	6357
20	B	4343	4471	4603	4836	5061	5301	5533	5762	6111	6356
20	Q	4538	4672	4811	5053	5291	5542	5780	6022	6389	6644
20	S	4611	4747	4887	5128	5364	5616	5855	6096	6461	6719
21	B	4584	4720	4861	5112	5358	5608	5864	6108	6489	6748
21	U	4584	4720	4861	5112	5358	5608	5864	6108	6489	6748
21	Q	4791	4931	5080	5343	5598	5862	6128	6385	6781	7052
21	S	4865	5006	5156	5415	5673	5937	6203	6458	6856	7131
22	B	4845	4992	5139	5407	5671	5939	6215	6472	6875	7150

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22	Q	5064	5215	5369	5651	5929	6206	6493	6766	7184	7471
22	S	5137	5290	5447	5724	6003	6279	6569	6843	7261	7551
23	B	5139	5292	5451	5740	6034	6321	6612	6899	7333	7627
23	Q	5369	5532	5700	6001	6309	6605	6911	7211	7662	7968
23	S	5447	5608	5774	6074	6382	6680	6985	7284	7737	8045
24	B	5469	5632	5802	6110	6431	6738	7050	7368	7830	8143
24	J	5469	5632	5802	6110	6431	6738	7050	7368	7830	8143
24	Q	5713	5888	6065	6388	6720	7043	7366	7700	8184	8511
24	S	5788	5961	6140	6460	6793	7117	7442	7776	8257	8587
25	B	5828	6004	6184	6522	6866	7209	7551	7895	8401	8738
25	J	5828	6004	6184	6522	6866	7209	7551	7895	8401	8738
25	Q	6093	6272	6461	6816	7173	7535	7894	8251	8780	9132
25	S	6165	6352	6537	6891	7247	7608	7966	8323	8855	9210
26	B	6159	6348	6599	6960	7329	7701	8060	8422	8966	9324
26	U	6159	6348	6599	6960	7329	7701	8060	8422	8966	9324
27	B	6511	6708	7044	7427	7820	8216	8601	8987	9568	9951
27	J	6511	6708	7044	7427	7820	8216	8601	8987	9568	9951
27	U	6511	6708	7044	7427	7820	8216	8601	8987	9568	9951
28	B	6833	7038	7392	7793	8205	8622	9025	9430	10041	10443
29	U	7170	7387	7757	8178	8610	9049	9471	9896	10536	10957

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Pay Grade	Pay Plan Code	S T E P S									
		1b	1a	1	2	3	4	5	6	7	8
09	B	2776	2846	2917	3008	3104	3200	3303	3400	3560	3703
09	Q	2888	2960	3036	3128	3230	3329	3437	3540	3710	3859

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

09	S	2956	3025	3099	3194	3296	3398	3507	3609	3780	3932
10	B	2867	2939	3011	3121	3213	3319	3424	3530	3711	3860
10	Q	2979	3054	3132	3246	3345	3458	3566	3678	3874	4029
10	S	3047	3120	3197	3311	3413	3525	3634	3752	3946	4104
11	B	2970	3047	3122	3228	3332	3453	3566	3677	3872	4027
11	Q	3090	3167	3248	3363	3473	3598	3718	3835	4043	4204
11	S	3156	3232	3312	3429	3539	3666	3788	3908	4114	4278
12	B	3088	3165	3248	3367	3477	3607	3725	3863	4070	4232
12	Q	3211	3294	3381	3506	3622	3761	3889	4030	4250	4420
12	S	3276	3361	3447	3573	3690	3833	3963	4106	4326	4499
12H	B	19.00	19.48	19.99	20.72	21.40	22.20	22.92	23.77	25.05	26.04
12H	Q	19.76	20.27	20.81	21.58	22.29	23.14	23.93	24.80	26.15	27.20
12H	S	20.16	20.68	21.21	21.99	22.71	23.59	24.39	25.27	26.62	27.69
13	B	3201	3281	3370	3494	3627	3762	3899	4046	4270	4441
13	Q	3331	3418	3510	3638	3781	3930	4073	4223	4463	4641
13	S	3399	3486	3577	3709	3854	4005	4145	4300	4540	4722
14	B	3332	3423	3514	3648	3790	3956	4100	4255	4504	4684
14	Q	3473	3565	3663	3803	3958	4129	4285	4448	4707	4894
14	S	3539	3633	3731	3878	4029	4204	4359	4525	4781	4971
14H	B	20.50	21.06	21.62	22.45	23.32	24.34	25.23	26.18	27.72	28.82
14H	Q	21.37	21.94	22.54	23.40	24.36	25.41	26.37	27.37	28.97	30.12
14H	S	21.78	22.36	22.96	23.86	24.79	25.87	26.82	27.85	29.42	30.59
15	B	3463	3557	3653	3815	3972	4127	4296	4455	4724	4911
15	Q	3608	3708	3812	3979	4145	4312	4491	4656	4934	5133
15	S	3675	3778	3883	4053	4218	4389	4567	4731	5012	5212
16	B	3619	3718	3824	3995	4173	4345	4528	4708	4986	5185
16	Q	3773	3881	3991	4173	4361	4543	4730	4920	5213	5422
16	S	3847	3955	4067	4248	4438	4622	4806	4998	5285	5496

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

17	B	3783	3893	4008	4191	4385	4571	4756	4949	5243	5453
17	Q	3949	4065	4181	4382	4583	4774	4968	5171	5478	5699
17	S	4023	4139	4256	4458	4660	4853	5045	5246	5559	5780
18	B	3979	4094	4217	4420	4627	4837	5033	5236	5548	5770
18	Q	4154	4277	4405	4624	4836	5056	5262	5471	5800	6031
18	S	4227	4355	4479	4696	4911	5132	5339	5550	5873	6109
19	B	4189	4313	4444	4671	4891	5117	5334	5556	5894	6130
19	J	4189	4313	4444	4671	4891	5117	5334	5556	5894	6130
19	Q	4379	4510	4644	4882	5108	5352	5574	5808	6158	6405
19	S	4456	4588	4723	4959	5187	5427	5652	5886	6234	6484
20	B	4430	4560	4695	4933	5162	5407	5644	5877	6233	6483
20	Q	4629	4765	4907	5154	5397	5653	5896	6142	6517	6777
20	S	4703	4842	4985	5231	5471	5728	5972	6218	6590	6853
21	B	4676	4814	4958	5214	5465	5720	5981	6230	6619	6883
21	U	4676	4814	4958	5214	5465	5720	5981	6230	6619	6883
21	Q	4887	5030	5182	5450	5710	5979	6251	6513	6917	7193
21	S	4962	5106	5259	5523	5786	6056	6327	6587	6993	7274
22	B	4942	5092	5242	5515	5784	6058	6339	6601	7013	7293
22	Q	5165	5319	5476	5764	6048	6330	6623	6901	7328	7620
22	S	5240	5396	5556	5838	6123	6405	6700	6980	7406	7702
23	B	5242	5398	5560	5855	6155	6447	6744	7037	7480	7780
23	Q	5476	5643	5814	6121	6435	6737	7049	7355	7815	8127
23	S	5556	5720	5889	6195	6510	6814	7125	7430	7892	8206
24	B	5578	5745	5918	6232	6560	6873	7191	7515	7987	8306
24	J	5578	5745	5918	6232	6560	6873	7191	7515	7987	8306
24	Q	5827	6006	6186	6516	6854	7184	7513	7854	8348	8681
24	S	5904	6080	6263	6589	6929	7259	7591	7932	8422	8759
25	B	5945	6124	6308	6652	7003	7353	7702	8053	8569	8913

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

25	J	5945	6124	6308	6652	7003	7353	7702	8053	8569	8913
25	Q	6215	6397	6590	6952	7316	7686	8052	8416	8956	9315
25	S	6288	6479	6668	7029	7392	7760	8125	8489	9032	9394
26	B	6282	6475	6731	7099	7476	7855	8221	8590	9145	9510
26	U	6282	6475	6731	7099	7476	7855	8221	8590	9145	9510
27	B	6641	6842	7185	7576	7976	8380	8773	9167	9759	10150
27	J	6641	6842	7185	7576	7976	8380	8773	9167	9759	10150
27	U	6641	6842	7185	7576	7976	8380	8773	9167	9759	10150
28	B	6970	7179	7540	7949	8369	8794	9206	9619	10242	10652
29	U	7313	7535	7912	8342	8782	9230	9660	10094	10747	11176

(Source: Amended by peremptory rulemaking at 34 Ill. Reg. 1425, effective January 5, 2010)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

Section 310.APPENDIX A Negotiated Rates of Pay**Section 310.TABLE X RC-063 (Professional Employees, AFSCME)**

<u>Title</u>	<u>Title Code</u>	<u>Bargaining Unit</u>	<u>Pay Grade</u>
Actuary III	00203	RC-063	26
Architect	01440	RC-063	22
Chaplain I	06901	RC-063	16
Chaplain II	06902	RC-063	19
Child Welfare Administrative Case Reviewer	07190	RC-063	22
Child Welfare Advanced Specialist	07215	RC-063	19
Child Welfare Court Facilitator	07196	RC-063	22
Child Welfare Senior Specialist	07217	RC-063	22
Child Welfare Specialist	07218	RC-063	18
Civil Engineer I	07601	RC-063	15
Civil Engineer II	07602	RC-063	17
Civil Engineer III	07603	RC-063	19
Civil Engineer IV	07604	RC-063	22
Clinical Pharmacist	08235	RC-063	25
Clinical Psychologist	08250	RC-063	23
Clinical Psychology Associate	08255	RC-063	18
Day Care Licensing Representative II	11472	RC-063	18
Dentist I	11751	RC-063	23
Dentist II	11752	RC-063	26
Environmental Engineer I	13751	RC-063	15
Environmental Engineer II	13752	RC-063	17
Environmental Engineer III	13753	RC-063	19
Environmental Engineer IV	13754	RC-063	22
Environmental Protection Engineer I	13791	RC-063	15
Environmental Protection Engineer II	13792	RC-063	17
Environmental Protection Engineer III	13793	RC-063	19
Environmental Protection Engineer IV	13794	RC-063	22
Environmental Protection Geologist I	13801	RC-063	14
Environmental Protection Geologist II	13802	RC-063	16
Environmental Protection Geologist III	13803	RC-063	18
Geographic Information Specialist I	17271	RC-063	19
Geographic Information Specialist II	17272	RC-063	23
Geographic Information Trainee	17276	RC-063	15
Graduate Pharmacist	17345	RC-063	20

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

Hearing and Speech Advanced Specialist	18227	RC-063	22
Hearing and Speech Associate	18231	RC-063	18
Hearing and Speech Specialist	18233	RC-063	20
Information Services Intern	21160	RC-063	15
Information Services Specialist I	21161	RC-063	17
Information Services Specialist II	21162	RC-063	19
Information Systems Analyst I	21165	RC-063	21
Information Systems Analyst II	21166	RC-063	23
Information Systems Analyst III	21167	RC-063	25
Laboratory Research Scientist	23025	RC-063	23
Landscape Architect	23145	RC-063	22
Landscape Planner	23150	RC-063	19
Librarian I	23401	RC-063	16
Management Systems Specialist	25583	RC-063	21
Mechanical Engineer I	26201	RC-063	15
Mechanical Engineer II	26202	RC-063	17
Mechanical Engineer III	26203	RC-063	19
Nutritionist	29820	RC-063	18
Occupational Therapist	29900	RC-063	17
Occupational Therapist Program Coordinator	29908	RC-063	19
Occupational Therapist Supervisor	29910	RC-063	21
Optometrist	30300	RC-063	14
Pharmacy Services Coordinator	32010	RC-063	25
Physical Therapist	32145	RC-063	17
Physical Therapist Program Coordinator	32153	RC-063	19
Podiatrist	32960	RC-063	14
Project Designer	34725	RC-063	19
Psychologist I	35611	RC-063	17
Psychologist II	35612	RC-063	20
Psychologist III	35613	RC-063	22
Psychologist Associate	35626	RC-063	15
Public Health Educator	36430	RC-063	19
Public Service Administrator, Options 3, 4, 6E and 8E	37015	RC-063	24
Public Service Administrator, Option 8D	37015	RC-063	23
Public Service Administrator, Options 8H and 9G	37015	RC-063	22
Public Service Administrator, Option 8I	37015	RC-063	22

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

Department of Natural Resources			
<u>Public Service Administrator, Option 8P</u>	<u>37015</u>	<u>RC-063</u>	<u>26</u>
<u>Department of Human Services</u>			
Public Service Administrator, Option 8U	37015	RC-063	21
Department of Human Services			
Rehabilitation/Mobility Instructor	38163	RC-063	19
Rehabilitation/Mobility Instructor Trainee	38167	RC-063	15
School Psychologist	39200	RC-063	18
Senior Public Service Administrator, Option 8E	40070	RC-063	26
Senior Public Service Administrator, Option 8P	40070	RC-063	27
Social Worker II	41412	RC-063	18
Social Worker III	41413	RC-063	19
Social Worker IV	41414	RC-063	21
Staff Pharmacist	41787	RC-063	24
Statistical Research Supervisor	42745	RC-063	20
Veterinarian I	47901	RC-063	18
Veterinarian II	47902	RC-063	20
Veterinarian III	47903	RC-063	21
Vision/Hearing Consultant I	47941	RC-063	16
Vision/Hearing Consultant II	47942	RC-063	20
Vision/Hearing Consultant III	47943	RC-063	21

NOTE: The positions allocated to the Public Service Administrator title that are assigned to the negotiated pay grade have the following options: 3; 4; 6E; 8D; 8E; 8H; 8I; 8P; 8U; and 9G. See the definition of option in Section 310.50.

Effective May 14, 2009
Bargaining Unit: RC-063

Pay Grade	Pay Plan Code	S T E P S										
		1c	1b	1a	1	2	3	4	5	6	7	8
27	B	6168	6352	6544	6872	7246	7629	8016	8391	8768	9335	9708
27	Q	6448	6640	6841	7184	7575	7975	8380	8772	9166	9759	10149

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

Effective July 1, 2009
Bargaining Unit: RC-063

Pay Grade	Pay Plan Code	S T E P S									
		1b	1a	1	2	3	4	5	6	7	8
14	B	3267	3356	3445	3576	3716	3878	4020	4172	4416	4592
14	Q	3405	3495	3591	3728	3880	4048	4201	4361	4615	4798
14	S	3470	3562	3658	3802	3950	4122	4274	4436	4687	4874
15	B	3395	3487	3581	3740	3894	4046	4212	4368	4631	4815
15	Q	3537	3635	3737	3901	4064	4227	4403	4565	4837	5032
15	S	3603	3704	3807	3974	4135	4303	4477	4638	4914	5110
16	B	3548	3645	3749	3917	4091	4260	4439	4616	4888	5083
16	Q	3699	3805	3913	4091	4275	4454	4637	4824	5111	5316
16	S	3772	3877	3987	4165	4351	4531	4712	4900	5181	5388
17	B	3709	3817	3929	4109	4299	4481	4663	4852	5140	5346
17	Q	3872	3985	4099	4296	4493	4680	4871	5070	5371	5587
17	S	3944	4058	4173	4371	4569	4758	4946	5143	5450	5667
18	B	3901	4014	4134	4333	4536	4742	4934	5133	5439	5657
18	Q	4073	4193	4319	4533	4741	4957	5159	5364	5686	5913
18	S	4144	4270	4391	4604	4815	5031	5234	5441	5758	5989
19	B	4107	4228	4357	4579	4795	5017	5229	5447	5778	6010
19	Q	4293	4422	4553	4786	5008	5247	5465	5694	6037	6279
19	S	4369	4498	4630	4862	5085	5321	5541	5771	6112	6357
20	B	4343	4471	4603	4836	5061	5301	5533	5762	6111	6356
20	Q	4538	4672	4811	5053	5291	5542	5780	6022	6389	6644
20	S	4611	4747	4887	5128	5364	5616	5855	6096	6461	6719
21	B	4584	4720	4861	5112	5358	5608	5864	6108	6489	6748
21	Q	4791	4931	5080	5343	5598	5862	6128	6385	6781	7052

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

21	S	4865	5006	5156	5415	5673	5937	6203	6458	6856	7131
22	B	4845	4992	5139	5407	5671	5939	6215	6472	6875	7150
22	Q	5064	5215	5369	5651	5929	6206	6493	6766	7184	7471
22	S	5137	5290	5447	5724	6003	6279	6569	6843	7261	7551
23	B	5139	5292	5451	5740	6034	6321	6612	6899	7333	7627
23	Q	5369	5532	5700	6001	6309	6605	6911	7211	7662	7968
23	S	5447	5608	5774	6074	6382	6680	6985	7284	7737	8045
24	B	5469	5632	5802	6110	6431	6738	7050	7368	7830	8143
24	Q	5713	5888	6065	6388	6720	7043	7366	7700	8184	8511
24	S	5788	5961	6140	6460	6793	7117	7442	7776	8257	8587
25	B	5828	6004	6184	6522	6866	7209	7551	7895	8401	8738
25	Q	6093	6272	6461	6816	7173	7535	7894	8251	8780	9132
25	S	6165	6352	6537	6891	7247	7608	7966	8323	8855	9210
26	B	6159	6348	6599	6960	7329	7701	8060	8422	8966	9324
26	Q	6453	6648	6917	7292	7678	8067	8444	8821	9392	9768
26	S	6514	6711	6982	7362	7753	8144	8524	8906	9485	9864
27	B	6511	6708	7044	7427	7820	8216	8601	8987	9568	9951
27	Q	6806	7012	7364	7764	8174	8590	8991	9395	10003	10403

Effective January 1, 2010
Bargaining Unit: RC-063

Pay Grade	Pay Plan Code	S T E P S									
		1b	1a	1	2	3	4	5	6	7	8
14	B	3332	3423	3514	3648	3790	3956	4100	4255	4504	4684
14	Q	3473	3565	3663	3803	3958	4129	4285	4448	4707	4894
14	S	3539	3633	3731	3878	4029	4204	4359	4525	4781	4971

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

15	B	3463	3557	3653	3815	3972	4127	4296	4455	4724	4911
15	Q	3608	3708	3812	3979	4145	4312	4491	4656	4934	5133
15	S	3675	3778	3883	4053	4218	4389	4567	4731	5012	5212
16	B	3619	3718	3824	3995	4173	4345	4528	4708	4986	5185
16	Q	3773	3881	3991	4173	4361	4543	4730	4920	5213	5422
16	S	3847	3955	4067	4248	4438	4622	4806	4998	5285	5496
17	B	3783	3893	4008	4191	4385	4571	4756	4949	5243	5453
17	Q	3949	4065	4181	4382	4583	4774	4968	5171	5478	5699
17	S	4023	4139	4256	4458	4660	4853	5045	5246	5559	5780
18	B	3979	4094	4217	4420	4627	4837	5033	5236	5548	5770
18	Q	4154	4277	4405	4624	4836	5056	5262	5471	5800	6031
18	S	4227	4355	4479	4696	4911	5132	5339	5550	5873	6109
19	B	4189	4313	4444	4671	4891	5117	5334	5556	5894	6130
19	Q	4379	4510	4644	4882	5108	5352	5574	5808	6158	6405
19	S	4456	4588	4723	4959	5187	5427	5652	5886	6234	6484
20	B	4430	4560	4695	4933	5162	5407	5644	5877	6233	6483
20	Q	4629	4765	4907	5154	5397	5653	5896	6142	6517	6777
20	S	4703	4842	4985	5231	5471	5728	5972	6218	6590	6853
21	B	4676	4814	4958	5214	5465	5720	5981	6230	6619	6883
21	Q	4887	5030	5182	5450	5710	5979	6251	6513	6917	7193
21	S	4962	5106	5259	5523	5786	6056	6327	6587	6993	7274
22	B	4942	5092	5242	5515	5784	6058	6339	6601	7013	7293
22	Q	5165	5319	5476	5764	6048	6330	6623	6901	7328	7620
22	S	5240	5396	5556	5838	6123	6405	6700	6980	7406	7702
23	B	5242	5398	5560	5855	6155	6447	6744	7037	7480	7780
23	Q	5476	5643	5814	6121	6435	6737	7049	7355	7815	8127
23	S	5556	5720	5889	6195	6510	6814	7125	7430	7892	8206

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

24	B	5578	5745	5918	6232	6560	6873	7191	7515	7987	8306
24	Q	5827	6006	6186	6516	6854	7184	7513	7854	8348	8681
24	S	5904	6080	6263	6589	6929	7259	7591	7932	8422	8759
25	B	5945	6124	6308	6652	7003	7353	7702	8053	8569	8913
25	Q	6215	6397	6590	6952	7316	7686	8052	8416	8956	9315
25	S	6288	6479	6668	7029	7392	7760	8125	8489	9032	9394
26	B	6282	6475	6731	7099	7476	7855	8221	8590	9145	9510
26	Q	6582	6781	7055	7438	7832	8228	8613	8997	9580	9963
26	S	6644	6845	7122	7509	7908	8307	8694	9084	9675	10061
27	B	6641	6842	7185	7576	7976	8380	8773	9167	9759	10150
27	Q	6942	7152	7511	7919	8337	8762	9171	9583	10203	10611

(Source: Amended by peremptory rulemaking at 34 Ill. Reg. 1425, effective January 5, 2010)

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of January 5, 2010 through January 11, 2010 and have been scheduled for review by the Committee at its February 9, 2010 meeting. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rulemaking should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield IL 62706.

<u>Second Notice Expires</u>	<u>Agency and Rule</u>	<u>Start Of First Notice</u>	<u>JCAR Meeting</u>
2/17/10	<u>Department of Human Services</u> , Office of Inspector General Investigations of Alleged Abuse or Neglect in State-Operated Facilities and Community Agencies (59 Ill. Adm. Code 50)	10/16/09 33 Ill. Reg. 13244	2/9/10
2/18/10	<u>Department of Public Health</u> , Hospital Licensing Requirements (77 Ill. Adm. Code 250)	9/4/09 33 Ill. Reg. 12347	2/9/10
2/20/10	<u>Secretary of State</u> , Departmental Duties (2 Ill. Adm. Code 552)	9/11/09 33 Ill. Reg. 12515	2/9/10
2/24/10	<u>Department of Children and Family Services</u> , Services Delivered by the Department of Children and Family Services (89 Ill. Adm. Code 302)	10/16/09 33 Ill. Reg. 14227	2/9/10
2/24/10	<u>Secretary of State</u> , Sale of Information (92 Ill. Adm. Code 1002)	9/11/09 33 Ill. Reg. 12520	2/9/10

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

2/24/10	<u>Secretary of State</u> , Certificates of Title, Registration of Vehicles (92 Ill. Adm. Code 1010)	9/11/09 33 Ill. Reg. 12527	2/9/10
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PROCLAMATIONS

2009-362**Major General (Retired) John Randolph Phipps**

- WHEREAS, on Monday, December 14, 2009 Major General (Retired) John Randolph Phipps of Mattoon, passed away at the age of 90; and
- WHEREAS, Major General Phipps, having taken ROTC at the University of Illinois, graduated with a BS in Economics, with honors, his commission as a 2nd Lieutenant in the Army, and his orders to report for duty to Ft. Sill, Oklahoma, all on the same day; and
- WHEREAS, during World War II, Major General Phipps served in the Philippines as an army artillery battery commander; and
- WHEREAS, after returning home, rather than joining the Reserves at that time, he dropped his commission as a Major, back to Captain, to organize Illinois National Guard Company E, 130th Infantry in Mattoon with 21 men; and
- WHEREAS, Major General Phipps again performed front line combat service in the Korean War as an Advisor to Republic of Korea army troops, where he earned a Silver Star and Combat Infantry Badge; and
- WHEREAS, over the years, as a citizen soldier, Major General Phipps attended weekly drills, summer camps and went to Advanced Military Schools; and
- WHEREAS, Major General Phipps served as Assistant Adjutant General of the State of Illinois from 1970-1978, and, in 1971, he earned his Master's in Public Administration at Sangamon State University; and
- WHEREAS, Major General Phipps became the Adjutant General in 1978, serving until his retirement in 1983, after 42 years of commissioned military service; and
- WHEREAS, Major General Phipps continued to serve his community after retirement, remaining active in his church and multiple service clubs; and
- WHEREAS, Major General Phipps had life memberships in the American Legion, Veterans of Foreign Wars, 40 & 8, the National Guard Association, and the University of Illinois Alumni Association; and

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WHEREAS, Major General Phipps rarely missed University of Illinois home football and basketball games, and he loved to travel with his beloved wife and family. He also found the time to write two books, Citizen-Soldier and its sequel; and

WHEREAS, Major General Phipps was a loving and devoted husband, father, grandfather, and friend to many. He is survived by his wife of 63 years, Pauline (Prunty) Phipps; his son, Charles Winslow Phipps and wife, one granddaughter, and four grandsons. Services celebrating and honoring his life will be held on Saturday, December 19 at the First Presbyterian Church in Mattoon:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby order all State facilities to fly their flags at half-staff immediately until sunset on December 19, 2009 in honor and remembrance of Major General Phipps, whose selfless service and sacrifice is an inspiration to us all.

Issued by the Governor December 17, 2009

Filed by the Secretary of State January 11, 2010

2009-363**Pervis Spann Day**

WHEREAS, Pervis Spann is a longtime community leader and civil rights activist who has made immeasurable contributions to the Land of Lincoln; and

WHEREAS, Pervis Spann, "The Blues Man," has dedicated more than 40 years to the blues, sharing it with generations of fans across the country; and

WHEREAS, Pervis Spann originally settled in Chicago after serving in the United States Army during the Korean War era; and

WHEREAS, it was in Chicago that he became interested in radio and attended the Midway Television Institute and Midwestern Broadcasting school; and

WHEREAS, in the 1950's, Pervis Spann hosted a four-hour overnight time slot on WOPA, and in 1960, he organized his first concert, showcasing B.B. King and Junior Parker; and

WHEREAS, in 1963, Phil and Leonard Chess bought the radio station, which became WVON, a 24-hour blues station, with Pervis Spann as the "all-night blues man"; and

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WHEREAS, in 1964 the station's disc jockeys competed on the air to see who could stay awake the longest to raise money for the civil-rights movement. After 87 straight hours, Pervis Spann was the last man standing; and

WHEREAS, Pervis Spann later managed talented performers such as B.B. King, and booked major acts, including the Jackson Five and Aretha Franklin; and

WHEREAS, in 1975, WVON was sold and changed frequency, and four years later Pervis Spann formed a business group to reacquire the original frequency; and

WHEREAS, listeners to the new station heard an all-blues format and many of the same voices from the old WVON, and in 1983 the station was able to reclaim its old call letters; and

WHEREAS, to this day Pervis Spann remains focused on building WVON with his daughter Melody Spann-Cooper at the helm, and continues promoting the blues and enlisting legions of new fans as the host of "Blues with Pervis Spann - The Blues Man":

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim December 18, 2009 as **PERVIS SPANN DAY** in Illinois, in recognition of his significant contributions to the arts and culture of the Land of Lincoln.

Issued by the Governor December 18, 2009

Filed by the Secretary of State January 11, 2010

2009-364**Billy Goat Tavern Day**

WHEREAS, a Chicago legend since 1934, the original Billy Goat Tavern location was founded by Greek immigrant, William "Billy Goat" Sianis, who purchased it with a check for \$205 that bounced but was later repaid with sales from the first weekend; and

WHEREAS, William Sianis became known as "Billy Goat," when a goat fell off a passing truck and wandered inside. Sianis adopted the goat, named him Murphy, grew a goatee, acquired the nickname "Billy Goat," and changed the name of the bar to the Billy Goat Tavern; and

WHEREAS, William Sianis and the tavern's namesake goat have earned a special place of their own in Chicago folklore; and

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- WHEREAS, from 1876 to 1945, the Chicago Cubs were one of the most successful baseball teams in the country, but in 1945, as the Cubs entered game four of the World Series against the Detroit Tigers, Sianis went to see the ballgame; and
- WHEREAS, hoping to bring his team good luck, he took his pet goat with him to the game, but the goat was denied entrance; and
- WHEREAS, according to legend, Sianis was so upset, he threw up his arms and exclaimed, "The Cubs ain't gonna win no more." The Curse of the Billy Goat was born and the Cubs were swept in the final games of the World Series; and
- WHEREAS, the Billy Goat Tavern achieved national infamy after a memorable 1978 Saturday Night Live sketch where it was immortalized by John Belushi, Dan Aykroyd, Bill Murray and Loraine Newman with cries of "Cheezborger! Cheezborger! You want doublecheez?!? Who's next?!? WHO'S NEXT!?!," "No fries - CHEEPS!," and "No Pepsi - COKE!"; and
- WHEREAS, the Billy Goat Tavern is a storied hangout for local journalists, and one of the largest sections on the tavern's "Wall of Fame" is dedicated to the legendary Chicago Tribune columnist, Mike Royko, who could often be found each day after work at the Billy Goat; and
- WHEREAS, the Billy Goat Tavern is a historic landmark that is visited daily by Chicagoans, world travelers, politicians, athletes and all sorts of celebrities. On Saturday, December 26, 2009, the Billy Goat will celebrate its 75th anniversary:
- THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim December 26, 2009 as **BILLY GOAT TAVERN DAY** in Illinois, in recognition of the Billy Goat's many contributions to the culture and culinary history of the Land of Lincoln.

Issued by the Governor December 26, 2009

Filed by the Secretary of State January 11, 2010

2009-365**African American History Month**

- WHEREAS, Dr. Carter G. Woodson founded the Association for the Study of Afro-American Life and History (ASALH) in 1915. Eleven years later, Dr. Woodson created Negro History Week to celebrate the many contributions of African Americans to American culture and customs; and

PROCLAMATIONS

WHEREAS, Dr. Woodson designated the second week of February as Negro History Week to coincide with the birthdays of Abraham Lincoln and Frederick Douglass and in honor of their considerable impact on African American history. In 1976, ASALH extended the celebration for the entire month of February; and

WHEREAS, there have been several milestone events in African American history during February, including: passage of the 15th Amendment in 1870, which granted African Americans the right to vote; the inauguration of the first African American Senator, Hiram Revels, also in 1870; and the founding of the National Association for the Advancement of Colored People in 1909; and

WHEREAS, throughout African American History Month, organizations across the country celebrate African American history with seminars, plays, concerts, art shows, films, dance performances, family workshops, and other expressions of creativity and pride. Here in Illinois, we are proud to join in these spirited commemorations:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim February 2010 as **AFRICAN AMERICAN HISTORY MONTH** in Illinois, and encourage all citizens to learn about the wonderful contributions that African Americans have made to our state, and to the nation as a whole.

Issued by the Governor December 29, 2009

Filed by the Secretary of State January 11, 2010

2009-366**School Social Work Week**

WHEREAS, every day, millions of parents entrust the education of their children to thousands of classroom teachers at hundreds of schools all across the state; and

WHEREAS, teachers who educate our children have always contended with the personal and family problems that accompany children, and now have to compete with technology such as cell phones, computers, and television; and

WHEREAS, it is more difficult to engage children in the classroom today than ever before. That is why the role of school social workers is more important today than ever before; and

WHEREAS, school social workers have the critically important job of helping classroom teachers provide the best education possible. They do so by offering a number of

PROCLAMATIONS

services to children such as academic assistance, conflict resolution, crisis intervention, group counseling, and coordination of school and community health resources; and

WHEREAS, school social workers also serve as a link between schools and parents when classroom teachers have not been able to reach them through normal channels. In all, there are more than 1,500 school social workers in Illinois; and

WHEREAS, for the past 23 years, the Governor of the State of Illinois has proclaimed a week in March to commend and honor school social workers in our state. During this week the Illinois Association of School Social Workers and other organizations will hold events to make people aware of the work done by school social workers:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim February 28 to March 6, 2010 as **SCHOOL SOCIAL WORK WEEK** in Illinois, in recognition of school social workers for their essential and vital support of classroom teachers and their commitment and dedication to the well-being of our state's children.

Issued by the Governor December 29, 2009

Filed by the Secretary of State January 11, 2010

2009-367**Northwestern University Wildcats Football Day**

WHEREAS, the Northwestern University Wildcats are an NCAA Division I football team that represents one of the nation's most honored and revered academic institutions; and

WHEREAS, the team's mascot is the Wildcat, a term coined by a Chicago Tribune reporter in 1924, after reporting on a football game where the players appeared as "a wall of purple wildcats"; and

WHEREAS, the Wildcats achieved an all-time high rank of #1 during the 1936 and 1962 seasons, and have won the Big Ten championship or co-championship eight times, three of those times since 1995; and

WHEREAS, in addition to their recent conference championships and co-championships, they have been bowl eligible six out of the last seven seasons; and

WHEREAS, the Northwestern Wildcats football team has not only excelled on the field, but also has performed well academically; and

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WHEREAS, Northwestern is the lone private school in the Big Ten, and with 8,200 undergraduates, it is by far the smallest. Yet, the Evanston-based institution is among the leaders in graduation rate for its football players, consistently ranking in the 90th percentile; and

WHEREAS, on January 1, 2010, the Northwestern Wildcats football team, led by head coach Pat Fitzgerald, will travel to Tampa, Florida to compete against Auburn University of the Southeastern Conference in the 2010 Outback Bowl at Raymond James Stadium; and

WHEREAS, this bowl trip will be Northwestern's fifth in the last 10 years and its second in a row:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim December 31, 2009 as **NORTHWESTERN UNIVERSITY WILDCAT FOOTBALL DAY** in Illinois, and wish the Northwestern University Wildcat football team the best as they compete for the 2010 Outback Bowl title.

Issued by the Governor December 31, 2009
Filed by the Secretary of State January 11, 2010.

2010-1
GUBERNATORIAL PROCLAMATION

On December 29, 2009, U.S. Department of Health and Human Services Secretary Kathleen Sebelius renewed the H1N1 Public Health Emergency declaration for an additional 90 days. Moreover, January 11, 2010 begins national immunization week during which Secretary Sebelius is encouraging states to increase H1N1 vaccination campaign activities. This is in recognition that the 2009-2010 H1N1 pandemic is still a threat. The State of Illinois is currently reporting 2629 hospitalizations and 83 deaths since April 2009 as a result of H1N1. The need to continue vaccinating the citizens of the State of Illinois is imperative.

Therefore, in the interest of aiding the citizens of Illinois, medical facilities, and the State agencies and local governments responsible for ensuring public health and safety, and pursuant to the provisions of Section 7 of the Illinois Emergency Management Agency Act, 20 ILCS 3305/7, I hereby proclaim that a public health emergency exists in the State of Illinois.

This gubernatorial proclamation will assist the Illinois Emergency Management Agency and the Illinois Department of Public Health in coordinating State efforts in accordance with the State emergency response plans. This proclamation will allow for modification of scopes of

PROCLAMATIONS

practice for occupations with training to give vaccinations as well as assist with patient treatment.

Issued: January 8, 2010

Filed: January 8, 2010

2010-2**Sergeant Albert D. Ware**

WHEREAS, on Friday, December 18, Sergeant Albert D. Ware of Chicago died at age 27 of injuries sustained when his patrol encountered an improvised explosive device in Arghandab River Valley, Afghanistan, where Sergeant Ware was serving in support of Operation Enduring Freedom; and

WHEREAS, Sergeant Ware was assigned to Company F, 782nd Combat Support Battalion, 4th Brigade Combat Team, 82nd Airborne Division, based at Fort Bragg, North Carolina; and

WHEREAS, Sergeant Ware fled his worn-torn homeland of Liberia at the age of 12 to settle in Chicago; and

WHEREAS, Sergeant Ware embraced his new country, graduating with honors from Corliss High School in 2002 where he excelled at soccer, football and wrestling; and

WHEREAS, Sergeant Ware continued his education at Chicago State University and Kennedy-King College, before joining the Army; and

WHEREAS, Sergeant Ware served for just over two years in the National Guard before entering the regular Army in July of 2006; and

WHEREAS, Sergeant Ware was a motor transport operator and was well known for working extra hours to make sure his fellow soldiers had everything they needed for their missions; and

WHEREAS, a funeral will be held on Saturday, January 9 for Sergeant Ware, who is survived by parents, as well as his wife and three children:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby order all State facilities to fly their flags at half-staff from sunrise on January 7, 2009 until sunset on January 9, 2009 in honor and remembrance of Sergeant Ware, whose selfless service and sacrifice is an inspiration.

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Issued by the Governor January 4, 2010
Filed by the Secretary of State January 11, 2010

2010-3**Senior Airman Bradley Randall Smith**

WHEREAS, on Sunday, January 3, Senior Airman Bradley Randall Smith of Troy died at age 24 of wounds sustained while supporting combat operations near Kandahar Airfield, Afghanistan, where Senior Airman Smith was serving in support of Operation Enduring Freedom; and

WHEREAS, Senior Airman Smith was assigned to the 10th Air Support Operations Squadron, based at Fort Riley, Kansas; and

WHEREAS, Senior Airman Smith was a 2004 graduate of Triad High School where he was a member of the football team all four years and was active in the school's journalism program; and

WHEREAS, Senior Airman Smith was a member at Bethel Baptist Church where he was active with the youth group; and

WHEREAS, Senior Airman Smith joined the United States Air Force in December 2006, graduating from basic training with honors. He was assigned to the 10th Air Support Operations Squadron as a joint terminal attack controller, and was highly trained in air assault, pathfinder and airborne qualifications; and

WHEREAS, Senior Airman Smith proudly served his country and gave the ultimate sacrifice. He was awarded the Purple Heart Medal for his service; and

WHEREAS, a funeral will be held on Monday, January 11 for Senior Airman Smith, who is survived by his parents, as well as his wife and a daughter:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby order all State facilities to fly their flags at half-staff from sunrise on January 9, 2010 until sunset on January 11, 2010 in honor and remembrance of Senior Airman Smith, whose selfless service and sacrifice is an inspiration.

Issued by the Governor January 8, 2010
Filed by the Secretary of State January 11, 2010

ILLINOIS ADMINISTRATIVE CODE
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